
Vessel Traffic Monitoring Notification and Reporting Requirements for Ships and Ports

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 replaces MSN 1817 and should be read in conjunction with Statutory Instrument (SI) 2004/2110 (as amended) and MGN 438.

Summary

This notice deals with information to be provided by ships and port authorities in order to comply with Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 as amended from 25/11/2011. The information to be provided concerns:

- 24 hour notice, prior to entry into a UK port, for all ships of 300 gross tonnage and above and fishing vessels, traditional ships, and recreational craft with a length of 45 metres and above,
- notification by all ships regardless of size, either departing from or bound to a UK port carrying dangerous or polluting goods,
- reporting requirements in the event of an accident/incident.

Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 as amended

1. Vessel Traffic Reporting Requirements from 25/11/2011

1.1 This notice provides guidance for ships and port authorities who are required to provide ship related information under the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004, as amended by the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2011, as well as SI 2005/1092 and SI 2008/3145, "the Regulations", with effect from 25/11/2011.

1.2 For the purposes of the Regulations:

.1 "accident" means any accident or occurrence affecting the safety of a ship, including, but not limited to any occurrence whereby a ship –

- (i) is in collision;
- (ii) grounds;
- (iii) is damaged;
- (iv) malfunctions or breaks down;
- (v) suffers the flooding or shifting of cargo, or;
- (vi) suffers a defective hull or structural failure

.2 "agent" means a person mandated or authorised to supply information on behalf of the owner of a ship

.3 "dangerous goods" are defined as:

- (a) goods classified as dangerous in the IMDG Code
- (b) dangerous liquid substances listed in Chapter 17 of the IBC Code;
- (c) liquefied gases listed in Chapter 19 of the IGC Code;
- (d) solids referred to in Appendix 1 of the IMSBC Code; and
- (e) goods in respect of whose carriage appropriate preconditions have been imposed in accordance with paragraph 1.1.3 of the IBC Code or paragraph 1.1.6 of the IGC code.

.4 "Directive" means Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community Vessel Traffic Monitoring and Information System, as amended by Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 and Commission Directive 2001/15/EU of 23rd February 2001;

.5 "Discharge or probable discharge" means the discharge of polluting goods, other than any marine pollutant identified in the IMDG Code, above the permitted level, for whatever reason including for the purpose of securing the safety of the ship or for saving life at sea.

.6 "domestic voyage" means a voyage from a port of an EEA State to the same port or another port of that EEA State,

.7 "European Economic Area (EEA) State" means a European Union (EU) Member State, Norway, Iceland or Liechtenstein.

.8 "incident" means any incident which affects or could affect the safety of a ship or other ships including, but not limited to, a failure or defect which affects or is likely to affect -

- (i) the manoeuvrability or seaworthiness;
- (ii) the propulsion system;
- (iii) the steering gear;
- (iv) the electrical generating system;
- (v) the navigation equipment, or;
- (vi) the communications system,

of that ship.

.9 "Length", in this Regulation, means either –

- a) 96% of the total length of the vessel, ship or craft on a waterline at 85% of the least moulded depth measured from the keel line; or

b) the length from the foreside of the stem to the axis of the rudder stock on that waterline,
whichever is the greater, and where the vessel, ship or craft in question is designed with rake of keel, the waterline on which the lengths referred to in (a) and (b) are measured shall be parallel to the designed waterline.

.10 "MARPOL" means the International Convention for the Prevention of Pollution from Ships and its 1978 Protocol thereto, and the amendments in force on the date on which the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011 come into force.

.11 "Pollution event" means a discharge, or the threat of a discharge, of polluting goods into the sea

.12 "polluting goods" are defined as:

- (a) oil, oily mixture, oil fuel or crude oil (as defined in Annex I to MARPOL);
- (b) noxious liquid substances (as defined in Annex II to MARPOL);
- (c) harmful substances (as defined in Annex III to MARPOL) and;
- (d) any marine pollutant identified in the IMDG Code.

.13 "port authority" means a statutory harbour authority in the United Kingdom and 'authority' shall be construed accordingly

.14 "scheduled services" 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 and it is intended that the service will be operated for a minimum of one month.

.15 "ship" means any seagoing vessel or craft.

.16 "traditional ship" means an historical ship or a replica of an historical ship operated according to traditional principles of seamanship and technique, and for the purposes of this definition, a replica of an historical ship includes such replica designed to encourage and promote traditional skills and seamanship;

.17 "SOLAS" means the International Convention for the Safety of Life at Sea, 1974 as amended in accordance with its Protocol of 1988 and the amendments in force on the date the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2011 come into force

1.3 The Regulations do not apply to bunkers on ships below 1,000 gross tonnage and stores and equipment for use on board any ship.

2. Consolidated European Reporting System

2.1 The UK Consolidated European Reporting System (CERS) is an information management system which has been developed by the MCA to comply with, amongst other things, the UK reporting obligations under the provisions in the Directive. These obligations are based on the technical content, method and format of messages contained within the EU SafeSeaNet system. CERS is the UK's designated method of electronic reporting.

2.2 By way of background, the information reported into CERS is captured by one of two means: -

Method 1 – System to System (i.e. the computer system of the data provider downloads the reported information directly into CERS);

Method 2 – Online Input (i.e. the data provider inputs the reportable information into CERS through a web page portal using a secure and unique username and password);

2.3 Port Authorities can either provide the data to CERS themselves or via a Service Provider (i.e. the reportable information is submitted into CERS, using either Method 1 or 2, via a third party or parties as nominated and fully/partially delegated)

3. Notification prior to entry into port

3.1 Regulation 5 of the Regulations specifies the notification requirements, prior to entry into port, for UK ships bound for a port located in the UK or another EEA State and non UK ships bound for a port located in the UK, with the exception of:

- a) Ships of less than 300 gross tonnage;
- b) Fishing vessels having a length of less than 45 metres;
- c) Traditional ships having a length of less than 45 metres;
- d) Recreational craft having a length of less than 45 metres;
- e) Warships, naval auxiliaries and other ships owned or operated by the Government of an EEA State which are used for non commercial public service.

3.2 The owner, agent or master of a ship is required to notify the authority of the port to which the ship is bound, the information specified in Annex A of this notice.

3.3 Which method, outlined in paragraph 2.2, is used for the notifications will be a matter for the ship and the authority of the port; however it must be borne in mind that the port authority will need to pass the requisite information, in Annex A, to the MCA, on receipt, by whichever method is available. If the port authority's preferred method of reporting is unavailable then another method should be used in the interim to ensure mandatory reporting requirements are fulfilled.

3.4 If the port of destination is known, the information must be provided to CERS at least 24 hours before the arrival of the ship. If the duration of the voyage is less than 24 hours then the information must be provided no later than the time of departure from the previous port.

3.5 If the port of destination is not known until less than 24 hours before the arrival of the vessel, the information must be provided to CERS as soon as possible after the port of destination becomes known.

3.6 If the notified voyage information changes, the master of the ship shall immediately notify the authorities of the port to which it is bound. A change of destination must be notified to both original port of destination (cancellation message) and revised port of destination (arrival notification message). Only a change in ETA of more than 2 hours need be notified.

4. Notification by ships carrying dangerous or polluting goods

4.1 Regulation 10 of the Regulations specifies the notification requirements applying to all ships regardless of size, carrying dangerous or polluting goods with the exception of warships, naval auxiliaries and other ships owned or operated by the Government of an EEA State which are used for non commercial public service.

4.2 The owner, master or agent of a ship leaving a UK port and bound for any other port, including another UK port, must notify the authority of the port of departure in question of all the information set out in Annex B (sections A & B) to this notice at the latest upon departure.

- 4.3 The owner, master or agent of a ship leaving a port outside the EEA area and bound for a UK port or an anchorage in UK territorial waters must notify the authority of the port of destination in question of the information set out in Annex B (sections A & B) to this notice at latest upon departure from the loading port or, if the port of destination in the UK is not then known, as soon as the port of destination is known.
- 4.4 The method, outlined in paragraph 2.2, for the notifications mentioned will be a matter for the ship and the port authority; however it must be borne in mind that the port authority must have in place arrangements to ensure that such notifications are retained for long enough to be usable in the event of an incident or accident at sea, and provide the information at any time by electronic means to the MCA immediately on request. EMSA's Interface Control Document specifies this data retention period as online for 1 month and archived for 18 months.

CERS allows for the following two options to meet the notification requirements:

- Option 1- Manual upload of DPG information to MCA in recognized format using online input
- Option 2- URL where DPG manifest can be accessed and manifest document type stated (i.e DOC, HTML, PDF, TXT or XML being the allowable format)

- 4.5 A UK ship departing from an EEA State Port shall notify the competent authority of the State in which that port is situated of all the information set out in Annex B (sections A & B) to this notice at latest upon departure.
- 4.6 A UK ship arriving at an EEA State Port or anchorage shall notify the competent authority of the State in which that port is situated of all the information set out in Annex B (sections A & B) to this notice at latest upon departure from the loading port, or, if the port of destination in the EEA is not then known, as soon as the port of destination is known.
- 4.7 A list of competent authorities for each Member State, to whom and how the information should be sent, will be published by European Maritime Safety Agency (EMSA) on their website at www.emsa.europa.eu. Information is also provided in the relevant section of the Admiralty List of Radio Signals (Pilot Services, Vessel Traffic Services and Port Operations) NP 286 Volume 6, as published by the UK Hydrographic Office.
- 4.8 Where information has been notified, in compliance with Annex B to this notice, the master of the ship in question shall notify immediately the person to whom that information was notified of any changes to that information.
- 4.9 The duties of shippers in relation to the information and declaration of Hazmat cargoes in preparation for them to be taken on board ship are set out in the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997, (S.I.1997/2367) as amended, and specified in part C of Annex B to this notice. Further guidance is given in the following Marine Guidance Notices on dangerous goods published by the MCA and available on the website at www.mcga.gov.uk.

- (a) The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (currently MGN 37)
- (b) Standard Format and Procedures for Ship Reporting, Including Reporting Incidents Involving Dangerous Goods, Marine Pollutants, Other Harmful Substances or Safety (currently MGN 242)
- (c) Dangerous Goods - Guidance in the Carriage of Packaged Dangerous Goods on Offshore Supply Vessels (currently MGN 282)
- (d) Dangerous Goods - Guidance on the Back Loading of Contaminated Bulk Liquids from Offshore Installations to Offshore Supply/Support Vessels (currently MGN 283).

5. Exemptions and Scheduled Services

5.1 The Secretary of State may exempt ships on scheduled services from the requirement to make notifications prior to entry into port and notifications of dangerous or polluting goods carried on board, subject to their meeting conditions specified in the Regulations. Ships on scheduled services should apply to the MCA Navigation Safety Branch, at the address given at the end of this notice, for such an exemption. Full details are contained in MGN 438.

6. Reporting of incidents and accidents at sea

6.1 The Regulations require the reporting, without delay and by the quickest means possible, of the information within Annex C, in accordance with the standard reporting requirements referred to in IMO Resolution A.851 (20) when a ship is involved in any of the following events:

- a) any accident or occurrence affecting the safety of the ship including collision, running aground, damage, malfunction or breakdown, flooding or shifting of cargo, any defect in the hull or structural failure.
- b) any incident which compromises shipping safety, including 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 pollution event likely to result in the pollution of UK waters or the coastline of the UK.
- d) any slick of polluting materials and containers or packages seen drifting at sea.
- e) any discharge or probable discharge of dangerous packaged goods

6.2 Sending of reports:

For ships within UK controlled waters;

- a) Reports should be sent to Her Majesty's Coastguard responsible for the area in which it occurred.

For UK ships outside UK controlled waters;

- b) Where the event is a threat to the coastline, or related interest of the United Kingdom, reports shall be sent to Her Majesty's Coastguard responsible for the area in which it occurred;
- c) Where the event is a threat to the coastline, or related interest of another State, reports shall be sent to the State in question. (*Other EU Member States are obliged by the Directive to implement similar legislation and will require similar reporting requirements, details of which will be reproduced in the Admiralty List of Radio Signals Volume 6*).

