



**Department of Transport**  
*An Roinn Iompair*



## **Marine Notice No. 21 of 2009**

*FOR ATTENTION OF ALL PORT AUTHORITIES, AGENTS, OWNERS,  
OPERATORS, AND MASTERS OF SHIPS OF 300 GROSS TONNAGE AND  
UPWARDS*

### **SafeSeasIreland – Implementation**

#### **1. BACKGROUND**

[Marine Notice No. 64 of 2008](#) gave notice of the implementation of EU Directive 2002/59/EC, establishing a Community Vessel Traffic Monitoring and Information System. This was supplemented by [Marine Notice No. 15 of 2009](#) on the review of port facility security assessments.

The monitoring and implementation of Directive 2002/59/EC is contained in Statutory Instrument [S.I. No. 81 of 2004](#) – European Communities (Vessel Traffic Monitoring and Information System) Regulations 2004, which gives effect to the Directive.

The implementation of Directive 2002/59/EC came into force on 31 December 2008.

The effect of this Directive means that failure to notify the appropriate authorities via the SafeSeasIreland portal may result in the vessel being inspected. This alert will then be available for the EU Community such that the matter may become a Port State Control issue.

The Port State Control (Recast) Directive 2009/16/EC will align the various reporting requirements as detailed below in paragraph 5.

**As from 1 July 2009 the National Competent Authority (NCA) which in Ireland is the Marine Survey Office (MSO) of the Department of Transport will implement notifications according to Regulation 15.1.a(2) of S.I. No. 81 of 2004.**

Therefore vessels failing to supply the required information through the SafeSeasIreland system may be subject to inspection and alerts now made available for the next receiving EU port.

#### **2. APPLICATION**

This EU Community Vessel Traffic Monitoring and Information System is called: **SafeSeaNet (SSN)**.

**SafeSeasIreland (SSI)** is the Irish implementation of Directive 2002/59/EC and is the Irish link in SSN.

SSI provides for the electronic notification of:

- Ship arrival and departure notifications
- Dangerous or polluting goods (DPG) notifications
- ISPS notifications
- Waste notifications
- Reporting requirements in an event of accident or incident

This Directive applies to ships of 300 gross tonnage and upwards, unless stated otherwise.

This Directive shall not apply to:

- Warships, naval auxiliaries and other ships owned or operated by a Member State and used for non-commercial public service;
- Fishing vessels, traditional ships and recreational craft with a length of less than 45 metres;
- Bunkers below 5,000 tons, ships' stores and equipment for use on board ships.

This regulation puts in place an electronic notification system to satisfy the current Directive 2002/59/EC requirements, as detailed in paragraph 6 below (*Directive 2002/59/EC - Annex 1*), as well as catering for the current requirements that exist as detailed in paragraph 5 below (*Reporting Requirements*).

*The obligation rests with the operator, agent or master of a ship bound for a port of a Member State to notify the information listed in the Annex 1 to the Authority of the Port to which the ship is bound.*

### **3. REQUIREMENTS**

Statutory Instrument No. 81 of 2004 gives effect to Directive 2002/59/EC.

The purpose of this Directive is to establish in the Community a vessel traffic monitoring and information system with a view to enhancing the safety and efficiency of maritime traffic, improving the response of authorities to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations, and contributing to a better prevention and detection of pollution by ships.

To streamline and accelerate the transmission and utilisation of what may be huge amounts of information on cargo, such information ought to be sent, whenever practicable, electronically to the competent authority or port authority concerned. For the same reasons, exchanges of information between the competent authorities of the Member States should take place electronically.

**The KEY regulatory points contained in S.I. No. 81 of 2004 are as follows:**

**6. Notification prior to entry into ports in the State.**

6.(1) The operator, agent or master of a ship bound for a port in the State shall notify the information in paragraph 1 of Annex I to the Directive to the local competent authority concerned:

- (a) at least **24 hours** in advance, or
- (b) at the latest, at the time the ship leaves the previous port, if the voyage time is less than 24 hours, or
- (c) if the port of call is not known or it is changed during the voyage, as soon as this information is available.

(2) Ships coming from a port outside the Community and bound for a port in the State carrying dangerous or polluting goods, shall comply with the notification obligations specified in Regulation 12.

(3) The operator, agent or master of a ship who fails to comply with paragraph (1) is guilty of an offence.

