

Input paper: [[1]](#footnote-1) VTS42-8.1.2

Input paper for the following Committee(s): check as appropriate Purpose of paper:

**□** ARM **□** ENG **□** PAP ☑ Input

**□** ENAV☑ VTS **□** Information

Agenda item [[2]](#footnote-2) 8.1

Technical Domain / Task Number 2 Operations / Task 1.1.3

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Comments on draft IALA Guideline On Marine casualty/incident reporting and recording, including near miss situations as it relates to VTS

# Summary

The present paper is presenting some comments on the draft IALA guideline On Marine casualty/incident reporting and recording, including near miss situations as it relates to VTS (document VTS41-12.2.8)

## Purpose of the document

This paper is presenting amendments to the draft IALA guidelines On Marine Casualty/incident reporting and recording, including near miss situations as it relates to VTS.

## Related documents (enclosed)

VTS41-12.2.8 corrected

# Background

Concerning IALA Guideline on Marine casualty/incident reporting and recording, including near miss situations as it relates to VTS, this system exists already in International Civil Aviation Organization (ICAO). VTS should be inspired by this system to complete their mission, define by Resolution A.857(20) IMO in section 1.1.1, VTS is *“a service implemented by a Competent Authority, designed to improve the safety and efficiency of vessel traffic and to protect the environment. The service should have the capability to interact with the traffic and to respond to traffic situations developing in the VTS area.”*.

This guideline is intended to provide guidance and information to VTS authorities and Competent authorities on the development and establishment of harmonized casualty/incident/near-miss reporting, recording and analysis processes to enhance marine security and the safety of life at sea, and protection of environment.

But some points must be clarified and some other points could be source of problems in the guideline.

# Discussion

The different clarifications and problems are explained in the chronologic order of the draft guideline.

## Management of abnormal situations

In paragraph 3.1, it is mentioned in the draft guideline that “the procedure to identify abnormal situation depends on the capability of the VTS and the VTS area. The procedure to identify abnormal situations should be integrated as routine procedures in VTS Centre according the IALA Recommendation V-127. A decision support tool or dynamic risk assessment tool could be useful to enhance the capability of VTSO to identify abnormal situation more efficiently.”

It seams necessary to balance the idea and recall the reader of the guideline that the identification of abnormal situations should be based on the evaluation of various risks, such as including:

* Determining factors, for example :
  + - CPA/TCPA factor;
    - Emergency maneuver of a vessel;
    - Complaint addressed to VTS centre;
    - Lack of the lookout in sight and hearing of a vessel;
    - Etc…
* Additional factors, for example :
  + - Weather and visibility conditions;
    - Density of traffic;
    - Dangerousness of the cargo on board;
    - Proximity of shallow waters;
    - Manoeuvrability of the vessel;
    - Etc…

## Required technical ability of VTS system for data recording and storage

In paragraph 3.2, the draft guideline includes two dispositions for VTSO:

“ - Internal VTSO conversation recordings inside VTS Centre;

- VTSO actions recordings (e.g. made by CCTV inside VTS Control Centre);”

This recommendation couldn’t be productive because in the event of an accident following compliance with VTS guidance “*The liability element of an accident following compliance with VTS guidance is an important consideration which can only be decided on a case-by-case basis in accordance with national law. Consequently, a VTS authority should take into account the legal implications in the event of a shipping accident where VTS operators may have failed to carry out their duty competently.*”(Resolution A.857(20) IMO Section 2.2.4).

If national authority records their VTSO, VTSO could be scare to take measures to prevent the incident because their liability could be engaged by their actions. But VTSO action is very important to prevent an incident, even if the liability of the change of course returns to the master as it says in section 2.6.2 of Resolution A857(20) IMO *“Decisions concerning the actual navigation and the manoeuvring of the vessel remain with the master. Neither a VTS sailing plan, nor requested or agreed changes to the sailing plan can supersede the decisions of the master concerning the actual navigation and manoeuvring of the vessel.”.*

“*[...]authorities must also keep in mind the importance of the human decision-making function[...]”* (Resolution A.857(20) Section 6.1 Note).

If reporting includes recording of VTSOs decisions and actions, there would be a chance that VTSOs would not take every appropriate decisions to prevent an incident for they would be worried to see their liability engaged. It is then proposed to remove this possibility from the guidelines for it is up to the decision of each VTS Authority to do so.

**3.3 Storage of casualty, incident and near-miss**

It is suggested to mention clearly in paragraph 3.2 that there should be a procedure to store recordings to safeguard recorded data in case of a casualty, an incident or a near-miss.

**3.4 Addressing of the near-miss reports**

In paragraph 4.2.3, the guideline should be more accurate in the possibility to report a near-miss on a voluntary base. The example of covering letter in annex 3 is well adapted to the report of near-miss to a shipping company for it relates to the ISM Code requirements to report near-misses. But as near-misses reporting in ISM Code is an internal procedure, it is recommended to report near-miss externally only to the shipping company of ships involved. Because there is no international requirement to report near-miss, this proposition would harmonize and simplify the near-miss reporting by VTS and avoid misunderstanding on the report by other stakeholders.

# References

1. IMO Res.A. 857(20) guidances for VTS

# Action requested of the Committee

The Committee is requested to:

1. Consider the above comments
2. Consider the amendments to the draft guideline enclosed
3. Take action as appropriate for the final guideline

1. Input document number, to be assigned by the Committee Secretary [↑](#footnote-ref-1)
2. Leave open if uncertain [↑](#footnote-ref-2)