



STATUTORY INSTRUMENTS.

**S.I. No. 573 of 2010**

EUROPEAN COMMUNITIES (VESSEL TRAFFIC MONITORING AND  
INFORMATION SYSTEM) REGULATIONS 2010



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EUROPEAN COMMUNITIES (VESSEL TRAFFIC MONITORING AND  
INFORMATION SYSTEM) REGULATIONS 2010

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## EUROPEAN COMMUNITIES (VESSEL TRAFFIC MONITORING AND INFORMATION SYSTEM) REGULATIONS 2010

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002<sup>1</sup> as last amended by Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009<sup>2</sup>, hereby make the following regulations:

## PART 1

## PRELIMINARY AND GENERAL

*Citation*

1. These Regulations may be cited as the European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010.

*Interpretation*

2. (1) In these Regulations—

“automatic identification system” means an automated, short range, coastal tracking system used on ships and by vessel traffic services for identifying and locating vessels by electronically exchanging data with other nearby ships and vessel traffic service stations;

“Directive” means Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002<sup>1</sup>, as amended by—

(a) Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009<sup>3</sup>, and

(b) Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009<sup>2</sup>;

“exclusive economic zone of the State” means the exclusive economic zone of the State within the meaning of Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006);

“gross tonnage” means gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the International Convention on Tonnage Measurement of Ships 1969;

<sup>1</sup>OJ No. L 208, 5.8.2002, p. 10

<sup>2</sup>OJ No. L 131, 28.5.2009, p. 114

<sup>3</sup>OJ No. L 131, 28.5.2009, p. 101

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 3rd December, 2010.*

“harbour authority” has the meaning assigned to it by Regulation 4;

“harbour master” means—

- (a) a person appointed by a harbour authority to be a harbour master, and
- (b) any officer or servant of a harbour authority duly authorised to discharge the functions of harbour master;

“IMO” means International Maritime Organization;

“Irish Coast Guard” means that part of the marine safety services of the Department of Transport which is known by that name;

“Marine Survey Office” means that part of the of the marine safety services of the Department of Transport which is known by that name;

“master”, in relation to a ship, means the person (excluding, where appropriate, a pilot) having, for the time being, the command or charge of the ship;

“Minister” means Minister for Transport;

“SafeSeasIreland” means the maritime information exchange system comprising a data exchange network and a standardisation of the main information available on ships and their cargo developed by the Minister under Article 22a and Annex III to the Directive and known by that name;

“territorial waters” means—

- (a) the territorial seas, and
- (b) the internal waters,

within the meaning of Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006;

“VTS” means vessel traffic service.

(2) A word or expression which is used in these Regulations and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

### *Application*

3. (1) Unless otherwise provided for, these Regulations apply to any ship with a gross tonnage of 300 or greater other than—

- (a) warships, naval auxiliaries and other ships owned or operated by a Member State and used for non-commercial public service, and
- (b) fishing vessels, traditional ships and recreational craft with a length of less than 45 metres.

(2) These Regulations do not apply to bunkers on ships with a gross tonnage of less than 1000, to ships' stores and to equipment carried on a ship for use on board.

*Designation of authorities*

4. For the purposes of these Regulations and the Directive—

- (a) the Minister is designated as the national competent authority in the State,
- (b) each of the harbour masters for the time being, of the harbour authority specified in column (3) of Schedule 1 is, as respects the port specified in column (2) of Schedule 1 at that reference number, designated as a port authority,
- (c) each coastal station in the State, or the territorial waters, operated by the Irish Coast Guard is designated as a coastal station.

*Authorised officers*

5. (1) The Minister may appoint in writing such and so many persons as he or she thinks fit to be authorised officers for purposes of the Directive and these Regulations.

(2) An authorised officer appointed under this Regulation shall be furnished with a warrant of his or her appointment and shall, on request by any person affected during the exercise of any function under these Regulations, produce the warrant to that person for inspection.

