

Council Directive 98/18/EC of 17 March 1998 on  
safety rules and standards for passenger ships (repealed)

*Article 1*

**Purpose**

The purpose of this Directive is to introduce a uniform level of safety of life and property on new and existing passenger ships and high speed passenger craft, when both categories of ships and craft are engaged on domestic voyages, and to lay down procedures for negotiation at international level with a view to a harmonisation of the rules for passenger ships engaged on international voyages.

*Article 2*

**Definitions**

For the purpose of this Directive and its Annexes,

- (a) [<sup>F1</sup>‘International Conventions’ means the 1974 International Convention for the Safety of Life at Sea (the 1974 Solas Convention), and the 1966 International Convention on Load Lines, together with Protocols and amendments thereto, in their up-to-date versions;
- (b) ‘Intact Stability Code’ means the ‘Code on Intact Stability for all types of ships covered by IMO Instruments’ contained in IMO Assembly Resolution A.749(18) of 4 November 1993, in its up-to-date version;
- (c) ‘High Speed Craft Code’ means the ‘International Code for Safety of High Speed Craft’ contained in IMO Maritime Safety Committee Resolution MSC 36 (63) of 20 May 1994, in its up-to-date version;
- (d) ‘GMDSS’ means the Global Maritime Distress and Safety System as laid down in Chapter IV of the 1974 Solas Convention, in its up-to-date version;]
- (e) ‘a passenger ship’ means a ship which carries more than 12 passengers;
- (ea) [<sup>F2</sup>‘ro-ro passenger ship’ means a ship carrying more than 12 passengers, having ro-ro cargo spaces or special category spaces, as defined in regulation II-2/A/2 contained in Annex I;]
- (f) [<sup>F1</sup>‘a high speed passenger craft’ means a high speed craft as defined in Regulation X/1 of the 1974 Solas Convention, in its up-to-date version, which carries more than 12 passengers; passenger ships engaged on domestic voyages in sea areas of Class B, C or D shall not be considered as high speed passenger craft when:
  - their displacement corresponding to the design waterline is less than 500 m<sup>3</sup>,  
and
  - their maximum speed, as defined in paragraph 1.4.30 of the High Speed Craft Code, is less than 20 knots;]
- (g) ‘a new ship’ means a ship the keel of which is laid or which is at a similar stage of construction on or after the date established by Article 14(1). A similar stage of construction means the stage at which:

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- (i) construction identifiable with a specific ship begins; and
- (ii) assembly of that ship has commenced comprising at least 50 tonnes or 1 % of the estimated mass of all structural material, whichever is less;
- (h) ‘an existing ship’ means a ship which is not a new ship;
- (ha) [<sup>F2</sup>‘age’ means the age of the ship, expressed in number of years after the date of its delivery;]
- (i) ‘a passenger’ is every person other than:
  - (i) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
  - (ii) a child under one year of age;
- (j) ‘length of a ship’ unless expressly provided otherwise, means 96 % of the total length on a water line at 85 % of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;
- (k) ‘bow height’ means the bow height defined in Regulation 39 of the 1966 International Convention on Load Lines as the vertical distance at the forward perpendicular between the waterline corresponding to the assigned summer freeboard and the designed trim and the top of the exposed deck at side;
- (l) ‘ship with a full deck’ means a ship that is provided with a complete deck, exposed to weather and sea, which has permanent means of closing all openings in the weatherpart thereof and below which all openings in the sides of the ship are fitted with permanent means of at least weathertight closing.
 

The complete deck may be a watertight deck or equivalent structure consisting of a non-watertight deck completely covered by a weathertight structure of adequate strength to maintain the weathertight integrity and fitted with weathertight closing appliances;
- (m) ‘international voyage’ means a voyage by sea from a port of a Member State to a port outside that Member State, or conversely;
- (n) ‘domestic voyage’ means a voyage in sea areas from a port of a Member State to the same or another port within that Member State;
- (o) ‘sea area’ means an area as established pursuant to the provision of Article 4(2).
 

