

## **European Communities Merchant Shipping (Port State Control) (Amendment) Regulations, 2001**

I, Frank Fahey, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 ( no. 27 of 1972 ), and for the purposes of giving effect to Commission Directive 1999/97/EC<sup>1</sup> of 13 December, 1999, relating to international standards for ship safety, pollution prevention and shipboard living and working conditions (Port State Control), hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities Merchant Shipping (Port State Control) (Amendment) Regulations, 2001.

(2) The European Communities Merchant Shipping (Port State Control) Regulations 1998 ( S.I. No. 145 of 1998 ), the European Communities Merchant Shipping (Port State Control) (Amendment) Regulations 1998 ( S.I. No. 557 of 1998 ) and these Regulations may be cited together as the European Communities Merchant Shipping (Port State Control) Regulations, 1998 to 2001.

2. In these Regulations the “Principal Regulations” means the European Communities Merchant Shipping (Port State Control) Regulations 1998 ( S.I. No. 145 of 1998 ).

3. Regulation 2 of the Principal Regulations is amended:

(a) in paragraph (1) by the substitution in the definition of “Conventions” of the following for “‘Conventions’ has the meaning as it has in Article 2 of the Directive;”:

“‘Conventions’ has the same meaning as it has in Article 2 of Council Directive 95/21/EC except for the substitution, in the last line of point 1 of that Article for “together with the Protocols and amendments to these Conventions and related codes of mandatory status, in force at the date of adoption of this Directive” of “together with the Protocols and amendments to these Conventions and related codes of mandatory Status in force on 1 July 1999,”:

(b) in paragraph (1) by the substitution in the definition of “Directive” of the following for “‘Directive’ means Council Directive No. 95/21/EC of 19 June 1995,”:

“‘Directive’ means -

(a) Council Directive 95/21/EC<sup>2</sup> of 19 June 1995,

(b) Council Directive 98/25/EC<sup>3</sup> of 27 April 1998,

(c) Commission Directive 98/42/EC<sup>4</sup> of 19 June 1998 and

(d) Commission Directive 1999/97/EC<sup>5</sup> of 13 December 1999;

(c)in paragraph (1) by the substitution in the definition of “MOU” of the following for ““MOU’ means the Memorandum of Understanding on Port State Control, signed in Paris on 26 January 1982, as provided for in Article 2 of the Directive”:

““MOU’ means the Memorandum of Understanding on Port State Control, signed at Paris on 26 January 1982, as it stands on 1 July 1999;”, and,

(d)in paragraph (3) by the substitution of the following for subparagraph (c):

“(c)In these Regulations a reference to Annex 1, Annex II, Annex III, Annex IV, Annex V, Annex VII or Annex VIII to Council Directive 95/21/EC of 19 June 1995 is a reference to that Annex as amended, adapted, extended or inserted by Commission Directive 98/42/EC of 19 June 1998 and Commission Directive 1999/97/EC of 13 December 1999.”.

4. Regulation 16 of the Principal Regulations is amended by the substitution of the following for “Publication of detentions” and paragraphs (1) and (2):

“Release of Information

The Competent authority shall ensure that-

(a)the information, listed in Part 1 of Annex VIII, which concerns ships which have been detained in a port or refused access to a port during the previous month, is published at least every month, and

(b)the information referred to in Part I and Part II of Annex VIII, which is available in the information system established under the MOU, called “SIRENAC” shall be made available to the public as soon as possible after the completion of the inspection or the lifting of the detention, as appropriate.”.

GIVEN under my Official Seal

this 15 day of May, 2001

**Frank Fahey**

Minister for the Marine & Natural Resources

#### **EXPLANATORY NOTE**

(THIS NOTE IS NOT PART OF THE INSTRUMENT AND DOES NOT PURPORT TO BE A LEGAL INTERPRETATION)

These regulations give effect to Commission Directive 1999/97/EC of 13th December, 1999 which amends Council Directive 95/21/EC of 19 June, 1995 on the harmonisation of the laws, regulations and administrative provisions of Member States

relating to standards for ship safety, pollution prevention and shipboard living and working conditions (Port State Control).

The main purpose of the amendment is to require Member States to give more detailed information in relation to ships which are detained or refused access taking into account amendments to the conventions, protocols, codes and resolutions of the International Maritime Organisation (IMO) and developments within the Paris Memorandum of Understanding (Paris MOU). Members States are also required to publish this information on a monthly basis.

<sup>1</sup> O.J. No. L331, 23.12.1999, p67

<sup>2</sup> O.J. No. L157, 7.7.1995, p1

<sup>3</sup> O.J. No. L133, 7.5.1998, p.19

<sup>4</sup> O.J. No. L184, 27.6.1988, p40

<sup>5</sup> O.J. No. L331, 23.12.1999, p67