(3) For the purpose of verifying compliance with the Directive or these Regulations an authorised officer under this Regulation may—

- (a) at any time, board and inspect any ship in port in the State, or otherwise within territorial waters,
- (b) require a person on the ship to furnish him or her with information and to produce any documents and records regarding the ship's systems or data,
- (c) inspect and take copies of, or take extracts from, any documents and records (including in the case of information in non-legible form a copy of or extract from such information in permanent legible form),
- (d) there, or at any other place, carry out or have carried out such examinations, inspections or tests of equipment or other device found on the ship and, if the officer thinks fit, remove or have removed any such equipment or other device and retain it for a reasonable period to facilitate such examinations, testing or inspection,
- (e) secure for later inspection the ship or part of it.

(4) A person who—

- (a) without reasonable excuse fails to comply with any request or requirement made by an authorised officer under this Regulation,
- (b) obstructs or interferes with an authorised officer in the performance of his or her functions under this Regulation, or
- (c) gives an authorised officer false or misleading information,

commits an offence.

*Revocation*

6. The European Communities (Vessel Traffic Monitoring and Information System) Regulations 2004 (S.I. No. 81 of 2004) are revoked.

PART 2

SHIP REPORTING AND MONITORING

*Notification prior to entry into ports in State*

7. (1) Subject to Regulation 15(2), the operator, agent or master of a ship bound for a port in the State shall notify the relevant port authority using SafeSeasIreland, or where for technical reasons SafeSeasIreland is unavailable using telephone, fax, email or other electronic means, of the information specified in Part 1 of Schedule 2—

- (a) at least 24 hours in advance,
- (b) if the voyage time is less than 24 hours, at the latest, at the time the ship leaves the previous port, 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) The operator, agent or master of a ship who fails to comply with paragraph (1) commits an offence.

*Use of automatic identification systems*

8. (1) The operator, agent or master of a ship calling at a port in the State shall ensure that the ship is fitted with an automatic identification system which meets the performance standards drawn up by the IMO.

(2) The operator, agent or master of a ship fitted with an automatic identification system shall ensure that it is in operation at all times except where international agreements, rules or standards provide for the protection of navigational information.

(3) The operator, agent or master of a ship who fails to comply with paragraph (1) or (2) commits an offence.

*Use of automatic identification system by certain fishing vessels*

9. (1) Any fishing vessel with an overall length of more than 24 metres but less than 45 metres which is—

- (a) registered in the State,
- (b) operating in the territorial waters, or
- (c) landing its catch in a port of the State,

shall be fitted with an automatic identification system (Class A) which meets the performance standards drawn up by the IMO—

- (i) in the case of new built vessels, by 30 November 2010, and
- (ii) in the case of other vessels, not later than 31 May 2012.

(2) A fishing vessel equipped with automatic identification system shall maintain it in operation at all times. In exceptional circumstances, an automatic identification system may be switched off where the master considers this necessary in the interest of the safety or security of his vessel.

(3) The operator, agent or master of a ship who fails to comply with paragraph (1) or (2) commits an offence.

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

10. (1) A ship to which SOLAS regulation V/19-1 and the performance standards and functional requirements adopted by the IMO apply shall carry LRIT equipment which complies with that regulation when calling at a port in the State.

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

*Use of mandatory ships' routing systems*

11. (1) The operator, agent or master of a ship entering the area of a mandatory ships' routing system adopted by the IMO in accordance with Regulation 10, Chapter V of the SOLAS Convention and operated—

- (a) by the State, or
- (b) by the State and one or more other states,

shall use the system in accordance with the relevant guidelines and criteria developed by the IMO.

(2) The Irish Coast Guard shall monitor compliance with the obligations specified in paragraph (1).

*Monitoring of compliance of ships with vessel traffic services (VTS)*

12. (1) Any ship entering the area of applicability of a VTS operated within the territorial waters shall participate in, and comply with the rules of, that VTS.

(2) Any ship flying the flag of the State or bound for a port in the State entering the area of applicability of a VTS outside the territorial waters shall comply with the rules of that VTS.



(3) The appropriate port authority shall monitor compliance with the obligations specified in paragraphs (1) and (2).

(4) The operator, agent or master of a ship which fails to comply with paragraph (1) or (2) commits an offence.

*Voyage data recorder systems*

13. (1) The operator, agent or master of a ship calling at a port in the State shall ensure that the ship is fitted with a voyage data recorder (“VDR”) system in accordance with Schedule 3.