However, for the application of the provisions on radiocommunication the definitions of sea areas will be those defined in Regulation 2, Chapter IV of the 1974 Solas Convention;
- (p) ‘port area’ means an area other than a sea area, as defined by the Member States, extending to the outermost permanent harbour works forming an integral part of the harbour system, or to the limits defined by natural geographical features protecting an estuary or similar sheltered area;
- (q) ‘place of refuge’ means any naturally or artificially sheltered area which may be used as a shelter by a ship or craft under conditions likely to endanger its safety;

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- (r) ‘administration of the flag State’ means the competent authorities of the State whose flag the ship or craft is entitled to fly;
- (s) ‘host State’ means a Member State to or from whose port(s) a ship or craft, flying another flag than the flag of that Member State, is carrying out domestic voyages;
- (t) ‘recognised organisation’ means an organisation recognised in conformity with Article 4 of Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations<sup>(1)</sup>;
- (u) ‘a mile’ is 1 852 metres;
- (v) ‘significant wave height’ is the average height of the one third highest observed wave heights over a given period<sup>[F3]</sup>;
- (w) <sup>[F2]</sup>‘persons with reduced mobility’ means anyone who has a particular difficulty when using public transport, including elderly persons, disabled persons, persons with sensory impairments and wheelchair users, pregnant women and persons accompanying small children.]

#### Textual Amendments

- F1** Substituted by [Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships \(Text with EEA relevance\)](#).
- F2** Inserted by [Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships](#).
- F3** Substituted by [Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships](#).

### Article 3

#### Scope

- 1 This Directive applies to:
- a new passenger ships;
  - b existing passenger ships of 24 metres in length and above;
  - c high speed passenger craft,
- regardless of their flag, when engaged on domestic voyages.

Each Member State, in its capacity as host State, shall ensure that passenger ships and high speed passenger craft, flying the flag of a State which is not a Member State, fully comply with the requirements of this Directive, before they may be engaged on domestic voyages in that Member State.

- 2 This Directive does not apply to:
- a passenger ships, which are:
    - ships of war and troopships,
    - ships not propelled by mechanical means,

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- vessels constructed in material other than steel or equivalent and not covered by the standards concerning High Speed Craft (Resolution MSC 36 (63)) or Dynamically Supported Craft (Resolution A.373 (X)),
- wooden ships of primitive build,
- original, and individual replicas of, historical passenger ships designed before 1965, built predominantly with the original materials,
- pleasure yachts unless they are or will be crewed and carrying more than 12 passengers for commercial purposes,
- ships exclusively engaged in port areas;
- b high speed passenger craft, which are:
  - craft of war and troopcraft,
  - pleasure craft, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes, and
  - craft exclusively engaged in port areas.

#### *Article 4*

#### **Classes of passenger ships**

1 Passenger ships are divided into the following classes according to the sea area in which they operate:

‘Class A’	means a passenger ship engaged on domestic voyages other than voyages covered by Classes B, C and D.
‘Class B’	means a passenger ship engaged on domestic voyages in the course of which it is at no time more than 20 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.
‘Class C’	means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 2,5 m significant wave height is smaller than 10 % over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period (e.g. summer period operation), in the course of which it is at no time more than 15 miles from a place of refuge, nor more than 5 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.
‘Class D’	means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 1,5 m significant wave height is smaller

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than 10 % over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period (e.g. summer period operation), in the course of which it is at no time more than 6 miles from a place of refuge, nor more than 3 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.

- [<sup>F32</sup> Each Member State shall:
- a establish, and update, when necessary, a list of sea areas under its jurisdiction, delimiting the zones for all-year-round operation and, where appropriate, restricted periodical operation of the classes of ships, using the criteria for classes set out in paragraph 1;
  - b publish the list in a public database available on the Internet site of the competent maritime authority;
  - c notify to the Commission the location of such information, and when modifications are made to the list.]
- 3 For high speed passenger craft the categories defined in Chapter 1 (1.4.10) and (1.4.11) of the High Speed Craft Code shall apply.

