



Notification Number: 2015/497/UK

The Fishing Vessel (Codes of Practice) Regulations 20XX

Date received : 24/08/2015

End of Standstill : 25/11/2015

Message

Message 001

Communication from the Commission - TRIS/(2015) 02706

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2015/0497/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201502706.EN)

1. Structured Information Line

MSG 001 IND 2015 0497 UK EN 24-08-2015 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills
European Reform Directorate
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

3. Originating Department

Maritime and Coastguard Agency
Spring Place
105 Commercial Road
Southampton



SO15 1EG

4. Notification Number

2015/0497/UK - B20

5. Title

The Fishing Vessel (Codes of Practice) Regulations 20XX

6. Products Concerned

The MCA proposes to introduce a single Statutory Instrument to implement three Codes of Practice, which will apply respectively to vessels of less than 15m Length Overall, vessels of 15m Length Overall to less than 24m Registered Length and to vessels of 24m Registered Length and Over.

This Statutory Instrument will replace the existing Statutory Instruments which apply Construction and Equipment standards to these vessels. They will not replace the regulatory requirements relating to Radio equipment, Pollution, Crew Accommodation or Health and Safety which apply to these vessels.

The Statutory Instrument will bring into effect a revised Code of Practice for Small Fishing Vessels (vessels less than 15m) which will replace MSN 1813.

The Statutory Instrument will also bring into effect a revised Code of Practice for vessels of 15m to less than 24m which will replace MSN 1770.

The Statutory Instrument will also introduce a new Code of Practice for Fishing Vessels of 24m and over. The Code of Practice will include requirements that currently exist in the Fishing Vessel (Safety Provisions) Rules 1975, the Fishing Vessel (EC Directive on Harmonised Safety Regime) Regulations 1999, as amended, The 1993 Torremolinos Protocol and the Fishing Vessel (Life Saving Appliances) Regulations 1988.

The new Codes incorporate the requirements of Council Directive 93/103 Concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC), Council Directive 1997/70 Setting up a harmonised safety regime for fishing vessels of 24 metres in length and over as amended by Commission Directive 2002/35/EC of 25 April 2002 amending Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over.

7. Notification Under Another Act

-

8. Main Content

The Statutory Instrument gives effect to three Codes. The SI sets out penalties for proceeding to sea without being Certificated that the vessel complies with the Code. The SI also requires that significant modifications to a vessel are notified to MCA before being undertaken. The Statutory Instrument sets out when a Certificate may be cancelled or suspended and that Small Fishing vessels must report for an inspection when required to do so.

The Statutory Instrument sets out a vessel may be detained if it does not comply with the Regulations. Non UK vessels operating in UK waters are required by the Statutory Instrument to have a Certificate showing it complies with the Torremolinos Protocol and EC Directive 97/70 if it is 24m or over. Vessels of less than 24m need to demonstrate they comply with the national legislation of its flag state. The Statutory Instrument also allows MCA to inspect non UK vessels to ensure that they meet UK requirements and if the conditions are hazardous to health and safety the vessel may be detained until the conditions are rectified.



The Small Fishing Vessel Code applies requirements for Life Saving Appliances and Fire Fighting and Detection equipment. It also requires Construction Standards for vessels wishing to register as fishing vessels. Stability standards will be required for new vessels of 12m and over. Drills will also be a requirement. Vessels will be inspected every five years against the Code.

The 15-24m and 24m and Over Codes set out survey and inspection requirements. The Codes set out requirements for Construction and Structural Strength, Watertight and Weathertight Integrity, Water Freeing, Stability, Freeboard, Draught Marks, Machinery, Electrical Arrangements, Bilge Pumping, Steering Gear, Rudders, Anchors and Chain Cables, Structural Fire Protection, Ventilation Systems, Fire Detection, Fire Extinction, Fire Fighting Equipment, Means of Escape, Emergency Exits, Means for Stopping Machinery, Protection of Personnel, Securing of Heavy Equipment, Life Saving Appliances, Emergency Procedures, Radio Equipment (this does not replace the Regulations applied by the Merchant Shipping (Radio)(Fishing Vessels) Regulations 1999), Navigation Lights, Shapes and Sound Signals, Navigation Safety (the Navigation requirements in the Code supplement the existing Regulations for Navigation, the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996, the Merchant Shipping (Safety of Navigation) Regulations 2002 and Chapter V Safety of Navigation, of the Annex to the International Convention for the Safety of Life at Sea), Pilot Ladders and Crew Accommodation, (for vessels of 24m and Over this supplements the existing requirements set out in the Merchant Shipping (Crew Accommodation)(Fishing Vessels) Regulations 1975).

