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Circular letter No.2988
7 August 2009

To: All IMO Members
Contracting Governments to the International Convention for the Safety of Life
at Sea, 1974
Contracting Governments to the International Convention on Load Lines, 1966

Subject: **Equivalent arrangements accepted under the 1974 SOLAS Convention and
the 1966 Load Lines Convention**

Notification by the Government of France

The Secretary-General has the honour to transmit herewith the text of a notification by the Government of France regarding equivalent arrangements accepted under regulation I/5 of the 1974 SOLAS Convention and article 8 of the 1966 Load Lines Convention, as modified by the Protocol of 1988 relating thereto.

The Secretary-General would be grateful if steps could be taken to bring this information to the attention of the appropriate authorities.

Translation

Letter and attachment, dated 23 June 2009, addressed to the Secretary-General, from the Director of Maritime Affairs, French Ministry for Ecology, Energy, Sustainable Development and Land-use Management

Ref. No. 299

In accordance with article 8 of the International Convention on Load Lines, 1966 as modified by the 1988 Protocol relating thereto, and article 5 of the annex to the 1974 International Convention for the Safety of Life at Sea, as amended, I enclose for your kind attention notification of the French regulations concerning the safety of large yachts in commercial use. This set of regulations comprises provisions equivalent to the above-mentioned conventions and take into account the particular operating conditions of yachts engaged in commercial traffic.

I remain at your disposal for any additional information you may require.

With the assurance of my highest esteem,

(Signed) Damien Cazé
Director of Maritime Affairs

Safety of Pleasure Vessels

Section 242

Pleasure vessels 24 m and over in hull length and of less than 3000 GT

Updated 15 June 2009

1. Background

Until July 2008, pleasure vessels 24 m and over in hull length were subject to the provisions of section 222 of the French regulations (the section which applied to cargo ships of less than 500 GT). This section stipulated that the commissioning of pleasure vessels (in private or commercial use) should be examined from the viewpoint of a list of exemptions in relation to the requirements applicable to cargo ships.

In order to respond more appropriately to the specific operating conditions of pleasure vessels, over the past year France has developed a new set of regulations, which are based on transposition of the United Kingdom's *Large Yacht Code*, except for the following slight differences:

- **Minimum manning levels, crew certification and hours of work:** These provisions are not taken from the United Kingdom code. It is the French regulations already in force that are applicable; these are separate from the part relating to safety of shipping (see table).
- **Prevention of pollution, safety surveys, ISM Code (safety management), ISPS Code (security code):** these parts have not been integrated into the text of the future section 242, as they appear elsewhere in other sections (160 and 213) or regulatory documents (decrees on security).
- **Global Maritime Distress and Safety System:** the tonnage provisions in the *Large Yacht Code* are used in respect of equipment. However, the French text will apply only to vessels of less than 300 GT. Above that, section 219 will apply (GMDSS unchanged). One slight difference regarding equipment is that, where there is no INMARSAT installation, an HF radio installation is only required from area A3.
- **Freeboard:** as there is no goods traffic involved, an all-seasons disc is not necessary. Only draught marks are required.

The provisions, whether applicable in terms of their intrinsic scope or applicable by virtue of section 242, together constitute a whole which is equivalent to the International Load Line Convention, 1966, as amended, and the SOLAS Convention, 1974, as amended. Under these conventions such equivalence must be notified to the International Maritime Organization. The United Kingdom did so in 1996, in the form of the *Large Yacht Code*. Section 242, which is linked with other existing sections in the regulations, is modelled on this tried and tested reference tool, specifically version LY2 of 2005 (Merchant Shipping Notice 1792, ref. No.MSA 010/009/0184).

The following table details the application procedures for the various sections and how they tie in with section 242:

	For large yachts	Procedure
1988 LL Convention and Protocol	Applies for length \geq 24m. The provisions of section 242 are equivalent to those of the convention and may be applied.	Follow the provisions of section 242.
SOLAS Convention	Applies to ships of \geq 500 GT. The provisions of section 242 are equivalent to those of the convention and may be applied.	Follow the provisions of section 242.
COLREG 72	Applicable	
Section 110 – General	Applicable	Follow the provisions of section 110 to ascertain the procedures for applying the regulations
Section 120 – Organization	Applicable	Concerns the organization of functions for the authority responsible for ship safety
Section 130 – Safety certification	Applicable to ships in commercial operation: public vessels at domestic level, cargo ships at international level.	Procedures for approval of plans and documents, issue and renewal of safety and pollution prevention certificates This section lacks development points from the competent committees for public vessels and for pleasure vessels operated commercially at international level (cargo ships).
Section 140 – Technical bodies	Applicable	Designated fields of authorized bodies (including classification societies)
Section 150 – Port State control	Applicable	Function of government departments. Yachts are not excluded from port State control.
Section 160 – Safety management	Applicable: (a) to ships of \geq 500 GT operated commercially at international level (cargo ships) and (b) to public sailing vessels carrying more than 12 passengers.	
Section 211 – Intact stability and damage stability	Applicable by virtue of section 242	Follow the provisions of section 242: section 211 is applicable, but the stability criteria are those in section 242 (especially for sailing vessels). The damage criteria are only those in section 242.
Section 212 – Navigational watch and engineering watch	Applicable to ships \geq 45 m in length. Below that, only section 242 applies.	Follow the provisions of section 242.
Section 213 – Pollution prevention	Based on MARPOL Convention: Chapter 1 (MARPOL Annex I – Oils) applies to ships of \geq 400 GT.	Follow the provisions of section 213. Certificates are issued for ships of \geq 400 GT, depending on the case.

	For large yachts	Procedure
	Chapter 4 (MARPOL Annex IV – Sewage) applies to ships of ≥ 200 GT or those that carry more than 15 persons. Chapter 5 (MARPOL Annex V – Garbage) applies to all ships. Chapter 6 (MARPOL Annex VI – Air pollution) applies to all ships.	
Section 214 – Labour protection	Not applicable to pleasure vessels. Applicable by virtue of section 242 for ship construction.	Follow the provisions of section 242: the whole of section 214 for construction. Examinations and tests only if crew are professional.
Section 215 – Habitability	Applicable to commercial ships: public vessels and cargo ships of length ≥ 12 m if operated more than 20 miles from the coast.	Follow section 215 for ships of 500 GT and above. For other ships, follow provisions of section 242.
Section 217 – Health and medical provisions	Not applicable to pleasure vessels.	Follow section 242 for public vessels and yachts in personal use. Apply section 217 for yachts operated commercially at international level (cargo ships).
Section 219 – Radio communications	Not applicable to pleasure vessels	Follow the provisions of section 242. Section 219 GMDSS applicable in entirety for ships of 300 GT and above.
Section 310 – General rules for approval of equipment and materials	Not applicable to pleasure vessels	Follow the provisions of section 242.
Section 311 – Marine equipment (MED 96/98 CE)	Made applicable by virtue of section 242, in particular for approval of life-saving equipment. Not applicable to radiocommunications equipment.	Follow the provisions of section 242.
Section 321 – Fire prevention	Used for the definition “low flammability” applicable to certain insulation materials (art. 242-10.04)	
Section 322 – Fire extinction other than section 311	Not applicable	Not used
Section 331 – Personal life-saving equipment	The personal life-saving equipment required on board the pleasure vessels concerned here is approved in accordance with the requirements of section 311 (MED 96/98 CE)	Not used
Section 333 – Group life-saving appliances	Applicable to craft other than those of the SOLAS type	Vessels for personal use only: the “pleasure” craft on board meet the provisions of section 333.
Section 334 – Shore-based maintenance of satellite EPIRBs	Applicable	Every onboard EPIRB is subject to the maintenance requirements in section 334.
Section 351 – Ship security alert system	Applicable to every ship of ≥ 500 GT	

2. Impact

The existing ships under the French flag are not subject to the requirements of section 242 except in the event of alterations to their structure or on-board equipment.

Consequently, section 242 has no impact on the existing fleet of ships.

By contrast, it introduces two potentially significant new features:

- the possibility for architects and shipyards to adopt a harmonized construction reference system geared to positive requirements (and not to exemptions from a reference system for cargo vessels);
- inter-operability with the major European pleasure-vessel flags (especially Italy, the Netherlands and the United Kingdom).

3. Applicable regulations

The full text of section 242 is downloadable in PDF format from the following URL:

http://www.mer.gouv.fr/rubrique.php3?id_rubrique=2516&id_article=7785&masquable=OK

The annexes listed below are all available online and for downloading in PDF format from the following URL:

http://www.mer.gouv.fr/rubrique.php3?id_rubrique=2516&id_article=7781&masquable=OK

1. COLREG 72;
2. Act No.83-581 of 5 July 1983, as amended, concerning the safety of life at sea, habitability on board ship and prevention of pollution;
3. Decree No.84-810 of 30 August 1984, as amended, concerning the safety of life at sea, habitability on board ship and prevention of pollution;
4. Decree No.2006-142 of 10 February 2006 concerning the creation of the “single window” provided for in Act No.2005-412 of 3 May 2005 relating to the establishment of the French international register;
5. Order of 23 November 1987, as amended, relating to the safety of shipping;
6. Section 110 – General;
7. Section 120 – Organization;
8. Section 130 – Safety certification;
9. Section 140 – Technical bodies;
10. Section 211 – Intact stability and damage stability;
11. Section 212 – Bridge watch and engineering watch;
12. Section 214 – Labour protection;
13. Section 215 – Habitability;
14. Section 310 – General regulations for approval of equipment and materials;
15. Section 311 – Marine equipment;
16. Section 321 – Fire prevention;
17. Section 322 – Fire extinction other than section 311;
18. Section 331 – Personal life-saving equipment;
19. Section 333 – Group life-saving apparatus;
20. Section 334 – Shore-based maintenance of satellite EPIRBs;
21. Section 351 – Ship security alert system.