**Textual Amendments**

- F3** Substituted by [Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships.](#)

*Article 5*

**Application**

1 Both new and existing passenger ships and high speed passenger craft when engaged on domestic voyages shall comply with the relevant safety rules laid down in this Directive.

2 Member States shall not withhold from operation, for reasons arising from this Directive, passenger ships or high speed passenger craft, when engaged on domestic voyages, which comply with the requirements of this Directive, including any additional requirements imposed by a Member State in accordance with the provisions of Article 7(1).

Each Member State, acting in its capacity as host State, shall recognise the High Speed Craft Safety Certificate and Permit to Operate issued by another Member State for high speed passenger craft, when engaged on domestic voyages, or the Passenger Ship Safety Certificate referred to in Article 11 issued by another Member State for passenger ships when engaged on domestic voyages.

3 A host State may inspect a passenger ship or a high speed passenger craft, when engaged on domestic voyages, and audit its documentation, in accordance with the provisions of Directive 95/21/EC.

4 All shipborne marine equipment, as listed in Annex A(1) to Directive 96/98/EC and complying with the provisions of the latter, will be considered to be in conformity with the

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provisions of this Directive, whether or not in Annex I it is required that equipment must be approved and subjected to tests to the satisfaction of the Administration of the flag State.

## *Article 6*

### **Safety requirements**

- 1 With regard to new and existing passenger ships of Classes A, B, C and D:
  - a the construction and maintenance of hull, main and auxiliary machinery, electrical and automatic plants shall comply with the standards specified for classification by the rules of a recognised organisation, or equivalent rules used by an Administration in accordance with Article 14(2) of Directive 94/57/EC;
  - b the provisions of Chapters IV, including the 1988 GMDSS amendments, V and VI of the 1974 Solas Convention, [<sup>F1</sup>in its up-to-date version], shall apply;
  - c the provisions for shipborne navigational equipment of Regulation 12, Chapter V of the 1974 Solas Convention, [<sup>F1</sup>in its up-to-date version], shall apply. Shipborne navigational equipment, as listed in Annex A(1) to Directive 96/98/EC and complying with the provisions of the latter, is considered to be in conformity with the type approval requirements of Solas regulation V/12(r).
  
- 2 With regard to new passenger ships:
  - a general requirements:
    - (i) new passenger ships of Class A shall comply entirely with the requirements of the 1974 Solas Convention, [<sup>F1</sup>in its up-to-date version], and with the specific relevant requirements specified in this Directive and its Annex I. For those regulations, for which Solas leaves the interpretation to the discretion of the Administration, the Administration of the flag State shall apply the interpretations as contained in Annex I;
    - (ii) new passenger ships of Classes B, C, and D shall comply with the specific relevant requirements specified in this Directive and its Annex I;
  - b load line requirements:
    - (i) all new passenger ships of 24 metres in length and above shall comply with the 1966 International Convention on Load Lines;
    - (ii) criteria with a level of safety equivalent to those of the 1966 International Convention on Load Lines shall be applied in relation to length and Class, to new passenger ships of less than 24 metres in length;
    - (iii) notwithstanding paragraphs (i) and (ii), new passenger ships of Class D are exempted from the minimum bow height requirement laid down in the 1966 International Convention on Load Lines;
    - (iv) new passenger ships of Classes A, B, C, and D shall have a full deck.
  
