

Document Approval

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Quality control by:	EMSA		
Approved by:	SSN group	18-10-2012	

Distribution List

Company	Name	Function	For Info / Approval
SSN Group			Approval

Change Control History

Version	Date	Last approval	Description
1.6	12-11-2010		Final version. To be published to the Member States
1.7	11-01-2011		SSN group comments from workshop 16
1.8	29-03-2012		Final version. To be published to the Member States.
1.81	12-04-2012		Correction to the Annex section 4.6 and to the Appendix 8
1.91	12-09-2012		Final version. To be published to the Member States
2.0	XXXXXXXX		Amendments following the XMLRG 2.07 and the link between SSN and CECIS. Inclusion of further guidance/examples supporting the Incident Report exchange.

Document information

Creation file	29/01/2015
Filename	Incident Report guidelines v2.0
Location	http://www.emsa.europa.eu/ssn-main/documents.html
Number of pages	47

Table of Contents

1. Introduction	4
1.1. Background	4
1.2. Purpose of the document	4
1.3. Audience	5
2. Legal Background	6
2.1. Introduction	6
2.2. Which is the area to be considered by ships' masters to report incidents?.....	7
2.3. How is the shipping industry informed about the reporting areas?	7
2.4. For which ships should Incident Reports be sent?	8
2.5. What types of Incident Reports should be submitted?	8
2.6. Which authorities may be responsible for sending Incident Reports?	10
3. Principles on Incident Reports sharing	12
3.1. Distribution of Incident Reports.....	12
Conditions for distributing Incident Reports	12
Distribution of the Incident Report along the planned route	13
Examples of when Incident Reports should be distributed to other Member States .	14
3.2. Incident Reports to be notified to SSN (not distributed to Member States).....	14
Background information	14
Reports to be notified to the central SSN system	15
Reports notified on a voluntary basis	15
4. Incident Reports Functionalities in SSN	16
4.1. General overview of SSN functionalities	16
4.2. Incident Report provision	16
4.3. IR retrieval	18
4.4. Incident Report Distribution	18
4.5. Recommendation for data providers	19
5. Operational benefits of exchanging Incident Reports	20
5.1. General benefits.....	20
5.2. Benefits of "distributed" Incident Reports	20
5.3. Benefits of Incident Reports notified only to the central SSN system	21
5.4. Benefits of providing feedback	22
Annex 1 - Examples per type of Incident Report	23
1. Incident reports related to the safety and seaworthiness of the ship (Article 16.1.a of Directive 2002/59/EC) - Incident type SITREP	23
2. Incident reports related to the environment (Article 16.1.b and Article 16.1.a of Directive 2002/59/EC) – Incident Type POLREP.....	24
3. Incident reports related to the environment (Article 11.2.d and 12.3 of Directive 2000/59/EC) – Incident type WASTE	28
4. Lost and Found Objects Incident Report (Article 17.1.d of Directive 2002/59/EC)	30
5. Ships which fail to comply with the reporting requirements of Directive 2002/59/EC (Article 16.1.a 2nd bullet point of Directive 2002/59/EC) – Incident type FAILED NOTIFICATION	30
6. Ships failed to comply with the applicable rules in ships' routing systems and VTSS operated within the responsibility of a Member State (Article	

16.1.a, 3 rd bullet point of Directive 2002/59/EC) – Incident type VTS RULES INFRINGEMENT	31
7. Ships refused access to ports of Member States or which have been the subject of a report or notification by a Member State 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 on Port State Control of shipping (Article 16.1.c of Directive 2002/59/EC) – Incident type BANNED SHIP	32
8. Ships failed to notify, or do not have, insurance certificates or financial guarantees (Article 16.1.d of Directive 2002/59/EC) – Incident type INSURANCE FAILURE.....	33
9. Ships reported by pilots or port authorities as having apparent anomalies which may prejudice their safe navigation or create a risk for the environment (Article 16.1.e of Directive 2002/59/EC) – Incident type PILOT OR PORT REPORT	34
10. Others incident reports.....	35
Appendix 1 “SITREP” form	36
Appendix 2 “POLREP” form	38
Appendix 3 “Failed Notification” and “VTS Rules Infringement” forms	41
Appendix 4 Form for reporting the results of inspection or verification.....	42
Appendix 5 “Waste Incident Report” form.....	43
Appendix 6 “Lost and Found Objects” form	44
Appendix 7 “Insurance Failure”.....	45
Appendix 8 “Pilot or Port Report”	46
Appendix 9 “Others” incident report.....	47

Figures

Figure 1 – SAR and EEZ of Poland.....	7
Figure 2 – Example of a drifting object	9
Figure 3 – Example of the distribution of Incident Reports between Member States	13
Figure 4 – Example of a collision	20
Figure 5 – Decision making process to report POLREP in SSN	25
Figure 6 – Example of unambiguous correlation between the possible oil spill/discharge and the ship track.....	27
Figure 7 – Photo taken by an air patrol craft of an oil spill and the correspondent satellite image from CSN	28
Figure 8 – COLREG infringement in a TSS (ship making way against the main traffic flow)	32
Figure 9 – Message displayed in the SSN web interface when sending a notification for a “banned” ship. The same text is included in the status message of the SSN receipt when the notification is sent via XML	33

1. Introduction

1.1. Background

Following the loss of the tanker Erika off the French coast in 1999, the European Union adopted several directives aiming at preventing both accidents at sea and pollution by ships. Directive 2002/59/EC adopted by the Parliament and the Council on 27 June 2002, as amended by Directives 2009/17/EC, 2009/18/EC, 2011/15/EU and 2014/100/EU established a Community 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".

SafeSeaNet (SSN) is the Union maritime information and exchange system developed by the Commission and the Member States to ensure the implementation of Community legislation and enables the "receipt, storage, retrieval and exchange of information for the purpose of maritime safety, port and maritime security, marine environment protection and the efficiency of maritime traffic and maritime transport". This information is received in AIS based position messages (sent by vessels) and notification messages (such as pre-arrival, estimated time of departure, actual time of arrival, and departure, dangerous or polluting goods – HAZMAT - and Incident Report notifications), which are sent by designated authorities in participating countries. Through SSN, this information is centralised in a single European platform.

These guidelines focus specifically on Incident Reports and are a living document to be updated or upgraded whenever so considered by the SSN group.

1.2. Purpose of the document

The purpose of the Incident Reporting Guidelines is to provide information and advice to SSN users in Member States and participating EFTA States (hereafter referred to as "users") on how and when to report and share, through SSN, information on incidents and accidents. This will enable harmonisation of the procedures between users in accordance with the requirements of Directive 2002/59/EC, as amended. Legal references to other applicable EU legislation are mentioned in the relevant sections. The guidelines also make clear the benefits accrued as a result of users sharing such information.

The guidelines clarify the procedures for exchanging information on maritime incidents and accidents, including:

- what information should be shared;
- who is responsible for the transmission of such information;
- the geographical areas of responsibility of Member States;
- to whom the information should be transmitted;

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- which vessels should be reported and when.

The document provides guidance for local and national authorities on incident reporting and dissemination of information to relevant parties, and explains the main challenges and opportunities relevant to these processes. The document does not introduce any additional reporting requirement for ships not already under such obligation according to the Directive 2002/59/EC, as amended, or under other relevant EU legislation.

1.3. Audience

Member States should carefully take into account the guidelines when planning, implementing and operating incident-related services (in accordance with Directive 2002/59/EC, as amended, and to other relevant EU legislation).

The guidelines are intended primarily for use by maritime authorities at national and local levels, including but not limited to:

- National Competent Authorities (NCAs) responsible for the implementation of incident reporting;
- national SSN users;
- maritime offices at local and regional level;
- coastal stations, such as the following:
 - o Vessel Traffic Services (VTS).
 - o Coastal stations associated with Mandatory Ship Reporting Systems (MRS).
 - o Search and Rescue (SAR) coordination centres.
 - o Maritime Assistance Services (MAS).
 - o Counter-pollution Services.
- port authorities, and;
- Port State Control (PSC) officers.

The guidelines may also be of interest to officials and staff in governmental bodies which deal with the broader aspects of maritime affairs, including sectors such as transport, environment, labour and commerce. They may also be of use to those in non-governmental and inter-governmental organisations with an interest in incidents and accidents occurring at sea and how the associated data is collected, processed, and used.

2. Legal Background

2.1. Introduction

The legal basis for the exchange of Incident Reports is found in Directive 2002/59/EC, as amended. In particular:

- a. Article 2 defines the scope of the Directive and the vessel categories to which it applies;
- b. Article 16.1 sets out the criteria for ships considered as “posing a potential hazard to shipping or a threat to maritime safety, the safety of the individuals or the environment”;
- c. Article 16.2 states that coastal stations holding information on such ships shall communicate it to other coastal stations located along the planned route of the ship;
- d. Article 16.3 defines the obligations of the Member States receiving information pursuant to Article 16.2, and requires that they inform all Member States concerned of the results of any inspection or verification taken;
- e. Article 17.1 defines which types of incidents and accidents at sea must be reported by the master of a ship sailing within the search and rescue region (SAR) or exclusive economic zone (EEZ), or equivalent, of a Member State;
- f. Article 17.2 identifies the minimum information that masters are required to provide in order to comply with Article 17.1;
- g. Article 21.2 expands the notifying requirements of Article 16, by requesting Member States to provide, upon request, information received in accordance with Article 17 to the competent authority of another Member State (at any time, for safety purposes);
- h. Article 21.3 states that Member States shall take the appropriate measures to inform other interested Member States of factors which involve or increase the risk to their shipping areas or coastal zones. Also, that Member States should fully use the reports that ships transmit to them in compliance with Article 17.1;
- i. Article 22 refers to the designation and publication of the list of competent bodies to which notifications (incident reports) must be made;
- j. Annex III point 3 provides that electronic messages in accordance with this Directive and other relevant EU legislation shall also be exchanged through SSN.

The Directive can be downloaded at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2002L0059:20110316:EN:PDF>

In addition, Article 12.3 of Directive 2000/59/EC as amended on port reception facilities for ship-generated waste and cargo residues (PRF Directive) provides a legal basis to exchange information regarding the identification of ships which have not delivered their ship-generated waste and cargo residues in accordance with the PRF Directive (see Annex section 2.2).

Furthermore, Article 11.2.d points out that if a ship has proceeded to sea without having complied with art 7 or 10, the competent authority of the next port of call shall be informed.

The text of the Directive, as amended, can be downloaded at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2000L0059:20081211:EN:PDF>

2.2. Which is the area to be considered by ships' masters to report incidents?

According to Article 22.2 of Directive 2002/59/EC, as amended, Member States should define the geographical area and the designated coastal stations to whom the reports should be made.

