



## MEMORANDUM OF UNDERSTANDING FOR THE CONDUCT OF OPERATIONS

between

HER MAJESTY'S COASTGUARD

and the

**IRISH COAST GUARD** 

for

**SEARCH AND RESCUE** 

**AND** 

MARITIME SALVAGE & INTERVENTION & COUNTER POLLUTION PREPAREDNESS AND RESPONSE

## Conduct of Operations between the HMCG & IRCG

## Amendments record Sheet

This is a controlled document. Amendments will be issued by Memorandum between Her Majesty's Coastguard and the Irish Coast Guard. Her Majesty's Chief Coastguard will maintain the original and true draft.

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## Purpose of this Memorandum of Understanding

Her Majesty's Coastguard and the Irish Coast Guard ("the participants") have signed this Operational Memorandum of Understanding to increase the effectiveness of response to search and rescue, maritime salvage and intervention and pollution incidents in the Irish Sea, or as appropriate, within each State's zones of responsibility for search and rescue and counter pollution, that may affect both United Kingdom (UK) and Irish (IRL) interests. It is not the intention to create legally binding obligations.

This Operational Memorandum of Understanding (hereafter called "The Memorandum") sets out the non-binding operational, technical and administrative procedures for co-operation in dealing with search and rescue, maritime salvage and intervention and counter pollution incidents. Nothing in this Memorandum has any jurisdictional effect, whether on issues of sovereignty or law.

#### Amendments

Her Majesty's Coastguard (HMCG) and the Irish Coast Guard (IRCG) must jointly approve amendments to The Memorandum in writing. HMCG Chief Coastguard will maintain the original and true document and underlying correspondence. Both participants may make this document public on their web sites or in documentation for the general information of the public or others.

Annexes 4 and 5 are specific to one participant and can be up-dated by the participant concerned without the need for prior approval. Any such changes will be provided to the other participant for information.

The date of issue will appear on all pages. Requests to amend or up-date The Memorandum should be addressed to:

In Ireland	In the UK
Director Irish Coast Guard Department of Transport Leeson Lane Dublin 2 Ireland	Chief Coastguard HM Coastguard The Maritime and Coastguard Agency Spring Place 105 Commercial Road Southampton SO15 1EG UK
Chris Reynolds Director Irish Coast Guard Date:	Peter Dymond HM Coastguard Chief Coastguard The Maritime and Coastguard Agency Date:

#### PART 1

#### **GENERAL ARRANGEMENTS**

#### 1.1 General Definitions

## **Action Co-ordinating Authority (ACA)**

The Action Co-ordination Authority is the National Authority responsible for the co-ordination of joint operations.

## **Action Liaison Authority (ALA)**

The Action Liaison Authority is the National authority responsible for the coordination of the provision of assistance to ACA.

## **Operational Command**

Operational Command consists of assigning tasks to subordinate commands, and thus the authority to allot forces or units.

## **Operational Control**

Operational Control consists of giving orders or information to units for the execution of a task.

#### **Tactical Control**

Tactical Control consists of the direction and supervision of movements and actions necessary to execute a mission or task.

## On Scene Co-ordinator (OSC)

A person designated to co-ordinate search and rescue operations within a specified area

## **Aircraft Co-ordinator (ACO)**

A person or team who co-ordinates the involvement of multiple aircraft in search and rescue operations in support of the Search and Rescue Mission Co-ordinator and On Scene Co-ordinator.

## Search and rescue Mission Co-ordinator (SMC)

The official temporarily assigned to co-ordinate a response to an actual or apparent distress situation.

## 1.2 The Region covered by The Memorandum

- 1.2.1 The Memorandum covers the respective Search and Rescue Regions (SRRs) as notified to the Secretary General of the International Maritime Organisation (IMO). See Annex 1.
- 1.2.2 For maritime intervention, salvage and pollution response the UK Pollution Control Zone is identified at Annex 2 pending any UK declaration of its Exclusive Economic Zone (EEZ). The Irish pollution responsibility zone is its declared EEZ. Where an incident occurs within the area where both zones overlap the participants will mutually agree who will take lead in the response.

