




# **WORKSHOP ON THE FITNESS CHECK ON PASSENGER SHIP SAFETY LEGISLATION**

## **General Overview of the Fitness Check**

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- **What is a Fitness Check?**
- **Why a Fitness Check on Passenger Ship Safety legislation?**
- **What are its objectives?**
- **Methodology**
- **Planning**



**Overlaps?  
Gaps?  
Inconsistencies?  
Impacts?  
Obsolete measures?  
Excessive burdens?  
Scope for simplification?**

**What a FC can do?**

# Fitness Checks

- **Communication on "Smart Regulation" - COM (2010)543 – October 2010**
- **"Fitness Checks" will assess if the regulatory framework for a policy area **is fit for purpose** and, if not, what should be changed**
- **Fitness Check is a **comprehensive** policy evaluation**

# REFIT: EU Regulatory Fitness and Performance Programme

- **Communication on EU Regulatory Fitness - COM (2012) 746 – December 2012**
- **REFIT: Results & Next Steps – COM(2013) 685 – October 2013**
- **REFIT: State of Play and Outlook - COM(2014)368 – June 2014**



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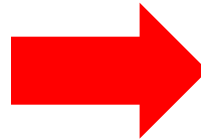
# Why a FC on PSS legislation?

**PSS legislation  
response to accidents**

**Variations in coverage,  
in implementation**

**Inconsistencies, unclear  
definitions**

**A fragmented  
regulatory framework**



**Not uniform application of  
EU legislation?**

**Overlaps? Gaps?**

**Additional workload for  
public administrations?**

**Additional burden for ship  
builders, operators?**

# Purpose of this Fitness Check

- To assess if the current legislative framework for Passenger Ship Safety is **fit for purpose** and, if its objectives are **relevant** and are being met in an **efficient** and **effective** manner.
- To assess the potential for **simplifying** and **streamlining** the current framework with the aim to maintain EU rules where necessary, to focus on essential requirements, to eliminate potential overlaps.

# Outcome of the Fitness Check

**The Fitness Check may result in an overall modification of the legislative framework on Passenger Ship Safety**



# Legislation under the scope of this FC

2009/45/EC

on safety rules  
and standards for  
passenger ships

2003/25/EC

On specific  
stability  
requirements for  
ro-ro passenger  
ships

1999/35/EC

on a system of  
mandatory  
surveys for the  
safe operation of  
regular ro-ro ferry  
and high-speed  
passenger craft  
services

1998/41/EC

on the  
registration of  
persons sailing on  
board passenger  
ships operating to  
or from ports of  
the Member  
States of the  
Community

# Legislation with links to PSS

2009/16

on port state  
control

2009/18

establishing the  
fundamental  
principles  
governing the  
investigation of  
accidents in the  
maritime  
transport sector

392/2009

on the liability of  
carriers of  
passengers by  
sea in the event  
of accidents

2002/59

establishing a  
Community vessel  
traffic monitoring  
and information  
system



## Effectiveness:

*to what extent were the set objectives attained, i.e. do the **effects** correspond to the **objectives**?*

## Efficiency:

*were the **effects** achieved **at a reasonable cost**?*

## Relevance:

*do the **objectives** correspond to the **needs**?*

## Coherence:

*interventions do **not contradict** others with similar objectives*



## EU added value:

***additional value** resulting from EU activities, compared to what could be achieved by MS at national and/or regional levels*

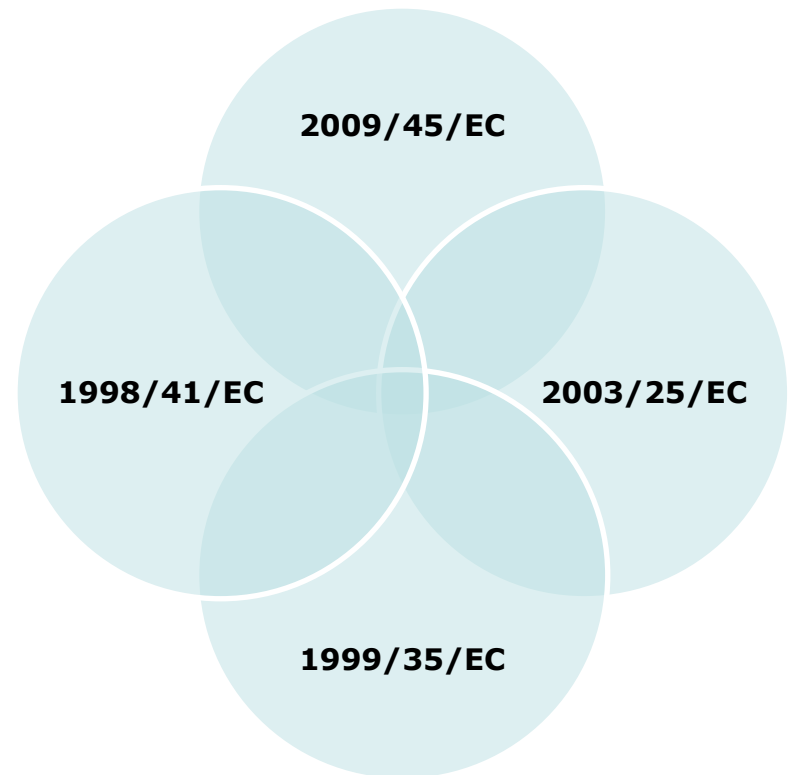




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# Overlaps? Gaps?

