

Oriental Republic of Uruguay
National Navy
National Naval Prefecture
MARITIME PROVISION N° 149

Montevideo, 4 September 2014

**ADDITIONAL RULES FOR THE PREVENTION OF POLLUTION OF THE
MARINE ENVIRONMENT**

CONSIDERING: The increase in maritime operations in waters under national jurisdiction, including ports, terminals, oil buoys, oil pipes, etc., mainly with Hydrocarbons and/or Potentially Dangerous and Harmful Substances (PDHS).

RESULTING: **I)** That established in Law N° 16.688 of 22 December 1994, which establishes a “Regime for the Prevention and Monitoring of possible pollution of the waters under national jurisdiction arising as a result of contaminating agents from ships, aircraft and naval artefacts”, amended by Law N° 19.012 of 23 November 2012, which adds that the General Navy Command through the National Naval Prefecture is the competent Authority for authorising companies providing services for the prevention and control of oil spills and/or Potentially Dangerous and Harmful Substances (PDHS) to which article 1 refers so that they can provide services in the fight against marine pollution.

II) Articles N° 56 and 235 of the United Nations Convention on the Law of the Sea (**UNCLOS**) approved by Law N° 16.287 of 29 July 1992, which establish the rights and responsibilities of the States on the marine environment.

III) Fishing Law N° 13.833 of 30 December 1969, which establishes in its Article 12 that “It is prohibited to spill into the water any substance the use of which in any form is harmful to or destroys its flora or fauna; it is especially prohibited to dump hydrocarbons, radioactive waste, industrial residues and anilines. The regulation will establish the prevention measures intended to prevent the contamination or pollution of the waters, having to fix, to this end, the minimum distances from the coast within which it is prohibited to dump the substances to which the previous paragraph refers.

IV) Law N° 17.033 of 20 November 1998 which decrees Rules relating to the Republic's Territorial Seas, the Exclusive Economic Area and Continental Platform.

V) Law N° 17.283 of 15 November 2000 on the Protection of the Environment, which in its Article 1 establishes that it is declared to be of general interest, in accordance with that established in article 47 of the Constitution of the Oriental Republic of Uruguay (**ORU**), emphasising among others the following principles:

Article 1: The protection of the environment, the quality of the air, the water, the soil and the countryside.

Article 6: (Principles of environmental policy). The national environmental policy fixed by the Executive Power will be based on the following principles:

B) Prevention and forecasting are priorities in respect of any other in environmental management and when there is a danger of serious or irreversible damage lack of absolute technical or scientific certainty cannot be alleged as a reason for not taking preventive measures.

D) Protection of the environment constitutes a commitment that concerns the whole of society as a result of which representatives or representative organisations have a right and duty to participate in this process.

VI) Adherence by the **ORU** to the International Convention on Oil Pollution Preparedness, Response and Co-operation, adopted in London on 30 November 1990, known as **OPRC 90** because of its English initials, which was approved by Law N° 16.521 of 12 July 1994 and its "Protocol on Cooperation, Preparation and Response against events of Contamination by Potentially Harmful and Dangerous Substances", approved by means of Law N° 17590 of 29 November 2002.

Both commit the National Navy, through the National Naval Prefecture, to the responsibilities of producing a National Contingency Plan for Spills through a "National System of Controlling Spills of Pollutants", which was established by the already mentioned Law N° 16.688.

VII) Law N° 17.590 of 29 November 2002 establishes in its Article 4 that the technical aspects linked to marine pollution and its protection will be governed through the Maritime Provisions of the National Naval Prefecture (**NNP**).

The said protocol, like the OPRC 90 Convention, urges the Parties to require the companies in charge of maritime ports and port installations to have emergency plans or similar measures for cases of marine pollution in line with the procedures established by the competent National Authority.

VIII) By means of Law N° 16.820 of 9 April 1997 the **ORU's** adherence to the International Convention on Civil Liability for Oil Pollution Damage, Brussels 1969, in the form amended by the 1976 and 1992 Protocols and simultaneously membership of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, Brussels 1971, in its form amended by the 1976 and 1992 Protocols; the latter in its Article 4 established the payment for damage caused by pollution and the preventive measures implemented, wherever they are taken, in order to prevent or reduce the said damage to a minimum”.

IX) Law N° 17.121 of 21 June 1999 establishes that the National Navy, through the National Naval Prefecture, is responsible for the coordination and control of the operation to assist and salvage vessels, naval artefacts or defective items in danger or stricken in jurisdictional waters or waters under national sovereignty or ports of the ORU. The following articles are emphasized:

Article 4: The Maritime Authority may intervene in assistance and salvage operations when it considers it necessary in order to prevent, control or avoid damage to navigable waterways, the quality of water or coasts or third party property. This intervention may take place without having been requested or even against the express wishes of those responsible for the vessel, naval artefact or property assisted. The said intervention by the Maritime Authority, requested or not, accepted or not, by those responsible for the vessel, does not release the owner or operator from his liability for the damage and losses caused to the navigable waterway, the quality of the waters or the coasts or to third party property.

