

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"

6 March 1987

Ro-ro pax Herald of Free Enterprise capsizes

Why



193 persons lost their lives

Why



28 September 1994

Ro-ro pax ESTONIA sinks



852 persons lost the life

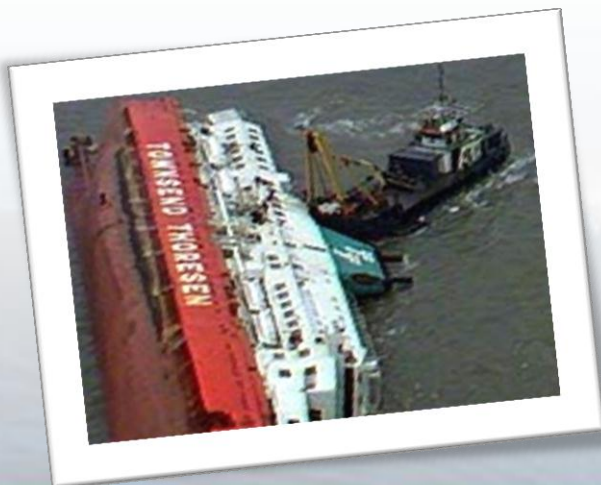


Why

Serious Ro-Ro Passenger Ferry accidents resulted in massive loss of life



European Council invited the Commission to produce specific legislation for the Ro-Ro Passenger Ferries and HSC in response to these serious accidents



European Commission drafted the Directive 1999/35

Directive 99/35/EC

Challenge



- Safety of passengers



- Free circulation of people without any distortion of the market

Purpose

The purpose of the Directive is:



- Mandatory surveys for all Ro-Ro Passenger Ferries and HSC **prior to the start of a new service** and **at regular intervals**.
- to provide for Member States to conduct, participate in or cooperate with any investigation of maritime casualties or incidents on these services.

Scope

Directive apply to all Ro-Ro Passenger ferries and HSC operating:

1. to or from a port of a MS on a regular service ←
2. regardless of flag
3. when engaged on international voyages or on domestic voyages in sea areas covered by Class A (more than 20 nm from the coast) ←

MS may apply this Directive to Ro-Ro ferries and HSC engaged on domestic voyages in sea areas other than Class A

Initial verifications required (Ship)

Prior to the start of operation, host State shall check that Ro-Ro Ferries and HSC:

- carry valid certificates
- have been surveyed for the issue of certificates in accordance with the relevant procedures and guidelines
- comply with the standards specified for classification by a recognised organisation or considered equivalent by the FS
- are fitted with a voyage data recorder (VDR)
- comply with specific stability requirements adopted at regional level

Member State to or from whose ports a ro-ro ferry or a HS passenger crafts is engaged on regular services

Directive 2003/25 on ro-pax stability criteria

Initial verifications required in relation to companies and flag States

Prior to the start of operation, host States shall check that:

Companies:

- take necessary measures to ensure that requirements included in Annex I are applied
- will agree in advance that host States and any substantially interested MS may participate in any investigation of a marine casualty

Flag State other than a MS:

- has accepted the company's commitment to meet the requirements of this Directive

Type of Surveys

1. Initial specific survey
2. Annual specific survey
3. Annual in service survey
4. Occasional survey



Initial specific survey



Prior to the start of operation, host States shall carry out:

an **Initial specific survey**

[in accordance with Annexes I [\(link\)](#) and III [\(link\)](#)]

to be satisfied that the ferry or the HSC fulfils the necessary requirements for safe operation of a regular service

Annual Specific survey – Annual in service survey

Host States shall **once every 12-month** period, carry out:

- A specific survey (*in accordance with Annex III*), and
- A survey during a regular service
*[to cover enough items listed in Annexes I, III and IV
([link](#))]*



Occasional survey



A host State shall carry out a specific survey:
(in accordance with Annex III)

- each time the ferry or the HSC undergoes repairs, alterations and modifications of a major character, or
- when there is a change in **flag** or a **transfer of class**

Prevention of operation

A host State shall prevent the operation of a ferry or HSC:

- (a) when it is unable to confirm compliance, during Initial verifications
- (b) when during surveys deficiencies are found which pose an immediate danger to life, the ferry or craft, its crew and passengers

.....

Prevention of operation

A host State shall prevent the operation of a ferry or HSC:

.....

- (c) when there is an established failure to comply with certain Community instruments (*HazMat reporting, Qualification of seafarers, ISM*) which poses an immediate danger of life, the ferry or craft, its crew and passengers
- (d) when not been consulted by the flag State when issuing exception certificates

MS shall establish appropriate procedures covering the right of appeal by a company against a decision to prevent operation.

Procedures related to initial and regular specific surveys

- Host States involved shall cooperate with each other for specific surveys
- On request of the company, flag States shall be represented in any specific survey
- Specific surveys can be used for qualitative assessment of the fulfilment of class related provisions if a surveyor of recognised organisation is included in the team

Accompanying measures

- MSs should operate a shore-based navigational guidance systems and other information schemes in accordance with IMO Resolution A.795(19)
- MSs shall ensure that companies maintain and implement an integrated system of contingency planning for shipboard emergencies – IMO Resolution A.852(20). If two MSs involved they shall jointly establish a plan for different routes

Accompanying measures

MSs shall ensure they:

- have been fully involved in their capacity as host State by the flag State before the issuance of the “permit to operate” to HSC in order to make sure that all the operational restrictions are established and maintained
- shall take measures to ensure the enforcement of these restrictions