(9)

Maritime & Coastguard Agency

Assistant Director Seafarers and Ships
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Ms [redacted]
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E-mail: [redacted]@mcga.gov.uk

Your ref:
Our ref: MS26/04/02

31 May 2013

Dear

MV SCILLONIAN III (IMO 7527796) – Request for Exemption under Art 9(3) of Directive 2009/45/EC on Safety Rules and Standards for Passenger Ships

Vessel Details

Keel Laid:-	18 May 1977	Gross Tonnage:-	1346
No. of Passengers:-	600 (summer) 450 (winter)	Registered Length:	67m

The United Kingdom has the honour to submit, in accordance with the procedure laid down in Article 9(4) of the Directive 2009/45/EC of the European parliament and the of the Council of 6 May 2009 on safety rules and standards for passenger ships (the Directive) a request for exemption from a requirement of the Directive.

MV SCILLONIAN III (IMO No. 7527796) operates a "life-line" service on domestic voyages between Penzance and the Isles of Scilly in the South West of England. She is not a ro-ro ferry, and carries up to 600 passengers and cargo on an EU Class B route.

She was built in 1977 to UK national regulations which provided for a technical standard – known in the UK as Class II(A) – which, although intended for ships on domestic voyages, is nevertheless equivalent to SOLAS for a passenger ship on a short international voyage. In accordance with the date of keel laying, the standards were those of SOLAS 60, which was in force until May 1980.

The Directive permits few simplifications for an existing EU B vessel of over 24m in length, and the agreement reached between the UK and the Commission in 2000 (UK PERMREP letter of 7 December 2000 and the response from the Commission, reference TREN g2/WdR D(2001) of 12 September 2001 that permits existing UK vessels of classes III to VI(A) to continue to operate in their traditional operating patterns) does not extend to vessels of UK class II(A).

The original Domestic Passenger Ships Directive, 1998/18/EC, was closely based on the SOLAS 1974 Convention. It therefore requires existing, SOLAS 60, ships, to be upgraded to SOLAS 74 requirements in order to phase-in to the Directive for domestic voyages.

MV SCILLONIAN III has been thoroughly checked and modifications carried out, to bring her into compliance with the requirements of the Directive. There is one remaining area at issue:

Regulation II-2/A/8.15 of Annex I to Directive 2009/45 as amended (which is applied by Regulation II-2/B/16.3) requires that:-

> "The sprinkler pump and tank shall be situated in a position reasonably remote from any machinery space and shall not be situated in any space required to be protected by the sprinkler system".

In SOLAS 60, Chapter II regulation 59(g), and in UK national regulations implementing it, the requirement for the sprinkler pump and tank to be reasonably remote from any machinery space applied only to ships with superstructures constructed of aluminium alloy.

The automatic sprinkler system was constructed and fitted on the SCILLONIAN III when she was built. The sprinkler pump, reservoir tank and controls are located in the machinery space, as permitted under SOLAS 60 but not in compliance with the Directive. It is simply not possible to relocate these large items of equipment elsewhere in this relatively small ship and re-arrange the necessary pipework and controls.

The system has been fire protected as far as practicable, with flanges, pump control cabinets and cable runs insulated to resist a machinery space fire. The water supply system has also been modified so that it can be changed over remotely to the emergency fire pump. This is deemed to provide a reasonable level of protection for the system.

As required by Article 9(4) of the Directive, the UK prefers to issue a formal regulatory measure such as a Merchant Shipping Notice, applicable to all ships, rather than request a unique exemption for a single vessel. In this case, however, this seems to be a unique case, and therefore the UK would respectfully request that you review this request and confirm that the European Commission is satisfied with the arrangements on the MV SCILLONIAN III and the steps taken to protect the sprinkler installation.

Mr [redacted] wrote to you on 19 March with a proposal for a measure to combine a number of different equivalent and alternative standards in a single Merchant Shipping Notice. I would confirm for clarity that the present request is independent of that proposal.

Please do not hesitate to advise me should you have any further questions.

Yours sincerely

[redacted]

Assistant Director, Ship Standards

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate D - Logistics, maritime & land transport and passenger rights
D.2 - Maritime safety

Brussels, 22 JUIL. 2013
DG MOVE/D.2/ME

Mr [redacted]
Assistant Director Seafarers and Ships
Maritime and Coastguard Agency
Bay 2/17, Spring Place
105 Commercial Road
Southampton SO15 1EG
United Kingdom

Subject: **Your letter of 31 May 2013 (our Ref. ARES(2013)2028047) on "MV SCILLONIAN III (IMO 7527796) – Request for Exemption under Art. 9(3) of Directive 2009/45/EC on Safety Rules and Standards for Passenger Ships"**

Dear [redacted]

I refer to your letter dated 31 May 2013 (your ref. MS26/04/02) in which the United Kingdom submits a request for exemption under Art. 9(3) of Directive 2009/45/EC on safety rules and standards for passenger ships for the vessel MV SCHILLONIAN III (IMO No. 7527796).

A first analysis of this exemption request has been carried out by the European Maritime Safety Agency (EMSA). In order to finalize this analysis, it is important to have a further clarification on the following issues:

- The subject of your letter makes reference to Article 9 (3) of the Directive, referred to exemptions granted due to specific operational conditions (smaller significant wave height, restricted year period, suitable weather conditions, etc.), whereas the justification provided indicates the measures taken, like fire protection or connection to the fire main, which appear to correspond to Article 9(2). In case the intention is to use Article 9(3), please indicate the relevant operational conditions that justify such exemption. Otherwise, if the intention is to make use of Article 9(2) please justify, with sufficient level of detail, that the measures taken provide an equivalent level of safety to that required in the relevant Directive's Article.

- The Annex I Regulation II-2/A/8.15 includes two requirements. The first indicates that the sprinkler pump and tank must be in a position "reasonable remote" from any machinery space and the second that the sprinkler pump and tank cannot be located

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Office: DM28 03/64 - Tel. direct line +32 229-91922 - Fax +32 229-69066
U:\3 Passenger Ship Safety Review\Exemptions\UK\Reply to UK_19072013.doc
E-mail: christine.berg@ec.europa.eu

in the same space they are intended to protect. It appears that the exemption is requested only for the first requirement. But for the sake of clarity, please confirm that the sprinkler pump and tank are not intended to protect the space where they are located.

Please be advised that the six month period referred to in Article 9(4), starting from the reception of your letter (ARES(2013)2028047), is now stopped until the Commission will receive all necessary information in order to finalize the analysis.

At this aim, I would ask you to provide the requested clarifications by 6th September 2013.

Yours sincerely,

[redacted]
Head of Unit

Cc.: [redacted] (Transport Attaché, Permanent Representation of the United Kingdom to the EU)
[redacted] (EMSA)

13a

Maritime & Coastguard Agency

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Your ref: Ares(2013)2716044
Our ref: MS26/04/02

12 August 2013

Dear [redacted]

MV SCILLONIAN III (IMO 7527796) – Request for Exemption under Art 9(3) of Directive 2009/45/EC on Safety Rules and Standards for Passenger Ships

Thank you for your letter of above reference dated 22 July 2013, addressed to my director Mr [redacted]. You ask two questions which I am pleased to answer in reverse order as follows.

Location of Sprinkler System

It is confirmed that the sprinkler tank and system protect the accommodation areas, and do not protect the engine room which is fitted with its own CO2 fixed fire fighting system. The second requirement of Regulation II-2/A/8.15 is therefore met.

Basis of measure – Art 9(2) Equivalence, or Art 9(3) Exemption

Thank you for giving us the opportunity to reconsider this matter. We now conclude that it is better to address this by equivalence under Art 9(2) as an equivalent standard.

As previously advised, the automatic sprinkler system, tank and pump were fitted in the SCILLONIAN III's engine room when she was built.

Noting the requirements of the directive, the system has been fire protected as far as practicable, with flanges, pump control cabinets and cable runs insulated to A60 standard to resist a machinery space fire. I would also confirm that, in the event of an engine room fire (which was not extinguished by the above CO2 system) disabling the sprinkler system, and that the fire started spreading into the accommodation, then the water supply for the sprinklers has been modified so that it can be changed over remotely to take water from the emergency fire pump. The emergency fire pump is in a separate compartment to the engine room, as is the cross-over valve. This means that even if the main sprinkler pump and controls are disabled, water can still be pumped through the sprinkler system without any need for the systems in the engine room, or for anybody to enter the engine room to make

necessary adjustments. We therefore consider that this provides an equivalent level of safety for the ship

I trust that this has addressed your concerns, but please do not hesitate to advise me should you have any further questions.

Yours sincerely

[redacted]
Assistant Director, Ship Standards

(19)

From: [redacted]
To: [redacted]ec.europa.eu
CC: [redacted]
Date: 19/11/13 23:55
Subject: EC Directive 2009/45 - MV SCILLONIAN III - UK Request for Equivalence
Attachments: 13-11-19 MV SCILLONIAN EC Cover Letter.doc; 13-11-18 MV SCILLONIAN III COSS .doc

Dea[redacted]

You will recall that we met in Brussels on 23 September and discussed the UK request for equivalence for this vessel with you and officials of the Commission and EMSA. Further to the points you raised, I enclose further information about the ship, and the work done to her over the last two years, which demonstrates that the proposals you and your colleagues made, with regards to fitting of additional A60 fire protection, have in fact been achieved to a sufficient extent and that the level of safety of this ship is not less than would be required if she met the strict requirements of the Directive.

I would be grateful if you could give this further information your favourable consideration. Please do not hesitate to contact me if I can provide any further advice or information on this matter.

Yours sincerely,

[redacted]
Manager, Vessel Standards
UK Maritime and Coastguard Agency

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Ms [redacted]
Head of Unit C1 – Maritime Transport Policy
Directorate General Mobility and Transport
European Commission
Rue de Mot, 28 Room 3/50
B1049 Brussels
Belgium

Your ref:
Our ref:

19 November 2013

Dear [redacted]

EC Directive 2009/45 – Safety Rules and Standards for Passenger Ships – Request for Equivalence for UK Vessel MV SCILLONIAN III

You will recall that we met in Brussels on 23 September and discussed the UK request for equivalence for this vessel with you and officials of the Commission and EMSA. Further to the points you raised, I enclose further information about the ship, and the work done to her over the last two years, that in the opinion of the United Kingdom demonstrates a level of safety that is not less than would be required if she met the strict requirements of the Directive.

