

Merchant Shipping Notice No. 08 of 2010

No. 67-NT(01)/2009

Date- 03/09/2010

Subject:- Promulgation of Navigational Warnings for Specialized Operations in NAVAREA - VIII under World wide Navigational Warning System (WWNWS).

For the attention of –

Exploration & Production (E&P) Operators, Ship Owners, Ship Managers, Shipping Agents, Ship Masters, Charterers, Ship Breakers, Insurance Companies, Major and Non-Major Ports, Allied offices of DGS, National hydrographic Office(NHO), Indian Meteorological Department (IMD), the Naval Control of Shipping Office (NCSO), Indian Coast Guard (ICG), Flag Officer Defense Advisory Group (FODAG), Indian Space Research Organization (ISRO), Defense Research and Development Organization (DRDO), National Institute of Oceanography (NIO), National Institute of Oceanography and Technology (NIOT), Director General of Lighthouse and Lightships (DGLL), Sailing and Fishing vessel owners Association/Federation, and Maritime Training Institutes.

1. Purpose

The purpose of this Notice is to regulate and facilitate safe and economical hazardous ship operations through promulgation of Navigational Warnings based on type of hazards taking place within – NAVAREA VIII. This notice would also assist the Regulatory / Enforcement Authorities and NAVAREA Co-ordinator VIII in effective publications of Maritime Safety Information (MSI) well in advance so that the maritime traffic is aware of navigational dangers being encountered or likely to be encountered during the intended voyage of ships without causing undue delay to the seaborne trade and at the same time ensuring safety of navigation within the announced area.

2. Introduction -

India is Party to many safety related International Maritime Conventions developed by IMO/IHO. One such convention is Safety of Life at Sea (SOLAS) 1974, which requires the Central Government through such authority on shore as may be prescribed by the rules under section 354/354-A of the M.S. Act, 1958 to communicate intelligence regarding dangers to navigation as soon as possible to such ships as authorities may deem proper. The intelligence shall be communicated in such manner and subject to such terms and conditions as may be prescribed. In promulgating Radio Navigational warnings such authorities (NAVAREA Co-ordinator VIII) shall be guided by the following type of hazards:-

i) Hazard I (Establishment of Navigational Aids, Lanes, etc.) -

- a) non functioning of lights, fog signals, buoys and other aids to navigation affecting main shipping lanes;
- b) presence of dangerous wrecks in or near main shipping lanes and, if relevant, their marking;
- c) establishment of major navigational aids to navigation or significant changes to existing ones when such establishment or change, might be misleading to shipping;
- d) presence of large unwieldy tows in congested waters;
- e) drifting hazards (including derelict ships, ice, mines, containers, other large items etc.);
- f) areas where Search and Rescue (SAR) and anti-pollution operations are being carried out (for avoidance of such areas);
- g) the presence of newly discovered rocks, shoals, reefs and wreck likely to constitute a danger to shipping, and, if relevant, their marking;
- h) significant malfunctioning of radio-navigation services and shore- based Maritime safety information radio or satellite services;
- i) acts of piracy and armed robbery against ships;

- j) Tsunamis and other natural phenomena, such as abnormal changes to sea level;
- k) World Health Organization (WHO) health advisory information;
- l) security related requirements;
- m) Cable or pipe- laying activities, the towing of large submerged objects for research or exploration purposes, the employment of manned or unmanned submersibles, or other underwater operations constituting potential dangers in or near shipping lanes; and
- n) establishment of offshore structures in or near shipping lanes;

ii) **Hazard II** (Establishment of research or scientific instruments and Seismic Survey within lanes and shipping routes) -

- o) unexpected alteration or suspension of established routes;
- p) establishment of research or scientific instruments and Seismic Survey in or near shipping lanes;

iii) **Hazard III** (Special operations which might affect the safety of shipping, sometimes over wide areas) -

q) Information concerning special operations which might affect the safety of shipping, sometimes over wide areas, e.g., naval exercises, missile firings, space missions, nuclear test, ordnance dumping zones, etc. It is important that where the degree of hazard is known, this information is included in the relevant warning. Whenever possible the required actions for the requisite clearances/approvals for the issuance of such warnings shall commence not less than 15 days in advance of the scheduled event under intimation to the NAVAREA VIII coordinator, the Chief Hydrographer to the Government of India.

