

SAILING DIRECTIONS CORRECTIONS

PUB 120 2 Ed 2001 LAST NM 38/04

Page 45—Lines 1 to 2/L; read:

Regulations

Marine Transport Security and 96-Hour Notification Prior to Entering Canadian Waters

The *Marine Transportation Security Regulations* came into force on July 1, 2004. These regulations address marine security levels, ship reporting responsibilities, and the responsibilities of the Canadian Government for the provision of information to vessels pertaining to security.

The entire text of the *Canadian Marine Transportation Security Regulations* and the *Marine Transportation Security Act* can be found on the Transport Canada web site.

Transport Canada Home Page
<http://www.tc.gc.ca>

Application.—The *Canadian Marine Transportation Security Regulations* apply to vessels and marine facilities (ports) in Canada and Canadian ships outside Canada engaged on voyages between a port in one country and a port in another country and that:

1. Are more than 100 tons gross tonnage, other than a towing vessel.
2. Carry more than 12 passengers
3. Are towing vessels engaged in towing a barge astern or alongside or pushing ahead, if the barge is carrying certain dangerous cargoes means [dangerous goods], other than products, substances, or organisms identified in Class 3, 4, 8 or 9 of the schedule to the *Transportation of Dangerous Goods Act, 1992, that are carried in bulk or in such a quantity as to require an emergency response assistance plan under section 7.1 of the Transportation of Dangerous Goods Regulations.*

The regulations do not apply to pleasure craft, fishing vessels, vessels without a crew that are in dry-dock, dismantled or laid up vessels, or government vessels.

Maritime Security (MARSEC) Levels.—MARSEC levels are based on the International Maritime Organization's International Ship and Port Facility Security (ISPS) Code security levels and describe the levels of threat that necessitate that the master of a vessel, the operator of a marine facility, or a port administration (as defined in the Canadian Regulations) take steps to reduce the likelihood of a marine transportation security incident.

MARSEC Levels are defined in the *Marine Transportation Security Regulations*, as follows:

1. MARSEC Level 1—The level for which minimum security procedures are maintained at all times.
2. MARSEC Level 2—The level for which security procedures additional to those of MARSEC level 1 are maintained for a limited period as a result of heightened risk of a security threat or security incident.
3. MARSEC Level 3—The level for which security procedures additional to those of MARSEC Level 1 and MARSEC Level 2 are maintained for a limited period

when a security threat or security incident is probable or imminent, regardless of whether the specific target is identified.

MARSEC Level 1 has been in effect since July 1, 2004. A vessel to which the regulations apply must operate under MARSEC Level 1 at all times unless directed by the Minister of Transport to increase to a higher MARSEC level.

The operator of a vessel shall, before the vessel enters a port or interfaces with a marine facility, ensure that all procedures are taken that are specified in the vessel security plan for compliance with the MARSEC level in effect for the port or marine facility.

Vessel Responsibilities.—Any vessel that is operating at a higher MARSEC level than that in effect in the port or marine facility it is interfacing with, or is about to interface with, shall report their MARSEC level to a Marine Communications and Traffic Services (MCTS) Center of the Canadian Coast Guard. MARSEC Reports shall include the following information:

1. Identification of the vessel (vessel's name and radio call sign).
2. Time and position of the vessel.
3. Destination of the vessel.
4. MARSEC level at which the vessel is operating.

If an MCTS Center advises that there is a change in the MARSEC level affecting any port or other area within Canadian waters and a vessel cannot comply with the written procedures as outlined in the vessel security plan, the vessel must notify an MCTS Center.

When at anchor or alongside a marine facility, if a vessel receives notice from a Port Administration or a marine facility security officer that the MARSEC Level in the port or marine facility in which the vessel is located or is about to enter or interface with is raised to a higher level, the master of a vessel shall ensure that the vessel complies, without undue delay, before interfacing with the facility and no later than 12 hours after being notified of the higher level, with all procedures specified in the vessel security plan for compliance with that higher MARSEC level.

If the vessel is in a Canadian port, alongside or at an anchorage, it shall ensure that the local Port Authority or the marine facility security officer who issued the notice is advised if the vessel cannot comply with the higher MARSEC level that has been implemented.

