

Directive – (EU) 2023/946

Information Note from the Department of Transport

1. Directive Title

DIRECTIVE (EU) 2023/946 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 10 May 2023 amending Directive 2003/25/EC as regards the inclusion of improved stability requirements and the alignment of that Directive with the stability requirements defined by the International Maritime Organization.

2. Transposition Deadline

5/12/2024

3. Anticipated Transposition date

Q3 2024

4. COM number of original Commission proposal

COM(22) 053 final.

5. Department with primary responsibility

Department of Transport

6. Other Departments involved

N/A

7. Background to, short summary and aim of the Directive

Background:

The Directive amends Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships. The aim of that Directive was to improve the survivability of such ships in case of collision damage and so to provide a higher level of safety for their passengers and crew.

In the framework of the Commission Regulatory Fitness and Performance Programme (REFIT) and Better Regulation agenda and as an immediate follow-up to the fitness check on EU passenger ship safety legislation, the Commission presented in 2017 three proposals amending such legislation. Directive 2003/25/EC governing specific stability requirements for ro-ro passenger ships was also part of that fitness check. However, the Commission did not present a proposal for its modification because at that time discussions were taking place within the International Maritime Organization (IMO) on stability standards for ships in damaged condition. Following the adoption of the revised international rules as part of the International Convention on the Safety of Life at Sea (SOLAS Convention), the Commission proposed the amendment of the EU damage stability requirements as contained in Directive 2003/25/EC.

Short summary and aim of the Directive

Directive 2003/25/EC lays down stability requirements for ro-ro passenger ships in damaged condition for all ro-ro passenger ships operating to or from a port of a Member State on a regular service, regardless of their flag, when engaged in international voyages. It aims to ensure their stability following damage.

In view of the differences between the revised SOLAS Convention and the specific EU damage stability requirements for ro-ro passenger ships, the need for Directive 2003/25/EC and its added value were assessed based on whether those SOLAS Convention requirements ensured the same safety level. An expert study was carried out and considering the results of the study and bearing in mind the general goal of simplifying and streamlining the EU regulatory framework for passenger ships safety, the objectives of the Directive as adopted were to:

- Ensure consistency as far as practicable with the updated international damage stability standards as agreed at the IMO for passenger ships;
- Reduce the complexity as well as the technical and administrative burden with regard to damage stability requirements, primarily stemming from two different regimes for evaluating the survivability of ro-ro passenger ships in damaged condition; AND
- Reduce the ambiguity of definitions and requirements, where possible, and eliminate outdated provisions concerning international instruments no longer relevant or in force.

For the sake of clarity and consistency, the Directive also updates definitions and references to relevant EU legislation and SOLAS Regulations.

8. Legal basis of the Directive

Article 100(2) of the Treaty on the Functioning of the European Union.

9. Category of Directive

Little significance.

10. Implications for Ireland (including details of regulatory impact assessments carried out in Ireland, if required)

Ireland does not have any ro-ro passenger ships that come within the scope of the Directive currently on the Flag. Therefore, our activities are in relation to port state control. The ro-ro passenger vessels currently operating to Ireland from France, Spain and the UK will be affected. These vessels operate under a mix of other EU and Third State flags including the UK flag.

No regulatory impact assessment is required.

11. Impact on the public

No impact on the public.

12. Estimated cost to the Exchequer

None

13. Consequences and possible costs arising from non-transposition

Ireland would be subject to infringement proceedings if the Directive is not transposed. The Directive does not outline a fine for non-transposition.

14. Have consultations taken place with stakeholders or are there any plans to do so?

None have taken place and no plans to do so – as mentioned above there are no Irish-flagged ro-ro passenger ships within the scope of the Directive.

15. Are there areas of the Directive where Member States have discretion on implementation?

Yes. Derogations are available to Member States which do not have seaports and have no ro-ro passenger ships flying their flag.

16. Does Ireland intend to seek any derogations from the provisions of the Directive?

No, the derogation mentioned above is not a possibility for Ireland as we do have seaports.

17. Offences or penalties (if any) to be created by the transposition of the Directive

None

18. Competent authorities or market surveillance authorities (if any) to be designated by the transposition of the Directive

The Marine Survey Office of the Department of Transport is already designated the competent authority for safety certification of ro-ro passenger ships.

19. Consequences for national legislation?

Very little. Previous regulations on this subject matter may be revoked or amended, a scoping exercise on this has commenced.

20. Are there any parts of the Directive which are planned to be transposed by primary legislation, and if so, which parts?

No, transposition will be by statutory instrument.

21. When is it anticipated that the draft statutory instrument(s) transposing this Directive will be available?

Q2 2024

22. Contact name, telephone number and e-mail address of official in Department with primary responsibility

Maritime Safety Policy Division, Department of Transport

Date 22/08/2023