

Opinion of the European Economic and Social Committee on the ‘Proposal for a Directive of the European Parliament and of the Council 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 amending Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States’

[COM(2016) 370 final] [2016/171(COD)]

(2017/C 034/29)

Rapporteur: **Vladimír NOVOTNÝ**

Consultation	European Parliament, 09/06/2016 Council of the European Union, 22/06/2016
Legal basis	Article 100, paragraph 2 of the Treaty on the Functioning of the European Union [COM(2016) 370 final] [2016/171(COD)]
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	06/10/2016
Adopted at plenary	19/10/2016
Plenary session No	520
Outcome of vote (for/against/abstentions)	205/9/15

1. Conclusions and recommendations

1.1. The EESC believes that the proposed amendment will lead to improved safety for shipping, and particularly for travellers in EU waters, and will contribute to making rescue work more efficient in the event of shipping disasters.

1.2. The EESC supports adding nationality to the information registered so that, in the event of shipping disasters, families can be informed more quickly about relatives who were on board and uncertainty regarding their fate can be avoided.

1.3. The EESC, in line with the results of the Commission’s working consultation, points out the issue of small carriers and the need to protect them against increasing red tape. In the Committee’s view, the proposal ensures that competition in EU waters can continue on an equal footing for all operators.

1.4. The EESC appreciates the fact that the proposal for a directive is accompanied by an implementation plan listing the actions needed to implement the simplification measures and identifying the main technical, legal and time-related challenges connected with the introduction of these new procedures.

1.5. The EESC welcomes the proposal to amend Council Directive 98/41/EC as a significant contribution towards the implementation of the Commission’s Regulatory Fitness and Performance Programme (REFIT) and the programme to improve the EU’s regulatory environment.

2. Introduction

2.1. Following the fitness check on EU passenger ship safety, the European Commission is putting forward a set of proposals to simplify and streamline the existing regulatory framework for the safety of passenger ships in the EU, in order to prevent the potential overlap of obligations and inconsistencies between different pieces of legislation, while at the same time maintaining EU regulations and ensuring their correct application.

2.2. The aim of this package of proposals, which includes an amendment to Directive 2009/45/EC on technical requirements for passenger ships, a proposal for a directive to replace Directive 1999/35/EC on passenger ships providing a regular service, and, most importantly, an amendment to Directive 98/41/EC on the registration of persons sailing on board passenger ships, is to provide for a clear, simple and up-to-date legal framework that is easier to use, monitor and enforce, thus increasing the overall safety level in the shipping sector.

2.3. The proposed amendments are based on the Commission's Regulatory Fitness and Performance Programme (REFIT) and contribute to the realisation of the programme to improve the EU's regulatory environment.

2.4. The proposal delivers on the Commission's Better Regulation Agenda by ensuring that the existing legislation is simple and clear, does not create an unnecessary burden and keeps pace with evolving political, societal and technological developments. It also seeks to deliver on the goals of the 2018 Maritime Transport Strategy by ensuring quality ferry services in regular intra-EU passenger transport.

3. The Commission document

3.1. Council Directive 98/41/EC provides for the counting and registration of all passengers and crew on board passenger ships operating to and from EU ports. According to the current requirements, this information has to be stored in the company's information system and be readily available — at all times — for transmission to the competent safety authority responsible for search and rescue. The recorded data does not always include information on nationality (i.e. in addition to name, age and sex), making the assistance provided to potential victims and their relatives more difficult.

3.2. As a result, operators that already transmit such data to the National Single Window are exposed to a double reporting regime. The existing rules ignore the development of systems such as SafeSeaNet and the National Single Window and require the competent national authority to contact the shipping company in the event of an emergency. This is fully in line with the Commission's REFIT programme and aims to exploit the digitalisation potential of recording, transmitting, accessing and protecting data.

3.3. An effective search and rescue operation requires immediate access to accurate data regarding the persons on board. The current wording of the directive does not guarantee this sufficiently. The Commission is therefore proposing to update, clarify and simplify the existing requirements for counting and registration of passengers and crew on board passenger ships in order to enhance the level of safety that they provide for.

3.4. The proposal's requirement that information about the persons on board should be recorded in an existing electronic system (which in the event of an emergency allows the data to be immediately accessed by the competent authority) is seen as a leap forward in comparison to the current safety level, without generating significant costs for operators or authorised administrations.