I would be grateful if you could give this further information your favourable consideration. Please do not hesitate to contact me if I can provide any further advice or information on this matter.

Yours sincerely

[redacted]
Manager, Vessel Standards

CC [redacted] EMSA
[redacted] MCA PRIMO
[redacted] International Liaison Manager
[redacted] eign and Commonwealth Office

Directive 2009/45: UK request for a national measure for equivalency for the passenger ship MV SCILLONIAN III

MV SCILLONIAN III – Sprinkler Tank Location

Directive 2009/45 Annex I regulation II-2/A/8.15 requires that "*The sprinkler pump and tank shall be situated in a position reasonably remote from any machinery space and shall not be situated in any space required to be protected by the sprinkler system*". This mirrors international requirements introduced by SOLAS 74, for ships constructed from 1980 onwards.

The United Kingdom passenger ship MV SCILLONIAN III (IMO no. 7527796) was constructed on 18 May 1977 and does not comply with the specific requirement of this regulation. The UK submitted a request for a national measure on a specific equivalency to the Directive's requirements under Articles 9(2) of the Directive 2009/45/EC to the Commission on 31 May 2013. The UK submitted further clarifications on 12 August, and discussed the proposals informally with Commission and EMSA officials on 23 September.

This note provides further information about the vessel and arrangements, and seeks to demonstrate that strict compliance with the wording of the Directive - either by moving the sprinkler tank and systems to a different compartment in the ship, or fitting an A60 partition around the sprinkler system, and protection of the tank and pipework to this level – is not practical or realistic, and that the existing arrangements already provide a good level of safety, which would not be improved by any further changes.

As background, the MV SCILLONIAN III (figure 1) is a small (67m length) privately operated non-ro-ro ferry that serves the Isles of Scilly, about 30 miles off the end of the Cornwall peninsula in South-West England. These islands have a population of about 2000 persons; most of them rely on the summer tourist trade for their livings. The tourists arrive either by small aircraft for day trips or on the ship for day trips and for longer stays. The ship operates for about eight months of the year but in winter, when few tourists wish to travel by sea, the islands are served by a 7 passenger cargo ship and small workboats.

Figure 2 shows that the SCILLONIAN III is a unique design – shallow draft and flat bottomed in order to be able to sit on the sea bed at low tide. She carries break-bulk cargo and luggage, camping equipment etc, in two holds forward and up to 500 passengers.

There is no similar ship on the second hand market (extensive efforts were made to locate one over the last five years) and a new build vessel would require modifications to the jetties at both ends of the route at a total cost of over £35m (approx €40m). Proposals for such modifications have met robust opposition from environmentalists and local residents. No private company can afford an investment with such low returns, and it is not realistic to expect the tax payer to pay such sums in the present economic climate for the benefit of so few people.

Although elderly, the SCILLONIAN III has led a relatively relaxed life – operating generally only eight months of the year, avoiding the worst of the winter weather – and is in very good condition. Therefore the regulations seems to be condemning a good ship which is fit for purpose, at the same time requiring a replacement at a cost that is totally disproportionate to any safety benefit from the changed location of the sprinkler tank.

The following figures 3 to 6 show the details of engine room arrangements.

The pump is shielded from the immediate effects of a port main engine fire. All valves and flanges in the system are protected with fire protection socks/bandages. The control box (small upper box) is protected, as best practicable, with fire protection covered in metal sheet. Critical cable runs are protected with insulated ducting.

The tank itself, and the runs of pipework, are not protected because they are full of water which will naturally keep the steel cool: SOLAS, for instance, does not require fire main pipes to be fire protected even when they pass through areas of fire risk.

The valves are locked in the open position for normal running. The system is supplied from the emergency switchboard and, in the event of main supply failure, the system will automatically start from the emergency switchboard supply on activation of an accommodation sprinkler head and the subsequent tank loss of pressure.

The photographs also make clear the confined space around the system and other pipework and systems in the area. It is not possible to bound the area of the tank with A60 partitions – it would require re-routing of other systems and moving other machinery to fit a small door. Such a boundary would not protect sprinkler pipe runs or cables. It would also be necessary to fit a separate vent system which would have to pass through passenger decks. That is why the pump is not fully enclosed - it is an older type pump with a large fan. Ventilation and overheating were considered and is partly why the UK MCA agreed to what was done.

The Directive seems to be based on the idea that the sprinkler system needs to be available independent of the engine room, to protect the accommodation spaces in the event of an engine room fire. For such a scenario, it is useful to consider the practical stages – and the safety measures available – before the sprinkler system would be needed.

1) A small fire in the engine room would be quickly dealt with by hand held extinguishers – the ship is not arranged for remote control of machinery and the engine room is therefore permanently manned;

2) If this fails, and the fire grows, then the fire would be tackled using the 45ltr foam fire car;

3) If this fails, then the fuel for the fire would be closed off. The largest source of fuel is the daily service tanks and the quick closing valves would be activated;

4) If this fails, and the fire continues to grow, the engine room would be abandoned, and closed down, so as to suffocate the fire, and boundary cooling with fire hoses would commence;

5) If this fails, then the engine room CO2 gas system would be activated to extinguish the fire;

6) If this fails, there is A60 insulation between the engine room and the passenger accommodation: therefore there will be at least an hour before the temperatures in the accommodation start rising sufficiently that fires would propagate despite the boundary cooling,

It would take the failure of six modes of fire protection to lead to an uncontrolled fire in the engine room, which might threaten the accommodation. In such a case, the main value of a sprinkler system is to provide additional boundary cooling, over and above that provided by the crew fire teams utilising the emergency fire pump as the temperature rises. Even so, a prudent ship's captain would evacuate the ship at stage (6) above - once the CO2 system had failed, knowing that he had an hour to manage an orderly and safe evacuation.

In the above scenarios the sprinkler system does not feature, because it is not an effective tool for boundary cooling. It is fitted for accommodation fires only and in a scenario where both the engine room and the accommodation is on fire the ship is untenable. Separate compartments on a ship of this size will not change that. If the sprinkler tank was fitted in a space outside the engine room, it could be just as vulnerable to a fire started in the accommodation as it is in the engine room.

It also has to be considered that, if an engine room fire breaks down the A60 insulation between itself and the accommodation, then it will also break down any A60 insulation between the engine room and any new separate sprinkler tank space.

It must therefore be concluded that, in the event of a major and uncontrolled engine room fire, there is very little additional safety that is provided by a sprinkler system in a separate compartment to the engine room. The cost of arranging in a separate space is negligible in a new build ship, but is not justified for an existing ship, which was arranged entirely in accordance with the provisions of SOLAS 60 that applied when she was built.

The United Kingdom therefore requests that the Commission and EMSA favourably consider the UK request for equivalence for this vessel.

