

# Regulations of 20 March 2001 No. 373 on the control of ro-ro ferries and passenger high-speed craft in regular service, regardless of flag (host State control)

**Legal basis:** Laid down by the Norwegian Maritime Authority on 20 March 2001 under the Act of 9 June 1903 No. 7 relating to Public Control of the Seaworthiness of Ships, etc. Legal basis amended to Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 44, 45 and 49, cf. Formal Delegation of 16 February 2007 No. 171 and Formal Delegation of 31 May 2007 No. 590.

**EEA references:** EEA Agreement, Annex XIII point 56ca (Directive 1999/35/EC, amended by Directive 2002/84/EC), point 56j (Directive 2008/106/EC) and point 56cb (Directive 2003/25/EC, amended by Directive 2005/12/EC).

**Amendments:** Amended by Regulations of 4 June 2002 No. 1015 (Regulations rendered in their entirety after the amendments), 8 December 2003 No. 1740, 1 June 2004 No. 896, 2 December 2004 No. 1562, 7 June 2005 No. 523, 10 March 2006 No. 302, 29 June 2007 No. 1006 (i.a. legal basis).

## Chapter 1 General provisions

### Section 1 *Scope of application*

These Regulations concern the control of ro-ro ferries and passenger high-speed craft in regular service within the EEA, regardless of their flag, when engaged on international voyages or on domestic voyages in sea areas covered by Class A<sup>1</sup> (host State control).

<sup>1</sup> Based on Article 4 of Directive 98/18/EC of 17 March 1998 and refers to domestic voyages not covered by the Classes B, C, and D and which will be more than 20 nautical miles from the line of coast.

### Section 2 *Definitions*

For the purpose of these Regulations, the following definitions apply:

- a) “*Exemption certificate*”: Any certificate issued under the provisions of the 1974 SOLAS Convention, Chapter I Part B, Regulation 12, subparagraph (a)(vii).
- b) “*ESA*”: EFTA Surveillance Authority.
- c) “*Council Directive*”: Directive adopted by the Council of the European Union.
- d) “*EEA area*”: European Economic Area, comprising the EU and EFTA. In this Regulation, a reference to the EEA area shall also be a reference to Svalbard and Jan Mayen.
- e) “*Flag State*”: The competent authority of the State whose flag the vessel is entitled to fly.
- f) “*Recognized organization*”: An organization recognized in accordance with Article 4 of Council Directive 94/57/EC.
- g) “*Sea area*”: Any sea area included in a list established in accordance with Article 4 of Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships.
- h) “*High-speed craft*”: as defined in Regulation X/1 of the 1974 Solas Convention, with subsequent amendments.
- i) “*IMO*”: International Maritime Organization.
- j) “*ISM Code*”: International Management Code for the Safe Operation of Ships and for Pollution Prevention, adopted by the IMO by resolution A.741(18), ref. Chapter IX of the 1974 Solas Convention.
- k) “*Domestic voyage*”: A voyage in sea areas from a port in Norway to the same or another port in Norway.
- l) “*Qualified inspector*”: A public-sector employee or other person, duly authorized by the competent authority of an EEA country to carry out surveys and inspections related to the certificates and fulfilling the criteria of qualification and independence<sup>2</sup> (Appendix 1).
- m) “*Passenger*”: Every person on board other than:
  1. the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
  2. a child under one year of age.
  3. The expression “other persons employed or engaged in any capacity on board a ship on the business of that ship” refers to personnel engaged in
    - research and scientific work such as ocean research, seismic measurements and similar work;
    - real occupational training in the maritime fields or fishing;
    - training organized as a subject in the primary or secondary school curricula; and

