

32315 SPATHOEK ex SCHLESWIG HOLSTEIN – Compliance with EC Directive 2010/36/EC

General

The vessel is classed by Germanischer Lloyd. The previous Flag State Administration (BG Verkehr) has provided the ship with a Passenger Ship Safety Certificate according to the European Passenger Ship Directive as an existing category D ship limited to trade between Dagebüll, Föhr and Amrum.

The new owners (NV MS Spathoek, an EVT company) like to operate her on a similar route (Wattfahrt), like the previous German owners, from Harlingen to the island Terschelling. Duration of the voyage will be approximately 1 Hour 45 Minutes.

In line with the a.m. Directive and as stated by IVW the ship needs to be treated as an existing category D ro-ro passenger ship. Maximum number of passengers: summer 916; winter 439

As requested by IVW, Germanischer Lloyd has verified the a.m. ship for compliance with the European Passenger Ship Directive 2010/36/EC, the outcome of it is reflected in the following summary.

Exemptions from the requirements in the EU Directive must be dealt with in accordance with article 9 of the Directive. These must be processed as described in article 9.4 and may be rejected, in which case alterations must be made afterwards.

According to the EU Directive 2009/45, the chapters II-1 and II-2 are not applicable for this ship. A member state should determine national requirements for the subjects mentioned in these chapters II-1 and II-2. National requirements for these chapters are as per SOLAS 74 as amended based on keel laying date

An exemption for ISPS compliance and certification will be issued because the ship is sailing in domestic waters.

Summary

1. Issue:	Follow up:	GL Recommendation:	Comment NSI/ final situation
As informed by the owners it is not intended to carry dangerous goods.	Owner declared only to carry cars, trucks, mobile homes and similar (Dutch: caravans), bicycles, motorcycles and passengers, In no event tank (container-) trucks will be carried containing dangerous goods	N/A	N/A
2. Non-compliances previously identified by German Flag State Administration			
2.1 helicopter pick-up area not provided	Exemption GL/IVW	Exemption considering the trading area as well	Not agreed. Helicopter pick-up area to

		as the duration of a trip, the specific construction of the ship and nearby rescue facilities	be provided
2.2 lifejackets without light	will be provided		Agreed, see item 6.9, lifejackets shall be SOLAS approved
2.3 fast rescue boat not provided	see safety equipment items down below	Exemption considering the trading area class D	Agreed, Also see 6.3.
<i>Non compliances resulting from verification against a.m. EC Directive and requirements as laid down by the Netherlands Flag</i>			
3 Load Line			
3.1 Doors C2 and C3 (double hinged aluminium construction; protected arrangement) - considered equivalent acc. to Reg. 12(1) taking into account the trading area	Hose tests will be performed by Owner	performance of hose test is recommended; portable sills of 600 mm height to be taken on board;	Hose test agreed, Sills to be placed according bad weather instructions as per ISM plan
3.2 Freeing ports not sufficient	Recommendation will be followed up by Owner	Will be modified to have 8 m ² openings in total –rule compliant	Agreed
3.3 Windows on tween deck	No follow up needed	50% storm covers are acceptable taking into account the trading area – Exemption from Reg. 23(4)	Storm covers must be provided for all windows and placed according bad weather instructions as per ISM plan. Note; accepted since thickness of windows is, as a minimum, in accordance with requirements inland vessels, despite storm

			covers.
3.4 Ventilators V3, V4, V6, V7 and V8 neither having sufficient coaming heights nor weathertight closing appliances	No follow up needed	Exemption from Reg. 17(4) and 19(3) taking into account the trading area as well as the protected location on the ship	Only acceptable for Loadlines, if the trading area considered is "D". Accepted; trading area "D" is taken into account.
3.5 Bow height not fulfilled	No follow up needed	50% of the required one available; Exemption from Reg. 39 taking into account the trading area	Only acceptable, if the trading area considered is "D". Accepted; trading area "D" is taken into account.
3.6 Small flush hatch cover F2 out of proviant store /galley area used as emergency exit	No follow up needed	Exemption from Reg. 18(1) taking into account the trading area as well as the protected arrangement	Only acceptable, if the trading area considered is "D". In that case agreed with sign "to be kept closed at sea" Accepted; trading area "D" is taken into account.
4 Stability			
4.1 Collision bulkhead is located outside the aft terminal	No follow up needed	Can be accepted as the first 2 compartments have been considered damaged within the damage stability calculations	Agreed
4.2 A continuous double bottom is considered from the collision bulkhead to the engine room front	No follow up needed	Can be accepted	Not agreed, a well founded motivation

bulkhead. No double bottom throughout the engine room due to small draught.			must be submitted based on (damage-stability) calculations GL submitted a well founded motivation, which was accepted.
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4.3 No floodable length curve has been calculated/drawn up	No follow up needed	Can be accepted as compartments have no significant longitudinal subdivision and the one compartment status can be seen as equivalent	Agreed,
4.4 Evaluation of light ship survey carried out in September 2010 shows a deviation in light weight of about 5.5% with reference to the actual stability booklet approved 1988. No revised Stability documentation is available.	Will be followed up by Owners, based on the original Stability Booklet and ship data. Outcome to be reconsidered with GL	Need to be updated.	Agreed, to be updated before issuance of certificates on behalf of the Netherlands
4.5 Intact criterion Max GZ (must not occur below 25°) cannot be complied with due to the hullform	Will be followed up	Alternatively stability criterion for offshore supply vessels can be applied and accepted	Agreed
5 Fire protection			
5.1 Sprinkler system in accommodation and service spaces not provided	No follow up needed	According II-2/26 of SOLAS 74 (incl. 86 Amendments) requirements for a sprinkler installation are not applicable when a fixed fire detection and fire alarm system is installed	agreed
5.2 Only heat detectors in accommodation and service spaces	Smoke detectors will be placed in accommodation and service spaces in addition	Will be changed to smoke detectors	Agreed

5.3 Number of firemans outfits not sufficient	No follow up needed	Two firemans outfits are in our view sufficient taking into account the trading area and duration of a trip – Exemption proposed	Only acceptable, if the trading area considered is "D". In that case agreed, provided that two outfits are provided for each firezone. (i.e. one firezone only) Accepted; trading area "D" is taken into account.
6 Safety equipment items (same numbering as Inspection report no. 1 Rev. B)			General Note we assume that items/ non-compliances listed in the original report which are not mentioned in this list are no longer existing
6.1 LRIT not provided (3)	No follow up needed	Exemption considering the trading area as well as the duration of a trip	Exemption not required, LRIT is not required for GMDSS SEA Area A1 i.c.w. AIS
6.2 SVDR not provided (4)	Will be followed up	Will be done	SVDR is not required.

6.3 Number of rescue boats not sufficient (10)	No follow up needed	Exemption considering the trading area as well as the duration of a trip	Two rescue boats required.
6.4 Launching appliance for rescue boat not in accordance with current requirements, e.g. stored power, ARH not approved (11)	ARH will be modified and issue will be followed up	Will be modified	Agreed, Perhaps NSI equivalent arrangement SLS.14/Circ 153 can provide solution

			NSI equivalent applied.
6.5. Liferrafts not of a type as required for ro-ro passenger ships (12)	No follow up needed	Exemption considering the trading area as well as the duration of a trip and nearby rescue facilities	Not Agreed, this must be further elaborated, see requirements EU directive. Exact non-compliance(s) must be clear. Note difference number pax in winter/summer i.r.t. available types of liferafts Final configuration with a.o. Marine Evacuation Systems accepted
6.6. No launching appliances for liferafts (13)	No follow up needed	Exemption considering the trading area as well as the duration of a trip and nearby rescue facilities	Not Agreed, current arrangement i.r.t. available provisions is not acceptable. (MES or launching appliances required according 2001/36.) See 6.5
6.7 Liferrafts without HRU's (14)	Owner wants exemption considering the trade area	Will be provided	HRU's to be provided
6.8 Means of rescue not provided (16)	No follow up needed	Exemption considering the trading area as well as the duration of a trip and nearby rescue facilities	Only acceptable, if the trading area considered is "D". Accepted; trading area "D" is taken into account.
6.9 Lifejackets without light (17)	Owner wants exemption considering the trade area	Will be provided	Lights shall be provided.
6.10 Lifejackets for infants not provided (18)	Will be followed up	Must be done for 2,5% of the number	Agreed

		of passengers on board	
6.11 One firemans outfit missing (22)	Will be followed up	a second one will be provided on board – see remark fire protection	Agreed, however see item 5.3.
6.12 Pilot ladder or equivalent not provided (36)	No follow up needed	Exemption considering the trading area as well as the duration of a trip and nearby rescue facilities	Not required, provided that vessel has an exemption for pilotage.
6.13 Only one EEBD in engine room (37)	Will be followed up	A second one will be provided	Agreed
6.14 Low location lighting system not provided (39)	Owner will place fluor reflecting tape / lines on board	Will be provided on board – details to be submitted	Agreed, in accordance with SOLAS
6.15 see item (22) (BA sets)	Will be followed up		Agreed, however in accordance with outcome item 5.3
6.16 Fog applicators not provided (47)	Will be followed up	Will be provided on board	Agreed
6.17 Fire main not permanently pressurized (48)	No follow up needed	Exemption considering the trading area as well as the duration of a trip and the fact that public spaces are normally occupied when in operation	Agreed, provided that fire pumps have remote starting arrangement and system is always ready for direct use

General recommendation

Taking into account follow up of suggested recommendations and follow up by the Owner, and taking into account the trading area, the duration of the trip and the nearby rescue facilities, we recommend IWV to grant requested exemptions, to accept equivalencies and to issue the certificates to the Owner in line with the European Passenger Ship Directive for an existing category D

In general NSI is of the opinion that, with respect to the sea area, the ship shall meet the requirements for passenger ships of "class D". Exemptions related to the trading area "Waddenzee" (trade between the direct fairway from Harlingen to Terschelling Harbour and vice versa), are not subject to the EU directive 2009/45 resp. 2010/36, because this is no sea-area as defined in the directive.

The certificates issued by GL may only refer to the sailing area "D".