

Safety of passenger ships – Costa Concordia accident and Commission review of safety legislation

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Safety of passenger ships – Costa Concordia accident and Commission review of safety legislation

Vice-President Siim Kallas, European Commissioner for Transport has asked that the currently ongoing review of EU passenger ship safety legislation take fully into account any lessons to be learnt from the Costa Concordia tragedy. The review will prioritise, in particular, the issues of: design and stability of passenger ships, technological developments in the sector, crew training and safe operation, including emergency evacuation procedures. Vice-President Kallas will outline the Commission's position to the European Parliament's Transport Committee on Tuesday 24 January 2012.

Vice President Siim Kallas said: "One week ago today, the voyage of the Costa Concordia met a tragic end. Our thoughts are foremost with the victims and their families and friends. I want to pay tribute to the rescue and safety teams and the people of Giglio for their relentless and generous help. Safety comes first. We will ensure that any lessons from the Costa Concordia are fully taken into account in the already ongoing review of EU passenger ship safety law. And we want to accelerate this work wherever possible. The challenge is to ensure that safety rules for passenger ships fully keep pace with the latest designs and technologies in a fast changing sector. The safety record of passenger ships in EU waters has been strong over the last 10 years, but there is no room for complacency when it comes to safety. I sincerely hope that the tragic images of today are not forgotten when we need firm support to turn our proposals into safety legislation later this year."

Vice President Siim Kallas called upon Member States to ratify without delay the latest update of the International Convention for liability of carriers by sea and the compensation of passengers in case of accidents (Athens Convention), in order to advance its entry into force. He recalled that specific EU legislation based on this Convention will enter into force at the end of 2012.

Costa Concordia

Vice-President Kallas has written to the Italian Transport Minister Corrado Passera to express his condolences about the tragic accident and loss of life and to offer the support of the services under his responsibility. The European Commission services and the European Maritime Safety Agency (EMSA) are in regular close contact with the Italian authorities to follow and accompany as necessary the rescue and investigation operations.

EU law provides for rules as to maritime accident investigations, the independence of the investigation and as appropriate the cooperation of concerned Member States and EU services. Investigation results will need to be made available at the latest within one year and to be shared with EU and Member States. This ensures that any lessons to be learned from a maritime accident are taken into account in legislative reviews such as the one currently ongoing in the field of passenger ship safety.

With regard to possible oil spill risks and within its pollution response capacities, EMSA can activate at the request of a concerned Member state anti-pollution means at short notice. For this purpose a dedicated oil spill response vessel under a stand-by contract with EMSA is stationed at La Spezia, Northern Italy.

European Passenger Ship Safety Legislation –the current rules

There are robust rules in place at international (International Maritime Safety Organisation, IMO) and EU levels, governing the construction and the safety procedures for passenger ships, strict certification and inspection requirements as well as rules on the liability of carriers and compensation of victims. But ship design and operation of ships continue to evolve significantly. For this reason, the Commission has been working, since 2010, on a review of EU legislation on passenger ships to ensure it keeps pace with the latest evolution in design, operational procedures and technology used in this sector. That work must now fully take into account any lessons to be learnt from the Costa Concordia.

Questions to be prioritised in the review include the following:

- Stability: Do the current stability rules on passenger ships need further updating? In particular, in relation to ships, damaged and/or exposed to bad weather conditions.
- Design of ships and technical evolution: Do safety standards need adaptation in line with the new technical developments in this sector, new materials used, recent evolution in the design of passenger ships, types of engines used?
- Evacuation: How can one ensure that passenger lists are accurate and up to date, in line with existing rules? How can new technologies or equipment reinforce plans and procedures for evacuation? Can the EU build on or support further the work being done at international level by the IMO in this area?
- Scope of EU Legislation: Should the scope of existing EU passenger ship safety provisions be extended to cover more types of ships for domestic voyages (eg for passenger sailing ships or historic ships)?
- Qualifications and training of crew: Is there more that can be done, for example, in terms of communication of crew with passengers, rescue services and with each other?

What happens next?

- Vice President Kallas has called a meeting with Cruise Industry Representatives for end of January to receive their first hand assessment and commitment for the ongoing review.
- The Vice President will host, in spring 2012 a conference with stakeholders on the Safety of Passenger Ships.
- The Commission services will launch a public consultation process on the legislative review during spring 2012.
- The Commission may decide to bring forwards a proposal to adapt existing rules on the safety of passenger ship safety to new developments in the sector. The Vice President will provide more detail about the possible content and timing of his proposals before Summer 2012.

Background – Passenger Ship Safety

What are passenger ships, what does the term cover?

The term passenger ships covers a wide range of ships including, cruise boats, ferry boats carrying

passengers (ro-pax), ferry boats carrying passengers and cars (ro-ro pax), historic ships, sailing boats carrying passengers.

Who sets the safety rules for Passenger Ships?