## 1.3 Overriding Principles

- 1.3.1 The participants will cooperate in search and rescue (SAR), maritime intervention, salvage and pollution preparedness and response matters within the designated regions covered by this Memorandum.
- 1.3.2 Each participant will facilitate as far as reasonable the other participant in matters of SAR, maritime salvage and intervention and marine pollution preparation and response.
- 1.3.3 The boundaries of any zone or region referred to in this Memorandum are not related to and will not prejudice the identification of any maritime boundary between States. In no case will this Memorandum be invoked as a precedent or argument in any matter concerning sovereignty, jurisdiction, rights or the determination of definitive exclusive economic zones in accordance with UNCLOS, 1982.
- 1.3.4 Nothing in this Memorandum will affect the rights or obligations of Ireland or the UK under any treaty to which they are parties.
- 1.3.5 This Memorandum is without prejudice to the "Agreement between the Government of Ireland and the Government of the UK on the Early Notification of a Nuclear Accident or Incident of Radiological Significance and the Exchange of Information Concerning the Operation and Management of Nuclear Facilities or Activities of 2004".

## 1.4 Principles of Co-Ordination

- 1.4.1 The known or suspected position of a maritime intervention, salvage or pollution incident will determine which national authority will assume coordination.
- 1.4.2 The authority to which a cross-boundary incident is first reported will notify the other authority at the earliest opportunity and is responsible for plotting the position of the incident and for agreeing which authority should take the lead in initiating the response.

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- 1.4.3 The responsibility for initiating action in joint operations rests with the authority in whose area the incident occurs.
- 1.4.4 There may be cases in which the authority other than the initiating authority is best placed to assume the responsibility of Action Co-ordinating Authority (ACA). In such cases the ACA will be decided by mutual agreement.
- 1.4.5 Such cases might occur when:
  - a. the other State is directly threatened by the casualty; or
  - b. the greater part of the resources likely to be involved belongs to the other State; or
  - c. both States agreed that the most suitable place of refuge was in the other State; or
  - d. during protracted incidents all or part of the operation drifts into the area of responsibility of the other State.
- 1.4.6 Within the UK, the responsible national authority is the Secretary of State's Representative (SOSREP) and it is SOSREP who would decide if appropriate, in consultation with his counterpart in Ireland, the Director of the Irish Coast Guard, whether a ship should go to a place of refuge. The place of refuge would be the one which both States considered most suitable.
- 1.4.7 In the event that a mutual agreement is not in operation paragraph 1.3.1 applies.

## 1.5 Government Intervention in the event of Shipping Casualties

- 1.5.1 In the event of a serious shipping casualty in the waters surrounding the UK or Ireland, the need to intervene would be considered under two main categories:
  - a. Intervention to minimise or prevent damage to each States' interests;
  - b. Intervention to keep other shipping clear of the immediate area to reduce the risk of further casualties and facilitate dealing with the incident on hand.
- 1.5.2 The UK Government has appointed the SOSREP to provide overall direction for maritime salvage and intervention and the prevention of marine pollution incidents involving ships or offshore installations that require a national response. The SOSREP may give a direction under this paragraph in respect of a ship if in his opinion:
  - a. An accident has occurred to or in the ship
  - The accident has created a risk to safety or a risk of pollution by a hazardous substance

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and

c. The direction is necessary to remove or reduce the risk.

Further details to be taken into account when considering intervention are set out in Annex 4.

#### 1.6 News Media

1.6.1 Both participants' press offices should liaise, if possible, prior to releasing information about cross-boundary incidents to the media. Each participant may issue to the news media, general information concerning any incident and its own participation in the joint action. The ACA will take the lead in informing the media.

