

**CONSULTATION COMMENTS:**

**“MGN 553 (M+F) Life-Saving Appliances – Inflatable NON SOLAS Liferafts, Lifejackets, Marine Evacuation Systems, Danbuoys and Lifebuoys  
– Technical Standards and Servicing Requirements“**

<b><u>No:</u></b>	<b><u>Comments:</u></b>	<b><u>MCA Reply:</u></b>
1	<ol style="list-style-type: none"><li data-bbox="344 533 1227 756">1. Other than vessels operating in Cat 2, there is no reference to minimum ISO requirement. I think the MGN would benefit from having some reference made to anticipate environmental conditions i.e. expected ambient air temperatures as only ISO type I Group A raft are designed to operate in sub-zero temperatures.</li> <li data-bbox="344 884 1227 1034">2. The MGN refers to small commercial vessels, fishing vessels and pleasure craft but the annex refers to small craft &lt;24m. This is as per the ISO standard but might be a little confusing. It might be worth putting a foot note in the annex to explain this.</li></ol>	<ol style="list-style-type: none"><li data-bbox="1328 533 2002 798">1. ISO 9650 Part 1 Type 1 already clarify that the liferaft group A shall be designed to inflate in air temperature between -15°C and +65°C. Therefore the additional requirements already highlighted in the relevant ISO it might lead to more confusion. We therefore prefer to leave the text as it is.</li> <li data-bbox="1328 884 2029 1228">2. It should be noted that the small commercial vessels in the UK are covered by the Small Commercial Vessel Codes of Practice. The Codes define small commercial vessels as those of less than 24 meters load line length (or under 150 tonnes if built before 21 July 1968) which are engaged at sea and are not pleasure vessels. The reason why we split the two is to be a little bit more specific.</li></ol>

	<p>3. Para 1.2 - .....<i>operators of ships, fishing vessels, small commercial vessels, pleasure vessel and.....</i> This is probably something really obvious that I should already know, but why differentiate between ships and small commercial vessels? Category of vessel am I missing?</p> <p>4. Para 5.1 - The MCA has accepted non-SOLAS <b>marine evacuation systems (MES)</b> on certain domestic passenger vessels. Any proposals for inflatable slides or chutes to form part of such a non-SOLAS <del>marine evacuation system</del> <b>MES</b> on a domestic passenger vessel should in general comply with the same requirements as a <del>Marine Equipment Directive (MED)</del> compliant MES. Any technical deviations from MED compliance should be notified to the MCA prior to installation and any modifications to installations on the ship from the manufacturer's intended design or installation should be approved by the manufacturer. Acceptance of all such arrangements must be carried out by the attending MCA surveyor and <b>the MCA's</b> Marine Technology Branch</p> <p>5. Para 8.3 line 3 – change to ....small commercial vessels....</p> <p>6. Para 9.1 – replace <i>marine evacuation systems</i> with <b>MES</b>.</p> <p>7. Para 9.2 – replace <i>marine evacuation systems</i> with <b>MES</b> x 2</p>	<p>3. The MGN is not only applicable to ships of convention type even where the word ship encompasses all navigable vessels.</p> <p>4. Comment noted and actioned.</p> <p>5. Comment noted and actioned.</p> <p>6. Comment noted and actioned.</p> <p>7. Comment noted actioned.</p>
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	<p>8. Annex 1 para 1.2 - • <i>Service Stations Companies offering small craft inflatable liferaft service in under this standard.</i> This does not read well to me; should it read <b>servicing</b>?</p>	<p>8. Comment noted actioned.</p>
<p>2</p>	<p>1. Thank you for the "blind" copy of the new MGN proposed to replace MGN 499. The style of LSA and tests is a bit outside my expertise, so I am unable to add to the consultation.</p>	<p>1. Comment noted.</p>
<p>3</p>	<p>1. I agree with a restriction on inflatable lifebuoys, but not on the restriction on inflatable Danbuoys to Cat 5 and 6 (para 8.3). They are ubiquitous on sailing vessels currently and are more reliable, far faster and easier to deploy and more likely to be upright with working flag and light than most of the 'solid' variety (eg GRP whips that lay flat in the lightest of breezes, have flags worn away and no light or retro-reflective tape). Jonbuoys are especially fast and reliable to deploy.</p> <p>2. Perhaps there is an anomaly in the phase out table 2.2.2 The final column stipulates phase out terms related to area categories but the * requires the sooner of the 2 dates to be applied viz phase out term or service date whichever is sooner. The codes require that <b>all</b> ORC rafts must have annual service so this column implies that all such rafts must be phased out within 1 year. Have I misinterpreted this or can it please be clarified?</p>	<p>1. It was agreed during the CABCC that this would not be accepted to CAT 5 &amp; 6 due to difficulty to prove that an inflatable product was a direct equivalent. MCA in the near future will look into creating a better standard in order to allow installation of this type of component. The MCA is running a series of tests to demonstrate suitability. As results of those tests we will look if there is any need to update relevant MGN after feeding back the results to CABCC and SEAC.</p> <p>2. Clarification will be as follow:   <u>"XXX years or XXX annual service intervals"</u> so that is clear that is not intended to phase after one year to be serviced.</p>

<p>4</p>	<ol style="list-style-type: none"> <li>1. 2.1 – delete reference to ISAF Offshore Special Regulations – Appendix A Part 1. This has been deleted from the current edition of the OSR.</li>   <li>2. 2.2.1 – “serviceable life” is undefined and potentially we could have a pre-2004 liferaft that exceeds the timeframe of a post 2004 liferaft in 2.2.2. Would prefer to delete 2.2.1 and amend 2.2.2 to be applicable to all ORC rafts and have the phase out period of, “X years, X service intervals or the end of their serviceable life *” (whichever is sooner)</li>   <li>3. 3.1 – can you please explain the rationale between an ISO 9650 raft in Category 2 being fit for purpose and a ISO 9650 raft in Category requiring 3<sup>rd</sup> party verification under the MED? This seems both unfair on the manufacturer and potentially confusing to the end user</li>   <li>4. Additionally, 3.1 should be amended as follows; <ol style="list-style-type: none"> <li>a. Line 4/5 – delete, “SOLAS B Pack and boarding ramp” and replace with, “ISO 9650 less than 24 hour pack”.</li> <li>b. Line 8 – delete, “SOLAS A Pack” and replace with, “ISO 9650 more than 24 hour pack”.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Comment noted, we will include a line for the reference of the ISAF requirements (“2014 &amp; 2015 editions”).</li>   <li>2. Comment noted; we will include the following text in the MGN: “which supersedes the text on the MGN 280”.</li>   <li>3. The raft will need to be showing compliance with the relevant standard and relevant verification should be done/assessed by a third party verification, this is in order to account for the risks of going from 60nm to 150 nm.</li>   <li>4. Comment noted, the reason why we will prefer to keep the text is because the SOLAS Pack A &amp; B are a defined standards with which we are familiar and the equipment are of a suitable standard which is acceptable to MCA.</li> </ol>
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	<p>5. 3.3.3 seems a little unenforceable – but appreciate the sentiment. Don't think a manufacturer or supplier would be too impressed with this.</p> <p>6. 4.1 should also include lifejackets conforming to ISO 12402-6</p> <p>7. 7.1 Given this applies to both commercial and pleasure vessels – should this section be split into dealing with commercial vessel requirements and pleasure vessel requirements? Commercial being a MUST on compliance, renewal and intermediate examinations and pleasure being in accordance with the manufacturers recommendations – see 1.3.1</p> <p>8. Given there is a SEAC meeting to review inflatable dan-buoys on the 21<sup>st</sup> June, would it be prudent to remove dan-buoys from this MGN and publish a separate MGN for those items based on the review of SEAC?</p>	<p>5. Comment noted, however manufacturer will have different options as well as the one highlighted in the paragraph 3.3.1 &amp; 3.3.2.</p> <p>6. Comment noted, however this standard is not acceptable since the ISO 12402-6 does not offer an equivalent safety standard to the BS EN references.</p> <p>7. To include in paragraph 4.1 servicing intervals shall be followed as per the applicable MCA Code and/or Regulation.</p> <p>8. Comment noted, however the MCA will prefer to keep the current policy described in this MGN. We are waiting for further results in order to review whether we relax the policy in the future. The process for determining this will take sometime before completion.</p>
5	<p>1. Thanks for your time as discussed below are my details. On the face of it para 2.2.1 &amp; 2.2.2 look as though the phase out dates are the wrong way around!</p>	<p>1. Please note that on the new MGN 553 (M+F) the relevant paragraph 2.2.1 &amp; 2.2.1 are correct.</p> <p>The reason is because the ORC standard liferaft currently installed on board UK vessel where</p>

		<p>intended to be naturally phased out at the end of their serviceable life (in accordance with 13.2.3.5 of MGN 280) and are now to be formally phased out of use for UK vessels, due to the lesser level of safety provided when compared with liferaft built to the ISO or SOLAS standards.</p> <p>Please refer to paragraph 2.1 of the MGN for relevant background.</p> <p>However MCA has changed as per below  “XXX years or XXX annual service intervals”  So that is clear that is not intended to phase out after one year to be serviced.</p>
6	<p>1. Many lifejackets are purchased by marine distribution companies, due to their nature a lot have disappeared therefore a serviceable lifejacket would be scrapped as there is not "manufacturer or approved station". Also operators with harlequin sets will have to go to multiple stations for service. As manufacturers we as part of the the ISO 12402 accreditation have to not only have the lifejacket approved but also our service instructions and accredited service station regime. Unlike our product most lifejackets are produced in the Far East and the re-sellers are not interested in servicing. We here at the moment service other brands to our approved service plan for a I believe reasonable cost. This new proposal I think will be retrograde step as commercial operators will find it more economic to change over to buying the cheapest lifejacket available and throw them away at the end</p>	<p>1. It should be noted that if a non-SOLAS lifejacket cannot be serviced in accordance with the manufacturer recommendation, than this cannot be accepted on board and is the service station responsibility to determine whether they can follow the manufacturer recommendation.</p>

	<p>of the year. As you must be aware the cheapest brands are only intended for casual use and not day in day out commercially. Therefore I believe for single chamber commercial use lifejackets that they must be serviced annually to an accredited manufacturers service system by a manufacturer approved service technician</p>	
7	<ol style="list-style-type: none"> <li>1. Nico on the non-SOLAS liferaft standard-ORC liferafts.           <ol style="list-style-type: none"> <li>2.2.1 saying the older rafts can be kept until end of service life</li> <li>2.2.2 saying the newer rafts have got to be phased out.</li> </ol> <p>Surely the older liferafts should be phased out first and not the newer ones.</p> </li> </ol>	<ol style="list-style-type: none"> <li>1. Please note that on the MGN 553 (M+F) the relevant paragraph 2.2.1 &amp; 2.2.2 are correct. The reason is because the ORC standard liferaft currently installed on board UK vessel where intended to be naturally phased out at the end of their serviceable life (in accordance with paragraph 13.2.3.5 of the MGN 280) and are now to be formally phased out of use for UK vessels, due to the lesser of safety provided when compared with liferaft built to the ISO or SOLAS standards. Please refer to paragraph 2.1 of the MGN for relevant background.</li> </ol>
8	<ol style="list-style-type: none"> <li>1. Para 1.3.1 xxx would prefer the word agent be changed to representative. The word agent infers wide reaching rights to the individual/ company under EC rules and it can be difficult to dismiss</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment noted Commercial representatives of the manufacturer (such as authorised distributors or agents) should not be confused with the authorised representative in the meaning of Union harmonisation legislation; the delegation of tasks from the manufacturer to the authorised representative must be explicit and set out in writing, in particular to define the contents and limits of the representative's tasks</li> </ol>

	<ol style="list-style-type: none"> <li>2. Para 6.1 xxx would prefer the word agent be changed to representative. The word agent infers wide reaching rights to the individual/ company under EC rules and it can be difficult to dismiss</li> <li>3. xxx would like the words 'it is recommended' to be removed.</li> <li>4. Para 6.3 xxx would like the words 'it is recommended' to be removed</li> <li>5. Para 9.2 Add text 'Reference should be made to the equipment manufacturer's installation plan for marine evacuation systems'</li> </ol>	<p>However it should be noted that if a non-SOLAS LSA cannot be serviced in accordance with the manufacturer recommendation, then this cannot be accepted on board and is the service station responsibility to determine whether they can follow the manufacturer recommendation.</p> <p>In addition we are in the process to re write relevant paragraphs.</p> <ol style="list-style-type: none"> <li>2. Comment noted, please refer to Par. 1.3.1.</li> <li>3. Comment noted; this cannot be a mandatory requirements since there is no legislation in place; therefore MCA can only recommend.</li> <li>4. Comment noted; this cannot be a mandatory requirements since there is no legislation in place; therefore MCA can only recommend.</li> <li>5. Comment noted/Agreed.</li> </ol>
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	<p>6. Annex 1 para 2.1.8 Add text ‘ All such items should be stored in accordance with the equipment manufacturer’s instructions’.</p>	<p>6. Comment noted/Agreed.</p>
<p>9</p>	<p>1. Thank you for your reply below. This office has forwarded MGN 499 (M+F) which we had got yesterday to our head office. The followings are comments and questions from our head office.</p> <p>We would be grateful if you could clarify the wording “MGN 499 (M+F) for non-SOLAS” in draft MGN 533(M+F).</p> <p>We understand that the “MGN 499 (M+F) for non-SOLAS” means the MGN XXX (X) for non-SOLAS which was circulated by the attached email with the subject “TARGETED EXTERNAL CONSULTATION - Inflatable LSA Servicing and Standards - MS 003/107/0001 + MS 003/107/0002” on 28 Jan. 2016. According to the para. 1.2 of draft MGN 533(M+F), MGN 499 has been split to consider the differing issues observed for SOLAS and non-SOLAS equipment independently. Does this mean MGN 499 (M+F) issued on 2013 had been divided into two MGNs such as MGN XXX (X) for SOLAS / for non-SOLAS?</p> <p>However, on the other hand, according to your email, the latest version of MGN 499 (M+F) is the one issued on 2013.</p> <p>We would like to know if the wording “MGN 499 (M+F) for non-SOLAS” means MGN 499 (M+F) issued on 2013, or MGN XXX (X) for non-SOLAS.</p>	<p>1. The MGN 499 (M+F) is for Life-Saving Appliances: Inflatable Liferafts, Marine Evacuation System, Inflatable Lifejackets and Hydrostatic Release Units – Servicing Requirements, has been divided in two different MGNs.</p> <p>The new Policy will be split in two different MGNs, one MGN for SOLAS Inflatable LSA and one for non-SOLAS Inflatable LSA.</p> <p>The MGN provided at this time is the MGN for Life-Saving Appliances – Inflatable NON-SOLAS Liferafts, Lifejackets, Marine Evacuation Systems, Danbuoys and Lifebuoys – Technical Standards and Servicing Requirements.</p> <p>The MGN 499 (M+F) will be archived shortly and the two new MGNs will replace it.</p>
<p>10</p>	<p>1. Please clarify the vessels to which it applies, obviously coded boats but it also mention Fishing boats and Pleasure boats, does this include the under 15 metre boats and pleasure boats under 45 foot i.e. not Class 12. Given your statement in the draft about</p>	<p>1. For the vessels type where ORC rafts were permitted those raft are now going to be phased out.</p>

the superior performance of ISO rafts compared to ORC surely you cannot differentiate between applicable standards purely on the basis of the length of the vessel. So basically the MGN will need to be applied to all UK vessels regardless of size. I think this will be enforceable within the UK Fishing Fleet, as they are used to new regulations. However it may be more difficult to enforce with a yachtsmen with a vessel under 45 foot who is not even required to carry a liferaft. The MCA recognise the shortcoming of some ORC rafts and removing all ORC rafts them from the market place may actually endanger crews on yachts where owners may have been happy to carry an ORC raft but would object to be told to upgrade to an ISO. I feel this may actually lead to a reduction in the amount of smaller vessels that carry liferafts. I am not certain if there are any statistics to back this up but I would have thought that it was even more important to carry a liferaft on a small vessel which may be more likely to overcome in bad weather

2. The wording of the Phase needs clarification and I cannot see the relevance that distance from safe haven or NDP makes, surely the vessel is just as vulnerable close inshore as another vessel further out. If the ORC rafts are that unsafe then surely the objective would be to phase them all out at the same time. I.e. valise rafts at the next service i.e. within 12 months and canister rafts at up to 3 years?

Paragraph 2.1 of the MGN this is applicable to vessel within the scope of practice, namely those operating in commercial use/pleasure vessel/workboats/pilot boats.

ORC Rafts should not have been fitted to commercial fishing vessels.

For pleasure vessel within the scope of the Class XII Regulations and the associated exemption in MGN 538 only ISO and ISAF raft are permitted.

For pleasure vessel outside the scope of the Class XII Regulations and associated exemption in the MGN 538 the MCA has limited regulatory remit.

We are aware that the RYA and other pleasure vessel bodies including ISAF have been promoting the use of Liferafts other than the ORC type.

2. The MCA approach to regulation to this sector, and indeed all sector of the marine industry, is to apply a range and risk philosophy. What this means is the further from a safe haven (greater range) or greater the number of persons / size of the vessel / type of operation (greater risks), the more onerous the standards is required. Taking this approach to the phase out of the ORC raft it is logical to

	<p>3. Rafts prior to 2004, most rafts do not have log cards and to find one that has lasted 12 years is rare, our practice here is to mark the inspection date on the canopy, would this an accepted service history? Or would you need paper trail, documenting the service history, we could probably do that as we archive paperwork but most businesses only keep records for six years. Also this could be a problem where a raft has been through different service agents, over this time quite a few service companies have gone out of business or have been taken over. Interestingly some of the service stations have been taken over by liferaft manufacturers, now I don't really like conspiracy theories but it would definitely suit some manufacturers if service records cannot be produced. There would also be an issue where raft manufacturers are no longer in business and it would be unfair on the owner for us to condemn their rafts because of this</p>	<p>first phase out ORCs from vessels operating in the area categories posing the greater risks. This also allows for a period of adjustment and change to vessel operators and raft suppliers / manufacturers.</p> <p>3. We have changed the text in order to apply the same criteria regardless of the build date of the raft. This supersedes the requirements from MGN 280, which permit ORC Rafts build before 2004 to be used before the end of their serviceable life; previously shown in the MGN at section 2.2.1.</p> <p>This means that any ORC raft which reach the end of its serviceable life before the phase out date will not be acceptable irrespective of the date which it was built.</p> <p>To determine if the raft is within the serviceable life the service agents shall be able to provide this information to the vessel operator based upon the records of servicing of the raft and the condition of the raft during servicing.</p> <p>We would expect that service stations would keep records of the servicing that are carried out and to issue some form of documentation to the raft owner after servicing.</p>
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	<p>4. May we suggest annual servicing and NAP testing of an ORC raft manufactured prior to 2004 would be a more sensible way of managing them, more in line with IMO A 761. I realise that SOLAS rafts require annual service and that ISO rafts can go up to 3 years so there could be some confusion but adopting a standard service interval on all rafts would be a step forward</p> <p>5. MGN appendix 3 is going along the right lines with the exception of the GI test at year 5 or 6. Historically CO2 cylinders had a ten year life at which point they were hydraulically tested, the exception we found to this was from AVON Inflatables who stated 5 years and the only reason they could give for this was that yachtsmen didn't look after their liferafts! Which seemed a bit unfair on the ones that did. French manufacturers had a 7 or 8 years life and one of the German manufacturers stated 20 years citing the fact that CO2 was inert and that German steel was the best</p> <p>With ISO rafts there is a bit more of a consensus in that the cylinders are Pi marked and have a ten year life. GI testing at six years makes it more expensive for the end-user and it would be more practical to get the 10 year life out of the cylinder and then use it for GI testing. This would also be a more environmentally sensitive than discharging more CO2 into the atmosphere. ( NSI, Iceland and Russian register have adopted this, strange, in that you would think they might like a bit of global warming)</p> <p>Regarding chemical leak testing of gas cylinders we do not feel this is a reliable method of testing the cylinder as it could be</p>	<p>4. We already require that every ORC rafts is annually serviced if it's going to be used in a commercial vessel.</p> <p>5. Please note that Annex 3 it is only a recommendation, this is based on experience of service stations during servicing. It should also be kept in mind that there are also UK requirements with regards to the storage and use of small pressure vessels which is applicable to the CO2 Cylinders.</p>
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carried whilst the cylinder is still warm and prior to seals etc. bedding in. Also the cylinder might not have been subjected to any heat cycling. We have seen empty cylinders on rafts and these had been chemically tested. We feel the only guaranteed check is weighing the cylinder and quarantining it for at least a month and then weighing again to pick up leakage.

6. Now I would like to move on to inflatable lifejackets, Danbuoys and lifebuoys and would like to point out that having these serviced by manufacturer approved service stations will be a cost burden on the owner. All of these items should be or are supplied with repacking instructions in case they are used offshore and need to be repacked. The manufacturers happily sell replacement spare parts to owners therefore they are happy for some of the inspection process to be handed over.

We recently serviced a vessel where they had 12 lifejackets from 7 different manufacturers and own brand from chandlers. If these had needed to go to 7 different service stations then the transport cost would have been enormous plus an increased administrative burden.

Inflation systems are generic and the air holding requirement is approximately the same for each manufacturer. Some manufacturers have torque settings for firing heads and some probably don't know what a torque wrench is.

The biggest issue we find is loose gas cylinders or automatic capsules and we cannot understand why these are not secured with Loctite like we do on the aircraft side of our business. That

6. For all non-SOLAS Liferaft on code vessel and fishing vessels < 15 metres it is clear from existing instruments that they are required to be serviced by a station approved by the OEM. I don't think this is brought into your question?

For non-SOLAS lifejacket the requirements are not so clear but on code vessel the lifejacket are required to be annually serviced and examined in accordance to the manufacturer recommendations.

The intent of the new MGN was to establish that the organization conducting the servicing would be authorised/approved by the OEM to seek assurance of the standards for servicing. We acknowledge that this is different to what existing instruments require and we note the comment about additional burden.

The intent of sending the questionnaire was to quantify the extent of any burdens posed by the new proposal so that we could assess the benefit to safety versus burden to industry.

	<p>said we don't find many problems with Coded vessel equipment due to the inspection regimet. The main problem we find here is damage caused by the gas cylinder or firing head impact against a solid object and sandwiching the fabric of the lifejacket. There have been improvements with padding around these areas but again certain manufacturers are more motivated to sell new lifejackets as the bladders cannot be repaired. Strangely on the aircraft side we are allowed to carry out repairs but not on the marine side.</p> <p>Finally I think there should be a finite life on lifejackets, Germany and the Baltics states have recognised UV damage and put a 10 year life on lifejackets, probably a more realistic approach would be 15 or 20 years. Last year we serviced some lifejackets from a Swedish manufacturer and they say that at ten years they should be scrapped, we approached the owner but were told to ignore this "due to our usage profile". No we weren't sure what that meant either so we did as we were told and serviced the lifejackets.</p>	<p>We invite to complete the questionnaire.</p> <p>We note the comment, please be so kind to provide the reports referred to.</p>
11	<p>1. We are pleased that the MCA will now require third part certification of ISO 9650 liferafts as we have witnessed for years the UK market being literally flooded with substandard products using only self-certification. We would therefore ask the MCA to consider whether existing ISO 9650 liferafts <u>not certified by an appropriate third party</u> should be phased out unless re-certified as required for 14 persons ISO 9650 liferafts. It would seem to us that both such products are illegitimately marked and marketed. A phase out plan as for the ORC type liferafts could be seen as reasonable in such cases.</p>	<p>1. The reason for third party verification is for the greater risks presented by operating in area cat 1 compared to areas 6 to 2. To require third party verification for all 9650 rafts will be a big deviation from where we are at the moment and will require further consultation; however at the moment we do not have enough demand of action for that action. It is also highlighting that the third party approval is only for CAT 1 for small commercial vessels and the equivalent area for fishing vessels.</p>

12	<p>1. Have you asked the service stations of the cost we will have to do what you are trying to bring in? We will have to destroy £40,000,00 worth of liferafts and then replace them with new .I dread to think how much this will cost us.</p>	<p>1. When we went out for consultation we asked for business impacted by the MGN to describe the burdens posed on them by this MGN through completion of the BIT questionnaire. We are in the process of gathering this information in order to verify the benefit to safety versus impact to industries.</p>
13	<p>1. Whilst we do not own any ORC rafts which would fall into the phase out period, all of ours being manufactured before 2004 I find the convoluted phase out period nonsensical. Firstly why would there be a different phase out time on the same raft, just because it is on a vessel operating in a different category of operation, after all these rafts are all designed and manufactured to a standard that is (or was) satisfactory for a vessel operating under the code. Surly if it is acceptable for use it is acceptable for use, weather it is on a vessel that is 20 miles from safe haven or 60 miles from safe haven.</p> <p>The comment about service period is completely irrelevant. To the best of my knowledge the original code only allowed for annual servicing on ORC rafts as does the harmonised code so a reference to servicing period is superfluous. It should be solely a number of years.</p> <p>On this matter also, is the final phase out date an absolute date or the last date that the raft may be serviced after which time it must be phased out? This seems unclear.</p>	<p>1. Please note that MGN 533 (M+F) the relevant paragraph 2.2.1 and 2.2.2 are correct. The reason why is because the ORC standard liferaft currently installed on board UK vessel where intended to be naturally phased out at the end of their serviceable life (in accordance with 13.2.3.5 of MGN 280) and are now to be formally phased out of use for UK vessels, due to the lessor level of safety provided when compared with liferaft built to the ISO or SOLAS standards. The MCA approach to regulation to this sector, and indeed all sector of the marine industry, is to apply a range and risk philosophy. What this means is the further from a safe haven (greater range) or greater the number of persons / size of the vessel / type of operation (greater the risks), the more onerous the standards is required. Taking this approach to the phase out of the ORC raft it is logical to first phase out ORCs from vessels operating in the area categories posing the greater risks.</p>

	<p>2. I consider your requirement for lifejackets to be serviced by a manufacturer approved service station unworkable. It is not unusual for a customer to carry several lifejackets on board their vessel all manufactured by a different manufacturer. If you require the user to get each jacket serviced by a manufacturer approved service station when they are in all four corners of the country the likelihood is they will just not bother, add to this the fact there are many jackets on the market that simply do not</p>	<p>This also allows for a period of adjustment and change to vessel operators and raft suppliers/manufacturers.</p> <p>We have changed the text in order to apply the same criteria regardless of the build date of the raft. This superseded the requirements from the MGN 280, which permit ORC rafts build before 2004 to be used before the end of their serviceable life; previously shown in the MGN at section 2.2.1</p> <p>For ORC raft used in commercial vessels the service shall be annually serviced.</p> <p>However MCA has changed the text, please see below:</p> <p><u>“XXX years or XXX annual service intervals”</u> so that is clear that is not intended to phase after one year to be serviced”.</p> <p>2. Your comment is noted; MCA has changed and removed the paragraph 7.1; however we have include the following text under paragraph 4.1</p> <p>Quote For servicing requirements for non-SOLAS inflatable lifejackets fitted to commercial vessels refer to relevant Codes/Regulation. The</p>
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	<p>have a service station available in the UK and you see the size of the problem. You should know also that possibly 90% of the jackets available in the UK are virtually identical with the same parts. To require individual jackets to be individually serviced seems rather onerous. Perhaps approval by a Lifejacket manufacturer would be a more sensible approach.</p> <p>3. The stipulation regarding inflatable danbuoys only on vessels operating in categories 5 &amp; 6 seems ridiculous. The inflatable danbuoy is a smaller neater more easily deployed unit and again if acceptable at all should be allowed on any vessel operating in any category. The key with a danbuoy is that it needs to be launched as quickly as possible and the inflatable danbuoy is a much quicker unit to deploy than a conventional one.</p> <p>4. Finally:</p> <p style="padding-left: 40px;">Appendix 3</p> <p style="padding-left: 40px;">This talks about the requirement of NAP Tests, GI tests FSS tests and Cylinder refurbishment etc.. The code quotes:</p> <p style="padding-left: 40px;">“Small craft inflatable Liferaft service intervals shall be as follows except when the Manufacturer recommends shorter</p>	<p>manufacturer’s recommendations/instructions should be applied</p> <p>Unquote</p> <p>3. Thanks for your advice, comment well noted; it was agreed during the CABCC that this would not be accepted to CAT 5 &amp; 6 due to difficulty to prove that an inflatable product was a direct equivalent. MCA in the near future will look into creating a better standard in order to allow installation of this type of component. The MCA is running a series of tests to demonstrate suitability. As a results of those tests we will look if there is any need to update relevant MGN after feeding back the results to CABCC and SEAC.</p> <p>4. Comment noted; MCA has changed the word shall to “should”.</p> <p>Taking into account section 6 of the MGN for the servicing of non-SOLAS inflatable liferafts and MES were clearly indicate that servicing shall be performed in accordance with the manufacturer’s instructions buy a service representative authorised by the manufacturer of the product;</p>
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	<p>intervals in which case the Manufacturer’s recommendations shall be used”.</p> <p>What if the manufacturers recommendation is for a longer period than that mentioned. What you are asking service stations to do is to potentially go against what the manufacturer recommends and therefore invalidate any Manufacturers warranty that may be in place, thus opening themselves up to the possibility of litigation.</p>	<p>therefore the liability of servicing will be followed as per manufacturer instruction.</p>
<p>14</p>	<p>1) Section 7.1. Would prefer to see a clear statement that inflatable lifejackets should be serviced annually regardless of the vessel’s inspection and compliance intervals / or provide clearer wording to denote this especially re the “compliance”.</p> <p>2) General / New Clause. Would prefer to see a clear general statement similar to that in Clause 2.1 of the SOLAS MGN as to the requirements / definition of an “accredited service station”.</p> <p>Recommend inserting the following new clause (or similar):</p>	<p>1. Your comment is noted; MCA has changed and removed the paragraph 7.1; however we have include the following text under paragraph 4.1 Quote For servicing requirements for non-SOLAS inflatable lifejackets fitted to commercial vessels refer to relevant Codes/Regulation. The manufacturer’s recommendations/instructions should be applied Unquote</p> <p>With regards to the servicing please note that the requirements are as per MGN 280 section 13.4.6.</p> <p>2. Comment noted, the text proposed cannot be taken into account since there is no instruments in order to allow restriction on servicing of inflatable LSA.</p>

	<p><i>“An accredited service station is one that has been formally accredited by the original equipment manufacturer (OEM). Its personnel must be certificated in accordance with OEM requirements and appropriately trained to undertake servicing and repairs for the range of products and brands of products for which the station conducts servicing. Further, an accredited service station must carry genuine spares and be kept fully informed of the current servicing procedures by the OEM. The OEM should carry out regular audits and inspections of their accredited service stations and provide new training and re-training for personnel as applicable and where required.”</i></p> <p>3) General / New Clause. Would prefer to see another similar clause to that of 2.5 in the SOLAS MGN or 6.3 of this NON-SOLAS MGN.</p> <p>Recommend inserting the following new clause (or similar):</p> <p><i>“Before submitting inflatable LSA to a service station, owners, masters, or skippers of UK registered ships, fishing vessels, and small commercial vessels, should check that the service station is accredited by the OEM for the relevant brand of LSA and that the service station is capable of servicing the particular make and model of equipment. A list of accredited service stations and the products which they are accredited to service, can usually be found on the OEMs’ own websites.”</i></p>	<p>However the servicing should be performed in accordance with recommendation of the manufacturer.</p> <p>3. Comment noted, as already described on the paragraph above we cannot include the proposed text since there is no instruments that will allow relevant restriction.</p>
15	<p>Clause 2.2</p> <p>Though we understand and support the phasing out of ORC Liferrafts I would like the following comments regarding the proposed timeframe to be considered.</p>	<p>1. Comment noted, for ORC standard liferaft currently installed on board UK vessel where intended to be naturally phased out at the end of</p>

