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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 17 November 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

Subject: COMMISSION STAFF WORKING DOCUMENT For the Council Shipping
Working party IMO - Union submission to be submitted to the 5th session
of the Sub-Committee on Ship Systems and Equipment (SSE 5) of the IMO
in London from 12 - 16 March 2018 concerning a proposed unified
interpretation (UI) of the Life-Saving Appliances (LSA) Code Paragraph
4.4.8.1 and the Standardized Life-Saving Appliances Evaluation and Test
Report Forms MSC/Circ.980/Add.1, Section 4.4.1.2

Delegations will find attached document SWD(2017) 418 final.

Encl.: SWD(2017) 418 final



Brussels, 17.11.2017
SWD(2017) 418 final

COMMISSION STAFF WORKING DOCUMENT

For the Council Shipping Working party

IMO – Union submission to be submitted to the 5th session of the Sub-Committee on Ship Systems and Equipment (SSE 5) of the IMO in London from 12 - 16 March 2018 concerning a proposed unified interpretation (UI) of the Life-Saving Appliances (LSA) Code Paragraph 4.4.8.1 and the Standardized Life-Saving Appliances Evaluation and Test Report Forms MSC/Circ.980/Add.1, Section 4.4.1.2

COMMISSION STAFF WORKING DOCUMENT
For the Council Shipping Working party

IMO – Union submission to be submitted to the 5th session of the Sub-Committee on Ship Systems and Equipment (SSE 5) of the IMO in London from 12 – 16 March 2018 concerning a proposed unified interpretation (UI) of the Life-Saving Appliances (LSA) Code Paragraph 4.4.8.1 and the Standardized Life-Saving Appliances Evaluation and Test Report forms MSC/Circ. 980/Add.1, Section 4.4.1.2

PURPOSE

The document in Annex contains a draft Union submission to the 5th session of the Sub-Committee on Ship Systems and Equipment (SSE 5) of the IMO concerning a proposed unified interpretation (UI) of the Life-Saving Appliances (LSA) Code Paragraph 4.4.8.1 and the Standardized Life-Saving Appliances Evaluation and Test Report forms MSC/Circ. 980/Add.1 Section 4.4.1.2. It is hereby submitted to the appropriate technical body of the Council with a view to achieving agreement on transmission of the document to the IMO prior to the required deadline of 5 January 2018¹.

Lifeboats are included in Commission Implementing Regulation (EU) 2017/306 of 6 February 2017 indicating design, construction and performance requirements and testing standards for marine equipment². Reference is made in that Implementing Regulation to the LSA Code and to resolution MSC/Circular 980 in relation to life saving appliances. This equipment therefore falls in the scope of Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC³ and therefore the said draft Union submission falls under EU exclusive competence.

¹ The submission of proposals or information papers to the IMO, on issues falling under external exclusive EU competence, are acts of external representation. Such submissions are to be made by an EU actor who can represent the Union externally under the Treaty, which for non-CFSP (Common Foreign and Security Policy) issues is the Commission or the EU Delegation in accordance with Article 17(1) TEU and Article 221 TFEU. IMO internal rules make such an arrangement absolutely possible as regards existing agenda and work programme items. This way of proceeding is in line with the General Arrangements for EU statements in multilateral organisations endorsed by COREPER on 24 October 2011.

² OJ L 48, 24.2.2017, p. 1.

³ OJ L 257, 28.8.2014, p. 146.

**UNIFIED INTERPRETATION OF PROVISIONS OF IMO SAFETY, SECURITY, AND
ENVIRONMENT RELATED CONVENTIONS**

Unified interpretation on Lifeboat Equipment, Paragraph 4.4.8.1 of the LSA Code

Submitted by the European Commission on behalf of the European Union

SUMMARY

<i>Executive Summary:</i>	The annex of this document provides a proposed unified interpretation (UI) of the Life-Saving Appliances (LSA) Code Paragraph 4.4.8.1 and the Standardized Life-Saving Appliances Evaluation and Test Report forms MSC/Circ. 980/Add.1 Section 4.4.1.2
<i>Strategic Direction:</i>	1.1
<i>High-level Action:</i>	1.1.2
<i>Planned Output:</i>	1.1.2.3
<i>Action to be taken:</i>	Paragraph 12
<i>Related documents:</i>	None

Background

2. Regulation 13/1.4 of SOLAS Chapter III states that, survival craft shall be:

“Fully equipped as required by this chapter and the Code.”