Figure 1 – MV SCILLONIAN III after EU B updates

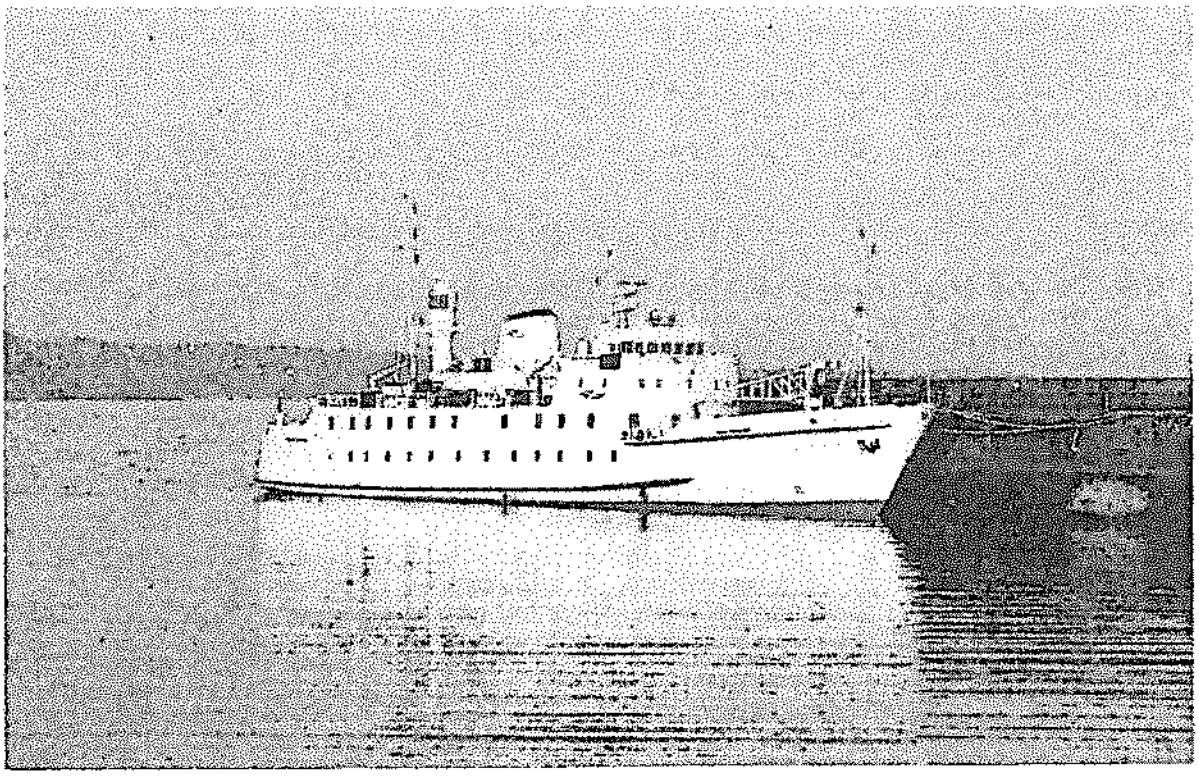

Figure 2 – MV SCILLONIAN alongside in Penzance Harbour at low tide

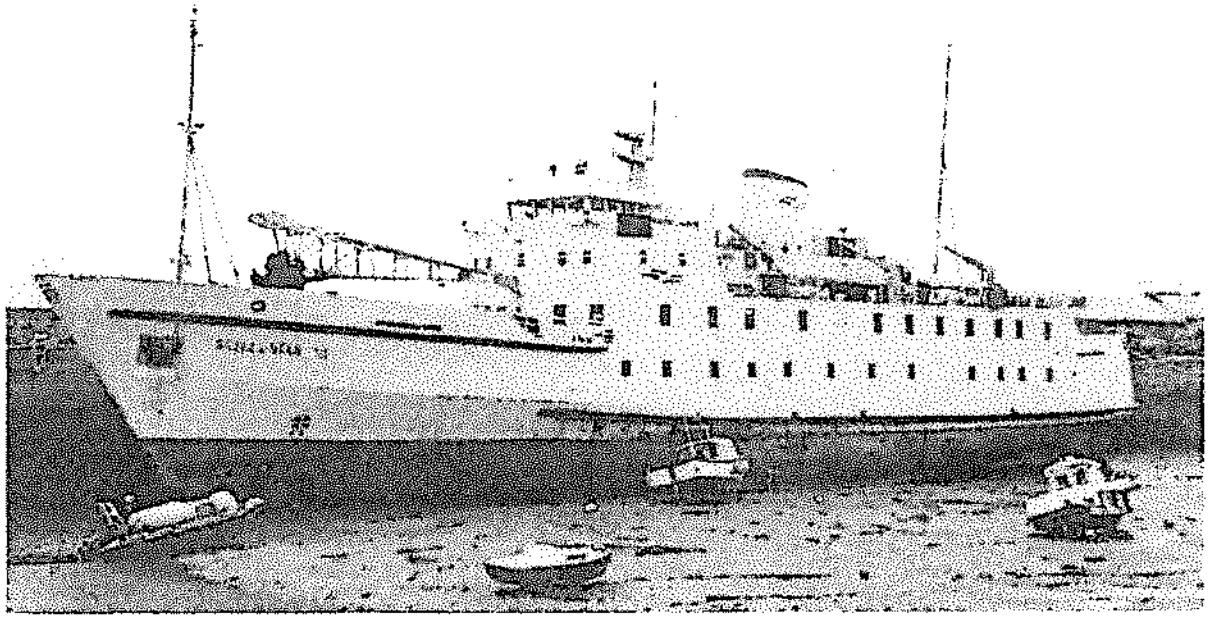

Figure 3 – Fire resisting mats to protect sprinkler pump from port engine; note sprinkler tank is cream-coloured cylinder behind.

Note also white steel sheeting to protect control cabinets, and the vertical insulated duct enclosing electrical cabling.

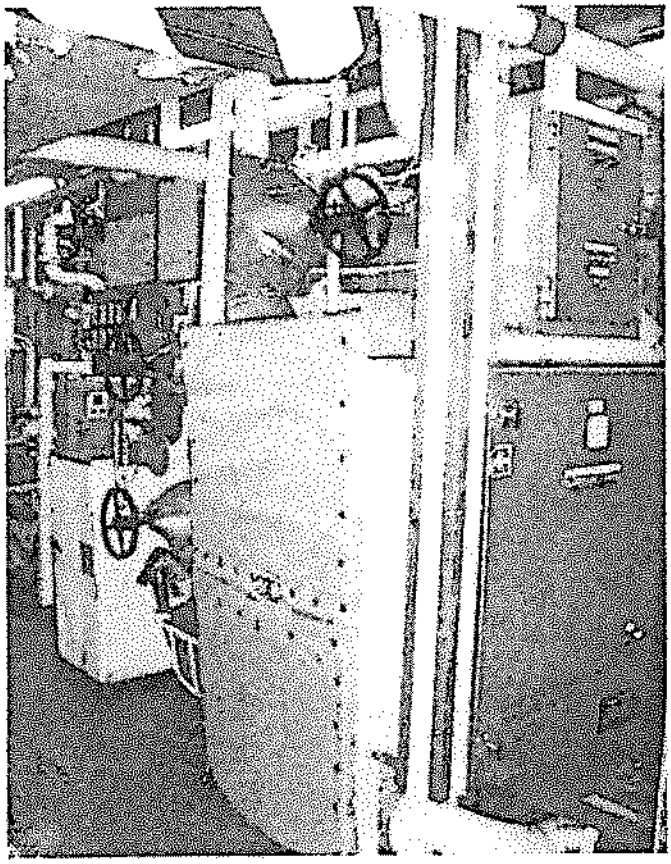

Figure 4 - another view of the control cabinets surrounded by white insulating sheets, and the insulated cable duct to the left of the cabinets.

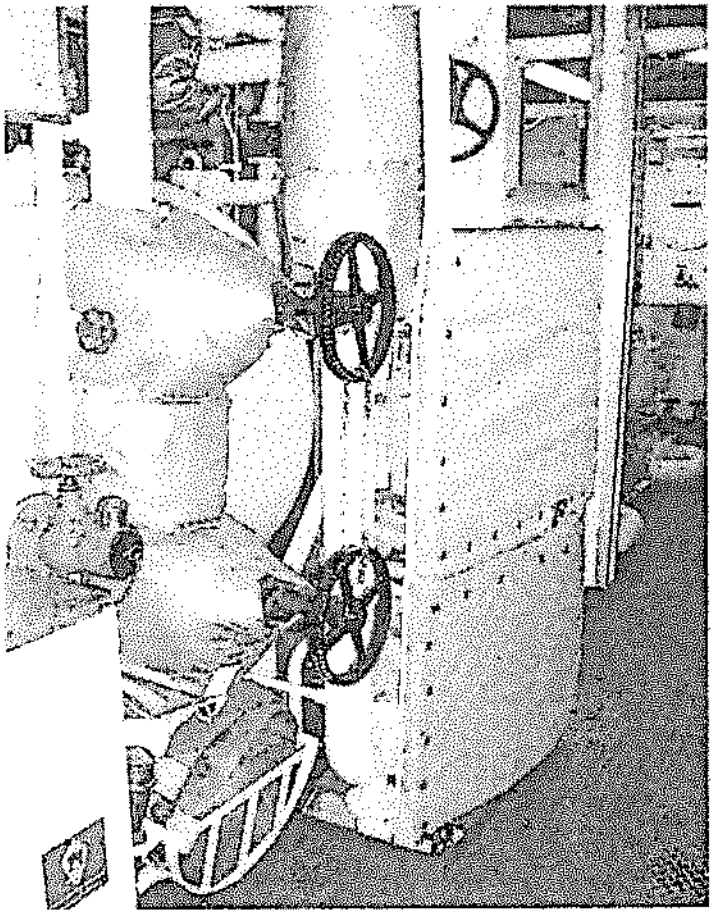

Figure 5 – A60 Fire protection blankets around vulnerable parts of piping ie flanges and controls

Figure 6 – Sprinkler pump protected by A60 mat from main engine beyond. Note large fan over pump body, which requires pump to be in a reasonably open space for cooling.

FILE

CORRESPONDENCE

09 DEC 2013

UNIT

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate D - Logistics, maritime & land transport and passenger rights
D.2 - Maritime safety
Head of Unit

[redacted] please note the official EC communication and request for additional information by 3/1/2014. Is this reasonable + can we make that deadline please?

Brussels, 06 DEC. 2013
DG MOVE/D.2/ME D(2013)

[redacted]
Assistant Director Seafarers and Ships
Maritime and Coastguard Agency
Bay 2/17, Spring Place
105 Commercial Road
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United Kingdom

Subject: **MV SCILLONIAN III (IMO 7527796) – Request for equivalency under Art. 9(2) of the Directive 2009/45/EC on Safety Rules and Standards for Passenger Ships**

Dear [redacted]

I refer to your letter dated 31 May 2013 (your ref. MS26/04/02) in which the United Kingdom submits a request for exemption under Art. 9(2) of Directive 2009/45/EC on safety rules and standards for passenger ships for the vessel MV SCHILLONIAN III (IMO No. 7527796).

Following the exchange of letters in the past months and the finalisation of the technical analysis carried out by the European Maritime Safety Agency (EMSA), the Commission has proposed to submit the draft decision on this matter to the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) at its thirtieth meeting on 22 November 2013.

At that occasion, the Commission has accepted the United Kingdom's proposal to withdraw this item from the agenda of the meeting in order to develop this matter further and to provide additional information. The Commission agreed to postpone this item at the next COSS meeting scheduled on 13 February 2014.

At this aim, I would ask you to provide the eventual additional information by 3rd January 2014.

Please be advised that the six month period referred to in Article 9(4) of the Directive, starting from the reception of your letter (ARES(2013)2028047), has been stopped at the date of 21 October 2013, date of transmission of the draft Commission decision to the COSS.

Yours sincerely,

[redacted]

Cc.: [redacted] (Transport Attaché, Permanent Representation of the United Kingdom to the EU)
[redacted] EMSA)

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U:\13\Passenger Ship Safety Review\Exemptions\UK\Letter to UK_Scillonian_05122013.doc
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FILE. (19)

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Your ref: D(2013)3652558
Our ref: MS26/04/02

2 January 2014

Dear [redacted],

MV SCILLONIAN III (IMO 7527796) – Fire Protection: Location of Sprinkler Tank

Thank you for your letter of above reference dated 6 December 2013, referring to the UK's recent submission to COSS on the location of the sprinkler tank on the MV SCILLONIAN III.

I am grateful for the opportunity that you gave me and my colleague [redacted] to discuss the matter with your policy and engineering colleagues, [redacted] and [redacted] September, and the follow-up discussions that [redacted] had with them in the margins of the COSS meeting in November.

During these discussions they considered alternative ways of addressing the matter of the location of the sprinkler tank. As a result, we now believe that we can certify the safety of the ship, under the Directive 2009/45/EC, without the need to invoke the procedures of Article 9 or to trouble you and the COSS committee with matters which are within the purview of the flag Administration.

I attach for your information a document outlining our position on this matter, and I trust that you will concur that the vessel meets the requirements of the Directive and is correctly certificated for her intended service.

I would like to thank you and your colleagues for the assistance and advice given on this issue, which we now take to be closed.