3) Scope:-

The scope of this notice is extended to the following operations within the jurisdictions of NAVAREA co-ordinator VIII -

- i) Establishment of Navigational Aids, lanes, weather, health and security related issues including non-operational status as specified under Hazard I above;
- ii) Establishment of research or scientific instruments and Seismic Survey in or near shipping lanes; as specified under Hazard II above; and
- iii) Special operations which might affect the safety of shipping, sometime over wide areas as specified under Hazard III above.

4) Definitions :-

- (i) International Safety NET service means the coordinated broadcasting and automated reception of maritime safety information via the Inmarsat Enhanced Group Call (EGC) system, using the English language, in accordance with the provisions of the International Convention for the Safety of Life at Sea, 1974, as amended.
- (ii) Local warning means a navigational warning which covers inshore waters, often within the limits of jurisdiction of a Harbour or port authority.
- (iii) Maritime Safety Information (MSI) means navigational and meteorological warnings, meteorological forecasts and other urgent safety-related messages broadcast to ships.
- (iv) METAREA means a geographical sea area established for the purpose of co-ordinating the broadcast of marine meteorological information. The term METAREA followed by roman numeral may be used to identify a particular sea area. The delimitation of such areas is not related to and should not prejudice the delimitation of any boundaries between States.

- (v) National coordinator means the national authority charged with collating and issuing coastal warnings within a national area of responsibility. NHO Dehradun is the National Authority of this purpose.
- (vi) National Safety NET service means the broadcasting and automated reception of maritime safety information via the Inmarsat EGC system, using languages as decided by the Administration concerned.
- (vii) NAVREA means a geographical sea area established for the purpose of coordinating the broadcast of navigational warnings. The term NAVAREA followed by a roman numeral may be used to identify a particular sea area. The delimitation of such areas is not related to and should not prejudice the delimitation of any boundaries between States.
- (viii) Navigational warning means a message containing urgent information relevant to safe navigation broadcast to ships in accordance with the provisions of the International Convention for the Safety of Life at sea, 1974, as amended (SOLAS 1974).

5) Applicable rules and regulations:-

- i) UNCLOS Article 24(2)- Publicity to any danger to navigation;
- ii) SOLAS Chapter-V- Regulation 4 and 5 of Safety of Navigation;
- iii) M.S.Act, 1958 section 354-A communication of intelligence regarding danger to Navigation.
- iv) MSC.1/Circ.1288, dated 09/12/2008.
- v) Manual on Maritime Safety Information (MSI) Jointly issued by IHO / IMO / WMO.
- vi) Seaward Artillery Practice Act 1949 & Rules 1978.

6) Guidelines to all Concerned in respect of:-

- a) **Hazard I** – establishment of Navigational Aids, Lanes etc.
- (i) The Ship Owner, E&P operators, Ship Manager, Ship Master, Port Authorities, DGLL and Coast Guard as the case may be shall notify the NAVAREA Co-ordinator VIII for the purpose of

announcing Radio Navigational Warnings as soon as possible or well in advance to avert any danger to the shipping or the mariner.

(ii) Port authorities if issuing local Navigational warnings shall simultaneously notify the NAVAREA co-ordinator to promulgate coastal / high seas radio Navigational Warnings for wider publicity.

(iii) The NAVAREA Coordinator VIII shall issue Radio Navigational warnings for type of hazard – establishment of navigational Aids, Lanes, etc. upon receipt of an application from the Ship Owner, E&P operators, Ship Manager, Ship Master, Port Authorities, DGLL and Coast Guard as the case may be directly in accordance with the provisions of the Manual on Maritime Safety Information (MSI) jointly issued by IHO/IMO/WMO.

b) **Hazard II** - establishment of research or scientific instruments and Seismic Survey in or near shipping lanes / ship routing –

Operations outside the established ship routing system:-

i) The Ship Owners and E&P operator or Ship Manager for conducting such activities within or proximity of Offshore Development Area (ODA) shall make an application directly to Flag Officer Defense Advisory Group (FODAG) at least 10-days (clear working days excluding all holidays) in advance of such operations if taking place outside the Ship routing system established by D.G. Shipping (Refer M.S. Notice 15 of 2008 as amended time to time). In this case, the FODAG shall verify if security clearance requirements and other Administrative procedures are satisfactorily complied with by the applicant.

ii) The NAVAREA Coordinator VIII upon receipt of confirmation from FODAG shall issue Coastal / high seas Radio Navigational warnings in accordance with the Manual on Maritime Safety Information jointly issued by IHO / IMO/ WMO.

