



Maritime and Coastguard Agency

MARINE GUIDANCE NOTE

MGN 405 (M+F)

Consolidated European Reporting System (CERS) - Exemption Arrangements under the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (as amended)

Notice to all operators, shipowners, charterers, managers, shipping agents, shippers of dangerous or polluting goods, pilots, port authorities, masters, and ships' officers, fishing vessel owners/operators and skippers, and owners/operators of traditional ships and leisure craft.

This notice should be read in conjunction with Statutory Instrument No. 2004/2110 (as amended), MSN 1817 Amendment 1 and replaces MIN 313 (M+F).

PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

This Notice describes notification exemption arrangements where allowed under the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (as amended) which implement in United Kingdom (UK) law European Community Directive 2002/59/EC establishing a community vessel traffic monitoring and information system, known as the Vessel Traffic Monitoring Directive (VTMD).

Information that is required in support of an application to be exempt from the notification of dangerous or polluting goods carried on board is set out in the Appendix to this Notice.

UK port authorities are responsible for forwarding relevant information to MCA for capture in the Consolidated European Reporting System (CERS).

Relevant extracts from the Regulations are reproduced at Annex I and II to this Notice and should be consulted for fuller details of individual requirements.

1. Introduction

1.1 The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (Statutory Instrument No.2004/2110), as amended, gives legal effect in the United Kingdom to Directive 2002/59/EC, establishing a Community vessel traffic

monitoring and information system. Relevant extracts from the Regulations are at Annexes I and II to this Notice.

- 1.2 The main aims of the Directive are to enhance the safety and efficiency of maritime traffic and improve the response of authorities to incidents, accidents or potentially dangerous situations at sea. The exchange of information within the Community is fundamental to meeting these aims and is provided through the EU-wide system known as SafeSeaNet. The UK implemented CERS on 31 December 2007, which links with SafeSeaNet and forwards, electronically, all reportable information to enable the UK to meet its obligations under the Directive.
- 1.3 Unless otherwise stated in the Regulations, they apply to all ships of 300 Gross Tonnage and upwards and to fishing vessels, traditional ships and recreational craft, where the length of the vessel or ship is 45 metres and above.
- 1.4 For the purposes of the Regulations, a “ship” is defined as any sea-going vessel or craft. The United Kingdom has interpreted this definition to mean that the Regulations do not apply to UK non-sea-going vessels operating exclusively within UK categorised waters, as currently described in Merchant Shipping Notice (MSN) 1776.

2. Notification of Dangerous or Polluting Goods Carried on Board

- 2.1 Regulation 10 imposes requirements on ships, irrespective of size, which are carrying dangerous or polluting goods. All such ships leaving a port in the UK, and any such UK ship leaving a port elsewhere in the EEA, must notify information about the vessel and the dangerous or polluting goods being carried, in accordance with MSN 1817 Amendment 1, to the competent authority of the State in which the port of departure is situated. There are also provisions requiring ships coming from outside the EEA to notify the competent authority of the State in which the destination port is situated. Details of the information to be notified are at Annex II to this Notice.
- 2.2 In the UK, the MCA requires notifications under regulation 10(2) and 10(5) to be made to the relevant port authority and requires port authorities to pass the appropriate information to CERS.
- 2.3 MSN 1817 Amendment 1 details the requirements for port authorities to enter information into CERS upon notification by ships carrying dangerous or polluting goods.

3 Exemption of Notification of Dangerous or Polluting Goods Carried on Board

- 3.1 Regulation 11 allows exemptions to be given from the notification requirements in regulation 10(2) (about ships carrying dangerous or polluting goods from UK ports) in respect of scheduled services between ports within the UK, provided certain conditions are met. The conditions to be met are contained in regulation 11(2), set out in Annex I to this Notice.

It should be noted that the “list of ships engaged on that scheduled service”, as required by regulation 11(2) (a), should include route and timetable for voyages within the UK Automatic Identification System (AIS) coverage area. The number of persons on board must be entered into the ship’s AIS using binary message format at each departure point.

- 3.2 When an international scheduled service is operated between two or more States of which one is a Member State of the EU, the reporting requirements of regulations 10(3), 10(4) and 10(5) do not apply where an exemption has been granted pursuant to Article 15(2) of the Directive.

3.3 There are currently no EU approved procedures, protocols or documents facilitating these international arrangements, but the MCA is in negotiation with a number of other Member States with a view to producing and agreeing such arrangements.

3.4 The term “scheduled service” is now defined in Directive 2009/17/EC Amending the VTMD, Directive 2002/59/EC, and is as follows:

“scheduled service” means a series of ship crossings operated so as to serve traffic between the same two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series.

3.5 Operators engaged on scheduled services, who wish their ships to be exempted from making notifications of dangerous and polluting goods carried on board, are advised to apply to the MCA at the address listed at the end of this Notice. See the Appendix for the information which is required in support of an exemption application.

It should be noted that:

- i. reference to Document of Compliance relates to the Document of Compliance – special requirements for ships carrying dangerous goods; and*
- ii. reference to Locode means UN/Locode, a list of which can be obtained at the following link: <http://www.unece.org/cefact/locode/gb.htm>*

3.6 All exemptions granted by the MCA will be applicable to an individual ship on a specific scheduled service provided that the conditions laid down in regulation 11(2) are met.

3.7 For the purposes of granting an exemption to report carriage of dangerous or polluting goods, the vessel is expected by the MCA to be operating on the scheduled service for a minimum of one month.

