Maritime & Coastguard Agency

MERCHANT SHIPPING NOTICE

MSN 1855 (M)

Domestic Passenger Ships Directive - Equivalent Standards

Notice to all Ship Owners, Operators, Masters, Surveyors, Ship Designers and Builders of Domestic Passenger Ships

Summary

This Merchant Shipping Notice provides details of technical provisions that have been accepted by the Maritime and Coastguard Agency and the European Commission as providing an equivalent level of safety to the statutory requirements for passenger ships on domestic voyages, in accordance with Article 9 of European Council Directive 2009/45/EC, as amended by Directive 2010/36/EC.

1. **UK Policy on Exemptions and Equivalence**

1.1 The general policy in the United Kingdom is that ships cannot be exempted from statutory requirements unless an alternative provision is applied to ensure an equivalent level of safety. This is known as "equivalence". Ships permitted such equivalences receive an Exemption Certificate, identifying the exempted requirements and documenting the equivalent provisions.

2. **European Domestic Passenger Ships Directive**

2.1 The "Council Directive 1998/18/EC of 17 March 1998 on safety rules and standards for passenger ships", was recast as Directive 2009/45/EC and amended by Directive 2010/26/EC ("The Directive"). The Directive lays down European-wide requirements for safety of sea-going passenger ships on domestic voyages. Article 9 prescribes the process for acceptance of exemptions and equivalences.

2.2 The intent of Article 9 is that exemptions and equivalences should not be granted to individual ships. As domestic passenger ships are becoming larger, built to standardised designs, and operate over wider areas, there is a need to ensure a consistent approach to exemptions to safeguard standards and avoid competitive distortion and variations in safety levels from one part of Europe to another. Instead the Directive encourages member States to adopt legislative measures that dis-apply specific provisions of the Directive and implement equivalent requirements. These alternatives shall be reviewed by the European Commission and, if appropriate, the other member States.

2.3 This process provides for transparency and equity in the application of equivalent standards, gives all ships the opportunity to use the alternatives appropriate for their operation and ensures equal treatment of ships regardless of their flag or operating area.

2.4 This Merchant Shipping Notice (MSN) provides details of the Exemptions and Equivalent Standards that have been granted by the Maritime and Coastguard Agency on behalf of the Secretary of State, and accepted by the European Commission under the terms of Article 9 of the Directive. It also provides guidance on these exemptions where appropriate. The MSN includes a General Exemption and a Schedule listing individual items for which equivalent standards have been agreed. At the request of Companies, the General Exemption and relevant specific items in the Schedule can be applied to their ships that meet the equivalent standards defined in the Schedule. The application of the General Exemption, and the relevant equivalent provisions, will be recorded on the ships' Passenger Ship Safety Certificates.

2.5 Requests for equivalent standards not mentioned here will still be considered, and should be submitted to the MCA via the Customer Service Manager as usual. If supported, the requests will be submitted to the European Commission for acceptance and will be included in future revisions of this MSN.

More Information

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telephone numbers are correct at time of publishing

Safer Lives, Safer Ships, Cleaner Seas

ANNEX

Maritime & Coastguard Agency

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GENERAL EXEMPTION

Seagoing Passenger Ships on Domestic Voyages

The Secretary of State, in exercise of his powers under Regulation 8 of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations, 2000 (SI2000/2687), and in accordance with the procedure laid down in Article 9 of Directive 2009/45 of the European Parliament and of the Council of 6 May 2009 on Safety Rules and Standards for Passenger Ships, hereby exempts Passenger Ships described in Column 4 of the Schedule, from the requirements described in Columns 2 and 3, subject to compliance with the Equivalent Standards, if any, laid down in Column 5 of that Schedule.

Dated this 18 day of February 2015

Chris Thomas
Director of Maritime Safety and Standards
For the Secretary of State

SCHEDULE

The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 – Exemptions, Equivalences and Guidance

Exemptions and equivalences granted by the Maritime and Coastguard Agency and accepted by the European Commission in accordance with the procedure in Article 9 of the Directive 2009/45/EC, as amended, on Safety Rules and Standards for Passenger Ships, together with guidance notes. Terms underlined are separately defined below.

