

MSN 1817 (M+F)

Consolidated European Reporting System (CERS)

1. Ship arrival and departure notifications [including additional requirements for ships carrying dangerous or polluting goods, (DPG)]
2. Reporting requirements in the event of an accident/incident

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

This notice replaces MSN 1784

PLEASE NOTE:-

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

Summary

This notice details the technical requirements applicable to ships and United Kingdom (UK) port authorities to comply with Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 which amended the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 and implemented the European Union (EU) Vessel Traffic Monitoring and Information System Directive 2002/59/EC.

Key Points:

- Technical details are provided of the arrangements for the new "Traffic Monitoring Notification" requirements forewarned in MSN 1784 and the provisions specified in the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (as amended).

(continued overleaf)

- The notice also provides technical details on the separate notification requirements affecting:
 - (a) all ships of a specified type and size (regulation 5);
 - (b) for ships carrying dangerous or polluting goods (regulation 10); and
 - (c) reporting requirements in the event of an accident/incident.

It does not provide a comprehensive summary of the M.S (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004, which should be read in conjunction with this Notice.

- All ships of 300 gross tonnage and above, when bound for a UK port, are affected by a ship notification requirement prior to entry into port that applies at least twenty-four hours in advance of their arrival.
- All recreational craft of 45 metres length and over, when bound for a UK port are affected by a ship notification requirement, prior to entry into port, that applies at least twenty-four hours in advance of their arrival.
- All ships regardless of size, when carrying dangerous or polluting goods, either departing from or bound to a UK port are affected by the dangerous or polluting goods notification requirements.
- The Regulations are the UK implementation of certain requirements contained in European Parliament and Council Directive 2002/59/EC and, in part, the international reporting requirements that apply in the event of an accident/incident at sea.

1.0 Definitions and interpretation

1.1 For the purpose of this Merchant Shipping Notice:

.1 "accident" means any accident or occurrence affecting the safety of a ship, including any occurrence whereby a ship –

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

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

.3 "dangerous goods" are defined as:

- (a) goods classified as dangerous in the IMDG Code
- (b) dangerous liquid substances listed in Chapter 17 of the IBC Code;
- (c) liquefied gases listed in Chapter 19 of the IGC Code;
- (d) solids referred to in Appendix B of the BC Code; and

- (e) goods in respect of whose carriage appropriate preconditions have been imposed in accordance with paragraph 1.1.3 of the IBC Code or paragraph 1.1.6 of the IGC code.
- .4 "Directive" means Directive 2002/59/EC of the European Parliament and of the Council of 27th June 2002 establishing a Community vessel traffic monitoring and information system;
- .5 "Discharge or probable discharge" means the discharge of polluting goods, other than any marine pollutant identified in the IMDG Code, above the permitted level, for whatever reason including for the purpose of securing the safety of the ship or for saving life at sea.
- .6 "domestic voyage" means a voyage from a port of an EEA State to the same port or another port of that EEA State,
- .7 "European Economic Area (EEA) State" means a European Union (EU) Member State, Norway, Iceland or Liechtenstein. *The Channel Islands and Isle of Man are not EEA States.*
- 8 "incident" means any incident which affects or could affect the safety of a ship or other ships including a failure or defect which affects or is likely to affect -
- (i) the manoeuvrability or seaworthiness;
 - (ii) the propulsion system;
 - (iii) the steering gear;
 - (iv) the electrical generating system;
 - (v) the navigation equipment, or;
 - (vi) the communications system,
- of that ship.
- .9 "MARPOL" means the "International Convention for the Prevention of Pollution from Ships, 1973, and its 1978 Protocol, as amended. (or, in short form, "MARPOL 73/78")
- .10 "Permitted level" means the quantity or instantaneous rate permitted under the relevant provisions of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 or the Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations 1996 as the case may be.
- .11 "Pollution event" means a discharge, or the threat of a discharge, of polluting goods into the sea
- .12 "polluting goods" are defined as:
- (a) oil, oily mixture, oil fuel or crude oil (as defined in Annex I to MARPOL);
 - (b) noxious liquid substances (as defined in Annex II to MARPOL);
 - (c) harmful substances (as defined in Annex III to MARPOL) and;
 - (d) any marine pollutant identified in the IMDG Code.
- .13 "port authority" means a statutory harbour authority in the United Kingdom and 'authority' shall be construed accordingly
- .14 'scheduled services' means a series of ship crossings operated so as to serve traffic between the same two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series.
- .15 "the Regulations" means the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (SI 2004 No 2110) as amended.