	Survey	Stability	Certification
<b>1998/41/EC</b>			
<b>1999/35/EC</b>	X		X
<b>2003/25/EC</b>	X	X	X
<b>2009/45/EC</b>	X	X	X



# Methodology

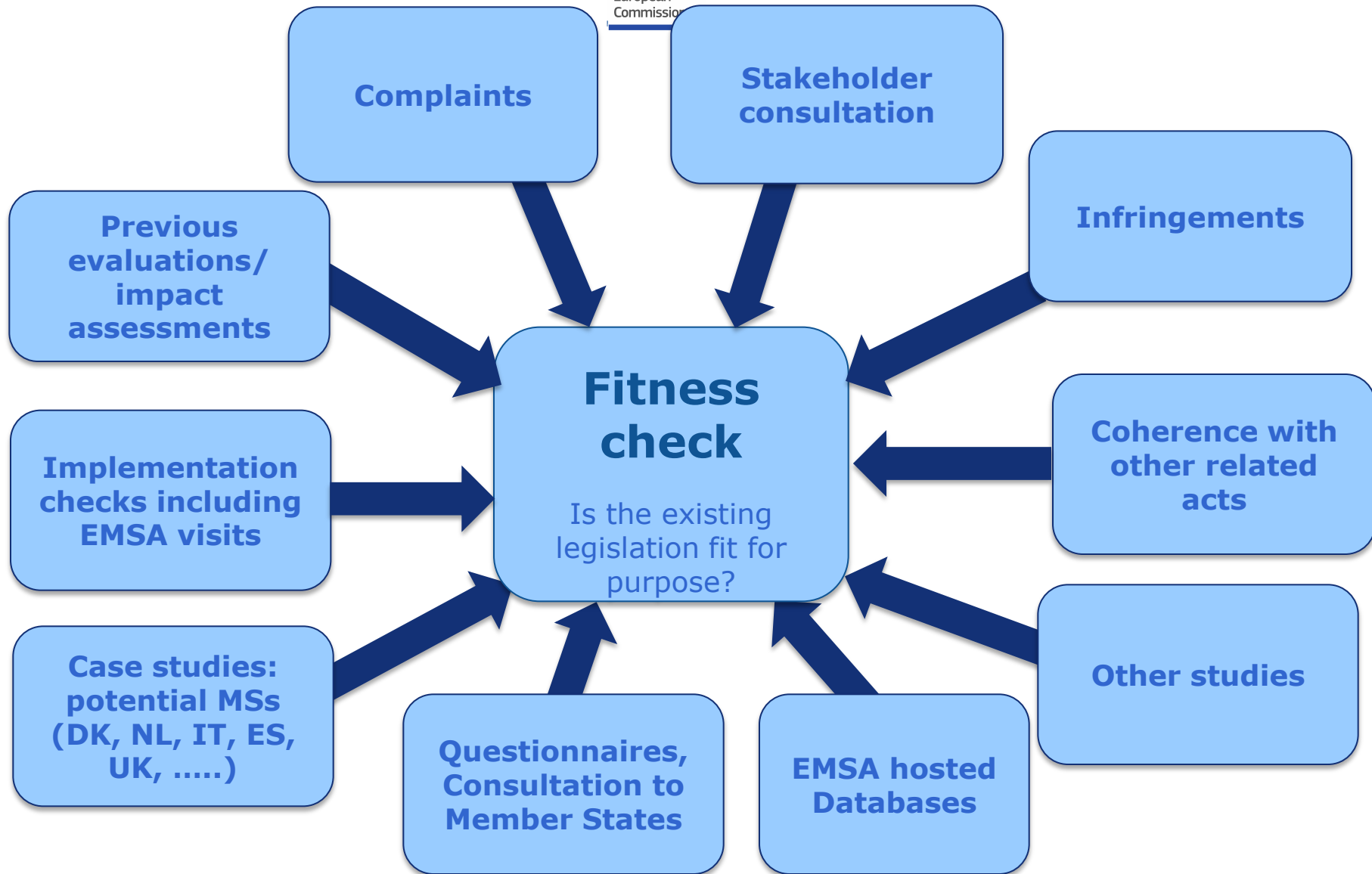
The FC has been carried out with the support of:

- **EMSA**, thanks to its technical expertise;
- an **external contractor** for data collection and analysis, and cost/benefit analysis.

**Two major stakeholders** consultations:

- Pre-filled questionnaires
- Case studies (covering 11 Member States: HR, ET, PT, IT, EL, ES, FR, UK, NL, DK, FI) and bilateral contacts with shipbuilding companies and associations, ship operators and owners

# FC – Data sources



# Planning

<b>Validation of Fitness Check mandate</b>	<b>April 2014</b>
<b>Validation of ToR of external study</b>	<b>April/May 2014</b>
<b>Questionnaire to MS</b>	<b>July 2014</b>
<b>Signature of external contract</b>	<b>July/August 2014</b>
<b>Kick off external contract</b>	<b>September 2014</b>
<b>Finalisation of external study</b>	<b>April 2015</b>
<b>Fitness Check Report (SWD/Communication)</b>	<b>July/September 2015</b>



**THANK YOU**