1. No.	2. Dir. 2009/45 Reference	3. Description	4. Application	5. Equivalent Standard
1	Annex I	Technical requirements for Class B vessels for ships on restricted service, based on a maximum significant wave height not exceeding 2.5 metres.	New vessels of Class B, operating in Isles of Scilly and Scottish Islands, of under 24m in length, carrying not more than 250 passengers, operating in daylight and summer only and which are not ro-ro passenger vessels.	A ship shall comply with the standards of a Class C vessel specified in Annex I, provided it is of under 24m in length, shall be engaged only on voyages in favourable weather and with a significant wave height less than 2.5 metres in the course of which it is at no time more than 15 miles from a place of refuge nor more than 5 miles from land, where ship-wrecked persons can land, corresponding to the medium tide height.
		Note	This permits a Class B vessel to comply with the standards of a Class C vessel, provided it operates in areas close inshore where the wave height statistics otherwise require compliance with Class B standards, provided that there was favourable weather and a significant wave height of less than 2.5m at the time of the voyage. Before proceeding on a voyage it must be demonstrated, through up-to-date weather reports, that the significant wave height is expected to be below 2.5m. For information, the significant wave height was originally intended to mathematically express the height estimated by a "trained observer", or seafarer. It is commonly used as a measure of the height of waves.	

Schedule

1. No.	2. Dir. 2009/45 Reference	3. Description	4. Application	5. Equivalent Standard
2	Article 6(1)(b)	Provision of radio equipment according to Chapter IV of SOLAS	1. Vessels of Class C & D operating in UK waters 2. Vessels of Restricted Class C & D	1. May carry the equipment prescribed in the Appendix to this Schedule for Class C & D vessels., which is the equipment prescribed for a vessel of UK Class VIA. 2. May carry the equipment prescribed in the Annex for Restricted Class C & D vessels, which is the equipment prescribed for a vessel of UK Class VI. .
		Note	These vessels operate within five miles from the coastline, well within range of the extensive VHF radio reception facilities installed by UK authorities for receiving distress alerts. The UK also has efficient Search and Rescue resources able to provide effective assistance. It is therefore considered that the requirements in the appendix provide a level of safety at least equivalent to that of SOLAS Chapter IV, in UK waters. A SART enables search and rescue assets to home in on the survival craft. A satellite EPIRB provides a distress alert and a rough position, but if the EPIRB has a built-in GPS then the position transmitted will be at least as accurate as a SART locating device. For these vessels, this is the equipment prescribed for a vessel of UK Class VIA (for Class C&D), and VI (for Restricted Class C&D), in accordance with the General Exemption for Radio Equipment dated 7 March 2005, previously issued in MCA internal document OAN420.	
3	Article 6(2)(a)	Safety requirements for new ships	New ships whose keels were laid before 23 Oct 2000, or which were contracted before that date and whose keels were laid on or before 31 Dec 2002.	New vessels built in the period 1 July 1998 to 31 Dec 2002 may comply with UK National Standards as ships of UK Classes IIA, III, VI and VIA but should have phased-in to Directive 2009/45 by 1 July 2010. On phasing-in, vessels of UK classes III, VI or VIA may continue to comply with UK National Standards. Class IIA vessels however should have phased-in fully or changed to a different class.
		Note	Directive 1998/18/EC applied with effect from 1 July 1998. The Directive was transposed into UK law by the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (SI2000/2687) which came into force on 23 October 2000. The MCA considered that vessels of UK Class III, VI and VIA already met an adequate standard of safety, taking into account the significant changes to UK regulations that were phased-in after 1992. The MCA therefore sought and obtained the tacit acceptance of the Commission that these vessels met a standard of safety equivalent to that of the Directive, taking into account that operations of these vessels have restrictions including	

