



STATUTORY INSTRUMENTS.

S.I. No. 654 of 2024

EUROPEAN UNION (SPECIFIC STABILITY REQUIREMENTS FOR
RO-RO PASSENGER SHIPS) REGULATIONS 2024

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I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003¹ (as amended by Directive (EU) 2023/946 of the European Parliament and of the Council of 10 May 2023²), hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Specific Stability Requirements for Ro-Ro Passenger Ships) Regulations 2024.

Interpretation

2. (1) In these Regulations –

“company” means the owner of a ro-ro passenger ship or any other organisation or person, such as the manager or the bareboat charterer, who has assumed responsibility for operating the passenger ship from the owner;

“Construction Rules” means both the Rules of 1983 and the Rules of 1985 together;

“Directive” means Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003¹, as amended by Commission Directive 2005/12/EC of 18 February 2005³, Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008⁴, Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019⁵, and Directive (EU) 2023/946 of the European Parliament and of the Council of 10 May 2023²;

“existing ro-ro passenger ship” has the meaning assigned to it in the Directive;

“Irish ship” has the meaning assigned to it in section 9 of the Mercantile Marine Act 1955 (Number 29 of 1955);

“marine notice” means a notice described as such and issued by the Department of Transport;

“master”, in relation to a ship, means the person having, for the time being, the command or charge of the ship;

“Merchant Shipping Rules” means the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Rules 1998 (S.I. No. 429 of 1998), as amended by the

¹ OJ No. L 123, 17.5.2003, p. 22

² OJ No. L 128, 15.5.2023, p. 1

³ OJ No. L 48, 19.2.2005, p. 19

⁴ OJ No. L 311, 21.11.2008, p. 1

⁵ OJ No. L 198, 25.7.2019, p. 241

Merchant Shipping (Ro-Ro Passenger Ship Survivability) (Amendment) Rules 2004 (S.I. No. 709 of 2004);

“Minister” means the Minister for Transport;

“new ro-ro passenger ship” has the meaning assigned to it in the Directive;

“Port State” means a state to or from whose ports a ro-ro passenger ship is engaged on a regular service;

“regular service” means a series of ro-ro 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 –

(a) according to a published timetable,

or

(b) with crossings so regular or frequent that they constitute a recognisable systematic series;

“ro-ro passenger ship” means a ship carrying more than 12 passengers, having ro-ro cargo spaces or special category spaces, as defined in Regulation II-2/3 of the SOLAS Convention, as amended;

“Rules of 1983” means the Merchant Shipping (Passenger Ship Construction) Rules 1983 (S.I. No. 300 of 1983), as amended by the Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Rules 1994 (S.I. No. 12 of 1994), the Merchant Shipping (Passenger Ship Construction and Survey) (Amendment No. 2) Rules 1994 (S.I. No. 131 of 1994), and the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Rules 1998 (S.I. No. 429 of 1998);

“Rules of 1985” means the Merchant Shipping (Passenger Ship Construction and Survey) Rules 1985 (S.I. No. 274 of 1985), as amended by the Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Rules 1994 (S.I. No. 12 of 1994), the Merchant Shipping (Passenger Ship Construction and Survey) (Amendment No. 2) Rules 1994 (S.I. No. 131 of 1994), and the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Rules 1998 (S.I. No. 429 of 1998);

“SOLAS Convention” has the meaning assigned to it in the Directive;

“SOLAS 2009” and “SOLAS 2020” have the meanings assigned to them in the Directive, except where particular meanings are assigned in Regulation 6;

“Stockholm Agreement” means the agreement concerning specific stability requirements for ro-ro passenger ships undertaking regular scheduled international voyages between or to or from designated ports in North West Europe and the Baltic Sea, concluded at Stockholm on 27 and 28 February, 1996, which is set out in the Schedule to the Merchant Shipping Rules.

(2) A word or expression that is used in these Regulations and is also used in the Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.

Application

3. (1) These Regulations apply to all ro-ro passenger ships operating to or from a port in the State on a regular service, regardless of their flag, when engaged on international voyages.

(2) The Minister, acting in his or her capacity as the competent authority of the Port State, shall ensure that ro-ro passenger ships flying the flag of a State which is not a Member State comply fully with the requirements of these Regulations before they may be engaged on voyages in regular service from or to ports of the State in accordance with the European Union (System of Inspections for the Safe Operation of Ro-Ro Passenger Ships and High-Speed Passenger Craft in Regular Service) Regulations 2019 (S.I. No. 679 of 2019).