Masters of ships sailing within the SAR area **and/or** EEZ (or equivalent) of a Member State must send Incident Reports to the coastal station responsible for that area should their ships be involved in an accident or incident. For example, Figure 1 illustrates the SAR and EEZ of Poland:

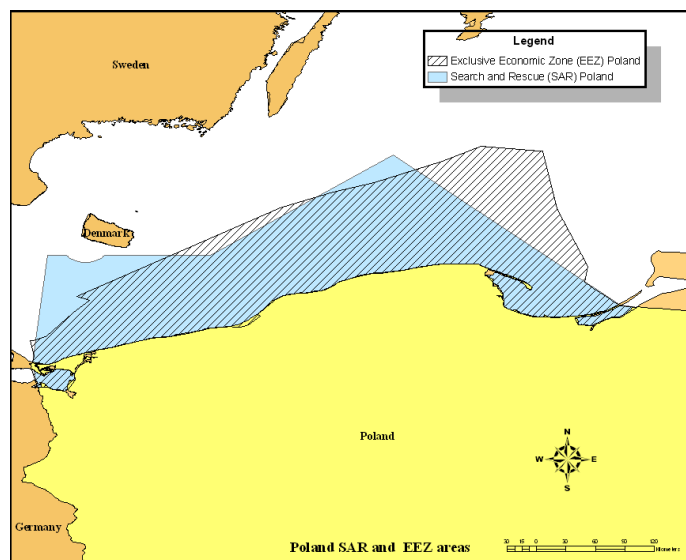


Figure 1 – SAR and EEZ of Poland

2.3. How is the shipping industry informed about the reporting areas?

After defining the reporting area, Member States should, in accordance with Article 22(2) of Directive 2002/59/EC, as amended, inform the shipping industry (masters, agents and

operators etc.) of the boundaries of the reporting areas through the appropriate nautical publications.

2.4. For which ships should Incident Reports be sent?

In principle, Incident reports should (according to Article 2 of Directive 2002/59/EC, as amended) be sent for ships of 300 gross tonnage and upwards excluding:

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

Waste incident reports should, according to article 11.2 of Directive 2000/59/EC, be sent for ships, other than fishing vessels and recreational crafts, authorised to carry no more than 12 passengers. However, waste incident reports may also be sent on voluntary basis for any ship, irrespective of their flag, calling at, or operating within, a port of a Member State, and acting in infringement of Directive 2000/59/EC which could affect the maritime environment for a Member State along the planned route of the ship concerned.

Waste incident reports should not be sent for any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

In case a ship fails to notify hazmat information, an Incident Report should be sent irrespective of the size of the ship.

2.5. What types of Incident Reports should be submitted?

The incident types that should be reported to SSN may be found in Article 16 and 17 of Directive 2002/59/EC, as amended. An Incident Report should be generated in the following cases:

- a. Reports related to ship safety and seaworthiness: safety-related incident reports according to Article 16.1.a as described in Article 17.1.a and 17.1.b (SITREP Incident Report).
- b. Pollution reports: POLREP Incident Reports should cover any situation that is liable to lead to the pollution of the waters or coastline of a Member State or for reporting those ships for which where there is proof or presumptive evidence of a deliberate illegal discharge as described in Article 16.1.b¹. For example, the discharge or threat of discharge of polluting products into the sea, or any slick of polluting materials seen drifting at sea that is covered by Article 16.1.a 1st bullet point, as described in Article 17.1.c and 17.1.d.

¹ Following the decision taken at HLSG10 (December 2013), POLWARN and POLINF messages must be exchanged via SSN whereas POLFAC will be notified through the Common Emergency Communication and Information System (CECIS). Additional clarification is provided in the Annex 1, point 2.

- c. Reports on containers or packages seen drifting at sea as described in Article 17.1.d (Lost and Found objects Incident Reports).



Figure 2 – Example of a drifting object

- d. Ships which have failed to comply with the notification and reporting requirements of Article 16.1.a 2nd bullet point ("Failed notification" Incident Report). Only cases which are relevant to other Member States should be reported.
- e. Ships which have failed to comply with the applicable rules in ship routing systems and VTSS that are within the responsibility of a Member State, in accordance with Article 16.1.a 3rd bullet point ("VTS rules infringement" Incident Report). Only cases which are relevant to other Member States should be reported.
- f. Ships which have been refused access to ports of 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 on port State Control of shipping, as described in Article 16.1.c ("Banned ship" Incident Report).
- g. Ships which have failed to notify that they have, or do not have, insurance certificates or financial guarantees required under Community legislation and/or international rules in accordance with Article 16.1.d ("Insurance failure" Incident Report).
- h. Ships which have been reported by pilots or port authorities as having apparent anomalies which may prejudice their safe navigation or create a risk for the environment in accordance with Article 16.1.e ("Pilot or port" Incident Report).

Information of ships which have not delivered their ship-generated waste and cargo residues should be sent through SSN, in accordance with Article 12.3 of Directive 2000/59/EC as amended on port reception facilities for ship-generated waste and cargo residues ("Waste" Incident Report).

Besides, the Incident Report type "others" can be notified to report:

- a. the above incident report types d), e), f), g), h) and the actions undertaken following Article 16.3 of the Directive 2002/59/EC as amended (e.g. results of

inspections) for national SSN systems compliant to the previous Incident Report protocol² and;

- b. other situations potentially posing a potential hazard to shipping or a threat to maritime safety, the safety of individuals or the environment that Member States wishes to share on a voluntary basis.

Furthermore, Member States should notify feedback on a previously sent Incident Report in the following cases:

- a. To report the result of inspections or verifications carried out in compliance with article 16.3 of Directive 2002/59/EU. Feedback should be distributed via SSN to:
 - i. the initial data provider;
 - ii. the flag State (if the ship flies an EU flag); and
 - iii. the Member States that might be concerned by this information.
- b. To report additional information about the incident/accident if the data provider is different than the originator.

The operational benefits for sharing feedback are provided in the chapter 5.4.

Feedback on Incident Reports can be reported via the new Incident Report protocol (additional explanation about such functionality is in Chapter 4). National systems compliant to the previous protocol should use the form "others" in Appendix 4 to enable the exchange of information required by Article 16.3.

Further clarification and examples for each incident report type are included in Annex 1.

2.6. Which authorities may be responsible for sending Incident Reports?

The authorities responsible for sending Incident Reports are not regulated by Directive 2002/59/EC, since they vary and depend on the organisation and structure of services provided in individual Member States. An indication of the possible authorities involved is provided below:

- For the incidents relating to Article 16.1.a, 1st bullet point (e.g. collision, containers overboard etc) the responsible authority could be an MRCC, a VTS or a MRS authority receiving information on accidents or incidents affecting or compromising shipping safety.
- With respect to incidents relating to Article 16.1.a, 3rd bullet point (e.g. ship not reporting in a VTS area), the responsible authority could be a VTS.

² National SSN systems compliant to the previous Incident Reports protocol (before SSN XML Reference Guide 2.07) do not provide specific incident types for d) to h), therefore these incidents reports should be reported through the type 'others' above.

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- With respect to incidents relating to Article 16.1.b (e.g. oil spills), as well as the waste Incident Reports, the responsible authority could be a counter-pollution service, a MRCC, a PSC office or a port authority.
 - For incidents relating to Article 16.1.c, the responsible authority could be a PSC office or any coastal station detecting such a ship (banned or subject of a report or notification by a Member State).

3. Principles on Incident Reports sharing

Once decided that an Incident Report has to be submitted to SSN, the question is how it should be shared with other SSN users. This section explains this process within SSN.

Incident Reports can be **distributed** to the relevant Member States by sending a specific message to a list of specified Member States or they can simply be **notified** to SSN central system in order to be placed in the accidents and incidents database which is available to SSN users on request.

In accordance with Article 14 "Computerised exchange of data between Member States," data exchange must be electronic and communication systems must allow information to be transmitted 24 hours a day.

The authority responsible for sending an Incident Report (see example in section 2.6) has to decide how to share it with the other relevant Member States considering the nature of the report.

3.1. Distribution of Incident Reports

Conditions for distributing Incident Reports

In accordance with Article 16.2 of Directive 2002/59/EC as amended, reports on incidents or accidents which may affect maritime safety or the environment, should be "distributed" to "Member States located along the planned route of the ship." The SSN Group agreed that "the ship" must:

- be underway;
- have at least declared its intention to sail, or;
- have been authorised to sail.

Moreover, the destination must be known (or at least a waypoint destination as defined in the SSN LOCODE Guidelines³). This type of distribution can be considered as serving the purpose of "warning" the relevant parties.

In addition to the above, the Incident Reports should be distributed to the flag State (if the vessel is flying an EU flag). It is also important to note that the status of an incident, and the associated Incident Report, can change if a Member State authority has the opportunity to assess or inspect a ship. For example, an incident may occur at sea in circumstances when an Incident Report would normally be sent, but after an inspection of the ship, it is found that the problem has already been solved, or that it is not as serious as initially assessed. The deciding factor should always be whether the incident could potentially have an effect on shipping safety in the waters of other Member States.

³ Available at <http://www.emsa.europa.eu/ssn-main/documents.html>

Distribution of the Incident Report along the planned route

Before Incident Reports are distributed, Member States should assess whether or not the information is relevant to the potential recipients. Only in those cases where the ship is posing, or could potentially pose, a potential hazard to shipping, or a threat to maritime safety, the safety of the individuals or the environment, an Incident Report should be distributed. The assessing authorities of the Member States are encouraged to lay down a procedure for assessing and distributing the Incident Reports in a consistent manner. The excessive, or unnecessary, distribution of Incident Reports may undermine the purpose of disseminating this information, as too many warnings could have a contrary effect.

Whenever an accident or incident occurs, the authorities should communicate the ship deficiencies affecting the safety of the ship to those Member States' NCAs along the planned route of the ship.

Figure 3 shows an example of the distribution of an Incident Report for a vessel sailing from Lisbon to Amsterdam. An accident or incident occurs off Portugal. The Portuguese Authorities should communicate the ship deficiencies affecting the safety of the ship to those Member States along the planned route of the ship. The Incident Report should be communicated to the NCAs of Spain, France, Belgium, the Netherlands and the UK. If the vessel is flying, for example, the Finnish flag, the message should also be communicated to Finland. The notified Member States are shown in yellow in the figure, with the location of the accident and the destination port indicated in red.

