

Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC

*Article 3*

**Definitions**

For the purpose of this Directive

- (a) ‘<sup>F1</sup>Relevant international instruments’ means the following instruments, in their up-to-date version:’
- MARPOL means the International Convention for the Prevention of Pollution from Ships, 1973 and the 1978 Protocol thereto;
  - SOLAS means the International Convention for the Safety of Life at Sea, together with the protocols and amendments thereto;
  - the International Convention on Tonnage Measurement of Ships, 1969;
  - the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 and its 1973 Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil;
  - SAR Convention means the International Convention on Maritime Search and Rescue, 1979;
  - ISM Code means the International Safety Management Code;
  - IMDG Code means the International Maritime Dangerous Goods Code;
  - IBC Code means the IMO International Code for the construction and equipment of ships carrying dangerous chemicals in bulk;
  - IGC Code means the IMO International Code for the construction and equipment of ships carrying liquefied gases in bulk;
  - BC Code means the IMO Code of Safe Practice for Solid Bulk Cargoes;
  - INF Code means the IMO Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on board Ships;
  - IMO Resolution A.851(20) means International Maritime Organisation Resolution 851(20) entitled ‘General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants’;
  - <sup>F2</sup>IMO Resolution A.917(22) means International Maritime Organisation Resolution 917(22) entitled Guidelines for the onboard use of AIS, as amended by IMO Resolution A.956(23);
  - IMO Resolution A.949(23) means International Maritime Organisation Resolution 949(23) entitled Guidelines on places of refuge for ships in need of assistance;
  - IMO Resolution A.950(23) means International Maritime Organisation Resolution 950(23) entitled Maritime assistance services (MAS);
  - IMO guidelines on the fair treatment of seafarers in the event of a maritime accident means the guidelines as annexed to resolution LEG. 3(91) of the

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IMO Legal Committee of 27 April 2006 and as approved by the Governing Body of the ILO in its 296th session of 12 to 16 June 2006;]

- (b) ‘operator’ means the owner or manager of a ship;
- (c) ‘agent’ means any person mandated or authorised to supply information on behalf of the operator of the ship;
- (d) ‘shipper’ means any person by whom or in whose name or on whose behalf a contract of carriage of goods has been concluded with a carrier;
- (e) ‘company’ means a company within the meaning of Regulation 1(2) of Chapter IX of the SOLAS Convention;
- (f) ‘ship’ means any sea-going vessel or craft;
- (g) ‘dangerous goods’ means:
  - goods classified in the IMDG Code,
  - dangerous liquid substances listed in Chapter 17 of the IBC Code,
  - liquefied gases listed in Chapter 19 of the IGC Code,
  - solids referred to in Appendix B of the BC Code.

Also included are goods for the carriage of which appropriate preconditions have been laid down in accordance with paragraph 1.1.3 of the IBC Code or paragraph 1.1.6 of the IGC Code;

- (h) ‘polluting goods’ means:
  - oils as defined in Annex I to the MARPOL Convention,
  - noxious liquid substances as defined in Annex II to the MARPOL Convention,
  - harmful substances as defined in Annex III to the MARPOL Convention;
- (i) ‘cargo transport unit’ means a road freight vehicle, a railway freight wagon, a freight container, a road tank vehicle, a railway wagon, or portable tank;
- (j) ‘address’ means the name and the communication links whereby contact may, where necessary, be made with the operator, agent, port authority, competent authority or any other authorised person or body in possession of detailed information regarding the ship's cargo;
- (k) [<sup>F1</sup>‘competent authorities’ means the authorities and organisations designated by Member States to perform functions under this Directive;]
- (l) ‘port authority’ means the competent authority or body designated by Member States for each port to receive and pass on information reported pursuant to this Directive;
- (m) ‘place of refuge’ means a port, the part of a port or another protective berth or anchorage or any other sheltered area identified by a Member State for accommodating ships in distress;
- (n) ‘coastal station’ means any of the following, designated by Member States pursuant to this Directive: a vessel traffic service; a shore-based installation responsible for a mandatory reporting system approved by the IMO; or a body responsible for coordinating search and rescue operations or operations to tackle pollution at sea;

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- (o) ‘vessel traffic service (VTS)’ means a service designed to improve the safety and efficiency of vessel traffic and to protect the environment, which has the capability to interact with the traffic and to respond to traffic situations developing in the VTS area;
- (p) ‘ship's routing system’ means any system of one or more routes or routing measures aimed at reducing the risk of casualties; it includes traffic separation schemes, two-way routes, recommended tracks, areas to be avoided, inshore traffic zones, roundabouts, precautionary areas and deep-water routes;
- (q) ‘traditional ships’ means all kinds of historical ships and their replicas including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique;
- (r) ‘casualty’ means a casualty within the meaning of the IMO Code for the investigation of marine casualties and incidents<sup>[F1];</sup>
- (s) <sup>[F2]</sup>‘SafeSeaNet’ means the Community maritime information exchange system developed by the Commission in cooperation with the Member States to ensure the implementation of Community legislation;
- (t) ‘scheduled service’ means a series of ship crossings operated so as to serve traffic between the same two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series;
- (u) ‘fishing vessel’ means any vessel equipped for commercial exploitation of living aquatic resources;
- (v) ‘ship in need of assistance’ means, without prejudice to the provisions of the SAR Convention concerning the rescue of persons, a ship in a situation that could give rise to its loss or an environmental or navigational hazard;
- (w) ‘LRIT’ means a system for the long-range identification and tracking of ships in accordance with SOLAS regulation V/19-1.]

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#### **Textual Amendments**

- F1** Substituted by [Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system \(Text with EEA relevance\).](#)
- F2** Inserted by [Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system \(Text with EEA relevance\).](#)