**12. Notification of dangerous or polluting goods carried on board.**

12.(1) The operator, agent or master of a ship, irrespective of its size, carrying dangerous or polluting goods and leaving a port of the State shall, at the latest at the moment of departure, notify the information indicated in paragraph 3 of Annex I to the Directive to the appropriate local competent authority which shall ensure that the national competent authority is also notified.

(2) The operator, agent or master of a ship, irrespective of its size, carrying dangerous or polluting goods coming from a port located outside the Community and bound for a port in the State or an anchorage located in the territorial waters shall, at the latest upon departure from the loading port or as soon as the port of destination or the location of the anchorage is known (if this information is unavailable on departure from the loading port) notify the information indicated in paragraph 3 of Annex I to the Directive to the national competent authority of the State in which the first port of destination or anchorage is located.

(3) The information referred to in paragraphs (1) and (2) shall be transferred electronically whenever practicable. The electronic message exchange shall use the syntax and procedures set out in Annex III to the Directive.

(4) The operator, agent or master of a ship to whom paragraph (1) applies, who fails to notify the appropriate local competent authority in the State, in accordance with paragraph (1), is guilty of an offence.

(5) The operator, agent or master of a ship to whom paragraph (2) applies, who fails to notify the appropriate national competent authority, in accordance with paragraph (2), is guilty of an offence.

## **15. Transmission of information concerning certain ships.**

15.(1) The national competent authority shall compile and maintain a list of ships meeting the criteria set out in subparagraphs (a), (b) and (c) and these ships shall be considered to be the ships posing a potential hazard to shipping or a threat to maritime safety, the safety of individuals or the environment:

(a) ships which, in the course of their voyage:

(i) have been involved in incidents or accidents at sea as referred to in Regulation 16; or

(ii) have failed to comply with the notification and reporting requirements imposed by these Regulations and the Directive;

or

(iii) have failed to comply with the applicable rules in ships' routing systems and VTS placed under the responsibility of a Member State;

(b) Ships in respect of which there is proof or presumptive evidence of deliberate discharges of oil or other infringements of the MARPOL Convention in waters under the jurisdiction of a Member State;

(c) Ships which have been refused access to ports of the Member States or which have been the subject of a report or notification by a Member State in accordance with Annex I - 1 to Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ships safety, pollution prevention and shipboard living and working conditions (Port State Control)<sup>1</sup>

(2) The national competent authority holding relevant information on the ships referred to in paragraph (1) shall communicate it to the national competent authorities in the other Member States located along the planned route of the ship.

(3) The national competent authority shall ensure that the information received pursuant to paragraph (2) is transmitted to the relevant local competent authorities or any other authority designated by it. The national competent authority shall carry out any appropriate inspection or verification in ports within the State either on its own initiative or at the request of another Member State, without prejudice to any port state control obligation. The national competent authority shall inform all Member States concerned of the results of the action it takes.

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<sup>1</sup> OJ L157, 7.7.1995, p.1 Directive as last amended by Commission Directive 1999/97/EC (OJ L331, 23.12.1999, p. 67).

## **21. Offences.**

21. (1) A person who is guilty of an offence under these Regulations, is liable on summary conviction to a fine not exceeding €3,000, or to a term of imprisonment not exceeding 6 months, or both.

(2) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate, or any other person who was acting or purporting to act in any such capacity, that person as well as the body corporate is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(3) An offence under these Regulations may be prosecuted by the Minister.

## **4. USER REQUIREMENTS**

Port Authorities, Operators, Agents and Owners are requested to contact the MSO contact or SSI contact (details on the last page of this Marine Notice) who will process the application for access to SafeSeasIreland.

There can be more than one SSI User per Organisation.

The format of data is as follows:

User type(Port, Operator, Owner & Agent):

Organisation Name:

Address:

First Name(SSl User):

Last Name(SSl User):

e-mail:

Phone:

Fax:

On completion of the above, the site address along with User name and Password to login will be issued.