Significant wave heights

4. The significant wave heights (h_S) shall be used for determining the height of water on the car deck when applying the specific stability requirements contained in section A of Annex I to the Directive. The figures of significant wave heights shall be those which are not exceeded by a probability of more than 10 % on a yearly basis.

Sea areas

5. (1) The Minister shall establish and keep updated a list of sea areas crossed by ro-ro passenger ships operating on regular service to or from ports in the State as well as the corresponding values of significant wave heights in these areas.

(2) The sea areas, referred to in paragraph (1), and the applicable values of the significant wave height in these areas shall be defined by agreement between the Minister and the competent authority of the Port State at the other end of the route where that Port State is another Member State or, wherever applicable and possible, between the Minister and the competent authority of the Port State at the other end of the route where that Port State is a third country, not a Member State. Where the ship's route crosses more than one sea area, the ship shall satisfy the specific stability requirements for the highest value of significant wave height identified for these areas.

(3) The list, referred to in paragraph (1), shall be published in a marine notice available on the internet site of the Department of Transport.

Specific stability requirements

6. (1) Ro-ro passenger ships shall comply with the specific stability requirements indicated in the Table to this paragraph, in accordance with Article 6 of the Directive, and the requirements of the Stockholm Agreement, if applicable.

Table

	<i>New ro-ro passenger ships</i>	<i>Existing ro-ro passenger ships (introduced to the regular service operation to or from a port in the State after 5 December 2024 and which have never been certified in accordance with the Directive)</i>	<i>Existing ro-ro passenger ships (engaged in regular service operation to or from a port in the State by 5 December 2024)</i>
<i>Certified to carry > 1350 persons on board</i>	Without prejudice to the application of the European Union (Passenger Ships) Regulations 2019 (S.I. No. 676 of 2019): SOLAS 2020	At the company's choice: SOLAS 2020 or SOLAS 90+, in addition to SOLAS 2009	Annex I to Directive 2003/25/EC ¹ in the version that applied before the entry into force of Directive (EU) 2023/946 ² .
<i>Certified to carry ≤ 1350 persons on board</i>	At the company's choice: SOLAS 90+ or SOLAS 2020*	At the company's choice: SOLAS 90+ or SOLAS 2020*	Annex I to Directive 2003/25/EC ¹ in the version that applied before the entry into force of Directive (EU) 2023/946 ² .

Where:

“SOLAS 90+” means the requirements set out in section A of Annex I to the Directive;

“SOLAS 2009” means the requirements set out in Chapter II-1, Part B of SOLAS 2009;

“SOLAS 2020” means the requirements set out in Chapter II-1, Part B of SOLAS 2020; and

“SOLAS 2020*” means the requirements set out in section B of Annex I to the Directive.

(2) In the case of a new ro-ro passenger ship certified to carry 1350 or fewer persons on board, if such ship is an Irish ship, the Minister shall, within a period of two months from the date of issuance of the certificate referred to in Regulation 7, notify the European Commission of the choice made of the option

referred to in the Table to this Regulation and include with such notification the details referred to in Annex III to the Directive.

(3) In applying the requirements set out in section A of Annex I to the Directive, the Minister shall use the guidelines set out in Annex II to the Directive, in so far as this is practicable and compatible with the design of the ship in question.

(4) For existing ro-ro passenger ships, which the company introduces to the regular service operation to or from a port in the State after 5 December 2024 and which have never been certified in accordance with the Directive, the stability requirements that are applied shall be noted in the ship's certificate referred to in Regulation 7.

(5) A company or master of a ship that operates a ro-ro passenger ship, to which these Regulations apply, to or from a port in the State on a regular service, which fails to comply with the specific stability requirements indicated in paragraph (1), commits an offence.

Certificates

7. (1) For ships flying the flag of a Member State –

(a) all new and existing ro-ro passenger ships visiting a port in the State shall carry a certificate confirming compliance with the specific stability requirements referred to in Regulation 6,

and

(b) the certificates shall be issued by the administration of the flag State and may be combined with other related certificates and, in the case of an Irish ship, the certificate shall be issued by the Minister, or on behalf of the Minister by an appropriately delegated body or authority. For ro-ro passenger ships complying with the specific stability requirements set out in section A of Annex I to the Directive, the certificate shall indicate the significant wave height up to which the ship can satisfy the specific stability requirements,

and

(c) the certificate shall remain valid as long as the ro-ro passenger ship operates in an area with the same or a lower value of significant wave height.

(2) The Minister, acting in his or her capacity as the competent authority of the Port State, shall recognise certificates issued by another Member State in compliance with the Directive.

(3) The Minister, acting in his or her capacity as the competent authority of the Port State, shall accept certificates issued by a third country, not a Member State, certifying that a ro-ro passenger ship complies with the specific stability requirements laid down in the Directive.