Schedule

1. No.	2. Dir. 2009/45 Reference	3. Description	4. Application	5. Equivalent Standard
			daylight, summer and favourable weather conditions together with limitations of passenger numbers, voyage length and distance from shore. The treatment of existing ships under this acceptance is covered in a separate document, Merchant Shipping Notice MSN1811. This item addresses those new ships built or contracted after 1998 but before the Directive entered into force in the UK.	
4	Annex I Reg. II-1/B/1	Severe Wind and Rolling Criterion	All ships	Alternative Bilge Radius and Beam/depth ratio criteria, defined in UK MCA Research reports RP571 an RP572, as notified to the Commission by letter reference MS26/07/28 dated 20 August 2007, and accepted by Commission letter reference TREN/D(2007) RCM/327829 dated 22 Nov 2007.
5	Annex I Reg. II-1/B/1	Severe Wind and Rolling Criterion (SWRC)	Category B, C and D vessels, where it can be demonstrated that the wind speed will not exceed that allowed for in the Japanese Coastal I standard (i.e. 37 knots), in the area of operation.	Use of the Japanese Coastal I standard described in IMO paper SLF51/4/1 Report of the Inter-Sessional Correspondence Group on Intact Stability.
		Note	The UK considers that the Japanese Coastal I standard relates to conditions similar to those encountered off the UK coast and provides a level of safety appropriate for vessels on short voyages close to shelter. Operators wishing to use this facility must provide statistical wind speed data to demonstrate that the maximum wind speed on the route does not exceed 37 knots.	
6	Annex I Reg II-1/B/9.1 & 9.4	Position of the Collision Bulkhead and Extension	Vessels with surface-piercing bulbous bows, whose keels were laid on or before 31 Dec 2008, and those of classes B, C and D with stability calculated according to SOLAS 90.	The position of the bulkhead and extension, relative to the stem, may be located according to the provisions of SOLAS 2009.
		Note	The SOLAS 90 provisions for bulbous bows describe the “traditional” fully submerged bulbous bow. Modern ship designs feature a turned-up bow bulb that rises just above the waterline. This means that the “forward perpendicular” is several metres forward of the physical hull of the vessel. It would be physically impossible to fit a bow door and inner folding ramp within the prescribed location within hull – 3m from the “forward perpendicular” – because the hull is very narrow there. In terms of safety, this equivalence allows the collision bulkhead to remain in its traditional position, but the new “wave-piercing” bulbous bows provide a little more steelwork in front to act as a crumple zone.	

Schedule

1. No.	2. Dir. 2009/45 Reference	3. Description	4. Application	5. Equivalent Standard
7 (8)	Annex I Reg II-1/B/3	Floodable Length Calculations	All SOLAS 90 vessels provided with long un-subdivided spaces below the bulkhead deck, such as ro-ro passenger ships fitted with Long Lower Holds; or vessels with long un-subdivided machinery spaces or passenger accommodation.	The UK may accept equivalent damage calculations in lieu of the floodable length calculations required by SOLAS 90, ref IMO Circular Letter SLS.14/Circ.321 dated 3 October 2008.
		Note	The UK insists that vessels built to SOLAS 90 standards should fully meet the floodable length requirements of SOLAS Regs II-1/4 to 7, in addition to Reg II-1/8. Ferries which have lower holds longer than one compartment often have difficulty in meeting this requirement. The UK has notified IMO of alternative standards which ensure an appropriate level of safety. The UK considers these standards acceptable for EC Domestic Passenger Ships.	
8 (14)	Annex I Reg II-2/B/1.3	Crowns and casing of machinery spaces to be of steel	Vessels of Classes B, C and D of aluminium alloy construction	Aluminium crowns and casings insulated to A60 standard, provided that the deck above is not any of the following:- a) load bearing b) forming part of an escape route; or c) is adjacent to or forms part of a muster station or LSA embarkation area.
		Note	Regulation 1.1 requires a vessel to be built of "…steel or equivalent …" but then prescribes a steel deckhead to the engine room without permitting the equivalence. It is considered that A60 insulation should provide sufficient protection to permit a sustained fire fighting effort or allow for an orderly evacuation of the ship, taking into account that the relevant vessels are on restricted voyages close to shore. It is noted that the HSC Code, which is aimed at alloy craft, does not require crowns and casings of machinery spaces to be built of steel.	
9 (15)	Annex I Reg II-2/B/ 6-1.3	Evacuation Analysis	Ro-ro passenger vessels of class B, C and D carrying not more than 250 passengers.	A simplified evacuation analysis may be used provided that the enclosed accommodation for passengers extends over no more than two decks, is all above the bulkhead deck, the escape routes meet the requirements of Regulations 6 and 6-1, and at least one of the escape routes from each passenger lounge leads directly to the weather deck.
		Note	The circumstance of a simple accommodation layout is not addressed in the regulation. It is considered that a computerised evacuation analysis will not add to safety of vessels carrying limited numbers of passengers, where the accommodation arrangements and escape routes are straightforward, given the uncertainty and approximations inherent in the numerical analyses used.	
10 (17)	Annex I Reg III/2.1 Table Footnote (5)	Rescue Boat installation	Any vessel of under 24m in length, and any passenger ferry of class C or D under 50m carrying no more than 250 passengers provided	Installation of a rescue boat would be deemed "physically impossible" on such vessels. All the requirements of Footnote (5) will need to be complied with.