- rehabilitation measures approved by a public authority.
- n) “*Passenger ship*”: Any ship for which certificates are required under the provisions of Chapter 8 of the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act).
- o) “*Company*”: A company which operates one or several ro-ro ferries, and for which a document of compliance has been issued in accordance with Article 5 (2) of Council Regulation (EC) No. 3051/95 of 8 December 1995 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries), and for which a document of compliance has been issued in accordance with Regulation IX/4 of the 1974 SOLAS Convention, as amended.
- p) “*Ro-ro ferry*”: A passenger ship with ro-ro cargo spaces or special category spaces as defined in Regulation II-2/3.34 of the 1974 SOLAS Convention, or with facilities to enable road or rail vehicles to roll on and roll off the vessel.
- q) “*Regular service*”: A series of ro-ro ferry, passenger high-speed craft (or passenger ship) crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls, either:
  - according to a published timetable; or
  - with crossings so regular or frequent that they constitute a recognizable systematic series.
- r) “*Certificates*”:
  1. For ro-ro ferries and passenger high-speed craft engaged on international voyages: The safety certificates issued under the 1974 SOLAS Convention together with the relevant records of equipment and, where appropriate, exemption certificates and permits to operate.
  2. For ro-ro ferries and passenger high-speed craft engaged on domestic voyages: The safety certificates issued in accordance with Directive 98/18/EC together with the relevant records of equipment and, where appropriate, exemption certificates and permits to operate.
- s) “*High-Speed Craft Code*”: International Code of Safety for High-Speed Craft, adopted by IMO Resolution MSC.36(63) of 20 May 1994, with subsequent amendments.
- t) “*1974 SOLAS Convention*”: International Convention for the Safety of Life at Sea, together with Protocols and amendments thereto.
- u) “*Stockholm Agreement*”: Agreement concluded at Stockholm on 28 February 1996 in pursuance of SOLAS 95 Conference Resolution 14 ‘Regional agreements on specific stability requirements for ro-ro passenger ships’, adopted on 29 November 1995.
- v) “*Supervisory authorities*”: The body which performs supervision in accordance with section 44 of the Ship Safety and Security Act.
- w) “*Host State*”: An EEA state to or from whose ports a ro-ro ferry or a passenger high-speed craft, regardless of its flag, is engaged on a regular service.
- x) “*International voyage*”: A voyage by sea from a port of an EEA state to a port outside that state, or conversely.
- y) “*Expanded inspection*”: Inspection pursuant to section 11 of Regulations of 1 July 2003 No. 969 concerning the control of foreign ships and mobile offshore units in Norwegian ports, etc.

Amended by Regulations of 8 December 2003 No. 1740, 1 June 2004 No. 896, 2 December 2004 No. 1562, 7 June 2005 No. 523 and 29 June 2007 No. 1006 (in force on 1 July 2007).

<sup>1</sup> OJ L 320 of 30 December 1995, p. 14. Regulations amended by Regulation (EC) No. 179/98 (OJ L 19 of 24 January 1998, p. 35).

<sup>2</sup> Laid down in accordance with Annex V to Directive 1999/35/EC of 29 April 1999.

## Section 3

### *Duties*

The company, the master and other persons working on board shall see to, ensure and contribute to compliance with these Regulations in accordance with the provisions relating to responsibility laid down in the Ship Safety and Security Act and ensure that ro-ro ferries and passenger high-speed craft which are or will be engaged on a regular service are inspected by host States in accordance with these Regulations.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

## Section 4

### *Exemptions*

The Norwegian Maritime Authority may, in individual cases and upon written application, grant exemption from the requirements of these Regulations. There must be special reasons that make the exemption necessary and it must be justifiable in terms of safety. Exemptions can only be granted where they do not contravene international agreements to which Norway has acceded.

## Chapter 2

### Initial verifications and surveys in relation to ro-ro ferries and passenger high-speed craft

#### Section 5

##### *Initial verification in relation to ro-ro ferries and passenger high-speed craft*

Prior to the start of operation by a ro-ro ferry or passenger high-speed craft in regular service, or within 12 months of the entry into force of these Regulations, host States shall check that the ferry or craft:

- a) carries valid certificates;
- b) has been surveyed in accordance with IMO Assembly Resolution A.746(18) on survey guidelines under the harmonized system of survey and certification, or with procedures designed to achieve the same goal;
- c) complies with the standards specified for classification by the flag State or a recognized organization for construction and maintenance of its hull, machinery and electrical and control installations;
- d) is fitted with a voyage data recorder (VDR) for the purpose of providing information for the benefit of a possible casualty investigation. The VDR shall meet the performance standards of IMO Assembly Resolution A.861(20) and comply with the testing standards laid down in International Electrotechnical Commission (IEC) standard No. 61996<sup>1</sup>;
- e) complies with specific stability requirements adopted at regional level,<sup>2</sup> when operating in that region, which are transposed into national legislation in accordance with Directive 98/34/EC of 22 June 1998, as amended by Directive 98/48/EC of 5 August 1998, or the specific stability requirements set out in Directive 2003/25/EC of 14 April 2003, as amended by Directive 2005/12/EC of 18 February 2005.