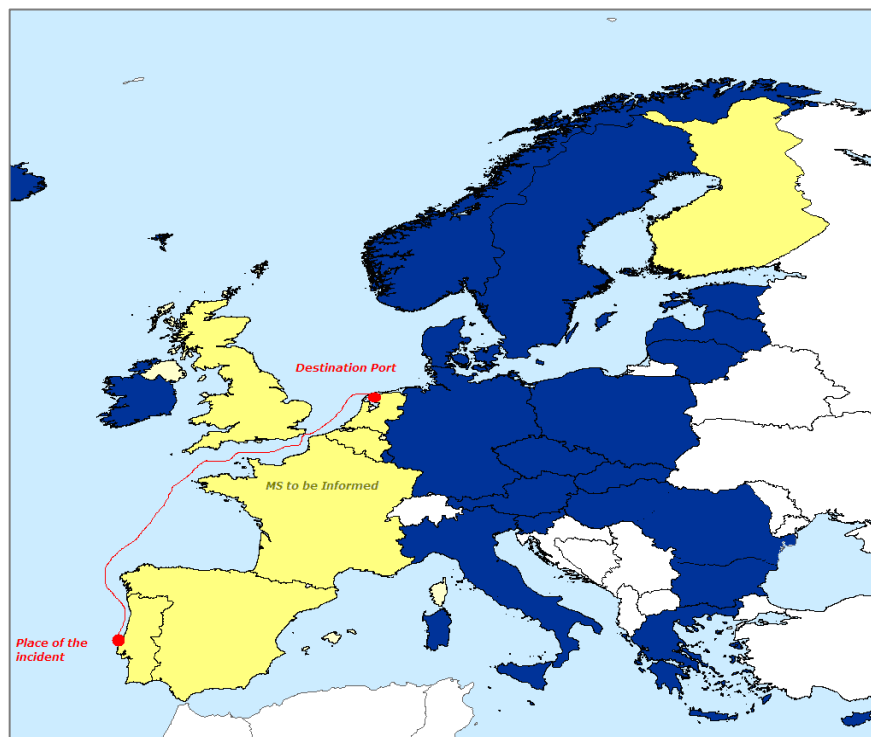


Figure 3 – Example of the distribution of Incident Reports between Member States

Examples of when Incident Reports should be distributed to other Member States

The following are examples where Incident Reports should be distributed:

- a. Two ships collide at sea, and after being inspected by the crew, one resumes its voyage. Whatever the ship reports to the coastal station, Member States along the planned route should be notified that the ship is approaching their waters, and that it was involved in a collision.
- b. A ship reports that it has a list as a result of cargo shift due to bad weather (grain, loss of containers, etc.). Should the ship continue its voyage, the Member States along its planned route should be informed.
- c. A Member State detects a ship that is causing pollution at sea (oil pollution is confirmed and the identification is unambiguous). Again, the ship should be reported to the Member States along its planned route.
- d. While transiting a declared VTS area, a ship behaves in a way which may compromise maritime safety (infringes the COLREG's, or does not report to, or reply to, calls from a coastal station, etc.). Such a ship should also be reported to the Member States along its planned route.
- e. A ship reports that it is using its emergency steering gear and requests to be given a wide berth. Member States along its route should be informed, as the situation is likely to seriously affect the ship's manoeuvrability.
- f. A Member State allows a ship to leave a port in order to proceed to a shipyard to carry out further repairs after an accident. Again, Member States on the route should be informed of the ship's deficiencies.
- g. Incident Reports concerning defects affecting shipping safety and only partially solved should be distributed to inform the affected Member States along the planned route of the ship.

Only in exceptional cases should an Incident Report be distributed to all Member States, for example, when the destination is unknown. Examples are: detained ships leaving port without authorisation; identified, confirmed polluters; ships which, after a collision with another ship, do not report or stop at the request of the coastal state, etc.

3.2. Incident Reports to be notified to SSN (not distributed to Member States)

Background information

Pursuant to Article 21.2 of Directive 2002/59/EC as amended, any information received by the competent authority in accordance with Article 17 shall, upon request, be provided to other competent authorities for safety reasons, at any time. In support of this objective, SSN contains a repository of Incident Reports where all the messages notified by Member States are indexed and made available upon request. Incident Reports that are not distributed are primarily for "information" purposes, and are typically used for consultation, risk assessment and tracking of incidents for a particular ship, etc.

As indicated in section 3.1.1, the status of an incident, and the associated Incident Report, can change, if the Member State concerned has the possibility to carry out an assessment or inspection in order to verify whether the safety of the ship may be affected or shipping safety may be compromised.

Reports to be notified to the central SSN system

There are reports that should be notified to the central SSN system without being distributed to other Member States. Examples of such reports concern:

- a. Incidents occurring at sea which could affect shipping safety, but not along the planned route of the ship. For example, a ship reports that it is adrift at sea because of an incident such as a system failure (with the exception of planned repairs/maintenance) e.g. steering gear, propulsion system or electrical generating system. Even if the ship confirms that the problem has been completely solved, and that it has resumed its voyage, this information should be reported to the central SSN system so that other Member States could retrieve information about the event. If the problem has only been partially solved, or if it remains unsolved and the ship needs support, towing assistance, etc, a report should be distributed to inform the Member States along on the planned route of the ship (as described in section 3.1).
- b. Incidents occurring in port areas which could affect shipping safety, for example, capsizes, collisions, contacts, fires/explosions or system failures (with the exception of planned repairs/maintenance) e.g. steering gear, propulsion or electrical detected during ship operations in port. After repairs have been carried out, these incidents should still be reported to the central SSN system in case there could still be an effect on the safety of the ship or shipping safety in general.
- c. Oil pollution reported by ships during bunkering operations, which is restricted to the waters of the Member State concerned.
- d. Incidents where ships pollute port areas and/or waters where other Member States will not be affected.
- e. Unconfirmed pollution (pollution of significant areas should be confirmed as soon as possible and notified if applicable).

Reports notified on a voluntary basis

Some reports received from ships, ports or relevant authorities may be notified to SSN on a voluntary basis. Examples of such reports concern:

- a. Minor incidents occurring during normal ship operations while anchoring, berthing or entering locks;
- b. Incidents affecting ships only engaged in domestic voyages;
- c. Ships which may be adrift for planned maintenance (e.g. change of filters).

4. Incident Reports Functionalities in SSN

4.1. General overview of SSN functionalities

Member States can provide or retrieve Incident Report information through SSN using different protocols:

- Previous Incident Report protocol, providing basic functionalities;
- New Incident Report protocol, supporting more advanced functionalities⁴.

Full description of the Incident Report-related tools is included in the “User Interface Manual – Central SSN” available at:

<http://www.emsa.europa.eu/ssn-main/documents.html>

4.2. Incident Report provision

a. Update of an existing Incident Report (available in the new protocol)

The data provider should update an existing Incident Report to provide additional and more recent information depending upon the magnitude and evolution of the situation (e.g. more accurate information, new destination, etc.).

An update would increase the operational benefit of the information⁵, e.g. a POLREP could be updated and distributed as appropriate to notify that the oil spill already reported in SSN could affect another Member State following a change in the weather conditions.

This functionality offers advantages to both the data provider and the data recipient:

- The data provider can reduce the administrative burdens by amending an existing message instead of creating a new Incident Report from scratch.
- The data requestor can retrieve the most updated information in a single Incident Report instead of searching for several messages (e.g. initial message, 1st update, 2nd update etc.).

Specific access rights are enforced in SSN allowing only the original data provider to update an existing IR.

⁴ SSN users can also access the Central SSN web interface for providing/ retrieving/ distributing Incident Reports. This interface is compliant with the new protocol.

⁵ Member States using the previous protocol should keep updated the incident/ accident information by sending to SSN another notification when needed.

b. Deletion of an existing Incident Report (available in the new protocol)

The original data provider should delete an existing Incident Report if the notification has been provided by mistake.

Specific access rights are enforced in SSN allowing only the original data provider to delete an existing Incident Report.

c. Inclusion of a list of vessels in a single Incident report (available in the new protocol)

The data provider should include in a single notification the list of the vessels concerned by the accident/incident (e.g. in case of a collision between two vessels, the ship's details of both vessels should be included in the same SITREP).

This functionality offers advantages for both the data provider and the data recipient:

- The data provider can reduce the administrative burdens by sending a single notification instead of one message for each of the affected ships.
- The data requestor can retrieve the details of the concerned vessels in a single report instead of searching for several messages (e.g. SITREP "1" for ship "A" and SITREP "2" for ship "B" in case of a collision between vessels "A" and "B").

d. Creation/update/deletion of feedback (available in the new protocol)

As clarified in the previous chapter 2.5, feedback on IRs should be notified to report the result of inspections and/or to provide additional information about an accident/incident.

Specific access rights are enforced in SSN:

- All the authorised SSN users can create feedback on an existing IR.
- Feedback can be updated or deleted only by its originator.

e. Additional incident types (available in the new protocol)

The new Incident Report protocol introduces additional Incident Report types: "Failed Notification", "VTS Rules Infringement", "Banned Ship", "Insurance Failure" and "Pilot Or Port Report".

The operational benefit is to make the requestors and/or the recipients immediately aware about the type of event whereas in the previous protocol such types are included in the more general category "others".

f. Link different IRs related to the same accident/incident (available in the new protocol)

The data provider can link two or more IRs logically connected e.g. following the grounding of a ship and the subsequent detection of pollution from that vessel, the competent authority which notifies the POLREP to SSN has the possibility to associate such a report to the SITREP previously sent for the grounding.

The added value is that the POLREP requestors and/or recipients are made aware that a SITREP, including additional information linked to the accident, is available in SSN.

4.3. IR retrieval

Depending on the protocol which is used, the SSN system supports the retrieval of the following dedicated Incident Report information:

- last Incident Report for a selected vessel (available in both protocols);
- all the Incident Reports for a selected vessel (available in the new protocol);
- Retrieval of Incident Report of a specific type for a selected vessel notified to SSN (available in the new protocol);
- Retrieval of Incident Reports for ships bounding to / leaving from a specific port of call (available in the new protocol);
- Retrieval of a specific incident report (available in the new protocol).

4.4. Incident Report Distribution

a. Incident Report distribution via XML/web (available in the new protocol)

The data providers should distribute Incident Reports to the relevant Member States to comply with the legal requirements introduced by Articles 16.3 and 21.3 of Directive 2002/59/EC as amended.

In addition, data providers can request other Member States to carry out any appropriate inspection or verification as per Article 16.3 of the Directive 2002/59/EC through the Incident Report distribution process.

b. Consolidated distribution status presenting the distribution results (available in the new protocol)

This functionality informs the data provider on the successfulness of Incident Report distribution.

c. Incident Report distribution supporting a failure management tool (available in the new protocol)

Central SSN automatically warns via email the recipient and the relevant NCA24/7 in case of a failure in distributing Incident Reports.

Consequently, recipients will be aware of distribution issue via their SSN national system. Thus they will be able to retrieve the incident details through the central SSN web interface.

4.5. Recommendation for data providers

a. Attached documents

The central SSN replaces the “old” information with the “new” information following the update process. As a consequence, if an update of an Incident Report or a feedback includes an attached document, the previously sent attached document (if any) will not be any more visible.

Therefore, to avoid the loss of valuable information, the attached document in the update shall contain all the relevant data.

Example: a POLWARN is notified to SSN as an attached document. When the data provider updates the Incident Report with a POLINF as an attached document, the Central SSN replaces the POLWARN with the POLINF. To avoid the loss of the POLWARN section, the new attached document should contain both the POLWARN and the POLINF data.

b. Provision of the vessel details in the Incident Report

Users should include the vessel details (if known) in the Incident Report even if such details are provided as an attached document.

In this way the Central SSN can associate the report to the appropriate identified vessel(s) getting the following operational benefits:

- Data requestors querying the SSN system by vessel details (e.g. by IMO number or MMSI) will retrieve this report, and;
- SSN GI will enrich the AIS data of the concerned vessel(s) displaying the track(s) in red.

c. Positions

The SSN interface compliant to the new protocol offers the possibility to provide positions in 3 ways: “Latitude and Longitude”, “Position related to a mark” and “Area”.