3. Paragraph 4.4.8.1 of the LSA Code states:

“Except for free-fall lifeboats, sufficient buoyant oars to make headway in calm seas. Thole pins, crutches or equivalent arrangements shall be provided for each oar provided. Thole pins or crutches shall be attached to the boat by lanyards or chains.”

4. As clarified in the Standardized Life-Saving Appliances Evaluation and Test Report Forms (MSC/Circ. 980/Add.1) Section 4.4.1.2 (Visual Inspection), sufficient buoyant oars to make headway in calm seas shall be provided in order to fulfil with the requirements.

5. During inspections, it has been noted that some lifeboats with two independent propulsion systems have not been provided with paddles or oars nor any relevant arrangement to accommodate these. It should also be noted that approval of the survival craft has been granted by relevant Notified Bodies notwithstanding the requirements described in the relevant Code.

Discussion

6. It is believed that the requirements of the LSA Code Chapter IV Paragraph 4.4.1.8 were originally intended for standard lifeboats with single engine only; however, the relaxation of the aforementioned requirements were introduced during the development of IMO MSC.1/Circ.1417 (Guidelines for Passenger Ship Tenders). This states that the required equipment (paddles and oars) shall be provided for tenders having single means of propulsion.

7. Based on the analysis of the above provisions, it is concluded that the requirement of the LSA Code and MSC/Circ.980 Standardized Life-Saving Appliance Evaluation and Test Report Forms does not take into account lifeboats designed with two independent propulsion systems.

8. It is recognised that for lifeboats designed with a single engine, the requirements of the LSA Code shall be applied in full.

9. It should, however, also be highlighted that there is no practical test required under the Revised Recommendation on Testing of Life-Saving Appliances, IMO Resolution MSC.81 (70) Part 1, in order to demonstrate the abilities of the lifeboat with a maximum carrying capacity of 150 persons to make headway in calm seas with paddles or oars.

10. Looking at the regime testing standards for Rescue Boat in IMO Resolution MSC.81 (70) Part 1 section 7.1.8, this requires that:

“It should be demonstrated that the rigid rescue boat can be propelled and manoeuvred by its oars or paddles in calm water conditions at a speed of at least 0.5 knots over a distance of at least 25 m, when laden with the number of persons, all wearing lifejackets and immersion suits, for which is to be approved.”

11. Based on the foregoing, a UI is proposed based on the principle that, paragraph 4.4.8.1 of the LSA Code need not be applied in respect to lifeboats provided with two independent propulsion systems.

12. Consequently, the UI as shown in the annex has been developed.

Actions requested of the Sub-Committee

13. The Sub-Committee is requested to consider the analysis and discussion provided above together with the copy of the UI, as set out in the Annex, and agree the proposed UI.

ANNEX

DRAFT UNIFIED INTERPRETATION OF THE LIFE-SAVING APPLIANCES CODE, PARAGRAPH 4.4.8.1

Provision of buoyant oars and related equipment for lifeboats

Regulation:

Paragraph 4.4.8.1 of the LSA Code states:

“Except for free-fall lifeboats, sufficient buoyant oars to make headway in calm seas. Thole pins, crutches or equivalent arrangements shall be provided for each oar provided. Thole pins or crutches shall be attached to the boat by lanyards or chains.”

MSC/Circ.980/Add.1 Section 4.4.1.2 Visual Inspections – Fittings, Provisions, and Ladders, states the following:

“Sufficient buoyant oars to make headway in calm seas.”

Interpretation:

For a lifeboat equipped with two independent propulsion systems, where the arrangement consists of two separate engines and shaft lines, fuel tanks, piping systems and any other associated ancillaries Paragraph 4.4.8.1 of the LSA Code need not to be applied. For all other aspects, the lifeboat shall be in full compliance with paragraph 4.4.8 of the LSA Code.