Amended by Regulations of 2 December 2004 No. 1562 and 10 March 2006 No. 302.

<sup>1</sup> Enters into force 30 months after the date of publication of IEC standard No. 61996 or on 1 January 2002, whichever is the latest.

<sup>2</sup> Cf. the Stockholm Agreement.

#### Section 6

##### *Initial verifications in relation to companies and flag States*

Prior to the start of operation by a ro-ro ferry or passenger high-speed craft in regular service, or within 12 months of the entry into force of these Regulations, host States shall check that companies which operate or intend to operate such a ferry or craft in regular service:

- a) take the necessary measures to ensure that the requirements in section 10 are complied with and that they provide the host States involved in the regular service with evidence of compliance with sections 10 and 5;
- b) will agree in advance to give host States and any substantially interested state within the EEA area access to the information retrieved from the VDR and to cooperate with them in connection with any investigation when their ferry or craft is involved in a casualty or incident.

The host State shall also check that the flag State has accepted the company's commitment to meet the requirements of these Regulations.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

#### Section 7

##### *Initial specific surveys*

Prior to the start of operation by a ro-ro ferry or passenger high-speed craft in regular service, or within 12 months of the entry into force of these Regulations, host States shall carry out an initial specific survey in accordance with sections 10 and 11 to satisfy themselves that the ferry or craft fulfils the necessary requirements for safe operation in regular service.

All crew members on passenger high-speed craft, irrespective of their function on board, shall have successfully completed emergency preparedness and safety training in accordance with section A-VI/1, paragraph 2 of the STCW Code.

Personnel designated to guide and assist passengers in an emergency situation shall master English and a Scandinavian language.

Where this provision is applied prior to the start of operation, host States shall set a date for the initial specific survey which is no more than one month after receipt of the evidence necessary to complete the verification prescribed by sections 5 and 6.

Amended by Regulation of 7 June 2005 No. 523.

## Section 8

### *Special provisions where a ferry or craft is to be engaged on another regular service*

When a ro-ro ferry or passenger high-speed craft is to be engaged on another regular service to which these Regulations apply, a host State shall take the utmost account of verifications and surveys previously carried out for that ferry or craft for operation in previous regular service. Where the host State deems previous verifications and surveys to be adequate, sections 5, 6 and 7 shall not apply.

Where a ro-ro ferry or passenger high-speed craft is already engaged on a regular service to which these Regulations apply, but is to be transferred to another regular service with similar route characteristics, and the host States concerned all agree that the ro-ro ferry or passenger high-speed craft fulfils all the requirements for safe operation in that service, sections 5, 6 and 7 shall not apply. At the request of the company, information as to whether or not route characteristics are similar shall be provided.

In cases where, following unforeseen circumstances, a replacement ro-ro ferry or passenger high-speed craft must be introduced rapidly to ensure continuity of service, and the first and second paragraphs herein are not applicable, the host State may allow the ferry or craft to start operating, provided that:

- a) a visual inspection and document check raise no concerns that the ro-ro ferry or passenger high-speed craft does not fulfil the necessary requirements for safe operation; and
- b) the host State completes the verifications and surveys provided in sections 5, 6 and 7 within one month.

## Section 9

### *Annual surveys and surveys in connection with repairs, changes in management or flag, or transfer of class*

Host States shall once a year carry out:

- a) a specific survey, in accordance with section 11; and
- b) a survey during a regular service, which shall aim to cover enough items listed in sections 10 and 11 and Appendix 2 in order to satisfy the host State that the ferry or craft continues to fulfil all the necessary requirements for safe operation.<sup>1</sup> An initial specific survey in accordance with section 7 counts as a specific survey for the purpose of this provision.