(2) In the event of an investigation following a casualty occurring in territorial waters the operator, agent or master of a ship shall make available to the competent authority any data which has been collected from a VDR system.

(3) The operator, agent or master of a ship who fails to comply with paragraph (1) or (2) commits an offence.

### PART 3

#### NOTIFICATION OF DANGEROUS OR POLLUTING GOODS ON BOARD SHIPS (HAZMAT)

*Information requirements concerning transport of dangerous goods*

14. (1) A person shall not offer for carriage nor take on board any ship, irrespective of its size, in a port in the State, any dangerous or polluting goods unless a declaration has been delivered to the master or operator of the ship before the goods are taken on board containing the following information:

- (a) the information listed in Part 2 of Schedule 2;
- (b) for substances referred to in Annex I to the MARPOL Convention, 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);
- (c) 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.

(2) The master or operator of a vessel that has dangerous or polluting goods on board coming from a port outside the European Union and calling at a port in the State shall be in possession of a declaration, as provided for by the shipper, containing the information specified in paragraph (1).

(3) The shipper of the goods referred to in paragraph (1) shall deliver to the master or operator of the ship concerned the declaration referred to in paragraph (1) and shall ensure that the shipment offered for carriage is the shipment to which the declaration relates.

(4) A person who fails to comply with paragraph (1), (2) or (3) commits an offence.

*Notification of dangerous or polluting goods carried on board*

15. (1) The operator, agent or master of a ship, irrespective of its size, carrying dangerous or polluting goods and leaving a port in the State shall, at the latest at the time of departure, notify the information indicated in Part 3 of Schedule 2 to the appropriate port authority.

(2) The operator, agent or master of a ship, irrespective of its size, carrying dangerous or polluting goods and coming from a port located outside the European Union bound for a port in the State or an anchorage located in the territorial waters shall—

(a) at the latest upon departure from the loading port, or

(b) 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 Part 3 of Schedule 2 to the Marine Survey Office.

(3) The information referred to in paragraphs (1) and (2) shall be submitted using SafeSeasIreland, or where for technical reasons SafeSeasIreland is unavailable using telephone, fax, email or other electronic means.

(4) An operator, agent or master of a ship to whom paragraph (1) applies who fails to notify the appropriate port authority in accordance with paragraph (1), commits an offence.

(5) An operator, agent or master of a ship to whom paragraph (2) applies, who fails to notify the Marine Survey Office, in accordance with paragraph (2), commits an offence.

*Exemptions*

16. (1) The Marine Survey Office may exempt particular vessels as regards a specific scheduled service performed between ports located in the State from the requirements of Regulations 7 and 15, but only if—

(a) the body operating the scheduled services keeps and updates a list of the ships concerned and sends a copy of that list to the Marine Survey Office,

(b) for each voyage performed, the company makes available to the Marine Survey Office and Irish Coast Guard using SafeSeasIreland the information listed in Part 1 or Part 3 of Schedule 2, as appropriate, and ensures that, upon request, the said information can be sent to the Marine Survey Office or Irish Coast Guard electronically, 24 hours a day and without delay, in accordance with Regulation 7 or 15, as appropriate,

- (c) the company notifies the port of arrival or the Marine Survey Office of any deviations of 3 hours or more from the estimated time of arrival at the port of destination or pilot station in accordance with Regulation 7 or 15, as appropriate.

(2) For the purposes of paragraph (1) the service shall not be regarded as a scheduled service unless it is intended to be operated for a minimum of one month.

(3) Exemptions from the requirements of Regulations 6 and 14 shall be limited to voyages of a scheduled duration of up to 12 hours.

(4) When an international scheduled service is operated involving the State and at least one other Member State the Marine Survey Office may, at the request of the relevant competent authority of the other Member State or Member States, grant an exemption to that service, where such service complies with the conditions specified in paragraph (1).

