



ROMANIAN NAVAL AUTHORITY

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EXPERIENCE AND ACTIVITIES OF ROMANIAN NAVAL AUTHORITY AS MARITIME ADMINISTRATION IN THE AREA OF LEGAL HARMONIZATION AND IMPLEMENTATION OF THE HARMONIZED LEGISLATION relating to rules applicable to international maritime transport

Presented at

The first Steering Committee Meeting - **TRACECA Maritime Safety and Security II Project**

**Istanbul, Turkey,
21st January 2015**



Romania is located at the western coast of the Black Sea.

Romania is:

a COASTAL STATE

244 km length of coast, no islands

12 Nm from the coast line - national waters

up to 200 Nm from the coast line - exclusive economic zone

a PORT STATE

3 sea ports:

Constantza,
Midia,
Mangalia

4 ports along the Danube River, able to accommodate seagoing ships:

Sulina,
Tulcea,
Galatzi,
Braila





Obligations of Romania as an IMO member state (from 28 April 1965)

Decree of State Council No.114/1965 on accession to the Convention on the International Maritime Organization (IMO)

- undertaking to give effect to the provisions of the IMO Conventions and Protocols, and to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the Conventions full and complete effect, so as to ensure that a ship is fit for the service for which it is intended.
- preparations to the mandatory IMO Audit Scheme



Obligations of Romania as an EU member state (from 1 January 2007)

Law No. 157/2005 on ratifying the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union signed in Luxembourg on 25 April 2005

- fully observance of Treaty provisions
- to adopt all measures of national law necessary to implement legally binding Union acts.
- fully observance of EU policy in the area of safety and security as regards the international maritime Transport
- uniform and coherent implementation of EU legislation harmonized with IMO relevant conventions
- supporting EU policy in IMO meetings regarding drafts of amendments to conventions, codes, a.s.o.
- direct participation in drafting EU legislation



The Constitution of Romania:

ART. 148 Integration into the European Union

(1) Romania's accession to the constituent treaties of the European Union, with a view to transferring certain powers to community institutions, as well as to exercising in common with the other Member States the abilities stipulated in such treaties, shall be carried out by means of a law adopted in the joint sitting of the Chamber of Deputies and the Senate, with a majority of two thirds of the number of deputies and senators.

(2) As a result of the accession, the provisions of the constituent treaties of the European Union, as well as the other mandatory community regulations shall take precedence over the opposite provisions of the national laws, in compliance with the provisions of the accession act.

(3) The provisions of paragraphs (1) and (2) shall also apply accordingly for the accession to the acts revising the constituent treaties of the European Union.



The Constitution of Romania:

ART. 148 Integration into the European Union

(4) The Parliament, the President of Romania, the Government, and the judicial authority shall guarantee that the obligations resulting from the accession act and the provisions of paragraph (2) are implemented.

(5) The Government shall send to the two Chambers of the Parliament the draft mandatory acts before they are submitted to the European Union institutions for approval.



Law No. 157/2005 on ratifying the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union signed in Luxembourg on 25 April 2005

Art.2 - The Parliament, the President of Romania, the Government, and the judicial authority shall guarantee that the obligations resulting from the accession act and the provisions of the constituent treaties of the European Union, as well as the other mandatory community regulations are met.

Romania is one of the Member States of the European Union therefore the entire European policy in relevant areas is applied.



MARITIME ADMINISTRATION OF ROMANIA

The duties and responsibilities as maritime Administration are shared between:

MINISTRY OF TRANSPORT

(Romanian Naval Authority and other institutions: RADIONAV – coastal radio-communications, ARSVOM – search and rescues activities, CERONAV – maritime training center, ports administrations)

MINISTRY OF DEFENCE

(for the coastal signalization for navigation and for issuing the navigational maps)

MINISTRY OF ENVIRONMENT AND CLIMATIC CHANGES

(for the management of the sea waters)

MINISTRY OF FOREIGN AFFAIRS

(to issue certificates of Romanian flagged vessels in particular conditions)

MINISTRY OF INTERNAL AFFAIRS

(Police border, SUA Convention)



The main applicable legislation to maritime transport and related activities

General Law for transport:	GO no. 19/1997
Law for waterborne transport:	GO no. 42/1997 for maritime and on inland waterways transport
Law for port administration:	GO no. 22/1999 for the administration of ports and inland waterways, infrastructure for waterborne transport and waterborne transport activities

Ministry of Transport, established by Government Decision No.24/2013, exercises the function of the State authority in the field of the maritime transport, and has in its subordination: Romanian Naval Authority, RADIONAV – coastal radio-communications, ARSVOM – search and rescues activities, CERONAV – maritime training center, and ports administrations.