A host State shall carry out a specific survey in accordance with section 11 each time the ro-ro ferry or passenger high-speed craft undergoes repairs, alterations and modifications of a major character, or when there is a change in management or flag, or a transfer of class. However, in case of change in management or flag, or transfer of class, the requirement for such specific survey may be dispensed from, provided that the host State considers, after taking account of verifications and surveys previously issued for the ferry or craft, that the safe operation of the ferry or craft is not affected by the change or transfer.

Should the regular specific surveys reveal deficiencies warranting a prevention of operation in accordance with section 13, all costs relating to the surveys in any normal accounting period shall be covered by the company.

<sup>1</sup> Indicative guidelines for qualified inspectors when carrying out unscheduled surveys during a regular crossing have been prepared, see Annex IV to Directive 1999/35/EC of 29 April 1999.

## Section 10

### *Documentation requirements applicable to companies*

Companies shall document, in the case of verifications in accordance with section 6 first paragraph, subparagraph a, sections 7 and 9, using the report form prescribed by the Norwegian Maritime Authority, that

- a) the master is provided with appropriate information on the availability of shore-based navigational guidance systems and other information schemes to assist him in the safe conduct of the voyages, before the ferry or craft begins to sail, and that he makes use of the navigational guidance and information schemes set up by states within the EEA area;
- b) the relevant provisions of paragraphs 2 to 6 of MSC/Circ. 699<sup>1</sup>, on revised guidelines for passenger safety instructions, are applied;
- c) a table with the shipboard working arrangements is posted in an easily accessible place, and contains:
  - the schedule of service at sea and service in port, and
  - the maximum hours of work or the minimum hours of rest required for watchkeepers;
- d) the master is not constrained from taking any decision, which in his professional judgment is necessary for safe navigation and operation, in particular in severe weather and in heavy seas;
- e) the master keeps a record of navigational activities and incidents which are of importance to safety of navigation;
- f) any damage to, or permanent deflection of shell doors and associated hull plating that may affect the integrity of the ferry or craft, and any deficiencies in the securing arrangements of such doors, are

promptly reported to both the flag State administration and the host State and are promptly repaired to their satisfaction;

- g) an up-to-date voyage plan is available before the departure of the ro-ro ferry or passenger high-speed craft on its voyage. In preparing the voyage plan, the guidelines set out in IMO Assembly Resolution A.893(21) shall be observed; and
- h) general information about the services and assistance available to elderly and disabled persons on board is made known to the passengers and is made available in formats suitable for people with impaired sight.

Additionally, the company shall confirm that it will provide the information referred to in section 6 first paragraph, subparagraph b.

Amended by Regulations of 1 June 2004 No. 896 and 29 June 2007 No.1006 (in force on 1 July 2007).

<sup>1</sup> Regulations of 15 September 1992 No. 700 on life-saving appliances on passenger ships and cargo ships.

## Section 11

### *Scope of initial specific surveys, regular specific surveys and surveys in connection with repairs, changes in management or flag, or transfer of class*

The surveys prescribed by sections 7 and 9 shall, where applicable, at least include:

- the starting of the emergency generator,
- an inspection of emergency lighting,
- an inspection of the emergency source of power for radio installations,
- a test of the public address system,
- a fire drill, including a demonstration of the ability to use the firemen's outfits,
- the functional testing of the emergency fire-pump with two fire hoses connected to the fire main line in operation,
- the testing of the remote emergency stop controls for fuel supply to boilers, main and auxiliary engines, and for ventilation fans,
- the testing of remote and local controls for the closing of fire dampers,
- the testing of fire detection and alarm systems,
- the testing of proper closing of fire doors,
- the operation of bilge pumps,
- the closing of watertight bulkhead doors; both from the local and remote control positions,
- a demonstration that shows that key crew members are acquainted with the damage control plan,
- the lowering of at least one rescue boat and one lifeboat to the water, starting and testing their propulsion and steering system, and recovering them from the water into their stowed position on board,
- the checking that all lifeboats and rescue boats correspond to the inventory, and
- the testing of the ship's or craft's steering gear and auxiliary steering gear.

The surveys shall include the verification of the planned maintenance system on board.