• The table states that the phase out date for ORC liferafts should be the date on the table or the next service interval whichever is sooner. The MCA requires ORC liferafts to be serviced annually and most ORC liferafts are of an age where the manufacturer requires them to be serviced annually. The draft as currently worded would require therefor that all post 2004 ORC liferafts are withdrawn within 12 months of the notice. If this is the intended meaning the financial effect would be dramatic on XXX and quite possibly force us out of business. The effect would also be very dramatic for owners of ORC liferafts that would have to be replaced at the next service.

• The draft provides for a different phase out period based on the category of operation of the vessel on which it is installed. This differentiation will create great difficulty for the management of hire fleets. It makes it impossible to sensibly estimate the financial impact of the changes on the business as we will be trying to move liferafts from customer to customer depending on their category which we do not always know. I also believe that this approach will cause great confusion for commercial vessel operators and inspectors and could lead to inconsistent implementation which will result in commercial inequalities appearing between operators and different service providers.

I would suggest that these problems could be avoided by publishing a fixed end date for the use of ORC liferafts. This could be around 5 years after the publications of the MGM - for example the 30th October 2021. In practise this would mean that the liferafts would all be phased out during the period October 2020 to October 2021 as their services become due and would be very straightforward to manage and to budget their

their serviceable life (in accordance with 13.2.3.5 of MGN 280) and are now to be formally phased out of use for UK vessels, due to the lesser level of safety provided when compared with liferaft built to the ISO or SOLAS standards.

We therefore amend the text in the new MGN as follow:

“XXX years or XXX annual service intervals” so that is clear that is not intended to phase after one year to be serviced.

2. Comment noted, MCA approach to regulation to this sector and indeed all the sector of the marine industry, is to apply a range and risk philosophy. What this means is the further from a safe haven (greater range) or greater the number of persons / size of the vessel / type of operation (greater risks), the more onerous the standards is required. Taking into account this approach to the phase out of the ORCs from the vessels operating in the area categories posing the greater risks. This also allows for a period of adjustment and change to vessel operators and raft suppliers / manufacturers.

With regards to the financial impact we have taken your comment on board. When we went out for consultation we asked for business

replacement. Clear guidance is also needed regarding the treatment of an inspection in SAY May 2020 - would an ORC liferaft still be passed on the understanding that the it will be replaced by the end of October, or before the next inspection, or at its next service, or would the vessel have to be re-inspected at the end of October?

Clause 6.1

The clause states that “It is recommended that manufacturers and service stations follow the standard in Annex 1 of this MGM”. I am very concerned that this clause as written exposes service providers to considerable legal risk because it requires activities to be carried out that are outside of the manufacturers requirements documented in their manuals - this could lead to the breaching of warranty conditions, loss of service certification, and damage to the liferaft affecting its safety and possible consequential loss of life. For example, if the service manual states that an over pressure test should be carried out at 10 years and we then carry one out at 5 and 10 years and the liferaft fails in use during year 11 the manufacturer may argue that the additional overpressure test was outside of the design criteria for the liferaft and that our actions have caused the liferaft to fail and consequent potential loss of life. The same may apply to gas inflations tests. Leisure liferafts can have very different construction types and valve designs. For example XXX Liferafts use inner tubes that are only designed to have a single gas inflation at time of use. It is important therefore that this clause defines the term “recommended” and makes it very clear that should there be a difference between the manufacturers manual and the Annex 1 of the MGM then the service provider is required to follow the manufacturers manual which must take precedence over Annex 1. Any other approach will, in my view, be dangerous and legally doubtful.

impacted by the MGN to describe the burdens posed on them by this MGN through completion of the BIT questionnaire. We are in the process of gathering this information in order to verify the benefit to safety versus impact to industries.

3. Comment noted; however please refer to section 6 of the MGN for the servicing of non-SOLAS inflatable liferafts and MES were we clearly indicate that servicing shall be performed in accordance with the manufacturer’s instructions by a service representative authorised by the manufacturer of the product; therefore the liability of servicing will be followed as per manufacturer instructions. MCA has changed the word shall to “should”.

#### Clause 7.1

This clause is very unclear - what is the difference between “serviced” and “inspected”.

This needs definition. Current practise is that all non SOLAS inflatable lifejackets on commercial vessels are fully serviced annually. We service around 3500 such jackets each year.