Article 5: The Captain of the vessel in danger must take all possible steps to prevent damage as a result of an accident. Similarly, he must take all steps within his power to obtain assistance and salvage and, together with his crew, cooperate fully with the Maritime Authority, making every effort before and during the assistance or salvage operations, trying to prevent or minimise damage resulting from a possible accident.

Article 6: The Maritime Authority is competent to establish whether a vessel, marine artefact or property that is in waters under national jurisdiction or sovereignty should be considered as dangerous or defective, this being understood to be that it has faults with its hull, crew, engines or cargo as a result of which there is an established risk or danger of sinking or accident with consequences for the navigable way, “*the quality of waters or coasts*” or to third party property.

Article 11: Foreign vessels navigating in waters under national jurisdiction must have hull insurance, public liability insurance and protection and indemnity insurance, including removal of debris.

X) That established in Part I of the Manual prepared by the Technical OPRC-HNS Group (Oil Pollution Response Course-Hazard Noxious Substances) of the International Maritime Organisation (**IMO**) on Pollution caused by Hydrocarbons in its updated 2011 version, in the sense that it recommends measures for the prevention of pollution of the marine environment when making ship-to-ship transfers.

XI) By means of Maritime Provision N° 136 of 7 March 2012 measures for the Control of Unloading and/or Additional Cargo were established, excepting from its application operations carried out at the wall and operations to supply fuel to vessels (bunkering).

XII) Law N° 14.885 of 30 April 1979 approved the International Convention for Preventing Pollution by Ships, **MARPOL 73/78**.

XIII) Law N° 14.879 of 17 April 1979 approved the International Convention for the Safety of Human Life at Sea, **SOLAS 73/78**.

CONSIDERING: **I)** That according to the new legal framework in force (Law 19.012) it is necessary to establish rules for authorising the participation of companies providing Services for the Prevention and Control of Oil Spills and/or Spills of Potentially Dangerous and Harmful Substances (PDHS), better known by their English initials as **OSRO** (Oil Spill Response Organisation) so that they provide adequate and professional responses to pollution incidents, it being necessary to govern the obligation for vessels and terminals to have these specialist services.

II) That protecting the environment of our country requires the development of a collective awareness and also the social responsibility of the (public or private) organisations that import/export, that forward or handle in any

other way maritime operations, in waters and in ports, terminals, moorings, mono buoys, etc. under national jurisdiction.

III) That it is essential to complement national regulations with international legislation and regulations on matters of Prevention and Response to Pollution of the Marine Environment.

IV) Although maritime operations in general are intrinsically safe, particularly those in the sector linked to the transport of hydrocarbons, as they are carried out in accordance with the high standards of this sector of the shipping industry and the international requirements of the **IMO** and our regulations, there is still the possibility of accidents occurring with vessels in our waters and national ports. Accidents that may not only generate injury to persons, damage to ships and port infrastructure but also to the marine environment, which brings consequences in sensitive ecosystems for the fauna and flora and also for the country's tourism.

V) That the protection criteria are based on the fact that the prevention and forecasting of environmental risks are of greater importance than prioritising costs and savings for those generating environmental risks of major consideration for their commercial business; taking into account that in respect of the danger of serious or irreversible damage to the environment one cannot allege a lack of absolute technical or scientific certainty as a reason for not taking compulsory preventive measures as stipulated in the laws of the Republic, basically the General Law on Protection of the Environment, N° 17.283 and the Law of Pollution of the Waters, N° 16.688 (**Regime for Prevention and Monitoring in the case of possible Pollution of waters**), also having to consider the effects, not perfectly measurable, generated in public opinion by water pollution accidents, especially in areas linked to tourism and the population's recreation.

CONSIDERING: **I)** The concern raised by the National Port Authority and the Montevideo Harbour Master's Office given the increase in operations with environmental risk in the port and the need to improve regulations in this respect.

II) The sustained growth in waters under national jurisdiction of maritime operations of various sorts such as:

- a)** Supplying fuels to vessels, unloading and/or cargo top off operations in Alfa and Delta Zones of the Plate River and areas of the Uruguay River and the areas assigned for **STS** (Ship to Ship) operations.

- b) Increased maritime traffic in our jurisdictional waters.
- c) Increased maritime-port operations.
- d) New undertakings by terminals and moorings.
- e) Operations with ever-bigger ships (e.g. container ships 340 metres long and 49 metres wide) with very large amounts of heavy fuel.

III) The increasing importance and interest for countries in protecting their environment make it essential to consider all reasonable measures for protecting it that may be presented to the Maritime Authorities in relation to the vessels' operations, in all aspects, in order to adopt the specific provisions that are most advisable, without neglecting the premise of the International Maritime Organisation of tending towards necessary regional and international harmonisation.

IV) That advised by the Department of Environmental Protection and by the Legal Counsel for the National Naval Prefecture.

V) That the legal Regulation in force authorises the National Naval Prefecture as the National Maritime Authority to issue guidelines for the preservation of the aquatic environment, especially in relation to the fight against pollution.