Romanian Naval Authority is a public institution established by Government Decision No.1133/2002, subordinated to the Ministry of Transport, having main duties in the field of safety of navigation and security of ships, such as: accomplishment of the state duties from the international agreements and conventions to which Romania is a Party, regarding the activity field of RNA, duties to registry the ships flying the Romanian flag, examination and certification of seafarers; it authorizes and inspects the economic agents developing naval transport activities in national navigable waters and in ports, it coordinates the activities of search and rescue at sea and in Romanian national navigable waters, and also it carries out the surveillance of navigation, the control and the directing of vessels traffic in national navigable waters and in Romanian ports.

Romanian Naval Authority developed, implemented and maintains a quality management system certified in accordance with the applicable international quality standards.

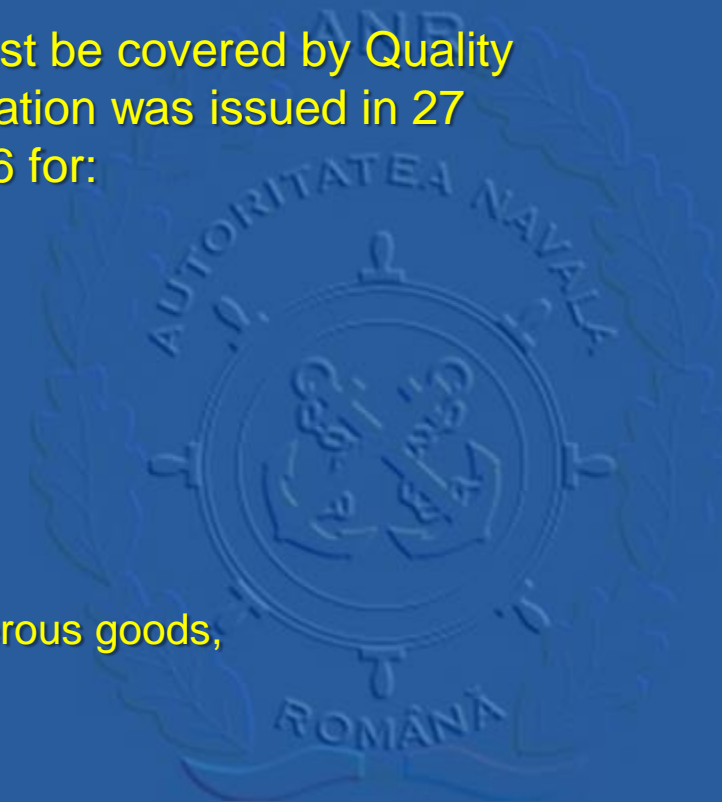


Romanian Naval Authority adopted a Quality Management System since 2001, in the previous organization – Inspectorate of Civil Navigation. The First Certificate was issued by Germanischer Lloyd Certification GmbH in 2002 for:

- Services in safety of navigation,
- Ship's registration,
- Certification and registration of seafarers,

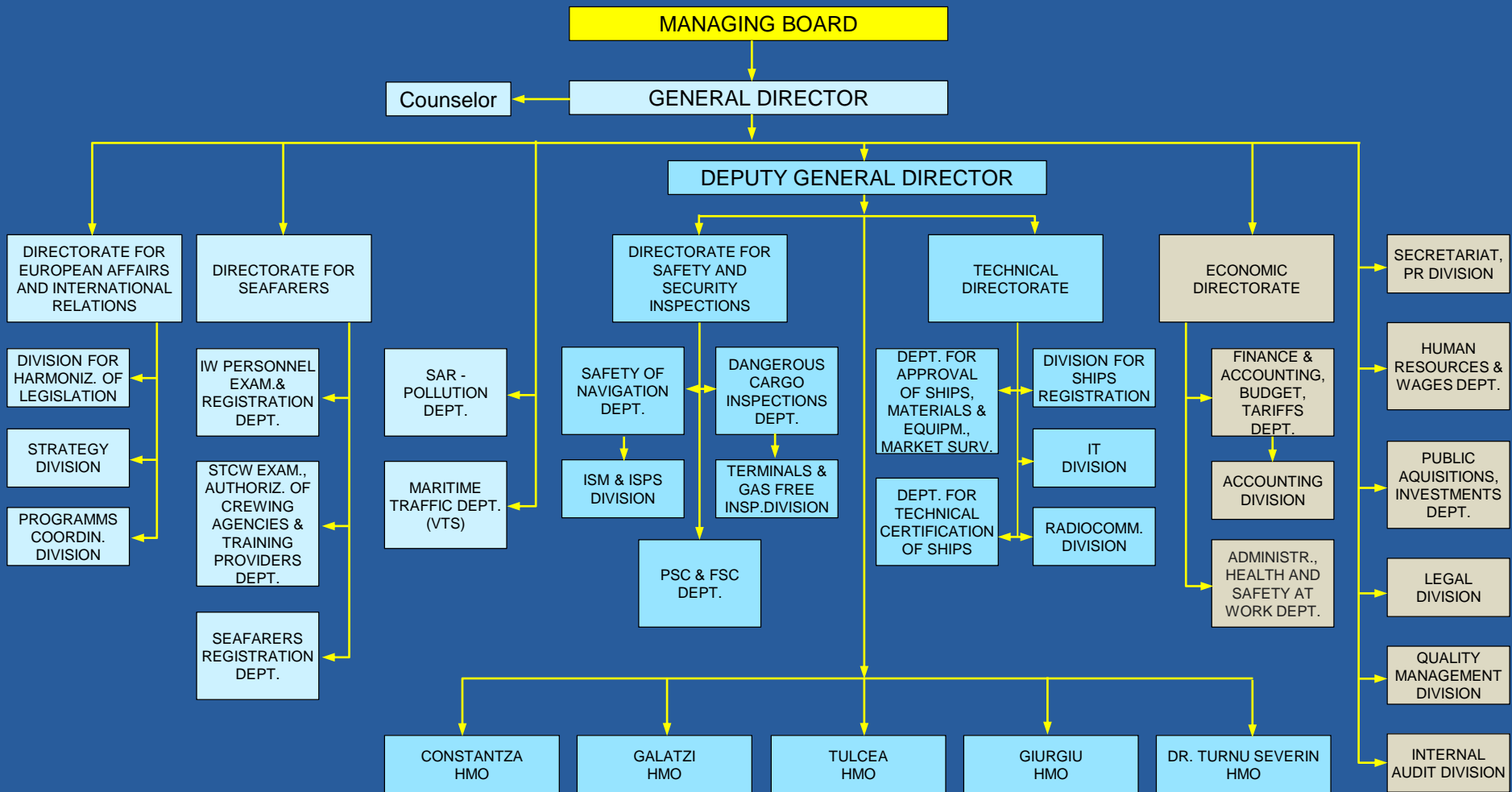
After acceding to EU the number of activities that must be covered by Quality Management System has increased. The last certification was issued in 27 November 2013 and is valid up to 26 November 2016 for:

- Services in safety of navigation,
- Ship's registration,
- Certification and registration of seafarers,
- ISM/ISPS certification,
- PSC inspections,
- FSC inspections,
- Ship's certification,
- Crewing authorization,
- Cargo operations, control and inspections of dangerous goods,
- Inspections for gas-free and terminals inspection,
- Economical agents authorization.