## 1.7 Co-operative arrangements

- 1.7.1 Meetings of the participants will be held at regular intervals, usually annually, and will cover matters of mutual interest including legislation, organisational changes, declared resources and communications. Changes to operational information should be exchanged as soon as practical.
- 1.7.2 Additional meetings will be held when the parties of the agreement consider it necessary.

#### 1.8 Joint Exercises

- 1.8.1 Joint exercises are to be held by the agreement of the participants. These can be tabletop or live exercises and may cover SAR and/or maritime intervention, salvage and counter pollution activities. Co-operative arrangements can include the pooling of facilities, the establishment of common procedures, the conduct of joint training and exercises, regular checks of inter-Agency communication channels, liaison visits by rescue co-ordination centre personnel and the exchange of search and rescue information.
- 1.8.2 Each participant agrees to provide when practical and reasonable, assistance to each other when requested by the other participant, which includes but is not limited to personnel, resources and advice.
- 1.8.3 Such cooperation may, within the limitations of data and organisational confidentiality, involve the sharing of technical knowledge and operational information and work towards harmonising maritime risk awareness, response strategies, guidelines and procedures where mutually beneficial.

## 1.9 Commencement & Termination

1.9.1. The Memorandum will come into operation on the date of signing and will continue until such time as either of the participants gives the other three months' notice in writing of their intention to terminate it.

#### Part 2

#### MARITIME SEARCH AND RESCUE

#### 2.1 Preamble

- 2.1.1 Recognising Chapter 3.1.1 of the International Convention on Maritime Search and Rescue 1979 (the SAR Convention) that "Parties shall co-ordinate their search and rescue organisations and should, whenever necessary, co-ordinate search and rescue operations with those of neighbouring States".
- 2.1.2 The boundaries of search and rescue regions are not related to and will not prejudice the boundaries between States as recognised by Annex Chapter 2 paragraph 2.1.7 of the SAR Convention.
- 2.1.3 The participants recognise the great importance of co-operation in maritime SAR, and in the provision of expeditious and effective SAR services to save lives and reduce suffering.
- 2.1.4 Each participant will bear the expenses incurred by its participation in search and rescue missions

#### 2.2 Definitions

2.2.1 The terms and definitions as set out in Annex Chapter 1 to the SAR Convention apply to any SAR endeavour consequent upon this Memorandum.

## 2.3 Co-ordination and Responsibilities

- 2.3.1 The SAR services will conduct SAR operations in accordance with the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manuals, taking account of any nationally accepted SAR procedures.
- 2.3.2 If one participant becomes aware of an emergency incident in the area of the other, it is to inform the appropriate MRCC of the full circumstances by the quickest means.
- 2.3.3 Belfast and Dublin will maintain a formal day-to-day liaison on behalf of MCA and IRCG and will act as operational single points of contact (SPOC).
- 2.3.4 In the event of cross boundary co-ordination being agreed, transfer of responsibility is to be clear and explicit and in the first instance made orally between respective Search and Rescue Mission Co-ordinators (SMCs) and confirmed by email or fax. Transfer agreement is to take the form "RCC...... will take co-ordination of...... incident". The recipient is to confirm orally their agreement to the acceptance of co-ordination responsibility in similar unambiguous terms, "RCC...... accepts co-

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**ordination of .....incident**". An acknowledgement by fax or email is to follow.