#### PART 4

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

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

17. (1) The following shall be considered to be 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 18,
  - (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 a port of a Member State or which have been the subject of a report or notification by a Member State in accordance with Annex I to Council Directive 2009/16/EC of 23 April 2009<sup>4</sup> on port state control;

<sup>4</sup>OJ No. L 131, 28.05.2009, p. 57

- (d) ships which have failed to notify using SafeSeasIreland, or who do not have, insurance certificates or financial guarantees pursuant to any Community legislation and international rules;
- (e) ships which have been reported by pilots or port authorities as having apparent anomalies which might prejudice their safe navigation or create a risk for the environment.

(2) Coastal stations holding relevant information on the ships referred to in paragraph (1) shall communicate it to the coastal stations concerned in the other Member States located along the planned route of the ship.

*Reporting of incidents and accidents at sea*

18. (1) The operator, agent or master of a ship, irrespective of size or type, sailing within the exclusive economic zone of the State shall immediately report to the Irish Coast Guard the following:

- (a) any incident or accident affecting the safety of the ship, such as collision, running aground, damage, malfunction or breakdown, flooding or shifting of cargo or any defects in the hull or structural failure;
- (b) any incident or accident which compromises shipping safety, such as failures likely to affect the ship's manoeuvrability or seaworthiness or any defects affecting the propulsion system or steering gear, the electrical generating system, navigation equipment or communications equipment;
- (c) any situation liable to lead to pollution of the waters or shore of the State or another Member State, such as the discharge or threat of discharge of polluting products into the sea;
- (d) any slick of polluting materials and any containers or packages seen drifting at sea.

(2) The report sent pursuant to paragraph (1) shall include the following information:

- (a) the ship's identity;
- (b) the ship's position;
- (c) the ship's port of departure;
- (d) the ship's port of destination;
- (e) the address from which information may be obtained on the dangerous and polluting goods carried on board;
- (f) the number of persons aboard the ship;
- (g) details of the incident;

(h) any relevant information referred to in IMO Resolution A.851(20).

(3) The Irish Coast Guard shall monitor compliance with paragraphs (1) and (2).

(4) The operator, agent or master of a ship who fails to comply with paragraph (1) or (2) commits an offence.

*Measures in event of exceptionally bad weather*

19. (1) Where, in the event of exceptionally bad weather or sea conditions, the Irish Coast Guard or a port authority considers that there is a serious threat of pollution to the shipping areas or coastal zones of the State, or to the shipping areas or coastal zones of other states, or that the safety of human life is in danger:

- (a) they should, where possible, fully inform the master of any ship which is in the port area concerned and intends to enter or leave that port, of the sea state and weather conditions and, when relevant and possible, of the danger they may present to his or her ship, the cargo, the crew and the passengers;
- (b) they may take, without prejudice to the duty of assistance to ships in distress and in accordance with Regulation 22, any other appropriate measures, which may include a recommendation or a prohibition either for a particular ship or for ships in general to enter or leave the port in the areas affected, until it has been established that there is no longer a risk to human life or to the environment;
- (c) they shall take appropriate measures to limit as much as possible or, if necessary, prohibit the bunkering of ships in their jurisdiction.

(2) The master shall inform the company of the appropriate measures or recommendations referred to in paragraph (1). These do not however prejudice the decision of the master on the basis of his or her professional judgement corresponding to the SOLAS Convention. Where the decision taken by the master of the ship is not in accordance with the measures referred to in paragraph (1), he or she shall inform the appropriate competent authorities of the reasons for his or her decision.

(3) The appropriate measures or recommendations, referred to in paragraph (1), shall be based upon a sea state and weather forecast provided by a qualified meteorological information service recognised by the State.

*Measures in event of risks posed by presence of ice*

20. (1) Where the Irish Coast Guard, Marine Survey Office or a port authority, ascertains that, in view of ice conditions, there is a serious threat to the safety of human life at sea or to the protection of their shipping areas or coastal zones, or of the shipping areas or coastal zones of other states:

- (a) they shall supply the master of any ship which is in their area of competence, or intends to enter or leave one of their ports, with appropriate information on the ice conditions, the recommended routes and the icebreaking services in their area of competence;
- (b) they may, without prejudice to the duty of assistance to ships in need of assistance and other obligations flowing from relevant international rules, request that a ship which is in the area concerned and intends to enter or leave a port or terminal or to leave an anchorage area document that it satisfies the strength and power requirements commensurate with the ice situation in the area concerned.