- 3 With regard to existing passenger ships:
  - a existing passenger ships of Class A shall comply with the regulations for existing passenger ships defined in the 1974 Solas Convention, [<sup>F1</sup>in its up-to-date version], and with the specific relevant requirements of this Directive and Annex I. For those regulations, for which Solas leaves the interpretation to the discretion of the Administration, the Administration of the flag State shall apply the interpretations as contained in Annex I;

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- b existing passenger ships of Class B shall comply with the specific relevant requirements of this Directive and Annex I;
- c existing passenger ships of Classes C and D shall comply with the specific relevant requirements of this Directive and Chapter III of Annex I and in respect of matters not covered by such requirements with the rules of the Administration of the flag State. Such rules shall provide an equivalent level of safety to that of Chapters II-1 and II-2 of Annex I, while taking into account the specific local operational conditions related to the sea areas in which ships of such classes may operate.

Before existing passenger ships of Classes C and D can be engaged on regular domestic voyages in a host State, the Administration of the flag State shall obtain concurrence of the host State on such rules;

- d where a Member State is of the view that rules required by the Administration of the host State pursuant to paragraph (c) are unreasonable, it shall immediately notify the Commission thereof. The Commission shall initiate proceedings in order to take a decision in accordance with the procedure laid down in Article 9;
- e repairs, alterations and modifications of a major character and outfitting related thereto shall be in compliance with the requirements for new ships as prescribed in paragraph 2(a). Alterations made to an existing ship which are intended solely to achieve a higher survivability standard, shall not be regarded as modifications of a major character;
- f the provisions of paragraph (a), unless earlier dates are specified in the 1974 Solas Convention and the provisions of paragraphs (b) and (c), unless earlier dates are specified in Annex I, shall not be applied in relation to a ship whose keel was laid or which was at a similar stage of construction:
  - (i) before 1 January 1940: until 1 July 2006;
  - (ii) on or after 1 January 1940, but before 31 December 1962: until 1 July 2007;
  - (iii) on or after 1 January 1963, but before 31 December 1974: until 1 July 2008;
  - (iv) on or after 1 January 1975, but before 31 December 1984: until 1 July 2009;
  - (v) on or after 1 January 1985, but before the date in Article 14(1): until 1 July 2010<sup>[F3]</sup>.

[<sup>F4</sup>(g)] <sup>F4</sup> .....

In addition, Class A and B passenger ships flying the flag of Greece and transferred to domestic voyages between ports situated in Greece before the date of entry into force of this Directive may also be exempted provided that at the time when they are transferred, they comply fully with applicable international standards and provided that they meet conditions (i), (ii) and (iii).

For the purpose of this derogation, Greece will forward to the Commission not later than three months after the date of adoption of this Directive, a complete list of all existing Class A and B passenger ships complying with the above conditions, including for each ship full details on the ship's name, distinctive numbers or letters, port of registry, passenger capacity, IMO number (if any), class and the date of keel laying or on which the ship was at a similar stage of construction. This list shall be published in the *Official Journal of the European Communities*.

The derogation granted to such ships shall be explicitly mentioned on their Passenger Ship Safety Certificate.

4 With regard to high speed passenger craft:

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- a high speed passenger craft constructed or subjected to repairs, alterations or modifications of a major character, on or after 1 January 1996, shall comply with the requirements of Regulation X/3 of the 1974 Solas Convention, unless
  - their keel was laid or was at a similar stage of construction not later than the date of entry into force of this Directive, and
  - delivery and commissioning is to take place not later than the six months following entry into force of this Directive, and
  - they fully comply with the requirements of the Code of Safety for Dynamically Supported Craft (DSC Code) contained in IMO Assembly Resolution A.373(X) of 14 November 1977, as amended by Maritime Safety Committee Resolution MSC 37(63) of 19 May 1994;
- [<sup>X1</sup>b high speed passenger craft constructed before 1 January 1996 and complying with the requirements of the High Speed Craft Code shall continue operation certified under this Code.]

High speed passenger craft constructed before 1 January 1996 and not complying with the requirements of the High Speed Craft Code may not be engaged on domestic voyages, unless they were already in operation on domestic voyages in a Member State at the date of entry into force of this Directive, in which case they may be allowed to continue their domestic operation in that Member State. Such craft shall comply with the requirements of the DSC Code as amended;

- c the construction and maintenance of high speed passenger craft and its equipment shall comply with the rules for the classification of high speed craft of a recognised organisation, or equivalent rules used by an Administration in accordance with Article 14(2) of Directive 94/57/EC.