For all surveys, special consideration shall be given to the familiarization of crew members with, and their effectiveness in, safety procedures, emergency procedures, maintenance, working practices, passenger safety, bridge procedures and cargo and vehicle-related operations. Seafarers' ability to understand and, where appropriate, give orders and instructions and report back in the common working language, as recorded in the ship's log book, shall be checked. The documented evidence that crew members have successfully followed a special training shall be checked, in particular with regard to:

- crowd-management training,
- familiarization training,
- safety training for personnel providing direct safety assistance to passengers in passenger spaces, and in particular to elderly and disabled persons in an emergency, and crisis and human behaviour training, cf. section 7.

Specific surveys shall include an assessment as to whether rostering patterns are causing unreasonable fatigue, particularly for watchkeeping personnel.

Certificates of competency of the crew members issued by non-EEA states shall only be recognized when they comply with Regulation I/10 of the revised STCW Convention.

## Section 12

### *Notification*

Host States shall inform companies promptly, in writing, of the outcome of the verifications and surveys prescribed by sections 5, 6, 7, and 9.

## Section 13

### *Prevention of operation*

A host State shall prevent the operation of a ro-ro ferry or passenger high-speed craft in regular service:

- a) when sections 5 and 6 are not complied with;
- b) whenever deficiencies are found during the surveys referred to in sections 7 and 9 which pose an immediate danger to the safety of the ferry or craft, its crew or passengers;
- c) when there is an established failure to comply with the Council Directives<sup>1</sup> which poses an immediate danger to the safety of the ferry or craft, its crew or passengers;
- d) whenever the host State has not been consulted by the flag State on matters relating to the issue or approval of an exemption certificate, or it has not cooperated on the issue of the permit to operate, until the host State has established that the requirements of these Regulations are complied with and is satisfied that safe operation of the ferry or craft is ensured.

The host State shall inform the company in writing of the decision to prevent any ro-ro ferry or passenger high-speed craft operating, giving full reasoning.

Where the ro-ro ferry or passenger high-speed craft is already operating a regular service and deficiencies are established, host States shall require the company to take the necessary measures for their rectification within a well-defined and reasonable period of time, provided they do not pose an immediate danger to the safety of the ferry or craft, its crew or passengers. After rectification of the deficiencies, the host States concerned shall verify that the rectification has been carried out. If this is not the case, they shall prevent the ferry or craft from operating.

The provisions of the Public Administration Act relating to the right of appeal and reversal of decisions shall apply.

In cases where sections 5, 6 and 7 are applied prior to the start of operation by a ro-ro ferry or passenger high-speed craft on a regular service, a decision to prevent a ship operating must be taken within one month of the initial specific survey and communicated to the company immediately.

Amended by Regulations of 1 June 2004 No. 896 and 29 June 2007 No. 1006 (in force on 1 July 2007).

<sup>1</sup> Directive 93/75/EEC of 13 September 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods. The Directive was last amended by Directive 98/74/EC. Directive 94/58/EC of 22 November 1994 on the minimum level of training of seafarers, where relevant. The Directive was last amended by Directive 98/35/EC. Regulation (EC) No. 3051/95 of 8 December 1995 on the safety management of ro-ro passenger ferries. The Regulation was last amended by Regulation (EC) No. 179/98.

## Section 14

### *Procedures of host States related to initial and regular specific surveys*

Ferries or craft that have been subject to the specific surveys to the satisfaction of the involved host State(s) shall be exempted from expanded inspections<sup>1</sup> and from expanded inspections based on the clear grounds that they belong to the category of passenger ships.

Administrations of two or more host States shall cooperate with each other. The specific surveys shall be carried out by a team composed of qualified inspectors of the involved host State(s). Wherever there is a need for qualitative assessment of the fulfilment of class-related provisions, host States shall ensure the necessary expertise is included in the team, where appropriate by including a surveyor of a recognized organization. The inspectors shall report deficiencies to the administrations of the host States. The host State shall communicate this information to the flag State, if that State is not a host State involved in the survey.

An involved host State may agree to carry out a survey at the request of another involved host State.

Host States, when requested by companies, shall invite the administration of the flag State to attend these surveys.