(2) The measures taken pursuant to paragraph (1) shall be based, as regards the data concerning the ice conditions, upon ice and weather forecasts provided by a qualified meteorological information service recognised by the State.

*Measures relating to incidents or accidents at sea*

21. (1) The operator, agent and master of a ship and the owner of any dangerous or polluting goods carried on board shall communicate on request to the Irish Coast Guard the information referred to in Regulation 14.

(2) The master of a ship to which the provisions of the ISM Code are applicable shall, in accordance with that Code, inform the company of any incident or accident referred to in Regulation 18(1) which occurs at sea and as soon as it has been informed of such a situation, the company shall contact the appropriate coastal station using SafeSeasIreland or where for technical reasons SafeSeasIreland is unavailable using telephone, fax, email or other electronic means.

(3) A person who fails to comply with paragraph (1) or (2) commits an offence.

*Accommodation of ships in need of assistance*

22. (1) The Director of the Irish Coast Guard is designated as the competent authority with the powers, for the purposes of the Directive, at the time of the operation, to take independent decisions on his or her own initiative concerning the accommodation of ships in need of assistance and shall be independent in the exercise of functions under this Regulation and Regulations 23 and 24.

(2) Following an incident or situation described in Regulation 18 or where an authorised officer is of the opinion that there is a threat to maritime safety and the protection of the environment, in the exercise of functions under this Regulation and Regulations 24 and 25 the Irish Coast Guard may—

- (a) restrict the movement of the ship or direct it, without prejudice to the master's responsibility for the safe handling of the ship, to follow a specific course,
- (b) give notice to the master of the ship to put an end to the threat to the environment or maritime safety,

- (c) send an evaluation team aboard the ship to assess the degree of any risk, assist the master to remedy the situation, and keep the competent coastal station informed,
- (d) in the event of imminent peril, notwithstanding any other enactment, require—
  - (i) the master of the ship to put in at a place of refuge, identified by the authorised officer, or cause the ship to be piloted or towed,
  - (ii) a port authority to accept the ship in a place of refuge, identified by the authorised officer, under his or her control.

(4) The master of a ship in respect of which an authorised officer has made a requirement under paragraph (2)(a), (b) or (d)(i), who, without reasonable excuse, fails to comply with the requirement commits an offence.

(5) A person who—

- (a) obstructs or interferes with an officer of the Irish Coast Guard under this Regulation in the performance of his or her functions, or
- (b) gives to an officer of the Irish Coast Guard under this Regulation false or misleading information,

commits an offence.

#### *Decision on accommodation of ships*

23. (1) Where a ship is in need of assistance the Irish Coast Guard shall carry out a preliminary assessment of the situation based on the plans drawn up under Article 20a of the Directive and shall decide whether or not a ship should be admitted to a place of refuge.

(2) The Irish Coast Guard shall ensure that ships are admitted to a place of refuge if he or she considers such an accommodation the best course of action for the purposes of the protection of human life or the environment.

#### *Financial security and compensation*

24. (1) 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/EC<sup>5</sup> of the European Parliament and of the Council of 23 April 2009) on the insurance of ship-owners for maritime claims but such a request shall not delay the ship's accommodation.

(2) The Irish Coast Guard shall not refuse to accommodate a ship in a place of refuge on the sole basis that a certificate referred to in paragraph (1) has not been produced.

<sup>5</sup>OJ No. L 131, 28.5.2009, p. 128

*Irish Coast Guard to broadcast in relevant areas details of notified incidents or accidents*

25. The Irish Coast Guard shall, as necessary, broadcast within the relevant areas details of any incident or accident notified under Regulation 18(1) and information with regard to any ship that poses a threat to maritime safety, the safety of individuals or the environment.

*Functions of Irish Coast Guard*

26. The functions of the Irish Coast Guard under Regulations 22 to 25 shall be performed by the Director of the Irish Coast Guard or another officer of the Irish Coast Guard authorised in writing by him or her in that behalf.

PART 5

PENALTIES, ETC.

*Penalties, etc.*

27. (1) A person who commits an offence under these Regulations (other than under Regulation 22(4)) is liable, on summary conviction, to a fine not exceeding €5,000.