Yours sincerely,

[redacted]
Assistant Director, Ship Standards

MV SCILLONIAN III – Certification under Directive 2009/45/EC

The United Kingdom passenger ship MV SCILLONIAN III (IMO no. 7527796) was constructed on 18 May 1977 and is a small 67m length privately operated non-ro-ro ferry that serves the Istes of Scilly, about 30 miles off the Cornwall peninsula in South-West England. Annex 1 gives a more complete description of the vessel and her situation. She underwent extensive upgrading over the period 2010-2012 to bring her fully into line with the requirements for an "existing" EU Class B domestic passenger vessel of the Directive 2009/45/EC on Safety Rules and Standards for Passenger Ships ("the Directive"), and is expected to remain in service until at least 2018.

Directive 2009/45 Annex I regulation II-2/A/8.15 requires that, on new vessels of class B, C and D and existing class B ships, "*The sprinkler pump and tank shall be situated in a position reasonably remote from any machinery space and shall not be situated in any space required to be protected by the sprinkler system*". This mirrors international requirements introduced by SOLAS 74, for ships constructed from 1980 onwards.

The ship's sprinkler pump and tank are in the engine room, which is an arrangement permitted under SOLAS 60 (the relevant international regulations when she was built) for ships other than those with an aluminium superstructure. Annex 2 describes the arrangements put in place to protect the installation. The UK is satisfied that this arrangement meets the safety requirements of the Directive, for the following reasons –

1.) Pre-ambular paragraph (12) of the Directive notes that "it is appropriate to make distinctions in the safety requirements to be respected as between new and existing ships since imposing the rules for new ships on existing ships would involve such extensive structural changes as to make them economically unviable".

As noted at Annex 1, the service is barely economically viable at present, and the modifications to achieve compliance with the Directive have already led to an increase of nearly 50% in fares. The requirement for the sprinkler tank to be reasonably remote from any machinery space is a requirement for new ships, which is being retrospectively applied to an existing ship in contradiction to the principle of pre-ambular paragraph (12).

2) The ship has undergone extensive modifications to comply with the requirements Directive, and her service life has been significantly extended to at least 2018. Directive Annex I regulation II-2/A/1 states that

.4 Repairs, alterations and modifications which ... substantially increase a ship's service life and outfitting related thereto shall meet the latest requirements for new ships in so far as the Administration deems reasonable and practicable.

This discretion for the Administration to determine whether it is "reasonable and practicable" to meet the "new ship" requirements is however constrained by the next paragraph which states that

.5 Notwithstanding the provisions of paragraph .4, existing class B ships ... when undergoing repairs, alterations and modifications and outfitting related thereto shall comply with the following:

.1 all materials introduced into these ships shall comply with the requirements with regard to material applicable to new class B ships; and

.2 all repairs, alterations and modifications and outfitting related thereto involving the replacement of material of 50 tonnes or above ... shall comply with the requirements applicable to new class B ships.

The SCILLONIAN III has had less than 50 tonnes of material replaced and therefore the UK Administration retains the discretion to determine whether compliance is reasonable and practicable.

The UK notes that the original Directive 1998/18/EC did not give the Administration this discretion; the old regulation II-2/A/1.3 comprised the current text of II-2/A/1.5 and there was no equivalent to the current II-2/A/1.4. The discretion at paragraph 1.4 was introduced in amending directive 2002/25/EC, presumably as a result of experience gained in "phasing-in" existing class B vessels and the need to give Administrations the necessary flexibility to avoid disproportionate costs for small changes.

3) Directive regulation II-2/A/1.3.3 allows for relevant parts of the ship's design and arrangement to be reviewed and approved, in accordance with Chapter II-2 Part F of SOLAS 2009, while the remaining parts of the ship comply with the relevant prescriptive requirements of Chapter II-2 of the Directive.

It is noted that sub-paragraph II-2/A/1.3.2 (which covers whole-ship Alternative Design and Arrangements (ADA)) seems to limit application of Part F of SOLAS 2009 to vessels built after 2003, even though SOLAS imposes no such limits. However paragraph 1.3.3 which covers the combined ADA/prescriptive approach to approval does not include this date limitation and can therefore be applied to existing ships.

The UK Administration concludes that it is neither reasonable nor practicable to move the sprinkler system out of the engine room and reinstall it elsewhere in the ship, and that there would be practically no safety improvement as a result of doing so. This conclusion is supported by a review of the arrangements of the sprinkler system as far as practicable in accordance with the provisions of SOLAS 2009 Part F as an Alternative Design and Arrangement, and also having regard to preambular paragraph (12), new ship requirements should not be applied to existing ships if it results in excessive costs.

A summary of the ADA Assessment is attached for information at Annex 3.

Annex 1

MV SCILLONIAN III - Background

The United Kingdom passenger ship MV SCILLONIAN III (IMO no. 7527796) was constructed on 18 May 1977 and (as can be seen at figure 1) is a small 67m length privately operated non-ro-ro ferry that serves the Isles of Scilly, about 30 miles off the Cornwall peninsula in South-West England. These islands have a population of about 2000 persons; most of them rely on the summer tourist trade for their livings. The tourists arrive either by small aircraft for day trips or on the ship for day trips and for longer stays. The ship operates for about eight months of the year but in winter, when few people wish to travel by sea, the islands are served by a 7 passenger cargo ship and small workboats.

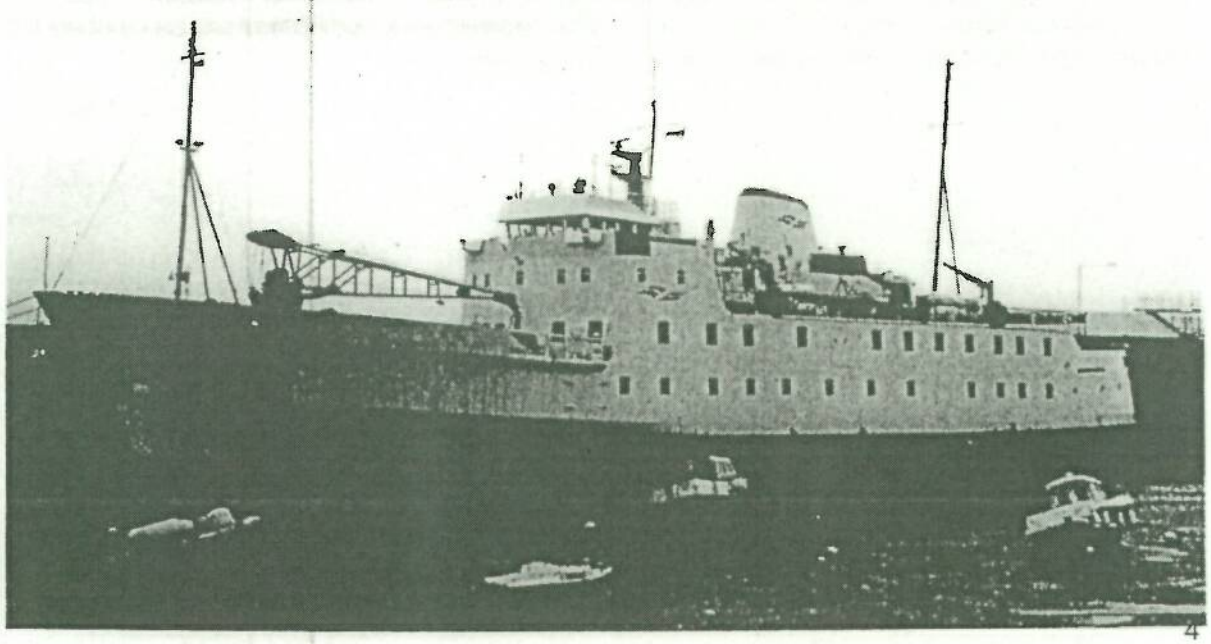
Figure 2 shows that the SCILLONIAN III is a unique design – shallow draft and flat bottomed in order to be able to sit on the sea bed at low tide. She carries break-bulk cargo and luggage, camping equipment etc, in two holds forward and up to 500 passengers. Cargo and passenger loading doors can be seen in the hull sides, as well as the cargo crane.

The vessel owners have been considering a replacement vessel since the early 2000's, originally with the intention that SCILLONIAN III would "phase-out" of service by 2009 (the date from which the Directive applies to her). However there is no similar ship on the second hand market (extensive efforts were made to locate one over the last five years) and a new build vessel would require modifications to the jetties at both ends of the route at a total cost of over £35m (approx €40m) for ship and port installations. Proposals for such modifications have met robust opposition from environmentalists and local residents. There would be no guarantee of success in being able to make such modifications. No private company can afford an investment with such low returns, and it is not realistic to expect the tax payer to pay such sums in the present economic climate for the benefit of so few people and for negligible immediate safety benefit. The vessel therefore underwent extensive upgrading over the period 2010-2012 to bring her into line with the requirements of the Directive and is now expected to remain in service until at least 2018.

Although elderly, the SCILLONIAN III has led a relatively relaxed service life – operating generally only eight months of the year, avoiding the worst of the winter weather – and is in very good condition. She is in class with Lloyd's Register and certificated as an existing EU B under the Directive. She is well suited for this service.

Figure 1 – MV SCILLONIAN III after EU B updates

Figure 2 – MV SCILLONIAN alongside in Penzance Harbour at low tide



Annex 2

Sprinkler System Arrangement in Engine Room

The following figures 1 to 4 show the details of engine room arrangements.

The system is situated outboard of the port main engine. The pump is shielded from the immediate effects of a main engine fire by a dwarf partition in A60 board. All valves and flanges in the system are protected with fire protection socks/bandages. The control box (small upper box) is protected, as best practicable, with fire protection board covered in metal sheet. Critical cable runs are protected with insulated ducting.

The tank itself, and the runs of pipework, are not protected because they are full of water which will naturally keep the steel cool: SOLAS, for instance, does not require fire main pipes to be fire protected even when they pass through areas of fire risk.

The valves are locked in the open position for normal running. The system is supplied from the emergency switchboard and, in the event of main supply failure, the system will automatically start from the emergency switchboard supply on activation of an accommodation sprinkler head and the subsequent tank loss of pressure.

The photographs also make clear the confined space around the system and other pipework and systems in the area. It is not possible to bound the area of the tank with A60 partitions to create a separate space: it would require re-routing of other systems and moving other machinery to fit a small door. Such a boundary would not protect sprinkler pipe runs or cables. It would also be necessary to fit a separate vent system which would have to pass through passenger decks. That is why the pump is not fully enclosed - it is an older type pump with a large fan. Ventilation and overheating were considered and is partly why the UK MCA agreed to what was done.

In addition to the normal cross-connection between the fire main and the sprinkler system, there is an additional supply to the sprinkler system direct from the emergency fire pump

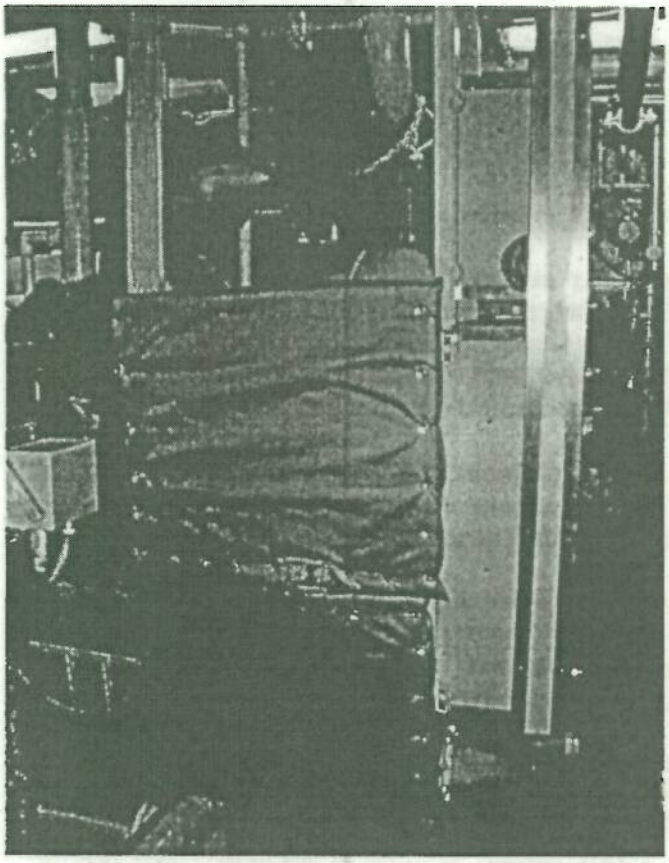


Figure A2.1 – Fire resisting mats to protect sprinkler pump from port engine; note sprinkler tank is white-coloured cylinder behind.

Note also white steel sheeting to protect control cabinets, and the vertical insulated duct enclosing electrical cabling.

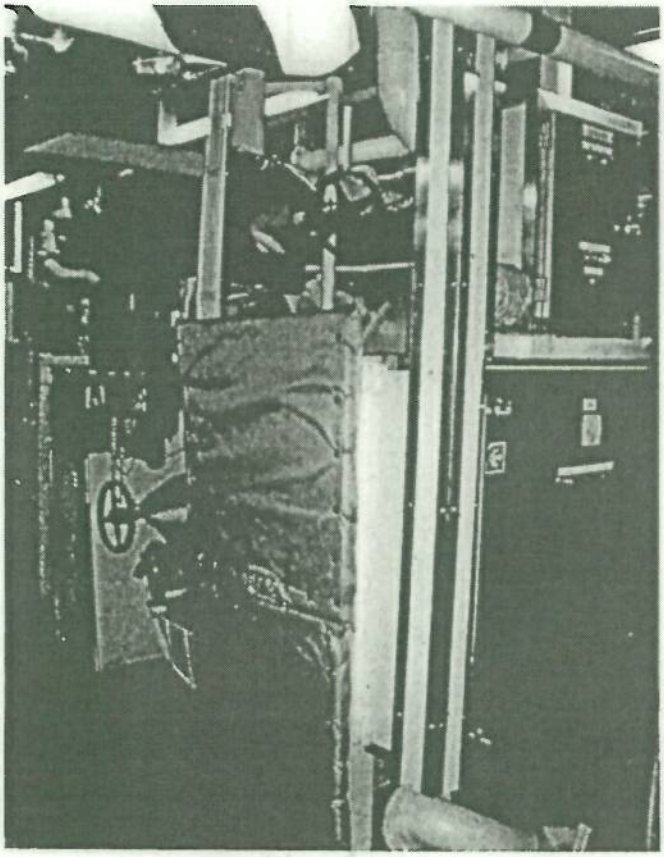


Figure A2.2 - another view of the control cabinets surrounded by white insulating sheets, and the insulated cable duct to the left of the cabinets.

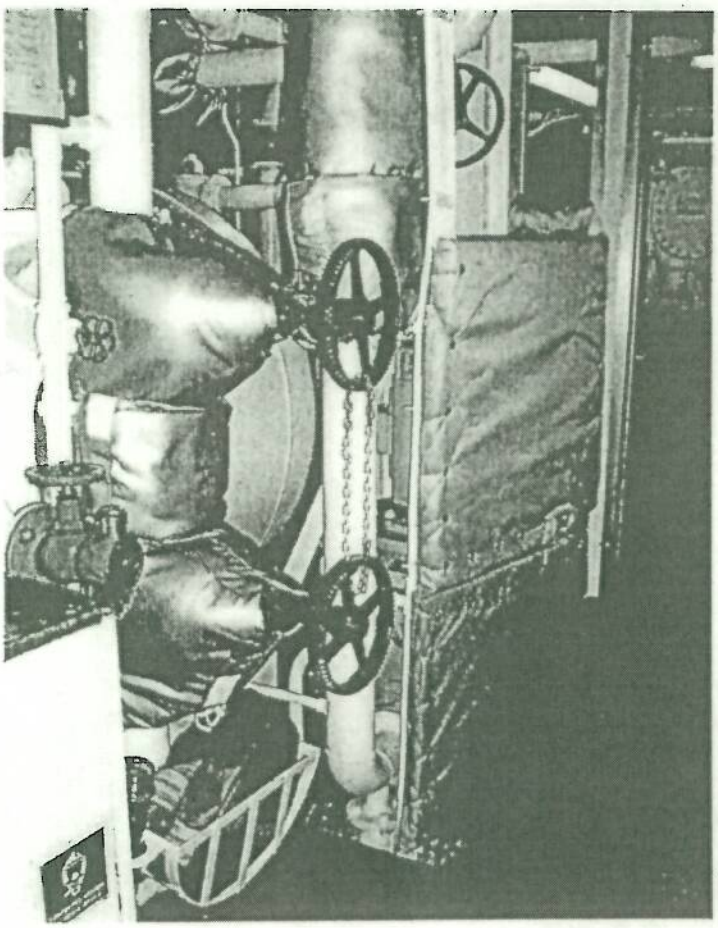


Figure A2.3 – A60 Fire protection blankets around vulnerable parts of piping ie flanges and controls

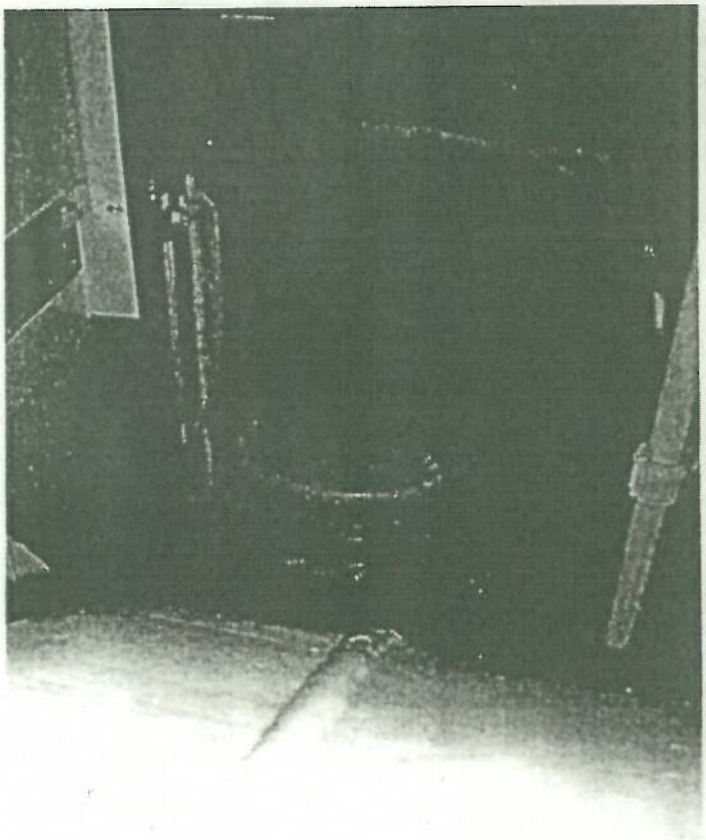


Figure A2.4 – Sprinkler pump protected by A60 mat from main engine beyond. Note large fan over pump body, which requires pump to be in a reasonably open space for cooling.

Annex 3:
Sprinkler Tank Location – Alternative Design and Arrangement: Qualitative Engineering Analysis.

The ADA considers the "traditional shipboard system" – viz the sprinkler tank, pump and controls, that is "installed in an alternative arrangement or configuration" from that prescribed for new ships in the Directive (IMO MSC/Circ.1002 para 2.1 refers) by being fitted in the engine room, and compares the effectiveness to a similar system installed in a new space created within the existing cargo hold.

Ship Type - Passenger Ship Existing EU B

Prescriptive requirement - Directive 2009/45 Annex I regulation II-2/A/8.15 requires that, on new vessels of class B, C and D and existing class B ships, "*The sprinkler pump and tank shall be situated in a position reasonably remote from any machinery space and shall not be situated in any space required to be protected by the sprinkler system*".

Determination of Spaces concerned – Key issue is protection of the passenger accommodation by sprinklers in the event of a fire in the Engine Room, regardless of the space containing the sprinkler system. All other fire scenarios will have similar outcomes regardless of the location of the sprinkler system. Eg a fire that starts in Accommodation Space can be tackled by sprinklers, main fire pump and emergency fire pump regardless of their location, which are located outside the accommodation space.

