



STATUTORY INSTRUMENTS.

**S.I. No. 166 of 2012**



EUROPEAN UNION (REPORTING FORMALITIES FOR SHIPS)  
REGULATIONS 2012

**(Prn. A12/0830)**

EUROPEAN UNION (REPORTING FORMALITIES FOR SHIPS)  
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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 purpose of giving effect to Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010<sup>1</sup>, and for the purpose of giving full effect to Regulation (EC) No. 725/2004 of the European Parliament and of the Council of 31 March 2004<sup>2</sup>, hereby make the following regulations:

*Citation*

1. These Regulations may be cited as the European Union (Reporting Formalities for Ships) Regulations 2012.

*Interpretation*

2. (1) In these Regulations—

“Act of 1996” means Harbours Act 1996 (No. 11 of 1996);

“Annex” means the Annex to the Reporting Formalities Directive;

“customs territory of the Union” means the customs territory of the Community within the meaning of Article 3 of Council Regulation (EEC) No. 2913/92 of 12 October 1992<sup>3</sup>, as last amended by Council Regulation (EC) No. 1791/2006 of 20 November 2006<sup>4</sup>;

“Department” means Department of Transport, Tourism and Sport;

“Marine Notice” means a notice described as such and issued by the Department;

“Marine Survey Office” means that part of the Department which is known by that name;

“maritime declaration of health” means the form set out in Schedule 2 to the Infectious Diseases (Shipping) Regulations 2008 (S.I. No. 4 of 2008);

“master”, in relation to a ship, means the person having, for the time being, the command or charge of the ship;

“Minister” means Minister for Transport, Tourism and Sport;

<sup>1</sup>OJ No. L283, 29.10.2010, p. 1

<sup>2</sup>OJ No. L129, 29.4.2004, p.6

<sup>3</sup>OJ No. L302, 19.10.1992, p. 1

<sup>4</sup>OJ No. L363, 20.12.2006, p. 1

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 29th May, 2012.*

“officer” means an officer of a ship to which these Regulations apply;

“port” includes—

- (a) a harbour within the meaning of section 2 of the Harbours Act 1946 (No. 9 of 1946),
- (b) a harbour within the meaning of section 2 of the Act of 1996,
- (c) a fishery harbour centre within the meaning of section 1 of the Fishery Harbour Centres Act 1968 (No. 18 of 1968),
- (d) a harbour transferred to a relevant local authority under section 88(2) of the Act of 1996, and
- (e) other areas within the jurisdiction of a port;

“reporting formalities” means the information required to be provided in accordance with:

- (a) the provisions referred to at points 1, 3, 4 and 5 of Part A of the Annex,

and

- (b) the FAL forms and declaration referred to in Part B of the Annex,

which must be provided for administrative and procedural purposes when a ship arrives in or departs from a port in the State;

“Reporting Formalities Directive” means Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010<sup>1</sup>;

“SafeSeasIreland” means the maritime information exchange system established by the Minister under Article 22a of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002<sup>5</sup>;

“security form” means the Appendix to the Annex;

“VTM Regulations” means the European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010 (S.I. No. 573 of 2010).

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

### *Application*

3. (1) These Regulations apply to ships arriving in and departing from a port in the State.

<sup>5</sup>OJ No. L 208, 5.8.2002, p.10

(2) These Regulations do not apply to ships exempted from reporting formalities under national legislation, Community legislation or international legal instruments applicable to maritime transport.

*Competent authority*

4. The Marine Survey Office is designated as the competent authority in the State for the purposes of these Regulations and the Reporting Formalities Directive.

*Arrival of ships — reporting formalities*

5. (1) Subject to specific notification provisions provided for in national legislation, Community legislation or international legal instruments applicable to maritime transport, the master or any other person duly authorised by the operator of a ship, prior to arriving in a port in the State, shall provide the information required under the reporting formalities to the competent authority using SafeSeasIreland or, where SafeSeasIreland is unavailable for technical reasons, by fax, email or other electronic means as specified in a Marine Notice—

- (a) at least 24 hours in advance,
- (b) if the voyage time is less than 24 hours, at the latest, at the time the ship leaves the previous port, or
- (c) if the port of call is not known or it is changed during the voyage, as soon as the information is available.

(2) The reporting formalities, as referred to in Part B of the Annex, for a ship referred to in paragraph (1), which must be provided to the competent authority, may include:

- (a) IMO FAL form 1: General Declaration;
- (b) IMO FAL form 2: Cargo Declaration;
- (c) IMO FAL form 3: Ship's Stores Declaration;
- (d) IMO FAL form 4: Crew's Effects Declaration;
- (e) IMO FAL form 5: Crew List;
- (f) IMO FAL form 6: Passenger List;
- (g) IMO FAL form 7: Dangerous Goods Manifest;
- (h) Maritime Declaration of Health.

*Arrival of ships — security information*

6. (1) The information required to be provided under the reporting formalities as set out in point 5 of Part A of the Annex, for ships referred to in Regulation 5(1), is contained in the security form.