#### Editorial Information

- X1 Substituted by [Corrigendum to Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships \(Official Journal of the European Communities L 144 of 15 May 1998\)](#).

#### Textual Amendments

- F1 Substituted by [Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships \(Text with EEA relevance\)](#).
- F3 Substituted by [Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships](#).
- F4 Deleted by [Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships](#).

### [<sup>F2</sup> Article 6a

#### Stability requirements and phasing-out of ro-ro passenger ships

1 All ro-ro passenger ships of Classes A, B, and C, the keel of which is laid or which are at a similar stage of construction on or after 1 October 2004 shall comply with Articles 6, 8 and 9 of Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships<sup>(2)</sup>.

2 All ro-ro passenger ships of Classes A and B, the keel of which is laid or which are at a similar stage of construction before 1 October 2004 shall comply with Articles 6, 8 and 9 of



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Directive 2003/25/EC by 1 October 2010, unless they are phased out on that date or on a later date on which they reach the age of 30 years but in any case not later than 1 October 2015.

#### Textual Amendments

- F2** Inserted by [Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships.](#)

### Article 6b

#### Safety requirements for persons with reduced mobility

1 Member States shall ensure that appropriate measures are taken, based, where practicable, on the guidelines in Annex III to enable persons with reduced mobility to have safe access to all passenger ships of Classes A, B, C and D and to all high-speed passenger craft, used for public transport, the keel of which is laid or which are at a similar stage of construction on or after 1 October 2004.

2 Member States shall cooperate with and consult organisations representing persons with reduced mobility on the implementation of the guidelines included in Annex III.

3 For the purpose of modification of passenger ships of Classes A, B, C and D and high-speed passenger craft, used for public transport, the keel of which is laid or which are at a similar stage of construction before 1 October 2004, Member States shall apply the guidelines in Annex III as far as reasonable and practicable in economic terms.

Member States shall draw up a national action plan on how the guidelines shall be applied to such ships and craft. They shall forward that plan to the Commission not later than 17 May 2005.

4 Member States shall report to the Commission on the implementation of this Article as regards all passenger ships referred to in paragraph 1, passenger ships referred to in paragraph 3 certified to carry more than 400 passengers and all high-speed passenger craft, not later than 17 May 2006.]

#### Textual Amendments

- F2** Inserted by [Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships.](#)

### Article 7

#### Additional safety requirements, equivalents, exemptions and safeguard measures

1 Additional safety requirements:

If a Member State or group of Member States consider that the applicable safety requirements should be improved in certain situations due to specific local circumstances and if the need therefor is demonstrated, they may, subject to the procedure laid down in paragraph 4, adopt measures to improve the safety requirements.

2 Equivalents:

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A Member State may, subject to the procedure laid down in paragraph 4, adopt measures allowing equivalents for the regulations contained in Annex I, provided that such equivalents are at least as effective as such regulations.

3 Exemptions:

Provided there is no reduction in the level of safety and subject to the procedure laid down in paragraph 4, a Member State may adopt measures to exempt ships from certain specific requirements of this Directive for domestic voyages to be carried out in that State including in its archipelagic sea areas sheltered from open sea effects under certain operating conditions, such as smaller significant wave height, restricted year period, voyages only during daylight time or under suitable climatic or weather conditions, or restricted trip duration, or proximity of rescue services.

4 A Member State which avails itself of the provisions of paragraphs 1, 2 or 3 shall proceed as follows:

- a the Member State shall notify the Commission of the measures which it intends to adopt, including particulars to the extent necessary to confirm that the level of safety is adequately maintained;
- b if, within a period of six months from the notification, it is decided, in accordance with the procedure laid down in Article 9, that the proposed measures are not justified, the said Member State shall be required to amend or not to adopt the proposed measures;
- c the adopted measures shall be specified in the relevant national legislation and communicated to the Commission, which shall inform the other Member States of all particulars thereof;
- d any of such measures shall be applied to all passenger ships of the same Class or to craft when operating under the same specified conditions, without discrimination with regard to their flag or to the nationality or place of establishment of their operator;
- e the measures referred to in paragraph 3 shall only apply as long as the ship or craft operates under the specified conditions.