(2) A person who commits an offence under Regulation 22(4), is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €500,000.

(3) 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 commits an offence and is liable to be proceeded against and punished as if he or she had committed the first-mentioned offence.

(4) Summary proceedings for an offence under these Regulations may be brought by the Minister.



## SCHEDULE 1

Regulation 4

Ref. No. (1)	Port (2)	Harbour Authority (3)
1.	Arklow	Arklow Harbour Authority
2.	Bantry	Bantry Bay Harbour Authority
3.	Drogheda	Drogheda Port Company
4.	Dublin	Dublin Port Company
5.	Dundalk	Dundalk Port Company
6.	Dún Laoghaire	Dún Laoghaire Harbour Company
7.	Galway	Galway Harbour Company
8.	Killybegs	Killybegs Fishery Harbour Centre
9.	Kinsale	Kinsale Harbour Authority
10.	New Ross	New Ross Port Company
11.	Cork	Port of Cork Company
12.	Tralee and Fenit	Tralee and Fenit Harbour Authority
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 Harbour Authority
18.	Youghal	Youghal Harbour Authority
19.	Greenore	Greenore Ferry Services Ltd.

## SCHEDULE 2

Regulations 7, 14  
and 15

## PART 1

Information to be notified in accordance with Regulation 7:

- (a) ship identification (name, call sign, IMO identification number or MMSI number),
- (b) port of destination;
- (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;
- (e) any change to the information specified in subparagraphs (a) to (d).

## PART 2

Information to be notified in accordance with Regulation 14:

- (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;
- (c) any change to the information specified in subparagraphs (a) and (b).

## PART 3

Information to be notified in accordance with Regulation 15:

A. General information:

- (a) ship identification (name, call sign, IMO identification number or MMSI number);
- (b) port of destination;
- (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 European Union 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;
- (f) any change to the information specified in subparagraphs (a) to (e).

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;
- (d) any change to the information specified in paragraphs (a) to (c).

### SCHEDULE 3

*Regulation 13*

#### Voyage data recorder (VDR) systems

1. Ships in the following classes must, inasmuch as they call at a port of a Member State, be fitted with a voyage data recorder system meeting the performance standards of IMO Resolution A.861(20) and the testing standards set by Standard No 61996 of the International Electronics Commission (IEC):
  - (a) passenger ships built on or after 1 July 2002, not later than 1 July 2002;
  - (b) ro-ro passenger ships built before 1 July 2002, not later than the first survey on or after 1 July 2002;
  - (c) passenger ships other than ro-ro passenger ships, built before 1 July 2002, not later than 1 January 2004;
  - (d) Ships other than passenger ships, of 3 000 gross tonnage and upwards, built on or after 1 July 2002, not later than 5 August 2002.
2. Ships in the following classes and built before 1 July 2002 must, inasmuch as they call at a port of a Member State, be fitted with a voyage data recorder system meeting the relevant IMO standards:
  - (a) cargo ships of 20 000 gross tonnage and upwards, not later than the date fixed by the IMO, or, in the absence of a decision in IMO, not later than 1 January 2007;
  - (b) cargo ships of 3 000 gross tonnage and upwards but less than 20 000 gross tonnage, not later than the date fixed by the IMO, or, in the absence of a decision in IMO, not later than 1 January 2008.



GIVEN under my Official Seal,  
30 November 2010.

NOEL DEMPSEY,  
Minister for Transport.

## EXPLANATORY NOTE.

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations give effect to Directive 2009/17/EC and Article 24.2 of Directive 2009/18/EC which amend Directive 2002/59/EC, and come into effect on 30 November 2010.

The Regulations strengthen the EU vessel traffic monitoring and information system which will enhance the safety and efficiency of maritime traffic. They provide mainly for vessel notification requirements prior to entering port, including for the transport of dangerous or polluting goods; use of technology for monitoring movement of vessels; transmission of information concerning vessels which might post a threat to the safety of persons, shipping, or the environment; reporting obligations concerning incidents and accidents at sea. They provide additional functions concerning the accommodation of ships in need of assistance for the Director of the Irish Coast Guard.

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