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

.17 where "ship" or "ships" are referred to in the context of their responsibilities, this term denotes the owner or operator or agent or master of the ship

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

.19 "SOLAS" means the Safety of Life at Sea Convention 1974 and its 1978 Protocol, as amended.

1.2 Current or former arrangements for the notification of carriage of dangerous or polluting goods (DPG) previously described in MSN 1784 (M) are replaced by this notice and particularly by the Annex.

1.3 The Regulations do not apply to bunkers of less than 5,000 tons or stores and equipment for use on board a ship.

2. Consolidated European Reporting System

2.1 The UK Consolidated European Reporting System (CERS) is a new information management system which has been developed by the MCA to meet, amongst other things, the UK reporting obligations under the provisions and dates indicated in the European Parliament and Council Directive 2002/59/EC. These obligations are based on the technical content, method and format of messages contained within the EU SafeSeaNet system.

2.2 By way of background, the information reported into CERS will be captured by one of three means: -

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

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

Method 3 – Service Provider (i.e. the reportable information will be input into CERS, using either Method 1 or 2, via a third party or parties as nominated and fully/partially delegated)

3. Notification prior to entry into port

3.1 The Regulations introduced a new notification requirement, prior to entry into port, for UK ships bound for a port located in an EEA State and non UK ships bound for a port located in the UK, with the exception of:

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

3.2 The owner, operator, agent or master of a ship is required to notify the authority of the port to which the ship is bound, the information specified in Appendix 1 of this notice.

The method, outlined in paragraph 2.2, for the notifications will be a matter for the ship and the authority of the port; however it must be borne in mind that the port authority will need to pass the requisite information, in Appendix 1, to CERS.

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

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

3.5 If the notified voyage information changes, the ship shall immediately notify the authorities of the port to which it is bound. A change of destination must be notified to both original port of destination (cancellation message) and revised port of destination (arrival notification message). The MCA considers that a change in ETA of less than 6 hours need not be notified to CERS.

It should be noted that it is proposed to amend regulation 4 of the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (SI 2004 No 2110) to make those Regulations apply to fishing vessels and traditional ships with a length of 45 metres and above. When that is done, there will be an amendment to this MSN.

4. Notification by ships carrying dangerous or polluting goods

4.1 This notification applies to all ships regardless of size, carrying dangerous or polluting goods with the exception of:

Warships, naval auxiliaries and other ships owned or operated by the Government of an EEA State which are used for non commercial public service:

4.2 A ship leaving a UK port and bound for any other port, including another UK port, must notify the authority of the port of departure in question of all the information set out in the Annex to this notice before departure.

4.3 A ship leaving a port outside the EEA area and bound for a UK port or an anchorage in UK territorial waters must notify the authority of the port of destination in question of all the information set out in the Annex to this notice on departure from the loading port or, if the port of destination in the UK is not then known, as soon as the port of destination is known.

The method, outlined in paragraph 2.2, for the notifications mentioned will be a matter for the ship and the port authority; however it must be borne in mind that the port authority will need to have in place arrangements to ensure that such notifications are retained for as long as the information may be required for use in the event of an incident or accident at sea, as required by the European SafeSeaNet system, and provide the information at any time by electronic means to the MCA immediately on request.

CERS, like the SafeSeaNet XML Message Referencing Guide, allows for the following four options to meet the notification requirements:

- Option 1 - Automatic upload of DPG information to MCA in XML format using Method 1*
- Option 2- Manual upload of DPG information to MCA in recognized format using Method 2*
- Option 3- Url where DPG manifest can be accessed and manifest document type stated (i.e DOC, HTML, PDF, TXT or XML being the allowable format)*

Option 4- Contact details (i.e last name, first name, locode, phone, fax, email) where DPG manifest can be obtained on request 24 hours a day

4.4 A UK ship departing from an EEA State Port shall notify the competent authority of the State in which that port is situated of all the information set out in the Annex to this notice before departure.

4.5 A UK ship arriving at an EEA State Port shall notify the competent authority of the State in which that port is situated of all the information set out in Annex to this notice on departure from the loading port, or, if the port of destination in the EEA is not then known, as soon as the port of destination is known.

A list of competent authorities for each Member State, to whom and how the information should be sent, will be published by European Maritime Safety Agency (EMSA) and is expected to be made available on their website at www.emsa.eu.org.

4.6 Where information has been notified, in compliance with the Annex to this notice, the ship in question shall notify immediately the person to whom that information was notified of any changes to that information.