In planning a survey in accordance with sections 7 and 9, host States shall take due account of the operational and maintenance schedule of the ferry or craft.

The findings of the specific surveys shall be recorded in a specially drawn-up report.<sup>2</sup>

In case of persistent disagreement between host States on the fulfilment of the requirements of sections 5 and 6 first paragraph, the administration of any host State involved in a specific survey shall immediately notify the ESA or the Commission of the reasons of the disagreement, and the ESA or the Commission shall immediately start proceedings in order to make a decision.<sup>3</sup>

<sup>1</sup> Regulations of 1 July 1996 No. 774 concerning the control of foreign ships and mobile offshore units in Norwegian ports, etc., section 8, cf. Directive 95/21/EC Art. 7 para. 4, Art. 7 para. 1 and Annex V, subparagraph A.3.

<sup>2</sup> Laid down in accordance with Directive 1999/35/EC Art. 16.

<sup>3</sup> Decisions are to be made in accordance with the provisions of Directive 1999/35/EC Art. 16.

## Section 15

### *Cooperation and follow-up*

When issuing or recognizing an exemption certificate, the authority shall work together with the involved host State or administration of the flag State to identify and resolve any disagreement concerning the suitability of the exemptions prior to the initial specific survey.

The Commission shall be provided with copies of the survey reports referred to in section 14 sixth paragraph, with the IMO identification number where applicable. If two or more host States are involved in the regular service, the data may be provided by one of these host States. The Commission shall set up and maintain a database containing the information provided.

The flag State or host State shall check that any ro-ro ferry or passenger high-speed craft in regular service has an integrated system of contingency planning for shipboard emergencies.<sup>1</sup> Where two or more host States are involved in the regular service they shall jointly establish a plan for the different routes.

The host State shall cooperate with the flag State before the issuance of the permit<sup>2</sup> to operate high-speed craft. They shall ensure that operational restrictions required by local conditions are laid down and ensure the enforcement of these restrictions.

Host States involved in the same regular service shall cooperate with each other when applying these Regulations.

Flag States or host States which have responsibilities under these Regulations shall inform third States of the requirements imposed on any company providing a regular service to or from a port within the EEA.

<sup>1</sup> In accordance with the guidelines of IMO Res. A.852(20), cf. section 22A of Regulations of 15 September 1992 No. 700 concerning life-saving appliances on passenger ships and cargo ships, section 8A of Regulations of 15 September 1992 No. 701 concerning navigational aids and arrangements on the bridge and in the wheelhouse, and communication equipment in the wheelhouse of ships, and section 29B of Regulations of 5 January 1998 No. 6 on the construction, equipment and operation of high-speed craft used as passenger craft or cargo craft.

<sup>2</sup> Laid down in the International Code of Safety for High-Speed Craft (HSC Code), paragraph 1.9.3.

## Chapter 3 Concluding provisions

### Section 16 *Entry into force*

These Regulations enter into force on 1 April 2001.

These Regulations shall enter into force for foreign ships at Svalbard and Jan Mayen from the date decided by the King.

## Appendix 1

### Criteria of qualification and independence for qualified inspectors

1. The qualified inspector must be authorized to carry out the specific surveys referred to in Article 6 by the competent authority of the Member State.
2. Either:
  - the qualified inspector must have completed a minimum of one year's service with the competent authority of a Member State as a flag State inspector dealing with surveys and certification in accordance with the 1974 SOLAS Convention,
  - and be in possession of:
    - (a) a certificate of competency as master, enabling that person to take command of a ship of 1,600 GT or more (see STCW, Regulation II/2), or
    - (b) a certificate of competency as chief engineer enabling him to take up that task on board a ship whose main power plant has a power equal or superior to 3,000 kW (see STCW, Regulation III/2), or
    - (c) documentary proof of having passed in a Member State an examination as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least five years,
      - the qualified inspectors in possession of certificates mentioned under (a) and (b) must have served for a period of not less than five years at sea as officer in the deck or engine department respectively;
  - or:
    - the qualified inspector must hold a relevant university degree or equivalent in a Member State, and
    - have successfully completed education and training at a school for ship safety inspectors in a Member State, and
    - have served at least two years with the competent authority of a Member State as a flag State inspector dealing with surveys and certification in accordance with the 1974 SOLAS Convention.
3. Qualified inspectors shall have the ability to communicate orally and in writing with seafarers in English or the language used as the working language on board.
4. Qualified inspectors shall have an appropriate knowledge of the provisions of the 1974 SOLAS Convention and of the relevant procedures of this Directive.
5. Qualified inspectors who carry out special surveys must not have any business interest in the company concerned or in any other company which provides a regular service to or from the host state concerned, or in the inspected

