

EMSA guidance on Directive (EU) 2017/2110

**on a system of inspections for the safe operation of
ro-ro passenger ships and high-speed passenger craft
in regular service**

**and amending Directive 2009/16/EC
and repealing Council Directive 1999/35/EC**

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Table of Contents

1. Introduction	3
2. Background	3
3. Objective	4
4. Disclaimer	4
5. Scope	4
6. Inspections on ro-ro passenger ships and high-speed passenger craft on a regular service 5	
6A Directive (EU) 2017/2110 flag State inspections	5
6B Directive 2009/16/EC port State control inspections	7
7. Transition from Directive 1999/35/EC to Directive (EU) 2017/2110	9
Appendix A	10
Definitions Directive (EU) 2017/2110 and Directive 2009/45/EC	10
Appendix B	11
Graphic display of the scope	11
Appendix C	12
Flow-diagram flag State inspection & port State control inspection	12
Annex I	15
Directive (EU) 2017/2110 Annex I	15
Annex II	16
Directive (EU) 2017/2110 Annex II	16
Annex III	18
Directive (EU) 2017/2110 Annex III	18
Annex IV	21
Directive 2009/16/EC Annex XVII	21

1. Introduction

On 15 November 2017 the Passenger Ship Safety Package was adopted. The package consists of three legal texts¹ that simplify and improve passenger ship safety. The adopted package ensures that the rules are clear, proportionate and deliver a uniform level of safety.

One of the new legal texts is Directive (EU) 2017/2110¹ which eliminates overlaps between various inspection regimes applicable to ro-ro passenger ships and high-speed passenger craft in regular service. The Directive preserves the safety level while reducing the administrative burden on shipowners and rationalising the inspection efforts of Member States' (MSs) authorities. The Directive entered into force 20 days after its publication in the Official Journal of the European Union, i.e. on 20 December 2017. MSs have two years to transpose the Directive into national legislation, and shall apply it from 21 December 2019.

2. Background

The European Union, seriously concerned by shipping accidents involving ro-ro ferries which have resulted in a massive loss of life, adopted on 29 April 1999 the Council Directive 1999/35/EC on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services. This legal act has foreseen certain type of inspections addressing particular safety characteristics of ro-ro passenger ships and high-speed passenger craft.

Notwithstanding the fact that the special inspection regime for these vessels remains necessary, the requirements of Directive 1999/35/EC were found to no longer match the realities. The situation today is significantly different compared to almost 20 years ago when Directive 1999/35/EC was adopted. At that time, the EU consisted of 15 MSs and there were a significant number of ro-ro passenger ships and high-speed passenger craft trading regularly between EU and third States, while today most of these voyages are intra EU. In addition, since then, the port State control (PSC) regime² has been strengthened, especially after Directive 2009/16/EC on PSC came into force, establishing a risk-based inspection regime.

It became apparent that it was necessary to update the inspection regime in order to address the changes in the EU while at the same time take account of the progress made in the implementation of the PSC regime put in place by Directive 2009/16/EC and the relevant experience gained. Consequently, a new Directive was adopted on 15 November 2017 on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC; i.e. Directive (EU) 2017/2110.

¹ [Directive \(EU\) 2017/2108](#) amending Directive 2009/45/EC on safety rules and standards for passenger ships
[Directive \(EU\) 2017/2109](#) amending Council 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 and Directive 2010/65/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States

[Directive \(EU\) 2017/2110](#) on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC

² Start PSC: Council Dir. 95/21/EC concerning enforcement, in respect of shipping using Community ports and sailing in waters under jurisdiction of MSs, of international standards for ship safety, pollution prev. and shipboard living & working conditions

3. Objective

The aim of this EMSA guidance is to assist the MSs in their efforts to fulfil the requirements of Directive (EU) 2017/2110 and Directive 2009/16/EC, in relation to the inspection of ro-ro passenger ships and high-speed passenger craft³ in regular service. It is a reference document that provides both technical information and procedural guidance thus contributing to harmonised implementation and enforcement of the provisions of the Directive.

4. Disclaimer

The EMSA guidance is a non-binding document and nothing in this guidance document should be construed as generating mandatory requirements on any of the involved parties. In the event of lack of clarity or in doubt of a requirement(s) in this EMSA guidance, or dispute arising out of an event, the legal texts are prevailing.

5. Scope

Directive (EU) 2017/2110 applies to *ro-ro passenger ships and high-speed passenger craft* operating⁴:

- (a) on a regular service between a port of a MS and a port of a third country⁵ where the flag of the vessel is the same as that of the MS in question; or *[Graphic in Appendix B: Example B-1]*
- (b) on a regular service on domestic voyages in sea areas in which ships of Class A may operate⁶ in accordance with Article 4 of Directive 2009/45/EC where the flag of the vessel is the same as that of the MS in question⁷. *[Graphic in Appendix B: Example B-2]*

Directive (EU) 2017/2110 does not apply to a ship/craft falling under Directive 2009/16/EC. Directive 2009/16/EC has been amended by Directive (EU) 2017/2110 to include specific provisions for ro-ro passenger ships and high-speed passenger craft operating:

- (c) on a regular service in a MS where the flag of the vessel is different from that of the MS in question. *[Graphic in Appendix B: Example B-1, B-2 & B-3]*

Note: Under certain conditions, MSs which do not have seaports may derogate from the provisions of this Directive⁸.

For this EMSA guidance, inspections on ro-ro passenger ships and high-speed passenger craft operating on a regular service in relation to 5(a) and 5(b) will be referred to in chapter 6A as:

- ***'Directive (EU) 2017/2110 as it relates to flag State responsibilities'***

However, if inspections on these ships/craft, operating on a regular service, are in relation to 5(c), it will be referred to in chapter 6B as:

- ***'Directive 2009/16/EC as it relates to port State control'***

³ If deemed appropriate hereinafter called in this EMSA guidance '*ships/craft*' (or '*ship/craft*').

⁴ See for the relevant definitions in relation to Directive (EU) 2017/2110 Appendix A.

⁵ The term 'third country' is used in the Treaties, where it means a country that is not a member of the EU/EEA (as appropriate). [EU - European Union / EEA - European Economic Area]

⁶ It is assumed that both conditions are satisfied: the ship is certified and operates in domestic voyages of Class A.

⁷ See for the relevant definitions for categorisation of sea areas and classes of passenger ships Directive 2009/45/EC, on safety rules and standards for passenger ships, as amended by Directive (EU) 2017/2108, Appendix A.

⁸ If the total number of passenger ships or high-speed passenger craft covered by Dir. (EU) 2017/2110 is less than 5% of the total number of individual vessels calling annually over a period of the 3 previous years at their river ports. The MS shall then communicate these numbers to the COM by 21 Dec. 2019, and annually thereafter of any subsequent change to the figures.

6. Inspections on ro-ro passenger ships and high-speed passenger craft on a regular service

6A Directive (EU) 2017/2110 flag State inspections

The inspection regime in place for ro-ro passenger ships and high-speed passenger craft operating on a regular service under Directive (EU) 2017/2110 as described in this EMSA guidance section 5(a) or 5(b) can be defined as follows: [see inspection flow diagram in Appendix C]

➤ Pre-commencement and regular inspections.

A *pre-commencement inspection* is to be carried out before a ship/craft starts to operate on a certain regular service and consists of:

- a) an inspection of specific requirements for vessels in regular service (as per Annex I), and
Note: Upon request by a MS, companies shall provide evidence of compliance with Annex I.
- b) an inspection to satisfy the necessary requirements for safe operation of a regular service are fulfilled (as per Annex II).

Note i : Member State:

a) may decide not to apply certain requirements or procedures in Annexes I and II relevant to any annual flag State survey or inspection carried out within the previous 6 months, provided that relevant procedures and guidelines for surveys specified in HSSC or procedures designed to achieve the same goal have been followed. Member States shall transfer the relevant information to the inspection database.

b) may take into account inspections and surveys previously carried out in respect of ro-ro passenger ship or high speed passenger craft for operation on another regular service covered by this Directive. Provided that the Member State is satisfied with those previous inspections and surveys and that they are relevant to the new operational condition⁹, the pre-commencement inspection do not need to be applied.

Regular inspections are divided in two different types of inspection, each with a different scope.

1. An inspection to satisfy that the necessary requirements for safe operation of a regular service are fulfilled (as per Annex II).
2. An inspection during regular service. This inspection shall cover the items listed in Annex III and, in the professional judgement of the inspector, a sufficient number of the items listed in Annexes I and II to ensure that the ro-ro passenger ship or high-speed passenger craft continues to fulfil all the necessary requirements for safe operation. [see Annex III // see Annexes I and II; a sufficient number of items (professional judgement)]

The Directive requires that one of each type of the above-mentioned inspections is carried out once in every 12-month period. Member States can carry these regular inspections out in whatever order they wish provided that the time period between inspections is not less than 4 months and not greater than 8 months.

As the requirement for 2 inspections in every 12-month period applies to ships in regular service it should be applied to vessels operating seasonally on a pro-rata basis.

Note i : A pre-commencement inspection shall be considered to be an inspection for the purposes of point 1.

⁹ For example: significant wave heights, aids to navigation, passenger languages

- ii : The inspection in point 1 may be carried out at the same time as, or in conjunction with, the annual flag State survey, provided that the guidelines for surveys as specified in the HSSC are followed¹⁰.
- iii: Repairs, alterations and modifications of a major character, or change of management, or transfer of class require an inspection in accordance with Annex II. In case of change of management or transfer of class, taking into consideration previous inspections and provided that the safe operation is not affected, the MS may exempt the ship/craft from the inspection.

➤ Inspection report

On completion of any inspection a report shall be drawn up in accordance with Annex IX of Directive 2009/16/EC and communicated to the inspection database (THETIS-EU). The master shall also be provided with a copy of the inspection report.

The completed inspection report with information concerning deficiencies and any prohibition of departure orders, should be transferred without delay to the inspection database. [see next section '... prohibition of departure ...']

MSs shall ensure that the information transferred to THETIS-EU is validated for publication purposes within 72 hours.

➤ Rectification of deficiencies, prohibition of departure and suspension of inspection

MSs shall ensure that any deficiencies confirmed or revealed by an inspection are rectified within the timeframe established. Where the deficiencies are clearly hazardous to health or safety or pose an immediate danger to health or life, the ro-ro passenger ship or high-speed passenger craft, its crew and passengers, the MS shall ensure that the ship/craft is subject to an order prohibiting its departure ('a prohibition of departure order'). The master shall be provided with a copy of that order.

The prohibition of departure order shall not be lifted until the deficiency(s) has been rectified, or that the ship/craft can, subject to any necessary conditions, proceed to sea safely or resume operation without risk¹¹. If the deficiency cannot be readily rectified, the MS may agree to allow the ship/craft to proceed to an appropriate repair yard where the deficiency(s) can be readily rectified.

In exceptional circumstances, where the overall condition of a ro-ro passenger ship or high-speed passenger craft is obviously substandard, the MS may suspend¹² the inspection until the company takes the steps necessary to ensure that it complies with the relevant requirements of applicable international conventions. Suspension of the inspection means that the ship/craft is to be placed under a prohibition of departure order. The order shall be lifted as described above and when the requirements on the costs relating to the suspension are met. [see Section 'Costs']

A ship/craft subject to a prohibition of departure may be moved to another part of the port if it is safe to do so in order to, for example, alleviate port congestion. However, the risk of port congestion shall not be a consideration when deciding to impose or lift a prohibition of departure order.

➤ Right of appeal

¹⁰ ... or procedures designed to achieve the same goal.

HSSC: Survey guidelines under the Harmonized System on Survey and Certification, 2015. [resolution A.1104(29), as may be amended]

¹¹ For example: condition by the flag State, temporarily repairs, to continue operating as a ro/ro cargo ship.

