

Legislation

Passenger vessels in national service are not subject to the SOLAS Convention and consequently subject to national legislation.

In EU's member states these vessels are subject to the requirements in EC Directive 2009/45/EC (the Ferry Directive) regarding safety regulations and standards for passenger vessels.

The purpose of the Directive is to implement as many relevant requirements from the SOLAS convention for smaller domestic passenger vessels as possible.

The legal wording of the directive, however, has missed a possibility given in the SOLAS Convention in 2002. By applying an approval procedure called "risk analysis based approval" it is possible to build vessels in other materials than "steel or equivalent (non-flammable material)". The Ferry Directive stresses in the introduction that it only applies for vessels built of "steel or equivalent...."

These conditions have been confirmed by both the Danish and the Swedish shipping authorities.

So if we wish to build a modern ferry in carbon materials today there are 3 possibilities:

- 1) To build a ferry according to national legislation, which means the cheapest ferry, but also a ferry which cannot be exported to other EU countries as such.
- 2) To build a ferry according to the requirements of the SOLAS Convention. This means a considerably more expensive ferry, since the set of rules are worded for ferries in world-wide and unrestricted service.
- 3) To build a ferry according to the HSC code rules. A set of rules permitting the use of other materials than steel, but at the same time includes the precondition that the ferry can sail at a certain required min. (high) speed. Along with the demand for high speed, follows the demand of increased manning. Both conditions make the set of rules irrelevant in this context.

Consequently, we conclude that the EU Directive in its present form limits the development of modern energy efficient and environmentally friendly ferries and should be adjusted accordingly, in order to provide the same possibility to apply alternative constructions and materials as the SOLAS Convention.