

RoPax Inspections under Directive 2009/16/EC

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Content

- Connection between Directive 1999/35/EC
and Directive 2009/16/EC

References to Ropax in PSC Directive

Recital 22

Reduce Burden for MS

Ropax surveys count as PSC inspections

Diff. Flag

(21) Some ships pose a particular risk to maritime safety due to the nature of their business because of their poor condition, flag performance and history. It is therefore legitimate for the Commission to require the ships from entering the ports and anchorages of Member States. The measures should be proportionate and could result in a permanent refusal of access if the captain of the ship persistently fails to take corrective action in spite of several refusals of access and detentions in ports and anchorages within the Community. Any third refusal of access can only be lifted if a number of conditions designed to ensure that the ship concerned can be operated safely in Community waters, in particular relating to the flag State of the ship and the managing company, are fulfilled. Otherwise, the ship should be permanently refused access to ports and anchorages of the Member States. In any case, any subsequent detention of the ship concerned should lead to a permanent refusal of access to the ports and anchorages of the Member States.

(22) With a view to reducing the burden placed on Member States and companies by the provisions of the PSC Directive (Directive 1999/35/EC of 29 April 1999 on a common system of port State control in the Community for ro-ro ferries and high-speed passenger craft services¹, carried out on ro-ro ferries or high-speed passenger craft by a flag State which is not the flag State of the vessel) and which include at least all the items listed in Annex VI to this Directive, the Commission should examine whether it is appropriate that Directive 1999/35/EC be amended in the future with a view of ensuring that the level of safety required for the operation of ro-ro ferries and high-speed passenger craft is maintained from ports of Member States.

¹ OJ L 138, 1.6.1999, p. 1.

Article 15.3

Ropax surveys

1. count as PSC inspections MD/EI

2. count for MS commitment

Ropax subject to PSC regime Rectification of deficiencies, Detentions, Banning

2. As for security checks, the Commission should apply the relevant procedures set out in Annex VI of this Directive to all ships referred to in Articles 3(1), 3(2) and 3(3) of Regulation (EC) No 725/2004 relating at their ports and anchorages within the Community.

3. The provisions of Article 15 of this Directive concerning expanded inspections shall apply to ro-ro ferries and high-speed passenger craft, referred to in Article 2(a) and (b) of Directive 1999/35/EC, carried out on ro-ro ferries or high-speed passenger craft by a flag State or by a high-speed passenger craft by a flag State which is not the flag State of the ship, such specific survey shall be recorded as a more detailed than expanded inspection, as referred in the inspection report in accordance with Article 12 of this Directive. The fulfilment of the inspection shall be subject to the same conditions with Member States as to those of all the items referred to in Annex VII to this Directive are covered.

4. If necessary, the Commission may, in accordance with the procedure referred to in Article 31(2), adopt the rules for the harmonised implementation of paragraph 1 and 2 of this Article.

Article 16.1

Banning

Article 16
Access refusal measures concerning certain ships

1. A Member State shall ensure that any ship which
 - flies the flag of a State whose detention rate falls into the black list, adopted in accordance with the Paris MOU on the basis of information recorded in the inspection database and as published annually by the Commission, and has been detained or has been issued with a prevention of operation order under Directive 1999/35/EC more than twice in the course of the preceding 36 months in a port or anchorage of a Member State or of a State signatory of the Paris MOU; or
 - flies the flag of a State whose detention rate falls into the grey list, adopted in accordance with the Paris MOU on basis of information recorded in the inspection database and as published annually by the Commission, and has been detained or has been issued with a prevention of operation order under Directive 1999/35/EC more than twice in the course of the preceding 24 months in a port or anchorage of a Member State or of a State signatory of the Paris MOU.
- is refused access to its ports and anchorages, except in the situations described in Article 21(6).
- Refusal of access shall become applicable as soon as the ship leaves the port or anchorage where it has been the subject of a third detention and where a refusal of access order has been issued.

Article 15 (3)

The provisions of Article 14 of this Directive concerning expanded inspections shall apply to ro-ro ferries and high-speed passenger craft, referred to in Article 2(a) and (b) of Directive 1999/35/EC.

