

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4206 of 22nd October, 2015

LEGAL NOTICE NO. 195 OF 2015.

GIBRALTAR MERCHANT SHIPPING (SAFETY, ETC) ACT, 1993

GIBRALTAR MERCHANT SHIPPING (COMMUNITY VESSEL TRAFFIC MONITORING AND INFORMATION SYSTEM) (AMENDMENT) REGULATIONS 2015

In exercise of the powers conferred on it by section 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993, and all other enabling powers, and for the purposes of transposing into the law of Gibraltar Commission Directive 2014/100/EU of 28 October 2014 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Community Vessel Traffic Monitoring and Information System) (Amendment) Regulations 2015 and come into operation on the 18th November 2015.

Amendments to the Gibraltar Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Regulations 2004.

2. The Gibraltar Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Regulations 2004 are amended by inserting the following regulation after regulation 22B-

“SafeSeaNet systems.

22C.(1) The Government shall establish and maintain a SafeSeaNet system for Gibraltar that must allow for the exchange of information between authorised users under the responsibility of the competent authority designated by regulation 4.

(2)The competent authority shall be responsible for the management of the SafeSeaNet system established under sub-regulation (1) which must-

- (a) include the coordination of data users and data providers; and
 - (b) ensure that UN LOCODES are designated and that the necessary IT infrastructure and the procedures described in the IFCD referred to in point 2.3 of Annex III of the Directive are established and maintained.
- (3) The SafeSeaNet system established under sub-regulation (1) –
- (a) must enable the inter-connection of users authorised under the responsibility of the competent authority; and
 - (b) may be made accessible to identified shipping actors, such as shipowners, agents, masters, shippers and others, when authorised by the competent authority, in particular in order to facilitate the electronic submission and reception of reports in accordance with any European Union legislation.
- (4) The SafeSeaNet system shall –
- (a) use industry standards;
 - (b) be able to interact with public and private systems used to create; and
 - (c) provide or receive information within SafeSeaNet.
- (5) The competent authority must cooperate with the European Commission to examine the feasibility and development of functionalities that as far as possible will ensure that the data providers, including masters, owners, agents, operators, shippers and relevant authorities, need to submit information only once, taking due account of the obligations set out by the Gibraltar Merchant Shipping (Reporting Formalities for Ships) Regulations 2012 and other relevant European Union legislation.
- (6) The competent authority shall ensure that the information submitted under sub-regulation (5) is available for use in all relevant reporting, notification, information sharing and VTMIS systems.
- (7) The Government shall develop and maintain the necessary interfaces for automatic transmission of data by electronic means to SafeSeaNet.

(8) The operation of the SafeSeaNet system must support the facilitation and establishment of the European Maritime Transport Space without barriers.

(9) Where any internationally-adopted rule allows routing of LRIT information concerning third country vessels, SafeSeaNet networks shall be used to distribute amongst Member States, with an appropriate level of security, the LRIT information received in accordance with regulation 10B.

(10) The SafeSeaNet systems shall comply with—

- (a) the requirements of regulation 22 concerning confidentiality of information; and
- (b) the security principles and specifications described in the IFCD, in particular as regards access rights.

(11) The competent authority shall identify all users to which a role and a set of access rights is attributed in compliance with the IFCD.

(12) In this regulation “IFCD” means the interface and functionalities control document developed and maintain by the European Commission as referred to in point 2.3 of Annex III of the Directive.”.

Dated 22nd October, 2015.

PJ BALBAN,
For the Government

EXPLANATORY MEMORANDUM

These Regulations transpose into the law of Gibraltar Commission Directive 2014/100/EU of 28 October 2014 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system by way of amending the Gibraltar Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Regulations 2004.

**Printed by the Gibraltar Chronicle Printing Limited
Unit 3, New Harbours
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price £0.40**