Schedule

1. No.	2. Dir. 2009/45 Reference	3. Description	4. Application	5. Equivalent Standard
			with facilities to transport vehicles.	
		Rationale	This guidance to surveyors is to ensure consistency when considering whether an installation is "physically impossible". Vehicle ferries will have much less available deck space than a passenger-only ferry of equivalent size, hence the greater permitted length.	
11 (19)	Annex I Reg III/3.2	Public Address system	Vessels of under 24m in length, carrying up to 60 passengers.	The provision of a PA system may be fulfilled, on ships where the enclosed passenger accommodation extends over only one deck and is above the bulkhead deck, with a conventional portable loud hailer.
		Note	On small vessels a portable loud-hailer may be more reliable and will enable the skipper to instruct passengers and keep them informed without having to leave his emergency duties and return to the wheelhouse.	
12 (20)	Annex I Reg III/5-1	Additional requirements for Ro-Ro passenger ships	Class C and D ro-ro passenger ships.	Exemption from Carrying Fast Rescue Boat (FRB): vessels of 50m or over may carry a conventional rescue boat instead. Those under 50m may be exempted in accordance with item 17. Exemption from carrying a Means Of Rescue (MOR): vessels shall demonstrate alternative means of recovering persons from the water, which may include use of rescue boat, a liferaft or directly to the ship itself if it is sufficiently manoeuvrable, appropriately arranged and the recovery position can be observed from the navigating bridge. In addition the provisions of MGN432 Section 4 shall be observed. +
		Note	The requirements for FRB and MOR arose from considerations of recovering survivors onto large high-sided ferries in extreme weather conditions. This does not apply to ferries in benign Class C and D waters.	
13 (21)	Annex I Reg III/5-2	Helicopter landing and pickup areas	Class C and D ro-ro passenger ships.	Exemption from providing a Helicopter landing or pickup area
		Note	The requirements for helicopter landing and pickup areas arose from considering recovering survivors onto large high-sided ferries far out to sea, or for hospitalising a sick person from a ferry. This does not apply to ferries operating close to land in Class C and D waters (on which there will be no doctor or medical facilities), where it will be quicker to take survivors directly to shore than to a small ferry. A person falling sick on board a ferry would be treated faster when the vessel reaches port and a waiting ambulance, than by scrambling a helicopter.	