3.5. The European Commission proposes eliminating the requirement for double reporting of passengers and aligning the existing reporting requirements for all operators, by enabling the information on the number of persons on board to be recorded in an existing electronic system. In the event of an emergency or accident, this allows data to be immediately transmitted to the competent authority instead of retrieved from the company system, prior to departure or arrival at any EU port. It also ensures that the required information on crew and passengers — for every voyage greater than twenty nautical miles — will be recorded in the same electronic system instead of in the company system, prior to departure or arrival at any EU port.

3.6. It also proposes the following provisions: avoiding overlaps and requiring — for every voyage greater than twenty nautical miles — the nationality of passengers to be registered and transmitted to the competent authority, using the same means and criteria as are in place for recording and transmitting the data on name, age, etc. (which is already required); clarifying the definitions of passenger registration requirements in Directive 98/41/EC, such as length of voyage; eliminating the requirement for the approval of the passenger registration systems from Directive 98/41/EC; and streamlining the reporting mechanism of exemptions/equivalencies under Directives 2009/45/EC and 98/41/EC. The proposal also refines the corresponding definitions and requirements of Directive 98/41/EC.

3.7. The proposal ensures that competition can continue to take place in EU waters on the same footing for all operators.

4. General comments

4.1. The EESC welcomes the proposal to amend Council Directive 98/41/EC as a significant contribution towards the implementation of the Commission's Regulatory Fitness and Performance Programme (REFIT) and the programme to improve the EU's regulatory environment.

4.2. The Committee considers that the proposed use of modern electronic communication methods for reporting is appropriate and will increase the efficiency and effectiveness of the system for registering and reporting persons sailing on board passenger ships.

4.3. The EESC believes that the proposed amendment will lead to increased safety for shipping in EU waters and will contribute to making rescue work more efficient in the event of shipping disasters.

4.4. The EESC supports the proposal to add nationality to the information registered so that, in the event of shipping disasters, families can be informed more quickly about relatives who were on board and uncertainty regarding their fate can be avoided.

4.5. The EESC welcomes the approach of the European Commission, which in the course of preparing the proposed amendment to the directive has carried out targeted consultations with professionals working in the shipping industry as well as representatives of the travelling public. The results of these consultations are summarised and evaluated in the Commission's working document, which is annexed to the proposal for amending Council Directive 98/41/EC. The conclusions of the consultations are incorporated into the proposed directive.

4.6. The EESC considers it necessary to reinforce protection of personal data that is subject to registration, as well as to completely modernise Directive 98/41/EC in keeping with the legal developments in the area of personal data protection, in particular the Regulation (EU) 2016/679.

5. Specific comments

5.1. In the EESC's view, concurring with the European Commission, the protection of personal information should be counterbalanced by requirements concerning the restricted accessibility of such data that is to be provided to the relevant national authorities upon request (the exchange mechanism in the event of an emergency or in the aftermath of an accident being the SafeSeaNet system as defined in Directive 2002/59/EC). Like the National Single Window, SafeSeaNet is based on EU law on the protection of personal data and provides for clearly defined security and access rights. The EESC recommends specifying the retention period in detail in the proposal for a directive.

5.2. The EESC feels that the proposed transmission to the National Single Window should rigorously ensure that the confidentiality requirements (as defined in Article 8 of Directive 2010/65/EU) are complied with and that data transmission complies with EU law on the protection of personal data.

5.3. The EESC, in line with the results of the Commission's working consultation, points out the issue of small carriers and the need to protect them against increasing red tape. For this reason the EESC supports the Commission's proposal, which should enable small carriers to satisfy registration requirements by using an internet connection as a cheaper and more flexible option, or choosing to transmit the number of persons on board via the Automatic Information System, a maritime broadcast system based on the transmission of very high frequency radio signals. This would allow the local search and rescue centre to easily retrieve the number of persons on board, at any point in time, regardless of the availability of a contact person.

5.4. The EESC appreciates the fact that the proposal for a directive is accompanied by an implementation plan listing the actions needed to implement the simplification measures and identifying the main technical, legal and time-related challenges connected with the introduction of these new procedures.

Brussels, 19 October 2016.

The President
of the European Economic and Social Committee
Georges DASSIS