¹² Procedures of the Paris MoU on suspending an inspection to be followed.

The company shall have a right of appeal against a prohibition of departure order issued. An appeal shall not suspend the prohibition of departure order, unless interim measures are granted in accordance with national law.

The MS shall inform the master of the ship/craft subject to a prohibition of departure order of the right of appeal and applicable procedures. When, as a result of an appeal, a prohibition of departure order is revoked or amended, the MSs shall ensure that THETIS-EU is updated accordingly without delay.

➤ Costs

Where the inspections confirm or reveal deficiencies warranting a prohibition of departure order, all costs relating to the inspections shall be covered by the company. The order shall not be lifted until full payment is made or a sufficient guarantee is given for reimbursement of the costs.

➤ Penalties

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

6B Directive 2009/16/EC port State control inspections

Ro-ro passenger ships or high-speed passenger craft operating on a regular service and *not* falling under Directive (EU) 2017/2110 (as described in this EMSA guidance in chapter 5, point 5(c)) [see graphic in Appendix B: Example B-1, B-2 & B-3], will fall under Directive 2009/16/EC on PSC which applies to any ship and its crew calling at a port or anchorage of a MS to engage in a ship/port interface. Consequently, the PSC procedures as described in Directive 2009/16/EC are applicable to these ships/craft.

Directive (EU) 2017/2110 introduced specific amendments to Directive 2009/16/EC that define for these ships/craft a different inspection time frame and additional inspection requirements. [see inspection flow diagram in Appendix C]

The additional inspection requirements for these ships/craft can be described as follows¹³:

☒ Pre-commencement and regular inspections

A *pre-commencement inspection* is to be carried out before a ro-ro passenger ship or high-speed passenger craft starts to operate on a certain regular service and consists of:

- a) an inspection of specific requirements for vessels in regular service. [see Annex I]
- b) an inspection to satisfy the MS that the necessary requirements for safe operation of a regular service are fulfilled. [see Annex II]

Note i : The MS may take into account inspections of that ship/craft carried out within the last 8 months by another MS for operations on another regular service covered by Directive 2009/16/EC, if found relevant to the new operational conditions¹⁴ and that during those inspections the necessary requirements for the safe operation of a regular service were fulfilled. In this case, the pre-commencement inspection does not need to be applied before the ship/craft starts operating on the new regular service.

- ii : When the previous paragraph (Note i) is not applicable and there is, due to unforeseen circumstances, an urgent need for rapid introduction of a replacement ship/craft to ensure continuity of service, the MS may allow the ship/craft to start operating provided that:

¹³ Reference: Directive 2009/16/EC, as amended by Directive (EU) 2017/2110, Annex XVII.

¹⁴ For example: significant wave heights, aids to navigation, passenger languages

- a) a visual inspection and document check raises no concerns that the ship/craft does not fulfil the necessary requirements for safe operation; and
- b) the MS completes the pre-commencement inspection within 1 month after the start of operation.

The *regular inspections* can be divided in two kinds of inspection, each with a different scope.

1. An inspection¹⁵, including the requirements of Annex II and the Regulation on expanded inspections¹⁶.
2. An inspection during a regular service. This inspection shall cover the items listed in Annex III and what, in the professional judgment of the inspector, constitutes a sufficient number of the items listed in Annexes I and II to ensure that the ro-ro passenger ship or high-speed passenger craft continues to fulfil all the necessary requirements for safe operation.

The time frame of regular inspections is one of each kind per year; however, each inspection shall not be before 4 months but not later than 8 months after the previous inspection.

As the requirement for 2 inspections in every 12-month period applies to ships in regular service it should be applied to vessels operating seasonally on a pro-rata basis.

Where a ship/craft has not been inspected within the required time frame as mentioned above (regular inspections), the ship/craft shall be considered to be Priority I.

Note: The regime in place for missed inspections (Directive 2009/16/EC on PSC) is applicable.

Ro-ro passenger ships and high-speed passenger craft on a regular service are bound by the earlier mentioned time frame for regular inspections. Consequently,

- the ships/craft are not subject to periodic inspections at predetermined intervals depending on their Ship Risk Profile as required under Directive 2009/16/EC¹⁷.
- as once a year the scope of an expanded inspection is included in the regular inspection (see point 1. above), the ships/craft do not fall under the categories of ships/craft eligible to an expanded inspection under Directive 2009/16/EC, and the operator, agent or master does not need to notify the ships/craft arrival at the port or anchorage if eligible for an expanded inspection¹⁸.

These ships/craft remain however subject to an additional inspection in case of overriding (i.e. Priority I, which is to be inspected) and unexpected factors (i.e. Priority II, which may be inspected; professional judgement) as required by Directive 2009/16/EC¹⁹. Any additional inspection shall be a more detailed inspection, or, according to the inspectors' professional judgement an expanded inspection may be carried out if the ship/craft has a high risk profile, or a standard/low risk profile and is more than 12 years old. An additional inspection shall not affect the regular inspection interval as earlier mentioned.

¹⁵ A pre-commencement inspection shall be considered to be such an inspection.

¹⁶ Commission Regulation (EU) No 428/2010 of 20 May 2010 implementing Article 14 of Directive 2009/16/EC of the European Parliament and of the Council as regards expanded inspections of ships.

¹⁷ Directive 2009/16/EC Article 11 'Frequency of inspection', 11(a) is not applicable to ro-ro passenger ships and high-speed passenger craft on a regular service.

¹⁸ Directive 2009/16/EC Article 14 'Expanded inspections' and Art. 9 'Notification of arrival of ships', 9(1) are not applicable to ro-ro passenger ships and high-speed passenger craft on a regular service.