ro-ro ferries or passenger high-speed craft, and the inspectors must not be employed in or carry out work on behalf of non-governmental organisations which carry out statutory surveys or classification surveys or issue certificates for these ro-ro ferries or passenger high-speed craft.

6. Also inspectors who do not fulfil the criteria above, if they by the time of the adoption of Directive 95/21/EC were employed by a member state's competent authority responsible for statutory surveys or inspections as part of the Port State Control.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

## Appendix 2

### Indicative guidelines for qualified inspectors when carrying out unscheduled surveys during a regular crossing

1. *Passenger information*  
The means used to ensure that the passenger number for which the ro-ro ferry or passenger high-speed craft (hereafter referred to as 'ship') is certified is not exceeded. That the system for registration of passenger information complies with the regulations and is effective. How the information on the total number of passengers is passed to the master and, if appropriate, how passengers undertaking a double crossing without going ashore are included in the total for the return voyage.
2. *Loading and stability information*  
That, when applicable, reliable draught gauges are fitted and are in use. That measures are taken to ensure that the ship is not overloaded and the appropriate subdivision load line is not submerged. That the loading and stability assessment is carried out as required. That goods vehicles and other cargo are weighed where required and the figures passed to the ship for use in the loading and stability assessment. That damage control plans are permanently exhibited and that booklets containing damage control information are provided for the ship's officers.
3. *Security for sea*  
The procedure to ensure that the ship is secured for sea before leaving the berth, which should include a positive reporting procedure that all the shell watertight and weathertight doors are closed, that all the vehicle deck doors are closed before the ship leaves the berth or remain open long enough only to enable the bow visor to be closed. The closing arrangements for the bow, stern and side doors, and the provision of indicator lights and TV surveillance to show their status on the navigation bridge. Any difficulties with the operation of the indicator lights, particularly the switches at the doors, should be ascertained and reported.
4. *Safety announcements*  
The form of routine safety announcements and the posting of instructions and guidance on emergency procedures in the appropriate language(s). That the routine safety announcement takes place at the commencement of the voyage and can be heard in all public spaces, including open decks, to which passengers have access.
5. *Log book entries*  
An examination of the log book to ensure that the entries are being made regarding the closing of the bow, stern and other watertight and weathertight doors, drills for subdivision watertight doors, testing of steering gears, etc. Also that draughts, freeboard and stability are being recorded as well as the common working language for the crew.
6. *Dangerous goods*  
That any cargo of dangerous or polluting goods is carried in accordance with the relevant regulations and, in particular, that a declaration concerning dangerous and polluting goods is provided together with a manifest or stowage plan to show their location on board, that the carriage of the particular cargo is permitted on passenger ships, and that the dangerous and polluting goods are properly marked, labelled, stowed, secured and segregated.  
That vehicles carrying dangerous and polluting goods are properly placarded and secured. That, when dangerous and polluting goods are carried, a copy of the relevant manifest or stowage plan is available ashore. That the master is aware of the notification requirements under Directive 93/75/EEC and of the instructions on the emergency procedures to be followed and the rendering of first aid should there be an incident involving the dangerous goods or marine pollutants. That the means of ventilating the vehicle decks is in use at all times, is increased when the engines of the vehicles are running and that there is some form of indication on the bridge to show that the vehicle deck ventilation is in operation.
7. *Securing freight vehicles*  
How freight vehicles are secured (for example, whether block stow or individual lashings), and whether sufficient strong points are available. The arrangements for securing freight vehicles when adverse weather is experienced or expected. The method of securing coaches and motor cycles, if any. That the ship has a cargo securing manual.
8. *Vehicle decks*



Whether special category and ro-ro cargo spaces are being continuously patrolled or monitored by a TV surveillance system so that the movement of vehicles in adverse weather and the unauthorized entry of passengers may be observed. That fire doors and entrances are kept shut and that notices are posted to keep passengers off the vehicle decks whilst the ship is at sea.