THE NATIONAL NAVAL PREFECT

ORDERS:

Article 1: SCOPE OF APPLICATION. The vessels, ships or naval artefacts listed below:

- a) Tankers, flatboats or barges transporting hydrocarbons or liquid minerals.
- b) Vessels considered defective by the Maritime Authority according to Law 17.121.
- c) Those requesting permission to anchor in waters under Uruguayan jurisdictional control for a period of more than 24 h to await orders or to enter Ports, Terminals, moorings etc., whether Uruguayan, Argentinean or belonging to third party countries.
- d) Those assigned to Exploration and Exploitation operations relating to the resources of the Exclusive Economic Area (**EEA**).

24 hours in advance of authorisation to anchor or operate, must present the Prefecture with jurisdiction in the area with the following documentation:

- 1) ***“Insurance Policy”*** that provides cover for Public Liability in respect of incidents of marine pollution. In the case of foreign vessels it is compulsory for these to be issued by a “P&I” Protection and Indemnity Club which will be accepted as such providing they are members of the ***“International Association of Protection and Indemnity Clubs”*** or they have a representative in our country.
- 2) ***“Certificate of Cover by the International Convention on Civil Liability for Oil Pollution Damage 1969”*** in its amended CLC form for those vessels carrying more than 2000 tons of hydrocarbons as cargo.
- 3) ***“Certificate of Cover for Response to Incidents of Marine Pollution”*** granted by companies providing Services for the Prevention and Control of Spills of Hydrocarbons and/or Potentially Harmful or Dangerous Substances (**OSRO**), duly authorised by the National Naval Prefecture. The format of the said **OSRO** Certificate will be that established in the **DELTA** Annexe of the present Maritime Provision”.

Article 2: That referred to in section 3) of the preceding article will imply for all cases that with regard to actions or omissions, direct or indirect, as a result of which pollution accidents may occur or accidents that may produce risk for the marine environment, the **“OSRO”** company contracted will maintain and activate immediately the necessary measures capable of providing an effective and efficient response to deal with a situation of environmental risk generated by the said actions or omissions. These measures will be implemented in harmony with the directives issued by the local Prefecture in accordance with its Local Contingency Plan and consequently those of the National System for the Control of Spills of Pollutants.

Article 3: Let the **“Preventive Measures of a Compulsory Nature against Pollution” (Checklists)** be approved, to be complied with by operators and vessels, both national and foreign, who operate in the delivery of hydrocarbons and/or their derivatives (unloading or bunkering), established in Annexes **“ALFA” and “BRAVO”** of the present. These will be in addition to those established in **Maritime Provision N° 136**.

Article 4: Let operations to transfer hydrocarbons ship to ship **STS, Ship to Ship**), which are already governed by **Maritime Provision N° 141**, be excluded from the application of the parameters established in the present Provision.

Article 5: The vessel that does not comply with that established in the preceding articles may be declared defective by the Maritime Authority in accordance with Article 6 and others of Law 17.121 of 21 June 1999.

Article 6: The present Maritime Provision will come into force 60 days after its promulgation.

Ship's Captain
Javier BERMÚDEZ
National Naval Prefect

ANNEXES:

ALFA Annexe: PREVENTIVE MEASURES OF A COMPULSORY NATURE AGAINST POLLUTION

Appendix I – Specific Conditions for Operators of Tankers and/or Deliveries of Fuel to Ships by Overland Means

Appendix II – Definitions

BRAVO Annexe: CHECKLISTS FOR SHIP-TO-SHIP OPERATIONS

Appendix 1: Checklist to be completed by each vessel prior to the operation

Appendix 2: Checklist before commencing operations.

Appendix 3: Checklist prior to Going Alongside and Mooring.

Appendix 4: Checklist before commencing the transfer of fuel between ships.

Appendix 5: Checklist before casting off from alongside.

Appendix 6: Checklist to be completed during transfers of hydrocarbons from maritime terminal to ship.

Appendix 7: Checklist to be completed in operations to transfer hydrocarbons between tanker lorry and ship.

CHARLIE Annexe: Draft OSRO Certificate

ALFA ANNEXE:
**“PREVENTIVE MEASURES OF A COMPULSORY NATURE AGAINST
POLLUTION”**

A) GENERAL PROVISIONS

- 1) The present Maritime Provision is applicable to the vessels described in Article 1 of the present MP.
- 2) The “**OSRO**” Companies, in order to be able to operate, must be duly authorised by the National Naval Prefecture (**NNP**).
- 3) These companies will be contracted by the Shipping Agency. In the cases of vessels under the national flag, the national owners may act. They must provide response cover for pollution actions caused by vessels by accidents, actions or omissions occurring during operation, navigation and/or anchoring operations by the said vessels.
- 4) The “**OSRO**” company contracted will guarantee to its client that it has the power to keep the operation in order immediately, that it has the resources necessary to provide the cover and the response for which it was contracted and that it has the capacity to use them in the event of the occurrence of a spill. The method of proving the availability of these services on the vessel/vessels contracted will be by the granting of a “**Certificate of OSRO cover**” to be presented to the Maritime Authority prior to commencing its operation in jurisdictional waters.
This availability also includes the possible initial response on board the vessel, with the necessary equipment according to each one’s **SOPEP**, for the control of oil spills in accordance with the **MARPOL** Convention.
- 5) These authorised companies, prior to providing the said “**Certificate of OSRO cover**”, will carry out an assessment and analysis in order to provide a response in line with the risk of each operation, taking into account the characteristics of each operation (zone, type of vessel, type of fuel, weather forecast, etc.)

B) SPECIFIC PROVISIONS

- 1) The crew on the receiving vessel and on the supplying transport will control the operation at all times.
- 2) The personnel participating in the transfer operation must have communications equipment that is intrinsically safe, throughout the operation.

3) Before commencing the transfer operation there must be coordination between the party delivering and the party receiving of a primary channel and an alternative channel for communications as well as the procedure for the operation to be carried out, the signals to start, stop and for emergencies, among others.

4) During the transfer of hydrocarbons or PDHS both the ship's Captain and the crew *designated for the said Operation* must be on board and/or in the assigned location at all times during the operations.

5) The operation to connect and disconnect must be communicated to the Maritime Authority through its Control Centres with jurisdiction in the operating area by means of radio communication, stating the time at which each event takes place.

6) Employers are obliged to inform all workers, in a timely and appropriate manner, of the risks involved in their work, the preventive measures and all correct working methods. They must in particular inform them of the elements, products and substances used in the production processes or in their work, their identity (formula, synonyms, appearance and smell), the permissible limits for exposure to these products, the dangers to health and the control and prevention methods that must be adopted in order to prevent the said risks.

In the case of hydrocarbons with danger inherent in their type, which require special protection for their operation, the personnel that operate must have suitable protective equipment. In all cases they must have on board a "safety sheet" for the Product that they are using (**Material Safety Data Sheet, MSDS**).

7) In order to carry out operations with hydrocarbons, transfer equipment must be used that is certified for the type of product to be used and must have the tests and updates in accordance with that specified by the rules in force.

ALFA ANNEXE

Appendix I

SPECIFIC CONDITIONS FOR OPERATIVES OF TANKERS IN UNLOADING AND OR CARGO TOP OFF OPERATIONS

- 1) In the case of operations to unload hydrocarbons, liquid minerals or those carried out in jurisdictional waters, the **OSRO** companies providing cover must operate with an appropriate response in fighting and containing oil spills in the location of the incident within a period of **not more than 2 (two) hours**.
- 2) In unloading or fuel delivery operations in which more than one company providing Services for the Prevention and Control of Oil Spills and/or Potentially Dangerous and Harmful Substances (PDHS), (**OSRO**) participates, the Maritime Authority must be informed before commencing the operation of which of the two companies will be responsible for providing the vessel and the resources for fighting and responding to the pollution.

DELIVERY OF FUEL IN PORT AREAS

- 1) Unloading and/or fuel delivery operations in port areas, whether by ship or by tanker lorry, carried out at the wall or in an anchoring area, must have in the area in which the operations are carried out the necessary elements ready (containment booms, skimmer, small support vessels, etc.) that enable a guarantee that the **OSRO** company contracted can contain spills. In these cases the appropriate response in the shortest possible time **will be no more than 60 minutes** from the occurrence of the incident, which will be specified in the said **OSRO** Certificate of cover.
- 2) Transfer operations with Hydrocarbons (unloading and/or delivery of fuel) are prohibited when operating with Dangerous Goods or when carrying out hot works on the operating ship, those attached to it or immediately forward or aft of it.

GENERAL PROVISIONS

- 1) Vessels involved in the transfers established by this MP must keep on board, ready for use, the oil spill response equipment according to their respective **“Emergency on board plans in the event of oil pollution” (SOPEP)**.
- 2) The transfer operations established in this MP may be carried out permanently, day or night in all ports or maritime or river areas authorised in the country and will

be subject only to the restrictions established by the local Prefecture for safety reasons and/or for the protection of the environment for each specific case, depending on the circumstances applicable in its area of responsibility.

3) Fuel distribution companies carrying out transfers from tanker lorries to ships must have emergency procedure rules for acting in the case of spills, which are consistent with the rules issued by the **IMO** for the production of the **SOPEPs**.

4) The “**Checklists**” in the present Maritime Provision must be kept for a period of 2 years.

In the case of ships under a foreign flag, they must be filed by the Shipping Agency representing the Vessel and may be requested by the Maritime Authority in cases in which it considers it appropriate.

ALPHA ANNEXE

Appendix II

DEFINITIONS

For the purposes of this Maritime Provision the following definitions apply:

1. **RESPONSE OPERATION:** Means all actions necessary to contain and remove oil from the water and coasts, the temporary storage and final disposal of the oil recovered.
2. **JURISDICTIONAL EXTENT OF THE LOCAL PREFECTURE:** Means the areas into which the National Naval Prefecture divides its sphere of action into different operational Prefectures, such as Prefectures and/or Sub Prefectures.
3. **AUTHORISED VESSEL DEDICATED TO THE RESPONSE TO POLLUTION INCIDENTS:** Means a vessel with capacity for response operations relating to oil spills and/or PDHS, including the recovery and transport of the material collected, accompanying vessels, deploying response teams, supplies and personnel, training in the response to spills, assessments, exercises and investigations.
4. **SHIP: (Definition according to the International Convention for the Prevention of Pollution by Ships MARPOL 73/78, Law 14.885.** Any vessel constructed or adapted to transport mainly hydrocarbons loose in its cargo spaces. This term includes combined cargo vessels and chemical tankers as defined in Annexe II of the present Convention, when they are transporting a full or partial load of bulk hydrocarbons.
5. **OIL TANKER:** Means any vessel that transports bulk hydrocarbons as cargo or cargo residue and has an “*International Oil Pollution Prevention Certificate*” (*IOPP*). Excepted from this definition are vessels dedicated to response operations.
6. **COMPANIES PROVIDING SERVICES FOR THE PREVENTION AND CONTROL OF OIL SPILLS AND/OR SPILLS OF POTENTIALLY DANGEROUS AND HARMFUL SUBSTANCES (PDHS) – OSRO:** Those national companies providing services to third parties, dedicated to the control of spills of oil and other potentially dangerous and harmful substances, whose authorisation, inscription and re-inscription must meet the requirements established in the regulations established in this respect by the National Naval Prefecture.
7. **POLLUTION INCIDENT:** Means any incident involving a vessel that may create a risk of a spill of oil or potentially dangerous substances. These accidents

include but are not limited to sinking, groundings, collisions, hull damage, fire, explosion, loss of propulsion, spills on deck or similar events.

8. RESPONSE ORGANISATION: (OSRO Company). Structured organisation with the response resources (personnel and materials), capable of activating immediately the necessary operations capable of providing an effective and efficient response in a situation of environmental risk generated by the action or omission of vessel(s) that are anchored or operating.

9. EXCLUSIVE ECONOMIC AREA (EEA): (Definition according to the United Nations Convention on the Law of the Sea, Law 16.287): Area that extends beyond the Territorial Sea and adjacent to it by more than 200 nautical miles.

“BRAVO” ANNEXE

CHECKLIST FOR SHIP-TO-SHIP OPERATIONS WITH FUEL

1. All ship-to-ship operations with fuel must comply with the “**Checklists**” described in the following appendices.
 - a. Appendix 1: CHECKLIST TO BE COMPLETED BY EACH VESSEL, PRIOR TO THE OPERATION
 - b. Appendix 2: CHECKLIST BEFORE COMMENCING OPERATIONS
 - c. Appendix 3: CHECKLIST PRIOR TO GOING ALONGSIDE AND MOORING
 - d. Appendix 4: CHECKLIST BEFORE COMMENCING THE TRANSFER OF FUEL BETWEEN SHIPS.
 - e. Appendix 5: CHECKLIST BEFORE CASTING OFF FROM ALONGSIDE
 - f. Appendix 6: CHECKLIST TO BE COMPLETED DURING TRANSFERS OF HYDROCARBONS FROM MARITIME TERMINAL TO VESSEL.
 - g. Appendix 7: CHECKLIST TO BE COMPLETED IN OPERATIONS TO TRANSFER HYDROCARBONS BETWEEN TANKER LORRY AND VESSEL.

“BRAVO ANNEXE”

Appendix 1:

CHECKLIST TO BE COMPLETED BY EACH VESSEL, PRIOR TO THE OPERATION NAME OF VESSEL: IMO Number:		SHIPPING AGENCY		
FLAG:		OSRO designated:		
CHECKED	YES	CHECKED	YES	CHECKED
1. Weather forecast available and favourable				
2. Communications system established				
3. Portable safety transceivers (VHF/UHF radio) approved				
4. Checked the compatibility of the vessels to which the cargo tanks relate				
5. Vessel upright and correctly presented.				
6. Propulsion gear, steering, control equipment and navigation				

equipment operating correctly.			
7. Chief Engineer informed of requirements.			
8. Lifting equipment and equipment for operations with hoses checked, in good working condition and ready to be used.			
9. Connections from manifolds ready and sound on the date of the last satisfactory test.			
10. Fenders and their handling equipment in correct condition.			
11. Anchor on the opposite side (remainder missing)			

“CHARLIE” ANNEXE

Appendix 1:

**CHECKLIST TO BE COMPLETED BY EACH VESSEL, PRIOR TO THE
OPERATION**

NAME OF VESSEL: IMO Number:	SHIPPING AGENCY		
FLAG:	OSRO designated:		
CHECKED	YES	NO	CHECKED
1. Weather forecast available and favourable			
2. Communications system established			
3. Portable safety transceivers (VHF/UHF radio) approved			
4. Checked the compatibility of the vessels to which the cargo tanks relate			
5. Vessel upright and correctly presented.			
6. Propulsion gear, steering, control equipment and navigation equipment operating correctly.			
7. Chief Engineer informed of requirements.			
8. Lifting equipment and equipment for operations with hoses checked, in good working condition and ready to be used.			
9. Connections from manifolds ready and sound on the date of the last satisfactory test.			
10. Fenders and their handling equipment in correct condition.			
11. Anchor on the opposite side to the operation, ready to be dropped.			
12. Statutory lights and signals, ready to be used.			
13. Mooring systems and gear in correct condition and ready to be used.			
14. Lines for retrieving cables, deck seals and heavy lines prepared.			
15. Crew informed of how the operation will be carried out.			

16. Emergency plan prepared (which will give details of the role that the crewmembers must fulfil in the event of emergencies affecting the operations, including oil spills).			
17. Primary fenders in place. Towlines and mooring lines checked.			
18. Secondary fenders in place.			
19. Nothing overhanging the hull on the docking side.			
20. Smoking ban in force.			
21. Helmsman ready to operate.			
22. Receptacles for recovering leaks in place and scuppers covered.			
23. Heading and operating speed understood and agreed between the vessels (if the operation is carried out under way).			
24. Engine revolutions controlled for the operation (when applicable).			
25. Traffic checked in the operating area.			
26. Statutory lights and signals ready to be used.			
27. Hatches on board closed.			
28. Fire-fighting equipment and anti-pollution equipment ready to be used.			
29. Adequate lighting provided, especially on the side in the vicinity of the fenders.			
30. Security lights available.			
31. Power to the winches and capstans.			
32. Mooring personnel ready and instructed about how the cables will be passed over.			
33. What is the maximum and minimum expected height of the cargo manifold in relation to the waterline during the transfer?			
34. Does the vessel have sufficient cat holes to receive the lines from the other vessel?			
35. Near each cat hole, are there			

bitts with sufficient strength to receive the lines?			
36. Radars and equipment with a ban on operating (such as HF/MF) switched off prior to the fuel operation?			
37. Have the approach and support operations been agreed between the ships' Captains?			
38. Is the after emergency towing system (for Tankers only) ready for use?			
Name of the vessel:			
Rank/Position:			
Signature:		Date:	

“CHARLIE” ANNEXE

Appendix 2:

**CHECKLIST TO BE COMPLETED BEFORE COMMENCING
OPERATIONS**

Name of Delivering Vessel:			
Name of Receiving Vessel:			
Date of Operation:		Time:	
CHECK	SIGNING OFF OF DELIVERING VESSEL	SIGNING OFF OF RECEIVING VESSEL	COMMENT
1. Have the Owners of both vessels been notified that Checklist 1 was completed satisfactorily?			
2. Have radio communications been properly established?			
3. Has the working language that will be used during the operation been agreed?			
4. Is the VHF/UHF radio equipment of the approved type?			
5. Has the meeting position been agreed?			
6. Have the procedures for going alongside and mooring been agreed and has it been decided which vessel will provide the warps?			
7. Is the vessel upright with the appropriate trim?			
8. Have the engine, the servomotor and the navigation equipment been tested and found to be in good condition?			
9. Do they have an appropriate weather forecast for the operation for the operating area?			
10. Is the equipment for lifting the flexible hoses in appropriate condition and ready to be used?			
11. Are the hoses in good condition and tested?			
12. Are the fenders and their moorings in good condition?			

13. Has the crew been informed of the mooring procedure?			
14. Has the contingency plan been agreed?			
15. Has the local Maritime Authority been notified of the operation?			
16. Has the other vessel been notified that checklist 2 was completed satisfactorily?			
17. If necessary is there inert gas production on board? Is it sufficient and is it within the safety parameters in relation to temperature and oxygen level?			
Name of the vessel:			
Rank/Position:			
Signature:		Date:	

“CHARLIE” ANNEXE

Appendix 3:

**CHECKLIST TO BE COMPLETED PRIOR TO GOING ALONGSIDE AND
MOORING**

Name of Delivering Vessel:			
Name of Receiving Vessel:			
Date of Operation:		Time:	
CHECK	SIGNING OFF OF DELIVERING VESSEL	SIGNING OFF OF RECEIVING VESSEL	COMMENT
1. Has Checklist 2 been completed satisfactorily?			
2. Are the fenders floating in an appropriate location?			
3. Has the mooring side been agreed?			
4. Are the fender moorings in order?			
5. Are the secondary fenders ready to be installed?			
6. Have any projections overhanging the edge on the side of going alongside been hauled up?			
7. Manifold connections ready and sound on the date of the last satisfactory test.			
8. Have the daylight and night CIS fuel transfer signals been displayed?			
9. Is adequate lighting available?			
10. Do the winches and capstans have power and are they in good condition?			
11. Are the stoppers ready to be used?			
12. Are the warps ready to be used?			
13. Is the mooring crew in position?			
14. Has communication been established with the mooring crew?			

15. Is the anchor on the side opposite to the operation ready to be dropped?			
16. Has the other vessel been notified that checklist 3 was completed satisfactorily?			
17. If necessary are there antidotes on board and are they sufficient to counteract the harmful effects to health of the material transported?			
Name of the vessel:			
Rank/Position:			
Signature:		Date:	

“CHARLIE” ANNEXE

Appendix 4:

**CHECKLIST TO BE COMPLETED BEFORE COMMENCING THE
TRANSFER OF FUEL BETWEEN SHIPS.**

Name of Delivering Vessel:		IMO number	
Name of Receiving Vessel:		IMO number	
Date of Operation:		Time:	
CHECK	SIGNING OFF OF DELIVERING VESSEL	SIGNING OFF OF RECEIVING VESSEL	COMMENT
1. Is the accommodation ladder in position and properly secured?			
2. Has an internal communication system been established?			
3. Have emergency signals and procedures for stopping operations been agreed?			
4. Are the Engine Crew alert and is the Main Engine in standby?			
5. Are fire axes and suitable equipment for cutting in position fore and aft?			
6. Are the hoses and fire-fighting equipment on board in position and ready to be used?			
7. Are the scupper seals and drip trays in position?			
8. Emergency generator and emergency steering system operational and ready to use?			
9. Are the hand-held torches of the approved type?			
10. Are the main radio transmission aerials ashore and the radar switched off?			
11. Are the electric cables disconnected on portable electrical equipment?			
12. Are all hatches leading to the exterior and the skylights in the superstructure closed?			

