

## Marine Notice No. 22 of 2012

Notice to all Shipowners, Fishing Vessel Owners, Agents, Shipmasters, Skippers, Fishermen,  
Yachtsmen and Seafarers

European Communities (Vessel Traffic Monitoring and  
Information System) (Amendment) Regulations 2012  
[S.I. No. 71 of 2012]

Notice is hereby given that the *European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010* [[S.I. No. 573 of 2010](#)] are amended by the *European Communities (Vessel Traffic Monitoring and Information System) (Amendment) Regulations 2012* [[S.I. No. 71 of 2012](#)].

[Marine Notice No. 07 of 2011](#) provided relevant information on [S.I. No. 573 of 2010].

### 1. BACKGROUND

#### EU Directive and National Regulations

*Directive 2002/59/EC*, as amended by *Directive 2009/17/EC*, established the present EU vessel traffic monitoring and information system for the marine sector. This system was implemented in Irish law by the *European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010* [S.I. No. 573 of 2010] which took effect on 30<sup>th</sup> November 2010.

*Directive 2002/59/EC* was further amended by *Commission Directive 2011/15/EU of 23 February 2011*, which introduced the following amendments:

#### **Amendment 1:**

In Article 12(1)(b), the scientific/technical descriptive piece of text regarding the safety data sheet of certain MARPOL 73/78 Annex I (oil) products is replaced with an updated piece of text arising from a resolution by the International Maritime Organization, namely, Resolution MSC.286(86);

#### **Amendment 2:**

The 2002 Annex II is replaced with a 2011 Annex II. In essence, this Annex, which contains prescriptions for on-board equipment, namely, Automatic Identification Systems (AIS) and Voyage Data Recorder (VDR) equipment, has been re-categorized according to vessel-type and type of voyage (domestic or international); and

#### **Amendment 3:**

The 2002 Annex IV is replaced with a 2011 Annex IV. In essence, this Annex now extends the powers of intervention with regard to incidents at sea to allow for instructions to be issued to any assistance, salvage or towage companies in order to prevent a serious and imminent threat to its coastline or related interests, to the

safety of other ships and their crews and passengers, or of persons on shore, or to protect the marine environment.

## **2. New Legislation**

The *European Communities (Vessel Traffic Monitoring and Information System) (Amendment) Regulations 2012* [S.I. No. 71 of 2012] give effect to these provisions in Irish law and, in addition, introduce the following amendments, set out at paragraphs 3-6 below.

### **3. Exemptions from the requirement(s) to carry AIS and/or a (S-)VDR on board**

Under the newly inserted Regulations 9A(1) and 13(4), the Minister may grant exemptions from the requirement(s) to carry either an AIS and/or (S-)VDR on board.

The individual criteria are taken directly from the amended Annex II and set out below:

#### **1. Exemptions from the requirement to carry AIS on board**

(a) Member States may exempt passenger ships below 15 metres in length or 300 gross tonnage engaged on non-international voyages from the application of the requirements concerning AIS laid down in this Annex.

(b) Member States may exempt ships, other than passenger ships, of 300 gross tonnage and upwards but less than 500 gross tonnage sailing exclusively within the internal waters of a Member State and outside routes normally used by other ships fitted with AIS, from the carriage requirements for AIS laid down in this Annex.

#### **2. Exemptions from the requirement to carry a VDR or S-VDR on board**

Member States may grant exemptions from the requirement to be fitted with a VDR or an S-VDR as follows:

(a) Passenger ships only on voyages in sea areas other than those covered by Class A, as referred to in Article 4 of Directive 2009/45/EC of the European Parliament and of the Council [OJ L 163, 25.6.2009, p. 1.], may be exempted from the requirement to be fitted with a VDR.

(b) Ships, other than ro-ro passenger ships, constructed before 1 July 2002 may be exempted from the requirement to be fitted with a VDR where it can be demonstrated that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable.

(c) Cargo ships constructed before 1 July 2002, engaged on international or non-international voyages, may be exempted from the requirement to be fitted with an S-VDR if such ships are to be taken permanently out of service within two years of the implementation date specified in Chapter V of SOLAS.

#### **4. Removal of obligation to use SafeSeasIreland in certain situations**

Regulation 21(2) in S.I. No. 573 of 2010 has been amended to remove an obligation on any company to use SafeSeasIreland or other electronic means when placing itself at the disposal of the Irish Coast Guard in the event of an incident or accident at sea. Contact may now be made by whatever means possible.

## 5. Minor amendment to Regulation 16 – Exemptions for particular vessels as regards a specific scheduled service performed between ports located in the State

A minor amendment was made to Regulation 16(3) to change references within to Regulation 7 (*Notification prior to entry into ports in State*) and Regulation 15 (*Notification of dangerous or polluting goods carried on board*), which also brings it into line with Regulation 16(1).

## 6. Amendments to the Designated Port Authorities

Schedule 1, which lists the designated ports and their respective port authorities for the purposes of the Regulations and the Directive, has been replaced with an updated schedule as follows:

Ref. No. (1)	Port (2)	Harbour Authority (3)
1.	Arklow	Wicklow County Council
2.	Bantry	Bantry Bay Harbour Authority
3.	Drogheda	Drogheda Port Company
4.	Dublin	Dublin Port Company
5.	Dundalk	Dublin Port Company
6.	Dún Laoghaire	Dún Laoghaire Harbour Company
7.	Galway	Galway Harbour Company
8.	Killybegs	Killybegs Fishery Harbour Centre
9.	Kinsale	Cork County Council
10.	New Ross	New Ross Port Company
11.	Cork	Port of Cork Company
12.	Tralee and Fenit	Kerry County Council
13.	Shannon Foynes	Shannon Foynes Port Company
14.	Waterford	Port of Waterford Company
15.	Wicklow	Wicklow Port Company
16.	Rosslare	Rosslare Europort
17.	Sligo	Sligo County Council
18.	Youghal	Youghal Town Council
19.	Greenore	Greenore Ferry Services Ltd.
20.	Castletownbere	Castletownbere Fishery Harbour Centre

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30/04/12

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