Article 14

- ETA 72 Reporting obligation of the ship
- Obligation of the MS if the ship will not be inspected

Article 15 (3)

When a ship has been surveyed in accordance with Articles 6 and 8 of Directive 1999/35/EC by a host State which is not the flag State of the ship, such specific survey shall be recorded as a more detailed or expanded inspection, as relevant, in the inspection database and taken into account for the purposes of Articles 10, 11 and 12 of this Directive and for calculating the fulfilment of the inspection commitment of each Member State in as much as all the items referred to in Annex VII to this Directive is covered.

Article 6 and 8 of 1999/35/EC

- Initial specific surveys
- Specific surveys
- Survey during a regular service

2009/16/EC

- Article 10 Ship risk profile
- Article 11 Frequency of inspection
- Article 12 Selection of ships for inspection

- Annex VII Expanded inspections of ships
 - Regulation 428/2010

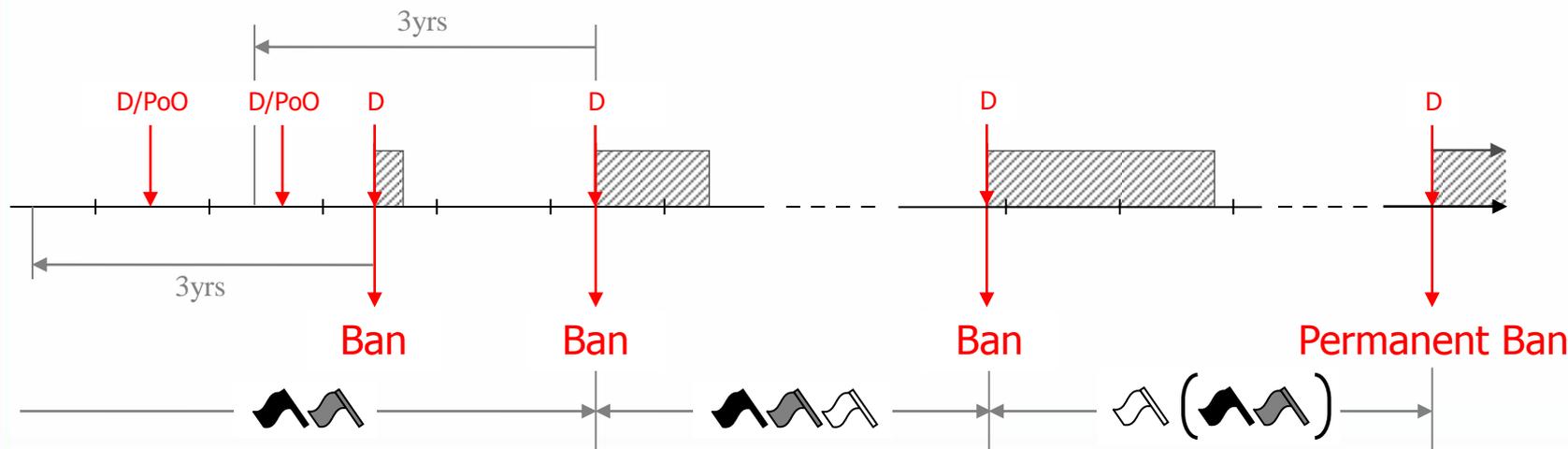
Article 15 (3)

Without prejudice to a prevention of operation of a ro-ro ferry or a high-speed passenger craft decided in accordance with Article 10 of Directive 1999/35/EC, the provisions of this Directive concerning rectification of deficiencies, detention, refusal of access, follow-up to inspection, detentions and refusal of access, as appropriate, shall apply.

Article 16 (1)

Refusal of access shall become applicable as soon as the ship leaves the port or anchorage where it has been the subject of a third detention and where a refusal of access order has been issued.

Multiple Banning (Example for Black Flag. Grey Flag is 2 yrs)



Ship Banned 1st time when detained after 2 detentions/PoO in 3 years

Ban can be lifted after **3** months

Ship Banned 2nd time when detained after 2 detentions/PoO in 3 years

Ban can be lifted after **12** months

Ship Banned 3rd time if detained

Ban can be lifted after **24** months if:

- **White Flag +**
- **RO PMoU Recog. +**
- **HP Company**

Or Permanent Ban

Thank you