

# **SafeSeaNet Workshop 18**

## **SSN 18.3.1**

### **Incident report Guidelines**

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## SUMMARY STATUS OF THE IR GUIDELINES

- **Version 1.81** agreed at SSN16 is the applicable one.
- Several inputs and corrections were presented at SSN17 (V1.9). The SSN group agreed:
  - To include a footnote regarding the reports from ports & pilots and the reports related to the insurance certificates; and
  - MSs to provide comments on the IR version 1.9, including the proposed templates for the above two IR.
- Due to the character of the comments received from IT, SE and COM the **new version 1.91 is presented**.

# **IR GUIDELINES: PROPOSED CHANGES FROM VERSION 1.9 TO 1.91**

## **1.- Section 1.1 Background (page 5):**

- Added reference to those directives amending the 2002/59/EC
- Redrafted definition of SSN in line with Annex III of the 2002/59/EC Directive

## **2.- Section 2 Legal Background (page 7)**

- Added the following: *Furthermore, Article 11.2.d [of Directive 2000/59] 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.*

## **IR GUIDELINES CHANGES FROM VERSION 1.9 TO 1.91**

**3.- Section 2.4 (page 8)** clarifies to which ships are applicable the IR type "Waste":

*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.*

## **IR GUIDELINES CHANGES FROM VERSION 1.9 TO 1.91**

4.- All references to the article 16.1.c of Directive 2002/59/EC “ships which have been refused access to ports of the MSs../..” has been completed with the full wording as in the legal text.

5.- **Section 2.2 Waste IR** (page 21):

Added the following: *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.*

## IR GUIDELINES CHANGES FROM VERSION 1.9 TO 1.91

### 6.- **Section 4.3** (page 26):

Added another example:

*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 known<sup>6</sup>.*

<sup>6</sup>Interconnection with Thetis could be further explored



## **ACTION REQUIRED**

**The Member States are invited to approve the revised Guidelines version 1.91**

**Any question?**

## **Article 3: Scope**

*This Directive shall apply to:*

*(a) all ships, including fishing vessels and recreational craft, irrespective of their flag, calling at, or operating within, a port of a Member State, with the exception of 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; and*

*(b) all ports of the Member States normally visited by ships falling under the scope of point (a).*

*Member States shall take measures to ensure that ships which are excluded from the scope of this Directive under point (a) of the preceding paragraph deliver their ship-generated waste and cargo residues in a manner consistent, in so far as is reasonable and practicable, with this Directive.*

## **Article 11: Enforcement**

**(2)** For inspections concerning ships other than fishing vessels and recreational craft authorised to carry no more than 12 passengers:

**(2d)** *when there is 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 and such a ship shall, without prejudice to the application of the penalties referred to in Article 13 (Penalties), not be permitted to leave that port until a more detailed assessment of factors relating to the ship's compliance with this Directive, such as the accuracy of any information provided in accordance with Article 6 (notification), has taken place.*

## **Article 12 Accompanying measures**

**Section (3)** 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".