



Maritime & Coastguard Agency

Consultation on amendments to EU Safety Standards for Seagoing Domestic Passenger Ships

Purpose of this consultation

1. This consultation concerns the proposed implementation of Directive EU 2016/844, amending Directive 2009/45/EC, on “Safety Rules and Standards for Passenger Ships”. This Directive applies to seagoing domestic passenger ships, defined as vessels certificated to carry more than 12 passengers, and engaged on non-international voyages.

2. We do not anticipate that the changes introduced by Directive 2016/844 will have a significant impact for the majority of ship owners and operators, as they are mostly technical in nature. The majority of the amended safety standards apply only to ships constructed on or after 1 July 2018. A few however apply to ships constructed before that date. All of the changes are set out in the table provided at Annex 1 of this letter. Directive 2016/844 (and its minor corrigendum) may be found at the following links:-

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L0844&rid=1>

[http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L0844R\(01\)&rid=2](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L0844R(01)&rid=2)

3. We would welcome your input on the proposed implementation outlined in this letter and the annexed documents, particularly regarding any changes you consider may have an impact, positive or negative, on your business.

4. The following documents are annexed to this letter.

- Annex 1 - Changes and Impacts Table.
- Annex 2 - Questions for Consultees.
- Annex 3 - Draft regulations for transposing Directive EU 2016/844.
- Annex 4 - Draft Marine Guidance Note (MGN), to replace MGN 459.

Background

5. EU wide safety rules and standards for domestic passenger ships were first introduced by Directive 1998/18/EC. This established consistent, harmonised safety standards across the EU, for passenger ships and high speed craft operating seagoing domestic services (non-international voyages) to and from ports in the same Member State. The directive was based on the requirements developed and adopted under the International Convention for the Safety Of Life At Sea (SOLAS), by the International Maritime

Organization (IMO); the United Nations “Specialized Body” that agrees global standards for international shipping. These requirements have been scaled in order to make them relevant and proportionate to domestic seagoing passenger ships.

6. The purpose of these standards is to maintain a high level of safety and to remove barriers to trade facilitating the EU single market in the provision of ships and services by ensuring a consistent standard of safety across all EU domestic passenger ships thus allowing their transfer from one Member State to another without the need for local recertification.

7. Directive 1998/18 was amended by three subsequent directives, 2002/25/EC, 2003/24/EC and 2003/75/EC. Each of these introduced changes to reflect relevant amendments to international legislation, namely SOLAS and scaled these requirements so that they were relevant for passenger ships on domestic voyages. Directive 2009/45/EC consolidated and replaced all four previous directives in a “recast” format. It was in turn amended by 2010/36/EU.

8. Directive 2009/45/EC is now amended by Directive 2016/844, on the same basis.

9. Attached to this consultation are a set of draft Regulations (Annex 3) and a draft Marine Guidance Note (Annex 4). Very broadly, the draft Regulations update the references to Directive 2009/45/EC with the effect that they become references to the version of Directive 2009/45/EC as amended by Directive 2016/844.

Consultation questions

10. Please consider the questions at Annex 2 below, in conjunction with the changes and impacts table at Annex 1. Please also let us know of any other comments you may have. Your responses will be greatly appreciated, and will help us in developing a more accurate profile of the business impacts from Directive 2016/844. They will also feed into future UK policy regarding seagoing domestic passenger ship safety.

How to Respond

11. A six-week consultation will be held between 11 May 2017 and 22 June 2017]. The consultation is available on the Gov.UK website [<https://www.gov.uk/government/consultations/consultation-on-amendments-to-eu-standards-for-seagoing-domestic-passenger-ships>]; hard copies are available on request.

Please send your responses to this consultation, marked for the attention of Stuart Hannam / Richard Bone.

to consultationsdmss@mcga.gov.uk or

to Vessel Standards Branch
Bay 2/30, Spring Place
105 Commercial Road
Southampton
SO15 1EG

By 23 June 2017

EU Exit

On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

About this consultation

This consultation document is issued by the Maritime and Coastguard Agency (MCA) in compliance with its duty to consult under section 86 of the Merchant Shipping Act 1995.

The MCA tries to make its consultation procedures as thorough and open as possible. Responses to this consultation document will be published on www.gov.uk after the close of the consultation period where they can be inspected by members of the public.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR)).

If you want us to treat any of the information you provide, including personal information, as confidential, it would be helpful if you could explain to us in your response why you regard the information as confidential. If we receive a request under FOIA for disclosure of the information you have provided, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances as the statutory obligations will prevail. An automatic confidentiality disclaimer generated by your IT system will not, of itself be regarded as binding on the Department.

The MCA will process all personal data in accordance with the DPA and in the majority of circumstances, this will mean that personal data will not normally be disclosed to third parties.

Code of Practice on Consultation

This consultation is conducted in accordance with the Cabinet Officer Consultation Principles Guidance.

Feedback

If you have any feedback about the way the consultation has been conducted, please address them to:

The Consultation Co-ordinator
Office of the Chief Executive
MCA
Bay 3/29, Spring Place
105 Commercial Rd
Southampton
SO15 1EG

Consultation.coordinator@mcga.gov.uk

We are continually trying to improve the way in which we conduct consultations and appreciate your views, so we would also be grateful if you would complete and return the attached feedback form. These should be returned to the consultation co-ordinator and are not affected by the deadline for this consultation.

List of Annexes

Annex 1 - Table of Changes and Impacts

Annex 2 – Questions for Consultees

Annex 3 – Draft Transposing Regulations

The “Merchant Shipping (Passenger Ships on Domestic Voyages) (Amendment) Regulations 2017”

Annex 4 - Draft MGN

“Safety Rules and Standards for Seagoing Domestic Passenger Ships: Directive (EU) 2016/844/EU Amendments”