- 2.3.5 In the event of SAR resources being requested to respond inland to the others SRR, the coordination will be by the participant in whose territory the incident is occurring.
- 2.3.6 To facilitate the co-ordination referred to above, the MRCC/MRSC will, to the best of their ability, keep each other fully and promptly informed of all relevant SAR operations, notable events or limitations.
- 2.3.7 SAR units of each state whether military or civilian can be authorised by the SMC to enter, or fly over, adjacent territorial waters for the purposes of search and rescue
- 2.3.8 Military Units, subject to Article 18 Law of the Sea Convention, Right of Innocent Passage, may enter the other participant's territorial waters for the purpose of rendering assistance to persons, ships or aircraft in danger or distress. Whilst engaged on such a SAR mission, military units will inform the national Coast Guard of the territorial sea entered of their presence, time of entry, status and intentions.
- 2.3.9 Normal diplomatic clearance procedures will apply in the case of military assets. Clearance is deemed to be given once MRCC Dublin informs Anglo-Irish Division of the Department of Foreign Affairs and the Department of Defence by email or fax, of the flight details.
- 2.3.10 Both the UK (through the intervention powers vested in SOSREP) and the Irish authorities (IRCG) are empowered to establish Temporary Exclusion Zones (TEZ) at sea and Temporary Danger Areas (TDA) aloft where aircraft are involved. When establishing a TEZ or a TDA,, these are likely to affect access to the area of responsibility of the other participant, so full consultation and description of the areas will be held and forwarded as soon as possible between co-ordinating / liaison authorities.

## 2.4 Boundaries of UK & Irish Search and Rescue Regions

2.4.1 The boundaries of each State's respective SRRs are as notified to the Secretary General of the IMO. See Annex 1.

## 2.5 National Organisations – Rescue Co-ordination Centres

- a. For the UK, Rescue Co-ordination Centres in the area covered by this Memorandum are at Falmouth, Swansea, Milford Haven, Holyhead, Liverpool and Belfast
- b. For Ireland, the Rescue Co-ordination Centre in the area covered by this Memorandum is at the National Maritime operations Centre

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(NMOC) Dublin plus the Rescue Sub-Centres at Malin Head and Valentia Island

## 2.6 **Co- operation**

- 2.6.1 The participants will endeavour to promote mutual SAR co-operation, by giving due consideration to collaborative efforts, including but not limited to:
  - a. arranging exchange visits between SAR personnel;
  - b. carrying out joint SAR exercises and training;
  - c. developing SAR procedures, techniques, equipment, facilities, and information systems;
  - d. providing services in support of SAR operations, such as the use of aircraft landing fields, fuelling and medical facilities;
  - e. co-ordinating, as appropriate, combined positions on SAR issues of mutual interests;
  - f. supporting and conducting joint research and development initiatives aimed at reducing search time, improving rescue effectiveness, and minimising risk to SAR personnel; and
  - g. conducting regular communication checks and exercises.

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#### Part 3

# MARITIME SALVAGE AND INTERVENTION AND COUNTER POLLUTION PREPAREDNESS AND RESPONSE

#### 3.1 Definitions

3.1.1 For the purpose of the Memorandum, the following definitions apply:-

**Chemicals.** Any substances, materials and articles carried on board a ship as a cargo that are listed as liquid substances carried in bulk listed in Chapter 17 and 18 of the International Code for the Construction of Equipment of Ships Carrying Dangerous Chemicals in Bulk, 1983, as amended.

**Oil**. Applies to oil, as defined as petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products.

**Surveillance.** Systematic observation of the sea (visual, radar, by air, etc) to detect pollution.

**Survey.** Inspection of a zone, coast or wreck to determine the state of pollution.

**Reconnaissance.** Observation or search of the sea or the coast to discover pollution.

**Sighting.** Specific observation of pollution or a wreck.

## 3.2 Reporting Incidents

- 3.2.1 Whenever one participant is aware of a casualty, or the presence of oil or other hazardous substances in the area covered by this Memorandum that is likely to constitute a threat to the coast or related interests of the other nation, it will inform the other participant without delay.
- 3.2.2 The Participants to this Memorandum undertake to request the masters of vessel flying their flags and pilots of aircraft registered in their countries to report without delay using a standard reporting format as detailed in Annex 8 through the most appropriate channels:
  - a. all casualties causing or likely to cause pollution at sea;
  - b. the presence, nature and extent of oil or other harmful substances likely to constitute a serious threat to the coast or related interests of the other nation:

## 3.2.3 Advice on Shipping Movements

The MCA and Irish Coast Guard will, where possible, provide advance information to each other of shipping movements, which could involve a higher level of threat to the environment i.e., extended tows, significant IMDG Code cargoes etc in their respective areas. Such information will not be passed to third parties without the consent of the originator.