13. Are those A/C ventilations that allow vapour from the cargo to enter closed?			
14. Have the requirements on the use of the cooker and other cooking equipment been met?			
15. Have the regulations for smokers been fulfilled?			
16. Have the regulations on naked lights been fulfilled?			
17. Have steps been taken to ensure there is sufficient ventilation in the pump room?			
18. Is the alarm for man trapped in the pump room working?			
19. Has a watch been established on the deck and/or in the anchoring operation?			
20. Has an adequate watch been established on deck with special attention for warps, fenders, hoses, manifold and cargo pump controls?			
21. Has an initial pumping rate been agreed with the other vessel?			
22. Has a maximum pumping rate been agreed with the other vessel?			
23. Has an initial and final pumping rate been agreed with the other vessel?			
24. Are the hoses well supported and suspended?			
25. Have the hoses been adequately tested?			
26. Are the necessary tools for rapid disconnection well positioned on the cargo manifold?			
27. Are the sea valves and discharge valves alongside the cargo system completely closed and sealed?			
28. Are all manifold inlets not being used properly closed and sealed?			
29. Has the other vessel been informed that Checklist 4 is			

completed satisfactorily?			
Name of the vessel:			
Rank/Position:			
Signature:		Date:	

“CHARLIE” ANNEXE

Appendix 5:

**CHECKLIST TO BE COMPLETED BEFORE CASTING OFF FROM
ALONGSIDE**

Name of Delivering Vessel:			
Name of Receiving Vessel:			
Date of Operation:		Time:	
CHECK	SIGNING OFF OF DELIVERING VESSEL	SIGNING OFF OF RECEIVING VESSEL	COMMENT
1. Were the hoses properly drained before being disconnected?			
2. Are the hoses and manifolds sealed?			
3. Is the side of the vessel where the transfer was made free of obstacles (including equipment for lifting the hose?)			
4. Has the method of casting off and letting go the warps been agreed with the other vessel?			
5. Are the fenders, including moorings, in order?			
6. Do the winches and capstans have power?			
7. Is there height and are there drawings at each mooring station?			
8. Has communication been checked with the other vessel?			
9. Has communication been established with the mooring crew?			
10. Has ship traffic in the area been checked?			
11. Have the mooring crew been instructed to let go the mooring lines only on being asked to do so by the operating vessel?			
12. Has any spill been detected? If so, have steps been taken and has it been communicated to the MA?			

13. Has the Maritime Authority been informed of the completion of the operation?			
14. Has the other vessel been informed that Checklist 5 has been completed satisfactorily?			
Name of the vessel:			
Rank/Position:			
Signature:		Date:	

“CHARLIE” ANNEXE

Appendix 6:

**CHECKLIST TO BE COMPLETED DURING TRANSFERS OF
HYDROCARBONS FROM MARITIME TERMINAL TO VESSEL.**

Name of Vessel:

Name of Maritime Terminal:

Port:

Date of Arrival:

Time of Arrival:

INSTRUCTIONS FOR COMPLETING THE LIST:

The safety of the operations requires that all questions must be answered in the affirmative, clearly marking SIGNED OFF in the appropriate box.

If an affirmative answer is not possible, a reason must be given and an agreement must be reached taking appropriate precautions between the vessel and the terminal. If a question is considered not applicable a note will be inserted to that effect in the comments column.

A box in the “Vessel” and “Terminal” columns indicates that the interested party must carry out checks.

The presence of the letter **A**, **P** or **R** in the “Code” column means the following:

A any procedure and agreement must appear in writing in the comments column of this Checklist or in any other form mutually agreed. Whatever the case, the signatures of both parties will be required.

P In the event of a negative response the operation must not be carried out without the permission of the local Maritime Authority.