Operations within the established ship routing system:-

iii) The Ship Owner, E&P operator, ship manager conducting such activities within ODA or its proximity shall make an application directly to D.G. Shipping by giving at least 15-days (clear working days excluding all holidays) in advance of when such operations are taking place within ship routing system established by D.G. Shipping from time to time. In this case, the DG Shipping shall request FODAG, Coast Guard and INSA to provide their comments relating to the density of Maritime traffic likely to be affected by blockage of shipping route / lane and past safety records of the operators, if applicable.

iv) If no objection is received from FODAG, Coast Guard and INSA within 7 days (working days excluding all holidays), the DG Shipping shall request FODAG to verify the compliance with security clearance and administrative requirements.

v) The FODAG upon completion of this formality shall request NAVAREA Co-ordinator VIII to issue Coastal / high seas Radio Navigational warnings in accordance with the Manual on Maritime Safety Information (MSI) jointly issued by IHO / IMO/ WMO.

Extension of Seismic Survey operations after promulgation-

i) The Ship Owner, E&P operator, ship manager conducting such operations within ODA or its proximity shall make an application directly to D.G. Shipping for extension by giving at least 15-days (clear working days excluding all holidays) in advance of when such operations are taking place within or outside ship routing system established by D.G. Shipping from time to time.

ii) The D.G. Shipping request FODAG to inform NAVAREA Co-ordinator VIII for promulgation of the Radio Navigational Warning for the assigned area with extension period provided no adverse reports have been received by FODAG and INSA / Coast Guard.

iii) The FODAG upon completion of verification in respect of reports, validity of security clearance and other administrative requirements to request NAVAREA co-ordinator to issue such warnings.

iv) The NAVAREA Co-ordinator VIII shall issue Coastal / high seas Radio Navigational warnings in accordance with the Manual on Maritime Safety Information (MSI) jointly issued by IHO / IMO/ WMO.

Operations within the Jurisdiction of Port Authorities:-

i) The Ship Owner, Ship Manager, E&P operator shall notify well in advance of such operations to concerned Port authority at least 10 days (clear working days excluding all holidays), if such operations is taking place within the established ship routing system in the jurisdiction of the concerned port on the coast of India including Islands. The port authority in such case shall issue local Navigational Warnings under intimation to NAVAREA co-ordinator VIII.

ii) Any operations affecting the Safety of Navigation undertaken within the Port limits or within the ship routing system developed in port waters shall be reported to NAVAREA Co-ordinator VIII and simultaneously the port authority shall promulgate the same locally.

iii)) The NAVAREA Co-ordinator VIII shall issue Coastal / high seas Radio Navigational warnings in accordance with the Manual on Maritime Safety Information (MSI) jointly issued by IHO / IMO/ WMO.

c) **Hazard III** - special operations which might affect the safety of shipping, sometimes over wide areas –

- i) At least 15 days clear notice shall be sent directly to NAVAREA co-ordinator VIII by the concerned authorities (such as Indian Navy, DRDO and ISRO etc.) followed by at least 7 days notice prior to the conduct of such complicated and complex cases.
- ii) The concerned authorities as stated above shall provide the following information to the NAVAREA Co-ordinator VIII:-
 - 1. Danger Zone Co-ordinate.
 - 2. The window for wide Area.
 - 3. Prohibited Area and Safeguards if any.
- iii) In doing so, the concerned authority shall take into account the impact of wide designated area across the open Sea/Ocean on the safety of maritime traffic & economical operations. Accordingly, narrow/ shorten the area and reduce the period of such operations, that would avert long diversion/ delay to shipping.
- iv) The NAVAREA Co-ordinator VIII shall issue Coastal / high seas Radio Navigational warnings containing the Co-ordinates, danger area, and Advisory to the mariner conforming to National / International Rules and guidelines in Manual on Maritime Safety Information (MSI) jointly issued by IHO / IMO/ WMO.

All concerned are advised to comply with these directives strictly. The E&P operator, Ship owners, Ship Master or Ship Manager shall not conduct the above stated operations beyond the identified co-ordinates prescribed in the Radio Navigational Warnings. In the event of any contravention of this notice, it shall be treated as offence under the provision of M.S. Act 1958.

Co-operation of all concerned is solicited for the purpose of protecting sea borne Trade, Promoting safety of life, Property and preservation of Marine Environment.

This notice shall be kept under review.

This issues with approval of D.G. Shipping.

(Capt. Deepak Kapoor)
Nautical Surveyor-cum-
Dy. Director General of Shipping [Tech]

Encl.:- Geographical map for worldwide NAVAREAS.