More Information

Navigation Safety Branch
Maritime and Coastguard Agency
Bay 2/04
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel : +44 (0) 23 8032 9437
Fax : +44 (0) 23 8032 9204
e-mail: navigationsafety@mcga.gov.uk

General Inquiries: infoline@mcga.gov.uk

MCA Website Address: www.mcga.gov.uk

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Selected Extracts from the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004, as amended

Regulation 10

Notification by ships carrying dangerous or polluting goods

10. - (1) This regulation applies to ships, regardless of their size, carrying –

(a) dangerous goods; or

(b) polluting goods.

(2) Subject to paragraph (8) and regulation 11(1), before a ship departs from a port in the United Kingdom, the owner, agent or master of that ship shall notify the MCA of the information specified in the Annex to the Merchant Shipping Notice 1784(M) * in accordance with that Notice.

(3) Subject to regulation 11(5), before a United Kingdom ship departs from a port located in an EEA State, other than a port in the United Kingdom, the owner, agent or master of that United Kingdom ship shall notify the competent authority of the State in which that port is situated of the information specified in the Annex to the Merchant Shipping Notice 1784(M) in accordance with that Notice.

(4) Subject to regulation 11(5), where a United Kingdom ship –

(a) is coming from a port which is not located in an EEA State; and

(b) is bound for -

(i) a port located in, or

(ii) an anchorage located in the territorial waters of,

an EEA State other than the United Kingdom,

the owner, master or agent of that ship shall notify the competent authority of the EEA State in question of the information specified in the Annex to the Merchant Shipping Notice 1784(M) in accordance with that Notice by the time specified in paragraph (6).

(5) Subject to paragraph (8) and regulation 11(5), where a ship -

(a) is coming from a port which is not located in an EEA State; and

(b) is bound for a port in the United Kingdom or an anchorage located in United Kingdom waters,

the owner, master or agent of that ship shall notify the MCA of the information specified in the Annex to the Merchant Shipping Notice 1784(M) in accordance with that Notice by the time specified in paragraph (6).

(6) The time referred to in paragraphs (4) and (5) is –

(a) where -

(i) the port of destination, or

(ii) the location of the anchorage,

is known at the time of departure from the port at which the dangerous goods or the polluting goods, as the case may be, were loaded, no later than the time of departure from that port; or

(b) where –

(i) the port of destination, or

(ii) the location of the anchorage,

is not known at the time of departure from the port at which the dangerous goods or the polluting goods, as the case may be, were loaded, the time immediately such port or such location is known.

(7) Whenever practicable, the information referred to in paragraphs (2) and (5) shall be notified to the MCA by electronic means using the procedures specified in Merchant Shipping Notice 1784(M).

(8) When required to do so by the MCA, the owner, agent or master of a ship shall notify –

(a) the authority of the port of departure in question of the information referred to in paragraph (2);

(b) the authority of the port of destination in question of the information referred to in paragraph (5).

(9) When a port authority receives information pursuant to paragraph (8), that port authority shall -

(a) retain that information for as long as the information may be required for use in the event of an incident or accident at sea; and

(b) provide that information at any time by electronic means to the MCA immediately upon request.

(10) Where information has been notified in accordance with this regulation, the master of the ship in question shall notify immediately the person to whom that information was notified of any changes to that information.

Regulation 11

Exemptions from the requirements of regulation 10

11. - (1) Subject to the conditions specified in paragraph (2), the Secretary of State may grant an exemption in respect of a scheduled service between ports within the United Kingdom so that regulation 10(2) shall not apply to the owner, agent or master of a ship engaged on that scheduled service.

(2) The conditions referred to in paragraph (1) are that the person who operates the scheduled service shall –

(a) maintain, and keep up to date, a list of the ships engaged on that scheduled service;

(b) send that list, and details of all updates, to the MCA;

(c) ensure that, in respect of each voyage made by a ship whilst engaged on the scheduled service, the information specified in the Annex to the Merchant Shipping Notice 1784(M) is kept so that it can be provided at any time by electronic means to the MCA immediately upon request.

(3) The Secretary of State shall immediately revoke an exemption granted under paragraph (1) if he is satisfied that any condition contained in paragraph (2) is not complied with.

(4) An exemption granted under paragraph (1), and any revocation thereof, shall be in writing.

(5) Regulation 10(3), (4) and (5) shall not apply to the owner, agent or master of a ship engaged on an international scheduled service in respect of which there is in force an exemption granted pursuant to article 15.2 of the Directive.

** It should be noted that MSN 1784 (M) has been superseded by **MSN 1817 Amendment 1***

**List of Information to be Notified in relation to Regulation 10
(Notification by ships, regardless of size, carrying dangerous or polluting goods)**

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 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.

APPENDIX

Details Required for Exemption Certificate for Notification of Dangerous or Polluting Goods

Owner Operator

Name of Ship

Port of Registry/Operation.....

Official Number.....

Gross Tonnage.....

IMO Number.....

UK Class.....

Details of Exemption Requested.....

Document of Compliance – validity from to

Cargo Manifest Information will be available from:

URL

Note: The URL must start with "https://" and the format of the document must either be:

DocType: DOC -> Extensions allowed: DOC, DOT, RTF DocType: HTML -> Extensions allowed: HTM, HTML

DocType: PDF -> Extensions allowed: PDF DocType: TXT -> Extensions allowed: TXT

DocType: XML -> Extensions allowed: XML

or

Contact Details – Surname

First Name

Locode

Tel

Fax

Email

Provide details of the scheduled service for which an exemption is sought, including arrival and departure times and ports involved.