9. *Closure of watertight doors*

That the policy laid down in the ship's operational instructions for the subdivision watertight doors is being followed. That the required drills are being carried out. That the bridge control for the watertight doors is kept, when possible, on 'local' control. That the doors are being kept closed in restricted visibility and any hazardous situation. That crews are instructed in the correct way to operate the doors and are aware of the dangers of their misuse.

10. *Fire patrols*

It should be confirmed that an efficient patrol is being maintained so that any outbreak of fire may be readily detected. This should include special category spaces where a fixed fire detection and alarm system is not fitted noting that these spaces may be patrolled as indicated in paragraph 8.

11. *Communications in an emergency*

That there are sufficient crew members in accordance with the muster list to assist passengers in an emergency and that they are readily identifiable and able to communicate with the passengers in an emergency, taking into account an appropriate and adequate combination of any of the following factors:

- (a) the language or languages appropriate to the principal nationalities of passengers carried on a particular route;
- (b) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance whether or not the passenger and crew member share a common language;
- (c) the possible need to communicate during an emergency by some other means (e.g. by demonstration, hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes when verbal communication is impractical);
- (d) the extent to which complete safety instructions have been provided to passengers in their native language or languages;
- (e) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.

12. *Common working language between crew members*

Verify that a working language is established to ensure effective crew performance in safety matters and that this working language is recorded in the ship's log book.

13. *Safety equipment*

That the life-saving and fire appliances, including the fire doors and other items of the structural fire protection that may be readily inspected, are being maintained. That fire control plans are permanently exhibited or booklets containing the equivalent information are provided for the information of the ship's officers. That the stowage of the lifejackets is appropriate and that the stowage of children's lifejackets may be readily identified. That the loading of vehicles does not prevent the operation of the fire controls, emergency shut-offs, controls for the storm valves, etc. that may be located on the vehicle decks.

14. *Navigational and radio equipment*

That the navigational and radio communications equipment, including emergency position-indicating radio beacons (EPIRBs), are operational.

15. *Supplementary emergency lighting*

That supplementary emergency lighting is fitted, when required by the regulations, and that a record of deficiencies is being kept.

16. *Means of escape*

Marking, in accordance with the applicable requirements, and the lighting, from both the main and emergency sources of power, of the means of escape. The measures taken to keep vehicles clear of escape routes where the means of escape cross or pass through vehicle decks. That exits, particularly exits from duty free shops, which have been found to be blocked by an excess of goods, are kept clear.

17. *Operations book*

That copies of the operations book are provided for the master and each senior officer and that other copies are available for all members of the crew. Also that there are check lists to cover the preparation for sea and other operations.

18. *Engine-room cleanliness*

That the engine room is maintained in a clean condition with regard to maintenance procedures.

19. *Garbage disposal*

That the arrangements for the handling and disposal of garbage are satisfactory.

20. *Planned maintenance*

All companies should have specific standing orders, with a planned maintenance system, for all safety related areas including bow and stern doors and side openings, together with their closing arrangements, but also covering engine-room maintenance and safety equipment. Plans should be in place for periodically checking all items so as to maintain safety standards at the highest level. Procedures should be in place for recording

deficiencies and confirming they have been properly rectified so that the master and the designated person ashore within the company management structure are aware of the deficiencies and are notified when they have been rectified within a time specified. Periodic checking of the operation of the inner and outer bow door closing arrangements should include the indicators, surveillance equipment and any scuppers in the spaces between the bow visor and the inner door and especially the closing mechanisms and their associated hydraulic systems.

21. *Making a voyage*

When making a voyage the opportunity should be taken to check overcrowding, including the availability of seats and the blocking of passageways, stairs and emergency exits by baggage and by passengers unable to find seats. That the vehicle deck is vacated by passengers before the ship sails and that they do not again have access until immediately prior to docking should also be checked.