The following recommendations are proposed:

- “Latitude/Longitude” is the recommended way of providing positions.
- “Position related to a mark” expresses the distance (in NM) and the bearing (degree notation from the true North) from a well-defined charted object (e.g. a fixed lighthouse).
- “Area” can be used to describe the affected sea area when a specific position is not available (e.g. an extended oil slick or a large dispersion of containers at sea).

5. Operational benefits of exchanging Incident Reports

5.1. General benefits

The main benefit and purpose of the exchange of Incident Reports among Member States is to receive an early warning regarding ships **“posing a potential hazard to shipping or a threat to maritime safety, the safety of individuals or the environment”**.

Thus, the distribution of the information, when relevant, will help in the decision making process in each Member State.

Also, Incident Reports can be used for routine operations. For example, a coastal station/port may use the information to verify (systematically, randomly or based on intelligence or other externally sourced information) the records of a ship which is expected to call/pass by within a few hours. The SSN web interface can provide a list of Incident Reports for a particular ship, which allows the generation of a basic risk profile.

5.2. Benefits of “distributed” Incident Reports

In certain situations it may be specifically beneficial to distribute an Incident Report to other Member States, since it may help to identify hazardous ships and take appropriate actions. Examples of such situations are as follows:

- a. A ship suffers a collision, but no on-board inspection could be carried out and the Member State decides to issue a SITREP. Having received the distributed SITREP, another Member State along the planned route of the ship may decide to contact the vessel to:
 - gather further information;
 - provide an escort or request the ship to be piloted or towed;
 - send an evaluation team aboard to assess the degree of risk;
 - restrict the movement of the ship and direct it to follow a specific course; or
 - instruct the master to put in at a place of refuge in the event of imminent danger (e.g. gale warning).



Figure 4 – Example of a collision

-
- b. A ship is reported for a serious breach of the International Regulations for Preventing Collisions (COLREGs), creating close quarter situations with other ships. Having received the distributed Incident Report, the coastal stations (VTSS) along the planned route of the ship will be aware of the behaviour and may apply their relevant procedures.
 - c. A ship is reported as a possible polluter. Having received a distributed POLREP, the destination authorities may board the ship to verify the accuracy of the records, the existence of residues (e.g. waste, oily water in the bilges), etc.
 - d. A ship spotting drifting objects has to report the relevant coastal station. This authority, in addition to the notice to mariners, should distribute via SSN such information as appropriate to the potentially concerned Member States. The added benefit of sharing this information is increased in the case of objects are carrying Hazardous and dangerous goods. In this case, counter pollution Authorities, once informed, might take actions to mitigate any further hazard to ships and environment.
 - e. As stated in the Guidelines on reporting Hazmat to SSN, Incident Reports should be notified in case of a failure in reporting Hazmat information. Having received the information that a vessel failed to report hazmat, the relevant Authority might perform additional inspections to the vessel when at port to verify the cargo on board.

5.3. Benefits of Incident Reports notified only to the central SSN system

Incident Reports that have only been notified to the central SSN system are searchable through SSN (directly through the SSN web interface or through national SSN systems) when requested, and may therefore be requested on a routine basis by responsible authorities of a MS. A coastal station may detect a number of possible anomalies in the way that a ship is behaving, and by requesting through SSN, previous Incident Reports can be provided for the ship. The knowledge of previous incidents may help to monitor hazardous ships and take the appropriate actions for the situation. For example:

- a. A ship sustains a technical failure. Having requested the Incident Report via SSN, it becomes apparent to the Member State authority that the ship has a record of recurrent engine or steering gear problems when entering or leaving port (e.g. a ship may have a "chronic" failure when going astern). This may lead the authority to request that the ship takes additional safety measures (use of tugs, checks prior to entering a port terminal, etc.).
- b. A ship intends to receive bunkers during a call at an EU port, and the responsible authority would like to know whether any incidents have been recorded for the ship in the past. The response highlights that, during recent bunkering operations in EU ports, the ship has spilled oil due to the lack of proper operational procedures, or due to the way in which operational procedures are applied on board. Considering the

facts, the responsible authority may take precautionary measures before allowing such an operation to take place.

- c. A ship has been involved in several incidents, such as collisions or groundings, and as a result, it may be considered as a potential threat to maritime safety, the safety of individuals or the environment. SSN makes this information available to Member State authorities on request. The authority concerned may decide to pay particular attention to such a ship and, if necessary, to request it to take additional safety measures.

5.4. Benefits of providing feedback

Feedback supports the reporting of actions undertaken by Member States in compliance with the Article 16.3 of Directive 2002/59/EC as amended.

In addition, authorised SSN users can provide further information on an existing Incident Report through the feedback and share this with other Member States. For example:

- a. A ship did not report when entering a VTS area of Member State "A". Through SSN, the competent authority confirmed that the ship is expected at Port "X" in Member State "B". An incident report type "VTS Rules Infringement" should be sent by Member State "A" and distributed to the coastal stations on the planned route of the ship. At the destination in Member State "B", the Member State decided to carry out an inspection. In addition to the ordinary PSC procedures, the findings may be reported to Member State "A" by sending a feedback on the existing IR.

Authorised SSN users of the new protocol can retrieve the Incident Report (VTS Rules Infringement) together with the feedback.

- b. A ship reports a fire on board in the Search and Rescue region of Member State "A". The fire has been controlled by the crew members and the vessel continues its voyage. The competent authority in Member State "A" notifies to SSN a SITREP and distributes it along the planned route of the ship. Member State "B", which received the distributed SITREP via SSN, decides to dispatch an aircraft for monitoring the vessel when crossing its Search and Rescue Region. Member State "B" gathers additional information about the damages and wishes to share it with other Member States. A feedback on the initial SITREP can be notified by Member State "B" and distributed.

Authorised SSN users of the new protocol can retrieve the Incident Report (SITREP) together with the feedback.

Annex 1 - Examples per type of Incident Report

1. Incident reports related to the safety and seaworthiness of the ship (Article 16.1.a of Directive 2002/59/EC) - Incident type SITREP

In SSN, a situation report (SITREP⁶) should be used whenever the maritime safety and/or the seaworthiness of a vessel have been compromised (including accidents). A SITREP type Incident Report message (see an example in Appendix 1) should be sent to SSN, when:

- ship's safety has been affected (due to collision, damage, flooding, cargo shift etc.);
- a ship reports failures which have affected its manoeuvrability or seaworthiness (including propulsion systems or steering gear, electrical generating system, navigation or communication equipment, etc.), and the ship is posing a potential hazard to shipping or a threat to maritime safety.

Some examples of practical cases when a SITREP incident report should be sent to SSN are provided below.

Example 1: Vessel runs aground

A vessel runs aground close to port A and is re-floated with assistance. A temporary repair is made and the ship is allowed to proceed to a yard (located in port B in a different country) where further repairs are expected to be carried out. A SITREP should be distributed by port A at the latest at the time of departure, communicating the information to Member States along the ship's planned route towards port B.

Example 2: Collision at sea

A collision occurs at sea and the Member State receives reports from both of the vessels involved. After the inspection of ship 1, minor damage is found and the Member State allows it to proceed to its destination. In such a case, a SITREP should be distributed to the countries along the planned route of ship 1.

Ship 2, which is engaged in domestic voyages only, has not suffered any serious damage, and no pollution has occurred. A SITREP may also be notified to SSN on a voluntary basis (as per section 2.3.2) so that the information related to the incident can be made available to other Member States upon request.

Example 3: Defects affecting ship's safety

During transit through a mandatory ship reporting system (MRS) or VTS area, a ship:

⁶ The SAR SITREP form is widely employed among rescue units, MRCCs and maritime authorities for reporting and coordinating accidents at sea. The SSN-group has produced a slightly amended form of SAR SITREP

-
- suffers several long power black outs or engine failures without any satisfactory explanation, or;
 - is found to be having difficulties in maintaining its heading, and is not able to provide a satisfactory explanation for erratic course keeping, or;
 - has serious difficulties in establishing radio contact, which is apparently caused by on board equipment deficiencies.

A SITREP should be sent to SSN and distributed to Member States along the planned route, if known, describing the circumstances so that the information can be made available to other Member States.

Example 4: Minor defects not affecting ship's safety

A vessel hits a jetty while manoeuvring to berth in a port in strong winds. After a thorough inspection by PSC Officers/Classification Society, it is found that the ship does not need to be repaired. A SITREP may be sent to SSN on a voluntary basis, so that the information related to the incident can be made available to other Member States upon request.

2. Incident reports related to the environment (Article 16.1.b and Article 16.1.a of Directive 2002/59/EC) – Incident Type POLREP

The pollution report (POLREP) is a widely employed form to exchange information with other interested parties whenever the environment is affected or is likely to be affected after a confirmed or possible spill or an illegal discharge. In that sense, POLREPs are split in 3 parts and can be used to warn (POLWARN), inform (POLINF) or exchange information on facilities and operations (POLFAC).

The HLSG agreed to create a link between SSN and the Common Emergency Communication and Information System (CECIS) to avoid double reporting in EU systems for matters related to pollution.

Following such agreement, POLWARN and POLINF messages will be notified in SSN whereas any request for international assistance (POLFAC) will be notified using CECIS.

The Central SSN will automatically “push” all the POLWARN/POLINF to CECIS when notified to SSN for both distributed and non-distributed incidents. Any update or feedback to the original message will be automatically “pushed” to CECIS. The data from SSN will be processed by CECIS and made available to its users.

As a consequence, Member States notifying Incident Reports via XML shall endeavour to send only POLWARN/POLINF to Central SSN⁷.

⁷ The POLFAC web form will be removed from the Central SSN textual interface.

According to Article 16.1.b Member States should report those ships for which there is proof, or presumptive evidence of deliberate illegal discharges (MARPOL infringements). Every Member State should carefully consider what legal proof or presumptive evidence needs to be provided for a ship to be considered as having deliberately discharged (e.g. oil in the sea). For each situation, Member States should assess the information they have gathered before sending a report. They should also interact closely with the relevant authorities of other Member States (e.g. the destination port to obtain any further information). Furthermore, Articles 6 and 7 of Directive 2005/35/EC describe the legal obligation that Member States have to inspect ships whenever there is a suspicion of pollution.

Therefore, the POLREP can be used, either to report pollution to those Member States that may be affected (as per art 16.1.a), or to report ships for which there is presumptive evidence of deliberate illegal discharges (as per art 16.1.b) to the Member States along its planned route.

