Commission Directive (EU) 2016/844 of 27 May 2016 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships (Text with EEA relevance)

COMMISSION DIRECTIVE (EU) 2016/844

of 27 May 2016

amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships[(1)], and in particular Article 10(2) thereof,

Whereas:

(1) Some of the International Conventions as defined in Article 2(a) of Directive 2009/45/EC have been amended.

(2) In accordance with Article 10(2) of Directive 2009/45/EC, the Annexes to that Directive can be amended in order to apply the amendments made to the International Conventions.

(3) Directive 2009/45/EC should therefore be amended accordingly.

(4) The measures provided for in this Directive are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships ('COSS'), established pursuant to Regulation (EC) No 2099/2002 of the European Parliament and of the Council[(2)],

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 2009/45/EC is amended in accordance with the Annex to this Directive.

Article 2

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 2017. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 27 May 2016.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

Annex I to Directive 2009/45/EC is amended as follows:

(1) in Chapter II-1:

(a) Regulation II-1/A-1/4 is added.

4 **Protection against noise**
CLASS B, C AND D SHIPS CONSTRUCTED ON OR AFTER 1 JANUARY 2018

.1 Ships of 1 600 gross tonnage and above shall be constructed to reduce on-board noise and to protect personnel from the noise in accordance with the IMO Code on noise levels on-board ships, adopted by the Maritime Safety Committee by resolution MSC.337(91), as may be amended by the IMO.;

(b) Regulation II-1/C/6.2.2.2 is replaced by the following:

.2.2 capable of putting the rudder over from 35° on one side to 35° on the other side with the ship at its deepest seagoing draught and running ahead at maximum ahead service speed and, under the same conditions from 35° on either side to 30° on the other side in not more than 28 seconds. Where it is impractical to demonstrate compliance with this requirement during sea trials with the ship at its deepest seagoing draught and running ahead at the speed corresponding to the number of maximum continuous revolutions of the main engine and maximum design pitch, ships, regardless of their date of construction, may demonstrate compliance with this requirement by one of the following methods:

.1 during sea trials the ship is at even keel and the rudder fully submerged whilst running ahead at the speed corresponding to the number of maximum continuous revolutions of the main engine and maximum design pitch; or

.2 where full rudder immersion during sea trials cannot be achieved, an appropriate ahead speed shall be calculated using the submerged rudder blade area in the proposed sea trial loading condition. The calculated ahead speed shall result in a force and torque applied to the main steering gear which is at least as great as if it was being tested with the ship at its deepest seagoing draught and running ahead at the speed corresponding to the number of maximum continuous revolutions of the main engine and maximum design pitch; or

.3 the rudder force and torque at the sea trial loading condition have been reliably predicted and extrapolated to the full load condition. The speed of the ship shall correspond to the number of maximum continuous revolutions of the main engine and maximum design pitch of the propeller;

(c) Regulation II-1/C/6.3.2 is replaced by the following:

.2 capable of putting the rudder over from 15° on one side to 15° on the other side in not more than 60 seconds with the ship at its deepest

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seagoing draught and running ahead at one half of the maximum ahead service speed or 7 knots, whichever is the greater. Where it is impractical to demonstrate compliance with this requirement during sea trials with the ship at its deepest seagoing draught and running ahead at one half of the speed corresponding to the number of maximum continuous revolutions of the main engine and maximum design pitch or 7 knots, whichever is greater, ships regardless of their date of construction may demonstrate compliance with this requirement by one of the following methods:

.1 during sea trials the ship is at even keel and the rudder fully submerged whilst running ahead at one half of the speed corresponding to the number of maximum continuous revolutions of the main engine and maximum design pitch or 7 knots, whichever is greater; or

.2 where full rudder immersion during sea trials cannot be achieved, an appropriate ahead speed shall be calculated using the submerged rudder blade area in the proposed sea trial loading condition. The calculated ahead speed shall result in a force and torque applied to the auxiliary steering gear which is at least as great as if it was being tested with the ship at its deepest seagoing draught and running ahead at one half of the speed corresponding to the number of maximum continuous revolutions of the main engine and maximum design pitch or 7 knots, whichever is greater; or

.3 the rudder force and torque at the sea trial loading condition have been reliably predicted and extrapolated to the full load condition;;

(d) In Regulation II-1/C/15, the subtitle is replaced by the following:
NEW CLASS B, C AND D SHIPS NOT COVERED UNDER REGULATION II-1/A-1/4;

(2) in Chapter II-2:

(a) the following Regulations II-2/A/2.28 and II-2/A/2.29 are added:

.28 Fire damper means, for the purpose of implementing Regulation II-2/B/9a, a device installed in a ventilation duct which under normal conditions remains open allowing flow in the duct and is closed during a fire, preventing the flow in the duct to restrict the passage of fire. In using the above definition, the following terms may be associated:

.1 automatic fire damper means a fire damper that closes independently in response to exposure to fire products;

.2 manual fire damper means a fire damper that is intended to be opened or closed by the crew by hand at the damper itself; and

.3 remotely operated fire damper means a fire damper that is closed by the crew through a control located at a distance away from the controlled damper.

.29 Smoke damper means, for the purpose of implementing Regulation II-2/B/9a, a device installed in a ventilation duct which under normal conditions remains open allowing flow in the duct and is closed during a fire, preventing the flow in the duct to restrict the passage of smoke and hot

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gases. A smoke damper is not expected to contribute to the integrity of a fire rated division penetrated by a ventilation duct. In using the above definition the following terms may be associated:

.1 automatic smoke damper means a smoke damper that closes independently in response to exposure to smoke or hot gases;

.2 manual smoke damper means a smoke damper intended to be opened or closed by the crew by hand at the damper itself; and

.3 remotely operated smoke damper means a smoke damper that is closed by the crew through a control located at a distance away from the controlled damper.;

(b) Regulation II-2/A/6.8.2.1 is replaced by the following:

.1 the fire hazard portions of internal combustion machinery used for the ship's main propulsion and power generation, and for ships built on or after 1 January 2018, the fire hazard portions of all internal combustion machinery,;

(c) the introductory wording of Regulation II-2/A/11.1 is replaced by the following:

.1 For ships constructed before 1 July 2019, a firefighter's outfit shall consist of:;

(d) the following Regulations II-2/A/11.1.1.3 and II-2/A/11.1a are added:

.1.3 Self-contained compressed air breathing apparatus of fire-fighter's outfits shall by 1 July 2019 comply with paragraph 2.1.2.2 of chapter 3 of the Fire Safety Systems Code.

.1a For ships constructed on or after 1 July 2019, the fire-fighter's outfits shall comply with the Fire Safety Systems Code;;

(e) the following Regulation II-2/A/11.4a is inserted:

.4a Fire-fighter's communication:

For ships required to carry on board at least one fire-fighter outfit and constructed on or after 1 January 2018, a minimum of two two-way portable radiotelephone apparatus for each fire party for fire-fighter's communication shall be carried on board. For LNG fuelled ships or Ro-Ro passenger ships with closed Ro-Ro spaces or special category spaces, those two-way portable radiotelephone apparatus shall be of an explosion-proof type or intrinsically safe. Ships constructed before 1 January 2018 shall comply with the requirements of this Regulation not later than the first survey after 1 July 2019.;

(f) the following Regulation II-2/A/15.2.6 is added:

.6 In ships subject to Regulation II-2/A/11, breathing apparatus cylinders used during drills shall be refilled or replaced before departure.;

(g) Regulation II-2/B/5.1 is replaced by the following: