

Information regarding data control in the prospect of registering all persons on board passenger ships

Through ordinance (2015:673) amending the Ship Safety Ordinance (2003:438), the Swedish government has decided on new provisions in the Ship Safety Ordinance. The new provisions (in 2 ch. 3 a §) stipulate that data on passengers travelling by passenger ships, in some cases, shall be registered once it has been established that the passenger is carrying a valid photo identification document. The new provisions do not apply to children under the age of 18, travelling in the company of a parent carrying a valid photo identification document. The new provisions will enter into force on 21 November 2015.

Background

Within the EU, common rules are set in the Council's Directive nr 98/41/EG on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community. The Swedish rules can be found in the Swedish Maritime Administration's regulations (SJÖFS 1999:15) on registration of persons on board passenger ships.

For passenger ships undertaking voyages of more than 20 nautical miles, from the port of departure, the following applies: all individuals on board must be counted and people's family names, first names (or initials), sex, age (year of birth or category of age) and nationality shall be registered and forwarded to a passenger registrar or to a shore-based company system.

What does this new demand for control of registered data mean?

The new provisions set forth in 2 ch. 3 a § of the Ship Safety Ordinance means that after a control of valid photo identification, in some cases a registration of data regarding the passengers shall be performed. This control assures that those who are registered as passengers also are those boarding, which simplifies the identification of possible victims in case of an accident.

The Swedish shipping companies have procedures for handling emergencies in place, which include increased controls, in order to ensure that the safety at sea always remains a main priority. The shipping companies have had additional staff on board the routes in questions for some time already. In spite of the haste, we believe that the shipping companies have the ability to control identity documents pre registration in accordance with the stipulations in SJÖFS 1999:15. However, the current situation calls for a continued close cooperation between the shipping companies and the authorities.

Which regular services/routes and passengers are affected?

According to the new provisions, the demand for control of valid identity documents does only apply if there, for the route of the passenger ship, is reason to assume that data presented without the verification of a valid identity document may be false. It is the master of the ship who has the responsibility to determine whether false information can be expected, and hence decide that the registration of passengers shall be performed once a valid identity document has been presented. If the master decides that identity checks shall be conducted, all passengers will be checked.

Who is responsible for the execution of the controls?

It is the master of the ship and the shipping company who are responsible for carrying out the identity controls. Ship owners and masters who intentionally or by negligence violate the stipulations can be fined in accordance with 8 ch. 3 § 2 in the Ship Safety Ordinance (2003:364).

How will the Swedish Transport Agency make sure that the new demands are met?

Supervision is already performed in accordance with existing regulations regarding the registration of persons on board. This control aims at determining the existence of operational systems and procedures to register passengers, and it is performed in connection with the periodic inspection of the ship. The supervision is performed based on demands for safety at sea. The Swedish Transport Agency will monitor the developments closely and

decide whether enhanced supervision are needed in order to ensure compliance with existing legislation.