The clause requires the lifejackets to be serviced by manufacture approved service agents. These lifejackets come from a wide variety of manufacturers and are marketed under an even wider variety of brands. Many manufacturers do not currently approve service agents in the UK. For example, up until very recently, XXX lifejackets were manufactured by XXX. The same lifejackets appear on the market with several different brands such as XXX. XXX do carry out service training and offer certificates - but XXX do not and nor do XXX or most other branded suppliers of XXX lifejackets. The situation is the same with ISP - they manufacture lifejackets which are sold under numerous brands but do not offer any certification for the servicing of non SOLAS lifejackets. Some ISP jackets are sold under XXX brand, and XXX do offer certification for this brand. We currently service lifejackets with over 35 different brand names and around a dozen different manufacturers. It would be impossible to get certification for all and it would also be impossible for owners of boats to know who to go to get lifejackets serviced by as the manufacturers name is not usually on the branded lifejacket.

In any case - nearly all lifejackets on the UK market, regardless of manufacturers and brand use either the XXX, or more commonly, the XXX firing systems and are similar to service.

We rely on our training, expertise and experience to ensure that lifejackets are serviced and repacked safely.

#### 4. Comment noted.

It should be noted the following:

- Serviced, means a series of maintenance procedures carried out at a set time interval established by regulation or manufacturer recommendations.
- Inspected, is a routine minimum routine maintenance carried out on board by ship personnel during the weekly and monthly period.

It should be noted that if a non-SOLAS lifejacket cannot be serviced in accordance with the manufacturer recommendation, than this shouldn't be accepted on board commercial vessels and is the service station responsibility to determine whether they can follow the manufacturer recommendation.

Should the clause continue to state that lifejackets should be “serviced by a service station accredited by the manufacturer” then the consequences will include:

- Great difficulty for vessel operators to get their jackets serviced. Even if they did know who to go to it may require them to send a batch of lifejackets to several different companies for serving and certification which may lead to non-compliance.
- It will force the wide scale replacement of perfectly serviceable lifejackets where there is no service agent appointed. For example, all the lifejackets manufactured by XXX of which there are tens of thousands in use would not be serviceable because XXX no longer exist and cannot, and have not, issued service certificates to agents.
- The need to replace large numbers of perfectly serviceable lifejackets would be a large cost burden on vessel operators.
- Service revenues for XXX and other independent service providers could be damaged as manufacturer service providers such as XXX and XXX would discount new lifejackets in order to secure guaranteed service revenues the cost of which would rise as competition is driven out of the market.

We appreciate the desire to ensure high standards of servicing but would strongly suggest that this proposal is not workable. Would the MCA consider introducing its own accreditation process?

5. MCA has changed and removed the paragraph 7.1; however we have include the following text under paragraph 4.1

Quote

For servicing requirements for non-SOLAS inflatable lifejackets fitted to commercial vessels refer to relevant Codes/Regulation. The manufacturer’s recommendations/instructions should be applied

Unquote

With regards to the servicing please note that the requirements are as per MGN 280 section 13.4.6

Clause 8.3

This clause restricts the use of inflatable danbuoy's to use on vessels certified to Cat 5 and Cat 6.

The impact of this clause will be considerable for a number of operators - particularly those that run charter sailing vessels that are used for racing. We currently service around a 100 of these each year that are on Cat 2 vessels. These are for operators such as XXX, XXX events, and XXX. These operators have been using inflatable dan buoys for many years and they have been approved by inspectors up to now.

I am not clear how this change would improve safety- indeed I think a reduction in safety is a likely consequence. Modern fast sailing vessels often exceed 8 to 10 knots downwind and some considerably higher speeds. Eight knots is equivalent to 4.1 metres per second which means that 20 seconds after a man overboard the casualty will be 42 metres from the vessel. Sailing yachts using downwind sails cannot be stopped quickly. It follows therefore that speed of deployment of a man overboard marker is absolutely critical to the successful recovery of a casualty. Inflatable dan buoys are very quick to deploy. The only alternatives are traditional rigid dan buoys which are much slower to deploy, require the operator to remember to raise and lock off the flag pole, are extremely prone to entanglement and are often less visible. I would also add that on some modern open transom racing yachts finding a location for a rigid danbuoy from where it can be safely deployed without the risk of a further MOB is very difficult.

I am curious as to the logic of restricting use of these items based on the distance off shore of a vessel. It is not clear to me how the distance off shore of a vessel in any way effects the need for an effective MOB marker. A man overboard may be as difficult to locate one mile off shore as they would be 60 miles offshore.

6. This was agreed during the CABCC that this would not be accepted to CAT 5 & 6 due to difficulty to prove that an inflatable product was a direct equivalent.

MCA in the near future will look into creating a better standard in order to allow installation of this type of component. The MCA is running a series of tests to demonstrate suitability. As a results of those tests we will look if there is any need to update relevant MGN after feeding back the results to CABCC and SEAC.

Please also note that this is already defined in the Small Commercial Vessel Codes of Practice and MGN 280.



If Cat 2 registered sailing vessels are no longer able to use these devices I believe the consequences would be as follows:

- Considerable additional cost to operators who would have to replace their existing Dan Buoys with rigid ones.
- A considerable reduction in service income for service providers such as XXX.
- A real reduction in safety with an increased risk of loss of life due to the failure of MOB casualties being recovered in a timely fashion if at all.

I have received and read the questionnaire sent out seeking to identify costs for the changes prescribed by the MGM. There is considerable work required to detail these and the costs are affected to a significant degree by MCA's response to this request for clarification. I would be grateful there for if the MCA would accept these figures being submitted after the next draft of the MGN has been circulated.

I would also appreciate it if you could outline the process you intend to follow for seeking comments on further drafts before the MGN is finally issued.