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|  |  | **Navigation Safety Branch****Bay 2/20****Spring Place****105 Commercial Road****Southampton****SO15 1EG** |  |
|   |  | **United Kingdom** |  |
|  | **Tel:****E-mail:** | **+44 (0)23 8032 9135****Richard.jackson@mcga.gov.uk** |
| Your ref:  | **Consultation for VTMD PIR** |
| 08 July 2016 |

Dear Consultee

**Statutory review of the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment)(Regulations 2011) – Request for Information**

The Maritime and Coastguard Agency would like your views on the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011.There is a statutory requirement to review the implementation of these regulations and we would appreciate your constructive feedback. You have been included in this consultation as a relevant stakeholder. Please find enclosed a short questionnaire attached to this letter; the deadline to reply is 5th August 2016.

**Vessel Traffic Monitoring and Reporting Requirements (Amendment) Regulations**

In 2011, the Government implemented regulations where the policy objectives aim to enhance maritime safety standards by introducing a number of new measures in the area of vessel traffic monitoring, as well as clarifying some elements of the original Directive.

The Regulations were implemented to improve knowledge of maritime traffic by improving the collection and exchange of information to reduce the risks of incidents at sea.

<http://www.legislation.gov.uk/uksi/2011/2616/pdfs/uksi_20112616_en.pdf>

**Statutory Review Requirement**

There is a statutory requirement to review the Regulations to assess that they are still fit for purpose. A report of the review will be published by 31st December 2016 and we would welcome your views to inform this review. We would like you to complete the following questionnaire and provide your views on the regulations. Items included are;

1. Covering Letter
2. Summary of the regulations
3. Questionnaire
4. Freedom of Information Act Summary

**Annex A**

1. PDF copy of the Vessel Traffic Monitoring and Reporting Requirements Regulations

**Period of stakeholder engagement**

The stakeholder engagement exercise will last for a period of 4 weeks and all comments should be provided in preference by email, **no later than the 5th August 2016**, to either:

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| Richard.jackson@mcga.gov.uk | Gareth.love@mcga.gov.uk |
| Richard JacksonNavigation Safety Branch, Bay 2/20Maritime and Coastguard AgencySpring Place105 Commercial RoadSouthampton, SO15 1EGHampshire | Gareth LoveLegal Services, Bay 2/17Maritime and Coastguard AgencySpring Place105 Commercial RoadSouthampton, SO15 1EGHampshire |

Information provided will be handled in line with the DfT commitments under the Freedom of Information Act, Environmental Information Regulations and the Data Protection Act – further information is annexed to this letter.

Following completion of this stakeholder engagement exercise the post-implementation reviews for the Vessel Traffic Monitoring and Reporting Requirements (Amendment) Regulations 2011, the final version of the review will be published in 2016, as an annex to a Command Paper.

If you have any questions or concerns about this process please contact the MCA on 023 8032 9135

Yours sincerely,

**Gareth Love**

Legal Services, Bay 2/17

Maritime and Coastguard Agency

Spring Place

105 Commercial Road

Southampton, SO15 1EG

Hampshire



**Details of the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011**

In 2011, the Government implemented regulations where the policy objectives aim to enhance maritime safety standards by introducing a number of new measures in the area of vessel traffic monitoring as well as clarifying some elements of the original Directive.

The Regulations were implemented to improve UK knowledge of maritime traffic by improving the collection and exchange of to reduce the risks of collisions involving fishing vessels by requiring AIS.

<http://www.legislation.gov.uk/uksi/2011/2616/pdfs/uksi_20112616_en.pdf>

Background

Vessel traffic monitoring and reporting is aimed at preventing accidents and pollution. At the time of implementation, there were an average of 600 commercial shipping accidents per year and over 1000 pollution incidents per year in UK waters.

VTMD was initially introduced in 2002 via the 2002/59/EC Directive to establish a mandatory vessel traffic monitoring and reporting system that helps prevent accidents and pollution at sea. The measures were implemented in response to the loss of the tanker MV ERIKA which broke up in bad weather and sank in 1999 spilling 19,800 tonnes of oil and costing £165 million to clean up.

It was proposed in particular that the amending Regulations would introduce the following changes:

* To require fishing vessels over 15m in length to fit a Class A AIS system.
* Notification of bunker fuel on ships of 1000 GT and above. Previously vessels below 5000tons were out of scope.
* The introduction of ice warnings to provide information on potential risks of ice.
* The introduction of more rigorous requirements relating to the information about polluting goods onboard and the requirement for emergency numbers of people with in depth knowledge of such goods.

**QUESTIONS TO BE RESPONDED TO FOR THE VESSEL TRAFFIC MONITORING DIRECTIVE AMENDMENTS**

<http://www.legislation.gov.uk/uksi/2011/2616/pdfs/uksi_20112616_en.pdf>

**Question 1**

The VTMD regulations amended existing regulations. The following questions will help to understand if these amendments

 resulted in any unexpected costs.

**1. a)** How long did it take for your business to understand the legislative changes? And what was the hourly cost to your business of doing so?

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**1. b)** Could these costs have been minimised had the regulation been implemented differently?

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**1. c)** Have there been any changes to the ongoing costs related to reporting, as a result of the amendment?

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**Question 2**

**2. a)** Have any cost savings been realised as a result of the exemptions?

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**2. b)** Have any cost increases or savings been passed on to other businesses?

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**2. c)** Were there any unintended impacts or unexpected costs which have been brought about as a result of the amendment?

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**Question 3.**

The VTMD amendment required a number of fishing vessels to install and operate AIS.

**3. a)** Did you already have the appropriate AIS equipment or did you need to install/upgrade AIS to comply with the amendment?

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**3. b)** What were the costs involved in fitting /upgrading your AIS and what are the costs related to the maintenance of the AIS system? How has this been funded?

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**3. c)** Without this regulation would you have AIS installed on your vessel?

Yes

No

**3. d)** If this regulation was repealed, would you continue to operate with AIS?

Yes

No

**Question 4.**

Have the AIS requirements had a positive impact on safety at sea?

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**Question 5.**

If you consider your business to be a micro business, have there been any particular impacts on your business?

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**Question 6.**

 Are there ways that the regulation could be improved or that the implementation of the regulation could have been done better?

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Do you consider yourself to be representing either;

Yourself,

Micro Business,

Small Business,

Large Business,

Other

**FREEDOM OF INFORMATION ACT**

Information provided in response to this exercise, including personal information, may be published or disclosed in accordance with access to information regimes (these are primarily the Freedom of Information Act 2004 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you would like information that you provide to be treated as confidential, please be aware that under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The DfT will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

**Conduct of this information gathering process**

If you have any comments on the conduct of this process please email the stakeholder engagement exercise Coordinator.