

DIRECTIVE 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community

Sector B.2.1

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DIRECTIVE 98/41/EC:

- **OBJECTIVE AND SCOPE;**
- **PRINCIPLES;**
- **OBLIGATIONS (COMPANIES AND MS);**
- **MAIN REQUIREMENTS FOR COMPANIES:
POB MAX, SYSTEM FOR COUNTING AND
REGISTRATION, PASSENGER REGISTRAR,
INFORMATION TO BE RECORDED (POB),
REGISTRATION SYSTEMS.**
- **MAIN REQUIREMENTS FOR MEMBER
STATES:
APPROVAL, CHECKS, EXEMPTIONS.**

DIRECTIVE 98/41/EC: OBJECTIVE AND SCOPE

Article 1: The purpose of this Directive shall be to enhance the safety and possibilities of rescue of **passengers and crew on board passenger ships operating to or from ports in Member States** of the Community and to ensure that search and rescue and the aftermath of any accident which may occur can be dealt with more effectively.

Article 2:

- **"Persons"** shall mean **all people on board irrespective of age,**
- **"Passenger ship"** shall mean **a sea-going ship** or a sea-going highspeed craft which carries more than twelve passengers.

DIRECTIVE 98/41/EC: PRINCIPLES

- **There is a maximum allowable number of persons on board passenger ships;**
- **There shall be a procedure for counting and registration of the persons on board (pax and crew);**
- **The numbers and information shall be communicated to designated authorities (SAR);**
- **This procedure shall be approved by designated authorities;**
- **There are possibilities for exemptions and derogations;**
- **The authorities shall control and apply Penalty system.**

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DIRECTIVE 98/41/EC: OBLIGATIONS

For companies: Counting (Article 4 and 7),
communication to shore (Article 4),
registration systems (Articles 5 and 8)...

and

Member States: Approval of registration
systems (Article 10), exemptions (Article 9),
random checks (Article 10), penalties (Article
14)...

DIRECTIVE 98/41/EC: MAIN REQUIREMENTS FOR COMPANIES

For all passenger ships:

- **Counting of persons** on board (PoB) before departure (Art 4.1);
- **Communication** of this number to the captain and to shore (Art 4.2).

For passenger ships undertaking a voyage of **more than 20 miles** from point of departure:

- **Recording** of detailed information about the PoB (Art 5.1);
- **Collection of the data** before departure and **communication** not later than 30min after departure (Art 5.2).



DIRECTIVE 98/41/EC: MAXIMUM ALLOWABLE NUMBER OF PERSONS ON BOARD PASSENGER SHIPS.

Article 7 provides that “before a passenger ship departs from a port located in a Member State its master shall ensure that the number of persons on board does not exceed the number the passenger ship is permitted to carry.”

This requirements stems notably from international requirements SOLAS chapter III “Life-saving appliances and arrangements”, such as Regulations 7 (LSA - Lifejackets).

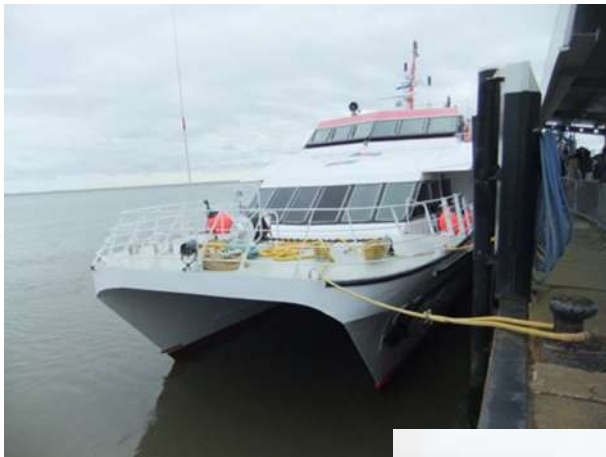
DIRECTIVE 98/41/EC: SYSTEM FOR COUNTING AND REGISTRATION OF THE PERSONS ON BOARD (PAX AND CREW).

Article 8 requires that each company responsible for operating a passenger **ship should set up a system and appoint a passenger registrar.**

The company shall ensure that the information is readily available for transmission to the **designated authority for search and rescue purposes.**

Concerning persons who have declared a need for **special care or assistance** in emergency situation is properly recorded and communicated to the master before the passenger ship departs."

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DIRECTIVE 98/41/EC: PASSENGER REGISTRAR.

Article 8: The responsible shore based person designated by a company as responsible for the keeping of information on persons who have embarked on a passenger ship and the transmission of that information should an emergency occur or in the aftermath of an accident.

DIRECTIVE 98/41/EC: INFORMATION TO BE RECORDED (POB).

ARTICLE 5 - THE FOLLOWING INFORMATION SHALL BE RECORDED :

- **THE FAMILY NAMES OF THE PERSONS ON BOARD;**
- **THEIR FORENAMES OR INITIALS;**
- **THEIR SEX;**
- **AN INDICATION OF THE CATEGORY OF AGE (ADULT, CHILD OR INFANT) TO WHICH EACH PERSON BELONGS, OR THE AGE, OR THE YEAR OF BIRTH;**
- **WHEN VOLUNTEERED BY A PASSENGER, INFORMATION CONCERNING THE NEED FOR SPECIAL CARE OR ASSISTANCE IN EMERGENCY SITUATIONS".**

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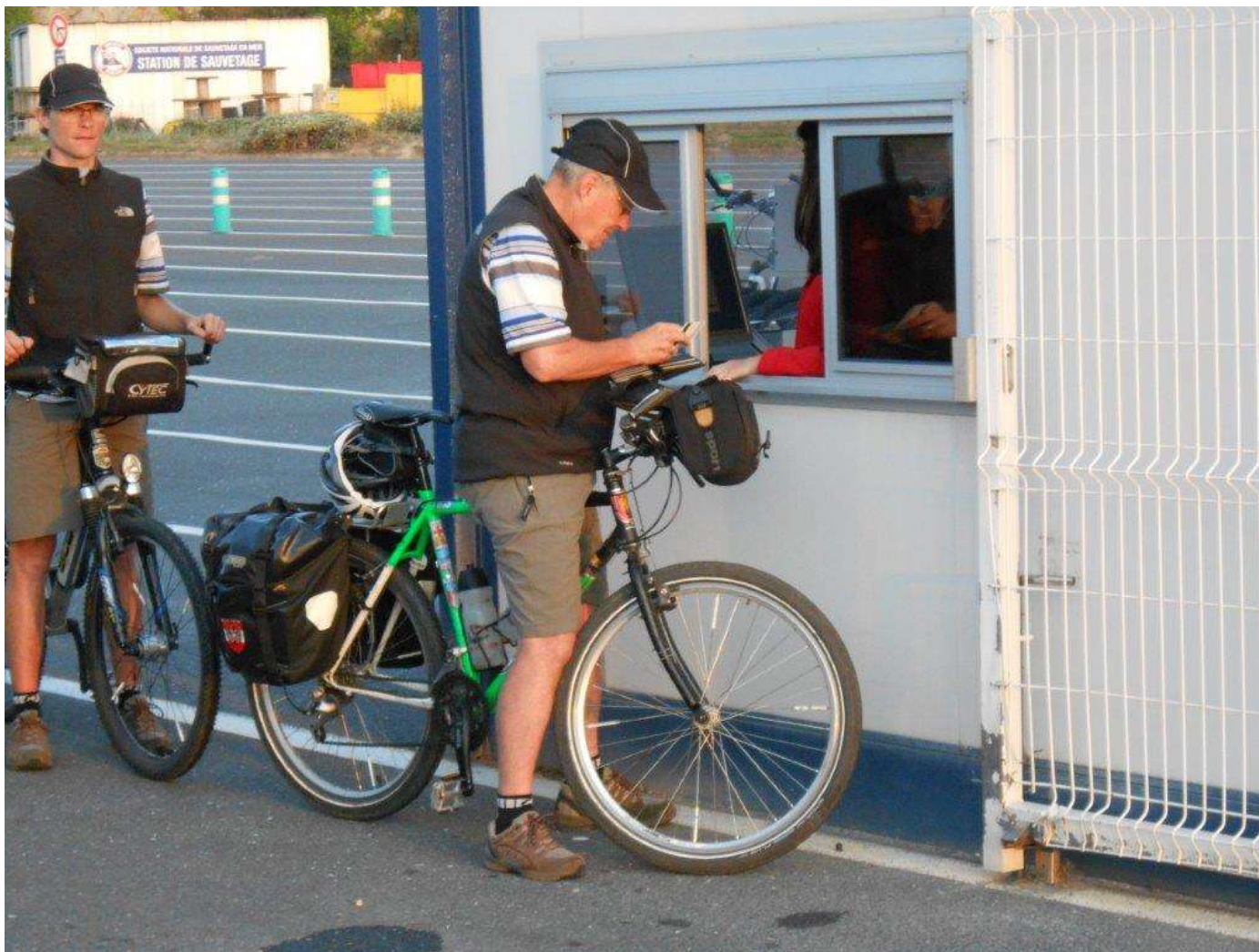


