



Regulations and Technical Services Group

All previous RATS Advice Notes on the use of red diesel should be destroyed and replaced with the Advice below

The Use of UK Marine Red Diesel by Pleasure Craft for Overseas Visits When in EU and other Maritime State Waters

March 2024

General

The marine pleasure craft use of our red diesel continues to be valid in the UK and the Channel Islands. In Northern Ireland, owners must refuel for propulsion with the EU legally required white diesel.

RATS has issued the advice below following confirmation by HMRC that the presence of UK red marine diesel for the propulsion **in the normal engine tank(s)** of craft visiting foreign States is permitted under the Istanbul Convention of 1990 (Temporary Admission). The Convention is applicable since the fuel has been bought in a foreign country and it is considered the fuel is VAT and duty neutral.

This advice applies only to the temporary admission of the vessel into the destination country.

However it must be noted that:

- The Istanbul convention refers only to fuel held in the vessels Normal tanks which directly feed the engine. The convention does not make any reference to or provision for spare fuel carried in additional containers.
- The SOLAS V regulations do not have any de-facto precedence over the Istanbul Convention and hence do not automatically create a defence regarding the importation of spare fuel into the EU in additional containers.

The EU and its countries along with many others, have signed this Convention. There should be no reason to contravene its validity relating to pleasure craft fuel.

Advice

The advice which CA Members should follow for voyages leaving the United Kingdom to the European Union and other foreign States

- The printed and signed receipt(s) for any UK red marine diesel put into the craft's engine tank(s) should be kept for any reference by inspecting EU State or other country's Customs official(s) to prove the fuel has been legally purchased in the UK and the Channel Islands. The Channel Islands are a Crown Dependency. They are apart from the United Kingdom but are self – governing. They are outside the VAT area of the European Union and are not Members of it.
- In Northern Ireland, under the Protocol Withdrawal Agreement, the legal fuel used for propulsion is white diesel in the engine's tank(s). The printed and signed receipt(s) for any purchase should be kept for reference by any inspecting EU State or other country's Customs official(s) to prove the fuel has been legally purchased in Northern Ireland.
- if all the re-fuelling was done over a year ago the last signed fuel receipt should be available. Previous evidence of the engine hours run and log records will be useful to demonstrate the validity of the situation if there is any Customs concern
- whenever refuelling is carried out in another country it is wise to keep all fuel purchase receipts and details as evidence of observing the diesel propulsion fuel regulations of that country
- all issued receipts should be carried on board the vessel and be available for inspection if requested by the Customs Official(s) at the port of entry of the State being visited
- to avoid complications with an inspecting official over any fuel purchase history, it is advised that re-fuelling is done prior to departure to ensure there is a full engine tank(s) to make as safe passage as required by SOLAS V and MGN 599 as in the note below
- **Northern Ireland vessels visiting the UK and the Channel Islands, and their return to Northern Island, which refuel with UK red diesel (under SOLAS V requirements), must keep all records of their purchase receipts and use, such as log of the voyage and engine hours, to prove at any time to any Northern Ireland Custom Officials the valid reason for traces of red diesel in the vessel's engine tank(s).**

Reminders

Members are reminded --

- Whilst RATS understands this is their best advice, it is up to the skipper or the owner of the vessel to make their decision about safely visiting foreign maritime States. Refer to the Disclaimer below
- You are not allowed to purchase and fill up the boat tank(s) with red diesel in EU States, NI and other countries. Should you need to re-fuel whilst in an EU, NI or other foreign port or marina, you must use white diesel, or the legal dyed diesel of that country, for private pleasure craft marine propulsion.

- To show that you are obeying the diesel fuel regulations of every country you visit make certain you keep all receipts for proof of using white, or the legal diesel of any other country.
- When entering the EU or NI spare fuel should not be carried in cannisters as there is a possibility that local customs officials **may** deem it to be liable to customs charges or even fines / penalties.
- If a skipper deems that the carriage of additional fuel in cans is necessary for the safety of the vessel then it may help the case if the skipper can show a pre-prepared passage plan which demonstrates that the additional fuel was required to ensure safety of the vessel for the passage into the EU. However SOLAS V does not inherently override customs regulations.
- Any additional fuel that may be carried must only be carried in approved cans and should be accompanied by evidence that full duty and VAT has been paid in the country of origin. Dyed RED diesel may raise questions about whether VAT and duty has been paid, undyed white diesel is sold at full VAT and duty and hence is less likely to raise questions.
- The decision to carry spare fuel in cans must ultimately rest with the skipper based on an awareness of the balance of risk between the safety of the vessel and the potential for customs enforcement action.
- In the unlikely event that there is a dispute with Customs, refer them to the Istanbul Convention references below. Keep all paperwork and other details for evidence if required. Make certain you request to see the ID of the visiting Official(s)
- **If appropriate, immediately contact the staff of your port of arrival for assistance and guidance**

References & Comments

SOLAS --- Safety of Life at Sea

Marine diesel is a factor to be taken into account under SOLAS V.

Regulation 34 of SOLAS Chapter V, Safety of Navigation, makes clear that passage planning is required for all vessels that put to sea. Annex 23, paragraph 9, deals with passage planning for small craft and expressly states that one of the factors to be taken into account is:

“The limitations of the vessel should be considered as to whether the vessel and crew are suited to the proposed trip and that you have sufficient safety equipment and stores with you.”

This is reinforced by paragraph 7.3 of Marine Guidance Note MGN 599 (M) which applies to leisure vessels where stores include fuel.

A skipper would be seriously amiss not to act prudently when planning a passage, including diversions to havens of safety, without considering the capacity of the craft’s fuel tank(s) and current fuel levels sufficient to meet the engine(s) consumption requirements for all sea conditions, and emergencies, including where the craft might refuel.

Istanbul Convention 1990 (Temporary Admission) Convention

Annex C

Concerning means of transport

Extracts

Chapter 1. Article 1

- (a). the term "means of transport" means: any vessel {(including lighters and barges, whether or not ship borne, and hydrofoils), hovercraft, aircraft, motor road vehicles (including cycles with engines, trailers, semitrailers and combinations of vehicles) and railway rolling stock;} together with their normal spare parts, accessories and equipment carried on board means of transport {(including special equipment for the loading, unloading, handling and protection of cargo)}**

- (c). the term "private use" means: the transport exclusively for personal use by the person concerned excluding commercial use**

- (e). the term "normal tanks" means: the tanks designed by the manufacturer for all means of transport of the same type as the means of transport in question and whose permanent fitting enables a fuel to be used directly, both for the purpose of propulsion {and, where appropriate, for the operation, during transport, of refrigeration systems and other systems. Tanks fitted to means of transport designed for direct use of other types of fuel} and tanks fitted to the other systems with which the means of transport may be equipped shall also be considered to be normal tanks**

Chapter 2. Article 4

- (1) The fuel contained in the normal tanks of the means of transport temporarily admitted as well as lubrication oils for the normal use of such means of transport shall be admitted without payment of import duties and taxes and without application of import prohibitions or restrictions.**

Signatures of States

The EU countries and the Nordic countries have all signed the Istanbul Convention. Denmark, Finland, Norway and Sweden have also ratified it.

See: <https://treaties.fco.gov.uk/data/Library2/pdf/1999-TS0060.pdf>

It is suggested that a printed copy of the RATS advice should be kept with the craft's paperwork.

March 2024

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