Engineering Analysis	**Sprinkler Tank in Engine Room; Fire in Engine Room**	**Sprinkler Tank in New Space; Fire in Engine Room**
3. Fire and Explosion hazards		
3.1 Possible Ignition sources	Fuel leakage; hot surfaces; mechanical malfunction resulting in unexpectedly hot machinery; electrical failure – Probability **High**	Same
3.2 Fire growth potential	Fuel comprises combustible components eg cable insulation, lube oil and leaking fuel oil – **Medium** if daily service tanks can be shut off. 1) ER is not UMS so is permanently manned; A small fire in the engine room would be quickly dealt with by hand held	Same

	extinguishers. 2) If this fails, and the fire grows, then the fire would be tackled using the 45ltr foam fire cart; 3) If this fails, and the fire continues to grow, the engine room would be abandoned, and closed down, so as to suffocate the fire, and boundary cooling with fire hoses would commence; 4) If this fails, then the fuel for the fire would be closed off. The largest source of fuel is the daily service tanks and the quick closing valves would be activated; 5) Finally, if this fails, then the engine room CO2 gas system would be activated to extinguish the fire. Overall, conclude that potential for uncontrolled fire growth is **Low**	
3.3 Smoke and Toxic effect	Not relevant to this analysis	Same
3.4 Potential for spread of fire	Heat rises therefore potential for ER deckhead to transmit high temperatures to passenger accommodation above. This will not happen if any of the above (5) safety systems are successful in tackling the fire. There is A60 insulation between the engine room and the passenger accommodation: therefore if the fire is not controlled there will be at least an hour before the temperatures in the accommodation start rising sufficiently that fires would propagate despite any boundary cooling.	Same
4 Performance Criteria - Relevant functional requirements are –		
II-2/A/1.2.2 Separation of Accommodation Spaces	A60 insulation between ER and accommodation.	Same

from remainder of ship by thermal and structural boundaries		
1.2.5 Containment and extinction of fire in space of origin	The A60 insulation will be supplemented by the crew using fire hoses for boundary cooling, to contain the fire in space of origin. These would be supplied by the main fire pump as long as it was available, and from the emergency fire pump after that. The sprinkler system is NOT a boundary cooling system – 5 litres of water per sq.m. per minute (the (Directive reg II-2/A/6.8) will be evaporated by the combustion 0.25kg of diesel fuel, so on the SCILLONIAN III (approx 100m2 ER deckhead) the sprinklers would be ineffective for any fire burning more than 0.75 tonnes of fuel in the first hour. Any lesser fire would have been brought under control by the measures identified in 3.2 above. However much less water would be applied in practice as not all sprinkler head would reach the trigger temperature. If the fire is not under control in the first hour then serious consideration needs to be given to abandoning ship in an orderly manner, as the ship structural integrity and evacuation procedures are based on the idea of 60 minutes protection from serious fire. Should the fire spread to the accommodation then the ship is in effect untenable anyway and would need to be abandoned. Sprinklering might help protect escape routes but passengers will have been mustered long before this stage.	Same Sprinklering would be available for longer, to protect escape routes, but should not be necessary if passenger mustered in good time.
1.2.7 Ready availability of fire extinguishing appliances	Sprinkler system will be available under all circumstances other than catastrophic engine room fire/explosion that overcame the protective measures applied to the pump and controls – probability Low	Sprinkler system available regardless of fire in ER

In the above scenarios the sprinkler system does not feature, because it is not an effective tool for boundary cooling. In SOLAS 60 the requirement for the sprinkler system to be "reasonably remote" from machinery spaces applied only to ships with aluminium alloy superstructures because of the high heat conduction of alloy and the serious structural degradation suffered with a relatively low temperature rise, so it was deemed vital to ensure some guaranteed cooling effect over the extensive areas of a large passenger ship's accommodation. These issues do not arise in the case of the SCILLONIAN III with a compact engine room which can be conveniently boundary cooled by fire hoses.

It is fitted for accommodation fires only and in a scenario where both the engine room and the accommodation is on fire the ship is untenable. Separate compartments on a ship of this size will not change that.

It is therefore concluded that, in the event of a major and uncontrolled engine room fire, the table above shows very little additional safety that is provided by a sprinkler system in a separate compartment to the engine room. The sprinkler tank is located outside of the accommodation space which is protected by it.

The cost of arranging the sprinkler system in a separate space is negligible in a new build ship, but is not justified for an existing ship, and would comprise –

New tank, controls and pump (not cost effective to move existing system)
Erect A60 steel bulkhead to partition off part of cargo hold
Provide ventilation for new space, trunking led through pax accommodation
Provide access trunk to new space, down from passenger accommodation above.
Provide new control and alarm cabling to wheelhouse; new main and emergency cabling from respective switchboards; and new pipework to existing sprinkler systems
In service, loss of cargo hold space and passenger amenity space owing to additional access trunking and ventilation.

This is a small ship and the loss of hold and passenger space would result in it being economically unviable.
This cost is not justified by the negligible change to safety.

(28)

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate D - Logistics, maritime & land transport and passenger rights
D.2 - Maritime safety
Head of Unit

28 JAN. 2014

Brussels,
DG MOVE/D.2/ME D(2014) 188193

Mr [redacted]
Assistant Director Ship Standards
Maritime and Coastguard Agency
Bay 2/17, Spring Place
105 Commercial Road
Southampton SO15 1EG
United Kingdom

Subject: **MV SCILLONIAN III (IMO 7527796) – Request for equivalency under Art. 9(2) of the Directive 2009/45/EC on Safety Rules and Standards for Passenger Ships**

Re: Your letter of 2 January 2014 (our ref. Ares(2014)25323)

Dear [redacted]

Thank you for your letter of 2 January 2013, referring to the United Kingdom submission on a request for equivalency under Art. 9(2) of Directive 2009/45/EC on safety rules and standards for passenger ships for the vessel MV SCHILLONIAN III (IMO No. 7527796).

We have carefully analysed the information you provided in this correspondence and your conclusions concerning the possibility to certify the safety of the ships under the Directive 2009/45/EC, claiming that the matter falls under the remit of the flag administration.

After an attentive analysis of your arguments, I would like to draw your attention to the fact that the provisions you refer to in your letter (regulations II-2/A/1.3 and II-2/A/1.4) are not applicable for the Scillonian case. The ship falls under the category of the "existing Class B" ships where all prescriptive requirements of the Annex I of Directive are applicable, including the requirement of the sprinkler system regulation II-2/A/8.15.

In order to accept your original request for equivalency (our Ref. ARES(2013)2028047), the flag administration should demonstrate that the measures adopted allowing equivalents for the regulation in question are at least as effective as such regulations, according to the Art. 9(2) of Directive 2009/45/EC.

Please be advised that the six month period referred to in Article 9(4), starting from the reception of your letter (ARES(2013)499296), is now stopped until United Kingdom will provide further information in order to demonstrate the equivalency. Furthermore, please note that the COSS will be kept informed on the state of play of this matter as AOB item at its next meeting on 13 February 2014.

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Office: DM28 -03/64 - Tel. direct line +32 229-91922 - Fax +32 229-69066
U:\14\Passenger Ship Safety Review\Exemptions\UK\Letter to UK_Scillonian_27012014 final.doc
E-mail: christine.berg@ec.europa.eu

In order to find a satisfactory solution on this matter, I would like to invite you and/or your experts at our premises (rue de Mot 28) in Brussels for a face to face meeting with me, the concerned Commission and EMSA desk officers early February. Please contact Mr Esposito (massimiliano.esposito@ec.europa.eu) in order to find the best date for the meeting.

Cc.: [redacted] (Transport Attaché, Permanent Representation of the United Kingdom to the EU)
[redacted] (EMSA)

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate D - Logistics, maritime & land transport and passenger rights
D.2 - Maritime safety

COSS 30 meeting: 22 November 2013

Agenda item: 3b.

Directive 2009/45/EC – UK request for a national measure for equivalency for the MV SCILLONIAN III ship

Background

- In accordance with Article 9 of Directive 2009/45/EC on safety rules and standards for passenger ships, the Commission has received a specific request for a national measure allowing equivalency from the United Kingdom.
- This note aims to inform the Committee on the status of the request and the outcome of the analysis.

Equivalency for the MV SCILLONIAN III ship

- The United Kingdom transmitted to the Commission a request for a national measure on a specific equivalency to the Directive's requirements under Articles 9(2) of the Directive 2009/45/EC on 31 May 2013.
- It requested to adopt for the ship MV SCILLONIAN III (IMO 7527796, keel laid on 18 May 1977, registered length of 67 metres, and maximum number of passengers 600 (summer) – 450 (winter)) equivalents for the regulation II-2/A/8.15 of Annex I of the Directive 2009/45/EC which requires that "*The sprinkler pump and tank shall be situated in a position reasonably remote from any machinery space and shall not be situated in any space required to be protected by the sprinkler system*".
- The Commission has requested additional information and further clarifications of the request on 22 July 2013. The United Kingdom replied on 12 August 2013.
- On the basis of the information received and the technical analysis carried out by EMSA, the Commission services consider that this specific request for equivalency cannot be granted because the measure proposed is not effective as the Directive's regulation and does not provide an equivalent level of safety to that of the Directive. The connection of the emergency fire pump to the sprinkler system cannot be considered equivalent as the Directive already requires the sprinkler system to be connected to the fire main. Furthermore, the United

Kingdom is proposing a level of fire-insulation of A60 standard for some of the system components, like the pump control cabinet; however, some other essential components, as the pump itself, the tank and the piping are not going to be fire-insulated at all. The United Kingdom has not proposed any alternative design and arrangements to achieve the fire safety objectives as set out in the Directive. The Committee is invited to provide its formal opinion on the related draft Commission decision.

Action

The Committee is invited to provide its formal opinion on the draft Commission decision concerning the rejection of the UK request for equivalency for the requirements of Directive 2009/45/EC[1].

[1] The six-month period referred to in Article 9(4) of Directive 2009/45/EC, starting from the reception of the request, is now stopped until the formal opinion of the Committee.

(30)

From: [redacted]
To: [redacted]ec.europa.eu; [redacted]emsa.europa.eu
CC: [redacted]
Date: 31/01/14 16:56
Subject: PROTECT - COMMERCIAL: SCILLONIAN III Sprinkler Tank

[redacted]

Many thanks indeed for our constructive and positive discussions on Wednesday afternoon. We note your agreement in principle for an additional pump to be fitted, outside the engine room, to supply the sprinkler system in an emergency.

As discussed, the sprinkler system on the ship covers three passenger decks. The new system is intended to cover the situation where an engine room fire disables the main sprinkler pump, and the fire threatens to spread to the passenger decks above. The new electric pump will therefore be of sufficient capacity to serve all the sprinklers on the lower deck. This will leave the ship's emergency fire pump (which is diesel driven) to serve the fire main and fire hoses.

The system proposed by the operators is -

Fit a new sea valve to an existing sea chest in the shaft tunnel - this has now been ordered and will be fitted shortly, taking advantage of the ship being in dry dock.

Fit a new electric pump in the shaft tunnel. This will be supplied from the emergency switchboard. The cables and water pipes will be routed outside of the engine room.

Connect into the sprinkler main outside the engine room, and provide a non-return valve at the connection point.

The full system will be installed before the ship returns to service.

In the event of a fire in the accommodation areas then the sprinkler system will work as normal. In the event of a fire in the engine room it is anticipated that the sprinkler system will also work, given the protection applied to it, as previously discussed. However, if it should fail, then the new electric pump will be manually started. The switch will be in the Emergency Switchboard Room which is on the same deck and just abaft the wheelhouse so easily reached by ship's staff. No changes will be needed to valve positions to bring the pump into operation.

The operators are developing the design of the system and will advise intended pump capacity, pressure and flow rate in the near future. As soon as we receive it we will submit a formal description of the additional system. We will submit it as a further clarification of our previous submission dated 31st May 2013, and not as a new request for equivalence. I understand that [redacted] is meeting my Director [redacted] next week and I will endeavour to submit this document before that meeting.

Best regards

[redacted]
[redacted]
Manager, Vessel Standards Branch
Tel: +44(0)23 8032 9127
Fax: +44(0)23 8032 9204

Ref. Ares(2014)388992 - 17/02/2014

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate D - Logistics, maritime & land transport and passenger rights
D.2 - Maritime safety
Head of Unit

17 FEV. 2014

Brussels,
DG MOVE/D.2/ME D(2014)

Mr [redacted]
Assistant Director Ship Standards
Maritime and Coastguard Agency
Bay 2/17, Spring Place
105 Commercial Road
Southampton SO15 1EG
United Kingdom

Subject: **MV SCILLONIAN III (IMO 7527796) – Request for equivalency under Art. 9(2) of the Directive 2009/45/EC on Safety Rules and Standards for Passenger Ships**

Dear [redacted]

I refer to the United Kingdom request for equivalency under Art. 9(2) of Directive 2009/45/EC on safety rules and standards for passenger ships for the vessel MV SCILLONIAN III (IMO No. 7527796).

Following my letter of 28 January 2014 (ref. ARES(2014)188193), I welcome the progress of the file on the basis of several informal exchanges, constructive and positive discussions which took place between your staff and Commission's and EMSA's colleagues.

The United Kingdom informed the Commission of the measures it intends to adopt for the Scillonian ship as equivalency of regulation II-2/A/8.15 of Annex I of Directive 2009/45/EC (sprinkler system). These measures mainly consist in the installation of an additional pump to be fitted, outside the engine room, to supply the sprinkler system in an emergency situation. It is our understanding that this system will be installed shortly on the ship while being in dry dock before its return to service mid-March 2014.

Based on these informal exchanges, the preliminary technical evaluation of EMSA is that the above measures would appear to be as effective as regulation II-2/A/8.15 of Annex I.

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Office: DM28 -03/64 - Tel. direct line +32 229-91922 - Fax +32 229-69066
U:\14\Passenger Ship Safety Review\Exemptions\UK\Letter to UK_Scillonian_17012014 final.doc
E-mail: christine.berg@ec.europa.eu

However, to confirm this, I would be grateful if you could send us all the relevant technical documentation (including a detailed description of the additional system with pictures/photos of the installations), preferably by 14 March.

As mentioned already in our previous correspondence, please be advised that the six month period referred to in Article 9(4), starting from the reception of your original letter (ARES(2013)499296), is stopped until the United Kingdom provides further information in order to demonstrate the equivalency. We intend to inform the COSS on the progress and outcome of this request for equivalency at its next meeting planned in the second half of April 2014.

Cc.: [redacted] (Transport Attaché, Permanent Representation of the UK to the EU)
[redacted] (Permanent Representative of the UK to the IMO)
[redacted] (EMSA)

Maritime & Coastguard Agency

Assistant Director Ship Standards
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105 Commercial Road
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Ms [redacted]
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Your ref: **Ares(2014) 388992**
MS26/04/02

Our ref.
14 March 2014

Dear [redacted]

MV SCILLONIAN III (IMO 7527796) – Fire Protection: Supplementary Sprinkler Pump

Thank you for your letter of above reference dated 17 February, referring to the UK's request for equivalency under Art. (2) of Directive 29009/45/EC on the MV SCILLONIAN III.

As requested, I am pleased to provide additional information in this letter in support of our submission dated 31 May 2013 and updated on 12 August and 19 November. I am also very grateful for the assistance and advice provided by your colleagues [redacted] of the Commission and [redacted] of EMSA.

As a result of these discussions the vessel operators, the Isles of Scilly Steamship Company (ISSC) have fitted a new electric pump, with independent sea water suction, and independent power supply taken from the emergency switchboard. The pump is connected to the sprinkler system and is large enough to supply all the sprinklers in the accommodation over the engine room. All components are outside the engine room. This provides protection to the accommodation in the event that a fire in the engine room cannot be controlled and the main sprinkler system (which is installed in the engine room) is disabled.

I attach the initial plans, details of the system components, and installation photographs that we have received to date from the ISSC. I am afraid that I have yet to receive the updated Fire and Safety Plan, or photographs showing the pump with all the pipework connected up, or the switchboard. I will forward these as soon as we receive them. In the meantime I am advised by [redacted] our Principal Surveyor in Falmouth, that the system is being formally tested for approval under MCA survey this afternoon and will be operational before the ship re-enters service next week.

Yours sincerely

[redacted]

Assistant Director, Ship Standards

Annex

MV SCILLONIAN III – Additional Sprinkler Pump

Attached are the following documents from the operator –

A) Letter from ISSC dated 16 Feb 2014 explaining intended installation (Word file "mca sprinkler system feb2014")

B) DESMI Technical Specification of S80 35m3/hour pump (pdf "26031NHO - S80 70 175N")

C) DESMI General Arrangement of Pump (pdf "S80-70-175_09 160M (1527A)")

D) General Arrangement – Sprinkler Pump Cable Run (pdf "20140211112846722")

E) Schematic Diagram of New Sprinkler System (pdf "20140211113254749")

Further to the letter from the operators ISSC, the 95m2 area relates to–

i) the sprinklered passenger area above the engine room outboard of the casings on the Main Deck;
ii) a strip in the Lower Deck Saloon aft of the Engine Room, adjacent to the engine room bulkhead; and
iii) a strip adjacent to the Engine Room Casing on the Upper Deck passenger saloon.

The pump has a capacity of 35m3/hour at a head of 3.4 bar. The highest sprinklers are at 8m above the pump so there is ample pressure at the pump to supply these sprinklers.

The new pump is manually started from a new circuit breaker in the Emergency Switchboard. This is located in the Emergency Generator space on the same deck as and just aft of the Wheelhouse, so it can be quickly reached by ship's officers in the event it was needed to supply the main sprinkler system.

The installation has now been completed and is being tested under MCA survey on 14 March 2014. Photographs overleaf show the installation process but final photographs of the switchboard and the pump, fully installed, are awaited.

The updated Fire and Safety Plan showing the new pump, and the Lloyd's Register type approval for the pump are expected shortly and will be forwarded as soon as they are available.

Maritime & Coastguard Agency

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E-mail: [redacted]mcga.gov.uk

Ms [redacted]
Head of Unit D.2 – Maritime Safety
Directorate General Mobility and Transport
European Commission
Building DM28 03/64
B-1049 Brussels

Your ref: **Ares(2014) 388992**
MS26/04/02
Our ref:
3 April 2014

Dear [redacted],

MV SCILLONIAN III (IMO 7527796) – Fire Protection: Supplementary Sprinkler Pump

I wrote to you on 14 March on this subject, in response to your letter of above reference dated 17 February, referring to the UK's request for equivalency under Art. (2) of Directive 29009/45/EC on the MV SCILLONIAN III.

In that letter I submitted details of the plans and photographs of the installation of the new emergency sprinkler pump fitted to the ship.

I am now pleased to enclose the updated Fire and Safety Plan, pump starting and operating instructions, the starter panel in the emergency switchboard, and a set of photographs of the completed pump, the main connections and the local starter panel.

I can confirm that the system has been fully commissioned and tested, and that the ship has now started her operating season for this year.

This, together with the information I sent on the 14th March, completes the information describing the new system. I trust that this is sufficient for your purposes but please do not hesitate to contact me if I can assist you further on this matter.

Yours sincerely

[redacted]
Assistant Director, Ship Standards

Annex

MV SCILLONIAN III – Additional Sprinkler Pump

Attached are the following documents from the operator –

A) File with photographs of new emergency sprinkler pump installation
(powerpoint "14-04-02 MV Scillonian 111 emg sprinkler pp"

B) Photographs of Emergency Switchboard
(doc "14-03-29 Emerg Switchboard New Circuit Breaker")

C) Emergency Sprinkler Pump Starting Procedure and Test Instructions
(document "14-03-29 Emergency Sprinkler Pump Starting Procedure")

D) Revised Fire and Safety Plan
(pdf "14-03-14 A3 SCILLONIAN 3 - FIRE SAFETY PLAN - REV 9")
(Relevant changes are in Shaft Tunnel, bottom right of drawing, showing "Emergency Sprinkler Pump", and Emergency Generator Room on Bridge Deck, which now shows "Emergency Sprinkler Pump Start/Stop").