(2) The security form shall be completed, dated and signed or otherwise authenticated by the master, the ship's agent or any other person duly authorised by the master.

*Departure of ships — reporting formalities*

7. (1) Subject to specific notification provisions provided for in national legislation, Community legislation or international legal instruments applicable to maritime transport, the master or any other person duly authorised by the operator of the ship which is departing from a port in the State shall provide the information required under the reporting formalities to the competent authority using SafeSeasIreland or, where SafeSeasIreland is unavailable for technical reasons, by fax, email or other electronic means as specified in a Marine Notice, at the latest at the time of departure from the port.

(2) The reporting formalities, as referred to in Part B of the Annex, for a ship referred to in paragraph (1), which must be provided to the competent authority, may include:

- (a) IMO FAL form 1: General Declaration;
- (b) IMO FAL form 2: Cargo Declaration;
- (c) IMO FAL form 3: Ship's Stores Declaration;
- (d) IMO FAL form 5: Crew List;
- (e) IMO FAL form 6: Passenger List;
- (f) IMO FAL form 7: Dangerous Goods Manifest.

*FAL forms — content and signatories*

8. (1) IMO FAL form 1: General Declaration, shall contain full details of the particulars listed in it and shall be dated and signed or otherwise authenticated by the master, the ship's agent or any other person duly authorised by the master.

(2) IMO FAL form 2: Cargo Declaration, shall contain full details of the particulars listed in it and shall be dated and signed or otherwise authenticated by the master, the ship's agent or any other person duly authorised by the master.

(3) IMO FAL form 3: Ship's Stores Declaration, shall contain full details of the particulars listed in it and shall be dated and signed or otherwise authenticated by the master or an officer duly authorised by the master and having personal knowledge of the facts regarding the ship's stores.

(4) IMO FAL form 4: Crew's Effects Declaration, shall contain full details of the particulars listed in it and shall be dated and signed or otherwise authenticated by the master or an officer duly authorised by the master.

(5) IMO FAL form 5: Crew List, shall be completed, dated and signed or otherwise authenticated by the master or an officer duly authorised by the master.

(6) IMO FAL form 6: Passenger List, shall be completed, dated and signed or otherwise authenticated by the master, the ship's agent or any other person duly authorised by the master.

(7) IMO FAL form 7: Dangerous Goods Manifest, shall be completed, dated and signed or otherwise authenticated by the ship's agent and dated and signed or otherwise authenticated by the master.

(8) A Maritime Declaration of Health shall be completed, dated and signed or otherwise authenticated by the master, and countersigned or otherwise authenticated by the ship's surgeon where there is one on board.

#### *Exemptions*

9. (1) Without prejudice to Community legislation, ships falling within the scope of the VTM Regulations and operating between ports situated in the customs territory of the Union are exempt from the obligation to provide the information required in accordance with the FAL forms referred to in Part B of the Annex provided they do not—

- (a) come from,
- (b) call at, or
- (c) are headed towards,

a port situated outside that territory or a free zone subject to type 1 controls within the meaning of Article 799(a) of Commission Regulation (EEC) No. 2454/93 of 2 July 1993<sup>6</sup>, as last amended by Commission Regulation (EU) No. 1063/2010 of 18 November 2010<sup>7</sup>.

(2) Notwithstanding paragraph (1), the competent authority or the Revenue Commissioners may request the information in the FAL forms referred to at points 1 to 6 inclusive of Part B of the Annex.

#### *Saver*

10. Nothing in these Regulations operates to prejudice the power of the Revenue Commissioners under sections 50 and 101 of the Customs Consolidation Act 1876 to specify reporting formalities for ships arriving in or departing from a port in the State.

#### *References to earlier Directive*

11. References in existing laws, regulations and administrative provisions to Directive 2002/6/EC of the European Parliament and of the Council of 18

<sup>6</sup>OJ No. L 253, 11.10.1993, p. 1

<sup>7</sup>OJ No. L 307, 23.11.2010, p. 1

February 2002<sup>8</sup>, shall be construed as references to the Reporting Formalities Directive.

*Revocations*

12. The European Communities (Ships' Reports) (Facilitation Forms) Regulations 2003 (S.I. No. 549 of 2003) are revoked.



GIVEN under my Official Seal,  
19 May 2012.

LEO VARADKAR,  
Minister for Transport, Tourism and Sport.

<sup>8</sup>OJ No. L 67, 09.03.2002, p. 31.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations give effect to Directive 2010/65/EU of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports in Ireland.

Directive 2010/65/EU aims to simplify and harmonise reporting requirements for maritime transport in order to reduce the administrative burdens for shipping companies. These Regulations implement a single electronic window through which certain reporting requirements, including IMO FAL forms, are submitted to a number of different authorities in Ireland, such as the Revenue Commissioners, Marine Survey Office and the Health Service Executive. The single window must be fully operational by 1 June 2015. SafeSeasIreland has been designated as the single window in Ireland and is administered by the Marine Survey Office. These Regulations also revoke S.I. No. 549/2003.



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