**Further assistance is available from the SSI Contact regarding additional information or training needs.**

## **5. REFERENCE AND REPORTING REQUIREMENTS**

### Port State Control

- Paris MoU Reporting Requirements
- Directive 2009/16/EC Port State Control (Re-cast) – New Information System – Article 6, Annex III & Annex XVI
- Directive 95/21/EC as amended
- Ship Reporting Directive 95/21/EC as amended Article 7
- Directive 95/21/EC as amended Pilot & Port Reports Article 13
- Directive 95/21/EC as amended Annex VIII – Publication of Detentions
- Directive 95/21/EC as amended Annex X – Information to the Commission
- New PMoU New Inspection Regime - THETIS

### Traffic Monitoring

- Directive 2002/59/EC Article 4
- HAZMAT Directive 2002/59/EC Article 13
- Data exchange Directive 2002/59/EC Article 14
- Ship Reports Directive 2002/59/EC Article 16
- Ship Reports Directive 2002/59/EC Article 17

### Maritime Security

- Regulation (EC) No. 725/2004 Article 7
- Regulation (EC) No. 725/2004 Article 6

### Marine Casualties

- Merchant Shipping Act 2000
- Directive 2002/59/EC Article 11
- Directive 1999/35/EC Ro-Ro Passenger Ships

### Port Waste

- Directive 2000/59/EC Article 6

## **6. DIRECTIVE 2002/59/EC - ANNEX I**

### LIST OF INFORMATION TO BE NOTIFIED

#### 1. Information to be notified in accordance with Article 4 - General information:

- (a) ship identification (name, call sign, IMO identification number or MMSI number),
- (b) port of destination (UN locode);
- (c) estimated time of arrival at the port of destination or pilot station, as required by the competent authority, and estimated time of departure from that port;
- (d) total number of persons on board.

2. Information to be notified in accordance with Article 12 - Cargo information:

(a) the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes and, where appropriate, the class of the ship needed for INF cargoes as defined in Regulation VII/14.2, the quantities of such goods and, if they are being carried in cargo transport units other than tanks, the identification number thereof;

(b) address from which detailed information on the cargo may be obtained.

3. Information to be notified in accordance with Article 13:

(A) General information:

(a) ship identification (name, call sign, IMO identification number or MMSI number);

(b) port of destination (UN locode);

(c) for a ship leaving a port in a Member State: estimated time of departure from the port of departure or pilot station, as required by the competent authority, and estimated time of arrival at the port of destination;

(d) for a ship coming from a port located outside the Community and bound for a port in a Member State: estimated time of arrival at the port of destination or pilot station, as required by the competent authority;

(e) total number of persons on board.

(B) Cargo information:

(a) the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes and, where appropriate, the class of the ship as defined by 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 thereof;

(b) 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;

(c) address from which detailed information on the cargo may be obtained.

4. Information referred to in Article 5: (AIS)

- A. ship identification (name, call sign, IMO identification number or MMSI number),

- B. date and time,

- C or D. position in latitude and longitude or true bearing and distance in nautical miles from a clearly identified landmark,
- E. course,
- F. speed,
- I. port destination (UN locode) and estimated time of arrival,
- P. cargo and, if dangerous goods present on board, quantity and IMO class,
- T. address for the communication of cargo information,
- W. total number of persons on board,
- X. various information-
  - characteristics and estimated quantity of bunker fuel, for ships carrying more than 5,000 tons of bunker fuel,
  - navigational status.

5. The master of the ship must forthwith inform the competent authority or port authority concerned of any change to the information notified pursuant to this Annex.

## 7. FURTHER INFORMATION

For any queries on the above, please contact:-

The Chief Surveyor,  
Marine Survey Office,  
Department of Transport,  
Leeson Lane,  
Dublin 2.

Tel: +353 1 6783400  
Email: [mso@transport.ie](mailto:mso@transport.ie)

or:

Greg Houlihan,  
SSI Contact Point,  
Marine Survey Office,  
Department of Transport,  
Leeson Lane,  
Dublin 2.

Tel: +353 1 6783400  
Email: [greghoulihan@transport.ie](mailto:greghoulihan@transport.ie)

Director General  
Maritime Safety Directorate  
Department of Transport  
Leeson Lane  
Dublin 2

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For any technical assistance in relation to this Marine Notice please contact  
The Marine Survey Office, Leeson Lane, Dublin 2., tel: +353 1 678 3400  
For information in relation to technical specification/type approval of radio equipment  
contact the Radio Surveyors, tel: +353 1 678 2363/2364/2365/2367.  
For general enquiries please contact the Maritime Safety Division tel: +353-1-678 3418  
Any enquiries concerning Marine Notices should be addressed to:  
Maritime Safety Directorate, Department of Transport, Leeson Lane, Dublin 2  
email: [marinenotices@transport.ie](mailto:marinenotices@transport.ie) or visit us at: [www.transport.ie](http://www.transport.ie)