5 Safeguard measures:

Where a Member State considers that a passenger ship or craft operating on a domestic voyage within that State, notwithstanding the fact that it is complying with the provisions of this Directive, creates a risk of serious danger to safety of life or property, or environment, the operation of that ship or craft may be suspended or additional safety measures may be imposed, until such time as the danger is removed.

In the above circumstances the following procedure shall apply:

- (a) the Member State shall inform the Commission and the other Member States of its decision without delay, giving substantiated reasons therefor;
- (b) the Commission shall examine whether the suspension or the additional measures are justified for reasons of serious danger to safety and the environment;
- (c) it will be decided, in accordance with the procedure laid down in Article 9, whether or not the decision of the Member State to suspend the operation of such ship or craft or to impose the additional measures is justified for reasons of serious danger to safety of life or property, or the environment and, if the suspension or the measures are not justified, that the Member State concerned will be required to withdraw the suspension or the measures.

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## *F1* Article 8

### Adaptations

In accordance with the procedure laid down in Article 9(2):

- (a)
  - (i) the definitions in Article 2(a), (b), (c), (d) and (t); and
  - (ii) the provisions relating to procedures and guidelines for surveys referred to in Article 10;
  - (iii) the provisions concerning the Solas Convention and the International Code of Safety of High Speed Craft, and including its subsequent amendments laid down in Articles 4.3, 6.4, 10.3 and 11.3; and
  - (iv) the specific references to the 'International Conventions' and IMO resolutions referred to in Articles 2(f), (k) and (o), 3.2(a), 6.1(b) and (c), 6.2(b) and 11.3,

may be adapted in order to take account of developments at international level, in particular within IMO;

- (b) Annexes may be amended in order to:
  - (i) apply, for the purpose of this Directive, amendments made to international conventions;
  - (ii) improve the technical specifications thereof, in the light of experience.

The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)<sup>(3)</sup>.]

#### Textual Amendments

- F1** Substituted by [Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships \(Text with EEA relevance\)](#).

## *F1* Article 9

### Committee

1 The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.

2 Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(4)</sup> shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3 The Committee shall adopt its rules of procedure.]

#### **Textual Amendments**

- F1** Substituted by [Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships \(Text with EEA relevance\)](#).

### *Article 10*

#### **Surveys**

1 Each new passenger ship shall be subjected by the Administration of the flag State to the surveys specified below:

- a a survey before the ship is put into service;
- b a periodical survey once every 12 months;
- c additional surveys, as the occasion arises.

2 Each existing passenger ship shall be subjected by the Administration of the flag State to the surveys specified below:

- a an initial survey, before the ship is put into service on domestic voyages in a host State, or within 12 months after the implementation date of this Directive as established in Article 14(1), for existing ships engaged on domestic voyages in the Member State the flag of which they are entitled to fly;
- b a periodical survey once every 12 months;
- c additional surveys, as the occasion arises.

3 Each high speed passenger craft having to comply, in accordance with the provisions of Article 6(4), with the requirements of the HSC Code, shall be subject by the Administration of the flag State to the surveys required in the High Speed Craft Code.

High speed passenger craft, having to comply, in accordance with the provisions of Article 6(4), with the requirements of the DSC Code as amended, shall be subject by the Administration of the flag State of the surveys required in the DSC Code.

4 The relevant procedures and guidelines for surveys for the Passenger Ship Safety Certificate specified in IMO Assembly Resolution A.746(18) of 4 November 1993 on survey guidelines under the harmonised system of survey and certification, as they are at the time of adoption of this Directive or procedures designed to achieve the same goal, shall be followed.