## 3.3 Responsible Authorities

## 3.3.1 United Kingdom

The responsible authority for counter pollution measures in the United Kingdom is the Maritime and Coastguard Agency. The National Contingency Plan for Marine Pollution from Shipping and Offshore Installations outlines the UK response structure.

MCA COUNTER POLLUTION STAFF ARE AVAILABLE 24/7/365 AT +44 7000 405 415.

This will alert the Duty Counter Pollution and Salvage Officer.

The responsible authority for maritime salvage and intervention in the United Kingdom is the Secretary of State's Representative for Maritime Intervention and Salvage (SOSREP). The MCA Duty Counter Pollution and Salvage Officer will alert the SOSREP to an incident, as appropriate.

## 3.3.2 Ireland

The responsible authority for maritime salvage and intervention and pollution preparedness and response in Ireland is the Irish Coast Guard. The Irish Coast Guard is a division within the Department of Transport.

IRISH COAST GUARD COUNTER POLLUTION STAFF ARE AVAILABLE 24/7 through the National Maritime Operations Centre DUBLIN +353 1 662 0922.

## 3.4 Pollution Preparedness and Response Resources

3.4.1 Details of available national pollution response resources are given in the EC Community Information System (EC CIS).

#### 3.5 Co-ordination and Co-operation

3.5.1 General principles contained within Parts 1 and 2 of this document will be applied. Diagrams of decision taking levels are given at Annex 3.

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#### 3.5.2 Initial Information-POLREP

At any time information on maritime salvage and intervention or pollution may be exchanged between relevant MRCCs in the UK and NMOC Dublin.

# 3.5.3 Clearance Action- Further POLREPs (Situation Reports in Numeric Order)

When a pollution action plan has been decided, co-ordination will be established between HMCG and IRCG according to general principles detailed in section 1.3 of this document.

## 3.5.4 High-level consultation/decision

In the event of a maritime intervention or salvage incident affecting both states, and the need for high level or Ministerial decisions to be taken, information exchanged, or problems resolved jointly by the two countries, the normal channel of communication relating to the ongoing risk of significant pollution from the casualty will be between the SOSREP and the Director of the Irish Coast Guard, or their representatives.

With regard to SAR or counter pollution clean up activities at sea the MCA Duty Operations Director will take the lead on the UK side.

# 3.6 Areas of responsibility for maritime salvage and intervention and pollution response

3.6.1 UK boundaries are as defined in UK Statutory Instrument 1996 No 2128 Marine Pollution of the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996.

The Irish boundaries are as defined in the Sea-Fisheries And Maritime Jurisdiction Act 8 of 2006 Sect 87:

The chartlets at Annex 2 indicate the Pollution Responsibility Zones.

- 3.6.2 Pending resolution of EEZ boundaries, where an incident occurs within the area covered by this Memorandum, the parties will mutually agree who will take lead in the response. In the event of failure to reach quick agreement the UK Pollution Control Zone will be used as the pollution operational boundary. In any event either participant may request to take lead in pollution incidents should the major impact of the event have the most significant environmental effect in their seas.
- 3.6.3 Should a maritime intervention, salvage or counter pollution incident occur in or at the approaches to either Lough Foyle or Carlingford Lough, it remains the responsibility of the relevant harbour authority. On the approaches outside a harbour limit a decision on which participant will oversee or intervene in the