6.3 The standard format and procedures for ship reporting are described in MGN 242 (M+F).

6.4 The Regulations do not change The Merchant Shipping (Accident Reporting and Investigation) Regulations 2005 (SI 881), as amended, which continue to give effect to reporting obligations contained in Directive 2009/18/EC of the European Parliament and the Council of 23rd April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and whose sole objective (of a

safety investigation into an accident under these Regulations) shall be the prevention of future accidents through the ascertainment of its causes and circumstances.

- 6.5 The Regulations do not change the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 (S I 1995/2498), as amended, which continue to give effect to reporting obligations contained in the MARPOL Convention and in the SOLAS Convention relating to the notification of dangerous and polluting goods and the reporting of incidents and accidents at sea for those ships within the scope of the Regulations.
- 6.6 Ships carrying dangerous goods or harmful substances in packaged form must have a manifest or a special list or stowage plan on board. This document must list the dangerous goods and harmful substances in packaged form on board, and give their location (and, for dangerous goods only, their classification).
- 6.7 The manifest, special list or stowage plan must be made available, before departure, to the person or organisation designated by the Port State. When the ship has harmful substances in packaged form on board, the owner (or a representative) must retain a copy of the document on shore until they are unloaded.

More Information

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MCA Website Address: www.mcga.gov.uk

File Ref: MNA 139-016-004

Published: November 2011
Please note that all addresses and telephone numbers are correct at time of publishing



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Printed on material containing minimum 75% post-consumer waste paper

*An executive agency of the
Department for
Transport*

Annex A

Information to be notified in accordance with Regulation 5 (Notification prior to entry into port)

A. General information:

- (a) ship identification (name, call sign, IMO identification number or MMSI number);
- (b) port of destination;
- (c) the estimated time of arrival at the port of destination, or if required by the authority of the port in question, the pilot station for that port;
- (d) the estimated time of departure from the port of destination referred to in subparagraph c; and
- (e) the total number of persons on board the ship.

Annex B

Information to be notified in accordance with 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.

Please note that the cargo information (Section B) should be provided in a consolidated document(s), inclusive of the address (c) and a declaration that the manifest is onboard (b).

Declaration to be delivered by the Shipper in accordance with Regulation 10 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997, (S.I.1997/2367) as amended

C. Requirements concerning the transport of dangerous goods:

- (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) for the 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.286(86);

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

Annex C

Information to be notified in accordance with Regulation 12 (Reporting of incidents and accidents at sea)

A. When a ship, within controlled waters, is involved in an accident, incident, a discharge or probable discharge or a pollution event likely to result in pollution of UK waters or the coastline of the UK the report should contain the following information:

- (a) the identity of the ship;
- (b) the position of the ship;
- (c) the last port from which the ship departed;
- (d) the next port of call;
- (e) the number of people aboard the ship;
- (f) the date on which, and the time at which, the accident, the incident or the polluting event, as the case may be, occurred;
- (g) details of the accident, the incident or the polluting event, as the case may be;
- (h) the name of the body or person from whom information regarding any dangerous goods or polluting goods on board the ship may be obtained together with the necessary information to enable that person or body, as the case may be, to be contacted.

B. If a slick of polluting goods or containers or packages drifting at sea are seen from a ship in controlled waters, the report should contain the following information:

- (a) details of the sighting;
- (b) the information specified in paragraph A(a) and A(b); and
- (c) any other relevant information referred to in IMO Resolution A.851(20) adopted by the Assembly of the IMO on 27th November 1997.

C. When a UK ship outside controlled waters is involved in an accident, incident, a discharge or probable discharge, or a pollution event; **or** a ship is involved in a discharge or probable discharge of dangerous packaged goods;

which are likely to be a threat to the coastline or related interest of the United Kingdom or another Coastal State, the report should contain the following information:

- (a) the identity of the ship;
- (b) the time and location of the incident;
- (c) the quantity and type of dangerous goods involved and;
- (d) details of assistance and salvage measures.

Note: The master shall also ensure that reports shall comply, as to form and content, with the standard reporting requirements.