

## THE COORDINATION, SUPERVISION AND MANAGEMENT OF THE ENTRY/EXIT OF VESSELS INTO/OUT OF PORTS

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**Abstract:** *The coordination, supervision and management of ships in the traffic control area are carried out by the Port Control. Since their entry into the traffic control area, vessels are required to comply with Port Control directives. Port Control directives take precedence over any other provisions mandatory for all vessels in the traffic control area. Restricting or prohibiting navigation in certain areas will be communicated through notices to mariners. Maneuvers in seaports are performed only with the approval of port captains.*

**Keywords:** *Vessels, maritime and river ports, pilotage, towage*

### 1. SAFETY IN PORT AND INLAND WATERWAYS

Security services in ports and inland transport activities are water related activities, which, according to art. 19 para. (1). b, Section 1 of G.O. no. 22/1999 (r1) are hereinafter referred to security services; they include: pilotage of ships into and out of ports from the same port berths and waterways, linking-absolution ships, towage of ships maneuver in ports. Security services are services of national interest and conducted under state control through the Ministry [of art. 41 of O.G. no. 22/1999 (r1)]. The specific rules on how to perform maneuvers in each ports are set out in Part B of the Rules of Romanian Ports harbor "rules of exploitation of Romanian maritime ports"[1]. The ship is required to supervise any maneuver of another ship near it and to give it the necessary assistance, if asked.

Vessel masters must ensure and take all the necessary steps to be ready to act at any time at the occurrence of events likely to endanger the safety of their vessels, port facilities and other ships nearby.

Rescue and assistance [2] of vessels in distress at sea or on national navigable waters, of goods, cargo and persons on board is carried out according to the national legislation and to the international agreements and conventions to which Romania is party.

The access of people into maritime and river ports is based on input cards (specifying the number of the access gate), issued by port operators or on the sailor card or passport. Port vagrants [3], scrap or waste grain thieves are punished by the port police.

#### 1.1 Interdictions

It is prohibited to vessels in ports to perform underwater work and other activities which endanger the safety of navigation, without the approval of port captains. Within the Romanian maritime ports, in the canals and river access canals and in their roadstead it is prohibited (except in cases of force majeure):

- maneuvering ship anchors in water, except wind maneuvers;
- ships anchored near the places where prohibition is indicated;
- anchoring handling vessels in basins and channel access.

Port administrations, according to art. 34 of G.O no. 22/1999 (R1) have the right to prevent or stop the loading / unloading of ships if it finds that there is a serious threat of pollution of Romanian waterways or coastal zones of other States, or that the safety of human life is in danger; in this case, they shall fully inform the master of a ship which is in the port area concerned, and intends to enter or leave that port/that area, of the sea state and weather conditions and, when relevant and possible, of the danger they may present to his/her ship, the cargo, the crew and the passengers.

### 2. RULES FOR RADIOTELEPHONE COMMUNICATIONS

Any vessel intended for the Romanian seaport shall make known its forthcoming, at the limit of the traffic

surveillance area by radiotelephone, on the VHF channel 16 and / or 67.

Traffic Management service is service intended to ensure the following tasks: vessel traffic management is operating of a shore-based installation responsible for a mandatory reporting system approved by the IMO, the coordination of search and rescue operations or operations to tackle pollution at sea.

Vessel traffic service (VTS) is a service designed to improve the safety and efficiency of vessel traffic and to protect the environment, which has the capability to interact permanently with the ships in traffic and to respond to traffic situations developing in the VTS area; at least twenty-four hours in advance before entering a port limit area;

b) at the latest, at the time the ship leaves the previous port, if the voyage time is less than twenty-four hours;

c) if the port of call is not known or is changed during the voyage, as soon as this information is available; or

d) between Romanian ports, the notification shall be, at the latest, at the time the ship leaves the previous Romanian port.

VHF radiotelephone traffic for all maneuvers and river-sea operations in the Romanian maritime ports will be made only in channel 9, after obtaining approval by the port captains, on VHF 71 channel.

It is prohibited to use the international channel in case of emergency call (VHF channel 16) other than the one intended for this purpose.

The VHF channels in each of the Romanian sea ports are provided for in Part B "rules and rules of exploitation of Romanian maritime ports" of the Rules of operation of Romanian seaports.

Ships, port authorities and operators will use mainly electronic data transmission or documents compatible with international standards, developed in accordance with the FAL 65 Convention (to which Romania adhered by Government Ordinance no. 58/1999) [4] on the facilitation of the international maritime traffic and shall comply with the procedures, formalities and documents required on arrival, departure and berthing of vessels engaged in international voyages provided in the rules for implementing the FAL 65 Convention, approved by Government Decision no. 1335 / 2000 [5].

### 3. THE ENTRY AND EXIT OF VESSELS INTO/OUT OF PORTS

Until obtaining the permission to enter the port (given by the captaincy of the port), the ship will stay in the outer roadstead of the port, as indicated by the Port Control.

Inland waterway vessels, irrespective of the flag they fly, can enter / leave in / from Romanian ports only after obtaining license / departure permit issued by the Captain / office captain of the port [art. 3. (1) - (3) of MTCT Order no. 2473/2006]. The master of a ship, other than a fishing vessel or recreational craft, authorized to carry no more than 12 passengers, calling at one of the ports listed in annex no.4,

shall truly complete the form provided for in annex no. 2 with real data and facts and communicate this information to RNA and to port administration:

- a) at least 24 hours prior to arrival, if the port of call is known; or
- b) as soon as the port of call is known, if this information is available less than 24 hours prior to arrival; or
- c) at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours.

(2) The masters of the ships shall record truly facts into waste record book and oil record book, regarding the types and amount of ship generated waste and/or cargo residues stored on board, prior to the ship's arrival in port.

(3) The information referred to in paragraph (1) shall be kept on board at least until the next port of call and shall be made available to the competent authority of that port, upon request.

Notification prior to entry into Romanian ports. The operator, agent or master of a ship bound for a Romanian port shall notify the information provided in item (1) of Annex no. 1 to RNA:

- a) at least twenty-four hours in advance before entering a port limit area; or
- b) at the latest, at the time the ship leaves the previous port, if the voyage time is less than twenty-four hours; or
- c) if the port of call is not known or is changed during the voyage, as soon as this information is available; or
- d) between Romanian ports, the notification shall be, at the latest, at the time the ship leaves the previous Romanian port.

1. Information to be notified in accordance with art.

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General information:

- a) ship identification (name, call sign, IMO identification number or MMSI number), b) port of destination;
- b) port of destination;
- c) estimated time of arrival at the port of destination or pilot station, as required by the competent authority, and estimated time of departure from that port;
- d) total number of persons on board.

### **3.1. Vessels' arrival in ports**

Port administrations allocate berths where ships are to operate and mooring permits issued under these berths, issued by the captain of the port [art. 32 para. (1) of O.G. no. 22/1999 (r1)].

Arrival Notification is compulsory to be sent by Master prior to arrival at Constanta, failure to do so may result in Authorities refusal to accept the ship entering to port. When RNA is informed that a ship calling a Romanian port left the last port of call without complying with the provision of art. 7 or art. 10, it shall not permit the ship to leave the port until a full assessment of accuracy of any information received will be done.

RNA shall ensure that a ship in one of the categories of Annex no. 11, section A, is refused access to Romanian ports, except in the situations laid down in art. 14 para (6), if the ship, either:

- a) flies the flag of a State listed on the black list published in the annual report of the MOU, and
- b) has been detained more than twice in the course of the preceding 24 months in a port of a MOU State Member, or
- c) flies the flag of a State described as “very high risk” or “high risk” in the “black list” published in the annual report of the MOU, and
- d) has been detained more than once in the course of the preceding 36 months in a port of a MOU State Member.

(2) The refusal of access shall become applicable immediately after the ship has been authorized to leave the port where it has been the subject of a second or third

detention, as appropriate. The following ships shall be inspected with priority regardless of the value of the risk factor:

1. Ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation in accordance with the Directive 93/75/EEC and with art. 16 of the present order;

2. Ships which have failed to comply with the obligations laid down in Directive 93/75/EEC;

3. Ships which have been the subject of a notification report by another UE Member State;

4. Ships which are subject of a report or of a complaint made by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless RNA deems the report or complaint to be manifestly unfounded. The identity of the person lodging the report or the complaint must not be revealed to the master or to the owner of the ship;

5. Ships which have been:

- a) involved in a collision, grounding or stranding on their way to the port;
- b) accused of an alleged violation of the provisions on discharge of harmful substances or effluents;
- c) maneuvered in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not been followed; or
- d) operated in such a manner as to pose a danger to persons, property or the environment;

6. Ships which have been suspended or withdrawn from their class for safety reasons in the course of the preceding six months.

At their arrival to the Romanian seaports, vessels are required to use the traffic separation device, according to the navigators' notices.

Any anchorage maneuver, change of anchorage or departure from anchorage, arrival to or departure from the port, as well as the exit to the open sea from the respective area will be made only after obtaining the approval given by the harbor master.

No vessel, irrespective of its flag, can stay or anchor outside the roadstead limits, or in the territorial waters without the approval of the harbor master, except in cases of force majeure, situation which shall be communicated to the harbor master and the border police, as soon as possible.

#### **3.1.1 The order of vessels' arrival in ports or berths**

The decision of ordering the vessels' arrival in ports and the assignment of berths are made according to the demands of the economic agents engaged in shipping activities, in ports [art. 32 section (1) of G.O. no. 22/1999 (r1)].

The arrival of vessels in ports and berths is decided by the Commission which coordinates the vessels' arrival, departure and maneuvering.

The vessels' agents will submit to the specialty service in port administration, providing for the Committee Secretariat, the document certifying the vessel within at least 24 before its arrival.

The vessels' arrival in ports and berths will be communicated by the Port Control and under the monitoring of the harbor master.

For the vessels' arrival and departure maneuvers or berth change, the vessel agents will necessarily draw up the pilotage card in three copies, which will be approved by the representatives of the harbor master and of the port administration within the daily meetings of the committee coordinating the vessels' movement.

In special cases of general interest or danger for the vessels inside roadsteads, the harbor master may order the entry of vessels in port, even if they are not scheduled for landing.

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*The vessels arriving into the port leave free access to those which leave the port.*

The simultaneous arrival and departure of several vessels in the red light-green light area is prohibited.

**3.2. Denial of access to Community ports**

European Community Member States must ensure that a ship in one of the categories listed in Annex XI, section A of Directive 95/21/EC does not enter their ports, except for the situations provided for in art. 11, parag. (6): certain ships flying the flag of a State described as “very high risk” or “high risk” in the “black list” published in the annual report of the MOU.

The refusal of access shall become applicable immediately after the ship has been authorized to leave the

port where it has been the subject of a second or third detention, as appropriate.

The list of ships refused to enter Community ports between 1 September 2007 and 31 March, 2008, pursuant to Article 7b of Directive 95/21/EC on control of ships by port State [6] are: AGIOS NIKOLAOS II (Vrachier - Comore); BLUE ICE (Petrolier - Sf. Kitts și Nevis); HAJ YAMAK [7] (Vrachier - Panama).

The list of ships refused enter Community ports between 1 October 2006 and 31 August 2007 [8] are : HAJ YAMAK (Bulk carrier – Georgia), Khaldoun (Bulk carrier - Syrian Arab Republic), Malbork (Bulk carrier - Georgia) TRINITY (Bulk carrier - Cambodia).

**REFERENCES**

- [1] See Ordinul Ministrului Lucrărilor Publice, Transporturilor și Locuinței, nr. 956 din 23/06/2003 pentru aprobarea Regulamentului de exploatare portuară a porturilor maritime românești, published in the Official Gazette no. 470 of 01/07/2003.
- [2] Feri Predescu, Evenimentul Zilei, nr. 4251 (22 octombrie 2005), p.14.
- [3] Gheorghe Bibicescu, Andrei Tudorică, Gheorghe Scurtu, M. Chiriță, Lexicon maritim englez-român (cu termeni corespondenți în limbile franceză, germană, spaniolă, rusă), Editura Științifică, București, 1971, p. 63.
- [4] See Ordonanța nr. 58 din 24/08/1999 pentru aderarea României la Convenția privind facilitarea traficului maritim internațional (FAL), adopted in London, on 9 April 1965, amended by the amendments of 1984, 1986, 1989, 1991, 1993 și 1994., published in the Official Gazette, Part I no. 413 din 30/08/1999.
- [5] See G.D. no. 1335 of 14/12/2000 for the approval of the Methodology for the implementation of the provisions of FAL adopted in London, on 9 April 1965, amended by the amendments of 1984, 1986, 1989, 1991, 1993 și 1994., published in the Official Gazette, Part I no. 413 din 30/08/1999.
- [6] Directive amended by Directive 2001/106/CE of the European Parliament and Council of 19 December 2001 (JO L 19, 22.1.2002, p. 17).
- [7] See Section B of annex XI to the Directive 95/21/CE.
- [8] <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:222:0002:01:RO:HTML>.