DIRECTIVE 98/41/EC: REGISTRATION SYSTEMS

Article 11: Registration systems shall meet the following functional criteria:

- 1.Readability** (format that is easy to read);
- 2.Availability** (be easily available to the designated authorities);
- 3.Facilitation** (not cause any undue delay);
- 4.Security** (data must be protected).

Multiplicity of systems on the same or similar routes is to be avoided.



DIRECTIVE 98/41/EC: ENFORCEMENT.

THESE REQUIREMENTS ADDRESS THE PROVISIONS IN PLACE FOR THE INSPECTION AND ENFORCEMENT OF THE REQUIREMENTS FOR THE CONTROL OF THE NUMBER OF PERSONS ON BOARD PASSENGER SHIPS (ARTICLE 10):

- **THE REGISTRATION SYSTEMS SET UP IN ACCORDANCE WITH ARTICLE 8 SHALL BE **APPROVED BY THE MEMBER STATES.****
- **VERIFY THE SYSTEM OF CONDUCTING **RANDOM INSPECTIONS** OF THE SHIPPING COMPANIES' AND PASSENGER SHIPS' CONTROL OF THE NUMBER OF PERSONS ON BOARD;**
- **REVIEW THE SYSTEM OF **PENALTIES** FOR BREACHING THE NATIONAL PROVISIONS FOR THE REGISTRATION OF PERSONS ON BOARD PASSENGER SHIPS.**

DIRECTIVE 98/41/EC: EXEMPTIONS (ARTICLE 9).

CONDITIONS TO FULFIL FOR EXEMPTION GRANTED UPON THE ARTICLE 9.2.B (REPORTING TO SHORE**):**

- **PROTECTED SEA AREAS: SHELTERED FROM OPEN SEA EFFECTS;**
- **NO MORE THAN SIX MILES FROM A PLACE OF REFUGE;**
- **PROXIMITY OF SEARCH AND RESCUE FACILITIES;**
- **REGULAR SERVICES;**
- **LESS THAN ONE HOUR BETWEEN PORT CALLS.**

CONDITIONS TO FULFIL FOR EXEMPTION GRANTED UPON THE ARTICLE 9.2.C (REGISTRATION OF DETAILED INFO AND THEIR REPORTING TO SHORE**):**

- **3 FIRST ONES + BETWEEN TWO PORTS OR FROM AND TO THE SAME PORT WITHOUT INTERMEDIATE CALLS.**

DIRECTIVE 98/41/EC: EXEMPTIONS (ARTICLE 9).

**CONDITIONS TO FULFIL FOR EXEMPTION GRANTED UPON THE ARTICLE 9.4
(REGISTRATION OF DETAILED INFO AND THEIR REPORTING TO SHORE):
PAX SHIPS OPERATING IN REGULAR SERVICES;**

- 1. AREA WHERE THE ANNUAL PROBABILITY OF THE SIGNIFICANT WAVE HEIGHT'S EXCEEDING TWO METERS IS LESS THAN 10%;**
- 2. VOYAGE DOES NOT EXCEED ABOUT THIRTY MILES FROM THE POINT OF DEPARTURE; OR WHERE THE PRIMARY PURPOSE OF THE SERVICE IS TO PROVIDE REGULAR LINKS TO OUTLYING COMMUNITIES FOR CUSTOMARY PURPOSES;**
- 3. EVIDENCE OF IMPRACTICABILITY FOR COMPANIES TO RECORD THE INFORMATION SPECIFIED IN ARTICLE 5.1; AREA PROVIDED WITH SHORE-BASED NAVIGATIONAL GUIDANCE, RELIABLE WEATHER FORECASTS AND AVAILABLE ADEQUATE AND SUFFICIENT SEARCH AND RESCUE FACILITIES; NOT ADVERSE EFFECT ON COMPETITION.**



Thank you!

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