



Marine Notice No. 07 of 2011

*NOTICE TO ALL SHIPOWNERS, FISHING VESSEL OWNERS, AGENTS, SHIPMASTERS,
SKIPPERs, FISHERMEN, YACHTSMEN AND SEAFARERS*

European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010 (S.I. No. 573 of 2010)

1. BACKGROUND

EU Directive and National Regulations

The EU vessel traffic monitoring and information system for the marine sector established by Directive 2002/59/EC was amended by Directive 2009/17/EC. This amendment was implemented in national law through the European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010 (S.I. No. 573 of 2010) with effect on 30 November 2010. The previous Regulations, European Communities (Vessel Traffic Monitoring and Information System) Regulations 2004 (S.I. No. 81 of 2004) are revoked.

Purpose of the VTM System

The purpose of the VTM System, as set out in the Directive and Regulations is:

- to enhance the safety of maritime traffic,
- to enhance the efficiency of maritime traffic,
- to improve the response of authorities to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations, and,
- to contribute to a better prevention and detection of pollution by ships.

Application

The new Regulations apply to ships of 300 gross tonnes or more, to fishing vessels of 45 metres or more in length and, for use of automatic identification systems (AIS), to fishing vessels of more than 24 metres and less than 45 metres in length. (The Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 (S.I. No. 640 of 2007) include provision for use of AIS by fishing vessels of between 15 and 24 metres in length.) For bunkering of fuel the Regulations apply to bunkers on ships of 1,000 gross tonnes or more.

2. SHIP REPORTING AND MONITORING – General Requirements

I. Notification to Port Authorities

Ships must notify ports of destination, at least 24 hours in advance, as follows:

- (a) ship identification ;
- (b) port of destination;
- (c) estimated times of arrival and departure;
- (d) total number of persons on board;
- (e) any change to the information specified in subparagraphs (a) to (d).

This notification shall be made through SafeSeasIreland. Vessels which cannot make use of SafeSeasIreland for these purposes, or any other purposes under the Regulations, due to its unavailability for technical reasons, should notify problems to the Marine Survey Office, whose contact details are provided at the end of this Notice, for a possible resolution, before alternative arrangements (use of telephone, fax, email or other electronic means) are made.

II. Use of AIS by Ships

Ships, including fishing vessels of more than 24 metres, must have on board and must operate AIS according to the required performance standards.

III. Use of systems for long-range identification and tracking of ships (LRIT)

Where SOLAS regulation V/19-1 and the performance standards and functional requirements adopted by the IMO apply, ships are obliged to carry LRIT equipment compliant with that regulation.

IV. Monitoring of compliance of ships with vessel traffic services (VTS)

Ships entering the area of applicability of a VTS operated within the territorial waters shall participate in, and comply with the rules of, that VTS. Irish ships, or ships bound for a port in the State entering the area of applicability of a VTS outside the territorial waters, must comply with the rules of that VTS. The appropriate port authority shall monitor compliance of vessels for VTS requirements.

V. Voyage data recorder (VDR) systems

Ships calling at a port in the State must be fitted with VDR systems in accordance with Schedule 3 of the Regulations. VDR system data must be made available to the investigation of any casualty which may occur in the territorial waters of the State.

3. NOTIFICATION OF DANGEROUS OR POLLUTING GOODS ON BOARD SHIPS

I. Transport of dangerous goods: Information requirements

A person offering for carriage dangerous or polluting goods, for any ship, of any size, must supply a declaration before the goods are taken on board, stating:

- the correct technical names of the dangerous or polluting goods,
- the UN numbers where they exist,
- the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes,
- where appropriate, the class of the ship needed for irradiated nuclear fuel (INF) cargoes as required under the IMO Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on board Ships, and
- the address from which detailed information on the cargo may be obtained.

Any change to the above information thus declared must also be declared.