5 The surveys mentioned in paragraphs 1, 2 and 3 shall be carried out by the exclusive surveyors of the Administration of the flag State itself, of a recognised organisation or of the Member State authorised by the flag State to carry out surveys, with the purpose of ensuring that all applicable requirements of this Directive are complied with.

### *Article 11*

#### **Certificates**

1 All new and existing passenger ships shall be provided with a Passenger Ship Safety Certificate in compliance with this Directive. The certificate shall have a format as laid down in

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Annex II. This certificate shall be issued by the Administration of the flag State after an initial survey, as described in Article 10(1)(a) and (2)(a), has been carried out.

2 The Passenger Ship Safety Certificate shall be issued for a period not exceeding 12 months. The period of validity of the certificate may be extended by the Administration of the flag State for a period of grace of up to one month from the date of expiry stated on it. When an extension has been granted, the new period of validity of the certificate starts from the expiry date of the existing certificate before its extension.

Renewal of the Passenger Ship Safety Certificate shall be issued after a periodical survey, as described in Article 10(1)(b) and (2)(b), has been carried out.

3 For high speed passenger craft complying with the requirements of the High Speed Craft Code, a High Speed Craft Safety Certificate and a Permit to Operate High Speed Craft shall be issued by the Administration of the flag State, in accordance with the provisions of the High Speed Craft Code.

For high speed passenger craft complying with the requirements of the DSC Code as amended, a DSC Construction and Equipment Certificate and a DSC Permit to operate shall be issued by the Administration of the flag State, in accordance with the provisions of the DSC Code.

Before issuing the Permit to Operate for high speed passenger craft engaged on domestic voyages in a host State, the Administration of the flag State shall concur with the host State on any operational conditions associated with operation of the craft in that State. Any such conditions shall be shown by the Administration of the flag State on the Permit to Operate.

4 Exemptions granted to ships or craft under and in accordance with the provisions of Article 7(3) shall be noted on the ship's or the craft's certificate.

## *Article 12*

### **Solas Convention Regulations**

With regard to passenger ships engaged on international voyages:

1. upon entry into force of this Directive, the Community shall submit a request to the IMO to:
  - (a) expedite the on-going work within the IMO to revise the regulations of the 1974 Solas Convention Chapters II-1, II-2 and III containing issues left to the discretion of the Administration, to establish harmonised interpretations for these regulations and to adopt amendments to the latter accordingly;
  - (b) adopt measures for mandatory application of the principles underlying the provisions of MSC Circular 606 on Port State Concurrence with Solas Exemptions;
2. the request referred to in paragraph 1 shall be made by the Presidency of the Council and the Commission, on the basis of the harmonised regulations laid down in Annex I to this Directive. All Member States shall do their utmost to ensure that IMO undertake the development of the said regulations and measures expeditiously.

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### *Article 13*

#### **Penalties**

Member States shall lay down the system of penalties for breaching the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that those penalties are applied. The penalties thus provided for shall be effective, proportionate and dissuasive.

### *Article 14*

#### **Implementation**

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 July 1998.

2 When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by Member States.

3 The Member States shall immediately notify to the Commission all provisions of domestic law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

### *Article 15*

#### **Entry into force**

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

### *Article 16*

#### **Addressees**

This Directive is addressed to the Member States.

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- (1) OJ L 319, 12.12.1994, p. 20. Directive as last amended by Commission Directive 97/58/EC (OJ L 274, 7.10.1997, p. 8).
- (2) [<sup>F2</sup>OJ L 123, 17.5.2003, p. 22.]
- (3) [<sup>F1</sup>OJ L 324, 29.11.2002, p. 1.]
- (4) [<sup>F1</sup>OJ L 184, 17.7.1999, p. 23.]

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#### **Textual Amendments**

- F1** Substituted by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships (Text with EEA relevance).
- F2** Inserted by Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships.