

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)

*Article 1*

Directive 2009/45/EC is hereby amended as follows:

1. Article 2(c) shall be replaced by the following:
  - (c) “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;
2. Article 2(g)(ii) shall be replaced by the following:
  - (ii) their maximum speed, as defined in Regulation 1.4.30 of the 1994 High Speed Craft Code and Regulation 1.4.37 of the 2000 High Speed Craft Code, is less than 20 knots;.
3. Article 3(2)(a) (iii) shall be replaced by the following:
  - (iii) 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));.
4. Article 4(3) is replaced by the following:
  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 1994, or Chapter 1 (1.4.12) and (1.4.13) of the High Speed Craft Code 2000 shall apply.
5. Article 6(1)(c) is replaced by the following:
  - (c) the provisions for shipborne navigational equipment of Regulations 17, 18, 19, 20 and 21, Chapter V of the 1974 SOLAS Convention, 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 Regulation 18.1, Chapter V of the 1974 SOLAS Convention.
6. Article 6(4)(a) is replaced by the following:
  - (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

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- they fully comply with the requirements of the Code of Safety for Dynamically Supported Craft (DSC Code) in IMO Resolution A.373(X) as amended by IMO Resolution MSC.37(63);
7. Article 12(4) is replaced by the following:
4. 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.
8. Annexes I to V of Directive 2009/45/EC are replaced by the text in the Annex to this Directive.

#### *Article 2*

#### **Transposition**

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within 12 months of its entry into force at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### *Article 3*

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

#### *Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 1 June 2010.

*For the Commission*

*The President*

José Manuel BARROSO