(4) A company or master of a ship that operates a ro-ro passenger ship, to which these Regulations apply, to or from a port in the State on a regular service,

which does not carry a certificate as provided for in paragraph (1), commits an offence.

Seasonal and other short-time period operations

8. (1) If a company operating a regular service on a year-round basis wishes to introduce additional ro-ro passenger ships to operate for a shorter period on that service, it shall notify the Minister and, if applicable, the competent authority of the Port State at the other end of the route, not later than one month before said ships are operated on that service.

(2) However, in cases where, following unforeseen circumstances, a replacement ro-ro passenger ship must be introduced rapidly to ensure continuity of service, the following shall apply instead of the notification requirement of paragraph (1) –

- (a) in the case of a ship subject to the European Union (System of Inspections for the Safe Operation of Ro-Ro Passenger Ships and High-Speed Passenger Craft in Regular Service) Regulations 2019 (S.I. No. 679 of 2019) – Regulation 7(4) of those Regulations,

and

- (b) in the case of a ship subject to the European Communities (Port State Control) Regulations 2010 (S.I. No. 656 of 2010) – point 1.3 of Annex XVII to Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009⁶.

(3) If a company wishes to operate a regular service seasonally for a shorter period not exceeding six months a year, it shall notify the Minister and, if applicable, the competent authority of the Port State at the other end of the route, no later than three months before that operation takes place.

(4) For ro-ro passenger ships that comply with the specific requirements set out in section A of Annex I to the Directive, where operations within the meaning of paragraphs (1), (2) and (3) take place under conditions of lower significant wave height than those established for the same sea area for all-year-round operation –

- (a) the significant wave height value applicable for the shorter period may be used by the Minister for determining the height of water on the deck when applying the specific stability requirements contained in section A of Annex I to the Directive,

and

- (b) the value of the significant wave height applicable for this shorter time period shall be agreed between the Minister and the competent authority of the Port State at the other end of the route where that Port State is another Member State or, wherever applicable and possible, between the Minister and the competent

⁶ OJ No. L 131, 28.5.2009, p. 57

authority of the Port State at the other end of the route where that Port State is a third country, not a Member State.

(5) Following agreement of the Minister and, if applicable, the competent authority of the Port State at the other end of the route, for operations within the meaning of paragraphs (1), (2) and (3), the ro-ro passenger ship which undertakes such operations shall be required to carry a certificate confirming compliance with the provisions of these Regulations, as provided for in Regulation 7(1).

(6) A company or master of a ship that operates a ro-ro passenger ship, to which these Regulations apply, to or from a port in the State on a regular service, which does not carry a certificate as referred to in paragraph (5), commits an offence.

Penalties and prosecution

9. (1) A person who commits an offence under Regulation 6(5) is liable –

- (a) on summary conviction, to a class A fine,
- or
- (b) on conviction on indictment, to a fine not exceeding €250,000.

(2) A person who commits an offence under Regulation 7(4) or Regulation 8(6) is liable on summary conviction to a class A fine.

(3) Proceedings for an offence under these Regulations may be brought and prosecuted summarily by the Minister.

Offence by body corporate

10. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been attributable to the neglect on the part of, any person being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate commits an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Interpretation of Merchant Shipping Rules and Construction Rules

11. (1) The Merchant Shipping Rules shall remain in force in so far as they relate to the application of the Stockholm Agreement and shall be subject to these Regulations.

(2) The Construction Rules shall be subject to these Regulations, where they refer to the Merchant Shipping Rules in –

- (a) Rule 11(1)(a) of the Rules of 1983,
and
- (b) Rule 11(2)(a) of the Rules of 1985.

Revocation

12. The European Communities (Merchant Shipping) (Ro-Ro Passenger Ship Survivability) (Amendment) Rules 2006 (S.I. No. 87 of 2006), and the amendments inserted by those Rules into the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Rules 1998 (S.I. No. 429 of 1998), are revoked.



GIVEN under the Official Seal of the Minister for
Transport,
25 November, 2024.

EAMON RYAN,
Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations transpose Directive (EU) 2023/946 by implementing, in full, the provisions of Directive 2003/25/EC (as amended) on specific stability requirements for ro-ro passenger ships, which has been aligned with the updated stability requirements defined by the International Maritime Organization in SOLAS 2020. They also revert to the previous Merchant Shipping (Ro-Ro Passenger Ship Survivability) Rules 1998 and 2004 to maintain the terms of the Stockholm Agreement but make those Rules, along with the relevant Construction Rules, subject to these Regulations.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

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