

LETTER OF INTENT

BETWEEN THE MARITIME AND COASTGUARD AGENCY OF THE UNITED KINGDOM AND THE MINISTRY OF INFRASTRUCTURE AND WATER MANAGEMENT OF THE KINGDOM OF THE NETHERLANDS

Scope

This letter of intent by the Ministry of Infrastructure and Water Management in the Netherlands and the Maritime & Coastguard Agency in the UK (hereafter: signatories) concerns the acceptance of high speed offshore service crafts less than 500 GT carrying more than twelve and up to 60 persons (hereafter: HS-OSC) in the territorial sea and harbor's (hereafter: national waters). This is not a binding, legal document, but a bilateral arrangement concerning the mutual acceptance of HS-OSC in national waters.

The safety standard

Resolutions MSC.418(97)¹

The International Maritime Organization (IMO), recognizing the need to develop safety requirements for cargo ships carrying Industrial Personnel (hereafter IP), has adopted interim guidelines which enable Administrations to set safety standards other than passenger ship safety requirements to ships carrying more than twelve IP.

Following the above-mentioned IMO interim guidelines Administrations have developed national requirements for HS-OSC. These requirements might differ from regular passenger ship requirements.

For admittance of HS-OSC in foreign waters, bilateral arrangements are therefore required.

IP Code

The IMO is currently developing a mandatory code, the IP Code, under a draft new SOLAS chapter XV targeted to enter into force from 1 January 2024. The IP Code applies to ships of 500 GT and more carrying more than twelve IP. However, in the draft preamble of the IP Code Administrations are provided with the possibility to apply the goals and functional requirements of the IP Code as far as practical to ships below 500 GT.

Admittance

Admittance of foreign HS-OSC is acceptable when the national safety requirements of the foreign administration accomplish a comparable safety level without hindering the (commercial) level playing field.

Therefore, a gap analysis has been performed between:

- the MCA High Speed Offshore Service Craft Code (HS-OSC Code) and
- the Dutch Ordinance on the safety of seagoing vessels, for cargo ships for the transport more than 12 industrial personnel

The above standards of both Administrations are requirements for high speed crafts. The requirements of the HSC Code cargo ship are used as basis with additions and exceptions as outlined in the above mentioned national safety standards.

The identified differences of the requirements have been reviewed and accepted by both the Dutch and the United Kingdom Administration on the basis of achieving the goals prescribed in the draft IP Code currently developed by the IMO

¹ Resolutions MSC.418(97), adopted on 25 November 2016, Interim recommendations on the safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages

(ref. SDC 7/6/1). There are no indications that the level playing field could be hindered.

International Safety Management (ISM) and International Ship and Port Facility Security (ISPS) Certification

The ISM and the ISPS Code are internationally not applicable for cargo ships of less than 500 GT.

According to the Dutch national standard the ISM Code has therefore not been made mandatory to HS-OSC considering the ships as cargo ships. However, on the basis of the ISM Code it has been determined which requirements are relevant for ships of less than 500 GT. These are included in the supplementary set of requirements in the appendix to the national Regulations. However, if a ship certified for national navigation is deployed in UK national waters, the ISM Code as a whole is required. Ship managers of Dutch ships of less than 500 GT, which might be deployed in UK national waters may anticipate this and voluntarily comply with the ISM Code.

According to the Dutch and UK national standards, the ISPS Code is not applicable to HS-OSC. Therefore, no ISPS certification is required for ships deployed in the UK or Dutch national waters.

Intervals of survey's on board

According to the Dutch national standard HS-OSC of less than 24 m are holding a national safety certificate, which allows for a survey regime different than that described in the HSC Code. Ships of less than 24 m holding a national safety certificate are exempted from periodical (i.e annual) surveys.

According to the UK national standard HS-OSC (regardless of length) shall comply with the HSC cargo requirements on survey and certification, thereby annual survey's subject to the following provisions:

- a complete inspection of the Structure including the outside of the craft's bottom and related items is not required at all periodical (i.e annual) surveys;
- the vessel is required to have a minimum of two inspections during any five year period at intervals not exceeding 36months; and
- inspections should normally be carried out with the ship out of the water, however consideration may be given to alternate inspections being carried out with the ship afloat.