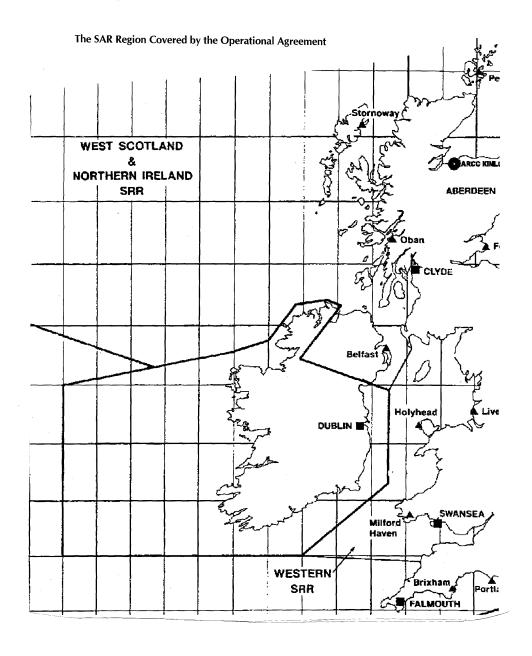
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response or lead co-ordination will be by mutual agreement between the MRCC Belfast and MRCC Dublin following discussion with the appropriate persons, i.e. SOSREP and/or MCA Duty Operations Director.

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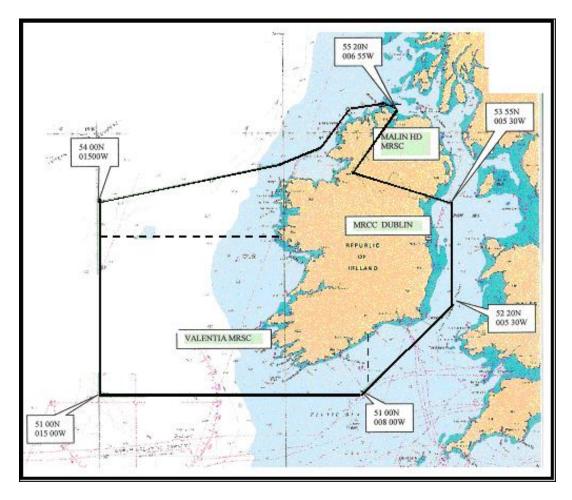
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## The SAR Region Covered by the Operational Memorandum



## Coordinates of Irish SAR Region.

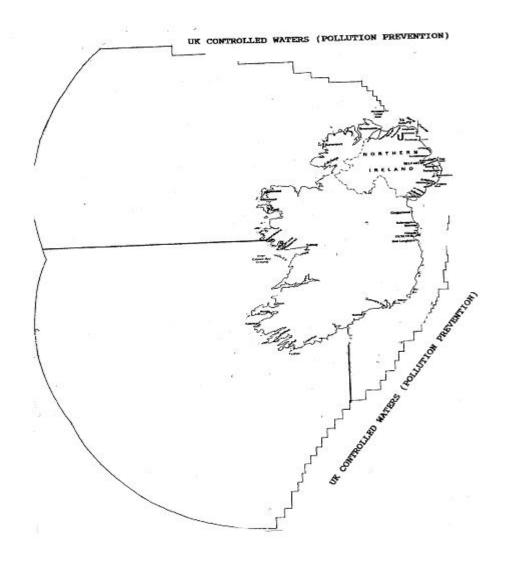
# Appendix 1a



## Annex 2a

## **UK Pollution Control Zone**

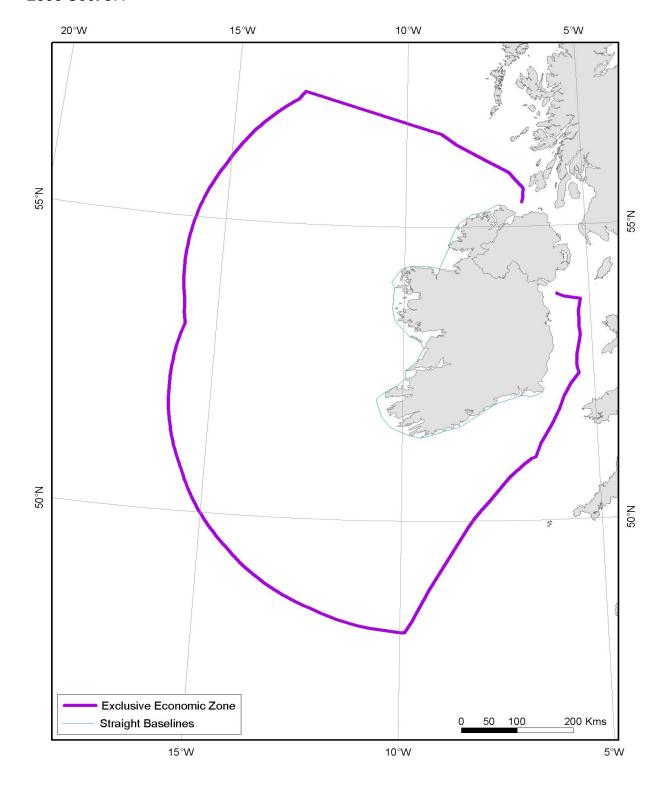
UK boundaries are as defined in UK Statutory Instrument 1996 No 2128 Marine Pollution of the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996.