1. The International Rules (IMO)

Shipping is by its nature global. For this reason, the IMO (UN body, International Maritime Organisation) sets the basic rules on the construction and equipment of ships engaged in international voyages, including passenger ships.

The safety of passenger ships in international voyages is regulated by the SOLAS (safety of life at seas) IMO convention. This convention covers all fundamental safety aspects such as the vessel's stability both intact and after damage as well as the sufficiency and performance of evacuation means. The Convention also covers the basic requirements that ensure that in case of accident all passengers will have a life jacket and that these and the lifeboats/liferafts all are equipped with means to facilitate their location at sea. The emergency procedures must also be made known to the passengers, e.g. by means of notices in the cabins, including the meeting points, behaviour in case of emergency and way to put the lifejacket on. The Convention also requires ships to have the necessary power backup systems and means to ensure that, in emergency situations, the essential electrical services are ensured

2. The EU rules

EU rules ensure that the international safety rules for passenger ships are also applied to ships in domestic voyages (domestic/national eg between the Greek Islands), or flying the flag of a Member State (Directive 2009/45). These rules cover all aspects of the safety of these ships.

The main piece of EU legislation on passenger ship safety is Directive 2009/45, supported by a body of other related EU rules. Directive 2009/45 sets out all the technical requirements for construction and equipment for domestic passenger ships. It currently covers only ships built in steel.

3. Safety operations of passenger ships

EU rules on safety operations on ships apply to all passenger ships operating in EU water. They cover for example, the training of seafarers, roles and requirements for staff with regard to safety procedures on a ship. The standards are normally set at IMO level, they are then transposed into EU law – so it can be fully and effectively enforced. Bringing the international standards into EU law, also allows the EU to "top up" or strengthen requirements where necessary.

EU rules, for example, make mandatory the implementation of the IMO International Safety Management (ISM) Code for all passenger ships in regular service to or from EU ports (Regulation 336/2006). The ISM Code seeks to ensure that the safety systems on board a ship are functioning properly, that the shipping companies have appropriate means, resources and procedures to manage safety on board their ships. One objective is to ensure that the crew is trained for all safety and emergency procedures including the evacuation of passengers, and that it carries out periodic drills. The EU applied the ISM Code in 1996, even before it entered into force.

The inspection and certification of equipment including life saving appliances is also governed by EU law for all ships flying the flag of an EU member State (Directive 96/98).

Where necessary, the EU can go further in terms of safety standards, particular rules, for example, which are sometimes even stricter than international rules apply to ferries, which transport thousands of passengers every day in and out of EU ports. Thus special rules have been developed for the stability of ferries in regular service from EU ports, which apply on top of the international rules (Directive 2003/25). These rules

were developed in order to avoid the repetition of accidents such as that of the "ESTONIA".

Other relevant EU law includes provisions on:

Compensation/liability

The EU has been proactive in the area of liability and compensation, with the adoption of the so-called Athens Regulation in 2009 (Regulation 392/2009, which was part of the 3rd Maritime Safety Package). This introduced in the EU maritime safety acquis the latest update of the IMO Athens Convention on the liability of sea carriers and the compensation of passengers in case of accidents. However, the Regulation enters into force at the end of 2012.

Inspections of ships, including passenger ships in EU ports

One of the most important elements of the EU maritime safety acquis is Port State Control (PSC), which is the inspection of third country ships by the port state in order to verify that the vessel is constructed, operated and manned in compliance with applicable international law.

The EU regime on PSC is based on Directive 2009/16 which re-cast and reinforced the previous legislation in this field introduced since 1995. The EU regime has been based on the pre-existing structure of the Paris Memorandum of Understanding (PMoU) on Port State Control. All EU maritime Member States as well as Canada, Russia, Croatia, Iceland and Norway are members of the PMoU.

Furthermore, ferries and high-speed craft in a regular service to and from EU ports are also subject to a specific, very intensive regime of surveys by the port State in order to ensure that they comply with all the applicable rules (Directive 1999/35).

Traffic monitoring/Black Box

Under the EU Directive on vessel traffic monitoring and information setting up a monitoring system both at national and EU level (Directive 2002/59/EC), vessels calling at EU ports, including cruise vessels are required:

- to be fitted with an automatic identification system (AIS) which shall be maintained in operation at all times. The information, identifying the ship, its positioning and cargo, is automatically sent to the coastal receiving stations. This allows a coastal state to monitor ships and maritime traffic.
- to be fitted with a so called Voyage Data Recorder system (VDR or 'Black box'). This device is recording exact data and information about the vessel, its position, speed, manoeuvres etc and provides valuable information in case of an accident investigation.

The Monitoring and Information system is so designed so as to provide information in case of accidents not only relevant for the accident investigation but also to alert as early as possible any search and rescue operations as well as any pollution or oil recovery actions.

Registration of passengers

An EU Directive adopted in 1998 has introduced specific obligation on the registration of persons sailing on board ships.

Accident investigation

The EU Directive 2009/18/EC establishes the fundamental principles governing the investigation of maritime accidents in order to determine their cause.