A person offering for carriage dangerous or polluting goods must also supply a declaration, in regard to substances referred to in Annex I to the MARPOL Convention, (oil, bitumen or tar) the safety data sheet detailing the physico-chemical characteristics of the products, including, where applicable, their viscosity expressed in cSt at 50°C and their density at 15°C and the other data contained in the safety data sheet in accordance with IMO Resolution MSC.150(77).

The above declarations must also include the emergency numbers of the shipper or any other person or body in possession of information on the physico-chemical characteristics of the products and on the action to be taken in an emergency.

Ships coming from a port outside the EU and carrying dangerous or polluting goods on board must be in possession of the above declarations, as appropriate.

Shippers of dangerous or polluting goods must deliver to the master or operator of the ship concerned the appropriate declaration and must ensure that the shipment offered for carriage is the shipment to which the declaration relates.

II. Carriage on board of dangerous or polluting goods: Notification Requirements

(a) Ships leaving a port in the State

Any such ship, irrespective of its size, carrying dangerous or polluting goods must notify the appropriate port authority as follows:

A. General information:

- (i) ship identification;
- (ii) port of destination;
- (iii) estimated time of departure and estimated time of arrival at the port of destination;
- (iv) total number of persons on board; and
- (v) any change to the information specified in subparagraphs (a) to (d).

B. Cargo information:

- (i) the correct technical names of the dangerous or polluting goods, the UN numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes, the class of the ship needed for the INF Code, the quantities of such goods and their location on board and, if they are being carried in cargo transport units other than tanks, the identification number of such units;
- (ii) confirmation that a list or manifest or appropriate loading plan giving details of the dangerous or polluting goods carried and of their location on the ship is on board;
- (iii) address from which detailed information on the cargo may be obtained;
- (iv) any change to the information specified in paragraphs (a) to (c).

(b) Ships coming from a non-EU port to a port in the State or a territorial waters anchorage

Any such ship, irrespective of its size, carrying dangerous or polluting goods, must provide, to the Marine Survey Office of the Department of Transport the same information as that listed at (a) A. and B. above. The information must be provided at the latest upon departure from the port of loading, or, as soon as the port of destination, or anchorage, is known.

(c) Use of SafeSeasIreland

The information required at (a) and (b) shall be submitted via SafeSeasIreland.

III. Exemptions

Exemptions from the notification requirements at 2. I. and 3. II. above (Regulations 7 and 15 respectively of the Regulations) may be granted for a specific scheduled service between ports located in the State under certain circumstances. Ships wishing to apply for an exemption should contact the Marine Survey Office of the Department of Transport. An exemption in the case of an international scheduled service involving the State and another Member State may also be requested of the Marine Survey Office.

4. MONITORING OF HAZARDOUS SHIPS AND INTERVENTION IN THE EVENT OF INCIDENTS AND ACCIDENTS AT SEA

I. Transmission of information concerning Hazardous Ships

In accordance with Regulation 17 coastal stations in the State holding relevant information on ships posing a potential hazard to shipping, or a threat to maritime safety, the safety of individuals or the environment, shall communicate that information to the coastal stations concerned in other Member States located along the planned route of the ship. In Ireland the coastal stations are those operated by the Irish Coast Guard of the Department of Transport.

II. Reporting of incidents and accidents at sea

Ships of all sizes and types must report incidents and accidents which occur within the exclusive economic zone of the State and affect a ship's safety or shipping safety, or threaten or cause pollution, or cause loss of any substance, package or container from a ship. Reports, to be made to the Irish Coast Guard, must include the ship's identity, position, port of departure and port of destination, the address from which information may be obtained on the dangerous and polluting goods carried on board, the number of persons aboard the ship, details of the incident, and any relevant information referred to in IMO Resolution A.851(20) on ship reporting requirements.

III. Measures in event of exceptionally bad weather

In the event of exceptionally bad weather or sea conditions, the Irish Coast Guard or a port authority, considering that there may be a serious threat to the safety of human life or of marine pollution, will inform ships in a port area of those conditions and of any danger which could affect ships and all persons on board; may issue a recommendation or prohibition to a ship or ships; and will act to limit or prohibit the bunkering of ships.

The master of a ship shall inform the company of any measures or recommendations referred to in the previous paragraph. When a master's decision is not in accordance with a measure notified by the Irish Coast Guard or a port authority the master must inform the appropriate competent authorities of the reasons for his or her decision.

See also **Section VI** below on accommodation of ships in need of assistance.

IV. Measures in event of risks posed by presence of ice

The Irish Coast Guard, Marine Survey Office, or a port authority, considering that there may be serious threat to safety of human life or the protection of shipping areas or coastal zones, shall supply meteorological, routing and icebreaking services information to affected shipping. They may request a ship to document that it is capable of dealing with any specific ice situation.

V. Measures relating to incidents or accidents at sea

In the event of an incident or accident at sea and on request from the Irish Coast Guard a ship carrying dangerous or polluting goods must provide the information referred to at 3. I. above; a ship to which the ISM Code applies must inform its company (within the meaning of Regulation 1(2) of Chapter IX of the SOLAS Convention) of the situation, and the company must inform the relevant coastal station.

VI. Accommodation of ships in need of assistance

For accommodation of a ship in need of assistance, the Director of the Irish Coast Guard may, at the time of the operation, take independent decisions on his or her own initiative.

Following an incident or accident at sea, if it is considered that there is a threat to maritime safety and the protection of the environment the Irish Coast Guard may direct the master of the ship to do any and all such things as will assist for safety of human life and pollution prevention, including, in the event of imminent peril, requiring a ship to put into a place of refuge, or that a port authority accept a ship into a place of refuge under its control.

VII. Financial security and compensation

When accommodating a ship in a place of refuge, the Irish Coast Guard may request the ship's operator, agent or master to produce an insurance certificate (within the meaning of Article 6 of Directive 2009/20/EC5 of the European Parliament and of the Council of 23 April 2009) on the insurance of shipowners for maritime claims. Such a request shall not delay a ship's accommodation.

VIII. Broadcasting of Details of Notified Incidents or Accidents referred to at 4. II above

The Irish Coast Guard will make such broadcasts, including information on any ship posing a threat to safety or the environment, in relevant areas.

5. Penalties

Offences committed in breach of the Regulations may lead, on summary conviction, to a fine not exceeding €5,000, except in the case of a ship's master who fails to comply with a requirement of the Irish Coast Guard following an incident or accident at sea, or with regard to the accommodation of ships in need of assistance, who is liable to a fine not exceeding €5,000 on summary conviction, or €500,000 on conviction on indictment. Bodies corporate and persons working for bodies corporate are also liable for offences committed.

6. Designated Port Authorities

The following are designated port authorities for the purposes of the Regulations and the Directive:

Arklow Harbour Authority, Bantry Bay Harbour Authority, Drogheda Port Company, Dublin Port Company, Dundalk Port Company, Dún Laoghaire Harbour Company, Galway Harbour Company, Killybegs Fishery Harbour Centre, Kinsale Harbour Authority, New Ross Port Company, Port of Cork Company, Tralee and Fenit Harbour Authority, Shannon Foynes Port Company, Port of Waterford Company, Wicklow Port Company, Rosslare Europort, Sligo Harbour Authority, Youghal Harbour Authority, Greenore Ferry Services Ltd.

Director General
Maritime Safety Directorate
Department of Transport
Leeson Lane
Dublin 2
26/01/2011

For any technical assistance in relation to this Marine Notice, please contact:
The Marine Survey Office, Leeson Lane, Dublin 2, tel: +353-(0)1-678 3400.
For general enquiries, please contact the Maritime Safety Policy Division, tel: +353-(0)1-678 3418.
Written enquiries concerning Marine Notices should be addressed to:
Maritime Safety Directorate, Department of Transport, Leeson Lane, Dublin 2, Ireland,
email: marinenotices@transport.ie or visit us at: www.transport.ie.