



Maritime and Coastguard Agency

MARINE GUIDANCE NOTE

MGN 438 (M+F)

Consolidated European Reporting System (CERS) - Exemption Arrangements under the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (as amended)

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 should be read in conjunction with Statutory Instrument No. 2004/2110 (as amended), MSN 1831 and replaces MGN 405 (M+F).

Summary

This Notice describes notification exemption arrangements where allowed under the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (as amended) which implement into United Kingdom (UK) law European Community Directive 2002/59/EC establishing a community vessel traffic monitoring and information system, known as the Vessel Traffic Monitoring Directive (VTMD), as amended.

Information that is required in support of an application to be exempt from the notification of dangerous or polluting goods carried on board is set out in the Appendix to this Notice.

UK port authorities are responsible for forwarding relevant information to MCA for capture in the Consolidated European Reporting System (CERS).

1. Introduction

- 1.1 The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (Statutory Instrument No.2004/2110, herein known as 'the Regulations'), as amended, give legal effect in the UK to Directive 2002/59/EC, as amended, establishing a Community vessel traffic monitoring and information system.
- 1.2 The main aims of the Directive are to enhance the safety and efficiency of maritime traffic and improve the response of authorities to incidents, accidents or potentially dangerous situations at sea. The exchange of information within the Community is fundamental to meeting these aims and is provided through the EU-wide system known as SafeSeaNet. The UK system, CERS, which went operational on 31 December 2007, links with SafeSeaNet and forwards, electronically, all reportable information to enable the UK to meet its obligations under the Directive.

1.3 Unless otherwise stated in the Regulations, they apply to all ships of 300 Gross Tonnage and upwards and to fishing vessels, traditional ships and recreational craft, where the length of the fishing vessel, traditional ship, or recreational craft is 45 metres and above.

1.4 For the purposes of the Regulations, a “ship” is defined as any sea-going vessel or craft.

2. Notification prior to entry into Port

2.1 Regulation 5(2) imposes notification requirements, prior to entry into port, for UK ships bound for a port located in the UK or another EEA State and non UK ships bound for a port located in the UK. The owner, agent or master of a ship is required to notify the authority of the port to which the ship is bound, the information specified in MSN 1831.

2.2 Ports are also required, under Regulation 5(6), to pass the information notified to them to the MCA; this should be done through CERS via the methods detailed in MSN 1831.

3. Notification of Dangerous or Polluting Goods Carried on Board

3.1 Regulation 10 imposes requirements on the owner, agent or master of ships, irrespective of size, which are carrying dangerous or polluting goods. All such ships leaving a port in the UK, under Regulation 10(2), and any such UK ship leaving a port elsewhere in the EEA, under Regulation 10(3), must notify information about the vessel and the dangerous or polluting goods being carried, in accordance with MSN 1831, to the competent authority of the State in which the port of departure is situated. There are also provisions, under Regulations 10(4) and 10(5), requiring ships coming from outside the EEA to notify the competent authority of the State in which the destination port is situated.

3.2 In the UK, the MCA requires the notifications made by the owner, agent or master under regulation 10(2) and 10(5) to be made to the relevant port authority and requires port authorities to pass the appropriate information to the MCA, which should be done through CERS. MSN 1831 details the requirements for port authorities to enter information into CERS upon notification by ships carrying dangerous or polluting goods.

4. Exemption from Notification Requirements for Scheduled Services

4.1 Regulation 4A allows exemptions to be given from the notification requirements in regulation 5(2) or 10(2) in respect of scheduled services between ports within the UK, provided certain conditions are met. An exemption must be in writing and the conditions to be met, contained in regulation 4A(2), are as follows;

The person who operates the schedule service —

(a) maintains, and keeps up to date, a list of the ships engaged on that scheduled service;

(b) has sent that list, and details of all updates, to the MCA;

(c) ensures that, in respect of each voyage made by a ship whilst engaged on the scheduled service, the information specified in—

(i) regulation 5(3), or

(ii) Annex B to MSN 1831 (M+F),

as the case may be, is kept so that it can be provided at any time by electronic means to the MCA immediately on request.

Where an exemption has been granted the master of a specified ship shall notify the port authority of destination of any deviation of 3 hours or more from the estimated time of arrival at that port, or the pilot station for that port.

4.2 It should be noted that the “list of ships engaged on that scheduled service”, should include route and timetable for voyages within the UK Automatic Identification System (AIS) coverage area. The number of persons on board must be entered into the ship’s AIS using binary message format at each port.

4.3 When an international scheduled service is operated between two or more States of which at least one is a Member State of the EU, the reporting requirements of regulations 5(2), and 10(2) do not apply where an exemption has been granted pursuant to Article 15(2) of the Directive.

4.4 The term “scheduled service” is defined in the Regulations and is as follows:

“scheduled service” means a series of ship crossings operated so as to serve traffic between the same two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series and it is intended that the service will be operated for a minimum of one month;”

4.5 Operators engaged on scheduled services, who wish their ships to be exempted from notification requirements, are advised to apply to the MCA at the address listed at the end of this Notice. See the Appendix for the information which is required in support of an exemption application. It should be noted that:

- i. reference to Document of Compliance relates to the Document of Compliance – special requirements for ships carrying dangerous goods; and*
- ii. reference to Locode means UN/Locode, a list of which can be obtained at the following link: <http://www.unece.org/cefact/locode/gb.htm>*

4.6 All exemptions granted by the MCA will be applicable to an individual ship on a specific scheduled service provided that the conditions laid down in regulation 4A(2) are met. For the purposes of granting an exemption to reporting requirements, the vessel must have been operating on the scheduled service for a minimum of one month, in order to fall within the definition of a scheduled service.

More Information

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APPENDIX

Details Required for Exemption Certificate from Notification Requirements

Please complete for all exemption applications:

Owner Operator

Name of Ship

Port of Registry/Operation.....

Official Number.....

Gross Tonnage.....

IMO Number.....

UK Class.....

Details of Exemption Requested.....

Details of Scheduled Service (Arrival & Departure Times and Ports involved)

.....

Please complete for exemption applications from Dangerous or Polluting Goods:

Document of Compliance – validity from to

Cargo Manifest Information will be available from:

URL

Note: The URL must start with "https://" and the format of the document must either be:
DocType: DOC -> Extensions allowed: DOC, DOT, RTF DocType: HTML -> Extensions allowed: HTM, HTML
DocType: PDF -> Extensions allowed: PDF DocType: TXT -> Extensions allowed: TXT
DocType: XML -> Extensions allowed: XML

or

Contact Details – Surname

First Name

Locode

Tel

Fax

Email