

## **The European Communities (Minimum Requirements for Vessels Carrying Dangerous or Polluting Goods) Regulations, 1995**

I, SEAN BARRETT, Minister for the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 93/75/EEC(1) of 13 September, 1993, and the Communications (Transfer of Departmental Administration and Ministerial Functions) Order, 1987 (S.I. No. 91 of 1987), hereby make the following Regulations:

### REG 1

Citation, commencement and revocation.

1. These Regulations may be cited as the European Communities (Minimum Requirements for Vessels Carrying Dangerous or Polluting Goods) Regulations, 1995 and shall come into operation on the 13th day of September, 1995.

### REG 2

2. The European Communities (Entry Requirements for Tankers) Regulations, 1981 (S.I. No. 301 of 1981), are hereby revoked.

### REG 3

Interpretation.

3. (1) In these Regulations:—

"Council Directive" means Council Directive 93/75/EEC concerning minimum requirements for vessels bound for or leaving community ports and carrying dangerous or polluting goods;

"dangerous goods" means goods classified in the IMDG Code, in Chapter 17 of the IBC Code and in Chapter 19 of the IGC Code;

"IBC Code" means the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, as it is in force at the time of adoption of the Council Directive;

"IGC Code" means the IMO International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, as it is in force at the time of adoption of the Council Directive;

(1)OJ L247 of 5.10.1993 p. 19.

"IMDG Code" means the IMO International Maritime Dangerous Goods Code, as it is in force at the time of adoption of the Council Directive;

"IMES" means the Irish Marine Emergency Service of the Department of the Marine;

"IMO" means the International Maritime Organisation;

"IMO Resolution A. 648 (16)" means the International Maritime Organisation Resolution 648 (16) adopted by the Assembly at its sixteenth session on 19 October, 1989 and entitled "General Principles for Ship Reporting Systems and Ship Reporting Requirements, including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants", as it is in force at the time of adoption of the Council Directive;

"Local Competent Authority" means an authority designated by the Minister as such in accordance with Regulation 5 of these Regulations and listed in Part B of the First Schedule to these Regulations;

"Marine Notice" means a Notice described as such issued by the Department of the Marine and which may be amended or replaced from time to time;

"MARPOL" means the International Convention for the Prevention of Pollution from Ships, 1973 done at London on the 2nd day of November, 1973 as amended by the Protocol thereto done at London on the 17th day of February, 1978, as it is in force at the time of adoption of the Council Directive;

"National Competent Authority" means an authority designated by the Minister as such in accordance with Regulation 5 of these Regulations and listed in Part A of the First Schedule to these Regulations;

"operator" includes the owner, charterer, manager or agent of the vessel;

"polluting goods" means all or any of the following:

( a ) oils as defined in MARPOL Annex 1,

( b ) noxious liquid substances as defined in MARPOL Annex 2,

( c ) harmful substances as defined in MARPOL Annex 3;

"shipper" means any person by whom or in whose name or on whose behalf a contract of carriage of goods by sea has been concluded with a carrier;

"vessel" means any cargo vessel, oil, chemical or gas tanker or passenger vessel bound for or leaving a port within the Community and carrying dangerous or polluting goods in bulk or in packaged form.

(2) A word or expression that is used in these Regulations and is also used in the Council Directive has unless the contrary intention appears, the same meaning in these Regulations that it has in the Council Directive.

#### REG 4

##### Application.

4. These Regulations apply to all cargo vessels, oil, chemical or gas tankers and passenger vessels bound for or leaving a port within the Community and carrying dangerous or polluting goods in bulk or in packaged form but shall not apply to:

- ( a ) warships and other State ships used for non-commercial purposes; and
- ( b ) bunkers, stores and equipment for use on board ships.

#### REG 5

##### Designation.

5. ( a ) IMES is for the purposes of these Regulations hereby designated and shall be the National Competent Authority listed in Part A of the First Schedule to whom the information and notifications provided for in paragraph (a) of Regulation 7, paragraph (c) of Regulation 9 and paragraph (a) of Regulation 11 of these Regulations shall be addressed.

( b ) The authorities listed in Part B of the First Schedule to these Regulations are for the purposes of these Regulations hereby designated and shall be the Local Competent Authorities to whom the information and notifications provided for in paragraphs (a), (b) and (d) of Regulation 9, Regulation 10 and paragraphs (b) and (c) of Regulation 12 of these Regulations shall be addressed.