(46)

From: <@ec.europa.eu>
To: <@mcga.gov.uk>
CC: <@ec.europa.eu>, @emsa.europa.eu>, @fco.gov.uk>, <@mcga.gov.uk>, <@mcga.gov.uk>, @mcga.gov.uk>
Date: 03/04/14 16:04
Subject: RE: MV SCILLONIAN III Emergency Sprinkler Pump Final Details

Thank you,

I am glad to inform you that we will send on Monday an information note to the COSS committee in which we confirm the Commission's view that this safety measure can be considered as equivalent with the Directive.

I would like to express our satisfaction with the way the case has evolved since receipt of the first submission from the UK authorities. The constructive attitude displayed by all parties has certainly helped to achieve this result

Kind regards,

Head of Unit
Maritime Safety

European Commission
Directorate-General for Mobility and Transport

tel. ++32 2 299 19 22
fax ++32 2 296 90 66
GSM ++32 498 99 19 22
e-mail ec.europa.eu-----Original Message-----
From: [mailto: @mcga.gov.uk]
Sent: Thursday, April 03, 2014 4:40 PM
To: (MOVE)
Cc: (MOVE); (EMSA); @fco.gov.uk;
Subject: MV SCILLONIAN III Emergency Sprinkler Pump Final Details

Dear Ms

Further to Mr s letter of 14 March, I am pleased to attach a further letter with the details that were still outstanding at that time, which I have now received from the ship operators, including photographs of the final installation of pump, starter unit and emergency switchboard starting circuit breaker, ship's operating instructions and the revised Fire and Safety Plan for the vessel. I believe that this completes the UK submission for consideration of equivalence under Art 9(2) of Directive 2009/45.

I have also sent you the originals of this letter by post.

I trust that this meets with your requirements but please do not hesitate to contact Mr or myself if you need further information.

Yours sincerely,

[redacted]
Manager, Vessel Standards Branch
Tel: +44(0)23 8032 9127
Fax: +44(0)23 8032 9204

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(45)

From: [redacted]
To: [redacted]@ec.europa.eu
CC: [redacted]fco.gov.uk; [redacted]...
Date: 03/04/14 15:39
Subject: MV SCILLONIAN III Emergency Sprinkler Pump Final Details
Attachments: 14-04-03 MV SCILLONIAN III Sprinkler Pump Final Submission.zip

Dear Ms[redacted]

Further to M[redacted]etter of 14 March, I am pleased to attach a further letter with the details that were still outstanding at that time, which I have now received from the ship operators, including photographs of the final installation of pump, starter unit and emergency switchboard starting circuit breaker, ship's operating instructions and the revised Fire and Safety Plan for the vessel. I believe that this completes the UK submission for consideration of equivalence under Art 9(2) of Directive 2009/45.

I have also sent you the originals of this letter by post.

I trust that this meets with your requirements but please do not hesitate to contact M[redacted]or myself if you need further information.

Yours sincerely,

[redacted]
Manager, Vessel Standards Branch
Tel: +44(0)23 8032 9127
Fax: +44(0)23 8032 9204

COSS Brf

COSS 32/7

COSS BRIEFING FORM

AGENDA ITEM TITLE

Update on the UK request for a national measure for equivalency for the MV SCILLONIAN ship

European Commission

BRIEF SUMMARY OF ISSUE/SUBMISSION

Existing sip MV SCILLONIAN III has phased in to the Domestic Passenger Ships Directive 2009/45, but arrangements of sprinkler system in engine room (which was ok under SOLAS 60) not in compliance with requirements of directive (based on SOLAS 74). UK submitted various requests for an equivalency under Art. 9 of the directive, most recently after operators installed additional backup emergency supply pump for the sprinkler system.

Cion paper requests Committee to NOTE that the Cion considers the UK request for equivalency, under Domestic Passenger Ships Directive 2009/45, can be granted as the UK measure is at least as effective as the regulatory requirement. Unlikely other MS will object.

LINES TO TAKE

ENTER 'X' IN THE APPROPRIATE BOX

TYPE OF SUBMISSION

X	**EC**		**UK**		**Member State**

UK SUBMISSION

	Sole Sponsor		**Lead Co-Sponsor**		**Co-Sponsor**

NON-UK SUBMISSION

X	**Support**		**Neutral**		**Oppose**		**Other**

STATEMENTS AND EXPLANATIONS OF LINES TO TAKE

UK Line	**Thank Cion for their advice and positive approach to this case, which will enable this ship to continue to provide a life line service to the Scilly islands.**
UK Reserve *(where possible)*	**Unlikely that other MS will raise objections, but if so can advise that significant work undertaken to bring ship into line with directive, that the directive provisions (for the spreinkler system to be "reasonably remote" from the engine room guard against a rare combination of circumstances – fires in both ER and accommodation, and that the new arrangements provide significant increase in fire fighting capacity, as the additional pump can supply either the sprinkler system or the fire main.**

Does this issue warrant:

- a formal UK intervention (Speaking Note)?		**Yes**	X	**No**
- a potential ad-hoc intervention depending on progress?	X	**Yes**		**No**

CONSULTATION

ENTER 'X' IN THE APPROPRIATE BOX

- No consultation considered necessary				
- Have DfT Maritime (MSE, MCI, MarSec) been consulted?	X	**Yes**		**No**
- Other Internal and External consultation as listed in box below	X	**Yes**		**No**

CSM Chris Moss aware; operators ISSC advised informally. DfT colleagues advised of this outcome.

COSS 32/7

COSS BRIEFING FORM

BACKGROUND AND SUPPORTING INFORMATION

UK applied March 2013 for an equivalency, based on additional fire protection fitted around sprinkler system in ER, so that only an exceptionally fierce fire or disastrous explosion would put the sprinkler system out of action. UK pointed out that for a fire to get out of hand and spread to the accommodation then every barrier in the regulations would have to fail – hand-held first aid fire fighting; 45l foam drum and fire hoses; the fuel QCVs; the CO2 gas extinguishing system; and the A60 insulation protecting the accommodation from an ER fire. The sprinkler system is not an effective boundary cooling system as there is insufficient water.

However Cion (advised by EMSA) rejected the arguments as they considered that the regs required the sprinkler system to be "reasonably remote" and nothing the UK had done had provided an equivalent location.

Therefore ISSC were persuaded [redacted] to fit new sea valve in existing valve chest in shaft tunnel while ship in drydock last month, and new pump to supply sprinkler system with electrical power delivered from the emergency switchboard. This met the Cion's criterion of "reasonably remote" from the ER and has been accepted

Full details in recent correspondence attached.

Although good news for the operators ISSC, possible some concern from passengers in Scilly and Penzance that this will enable SCILLONIAN III to continue in service when they might have preferred a new (Govt subsidised) passenger ship to replace her.

Name: **Simon Milne**	Title: Manager, Vessel Stds	Date: **9 April 2014**
☎:	✉:	

Is there further information on additional sheets? [X] Yes [ ] No

LEAVE FOLLOWING BOXES BLANK IF NOT CONSIDERED APPROPRIATE

[ ] **Brief approved by Head of Branch or nominated Deputy, where appropriate**

[ ] **Relevant Assistant Director informed, if appropriate?**

[ ] **Director Maritime Services informed, if appropriate?**

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate D - Logistics, maritime & land transport and passenger rights
D.2 - Maritime safety

COSS 32 meeting: 23 April 2014

Agenda item: 7

Update on the UK request for a national measure for equivalency for the MV SCILLONIAN III ship

Background

- In accordance with Article 9 of Directive 2009/45/EC on safety rules and standards for passenger ships, the Commission has received a specific request for a national measure allowing equivalency from the United Kingdom.
- This note aims to inform the Committee on the outcome of the analysis.

Equivalency for the MV SCILLONIAN III ship

- The United Kingdom transmitted to the Commission a request for a national measure on a specific equivalency to the Directive's requirements under Articles 9(2) of the Directive 2009/45/EC on 31 May 2013.
- The ship MV SCILLONIAN III (IMO No. 7527796) was built in 1977 with a registered length of 67 metres. It is operating on domestic voyages between Penzance and the Isles of Scilly in the South West of England. It can carry up to 600 passengers and general cargo but it has no ro-ro capacity.
- The UK requested to adopt for the ship MV SCILLONIAN III equivalents for the regulation II-2/A/8.15 of Annex I of the Directive 2009/45/EC which requires that "*The sprinkler pump and tank shall be situated in a position reasonably remote from any machinery space and shall not be situated in any space required to be protected by the sprinkler system*".
- The Commission has requested additional information and further clarifications of the request via formal correspondence in several instances: on 22 July 2013, 6 December 2013 and 17 February 2014. The United Kingdom replied on 12 August 2013, 2 January 2014 and 14 March 2014.

- Following several exchanges including meetings and correspondence, the UK has submitted a proposal to upgrade the sprinkler system of the MV SCILLONIAN III. This measure consists of installing on the ship an independent electrical pump in the shaft tunnel (outside the machinery space), with independent sea water suction, and independent power supply. This pump is connected to the sprinkler system and is large enough to supply all the sprinklers in the accommodation over the engine room. All components are outside the engine room (as requested by Directive's regulation II-2/A/8.15); this provides protection to the accommodation in the event that a fire in the engine room cannot be controlled and the main sprinkler system is disabled.

- On the basis of the technical analysis carried out by EMSA, the Commission services consider that this specific request for equivalency can be granted as the measure proposed by the UK is at least as effective as the regulation II-2/A/8.15 of Annex I of the Directive 2009/45/EC.

Action

The Committee is invited to note the information provided in this document.

From: [redacted]
To: [redacted]
CC: [redacted]
Date: 10/04/2014 00:19
Subject: Fwd: SCILONIAN III - Commission COSS 32 Paper
Attachments: COSS32-7 SCILLONIAN III Briefing Form.doc; COSS 32-7 COSS32_Scillonian_0304 2014.doc

[redacted] this is good news: the Commission paper is accepting the UK proposal, and is inviting member States to "Note" - not to agree or to question. I've sent a related email to DfT(c) [redacted] advising of the situation.

[redacted] PSA brief for approval.

Regards

[redacted]

[redacted]
Manager, Vessel Standards Branch
Tel: +44 (0)23 8032 9127