¹⁹ Directive (EU) 2017/2110 amends Directive 2009/16/EC by adding a new Article 14a 'Inspection of ro-ro passenger ships and high-speed passenger craft in regular service' of Directive 2009/16/EC. Point 5 of that article requires the following:

"The competent authority shall ensure that the ro-ro passenger ships or high-speed passenger craft that are subject to an additional inspection in accordance with Article 11(b) are selected for inspection in accordance with Annex I, Part II 3A(c) and 3B(c). Inspections carried out under this paragraph shall not affect the inspection interval provided for in paragraph 2 of Annex XVII."

☒ Inspection report

On completion of any inspection a report shall be drawn up in accordance with Annex IX to Directive 2009/16/EC and communicated to the inspection database (THETIS). The master shall also be provided with a copy of that inspection report.

Information concerning deficiencies, detentions and refusals of access, is transferred without delay to the THETIS as soon as the inspection report is completed, the detention is lifted, or the refusal of access is lifted.

MSs shall ensure that the information transferred to the THETIS is validated for publication purposes within 72 hours.

7. Transition from Directive 1999/35/EC to Directive (EU) 2017/2110

Surveys carried out under Directive 1999/35/EC entered into THETIS before 21 December 2019 will be taken into account for the calculation when the next inspection under Directive (EU) 2017/2110 will have to take place.

As the module for recording surveys under Directive 1999/35/EC will not be available from 21 December 2019 all surveys pending recording should be submitted and validated in THETIS before that date. From 21 December 2019 it will not be possible to submit and validate surveys carried out under Directive 1999/35/EC and prior recorded information will no longer be available to be further processed. Furthermore, this will have an impact when the next inspection under Directive (EU) 2017/2110 will have to take place.

All surveys recorded and validated under Directive 1999/35/EC before 21 December 2019 will remain available in THETIS for consultation purposes.

Appendix A

Definitions Directive (EU) 2017/2110 and Directive 2009/45/EC

The following definitions are provided to facilitate a quick reference for this EMSA guidance.

Directive 2009/45/EC²⁰ – Article 4 Categorisation of sea areas and classes of passenger ships:

1. “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, 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.
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.

Directive (EU) 2017/2110²¹ – Article 2 Definitions

- (1) ‘ro-ro passenger ship’ means a ship with facilities to enable road or rail vehicles to roll on and roll off the vessel, and carrying more than 12 passengers;
- (2) ‘high-speed passenger craft’ means a craft as defined in Regulation 1 of Chapter X of SOLAS 74²², and carrying more than 12 passengers;
- (6) ‘regular service’ means a series of ro-ro passenger ship or high-speed passenger craft crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls, either:
 - (a) according to a published timetable; or
 - (b) with crossings so regular or frequent that they constitute a recognisable systematic series;
- (7) ‘sea area’ means any sea area or sea route established pursuant to Art. 4 of Dir. 2009/45/EC²³;
- (10) ‘domestic voyage’ means a voyage in sea areas from a port of a MS to the same or another port within that MS.

²⁰ Directive 2009/45/EC on safety rules and standards for passenger ships, as amended by Directive (EU) 2017/2108.

²¹ Directive (EU) 2017/2110 on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC

²² SOLAS 74, as amended, Chapter X - Safety measures for high-speed craft, regulation 1 definitions

.3 High-speed craft is a craft capable of a maximum speed, in metres per second (m/s), equal to or exceeding:

$3.7 \Delta^{0.1667}$ where: Δ = volume of displacement corresponding to the design waterline (m³), excluding craft the hull of which is supported completely clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect.

²³ Art. 4.2 Each Member State shall:

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

Art. 4.3 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. [i.e. Art. 4.1]

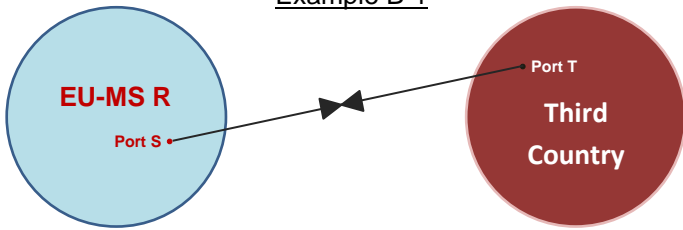
Appendix B

Graphic display of the scope

Graphic display in relation to ro-ro passenger ships and high-speed passenger craft operating on a regular service, indicating whether they fall under the scope of Directive (EU) 2017/2110 or under the scope of Directive 2009/16/EC (i.e. PSC).

Note: (i) Directive (EU) 2017/2110 does not apply to ro-ro passenger ships and high-speed passenger craft falling under Directive 2009/16/EC.

Example B-1



Flag State = EU-MS R



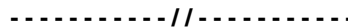
- Directive (EU) 2017/2110 to be applied by EU-MS R



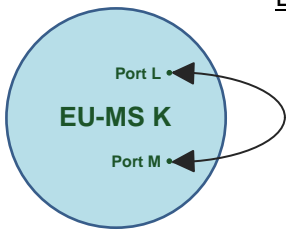
Flag State = Third Country or the flag of an EU MS other than EU-MS R



- Directive 2009/16/EC to be applied by EU-MS R



Example B-2



EU-MS K: ro-ro pass. ships / high-speed pass. craft in regular service & domestic voyage.
Sea areas in which Class A ships may operate.
[see for further reference Appendix A]



Flag State = EU-MS K



- Directive (EU) 2017/2110 to be applied by EU-MS K



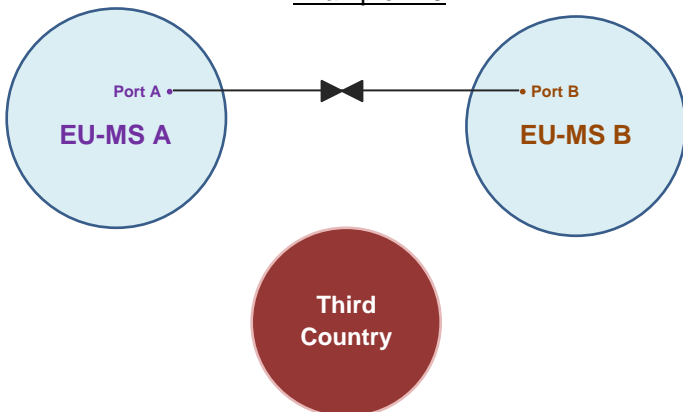
Flag State = Third Country or the flag of an EU MS other than EU-MS K