#### REG 6

##### Duties of the National Competent Authority and the Local Competent Authorities.

6. IMES and Local Competent Authorities shall make adequate arrangements, as approved by the Minister, to provide, for reasons of safety, such information, as notified in accordance with Regulations 9 and 11 of these Regulations, at any time upon request by a National Competent Authority or a Local Competent Authority of another Member State.

#### REG 7

7. ( a ) Notwithstanding paragraph (a) of Regulation 11, the appropriate Local Competent Authority shall notify IMES of any incident notified to that authority under these Regulations and any information with regard to any vessel which poses a threat to life, shipping or the marine environment.

( b ) IMES shall notify another Member State where there is a risk of a hazard being posed to maritime or coastal zones within

that Member State.

( c ) On notification of an incident under these Regulations, IMES shall broadcast within the relevant areas information with regard to the incident or circumstance and to any vessel which poses a threat to other shipping.

#### REG 8

Duties of shipper, operator and master.

8. ( a ) No dangerous or polluting goods shall be offered for carriage or taken on board any vessel unless a declaration has been delivered to the master or operator containing 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, the quantities of such goods and, if in portable tanks or freight containers, their identification marks.

( b ) It shall be the duty of the shipper to deliver to the master or operator of the vessel the declaration required by paragraph (a) of this Regulation and to ensure that the shipment offered for carriage is the one declared in compliance with paragraph (a) of this Regulation.

#### REG 9

9. ( a ) The operator of a vessel leaving a port in the State, or leaving a port in the State to move to an anchorage in the State's territorial waters shall notify the Local Competent Authority with jurisdiction over that port before the vessel's departure of all information listed in the Second Schedule to these Regulations.

( b ) The operator of a vessel coming from a port located outside the Community and bound for a port located in the State or for an anchorage located in the State's territorial waters shall, as a condition of entry into that port or anchorage, notify on departure from the final loading port, all information listed in the Second Schedule to these Regulations to the Local Competent Authority at the first port of destination or anchorage.

( c ) The operator of a vessel bound for or leaving a port within the State and stopping at an anchorage, which is located in the State's territorial waters but which is not within the jurisdiction of a Local Competent Authority shall notify IMES of all information listed in the Second Schedule to these Regulations.

( d ) The Minister may grant exemptions to regular scheduled services of less than one hour's crossing time from the application of paragraphs (a), (b) and (c) of this Regulation: provided that, the information contained in the Second Schedule to these Regulations is made available by the operator upon request of the Local Competent Authority at the port of departure or destination.

## REG 10

10. The master of a vessel shall immediately inform the appropriate Local Competent Authority of any deficiency which may prejudice the safe navigation of the vessel whilst within the jurisdiction of that authority.

## REG 11

Incident or circumstance at sea.

11. (a) In the case of an incident or circumstance at sea which poses a threat to the coastline or related interests, the master of the vessel concerned shall provide, at least, immediate information as to the particulars of the incident or circumstances and the information in the Second Schedule to IMES.

( b ) IMES may deem the obligation in paragraph (a) of this Regulation to report the information in the Second Schedule to be satisfied if the vessel indicates which National Competent Authority or Local Competent Authority within the Community is holding the information required by Regulation 9 of these Regulations.

( c ) The notification provided for in paragraphs (a) and (b) of this Regulation shall be effected at least in accordance with IMO Resolution A. 648 (16), as set out in Marine Notice No. 2 of 1993.

## REG 12

Use of Pilotage and Vessel Traffic Services.

12. (a) Vessels entering or leaving a port located in the State shall make use of:

(i) pilots as required under the ports' pilotage bye-laws made in accordance with the Pilotage Act, 1913 as may be amended or replaced from time to time; and

(ii) vessel traffic services as established under the ports' bye-laws made in accordance with the Harbours Act, 1946 as may be amended or replaced from time to time.

( b ) The master of a vessel shall complete accurately the check list in the Third Schedule of these Regulations and make it available to the pilot, where use of a pilot is required, for his information. The check list in the Third Schedule shall also be made available to the appropriate Local Competent Authority, if it so requests.

( c ) Pilots engaged in berthing, unberthing or manoeuvring vessels shall immediately inform the appropriate Local Competent Authority whenever they learn of deficiencies which may prejudice the safe navigation of the vessel.

#### REG 13

Existing port notification arrangements.

13. Regulations 9,10,11 and 12 of these Regulations shall not prejudice existing requirements imposed as a result of port notification arrangements or imposed under section 26 of the Sea Pollution Act, 1991 (No. 27 of 1991).

#### REG 14

Powers of the Minister in an emergency.

14. Where the Minister considers that it is necessary to prevent, mitigate or eliminate a serious and imminent danger to the coastline or related interests, the safety of other ships, the safety of crews, passengers or people ashore or to protect the marine environment he may:

( a ) restrict the movement of the vessel or direct it to follow a certain course, provided that any restriction so imposed shall not override the master's responsibility for the safe conduct of his vessel;

( b ) request the master to provide the relevant information from the check list in the Third Schedule to these Regulations and to confirm that a copy of the list or manifest or appropriate loading plan referred to under paragraph 9 of the Second Schedule to these Rules is available on board.

#### REG 15

Prosecution.

15. A prosecution under these Regulations may be brought by the Minister.

#### REG 16

16. In any proceedings under these Regulations, evidence of the terms of any of the following, namely—

( a ) the IBC Code;

( b ) the IGC Code;

( c ) the IMDG Code;

or

( d ) IMO Resolution A 648 (16),

may be given by producing a document purporting to be a copy thereof.

REG 17

Penalties.

17. A person who contravenes these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500.

## FIRST SCHEDULE

Regulation 5

PART A

National Competent Authority:  
Irish Marine Emergency Service,  
Department of the Marine,  
Leeson Lane,  
Dublin 2.

Telephone: (01) 66 20 922  
(01) 66 20 923

or

Telephone 999 and ask for "Marine Rescue".

Telefax: (01) 6620 795

Telex: 93039.

PART B

Local Competent Authorities:

The Harbour Masters of the following ports:

Arklow Harbour, Galway Harbour, Harbour Office, Harbour Office,  
Arklow, Galway. Co. Wicklow. Killybegs Fishery Harbour, Bantry Bay  
Harbour, Centre, c/o Enterprise Centre, Harbour Office, Bantry, Killybegs,  
Co. Cork, Co. Donegal. Drogheda Port, Kinsale Harbour, Harbour  
Office, Harbour Office, The Mall, Customs' Quay, Drogheda, Kinsale, Co.  
Louth. Co. Cork. Dublin Port, Limerick Harbour, Port Centre, Harbour  
Office, Alexandra Road, 3 Pery Square, Dublin 1. Limerick. Dundalk  
Harbour, New Ross Harbour, 40 Quay Street, Harbour Office, Dundalk, New  
Ross, Co. Louth. Co. Wexford. Dún Laoghaire Harbour, Port of Cork,  
Harbour Lodge, Harbour Office, Dún Laoghaire, Custom House Street, Co.  
Dublin. Cork. Fenit Pier and Harbour, Rosslare Harbour, Harbour  
Office, Iarnród Éireann, Fenit, Rosslare, Co. Kerry. Co. Wexford. Foynes  
Harbour, Sligo Harbour, Harbour Office, Harbour Office, Foynes, Sligo. Co.  
Limerick. Waterford Harbour, Youghal Harbour, George's Street, Youghal  
Urban District Council, Waterford. Town Hall, Youghal, Wicklow Harbour, Co.  
Cork. Harbour Office, Wicklow. and the General Manager of Greenore  
Port, Greenore, Co. Louth.

## SECOND SCHEDULE

Regulations 9 and 11

Information on vessels carrying dangerous or polluting goods:

1. Name, call sign and IMO number of the  
vessel:.....

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2. Nationality of the

vessel:.....

3. Length and draught of the vessel:

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4. Port of destination:

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5. Estimated time of arrival at the port of destination or pilot station, as required by Local Competent Authority:

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6. Estimated time of departure from loading port:

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7. Intended

Route:.....

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8. 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, the quantities of such goods and their location on board and, if in portable tanks or freight containers, their identification marks:

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9. Confirmation that a list or manifest or appropriate loading plan which gives details of the dangerous or polluting goods carried and of their location on the vessel is on board:

Yes/No (delete as appropriate).

THIRD SCHEDULE

Regulations 12 and 13

Check List for Vessels

A. Vessel Identification

Name of

vessel:.....

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Owner:.....

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Year

built:.....

.....

Flag:.....

.....

Call

sign:.....  
.....

Gross  
tonnage:.....  
.....

Port of  
Registry:.....  
.....

Length  
overall:.....  
.....

Vessel's international call sign if  
available:.....

Classification  
society:.....  
.....

Class  
notation:.....  
.....

Hull:.....  
.....

Machinery:.....  
.....

Propulsion  
machinery:.....  
.....

Output:.....  
.....

Agent:.....  
.....

Forward:.....  
.....

Amidships:.....  
.....

Aft:.....  
.....

Volume/mass of dangerous or polluting cargo:  
.....  
.....  
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Safety Installations Aboard: Whether in good working order Yes No Deficiencies  
1. Construction and technical equipment Main and auxiliary engines   Main steering gear   Auxiliary steering gear   Anchor gear   Fixed fire-extinguishing system   Inert gas system (if applicable)    
2. Navigational equipment Manoeuvring characteristics available   First radar installation   Second radar installation   Gyro compass   Standard magnetic compass   Radio direction- finding apparatus   Echo-sounding device   Other electronic position- fixing aids   Navigation lights mains   Navigation lights emergency 24V    
3. Radio equipment Radiotelegraphy installation   Radiotelephony

installation (VHF)   Documents: Whether valid certificates/ documents on board  
 Cargo Ship Safety Construction Certificate   Cargo Ship Safety Equipment Certificate   Cargo Ship Safety Radio Certificate   Exemption Certificate   Load Line Certificate   Classification Certificate   Pollution Risk Insurance Certificate   SOLAS Dangerous Goods Certificate   Passenger Safety Certificate   Completed oil/cargo record book   (International) Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk   (International) Certificate of Fitness for the Carriage of Liquefied Gases in Bulk   International Oil Pollution Prevention Certificate (IOPP Certificate)   International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (IPPC Certificate)

Officers and ratings:

DETAILED DESCRIPTION OF CERTIFICATES OF COMPETENCY; SERIAL NUMBER; NAME, PLACE, COUNTRY OF ISSUING AUTHORITY:

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 .....  
 .....  
 .....  
 .....  
 .....

Whether certificate of competency on board Yes No Master   Chief mate   Second mate   Third mate   Chief engineer   First engineer officer   Second engineer officer   Third engineer officer   Radio officer   Total number of ratings Deck.....; Engine room.....Deep- sea pilot taken aboard: Yes No   .....Signature of the master or, if he is indisposed, of the deputy.  
 Date:.....

GIVEN under my Official Seal, this 25th day of August, 1995.

SEAN BARRETT,  
 Minister for the Marine.

EXPLANATORY NOTE.

These Regulations give effect to EU Directive 93/75/EEC and come into force on 13 September, 1995.  
 The European Communities (Entry Requirements for Tankers) Regulations, 1981 (S.I. No. 301 of 1981) which gave effect to EC Directive 79/116/EEC as amended by 79/1034/EEC are revoked from the date these Regulations come into force.  
 The Regulations set out requirements additional to present regulations governing the transport of dangerous goods as laid down in the Merchant Shipping (Dangerous Goods) Rules, 1992 (S.I. No. 391 of 1992).  
 Principally, the Regulations:—

designate the Irish Marine Emergency Services (IMES) of the Department of the Marine as the National Competent Authority for the purposes of these Regulations;

designate the Harbour Masters of named Irish ports as Local Competent Authorities for the purposes of these Regulations;

require that vessels carrying dangerous or polluting goods coming from outside the Community notify the relevant Local Competent Authority of their intended arrival;

require that vessels carrying dangerous or polluting goods leaving a Community port notify the relevant Local Competent Authority;

require that vessels bound for or leaving a Community port which carry dangerous or polluting goods and which stop at an anchorage within the territorial waters of the State but not within the jurisdiction of a port, shall provide IMES with information on the goods carried; and

provide for the collation and dissemination of information, where warranted, on the movement of dangerous or polluting goods and/or any incidents involving such goods.