The decision making process to report a presumptive illegal discharge is presented below:

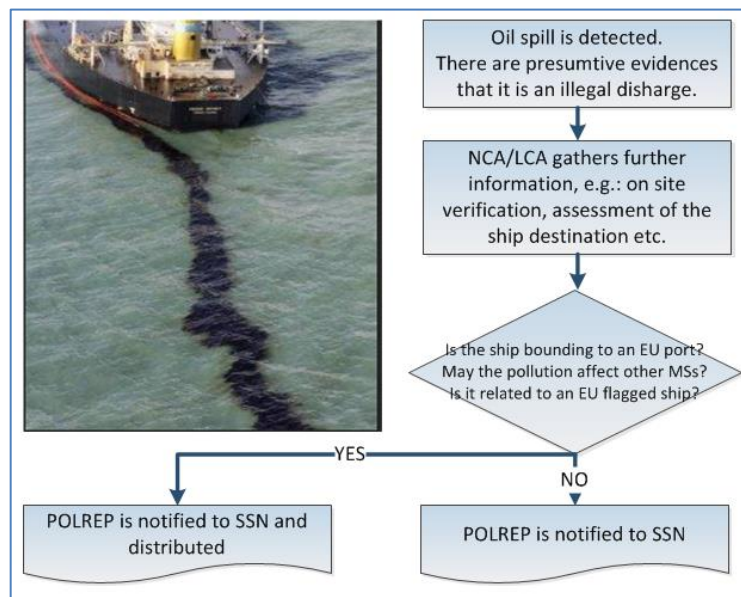


Figure 5 – Decision making process to report POLREP in SSN

An example of a POLREP is shown in Appendix 2.

Example 1: Accidental discharge at port

A ship engaged in domestic voyages runs aground when entering a port and an oil slick results. The pollution is initially controlled locally by the port, but due to strong winds, the spill drifts and there is a risk that it may affect the waters of other Member States. A POLREP should be sent to the Member States that may be affected.

Example 2: Accidental discharge at sea

During the bunkering operations of a ship at sea, an oil leakage occurs due to the overflow of fuel oil from the tank vent pipe, and an oil slick is detected on the sea surface. The ship reports the accident to the nearest coastal station and both ships carry out cleaning operations. The pollution is resolved without any further implications for the environment and the ship continues its voyage towards a port in another MS. In such a case, an Incident Report should be notified to the central SSN system.

Example 3: Deliberate oil discharge

A ship deliberately discharges oil residues (there are presumptive evidences such as photographs taken plus the confirmation from a patrol boat of the discharge being mineral oil) during its transit off the coastline of a Member State, and within its SAR region. Regardless of the actions taken to detect and respond to the pollution, a POLREP should be forwarded to the Member States along the planned route of the ship.

Example 4: Discharge of cargo residues

An environmental patrol flight reports a vessel which is discharging cargo residues, other cargo associated waste or garbage. A POLREP should be sent to the central SSN system for distribution to the relevant Member States along the planned route of the ship (if known). The notification should contain any relevant information on the ship, its location and the cargo.

Example 5: Confirmed CleanSeaNet (CSN) oil spill

A POLREP may also be notified following the detection and correlation of pollution by the CleanSeaNet (CSN) satellite-based pollution monitoring system. The following example defines a possible case.

A spill is spotted by CSN and is confirmed by on-site verification by an air patrol craft as being mineral oil. The spill is correlated without ambiguity with a vessel and should be reported to SSN using a POLREP⁸.

⁸ To be noted that the POLREP does not exempt the CSN users to provide CSN feedback.

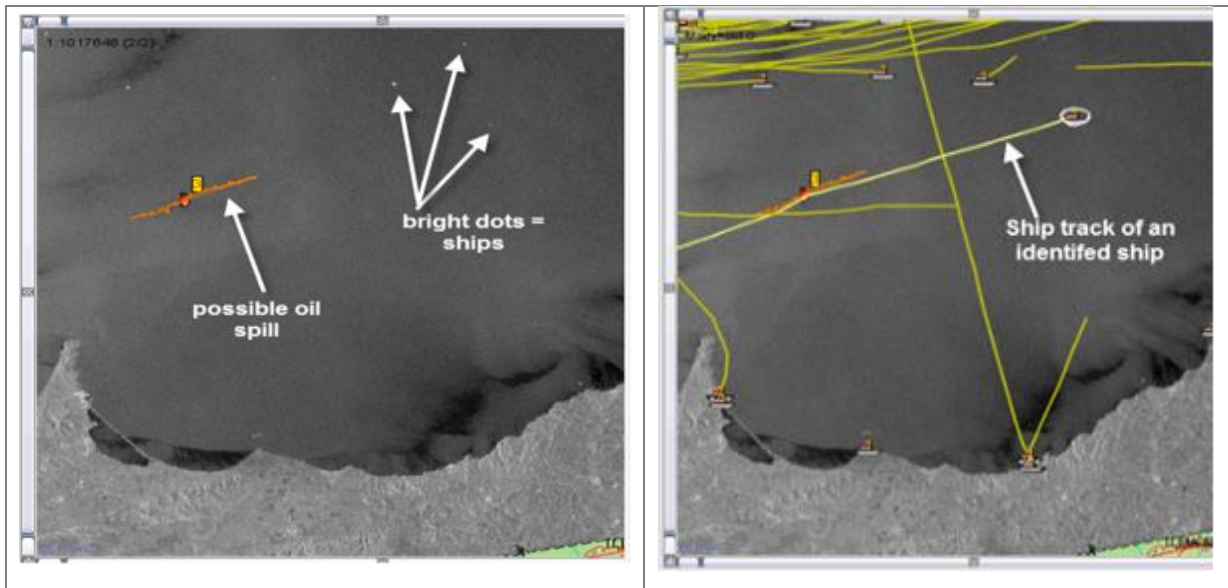


Figure 6 – Example of unambiguous correlation between the possible oil spill/discharge and the ship track

POLREP type Incident Reports issued in cases such as those in examples 3, 4 and 5, shall be distributed to the Member States along the planned route of the vessel when applicable. For example, if there is evidence that a ship has polluted at sea and its destination is known (reported by the ship itself, based on SSN information, etc.), the Member State issuing the POLREP should distribute it and may request an inspection/verification at the destination port.

Should the planned route be unknown, all available information which could be relevant to further actions and investigations should be sent to all Member States. The results of the inspections carried out in compliance with Article 16.3 should be reported to the Member States concerned via SSN by sending a feedback (for the users of the SSN version compliant to the new protocol) or a message type "Others" (for the users of the SSN version compliant to the previous protocol).

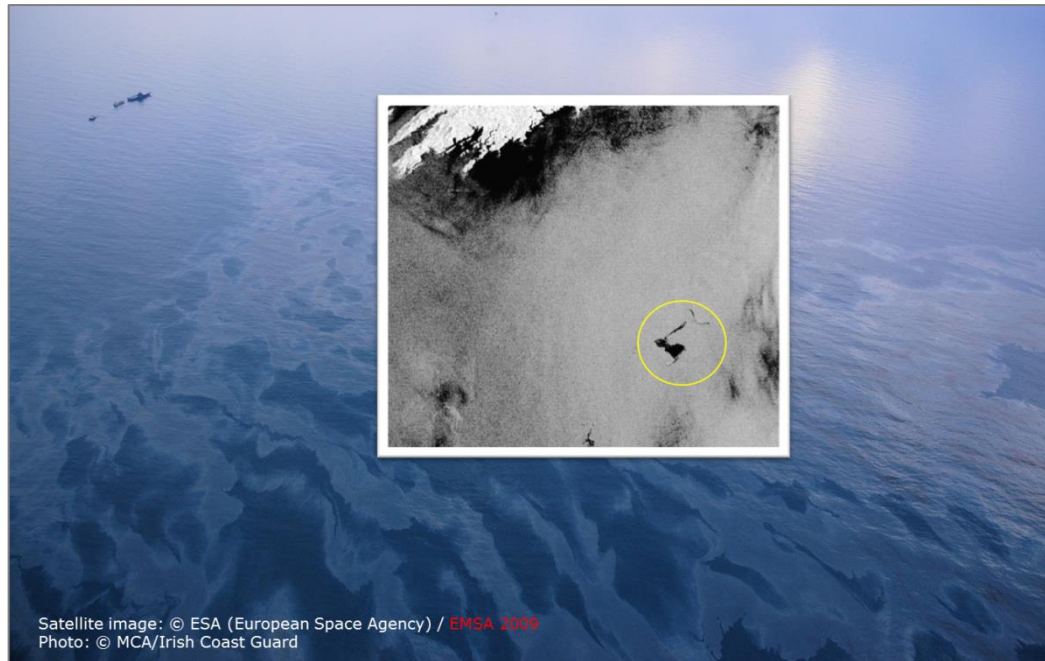


Figure 7 – Photo taken by an air patrol craft of an oil spill and the correspondent satellite image from CSN

3. Incident reports related to the environment (Article 11.2.d and 12.3 of Directive 2000/59/EC) – Incident type WASTE

Article 7 of Directive 2000/59/EC defines the rules for the delivering of ship generated waste (either the ship deliver all the ship-generated waste to the port reception facility of the port of call either there is sufficient dedicated storage capacity until the next port to proceed to it without delivering the ship-generated waste in the port of call). Article 10 explains that a ship has to deliver its cargo residues to a port reception facility.

Article 11.2.d of Directive 2000/59/EC points out that if a ship has proceeded to sea without having complied with art 7 or 10, the competent authority of the next port of call shall be informed.

Furthermore, Article 12.3 of Directive 2000/59/EC states that: *"Member States and the Commission shall co-operate in establishing an appropriate information and monitoring system, covering at least the whole of the Community, to improve the identification of ships which have not delivered their ship-generated waste and cargo residues in accordance with this Directive"*.

In order to inform the Member States that a ship has not complied with the delivery of ship generated waste and/or cargo residues as per Directive 2000/59/EC, article 7 and 10, the SSN group agreed⁹ that a waste incident report should be used in the case of non-delivery of ship generated waste and cargo residues like waste oils (MARPOL Annex I

⁹ SSN 3.3.6 and SSN 17.3.1 introduce the XML structure of the waste incident report message, respectively in the previous and new protocol.

- whether sludge or bilge waters or others), sewage (MARPOL Annex IV), garbage (MARPOL Annex V - food waste, plastic, other) and cargo-associated waste¹⁰ (as well as cargo residues). It is worth noting that certain types of ship generated waste are allowed to be discharged within set parameters (for more information, see relevant parts of MARPOL Annex V). The Incident Report form that may be used is shown in Appendix 5.

Typical situations where the distribution of a waste incident report should follow are:

- A ship leaves the port without having complied with articles 7 or 10 of Directive 2000/59/EC; this means a clear non-compliance with the mandatory delivery of ship generated waste or cargo residues to a port reception facility, if no evidence was provided that, in relation to the scheduled voyage, there was sufficient dedicated storage capacity for all the ship generated waste till the next port of call.
- A ship leaves a port towards the declared next port without delivering its ship generated waste (because there is sufficient storage capacity for the planned voyage). After the departure, the Member State learns (from a CST, etc.) that the next port (which was declared as port of delivery) has changed. The voyage has been extended significantly and there is no certainty that there is enough storage capacities on board.

Infringements, even suspected, of Directive 2000/59/EC articles 7 and 10 (MARPOL-related) may create a potential risk of illegal discharges at sea affecting the scheduled voyage. For this reason a waste incident report message should be sent to Member States along the planned route of the ship. It has to be noted that if a Member State has clear evidence that a ship has proceeded to sea without having complied with Articles 7 or 10, the competent authority of the next port of call shall be informed thereof. If the destination or the planned route is unknown, the Incident Report report should be notified to the central SSN system, through which the information is made available to Member States Authorities on request.