4.7 The duties of shippers in relation to the information and declaration of hazmat cargoes in preparation for them to be taken on board ship are applied by the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997, (S.I.2367) as amended. Further guidance is given in the following Marine Guidance Notices on dangerous goods published by the MCA and available on the website at www.mcga.gov.uk.

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

4.8 Exemptions and scheduled services;

.1 The Secretary of State may exempt ships on scheduled services from the requirement to make notifications of dangerous or polluting goods carried on board, as described in section 4, subject to their meeting conditions specified in the Regulations.

.2 Ships carrying dangerous and polluting goods on domestic voyages, may apply to the MCA Navigation Safety Branch, at the address given at the end of this notice, for such an exemption. The operators of ships granted an exemption must maintain a list of the ships concerned and immediately update the MCA of any requisite changes. Ships granted an exemption must make the information set out in the Annex, available electronically to the MCA immediately on request for each voyage made.

5. Continuation of existing reporting requirements

5.1 The Regulations do not change the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 (SI 2498), as amended, which continue to give effect to reporting obligations contained in the MARPOL Convention and in the SOLAS Convention relating to the notification of dangerous and polluting goods and the reporting of incidents and accidents at sea for those ships.

5.2 Masters are to report accidents, incidents and situations described when in the Search and Rescue Region (SRR) or Exclusive Economic Zone (EEZ), or equivalent, of the Coastal State as designated by that State.

5.3 Within the UK Pollution Control Zone, as described in the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996 (S.I. 2128), as amended, this is to HM Coastguard and reports can be made to any of the MCA Maritime Rescue Coordination Centres in the United Kingdom.

5.4 Immediate reports, which must include the information within Appendix 2, are required for the following,

.1 Any accident or occurrence affecting the safety of the ship including collision, running aground, damage, malfunction or breakdown, flooding or shifting of cargo, any defect in the hull or structural failure.

.2 Any incident which compromises shipping safety, including failures likely to affect the ship's manoeuvrability or seaworthiness, or any defects affecting the propulsion system or steering gear, the electrical generating system, navigation equipment or communications equipment.

.3 Any situation liable to lead to pollution of the waters or shore of the UK, such as the discharge or threat of discharge of polluting products into the sea.

.4 Any slick of polluting materials and containers or packages seen drifting at sea.

5.5 The standard format and procedures for ship reporting are described in Standard Format and Procedures for Ship Reporting, Including Reporting Incidents Involving Dangerous Goods, Marine Pollutants, Other Harmful Substances or Safety [currently described in MGN 242 (M+F)]

5.6 Other EU Member States are obliged by the Directive to implement similar legislation. Therefore similar reporting requirements will be required by those States, details of which will be reproduced in the Admiralty List of Radio Signals Volume 6 (1).

5.7 Ships carrying dangerous goods or harmful substances in packaged form have to have a manifest or a special list or stowage plan on board. This document must list the dangerous goods and harmful substances in packaged form on board, and give their location (and, for dangerous goods only, their classification).

5.8 The manifest, special list or stowage plan must be made available, before departure, to the person or organisation designated by the port State. When the ship has harmful substances in packaged form on board, the owner (or a representative) must retain a copy of the document on shore until they are unloaded.

5.9 It should be noted that all UK ships, also have a duty to report accidents under the Merchant Shipping [(Accident Reporting and Investigation) Regulations 2005 (S.I. No 881). Further details of those reporting requirements can be found in – Accident Reporting and Investigation currently MGN 289 (M+F)].

More Information

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Department for
Transport*

**Information to be notified in accordance with Regulation 10
(Notification by ships, regardless of size, carrying dangerous or polluting goods)**

A. General information:

- (a) ship identification (name, call sign, IMO identification number or MMSI number);
- (b) port of destination;
- (c) for a ship leaving a port in a Member State: estimated time of departure from the port of departure or pilot station, as required by the competent authority, and estimated time of arrival at the port of destination;
- (d) for a ship coming from a port located outside the Community and bound for a port in a Member State: estimated time of arrival at the port of destination or pilot station, as required by the competent authority;
- (e) total number of persons on board.

B. Cargo information:

- (a) the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes and, where appropriate, the class of the ship as defined by the INF Code, the quantities of such goods and their location on board and, if they are being carried in cargo transport units other than tanks, the identification number thereof;
- (b) confirmation that a list or manifest or appropriate loading plan giving details of the dangerous or polluting goods carried and of their location on the ship is on board;
- (c) address from which detailed information on the cargo may be obtained.

Appendix 1

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

A. General information:

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

Appendix 2

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

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

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

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

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

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