## Annex 2b

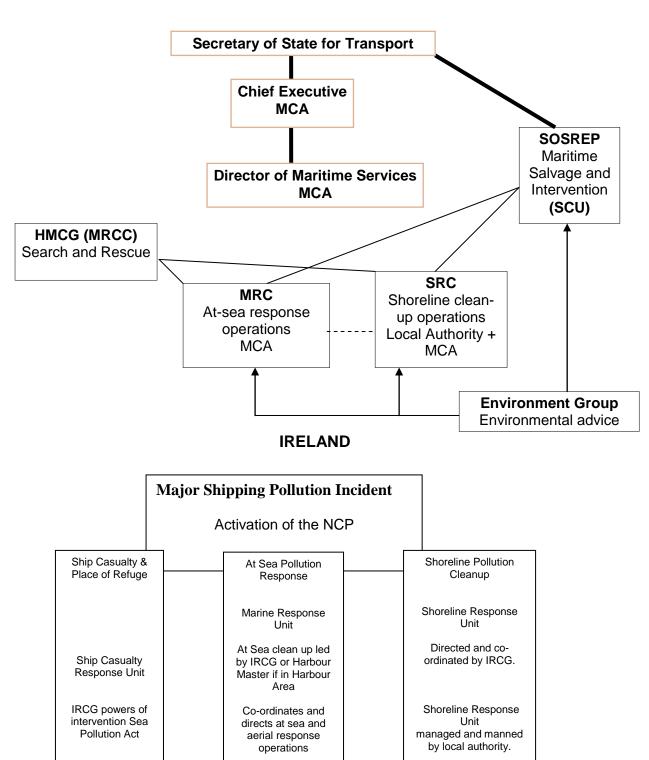
# Map depicting the IRISH EEZ – Maritime salvage and intervention and pollution response zone

The Irish EEZ is as defined in the Sea-Fisheries and Maritime Jurisdiction Act 8 of 2006 Sect 87:



Annex 3 Diagrams of communications channels and decision taking levels in environmental response incidents

UK



## **High Level of Government Intervention**

## <u>UK</u>

When an incident has occurred to or in a ship and oil from the ship will or may cause pollution on a large scale in the United Kingdom or United Kingdom waters, The Secretary of State for Transport or his representative may give directions to direct that vessel in accordance the Merchant Shipping Act 1995 as Amended by Schedule 3A, the Maine Safety Act 2003.

The powers enable the Secretary of State to give directions and to take such other actions as may be necessary in respect of a ship or its cargo. The Secretary of State may use the powers to prevent or minimise pollution, or threat of pollution, or to remove or reduce safety risks.

The UK Government has appointed the SOSREP to provide overall direction for salvage, intervention and the prevention of marine pollution incidents involving ships or offshore installations that require a national response. As recommended in Lord Donaldson of Lymington's report on Salvage and Intervention and their Command and Control, Ministers and senior officials should not attempt to influence SOSREP's operational decisions while operations are in progress. In Lord Donaldson's words, they should "back him or sack him". The SOSREP role does not include any responsibility for either at-sea or shoreline clean up activities.

