



To consultees regarding the EU Technical Requirements for Inland Waterway Vessels

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Dear Consultee

## **Consultation on Regulations implementing the European Standard laying down Technical Requirements for Inland Waterway vessels (ES-TRIN 2019/1)**

### **Purpose of this consultation**

This consultation seeks the views of industry and stakeholders on proposals to implement the above-named standard. The proposal in this consultation is to implement the standard, which has already been subject of discussion and agreement amongst EU Member States and the European Commission. This consultation therefore focusses on the approach taken to implement the standard in the United Kingdom, rather than the detail of the standard itself.

This consultation is not intended to address our policy approach to implementation of Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC ('the Directive'), which was considered previously as part of our consultation on that Directive when it was implemented.

The entry into force date of ES-TRIN 2019/1 is 1 January 2020. Whilst this date is obviously after the current EU Exit date of 31 October 2019, it is assumed that the UK will leave the EU with a deal which includes a transitional period requiring the UK to comply with EU law. As a matter of policy, we support the technical standard underlying the Directive notwithstanding the possibility that the UK may leave the EU without a deal on 31 October.

## Background

The Directive lays down the technical requirements for inland waterway vessels. The aim of the Directive is to harmonise the technical requirements for inland waterway vessels on all EU inland waterways including those applicable to vessels navigating on the Rhine in accordance with the Revised Convention for Rhine Navigation (RCRN), administered by the Central Commission for Navigation on the Rhine (CCNR).

The technical standard (ES-TRIN) underpinning the Directive is updated every two years to take into account technological changes in the field of inland navigation. To achieve this regular revision to the standard, the CCNR has set up an international body known as CESNI (*Comité européen pour les standards dans le domaine de la navigation intérieure*). CESNI is open to attendance by EU and CCNR Member States, where vessel standards are agreed and subsequently incorporated into the respective legal mechanisms of the EU and CCNR. The intention is that the standard is revised and harmonised in a timely and efficient manner, thus creating a level playing field for vessels operating on both the Rhine, and other EU inland waterways.

CESNI adopted its first technical standard in November 2015 (ES-TRIN 2015/1), thus enabling reference to be made to that standard in the Directive at the time of its publication in September 2016. Subsequently, at entry into force of the Directive on 7 October 2018, ES-TRIN 2015/1 was superseded by ES-TRIN 2017/1. The next version (ES-TRIN 2019/1) is due to take effect from 1 January 2020.

The European Commission has recently issued a corrigendum to the Directive concerning Transitional Provisions. The Directive (as originally published), allowed for documents issued by the competent authorities of Member States in accordance with Directive 2006/87/EC before 6 October 2016, to remain valid until they expire. This has now been corrected in the corrigendum to read that such documents issued before 6 October 2018 remain valid until they expire.

We propose to implement the new technical standard by Regulations (The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) (No.2) Regulations 2019), and by updating the existing Merchant Shipping Notices (MSNs 1879 and 1880) which accompanied the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 ('the 2019 Regulations') made earlier this year to implement the requirements of the Directive. MSN 1879 has been revised by deleting references to ES-TRIN 2017/1 throughout and replaced with ES-TRIN 2019/1; and ES-TRIN 2017/1 in MSN 1880 has been replaced by ES-TRIN 2019/1.

The Regulations implementing the standard will be made using powers in sections 85 and 86 of the Merchant Shipping Act 1995. Section 2(2) of the European Communities Act 1972 was used to extend the application of the original 2010 Regulations (the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010) (which the 2019 Regulations amended) in order to cover Government ships. However, section 2(2) will be repealed on the day that the UK leaves the EU. Accordingly, these Regulations will rely solely on the powers

available in the Merchant Shipping Act and the amendments they make will not apply to Government ships.

As such, please find attached the following consultation documents:

- The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) (No.2) Regulations 2019
- Explanatory Memorandum for The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) (No.2) Regulations 2019
- Merchant Shipping Notice (MSN) 1879 Amendment 1
- Merchant Shipping Notice (MSN) 1880 Amendment 1

### **Consultation questions**

You are requested to review the consultation documents, confirm whether or not you agree with the UK's approach to implementation of the standard (as set out above) and provide any comments that you may have. Responses should be provided by 22 October 2019.

### **How to respond**

A 3-week consultation will be held from 1 to 22 October 2019. The consultation is available on the Gov.UK website and you are encouraged to publicise this consultation amongst your own stakeholders who may be affected by it. Please provide any comments using the email address [david.unsworth@mca.gov.uk](mailto:david.unsworth@mca.gov.uk).

### **About this consultation**

This consultation document is issued by the MCA in compliance with its duty to consult under section 86(4) 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 <https://www.gov.uk/search/policy-papers-and-consultations?organisations%5B%5D=maritime-and-coastguard-agency&parent=maritime-and-coastguard-agency>

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 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 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 Office Consultation Principles.

### **Feedback**

If you have any feedback about the way this 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@mca.gov.uk](mailto:Consultation.coordinator@mca.gov.uk)

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

**Annex 1:** Draft SI Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) (No.2) Regulations 2019

**Annex 2:** Draft Explanatory Memorandum for The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) (No.2) Regulations 2019

**Annex 3:** Draft Merchant Shipping Notice (MSN) 1879 Amendment 1

**Annex 4:** Draft Merchant Shipping Notice (MSN) 1880 Amendment 1