

Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (Recast) (Text with EEA relevance)

Article 2

Definitions

For the purposes of this Directive:

- (a) [^{F1}‘International Conventions’ means the following conventions, including their Protocols and amendments thereto, in their up-to-date versions:
 - (i) the 1974 International Convention for the Safety of Life at Sea (the 1974 SOLAS Convention); and
 - (ii) the 1966 International Convention on Load Lines;]
- (b) [^{F1}‘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, or the ‘International Code on Intact Stability, 2008’ contained in IMO Resolution MSC.267(85) of 4 December 2008, in their up-to-date versions;]
- (c) [^{F2}‘High Speed Craft Code’ means the ‘International Code for Safety of High Speed Craft’ contained in IMO Resolution MSC 36 (63) of 20 May 1994, or the International Code for Safety of High-Speed Craft, 2000 (2000 HSC Code), contained in IMO Resolution MSC.97(73) of December 2000, in their up-to-date versions;]
- (d) ‘GMDSS’ means the Global Maritime Distress and Safety System as laid down in Chapter IV of the 1974 SOLAS Convention, as amended;
- (e) ‘a passenger ship’ means a ship which carries more than 12 passengers;
- (f) ‘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;
- (g) ‘high-speed passenger craft’ means a high-speed craft as defined in Regulation X/1 of the 1974 SOLAS Convention, as amended, which carries more than 12 passengers, with the exception of passenger ships engaged on domestic voyages in sea areas of Class B, C or D when:
 - (i) their displacement corresponding to the design waterline is less than 500 m³; and
 - (ii) [^{F1}their maximum speed, as defined in Regulation 1.4.30 of the 1994 High Speed Craft Code and Regulation 1.4.38 of the 2000 High Speed Craft Code, is less than 20 knots;]
- (h) ‘new ship’ means a ship the keel of which was laid or which was at a similar stage of construction on or after 1 July 1998; a ‘similar stage of construction’ means the stage at which:
 - (i) construction identifiable with a specific ship begins; and

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- (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;
- (i) ‘existing ship’ means a ship which is not a new ship;
- (j) ‘age’ means the age of the ship, expressed in terms of the number of years after the date of its delivery;
- (k) ‘passenger’ means 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;
- (l) ‘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;
- (m) [^{F1}‘bow height’ means the bow height defined in Regulation 39 of the 1966 International Convention on Load Lines;]
- (n) ‘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;
- (o) ‘international voyage’ means a voyage by sea from a port of a Member State to a port outside that Member State, or conversely;
- (p) ‘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;
- (q) [^{F1}‘sea area’ means any sea area or sea route established pursuant to Article 4;]

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, as amended;
- (r) [^{F1}‘port area’ means an area other than a sea area established pursuant to Article 4, defined by the Member State with jurisdiction over it, 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;]
- (s) [^{F3}]
- (t) ‘Administration of the flag State’ means the competent authorities of the State whose flag the ship or craft is entitled to fly;
- (u) [^{F1}‘port State’ means a Member State to or from whose port or ports a ship or craft flying a flag other than the flag of that Member State is carrying out domestic voyages;]

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- (v) ‘^{F1}recognised organisation’ means an organisation recognised in accordance with Regulation (EC) No 391/2009 of the European Parliament and of the Council⁽¹⁾;
- (w) ‘a mile’ is 1 852 metres;
- (x) ‘significant wave height’ means the average height of the highest third of wave heights observed over a given period;
- (y) [^{F1}‘persons with reduced mobility’ means persons who have a particular difficulty when using public transport, including elderly persons, persons with disabilities, persons with sensory impairments and wheelchair users, pregnant women and persons accompanying small children;]
- (z) [^{F4}‘sailing ship’ means a ship propelled by sails, even if fitted with mechanical propulsion for auxiliary and emergency purposes;
- (za) ‘equivalent material’ means aluminium alloy or any other non-combustible material which, by itself or due to the insulation provided, maintains structural and integrity properties equivalent to steel at the end of the applicable exposure to the standard fire test;
- (zb) ‘standard fire test’ means a test in which specimens of the relevant bulkheads or decks are exposed in a test furnace to temperatures corresponding approximately to the standard time-temperature curve in accordance with the test method specified in the 2010 International Code for Application of Fire Test Procedures, contained in IMO Resolution MSC.307(88) of 3 December 2010, in its up-to-date version;
- (zc) ‘traditional ship’ means any kind of historical passenger ship designed before 1965 and their replicas built predominantly with the original materials, including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique;
- (zd) ‘pleasure yacht or pleasure craft’ means a vessel not engaged in trade, regardless of the means of propulsion;
- (ze) ‘tender’ means a ship-carried boat used for transferring more than 12 passengers from a stationary passenger ship to shore and back;
- (zf) ‘offshore service ship’ means a ship used to transport and accommodate industrial personnel who do not conduct work on board that is essential to the business of the ship;
- (zg) ‘offshore service craft’ means a craft used to transport and accommodate industrial personnel who do not conduct work on board that is essential to the business of the craft;
- (zh) ‘repairs, alterations and modifications of a major character’ means any of the following:
 - any change that substantially alters the dimensions of a ship, such as lengthening by adding new midbody,
 - any change that substantially alters the passenger-carrying capacity of a ship, such as converting the vehicle deck to passenger accommodation,
 - any change that substantially increases a ship's service life, such as renewing the passenger accommodation on one entire deck,
 - any conversion of any type of ship into a passenger ship.]

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Textual Amendments

- F1** Substituted by Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017 amending Directive 2009/45/EC on safety rules and standards for passenger ships (Text with EEA relevance).
- F2** Substituted by Commission Directive 2010/36/EU of 1 June 2010 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships (Text with EEA relevance).
- F3** Deleted by Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017 amending Directive 2009/45/EC on safety rules and standards for passenger ships (Text with EEA relevance).
- F4** Inserted by Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017 amending Directive 2009/45/EC on safety rules and standards for passenger ships (Text with EEA relevance).

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- (1) [^{F1}Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11).]

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Textual Amendments

- F1** Substituted by [Directive \(EU\) 2017/2108 of the European Parliament and of the Council of 15 November 2017 amending Directive 2009/45/EC on safety rules and standards for passenger ships \(Text with EEA relevance\)](#).