## <u>Ireland</u>

The Minister for Transport, Tourism & Sport has overall authority and has delegated authority to authorised Officers of the IRCG. The Director and Deputy Director of the Irish Coast Guard are authorised officers under the Sea Pollution Act 1991, Oil Pollution (Civil Liability and Compensation) Act, 1988, VTMIS Directive as enacted and Marine Safety Act 2005 with authority to give such directions as seem to the authorised officer to be appropriate for the purpose of preventing, mitigating or eliminating danger from pollution or threat of pollution arising from a marine casualty. The Director is also the nominated person to take independent decision during an incident involving a Place of Refuge Request.

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## **Communications Plan (COMPLAN)**

- In UK waters pollution incidents will be conducted locally on VHF Channel 10 (156.5 MHz) or another channel agreed for this purpose. In Irish waters MRCC/SCs do not operate on this channel and dual channel working will be required.
- 2. Other radio communications frequencies may be designated at the discretion of both States following discussion and agreement.

## **List of Abbreviations**

ACA	Action Co-ordination Authority
ALA	Action Liaison Authority
COMPLAN	Communications Plan
DMNR	Department of Marine and Natural
	Resources
FIR	Flight Information Region
DDO	Deputy Director of Operations
ICAO	International Civil Aviation Organisation
IRCG	Irish Coast Guard
IMO	International Maritime Organisation
IRPRZ	Irish Pollution Responsibility Zone
MCA	Maritime and Coastguard Agency
OSC	On Scene Co-ordinator
MOU	Memorandum of Understanding
MRCC	Maritime Rescue Co-ordination Centre
MRSC	Maritime Rescue Sub Centres
NMCC	National Maritime Coordination Centre
NMOC	National Maritime Operations Centre
ROM CPS	Regional Operations Manager, Counter
	Pollution and Salvage
POLREP	Pollution Report
SAR	Search and Rescue
SITREP	Situation Report
SMC	Search and Rescue Mission Co-ordinator
SOSREP	Secretary of State's Representative
SRR	Search and Rescue Region
TDA	Temporary Danger Area
TEZ	Temporary Exclusion Zones

## **Media Contact Points**

# Operational Single Point of Contact for routine matters.

## SAR

SAN	
MCA	SAR Operations Manager
	Maritime and Coastguard Agency
	Bay 02/07
	Spring Place
	105 Commercial Road
	Southampton
	SO15 1EG
	Tel: +44 (0)23 80329108
	Fax:+44 (0)23 80329485
	sar.response@mcga.gov.uk
Irish Coast	SAR Ops Manager
Guard/ Dept. of	Coast Guard HQ
Transport	Department of Transport
·	Leeson Lane
	Dublin 2.
	Tel: +353 1678 3444
	admin@irishcoastguard.ie

## **Pollution**

1 Ollution	
MCA	Head of Counter Pollution Maritime and Coastguard Agency Bay 02/11 Spring Place 105 Commercial Road Southampton SO15 1EG Tel: +44 (0)23 80329525 Fax:+44 (0)23 80329485 meor.meor@mcga.gov.uk
Irish Coast Guard/ Dept. of Transport	Pollution and Salvage Operations Manager Coast Guard HQ Department of Transport Leeson Lane Dublin 2. Tel: +353 16783443 admin@irishcoastguard.ie

**Maritime Salvage and Intervention** 

SOSREP	The Secretary of State's Representative for Maritime Salvage and Intervention, Maritime and Coastguard Agency Bay 02/10 Spring Place 105 Commercial Road Southampton SO15 1EG Tel: +44 (0)23 80329517 Fax: +44 (0)23 80329485 hugh.shaw@mcga.gov.uk
Irish Coast Guard/ Dept. of Transport	Pollution and Salvage Operations Manager Coast Guard HQ Department of Transport Leeson Lane Dublin 2. Tel: +353 16783443 admin@irishcoastguard.ie