Reasons of non-compliance should be accurately notified by filling the field "Descriptions of non-compliance with waste delivery requirements" which is part of the agreed waste incident report form available in SSN (see SSN XML Reference Guide for more details).

Example 1: Waste or residues that can be deliberately discharged at sea

A ship sails without having discharged its waste or residues in accordance with the Directive 2000/59 (art.7.2). After the ship's departure when considering other information collected by the relevant competent authority, it could be clear that the ship does not have enough on-board capacity to store the waste or residues in relation to the scheduled voyage.

¹⁰ MARPOL, Guidelines for the implementation of Annex V: Cargo-associated waste means all materials which have become wastes as a result of use on board a ship for cargo stowage and handling. Cargo-associated waste includes but is not limited to dunnage, shoring, pallets, lining and packing materials, plywood, paper, cardboard, wire, and steel strapping.

A waste incident report should be distributed to all Member States along the planned route of the vessel and the notifying authority may request an inspection/verification at the destination port.

If the destination is unknown, the incident report should be distributed to the central SSN system, from which the information is made available to Member States Authorities on request.

4. Lost and Found Objects Incident Report (Article 17.1.d of Directive 2002/59/EC)

This message reports the loss (by the ship which has lost cargo) or the observation (by another ship or observer) of containers or packaged goods. A coastal station holding such information shall notify it to SSN following the national procedure. This incident report can be distributed to those Member States possibly affected by the drifting items (e.g. expected drift, distance to shore, cargo inside, etc.). It has to be noted that this type of incident might be considered as a shipping safety related incident (as per section 1 of the Annex if a possible collision with the drifting objects is considered. It could also be considered as an environmental issue if the lost object contains dangerous or polluting goods.

The Incident Report form that may be used is shown in Appendix 6.

Example 1

A container carrier reports to the nearest coastal station that it has lost some of its deck containers during severe weather conditions. The Member State receiving the information should distribute the information to all potentially affected Member States.

It should be noted that sending a lost and found objects report does not relieve the authority from the responsibility of sending Maritime Safety Information (MSI) through established channels in order to warn other traffic.

5. Ships which fail to comply with the reporting requirements of Directive 2002/59/EC (Article 16.1.a 2nd bullet point of Directive 2002/59/EC) – Incident type FAILED NOTIFICATION

Whenever a ship does not comply with the reporting requirements imposed by Directive 2002/59/EC, coastal stations should distribute an Incident Report to Member States along the planned route of the ship, if known.

The Incident Report form that may be used is shown in Appendix 3.

Example 1: HAZMAT not reported

The Agent, Master or Operator of a ship does not provide the due cargo information (including Hazmat details) to the designated port (departure or destination). An Incident Report should be distributed at least to the next port of call using the form in Appendix 3.

Example 2: Incident not reported

A ship did not provide any of the reports required by Article 17 (e.g. a SITREP) to a coastal station. An Incident Report should be distributed to the coastal stations located along the planned route of the vessel. Users of the new protocol can notify an Incident Report type "Failed Notification" whereas users of the previous protocol shall notify through the type "others".

6. Ships failed to comply with the applicable rules in ships' routing systems and VTSs operated within the responsibility of a Member State (Article 16.1.a, 3rd bullet point of Directive 2002/59/EC) – Incident type VTS RULES INFRINGEMENT

Coastal stations should send an Incident Report to Member States along the planned route of the ship whenever a ship does not comply with the rules in a ship routing system including the International Regulations for the Prevention of Collisions at Sea (COLREGs) or the applicable rules in a declared VTS area.

These Incident Reports should be notified to the Member States along the planned route of the ship, and also to the flag state (if it is a MS). Users of the new protocol can notify an Incident Report type "VTS Rules Infringement" whereas users of the previous protocol shall notify through the type "others".

The Incident Report form that may be used is shown in Appendix 3.

Example 1: Ship not reporting in a VTS area

A vessel contravenes the reporting rules during its transit through a declared VTS area by not reporting at the reporting points. An Incident Report message should be distributed to the Member States along the planned route of the vessel using the form in Appendix 3.

Example 2: Ship in breach of Ship Routeing Systems rules

A ship is reported for a serious breach of COLREGs by navigating against the established traffic flow in a traffic separation scheme, creating close quarter situations with other ships. Having been warned by a distributed Incident Report (type "Other"), the subsequent coastal stations (VTSs) along the planned route of the ship will be aware of the behaviour and can contact the ship in advance to verify its condition.

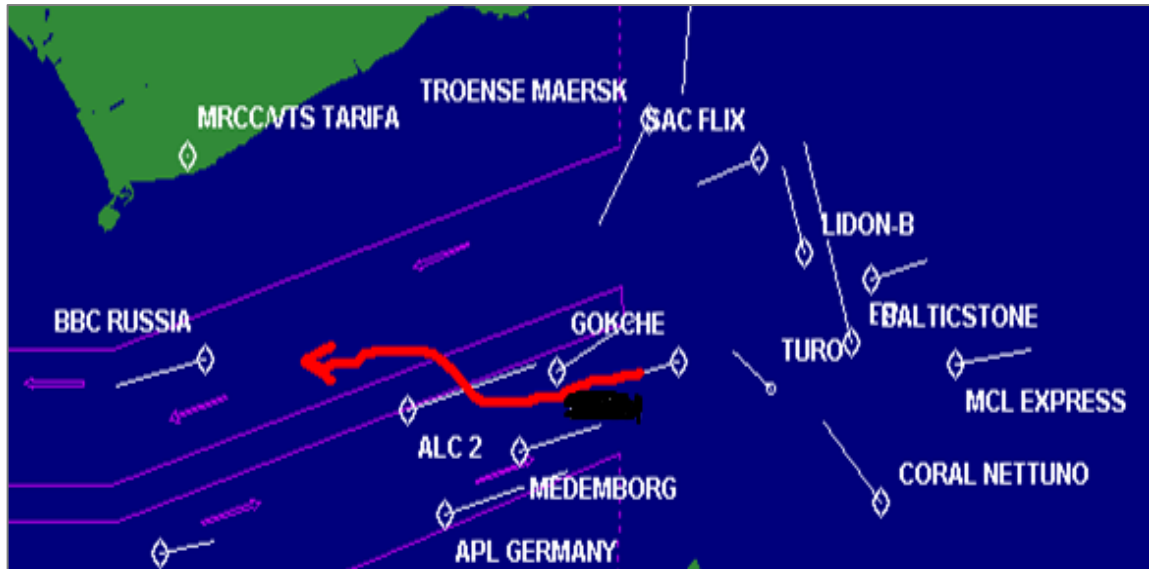


Figure 8 – COLREG infringement in a TSS (ship making way against the main traffic flow)

7. Ships refused access to ports of Member States or which have been the subject of a report or notification by a Member State 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 on Port State Control of shipping (Article 16.1.c of Directive 2002/59/EC) – Incident type BANNED SHIP

When a ship is refused access to a port, the authority responsible for reporting banned ships to SSN (coastal stations, PSCOs, etc.) should issue an Incident Report. This Incident Report should be distributed along the planned route of the ship as this information is important to all of the relevant Member States.

Users of the new protocol can notify an Incident Report type "Banned Ship" whereas users of the previous protocol shall notify through the type "others".

Furthermore, information on vessels which have been refused access to Member States' ports (only for banned ship according to Paris MoU on Port State Control) is provided automatically to national SSN systems by the central SSN system. EMSA is responsible for managing the reference data-base list of banned ships in the central SSN system. A warning is included in the message receipt whenever a notification is sent for a "banned" ship. The EMSA MSS is also alerting Member States whenever they send a PortPlus notification for such a ship.

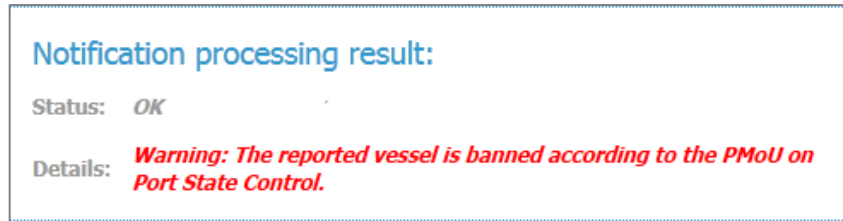


Figure 9 – Message displayed in the SSN web interface when sending a notification for a “banned” ship. The same text is included in the status message of the SSN receipt when the notification is sent via XML

Example1: Banned ship

A ship which has a refusal of access order (“banned”) on the Paris MoU list is passing the MRS of a MS. The MS, even if the ship is not calling at one of its ports, should send an incident report type “Banned Ship”. If the destination is known, and the ship will proceed within the areas of responsibility of other Member States, this Incident Report should also be distributed along the planned route of the ship.

Once the refusal of access order has been lifted, this information should be exchanged through SSN¹¹.

Example 2: Ship 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 on port State Control of shipping

A ship is required to correct certain deficiencies within a period of time. This information should be distributed along the planned route of the vessel, if known⁹.

8. Ships failed to notify, or do not have, insurance certificates or financial guarantees (Article 16.1.d of Directive 2002/59/EC) – Incident type INSURANCE FAILURE

Directive 2009/20/EC (on the insurance of ship owners for maritime claims) lays down the rules applicable to certain aspects of the obligation on ship owners as regards their insurance for maritime claims. It applies to ships of 300 gross tonnage or more and the relevant provisions shall apply from 1 January 2012.

Article 5 of Directive 2009/20/EC provides that each Member State shall ensure that any inspection of a ship undertaken in a port under its jurisdiction in accordance with Directive 2009/16/EC (PSC Directive) includes verification that an insurance certificate is carried on board. If such a certificate is not presented on board, without prejudice to Directive 2009/16/EC providing the detention of the ship, the competent authority may issue an expulsion order to the ship which shall be notified to the Commission, the other Member States and the flag State concerned. Following the issue of such an expulsion order, all Member States must refuse the ship to entry into their ports until the ship owner notifies the certificate.

¹¹ Interconnection with Thetis could be further explored.

Pursuant to Article 16.2 of Directive 2002/59/EC, this information should be communicated to the coastal stations concerned in the other Member States located along the planned route of the ship (Appendix 7 indicates the desirable set of data to be provided¹²).

Users of the new protocol can notify an Incident Report type "Insurance Failure" whereas users of the previous protocol shall notify through the type "others".

Example 1: Certificate of insurance

A ship is inspected and no certificate of insurance or other financial security in respect of civil liability for oil pollution damage has been presented on board to the inspector. The Coastal Station, as defined in Directive 2002/59, should distribute an Incident Report providing the information concerned. This Incident Report shall be sent to those Member States along the planned route of the ship.

Pursuant to Article 5.2 of Directive 2009/20/EC on the insurance of ship owners for maritime claims and once the ship-owner has provided the missing certificate, this information should be specified by the relevant competent authority as corrective measures in the form under Appendix 7 and distributed accordingly.

9. Ships reported by pilots or port authorities as having apparent anomalies which may prejudice their safe navigation or create a risk for the environment (Article 16.1.e of Directive 2002/59/EC) – Incident type PILOT OR PORT REPORT

The information regarding ships which have been reported by pilots or port authorities as having apparent anomalies which may prejudice their safe navigation or create a risk for the environment in accordance with article 16.1 of Directive 2002/59/EC as amended, should be exchanged through SSN.