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Definitions

"Categorised Waters" means inland waters categorised as one of Categories A, B, C or D in Merchant Shipping Notice 1827. These categories determine the waters not regarded as "sea" for the purposes of Merchant Shipping legislation. These should not be confused with the classes A-D of seagoing domestic passenger ships defined in the Directive 2009/45/EC, nor the areas of sea defined as C and D in Merchant Shipping Notice 1747 for the purposes of the Directive. Categories A through D are analogous to Zones 4 through 1 of Annex 1 of the EC Directive 2006/87 Technical Requirements for Inland Navigation Vessels.

"Daylight" in UK waters means between one hour before sunrise and one hour after sunset.

"Favourable weather" means fine, clear settled weather with a sea state such as to cause only moderate rolling and/or pitching. In making a judgement on favourable weather, the skipper should have due regard to official weather forecasts for the service area of the vessel or to weather information for the area which may be available from the MCA or similar coastal safety organisation;

"Summer" in UK waters means from the 1st April to 31st October, both dates inclusive; The 1st April date shall be substituted by the date 14 days before Good Friday in any year in which this is earlier but no earlier than the 17th March.

"Restricted Class C & D": Vessels which are engaged only on voyages in summer, daylight and favourable weather, in the course of which they are at no time more than 15 miles, exclusive of any UK categorised waters, from their point of departure nor more than 3 miles from land. This definition relates to UK national standards for vessel operations, with which ship operators are familiar and which permit them to trade during the main tourist seasons. The term "restricted" is used to differentiate vessels which operate with restrictions allowed for in article 9(3) of the Directive; including restricted periods of the year, voyages only during daylight and under suitable climatic conditions (i.e. favourable weather).

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APPENDIX

Minimum Radio and Emergency Communication Equipment Requirements (as Referred to in Item 2)

All ships should be capable of initiating a distress call/alert by at least two separate and independent means, one of which must be VHF, the second means should not be VHF. The second means may be met by the parachute rocket flares, subject to vessel being in visible range of land.

There should be at least 2 VHF radio sets provided, i.e. one fixed and one portable.

Item	Restricted Class C & D vessels	Class C & D vessels
	Minimum Number Required	
Distress Alerting		
Fixed GMDSS VHF radio installation - minimum Class D VHF Channel 70 DSC watch installation[1] (may be incorporated with above)	1 1	1 1
Hand held VHF radio[2] (also may be used in survival craft)	1	2
Rocket Parachute Flares (LSA Code 3.1)	C=12/D=6	C=12/D=6
Float-free 406 MHz EPIRB with a 121.5 MHz homing device[3]	-	1
"Last Mile" Pin-Point Homing		
Hand Flares (LSA Code 3.2)	2	2
Either – SART Or – GPS facility incorporated in 406MHz EPIRB	1 1	1 1
Other Items		
Reserve Power Supply[4]	1	1
Battery Charger[5]	1	1
Hand held waterproofed two-way radiotelephone apparatus for use in survival craft[6]	3	3

NOTES:

1 An open vessel may have the "fixed" VHF DSC fitted into a waterproof case on the bridge. Any such kit, however, must have a spare battery (see note 5) and a means of charging it, as well as a means of charging the spare battery.

2 VHF must operate on channel 16 and one other and be of a type specifically designed for operation in survival craft. In particular, the equipment should be fully waterproof (according to ETS 300 225). For radios already provided in waterproof cases, these may continue to be accepted until replaced. A spare, fully charged battery should be available in case of emergency. This may be combined in the total number of hand held radios if all compatible type (i.e. all VHF).

3 The satellite EPIRB should be installed in an easily accessible position where it can be manually released and placed in a liferaft.

4 Capable of supplying the fixed VHF installation continuously for a period of at least six hours. This may be via the battery charger where a "fixed" VHF DSC is battery powered in accordance with note (2).

5 Capable of fully charging the battery within a period of not more than 16 hours.

6 These radios are required in addition to the hand held VHF unless the VHF and survival craft radios can communicate with each other on at least 2 channels. The total number of radios for use in survival craft need not be more than the total number of survival craft (1 raft = 1 radio, 2 rafts = 2 radios etc).