- Directive 2009/16/EC to be applied by EU-MS K



Example B-3



Flag State = EU-MS A



Directive 2009/16/EC to be applied by EU-MS B

Flag State = EU-MS B



Directive 2009/16/EC to be applied by EU-MS A



Flag State = Third Country

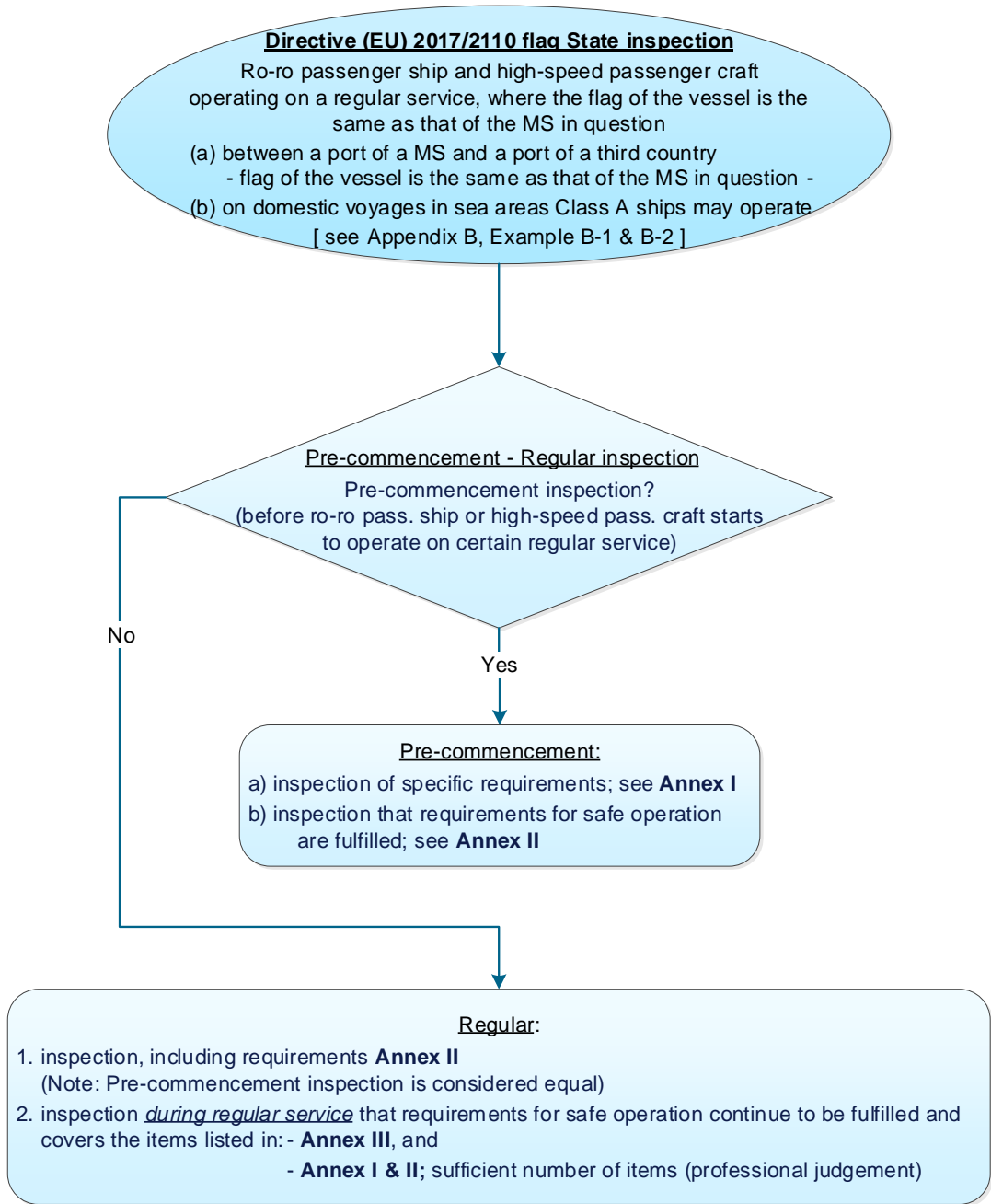


- Directive 2009/16/EC to be applied by EU-MS A or B

Appendix C

Flow-diagram flag State inspection & port State control inspection

Flow-diagram flag State inspection



Inspection report in THETIS-EU
 Incl. deficiencies, if any, ASAP

Validate information transferred
 to THETIS-EU within 72 hrs

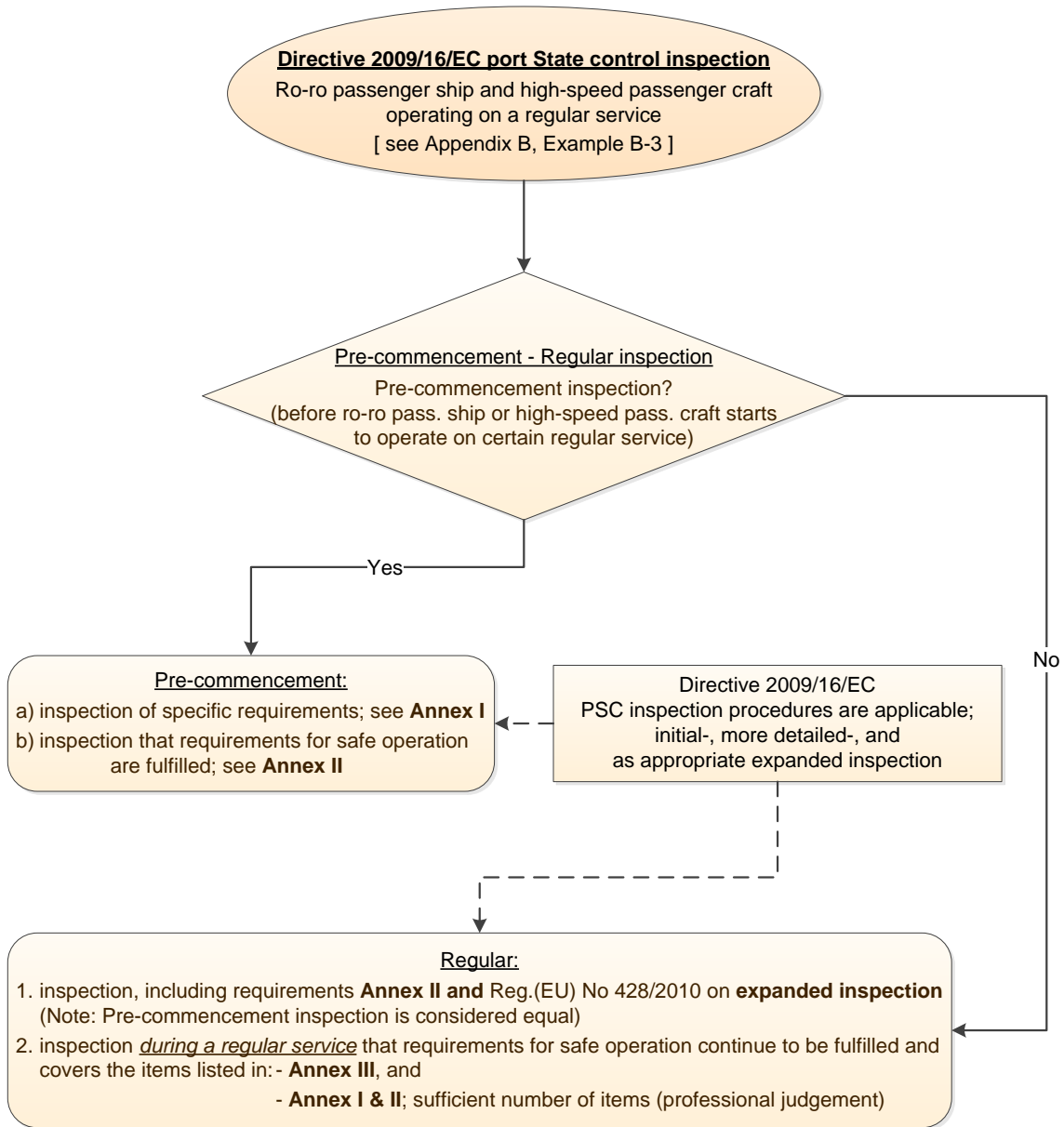
Actions

Ensure rectification of deficiencies, if any.

If deficiencies clearly hazardous } Prohibition of
 In exceptional circumstances suspension of inspection } departure →

Costs relating to inspections for company - Penalty

Flow-diagram port State control inspection



Inspection report in THETIS
incl. deficiencies, if any, ASAP

Validate information
transferred
to THETIS within 72 hrs

Actions
MS shall be satisfied that deficiencies, if any, are, or will be
rectified
If deficiencies clearly hazardous: Detention, and if applicable } →
Refusal of access } →
Costs relating to inspections for company – Penalty

Annex I

Directive (EU) 2017/2110 Annex I

SPECIFIC REQUIREMENTS FOR VESSELS IN REGULAR SERVICE

(as referred to in Articles 3 and 5)

The following shall be verified:

1. that the master is provided with appropriate information on the availability of shore-based navigational guidance systems and other information schemes to assist him in the safe conduct of the voyages, before the ro-ro passenger ship or high-speed passenger craft begins to sail, and that he makes use of the navigational guidance and information schemes set up by Member States;