Pursuant to Article 16.2 of Directive 2002/59/EC, coastal stations holding this information should communicate it to the coastal stations concerned in the other Member States located along the planned route of the ship (Appendix 8 indicates the desirable set of data to be provided¹¹)

Users of the new protocol can notify an Incident Report type "Pilot Or Port Report" whereas users of the previous protocol shall notify through the type "others".

Example 1: Reporting a problem with the steering gear of a ship which has been detected by a pilot when leaving a port.

¹² The reporting forms in Appendixes 7 and 8 are proposed in order to support the submission of Incident Reports, subject to scheduled work being undertaken by the COSS.

The pilot service provider of a port in Member State A detects a problem in the steering gear of a ship when departing. This information, communicated to the relevant authority in Member State A, should be sent by this authority to the Member States along the planned route of the ship using an incident report type "Pilot Or Port Report".

The destination port in Member State B, where the ship is expected, decides to carry out an inspection. Whatever the results may be, the findings should be reported to Member State "A" as a feedback (for users of the new SSN protocol) or as an Incident Report type "other" (for users of the previous SSN protocol).

The Incident Report form that may be used is shown in Appendix 8.

10. Others incident reports

SSN data providers using the previous protocol can send a message type "Others" for notifying incident types "Failed Notification", "VTS Rules Infringement", "Banned Ship", "Insurance Failure", "Pilot Or Port Report" (see forms in appendixes 3, 7 and 8) and for reporting the actions taken (see form in appendix 4).

When using the XML interface for notifying these types of Incident Reports, they can describe the incident as a free text.

SSN data providers should use the relevant forms if providing the incident details as an attached document.

In addition, Member States may share, on a voluntary basis and through the Incident type "other", information concerning other situations within the domain of the VTMIS Directive that may affect the safety of navigation and potentially concern other Member States.

Example 1: Towing operations

Oil rig towing operation will take place from Member State "A" to Member State "B" passing close to the territorial waters of other Member States. The Member State "A" decides to disseminate information prior to starting the towing operation (e.g. period, planned waypoints, vessels involved etc.) to the other Member States which might be affected in case an accident/incident should occur. A report type "others" is then shared via SSN. Following the reception of such information, the concerned Member States might react increasing the monitoring measures and pre-alerting their counter-pollution assets when the oil rig will approach their areas of responsibility¹³.

¹³ In case of accident/incident, the competent authority must notify to SSN the relevant information in compliance with the Articles 16, 17 and 21 of the Directive 2002/59/EC as amended.

Appendix 1 "SITREP" form

This form (herewith filled with two examples) should be used to report accidents or incidents affecting ship's safety:

- collision, grounding, etc. as defined by Art. 17.1.a and;
- accidents or incidents affecting ship's manoeuvrability or seaworthiness as defined by Art. 17.1.b.

Transmission (Distress/Urgency)	Urgency	Urgency
Date and Time	12.07.2014 14:00 UTC	12.09.2014 23:30 UTC
From	MRCC Lisbon	MRCC Madrid
To	SSN, Local authorities	Maritime Administration (Madrid and Barcelona)
SITREP: number	2 and final	1
A : IDENTITY OF CASUALTY (IMO, number, Name of vessel, call-sign, flag state)	IMO No: 1234567 Name: tests ship	IMO No: 1234567 Name: test ship
B : POSITION (Latitude/longitude or bearing and distance from a mark)	37-23,5 N 010-54,1 W	300° / 4,5 NM from Cape Espartel
C : SITUATION (Type of message - e.g. distress/urgency, date/time, nature of distress/urgency, e.g. fire on board, collision, medical evacuation, grounding flooding, abandon ship, capsizing, list, shifting of cargo, engine failure, structural failure, steering gear failure, electrical generating system failure, navigational equipment failure, etc)	Run aground on the 12.07.08 in the approaches of Sines.	Ship reported not under command.
D : NUMBER OF PERSONS AT RISK	none	none
E : ASSISTANCE REQUIRED (A request by the co-ordinating station for specific assistance from one or more of the addressees).	none	none
F : CO-ORDINATING MRCC	MRCC Lisbon	Issue reported by VTS/MRCC Tarifa (Spain)

G : DESCRIPTION OF CASUALTY (Physical description, owner/charterer, cargo carried, passage from/to, lifesaving appliances carried, etc)	Ship tests ship, type tanker, in ballast, from Suez Canal bound for Rotterdam ran aground and a 2 m. crack was detected between frames number 15 and 17.	Ship tests ship, type Ro-Ro, from Las Palmas bound for Barcelona, NUC from 1200 until 1600 UTC the 12.09.2008
H : WEATHER ON SCENE (Wind, sea/swell state, air/sea temperature, visibility, cloud cover/ceiling, barometric pressure)	Wind westerly, force 4. Sea state, slight. Scattered showers. Forecast for the next 24h: no changes	Wind Easterly, gale force 8. Sea state: rough, visibility good.
J : INITIAL ACTIONS TAKEN (By casualty and co-ordination centre)	Requested re-floating plan to the owner	Follow up of the ship during its transit.
K : SEARCH AREA (As planned by the co-ordinating MRCC)	Not applicable	Not applicable
L : CO-ORDINATING INSTRUCTIONS (OSC/ACO designated, units participating, communications, etc)	No instructions	No instructions
M : FUTURE PLANS	Mobilise anti-pollution team (preventive measure)	Maritime authorities in Barcelona requested to carry out an inspection on board.
N : ADDITIONAL INFORMATION/CONCLUSION (Include time SAR Operation terminated)	Allowed to proceed to port of Lisbon, ETA 20 th July. Escorted by tug "Hercules"	Currently underway using the emergency steering gear.
O : ADDRESS WHERE CARGO INFORMATION CAN BE FOUND	Lisbon Port. (Phone , fax)	Not available

Appendix 2 "POLREP" form

The relevant sections of POLREP which shall be notified to SSN are the following:

Part 1 or POLWARN	<u>POLL</u> ution <u>WARN</u> ing	gives information or warning of pollution or threat of pollution
(numbers 1 - 5)		
Part II or POLINF	<u>POLL</u> ution <u>IN</u> formation	gives detailed supplementary information
(numbers 40 - 60)		

The detailed description of each parameter, including examples, is:

FROM	Indicates the reporting authority E.g. MRCC Rome
MESSAGE IDENTIFIER	Each single report should be identifiable. The receiving combating authority should be in a position to check if all reports of the incident in question have been received. This is done by using a serial number preceded by a national identification, e.g. "DK 1/1". In addition and in order to keep the receivers of POLREP informed of all the transmitted reports, the combating authority sending the POLREP must after the serial number include information on the recipients of the earlier transmitted POLREPs E.g. IT 1/1 MT, SSN, EMSA, ERCC
1 DATE AND TIME	The day of the month as well as the time of the day when <u>the incident</u> took place or, if the cause of the pollution is not known, the time of the observation should be stated using 6 digits. Time should be stated as <u>GMT</u> , for example 091900Z JUN14 (i.e. the 9 th June 2014 at 1900 GMT) E.g. 012230UTC JUL14
2 POSITION	Indicates the main position of the incident and longitude in degrees and minutes, and may in addition give the bearing of, and the distance from, a location known by the receiver E.g. 39°33' N - 07°00' E
3 INCIDENT	Indicates the type of incident (collision, grounding, capsized, etc.) E.g. Tanker collision
4 OUTFLOW	The polluting substance, such as CRUDE OIL, CHLORINE, DINITROL, PHENOL, etc as well as the total quantity in tonnes of the outflow and/or the flow rate and the risk of further outflow should be mentioned. If there is no pollution, but a threat of pollution, the words NOT YET followed by the substance (for example NOT YET FUEL OIL) should be stated E.g. Crude oil, estimated 3,000 tonnes

5	ACKNOWLEDGE	When this number is used, the message (if email or telefax) should be acknowledged as soon as possible by the competent national authority.
40	DATE AND TIME	No. 40 relates to the situation described in numbers 41 to 60 if it varies from number 1.
41	POSITION AND/OR EXTENT OF POLLUTION ON/ABOVE/ IN THE SEA	Indicates the main position of the pollution in degrees and minutes of latitude and longitude, and may in addition give the distance and bearing of some prominent landmark known to the receiver if other than indicated in number 2. Estimated amount of pollution (e.g. size of polluted areas, number of tonnes of oil spilled if other than indicated in number 4, or number of containers, drums lost). Indicates length and width of slick in nautical miles, if not indicated in number 2 E.g. The oil is forming a slick 0.5 nautical miles to the South East. Width up to 0.3 nautical miles
42	CHARACTERISTICS OF POLLUTION	Gives type of pollution (e.g. type of oil with viscosity and pour point, packaged or bulk chemical, sewage). For chemicals, the proper name or United Nations number, if known, should be given. Appearance, e.g. liquid, floating solid, liquid oil, semi-liquid sludge, tarry lumps, weathered oil, discolouration of sea, visible vapour should also be given as well as any markings on drums, containers E.g. Venezuela crude. Viscosity 3.780 Cs at 37.8°C. Rather viscous
43	SOURCE AND CAUSE OF POLLUTION	Indicates the source of pollution (e.g. from a vessel or other undertaking). If from a vessel, it should be notified whether the pollution is a result of a deliberate discharge or a casualty. If the latter, a brief description should be given. Where possible the name, type, size, call sign, nationality and port of registration of polluting vessel should be mentioned. If the vessel is proceeding on its way, the course, speed and destination should be indicated. E.g. STATE X tanker Tests ship, IMO 1234567, 22,000 GRT, in collision with STATE Y bulk carrier test ship2, IMO 9999999, 30,000 GRT. Two tanks damaged in tests ship. No damage to the tests ship 2
44	WIND DIRECTION AND SPEED	Indicates wind direction and speed in degrees and in m/sec. The direction always indicates from where the wind is blowing. E.g. 300 - 10m/sec
45	CURRENT DIRECTION AND SPEED AND/OR TIDE	Indicates current direction and speed in degrees and knots and tenths of knots. The direction always indicates the direction in which the current is flowing. E.g. 135 - 0.3 knots

46	SEA STATE AND VISIBILITY	Sea state indicates the wave height in metres. Visibility should be indicated in nautical miles. E.g. Wave height 1,5m. 5 NM
47	DRIFT OF POLLUTION	Indicates drift course and speed of pollution in degrees and knots or tenths of knots. In cases of air pollution (gas cloud), drift speed should be indicated in m/sec. E.g. 180 - 0.1 knots
48	FORECAST OF LIKELY EFFECT OF POLLUTION AND ZONES AFFECTED	Results of mathematical models could indicate e.g. arrival on beach with estimated timing. E.g. Could reach the island of Santa Monica, Italy, or further south, north coast of Africa, on 23rd of this month
49	IDENTITY OF OBSERVER/ REPORTER IDENTITY OF SHIPS ON SCENE	Identifies who has reported the incident. If it is a ship, the name, home port, flag and call sign must be given. Ships on-scene could also be indicated under this item by name, home port, flag and call sign, especially if the polluter cannot be identified and the spill is considered to be of recent origin. E.g. Vessel test ship
50	ACTION TAKEN	Mentions action taken for the disposal of the pollution E.g.2 Italian strike-teams with high mechanical capacity on route to the area
51	PHOTOGRAPHS OR SAMPLES	Indicates if photographs or samples from the pollution have been taken. Contact numbers (including telephone, email address, telefax and telex numbers as appropriate) of the sampling authority should be given E.g. Oil samples have been taken.
52	NAMES OF OTHER STATES AND ORGANISATIONS INFORMED	E.g. Malta, ERCC and EMSA
53 - 59		SPARE FOR ANY OTHER RELEVANT INFORMATION: e.g. results of sample or photographic analysis, results of inspections or surveyors, statements of ship's personnel E.g. Italian anti-pollution plan activated
60	ACKNOWLEDGE	When this number is used, the telex/telefax/email should be acknowledged as soon as possible by the competent national authority.