R indicates item that must be re-checked at intervals not exceeding that agreed in the declaration,

CHECK	Vessel authorised	Maritime Terminal	Code	COMMENTS
1. Is the vessel moored safely?			R	Stop loading at Knots of wind speed Disconnect at Knots of wind speed. Leave the terminal at ... knots of wind speed.
2. Are the emergency towlines correctly installed?				
3. Is there safe access between the vessel and the terminal?			R	
4. Is the vessel ready to move under its own power?			PR	
5. Is there an effective watch on deck on board and adequate supervision in the terminal and on the vessel?			R	
6. Is the communications system agreed between the vessel and the terminal operational?			AR	
7. Has the system of emergency signals to be used by the vessel and the terminal been explained and understood?				
8. Have the procedures for handling cargo, fuel and ballast been agreed?			AR	
9. Have the risks associated with toxic substances in the cargo being handled been identified and understood?				
10. Has the procedure for the emergency stopping of the tasks or the operation been agreed?			A	
11. Are the hoses and the fire-fighting equipment on board in position and ready to be used?			R	
12. Are the hoses in good condition, adequately secured				

and appropriate for the operation?				
13. Are the scupper seals fitted and the drip trays in position?			R	
14. Are the lines from the manifold that will not be used properly sealed with tightly bolted covers?				
15. Are the sea valves and discharge valves not being used closed and visibly secured?				
16. Are all cargo and fuel tank hatches closed?				
17. Is the agreed tank ventilation system being used?			AR	
18. Has the operation of the pressure and high speed emptying valves been checked?				
19. Are the hand-held torches of the approved type?				
20. Is the VHF/UHF radio equipment of the approved type?				
21. Are the main radio transmission aerials ashore and the radar switched off?				
22. Are the electric cables disconnected on portable electrical equipment?				
23. Are all hatches leading to the exterior and the skylights in the superstructure closed?			R	
24. Are all portable A/C units (installed in the windows) disconnected?				
25. Are those A/C ventilations that allow vapour from the cargo to enter closed?				
26. Have the requirements on the use of the cooker and other cooking equipment been met?				
27. Have the regulations for smokers been fulfilled?			R	
28. Have the regulations on naked lights been fulfilled?				
29. Is there an emergency escape?				

30. Are there sufficient crew on board and in the terminal to deal with an emergency?			R	
31. Is there adequate insulation installed in the ship/terminal connection?				
32. Have steps been taken to ensure sufficient ventilation of the pump room?			R	
33. Has an adequate vapour return line been connected?				
34. Is the alarm for man trapped in the pump room working?				

If the vessel has any tank cleaning scheduled, the following questions must be answered:

Tank Cleaning	Vessel	Terminal	Comment
Are any tank cleaning operations planned during the vessel's stay in the terminal?	Yes/No*		
* Delete as applicable			
<u>DECLARATION:</u>			
<p>We the undersigned have checked, where appropriate jointly, the items on this Checklist and we are satisfied that our answers are correct to the best of our understanding.</p> <p>We have also made adjustments so that the respective necessary checks are complied with and agreed and marked those items marked with the letter "R" in the "Code" column to be re-checked at intervals not exceeding ... hours.</p>			

For the vessel	For the Maritime Terminal
Name:	Name:
Rank:	Rank:
Signature:	Signature:
DATE:	
TIME:	

“CHARLIE” ANNEXE

Appendix 7:

**CHECKLIST TO BE COMPLETED IN OPERATIONS TO TRANSFER
HYDROCARBONS BETWEEN TANKER LORRY AND VESSEL.**

Supplying Company: Lorry Patent: Name of Company Supervisor: Place of Transfer: Hydrocarbon loaded: Date and Time of Transfer: Name of the Vessel: Vessel’s Agency: Designated OSRO:
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CHECK	Tanker lorry signed off	Receiving Vessel signed off	COMMENTS
1. Does the lorry comply with that established in the national regulation relating to the transport of dangerous goods by road?			
2. Are the lorry and its trailer immobilised with its brakes and chocks and its engine switched off?			
3. Is a tank available with sufficient capacity to take the residues from the fuel transfer operations?			
4. Is there sufficient absorbent material and cleaning material to control a possible oil spill?			
5. Are the hoses for the transfer of the fuel of the certified type and are they properly connected and secured?			
6. Are there administrative provisions and procedures for halting the bunkering operation in an emergency?			
7. Are there safe means of communication between lorry and vessel?			

8. Is there a person responsible for maintaining communication with the vessel?			
9. Have the pumping speed and maximum pressures in the transfer lines been agreed?			
10. Are there at least 2 Dry Powder/Chemical extinguishers with 90% mono ammonium phosphate?			
11. Are there “NO SMOKING, COMBUSTIBLE OR INFLAMMABLE LIQUID” signs?			
12. Does it have the corresponding safety Sign and Panel?			
13. Have instructions been given about not passing cargo over the tanker lorry’s fuel lines?			
14. Does the simultaneous cargo handling operation involve risks for the fuel operation?			
15. Is the fire control circuit operational?			
16. Has the international day/night fuel operation sign been raised?			
17. Is the tanker lorry’s operating area marked with visible signs?			
18. Is the driver authorised to transport dangerous goods (authorising licence)?			
<u>DECLARATION:</u>			
We the undersigned have checked, jointly, the items on this Checklist in order to guarantee a safe operation in the “Fuel operation” and also that we are in a position to respond to an emergency during the transfer.			

For the Tanker lorry	For the receiving Captain
Name of Supervisor:	Name of Captain or Chief Engineer:
Signature:	Signature:
Date:	
Time:	

“CHARLIE” ANNEXE

DRAFT OSRO CERTIFICATE

NAME OF THE Oil Spill Response COMPANY:	Certificate N°:/. (4 figure number and year) Date: .././....
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Translator’s note: This form is in dual Spanish / English