9. Brief Statement of Grounds

Across all industries, in their publication "Statistics on Fatal Injuries in the Workplace 2013/2014", the Health and Safety Executive recorded 0.5 deaths per hundred thousand people. In 2013/14, the death rate was 33 per 100,000 fishermen.

When compared to other dangerous industries in the UK, for example Agriculture and Construction, the deaths rates also do not compare favourably. In the seven year period from 2007/8 to 2013/14 the average death rate in Agriculture is 8.09 per 100,000, in Construction it is 2.19 per 100,000 and in Fishing it is 58.93 per 100,000. A number of recommendations were made for under 15m fishing vessels as a result of MAIB investigations into incidents on the fishing vessels KATHRYN JANE, EMERALD DAWN, JANN DENISE II, MAGGIE ANN, SIAN ELIZABETH, BOUNTY and ESHCOL and their Safety Study, "Analysis of UK Fishing Vessel Safety 1992-2006", also made a further number of recommendations.

These required the MCA to:

- Work towards aligning the Under 15m Code with the Code of Practice for the Safety of Small Workboats and Pilot Boats (the Workboat Code);
- Require carriage of radar reflectors on under 15m Length Overall (LOA) fishing vessels
- Require carriage of Emergency Position Indicating Radio Beacons (EPIRBs) on under 15m LOA fishing vessels
- Require CO Alarms in enclosed spaces where fired heating and cooking devices on under 15m LOA fishing vessels
- Require Drills on board under 15m LOA fishing vessels
- Require liferafts on fishing vessels down to 7m Registered Length (L)
- Re-introduce stability requirements for new vessels of 12m L to less than 15m LOA

In addition, larger vessels of 15m LOA and over are increasingly being manned by foreign crew who live on board the vessel. In addition to this, crew may also live on board as the vessel may move around the UK to catch fish. However, in the light of the MAIB investigation into the VISION II, in which 3 crew died when the vessel caught fire whilst in port, the 15-24m and 24m and Over Codes require that vessels which have crew living on board must be able to have fire detection and safety systems operable from shore power.



The EU has required member states to implement the Torremolinos Protocol through Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over. However, this Directive was implementing requirements developed in the 1970s.

The Fishing Industry Safety Group, which comprises members of the UK's main fishing Federations and representatives of the Fish Producers Organisations considered that the Code needed to reflect improvements in fishing safety since the 1970s. As a result, improvements to lightning protection, emergency lighting to emergency exits, bilge alarms and shut offs for exhaust fans and seawater cooling inlets are being proposed. A single document consolidating all the requirements relating to vessel Construction and equipment for 24m and Over vessels will also benefit Industry by being easier to understand and use.

10. Reference Documents - Basic Texts

References of the Basic Texts: Draft Merchant Shipping Notice – Code of Practice for the Safety of Fishing Vessels of less than 15m Length Overall

Draft Code of Practice for the Safety of Fishing Vessels of less than 15m Length Overall

Draft Merchant Shipping Notice – The Code of Practice for the Construction and Use of Fishing Vessels of 15m Registered Length to less than 24m Registered Length

Draft Code of Practice for the Construction and Use of Fishing Vessels of 15m Registered Length to less than 24m Registered Length

Draft Code of Practice for the Construction and Use of Fishing Vessels of 24m Registered Length and Over

Draft Merchant Shipping Notice - Code of Practice for the Construction and Use of Fishing Vessels of 24m Registered Length and Over

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Yes

16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

No - The draft has no significant impact on international trade

European Commission

Contact point Directive 98/34

Fax: +32 229 98043

email: grow-dir83-189-central@ec.europa.eu