2. that the relevant provisions of paragraphs 2 to 6 of MSC/Circular 699 of 17 July 1995 'Revised guidelines for passenger safety instructions' are applied;
3. that a table with the shipboard working arrangements is posted in an easily accessible place, and contains:
 - (a) the schedule of service at sea and service in port; and
 - (b) the maximum hours of work or the minimum hours of rest required for watchkeepers;
4. that the master is not constrained from taking any decision which in the master's professional judgment is necessary for safe navigation and operation, in particular in severe weather and in heavy seas;
5. that the master keeps a record of navigational activities and incidents which are of importance to safety of navigation;
6. that any damage to, or permanent deflection of shell doors and associated hull plating that may affect the integrity of the ro-ro passenger ship or high-speed passenger craft, and any deficiencies in the securing arrangements of such doors, are promptly reported to both the flag State administration and the port State and are promptly repaired to their satisfaction;
7. that an up-to-date voyage plan is available before the departure of the ro-ro passenger ship or high-speed passenger craft on its voyage and that in preparing the voyage plan the guidelines set out in IMO Assembly Resolution A.893(21) of 25 November 1999 'Guidelines for voyage planning' are taken fully into account;
8. that general information about the services and assistance available to elderly and disabled persons on board is made known to the passengers and is made available in formats suitable for people with impaired sight.

Annex II

Directive (EU) 2017/2110 Annex II

PROCEDURES FOR INSPECTIONS

(as referred to in Articles 3 and 5)

1. The inspections shall ensure that statutory requirements issued by or on behalf of the flag State, in particular those relating to construction, subdivision and stability, machinery and electrical installations, loading and stability, fire protection, maximum number of passengers, life saving appliances and the carriage of dangerous goods, radiocommunications and navigation are fulfilled. For that purpose, the inspections shall include:
 - the starting of the emergency generator,
 - an inspection of emergency lighting,
 - an inspection of the emergency source of power for radio-installations,
 - a test of the public address system,
 - a fire drill, including a demonstration of the ability to use firemen's outfits,
 - the operation of the emergency fire-pump with two firehoses connected to the fire main line in operation,
 - the testing of the remote emergency stop controls for fuel supply to boilers, main and auxiliary engines, and for ventilation fans,
 - the testing of remote and local controls for the closing of fire dampers,
 - the testing of fire detection and alarm systems,
 - the testing of proper closing of fire doors,
 - the operation of bilge pumps,
 - the closing of watertight bulkhead doors; both from the local and remote control positions,
 - a demonstration that shows that key crew members are acquainted with the damage control plan,
 - the lowering of at least one rescue boat and one lifeboat to the water, starting and testing their propulsion and steering system, and recovering them from the water into their stowed position on board,
 - the checking that all lifeboats and rescue boats correspond to the inventory,
 - the testing of the ship's or craft's steering gear and auxiliary steering gear.
2. Inspections shall focus on the familiarisation of crew members with, and their effectiveness in, safety procedures, emergency procedures, maintenance, working practices, passenger safety, bridge procedures and cargo and vehicle-related operations. Seafarers' ability to understand and, where appropriate, give orders and instructions and report back in the common working language, as recorded in the ship's logbook shall be checked. The documented evidence that crew members have successfully followed a special training shall be checked, in particular with regard to:
 - crowd-management training,
 - familiarisation training,
 - safety training for personnel providing direct safety assistance to passengers in passenger spaces, and in particular to elderly and disabled persons in an emergency, and
 - crisis management and human behaviour training.

The inspection shall include an assessment whether rostering patterns are causing unreasonable fatigue particularly for watch-keeping personnel.

3. Certificates of competency of crew members serving on board vessels falling within the scope of this Directive shall comply with the provisions of Directive 2008/106/EC of the European Parliament and of the Council (1).

(1) Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (OJ L 323, 3.12.2008, p. 33).

Annex III

Directive (EU) 2017/2110 Annex III

PROCEDURES FOR CARRYING OUT INSPECTIONS DURING A REGULAR SERVICE

(as referred to in Article 5)

When carrying out inspections during a regular service, the following shall be checked:

1. Passenger information

That the number of passengers for which the ro-ro passenger ship or high-speed passenger craft ('the ship') is certified is not exceeded, and that the registration of passenger information complies with Council Directive 98/41/EC (1). How the information on the total number of passengers is passed to the master and, if appropriate, how passengers undertaking a double crossing without going ashore are included in the total for the return voyage.

2. Loading and stability information

That, when applicable, reliable draught gauges are fitted and are in use. That measures are taken to ensure that the ship is not overloaded and the appropriate sub-division load line is not submerged. That the loading and stability assessment is carried out as required. That goods vehicles and other cargo are weighed where required and the figures passed to the ship for use in the loading and stability assessment. That damage control plans are permanently exhibited and that booklets containing damage control information are provided for the ship's officers.

3. Security for sea

That the procedure to ensure that the ship is secured for sea before leaving the berth, which should include a positive reporting procedure that all the shell watertight and weather-tight doors are closed is followed. That all the vehicle deck doors are closed before the ship leaves the berth or remain open long enough only to enable the bow visor to be closed, the closing arrangements for the bow, stern and side doors, and the provision of indicator lights and TV surveillance to show their status on the navigating bridge. Any difficulties with the operation of the indicator lights, particularly the switches at the doors, should be ascertained and reported.

4. Safety announcements

That the form of routine safety announcements and the posting of instructions and guidance on emergency procedures occurs in the appropriate language or languages. That the routine safety announcement takes place at the commencement of the voyage and can be heard in all public spaces, including open decks, to which passengers have access.

5. Log book entries

That the log book is examined to ensure that the entries are being made regarding the closing of the bow, stern and other watertight and weather-tight doors, drills for sub-division watertight doors, testing of steering gears, etc. Also that draughts, freeboard and stability are being recorded as well as the common working language for the crew.

6. Dangerous goods

That any cargo of dangerous or polluting goods is carried in accordance with the relevant regulations and, in particular, that a declaration concerning dangerous and polluting goods is provided together with a manifest or stowage plan to show their location on board, that the carriage of the particular cargo is permitted on passenger ships, and that the dangerous and polluting goods are properly marked, labelled, stowed, secured and segregated.

That vehicles carrying dangerous and polluting goods are properly placarded and secured. That, when dangerous and polluting goods are carried, a copy of the relevant manifest or stowage plan is available ashore. That the master is aware of the notification requirements under Directive

2002/59/EC of the European Parliament and of the Council (2) and of the instructions on the emergency procedures to be followed and the rendering of first aid should there be an incident involving the dangerous goods or marine pollutants. That the means of ventilating the vehicle decks is in use at all times, is increased when the engines of the vehicles are running and that there is some form of indication on the bridge to show that the vehicle deck ventilation is in operation.

7. Securing freight vehicles

How freight vehicles are secured, for example, whether block stow or individual lashings. Whether sufficient strong points are available. The arrangements for securing freight vehicles when adverse weather is experienced or expected. The method of securing coaches and motor cycles, if any. That the ship has a cargo securing manual.

8. Vehicle decks

Whether special category and ro-ro cargo spaces are being continuously patrolled or monitored by a TV surveillance system so that the movement of vehicles in adverse weather and the unauthorised entry of passengers may be observed. That fire doors and entrances are kept shut and that notices are posted to keep passengers off the vehicle decks whilst the ship is at sea.

9. Closure of watertight doors

That the policy laid down in the ship's operational instructions for the sub-division watertight doors is being followed. That the required drills are being carried out. That the bridge control for the watertight doors is kept, when possible, on 'local' control. That the doors are being kept closed in restricted visibility and any hazardous situation. That crews are instructed in the correct way to operate the doors and are aware of the dangers of their misuse.

10. Fire patrols

That an efficient patrol is being maintained so that any outbreak of fire may be readily detected. This should include special category spaces where no fixed fire detection and alarm system is fitted. Those spaces may be patrolled as indicated in point 8.