If a ship certified for national navigation is deployed in UK national waters, application of the HSC cargo requirements on surveys is required. That implies that Dutch HS-OSC of less than 24 m, deployed in UK national waters should:

- undergo a periodical survey in accordance with the HSC Cargo requirements;
- the survey scope should be the one of an periodical (i.e annual) survey for HSC cargo subject to the above mentioned provisions in accordance with the UK national standard for HS-OSC; and

in addition to the national safety certificate hold an attestation (not older than 12 months) issued by the RO to confirm compliance with the HSC cargo requirements on periodical (i.e annual) survey mentioned here above.

Certificates

To facilitate port State activities this letter of intent should be available on board in conjunction with the list of certificates listed in:

- Annex 1 for Dutch ships sailing in UK territorial sea and;
- Annex 2 for UK ships sailing in Dutch territorial sea.

Notification

The signatories shall provide a written notice, having effect after a reasonable timeframe, in the following cases:

- Changes to or termination of the arrangements as outlined in this letter of intent;
- Future amendments to the national requirements.

When interpreting the term "reasonable", the commercial and operational interest of the ship owners to provide their services should be taken into account.

Validity letter of intent

This letter of intent is valid until the entry into force of the HS-OSC part of the IMO IP Code will enter into force. However, if acceptable to both administrations the validity of this letter might be extended in case the IP Code results in excluding HS-OSC from the scope of application. Either signatory may recall this letter of intent by giving three (3) months' notice in writing to the other signatory.

This letter of intent does not create any rights or obligations under International law.

Maritime and Coastguard Agency
Director of UK Maritime Services
Ms. Katy Ware

Ministerie van Infrastructuur en
Waterstraat
The Director Maritime Affairs
Ms. B.C.M. Gijsbers

Signature



Signature



Annex 1

List of certificates on board ships flying Dutch flag and carrying more than twelve industrial personnel

- National High Speed Offshore Service Craft Safety Certificate for transport of industrial personnel (incl. Record of Equipment)
- (National) Permit to Operate HSOSC/HSC
- Minimum Safe Manning Document
- International Load Line Certificate (> 24 m)
- International Oil Pollution Prevention Certificate (including Form A, if $\geq 400\text{GT}$)
- International Sewage Pollution Prevention Certificate (if vessel is approved for more than 15 persons)
- Engine International Air Pollution Prevention Certificate (if engine $>130\text{ kW}$ and built later than 2000)
- International Air Pollution Prevention Certificate (if $\geq 400\text{ GT}$)
- International Ballast Water Management Certificate (if $\geq 400\text{ GT}$)
- International Tonnage Certificate ITC'69
- Certificate of Registry
- Liability Certificates (depending on GT and applicability)
- Classification Certificate

Optional:

- Document of Compliance Special Requirements for Ships Carrying Dangerous Goods

Annex 2

List of certificates on board ships flying UK flag and carrying more than twelve industrial personnel

- High Speed Safety Certificate
- UK Exemption to carry Industrial Personnel
- Permit to Operate
- Certificate of Class
- International Sewage Pollution Prevention Certificate
- Certificate of UK registry
- Tonnage Certificate (British or International -subject to length)
- MLC Inspection report
- Safe Manning

Subject to size / gross tonnage

- International Air Pollution prevention (400GT or over)
- International Oil Pollution prevention (400GT or over)
- Declaration of antifouling / Antifouling Certificate
- Wreck Convention certificate (300GT or over)
- Evidence of maritime Claims Insurance (300GT or over)
- Ballast Water Management Statement of Compliance (400GT or over)
- Declaration of Antifouling (24m or over), International Anti-fouling Certificate (400GT or over)
- UK Load Line or Workboat Certificate (24m or under) or International Load Line certificate (24m or over)

If applicable:

Engine Air Pollution prevention Certificate

Document of Compliance for the carriage of Dangerous goods