



STATUTORY INSTRUMENTS.

S.I. No. 71 of 2012

EUROPEAN COMMUNITIES (VESSEL TRAFFIC MONITORING AND
INFORMATION SYSTEM) (AMENDMENT) REGULATIONS 2012

(Prn. A12/0442)

EUROPEAN COMMUNITIES (VESSEL TRAFFIC MONITORING AND INFORMATION SYSTEM) (AMENDMENT) REGULATIONS 2012

I, LEO VARADKAR, Minister for Transport, Tourism and Sport 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 2011/15/EU of 23 February 2011¹, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Vessel Traffic Monitoring and Information System) (Amendment) Regulations 2012.

2. The European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010 (S.I. No. 573 of 2010) are amended—

(a) in Regulation 2, by substituting for the definition of “Directive” the following:

“Directive” means Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002², as amended by—

(a) Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009³,

(b) Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009⁴, and

(c) Commission Directive 2011/15/EU of 23 February 2011¹.”,

(b) by inserting after Regulation 9 the following:

“Exemptions from automatic identification systems requirements

9A (1) The Minister may exempt the following ships from the requirements of Regulations 8 and 9:

(a) a passenger ship below 15 metres in length or 300 gross tonnage and engaged on non-international voyages, or

(b) a ship other than a passenger ship, with a gross tonnage of between 300 and 500, sailing exclusively within Irish waters (within the meaning of section 2 of the Maritime Safety Act

¹OJ No. L 49, 24.2.2011, p. 33

²OJ No. L 208, 5.8.2002, p. 10

³OJ No. L 131, 28.5.2009, p. 101

⁴OJ No. L 131, 28.5.2009, p. 114

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 13th March, 2012.

2005 (No. 11 of 2005)) and outside routes normally used by other ships fitted with automatic identification systems.

(2) It shall be a defence to a prosecution for an offence under Regulation 8(3) or Regulation 9(3) to show that at the time of the alleged offence the Minister had exempted the ship under this Regulation.”,

(c) by inserting after Regulation 13(3) the following:

“(4) The Minister may exempt ships from the requirements of this Regulation as follows:

- (a) passenger ships solely engaged on voyages in sea areas other than those covered by Class A, as referred to in Article 4 of Directive 2009/45/EC of the European Parliament and of the Council⁵, may be exempted from the requirement to be fitted with a VDR;
- (b) ships, other than ro-ro passenger ships, constructed before 1 July 2002 may be exempted from the requirement to be fitted with a VDR where it can be demonstrated that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable;
- (c) cargo ships constructed before 1 July 2002, engaged on international or non-international voyages, may be exempted from the requirement to be fitted either with a VDR or a simplified voyage data recorder (S-VDR) if such ships are to be taken permanently out of service within two years of the implementation date specified in Chapter V of SOLAS.

(5) It shall be a defence to a prosecution for an offence under paragraph (3) to show that at the time of the alleged offence the Minister had exempted the ship under paragraph (4) from the requirement to which the prosecution relates.”,

(d) in Regulation 14(1)(b), by substituting “IMO Resolution MSC.286(86)” for “IMO Resolution MSC.150(77)”,

(e) by substituting for Regulation 16(3) the following:

“(3) Exemptions from the requirements of Regulations 7 and 15 shall be limited to voyages of a scheduled duration of up to 12 hours.”,

(f) by substituting for Regulation 21(2) the following:

“(2) The master of a ship to which the provisions of the ISM Code are applicable shall, in accordance with that Code, inform the company of any incident or accident referred to in Regulation 18(1) which occurs at sea and as soon as it has been informed of such a situation

⁵OJ No. L 163, 25.6.2009, p. 1.

the company shall contact the appropriate coastal station and place itself at its disposal as necessary.”,

(g) by inserting after Regulation 22(2) the following:

“(3) Where in the circumstances referred to in paragraph (2) a ship is towed under a towage or salvage agreement, the Irish Coast Guard may make a requirement under paragraph (2)(a) or (d) of any assistance, salvage or towage company involved.”,

(h) by substituting for Schedule 1 the following:

Regulation 4

“SCHEDULE 1

Ref. No. (1)	Port (2)	Harbour Authority (3)
1.	Arklow	Wicklow County Council
2.	Bantry	Bantry Bay Harbour Authority
3.	Drogheda	Drogheda Port Company
4.	Dublin	Dublin Port Company
5.	Dundalk	Dublin Port Company
6.	Dún Laoghaire	Dún Laoghaire Harbour Company
7.	Galway	Galway Harbour Company
8.	Killybegs	Killybegs Fishery Harbour Centre
9.	Kinsale	Cork County Council
10.	New Ross	New Ross Port Company
11.	Cork	Port of Cork Company
12.	Tralee and Fenit	Kerry County Council
13.	Shannon Foynes	Shannon Foynes Port Company
14.	Waterford	Port of Waterford Company
15.	Wicklow	Wicklow Port Company
16.	Rosslare	Rosslare Europort
17.	Sligo	Sligo County Council
18.	Youghal	Youghal Town Council
19.	Greenore	Greenore Ferry Services Ltd.
20.	Castletownbere	Castletownbere Fishery Harbour Centre

”,

and

(i) by substituting for Schedule 3 the following:

“SCHEDULE 3

1. Ships engaged on international voyages Passenger ships, irrespective of size, and all ships other than passenger ships, of 3000 gross tonnage and upwards engaged on international voyages, which call at a port shall be fitted with a voyage data recorder (VDR) in accordance with the technical and performance standards laid down in Chapter V of SOLAS. In case of cargo ships constructed before 1 July 2002 the VDR may be a simplified voyage data recorder (S-VDR), which shall comply with the technical and performance standards developed in accordance with Chapter V of SOLAS.

2. Ships engaged on non-international voyages—

- (a) Passenger ships, irrespective of size, and ships other than passenger ships, of 3000 gross tonnage and upwards and constructed on or after 1 July 2002 engaged on a non-international voyage shall be fitted with a voyage data recorder (VDR) which complies with the technical and performance standards developed in accordance with Chapter V of SOLAS.
- (b) Cargo ships of 3000 gross tonnage and upwards constructed before 1 July 2002 engaged on a non-international voyage shall be fitted with a voyage data recorder (VDR) or with a simplified voyage data recorder (S-VDR) which complies with the technical and performance standards developed in accordance with Chapter V of SOLAS.”.



GIVEN under my Official Seal,
8 March 2012.

LEO VARADKAR,
Minister for Transport, Tourism and Sport.

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 2011/15/EU which amends Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system, as well as some other related matters, by amending the European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010 [S.I. No. 573 of 2010].

They provide for the necessary amendments by updating the safety criteria regarding certain oil-tanker products; by substituting a new format in Schedule 3 which deals with voyage data recorder systems; by providing for an extension of the powers of intervention to include assistance, salvage or towage companies in the event of incidents or accidents at sea; by removing an obligation on any company to use SafeSeasIreland or specified electronic means when placing itself at the disposal of the Irish Coast Guard in the event of an incident or accident at sea; and by amending certain references in Regulation 16.

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PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
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€2.54