11. Communications in an emergency

That there are sufficient crew members in accordance with the muster list to assist passengers in an emergency and that they are readily identifiable and able to communicate with the passengers in an emergency, taking into account an appropriate and adequate combination of any of the following factors:

- (a) the language or languages appropriate to the principal nationalities of passengers carried on a particular route;
- (b) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance if the passenger and crew Member do not share a common language;
- (c) the possible need to communicate during an emergency by other means (e.g. by demonstration, hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes when verbal communication is impractical);
- (d) whether complete safety instructions have been provided to passengers in their native language or languages;
- (e) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.

12. Common working language between crew members

That a working language has been established to ensure effective crew performance in safety matters and that this working language is recorded in the ship's logbook.

13. Safety equipment

That the live-saving and fire appliances, including the fire doors and other items of the structural fire protection that can be readily inspected, are being maintained. That fire control plans are permanently exhibited or booklets containing the equivalent information are provided for the information of the ship's officers. That the stowage of the lifejackets is appropriate and that the stowage of children's lifejackets may be readily identified. That the loading of vehicles does not prevent the operation of the fire controls, emergency shut-offs, controls for the storm valves, etc. that may be located on the vehicle decks.

14. Navigational and radio equipment

That the navigational and radio communications equipment, including emergency position-indicating radio beacons (EPIRBs), are operational.

15. Supplementary emergency lighting

That supplementary emergency lighting is fitted, when required by the regulations, and that a record of deficiencies is being kept.

16. Means of escape

That means of escape, including escape routes, are marked, in accordance with the applicable requirements, and lighted, from both the main and emergency sources of power. That measures are taken to keep vehicles clear of escape routes where those escape routes cross or pass through vehicle decks. That exits, particularly exits from duty free shops, which have been found to be blocked by an excess of goods, are kept clear.

17. Engine room cleanliness

That the engine room is maintained in a clean condition in accordance with the maintenance procedures.

18. Garbage disposal

That the arrangements for the handling and disposal of garbage are satisfactory.

19. Planned maintenance

That all companies have specific standing orders, with a planned maintenance system, for all safety related areas including bow and stern doors and side openings, together with their closing arrangements, but also covering engine room maintenance and safety equipment. That there are plans in place for periodically checking all items so as to maintain safety standards at the highest level. That there are procedures in place for recording deficiencies and confirming they have been properly rectified so that the master and the designated person ashore within the company management structure are aware of the deficiencies and are notified when they have been rectified within a time specified. That periodic checking of the operation of the inner and outer bow door closing arrangements includes the indicators, surveillance equipment and any scuppers in the spaces between the bow visor and the inner door and especially the closing mechanisms and their associated hydraulic systems.

20. Making a voyage

When making a voyage the opportunity should be taken to check overcrowding, including the availability of seats and the blocking of passageways, stairs and emergency exits by baggage and by passengers unable to find seats. It is necessary to check that the vehicle deck is vacated by passengers before the ship sails and that they do not again have access until immediately prior to docking.

(1) Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p. 35).

(2) Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

Annex IV

Directive 2009/16/EC Annex XVII

[Directive (EU) 2017/2110 amended Directive 2009/16/EC and added Annex XVII.]

Inspection of ro-ro passenger ships and high-speed passenger craft on a regular service

- 1.1. Before a ro-ro passenger ship or high-speed passenger craft starts to operate on a regular service covered by this Directive, Member States shall carry out an inspection, in accordance with Article 3(1) of Directive (EU) 2017/2110 (*), to ensure that that ro-ro passenger ship or high-speed passenger craft fulfills the necessary requirements for the safe operation of a regular service.
- 1.2. When a ro-ro passenger ship or high-speed passenger craft is to be engaged on a regular service, the Member State concerned may take into account inspections carried out within the last 8 months by another Member State in respect of that ro-ro passenger ship or high-speed passenger craft for operations on another regular service covered by this Directive, provided that the Member State is satisfied in every case that those previous inspections are relevant to the new operational conditions and that during those inspections the necessary requirements for the safe operation of a regular service were fulfilled. The inspections provided for in point 1.1 do not need to be applied before the ro-ro passenger ship or high-speed passenger craft starts operating on the new regular service.
- 1.3. Where, due to unforeseen circumstances, there is an urgent need for the rapid introduction of a replacement ro-ro passenger ship or high-speed passenger craft to ensure continuity of service, and point 1.2 is not applicable, the Member State may allow the passenger ship or craft to start operating provided that the following conditions are met:
 - (a) a visual inspection and document check raises no concerns that the ro-ro passenger ship or high-speed passenger craft does not fulfill the necessary requirements for safe operation; and
 - (b) the Member State completes the inspection provided for in Article 3(1) of Directive (EU) 2017/2110 within 1 month.
2. Member States shall, once per year, but not before 4 months and not later than 8 months following the previous inspection, carry out:
 - (a) an inspection, including the requirements of Annex II to Directive (EU) 2017/2110 and of Commission Regulation (EU) No 428/2010 (**) as applicable; and
 - (b) an inspection during a regular service. This inspection shall cover the items listed in Annex III to Directive (EU) 2017/2110 and what, in the professional judgment of the inspector, constitutes a sufficient number of the items listed in Annexes I and II to Directive (EU) 2017/2110, to ensure that the ro-ro passenger ship or high-speed passenger craft continues to fulfill all the necessary requirements for safe operation.
3. Where a ro-ro passenger ship or high-speed passenger craft has not been inspected in accordance with point 2, the ro-ro passenger ship or high-speed passenger craft shall be considered to be Priority I.
4. An inspection in accordance with point 1.1 shall be considered to be an inspection for the purposes of point 2(a) of this Annex.

(*) Directive (EU) 2017/2110 of the European Parliament and of the Council of 15 November 2017 on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC (OJ L 315, 30.11.2017, p. 61)."

(**) Commission Regulation (EU) No 428/2010 of 20 May 2010 implementing Article 14 of Directive 2009/16/EC of the European Parliament and of the Council as regards expanded inspections of ships (OJ L 125, 21.5.2010, p. 2)."

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