Appendix 3

"Failed Notification" and "VTS Rules Infringement" forms

This form (herewith filled with examples) should be used.

Reporting Authority Name and co-ordinates of Notifying Authority (from which detailed information may be obtained) MRCC/VTS TARIFA Tel +34xxxxxxxx Fax +34xxxxxx Email Tarifa@tarifa.es	
Vessel identification IMO Number: 1234567 MMSI Number: 224XXXXXX Call Sign: ABCD Ship Name: Tests ship	
Voyage Information Port of call: PLGDY (Gdynia) ETA to port of call: 30.09.2014 AT 14:00 UTC ETD from port of call: 02.10.2014 AT 24:00 UTC Total number of persons on board: 12 Hazmat on board: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO	
Description 1. Type of non-compliance: <ul style="list-style-type: none"><input type="checkbox"/> Breach of AIS requirements,<input type="checkbox"/> Breach of MRS requirements,<input type="checkbox"/> Breach of Pre-arrival or HAZMAT notification requirements (Art 4, 12, 13 of Directive 2002/59),<input type="checkbox"/> Breach of Incident Report notification requirements (Art 17 of Directive 2002/59),<input checked="" type="checkbox"/> Traffic separation schemes,<input checked="" type="checkbox"/> Breach of VTS requirements,<input type="checkbox"/> Two-way routes,<input type="checkbox"/> Recommended tracks,<input type="checkbox"/> Areas to be avoided,<input type="checkbox"/> Inshore traffic zones,<input type="checkbox"/> Roundabouts,<input type="checkbox"/> Precautionary areas,<input type="checkbox"/> Deep-water routes,<input type="checkbox"/> Other 2. Position/area of non – compliance: Gibraltar Strait 3. Date/time of non – compliance: 19.09.2008 at 12:00 UTC 4. Action taken: Incident Report distributed to Member States along the planned route of the vessel.	
Authorities Notified MS of next port of call: Poland Other Member States: Portugal, France, Belgium, the Netherlands, United Kingdom, Denmark, Sweden and Germany	

Appendix 4

Form for reporting the results of inspection or verification

This form (herewith filled with examples) can be notified to SSN as a document attached either to a feedback (for the users of the new protocol) or to an incident type "others" (for the users of the previous protocol).

Reporting Authority Name and co-ordinates of reporting Authority (from which detailed information may be obtained): Harbour Master Office Gdynia Tel +48xxxxxxxx Fax +48xxxxxx Email aa@bb.pl	
Vessel identification IMO Number: 1234567 MMSI Number: 224XXXXXX Call Sign: ABCD Ship Name: Tests ship	
Voyage Information Port of Call: Gdynia <input type="checkbox"/> ETA / <input checked="" type="checkbox"/> ATA to port of call: 09.09.2014 AT 10:00 UTC <input checked="" type="checkbox"/> ETD / <input type="checkbox"/> ATD from port of call: 14.09.2014 AT 24:00 UTC Next port of call: DEHAM (Hamburg)	
Actions taken (Art. 16.3 of Directive 2002/59) 1. Execution of inspection/verification: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO o <u>If YES then following information shall be provided:</u> - Place of inspection: Gdynia Port – Basin IX - Date/time of inspection: 09.09.2014 at 14:00UTC - Type of non-compliance: Problems with the communication devices (VHFs) - Position/area of non-compliance: Detected during the transit through the Dover Strait and confirmed on arrival in port Follow-up: VHFs repaired and tested o <u>If NO, the following information shall be provided:</u> - Reason why inspection was not executed: 2. Other actions to be reported://.....	
Authorities Notified MS of next Port Of Call: none Other Member States: France (issuing the initial Incident Report)	

Appendix 5 "Waste Incident Report" form

This form (herewith filled with examples) should be used when reporting waste incidents.

Reporting Authority Name and co-ordinates of Notifying Authority (from which detailed information may be obtained): Harbour Master Office Hamburg Tel +49xxxxxxxxx Fax +49xxxxxx Email aa@bb.de	
Vessel identification IMO Number: 1234567 MMSI Number: 224XXXXXX Call Sign: ABCD Ship Name: Tests ship	
Voyage Information Port of call: Naples (IT) ETA to port of call: 03.10.2014 AT 23:00 UTC ETD from next port of call: none Total number of persons on board: 10 Hazmat on board: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
Description of non-compliance with waste delivery requirements: <i>Report at least: name of port where waste delivery was due, time/date where ship left port and reasons why ship should be inspected in next port and any other relevant information</i> "Test ship" left the port of Hamburg (Germany) on 20.09.2014 at 16:45 UTC declaring Antwerp as a next port of call (ETA 22.09.2014 at 12:30). Waste was not delivered because of a positive assessment of its storage capacity. On 20.09.2014 at 19:00 UTC the Coastal VTS "XYZ" reported that "Test ship" is bounding to Naples (Italy). The storage capability of the vessel is not supposed to be sufficient due to the increased duration of the voyage.	
Inspection data (if any): 1. Deficiencies found during inspection: None. 2. Action taken: Distributed Incident Report to the destination Member State (Italy) and along the planned route of the ship	
Authorities notified: MS of next port of call: Italy Other Member States: Denmark, the Netherlands, Belgium United Kingdom, France, Spain, Portugal	

Appendix 6 "Lost and Found Objects" form

This form (herewith filled with examples) should be used.

Item	Title	Description	
	Date and Time (UTC) From To	These elements are included to facilitate the identification of the message and the stakeholders	09.09.2008 23:30 UTC MRCC Madrid FR, UK
1	Type of report	a. <u>Loss</u> (ship having lost one or more containers/package goods) b. <u>Observation</u> (ship noting the presence of containers/packages/goods drifting at sea)	Type: Observation. Date/time: 09.09.2008 at 12:00 UTC
2	SHIP'S IDENTITY	IMO Number/Name/Call Sign/MMSI Number	IMO: 1234567 Name: tests ship
3	LAST PRESUMED POSITION OF OBJECT/CONTAINER LOST/LAST SEEN POSITION OF OBJECTS/CONTAINERS	Last seen position of object/container at sea, or last position of ship when the object/container was presumably lost	Lat 43-33,2 N Long 005-12,0 W
4	NUMBER OF OBJECTS/CONTAINERS		2
5	TYPE OF GOODS IN CONTAINERS	DG/PG : Y/N IMO/UN/IMDG Code Number	Unknown
6	DESCRIPTION OF OBJECTS/CONTAINERS	Description of objects/containers: dimension, colour, marks, numbers, condition	20 feet. Both green. No marks sighted
7	CARGO LEAKING?	Yes/No/Not visible Description of pollution	Not visible
8	WIND DIRECTION AND SPEED	Indicates wind direction and speed in degrees and in m/sec. The direction always indicates from where the wind is blowing	Wind North, 20 kn
9	CURRENT DIRECTION AND SPEED AND/OR TIDE	Indicates current direction and speed in degrees and knots and tenths of knots. The direction always indicates the direction in which the current is flowing	Current South, 0,5 kn
10	SEA STATE AND VISIBILITY	Sea state indicates the wave height in metres. Visibility should be indicated in nautical miles	Sea state: smooth, visibility very good (>10')
11	DRIFT OF OBJECTS/CONTAINERS	Indicates drift course and speed of pollution in degrees and knots or tenths of knots. In cases of air pollution (gas cloud), drift speed should be indicated in m/sec	Not found
12	ADDRESS WHERE CARGO INFORMATION CAN BE FOUND		unknown

Appendix 7

“Insurance Failure”

The set of data that should be provided for Incident Reports relating to ships failed to notify, or do not have, insurance certificates or financial guarantees includes:

- Vessel identification;
- Voyage information;
- Notifying authority;
- Brief description of the incident (missing certificate, date of the inspection, etc.);
- Expulsion order (if issued);
- Corrective measures (if the missing certificate is provided by the ship-owner);
- Authorities notified.

Appendix 8

"Pilot or Port Report"

The set of data that should be provided for ships reported by pilots or port authorities as having apparent anomalies which may prejudice their safe navigation or create a risk for the environment includes:

- Vessel identification;
- Voyage information;
- Notifying authority;
- Brief description of the incident (anomaly detected, date and position, etc.);
- Authorities notified;

Appendix 9 "Others" incident report

This form (herewith filled with examples) could be used to report events not linked to the previous types but which the data provider wishes notify / distribute through SSN.

Reporting Authority Name and co-ordinates of Notifying Authority (from which detailed information may be obtained) RCC MALTA Tel +356xxxxxxx Fax +356xxxxxx Email ff@gg.mt	
Vessel identification IMO Number: 1234567 MMSI Number: 224XXXXXX Call Sign: ABCD Ship Name: Oil rig "XYZ"	
Voyage Information Port of call: Koper (Slovenia) ETA to the port of call: 23.09.2014 AT 23:00 UTC ETD from port of call: none Total number of persons on board: 15 Hazmat on board: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
Description <p>1. Description of the event:</p> <p>Towing operation of oil rig "XYZ" (IMO number 1234567) from Valletta to Koper (Slovenia) will take place on 15.09.2014.</p> <p>The oil rig will be towed by three tugs ("AAA" IMO number 1111111; "BBB" IMO number 2222222; "CCC" IMO number 3333333). The supply vessel "DDD" IMO number 4444444 with counter pollution capabilities will escort the oil rig.</p> <p>Vessels will maintain a listening watch on VHF Channels 16 & 19 throughout the towing operation and will proceed at approximately 4 knots.</p> <p>The voyage will pursue the following waypoints:</p> <ul style="list-style-type: none">• A) Lat 35°54'10"N Long 014°31'32"EB) Lat 39°54'53"N Long 019°00'40"EC) Lat 42°34'25"N Long 015°44'00"ED) Lat 45°12'50"N Long 012°58'24"EE) Lat 45°32'48"N Long 013°44'20"E <p>2. Position/area: Sicily Strait / Ionian Sea / Adriatic Sea</p> <p>3. Remarks: Issued Notice to mariners n. 03/2014</p>	
Authorities Notified MS of next port of call: Slovenia Other Member States: Italy , Greece , Croatia	