

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 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 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

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- (ii) [F1their 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
 - (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

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- 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;]
- (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;

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- (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.]

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 \(Text with EEA relevance\)](#).

^{F1}Article 3

Scope

1 This Directive applies to the following passenger ships and craft, regardless of their flag, when engaged on domestic voyages:

- a new and existing passenger ships of 24 metres in length and above;
- b high-speed passenger craft.

Each Member State, in its capacity as port 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:
 - (i) ships of war and troopships;
 - (ii) sailing ships;
 - (iii) ships not propelled by mechanical means;
 - (iv) vessels constructed in material other than steel or equivalent and not covered by the standards concerning High Speed Craft (Resolution MSC 36(63) or MSC.97(73)) or Dynamically Supported Craft (Resolution A.373(X));
 - (v) wooden ships of primitive build;

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- (vi) traditional ships;
- (vii) pleasure yachts;
- (viii) ships exclusively engaged in port areas;
- (ix) offshore service ships; or
- (x) tenders;
- b high-speed passenger craft which are:
 - (i) craft of war and troopcraft;
 - (ii) pleasure craft;
 - (iii) craft exclusively engaged in port areas; or
 - (iv) offshore service craft.

3 Member States which do not have seaports and which have no passenger ships or craft flying their flag that fall within the scope of this Directive may derogate from the provisions of this Directive except for the obligation set out in the second subparagraph.

Those Member States which intend to avail themselves of such derogation shall communicate to the Commission at the latest on 21 December 2019 if the conditions are met and shall inform the Commission annually thereafter of any subsequent change. Such Member States may not allow passenger ships or craft that fall within the scope of this Directive to fly their flag until they have transposed and implemented this Directive.]

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 \(Text with EEA relevance\)](#).

[^{F1}Article 4

Categorisation of sea areas and classes of passenger ships

1 Sea areas are divided into the following categories:

‘Area A’	means a sea area outside of areas B, C and D.
‘Area B’	means a sea area, whose geographical coordinates are at no point more than 20 miles from the line of coast, corresponding to the medium tide height, but which is outside of areas C and D.
‘Area C’	means a sea area, whose geographical coordinates are at any point no more than 5 miles from the line of coast,

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	corresponding to the medium tide height, but outside of sea area D if any. Additionally the probability of the significant wave height exceeding 2,5 metres shall be smaller than 10 % for a period of one year for all-year-round operation, or for a specific period for seasonal operation, such as summer period operation.
‘Area D’	means a sea area, whose geographical coordinates are at any point no more than 3 miles from the line of coast, corresponding to the medium tide height. Additionally the probability of the significant wave height exceeding 1,5 metres shall be smaller than 10 % for a period of one year for all-year-round operation, or for a specific period for seasonal operation, such as summer period operation.

- 2 Each Member State shall:
- establish, and update when necessary, a list of the sea areas within its jurisdiction;
 - determine the inner border of the sea area closest to the line of its coast;
 - publish the list in a public database available on the internet site of the competent maritime authority;
 - notify to the Commission the location of such information, and when modifications are made to the list.

3 By way of derogation from the obligation to establish a list of sea areas, Greece may establish, and shall update when necessary, a list of sea routes covering the sea routes in Greece, using the corresponding criteria for categories set out in paragraph 1.

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

‘Class A’	means a passenger ship engaged on domestic voyages in Areas A, B, C and D.
‘Class B’	means a passenger ship engaged on domestic voyages in Areas B, C and D.
‘Class C’	means a passenger ship engaged on domestic voyages in Areas C and D.
‘Class D’	means a passenger ship engaged on domestic voyages in Area D.

5 For high-speed passenger craft the categories defined in Chapter 1 (1.4.10) and (1.4.11) of the 1994 High Speed Craft Code, or Chapter 1 (1.4.12) and (1.4.13) of the 2000 High-Speed Craft Code shall apply.]

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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 \(Text with EEA relevance\)](#).

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 and standards 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 Article 9(1).

[^{F1}Each Member State, acting in its capacity as port State, shall recognise the High Speed Craft Safety Certificate and the 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 13 issued by another Member State for passenger ships when engaged on domestic voyages.]

^{F3}

[^{F14} Marine equipment complying with the requirements laid down pursuant to Directive 2014/90/EU of the European Parliament and of the Council⁽²⁾ shall be deemed to be in conformity with the requirements of this Directive.]

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 \(Text with EEA relevance\)](#).
- 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 \(Text with EEA relevance\)](#).

Article 6

Safety requirements

1 With regard to new and existing passenger ships of Classes A, B, C and D:
[^{F1a} the construction and maintenance of the 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 11(2) of Directive 2009/15/EC of the European Parliament and of the Council⁽³⁾];]

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- b the provisions of Chapters IV, including the 1988 GMDSS amendments, V and VI of the 1974 SOLAS Convention, as amended, shall apply^[F1.]
- ^[F3]^[F2](c) ^{F3}
- 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, as amended, and with the specific relevant requirements specified in this Directive; for those regulations for which the 1974 SOLAS Convention, as amended, leaves the interpretation to the discretion of the Administration, the Administration of the flag State shall apply the interpretations as contained in Annex I to this Directive;
 - (ii) new passenger ships of Classes B, C, and D shall comply with the specific relevant requirements specified in this Directive;
 - 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) ^[F3]]
 - (iii) ^[F1]notwithstanding point (i), new passenger ships of Class D are exempt 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, as amended, and with the specific relevant requirements in this Directive; for those regulations for which the 1974 SOLAS Convention, as amended, leaves the interpretation to the discretion of the Administration, the Administration of the flag State shall apply the interpretations as contained in Annex I to this Directive;
 - b existing passenger ships of Class B shall comply with the specific relevant requirements in this Directive;
 - ^[F1]c existing passenger ships of Classes C and D shall comply with the specific relevant requirements in this Directive 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 are allowed to operate; before existing passenger ships of Classes C and D can be engaged on regular domestic voyages in a port State, the Administration of the flag State shall obtain the agreement of the port State concerning such rules;
 - d where a Member State is of the view that rules required by the Administration of the port State pursuant to point (c) of this paragraph are unreasonable, it shall immediately notify the Commission thereof. The Commission shall adopt implementing acts, containing its decision whether those rules are reasonable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).]
 - ^[F3](e) ^{F3}
 - (f) ^{F3}

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- 4 With regard to high-speed passenger craft:
- [^{F2}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/2 and X/3 of the 1974 SOLAS Convention, unless
- their keel was laid or they were at a similar stage of construction not later than June 1998, and
 - delivery and commissioning has taken place not later than December 1998, and
 - [^{F1}they fully comply with the requirements of the Code of Safety for Dynamically Supported Craft (DSC Code) in IMO Resolution A.373(10), in its up-to-date version;]]
- 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 that 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 on 4 June 1998, 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;

- [^{F1}c the construction and maintenance of high-speed passenger craft and their 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 11(2) of Directive 2009/15/EC.]

[^{F45} With regard to new and existing ships repairs, alterations and modifications of a major character and outfitting related thereto shall comply with the requirements for new ships set out in point (a) of paragraph 2; alterations made to a ship which are intended solely to achieve a higher survivability standard shall not be regarded as modifications of a major character.

6 Ships built in an equivalent material before 20 December 2017 shall comply with requirements of this Directive by 22 December 2025.

7 By way of derogation from this Directive, a Member State with more than 60 passenger ships built in aluminium alloy flying its flag on 20 December 2017 may exempt from the provisions of this Directive the following passenger ships for the following periods:

- a Class B, C and D passenger ships built in aluminium alloy after 20 December 2017, for a period of 10 years after that date; and
- b Class B, C and D passenger ships built in aluminium alloy before 20 December 2017, for a period of 12 years after that date;

provided that those ships operate exclusively between ports of that Member State.

Any Member State wishing to avail itself of this derogation shall notify the Commission of its intention to do so by 21 December 2019 as well as inform the Commission of the content. They shall also communicate to the Commission any subsequent change. The Commission shall inform the other Member States in accordance with Article 9(4).]

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 \(Text with EEA relevance\).](#)

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- 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).

Article 7

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

[^{F1} Ro-ro passenger ships of Class C, the keels of which were laid or which were at a similar stage of construction on or after 1 October 2004, and all ro-ro passenger ships of Classes A and B shall comply with Articles 6, 8 and 9 of Directive 2003/25/EC.]

^{F2}

- 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).
 - 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).

Article 8

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 was laid or which were 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 was laid or which were 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.

[^{F3}

^{F3}₄

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Textual Amendments

- 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 \(Text with EEA relevance\)](#).

Article 9

Additional safety requirements, equivalents, exemptions and safeguard measures

1 If a Member State or group of Member States considers 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.

[^{F12} A Member State may, subject to the procedure laid down in paragraph 4, adopt measures allowing equivalents for certain specific requirements of this Directive, provided that such equivalents are at least as effective as such requirements.]

3 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.

[^{F14} A Member State which avails itself of the rights accorded by paragraph 1, 2 or 3 shall proceed in accordance with the second to seventh subparagraphs of this paragraph.

The Member State shall notify the Commission of the measures which it intends to adopt, and shall include, with such notification, sufficient particulars to confirm that the level of safety is adequately maintained.

If, within a period of six months from the notification, the Commission adopts implementing acts containing its decision that the proposed measures are not justified, the said Member State shall be required to amend or not to adopt the proposed measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

The adopted measures shall be specified in the relevant national legislation and communicated to the Commission and to the other Member States.

Any such measures shall be applied to all passenger ships of the same Class or to craft when operating under the same specified conditions, without discriminating with regard to their flag or to the nationality or place of establishment of their operator.

The measures referred to in paragraph 3 shall apply only for as long as the ship or craft operates under the specified conditions.

Member States shall notify the measures referred to in the second and fourth subparagraph to the Commission by means of a database which the Commission shall establish and maintain for such purpose, and to which the Commission and Member

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States shall have access. The Commission shall make the adopted measures available on a publicly accessible website.]

5 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 to the environment;
- [^{F1}c the Commission shall adopt implementing acts containing its decision 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 to the environment, and, if the suspension or the imposition of the additional measures is not justified, containing its decision requiring the Member State concerned to withdraw the suspension or the measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).]

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 \(Text with EEA relevance\)](#).

Article 10

Adaptations

1 The following may be adapted in order to take account of developments at international level, in particular within the IMO:

- a the definitions in points (a), (b), (c), (d) and (v) of Article 2;
- b the provisions relating to procedures and guidelines for surveys referred to in Article 12;
- c the provisions concerning the 1974 SOLAS Convention, as amended, and the High-Speed Craft Code, including its subsequent amendments, laid down in Articles 4(3), 6(4), 12(3) and 13(3);
- [^{F1}d the specific references to the ‘International Conventions’ and IMO resolutions referred to in points (g), (m), (q), and (zb) of Article 2, point (a) of Article 3(2), point (b) of Article 6(1) and point (b) of Article 6(2).]

2 Annexes may be amended in order to:

- a apply, for the purpose of this Directive, amendments made to the International Conventions;
- [^{F1}b adjust the technical specifications found in the amendments made to International Conventions for ships of classes B, C and D and craft, in the light of experience;]
- [^{F4}c simplify and clarify technical elements, in the light of experience gained from their implementation;

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- d update the references to other Union instruments applicable to domestic passenger ships.]

[^{F13} The Commission is empowered to adopt delegated acts in accordance with Article 10a in order to adopt the amendments to this Directive referred to in paragraphs 1 and 2 of this Article.

4 In exceptional circumstances, where duly justified by an appropriate analysis by the Commission and in order to avoid a serious and unacceptable threat to maritime safety, to health, to shipboard living or working conditions or to the marine environment, or to avoid incompatibility with Union maritime legislation, the Commission is empowered to adopt delegated acts in accordance with Article 10a, amending this Directive in order not to apply, for the purpose of this Directive, an amendment to the international instruments referred to in Article 2.

Those delegated acts shall be adopted at least three months before the expiration of the period established internationally for the tacit acceptance of the amendment concerned or the envisaged date for the entry into force of said amendment. In the period preceding the entry into force of such delegated act, Member States shall refrain from any initiative intended to integrate the amendment in national legislation or to apply the amendment to the international instrument concerned.]

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 \(Text with EEA relevance\)](#).
- 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 \(Text with EEA relevance\)](#).

[^{F4} Article 10a

Exercise of the delegation

1 The power to adopt delegated acts referred to in Articles 10(3) and 10(4) is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Articles 10(3) and 10(4) shall be conferred on the Commission for a period of seven years from 20 December 2017. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Articles 10(3) and 10(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Articles 10(3) or 10(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.]

Textual Amendments

- 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 \(Text with EEA relevance\)](#).

Article 11

Committee

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

[^{F12} Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽⁴⁾ shall apply.]

^{F3}

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 \(Text with EEA relevance\)](#).
- 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 \(Text with EEA relevance\)](#).

Article 12

Surveys

[^{F11} Each passenger ship shall be subjected by the Administration of the flag State to the surveys specified in points (a), (b) and (c):

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

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F3₂

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

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

[^{F24} The relevant procedures and guidelines for surveys for the Passenger Ship Safety Certificate specified in IMO Resolution A.997(25), as amended, ‘Survey guidelines under the harmonized system of survey and certification, 2007’ 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 exclusively by the surveyors of the Administration of the flag State itself, or 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.

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 \(Text with EEA relevance\)](#).

Article 13

Certificates

[^{F11} All new and existing passenger ships fulfilling the requirements of this Directive shall be provided with a Passenger Ship Safety Certificate in compliance with this Directive. The certificate shall be in the format laid down in Annex II. This certificate shall be issued by the Administration of the flag State after an initial survey, as described in point (a) of Article 12(1), 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 shall start 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 point (b) of Article 12(1) and point (b) of Article 12(2), has been carried out.

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3 For high-speed passenger craft complying with the requirements of the HSC 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 HSC Code.

For high-speed passenger craft complying with the requirements of the DSC Code, 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.

[^{F1}Before issuing the Permit to Operate for high-speed passenger craft engaged on domestic voyages in a port State, the Administration of the flag State shall concur with the port State on any operational conditions associated with operation of the craft in that State. Any such conditions shall be noted by the Administration of the flag State on the Permit to Operate.]

[^{F14} Additional safety measures, equivalences and exemptions granted to ships or craft under and in accordance with Article 9(1), (2) and (3) shall be noted on the ship's or the craft's certificate.]

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 \(Text with EEA relevance\)](#).

^{F3}Article 14

[^{F3}1974 SOLAS Convention regulations]

Textual Amendments

- 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 \(Text with EEA relevance\)](#).

Article 15

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

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Article 16

Notification

Member States shall immediately notify to the Commission the main provisions of national law which they adopt in the field covered by this Directive. The Commission shall inform the other Member States thereof.

^{F4}Article 16a

Review

The Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council by 22 December 2026.]

Textual Amendments

- 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 \(Text with EEA relevance\)](#).

Article 17

Repeal

Directive 98/18/EC, as amended by the Directives listed in Annex IV, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex IV, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

Article 18

Entry into force

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Union*.

Article 19

Addressees

This Directive is addressed to the Member States.

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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).]
- (2) [^{F1}Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).]
- (3) [^{F1}Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 131, 28.5.2009, p. 47).]
- (4) [^{F1}Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).]

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).