If the vessel is a Canadian ship in the waters of a contracting government, the vessel should communicate its MARSEC level information to the relevant maritime authority of that country. If the vessel is a Canadian ship in the waters of a non-contracting government, and the master has to use temporary procedures or upgrade the vessel's MARSEC level to maintain the safety of the vessel, the master shall communicate this information to a Canadian MCTS Center.

Pre-arrival Information (96-hour Notification).—All vessels (the master) subject to the Marine Transportation Security Regulations are required to submit their 96-hour Notification and a true copy of their International Ship Security Certificate or Interim Ship Security Certificate to a Canadian MCTS Center, as follows:

1. When en route to or transiting through Canadian territorial waters.
2. When en route to or transiting through Canadian territorial waters and bound for a Canadian or US port.
3. When 96 hours from entry to Canadian territorial waters.

If the duration of the segment of the voyage before entering Canadian waters is less than 24 hours, vessels are required to send a pre-arrival report as soon as practicable before entering Canadian waters but no later than the time of departure from their last port of call

The 96-hour Notification does not apply in the following instances:

1. Non-SOLAS vessels on a voyage between US ports on the W coast of Canada.
2. Vessels already inside the Great Lakes and its connecting and tributary waters and the St. Lawrence River as far as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec.

The 96-hour Notification should be send to one of the addresses below:

1. Vessels transiting through Canadian territorial waters or inbound to a Canadian port on the W coast shall send a Pre-arrival Report to the Canadian Coast Guard Regional Marine Information Centre (RMIC) via one of the following methods:

- E-mail: rmic-pacific@pac.dfo-mpo.gc.ca
- INMARSAT: telex 04352586 "CGTC VAS VCR"
- Any Canadian Coast Guard MCTS Centre (free of charge)
- Directly to CVTS Offshore by fax: (604) 666-8453

2. Vessels inbound to Canadian waters on the E coast including a Canadian or American port in the Great Lakes shall send a Pre-arrival Report to ECAREG Canada via one of the following methods:

St. John's MCTS Center
Telex: 016-4530
Facsimile: (709) 772-5369
Telegraphic Identifier: CCGTC SNF
E-mail: ecaregsnf@innav.gc.ca
Halifax MCTS Center
Telex: 019-22510
Facsimile: (902) 426-4483
Telegraphic Identifier: CCG MRHQ DRT
E-mail: hlxecareg1@innav.gc.ca

3. Vessels inbound to a port within the Canadian Arctic Zone shall send a Pre-arrival Report to NORDREG Canada via one of the following methods:

Iqaluit MCTS Center
Telex: 063-15529

Facsimile: (867) 979-4236
Telegraphic Identifier: NORDREG CDA
E-mail: iqanordreg@innav.gc.ca
Note. —The Iqaluit MCTS Center is open only during the navigation season (June 25 approximately to December 15 approximately)

All vessels are required to send their complete 96-hour Notification plus a copy of their International Ship Security Certificate or Interim Ship Security Certificate. Any vessel with incomplete 96-hour Notification or a missing International Ship Security Certificate or Interim Ship Security Certificate will be denied entry into Canadian waters. It is the responsibility of the master of the vessel to ensure that all the information provided to Transport Canada is complete and correct. Transport Canada will be in communication with the vessel only when seeking additional information. Any vessel that enters Canadian waters after being denied entry into Canadian waters may be subjected to the following control actions, at the discretion of Transport Canada:

1. The vessel may be detained.
2. The vessel may be redirected.
3. The vessel may be expelled.

The vessel's Pre-arrival Report shall include the following information:

1. Vessel's name.
2. Country of registry.
3. Name of vessel's registered owner.
4. Name of vessel's operator.
5. Name of vessel's classification society.
6. Vessel's international radio call sign.
7. Vessel's International Ship Security Certificate, Canadian Vessel Security Certificate, or ship security compliance document number.
8. Date of issuance, date of expiry, and name of the issuing body of its International Ship Security Certificate, Canadian Vessel Security Certificate, or ship security document.
9. Vessel's International Maritime Organization number, if it is a SOLAS ship.
10. Confirmation that the vessel has an approved vessel security plan.
11. Vessel's current MARSEC level.
12. A statement of when its last ten declarations of security were completed.
13. Details of any security threats to the vessel during the last ten calls at marine facilities.
14. A statement as to whether the vessel consents to tracking by the Canadian Government.
15. Details of any deficiencies in its security equipment and systems, including the communication systems, and the way in which the master of the vessel intends to rectify them.
16. Name of vessel's agent and contact person and their 24-hour telephone and facsimile numbers, if applicable.
17. Name of vessel's charterer, if applicable.

18. Vessel's position and time at which it reached that position.

19. Vessel's course and speed.

20. Vessel's destination and estimated time of arrival at its destination.

21. Name of a contact person at the marine facility that it will visit and their 24-hour telephone and facsimile numbers.

22. The following information in respect to each of the last ten marine facilities visited:

- a. Receiving facility.
- b. Marine facility visited.
- c. City and country.
- d. Date and time of arrival.
- e. Date and time of departure.

23. A general description of the cargo, including cargo amount.

24. The presence and description of any dangerous substances or devices on board, if applicable.

Any change in the vessel's MARSEC level during the transit from the vessel's location at 96 hours prior to arriving at the port facility must be immediately reported to an MCTS Center.

The vessel security officer shall ensure that all security threats and security incidents are reported and recorded in accordance with the *Marine Transportation Security Regulations*. When underway or at anchor in an uncontrolled anchorage, reports shall be made to an MCTS Center. When alongside or at anchor in a controlled anchorage, reports shall be made to the Port Administration and appropriate law enforcement. When the vessel is in a Vessel Traffic Services Zone, the vessel shall report to the MCTS Center.

If the master of a vessel is required to institute temporary procedures in response to a security threat, the master shall ensure, as soon as possible, that a report is made, as follows:

1. If the vessel is in Canadian waters, to the nearest MCTS Center.
2. If the vessel is a Canadian ship in the waters of a contracting government, to the relevant maritime authority of that government and an MCTS Center (ECAREG Canada on the East Coast or the Regional Marine Information Center (RMIC) on the Canadian West Coast).
3. If the vessel is a Canadian ship in other waters, to an MCTS Center.

MCTS Center Responsibilities.—When the MARSEC level increases from the normal MARSEC Level 1, the MCTS Centers will issue a broadcast informing vessels of the increase to either MARSEC Level 2 or MARSEC Level 3. Once the MARSEC level decreases, the MCTS Centers will issue a broadcast informing vessels of the downgrade in MARSEC levels.

In VTS zones, the MCTS Centers often play a role in regulating vessels at anchor on behalf of port authorities. Therefore MCTS Centers will be involved in informing ships or port authorities about the MARSEC levels at port facilities or of the vessel.

Ship Security Alert System.—If the security of a vessel is under threat or in any way compromised, the master or other competent authority onboard may activate the Ship Security Alert System, a system that transmits an automated

message from vessel to shore. This message identifies the vessel and provides position information. When a security alert is received by a Canadian Maritime Rescue Coordination Center, the appropriate shore authorities will be notified.

Practices and Procedures for Public Ports

Transport Canada, pursuant to Section 76 of the Canada Marine Act, has instituted practices and procedures to be followed by all ships entering, berthing, departing, maneuvering, or anchoring in the waters of all public ports. These practices and procedures, which have been developed for the purposes of promoting safe and efficient navigation and environmental protection within the limits of public ports, can be accessed through the Internet at the following web address:

<p style="text-align: center;">Practices and Procedures for Public Ports http://www.tc.gc.ca/programs/ports/practproc.htm</p>

Transport Canada Marine Acts and Regulations

Further information on Marine Acts and Regulations issued by Transport Canada can be found at the website below.

<p style="text-align: center;">Transport Canada Marine Acts and Regulations http://www.tc.gc.ca/acts-regulations/marine/menu.htm</p>

Chart and Publications Regulations

(7(711)04 Ottawa)

40/04