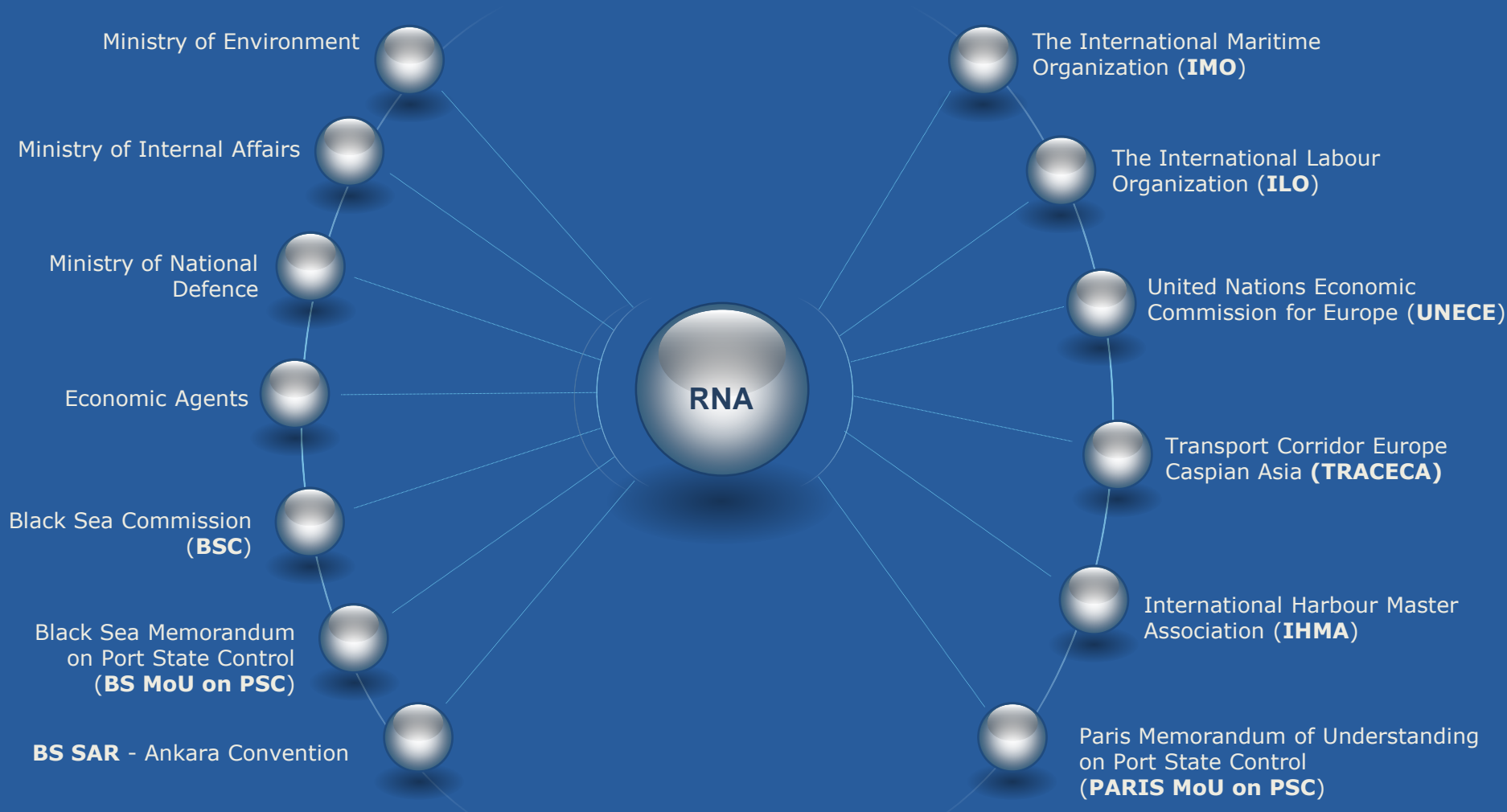


The implementation of the requirements of IMO Conventions is reflected in the organizational chart of Romanian Naval Authority





Romanian Naval Authority is involved in interagency and international cooperation





International legislation

Romania is part of:

- **UNCLOS, Montego Bay, 1982**, since 1996,
- **IMO 48 and amendments 91, 93**, since 1965
- **SOLAS Convention 74 and Protocols 78 and 88**, since 1980
- **Load Line Convention 66 and Protocol 88**, since 1971
- **TONNAGE Convention 69**, since 1982
- **COLREG Convention 72**, since 1977
- **CSC Convention 72 and CSC amendments 93**, since 1977
- **STCW Convention 78**, since 1993
- **SAR Convention 79**, since 1999
- **IMSO Convention 76 & INMARSAT OA 76**, since 1990
- **FACILITATION Convention 65**, since 2001
- **MARPOL 73/78 Annex I/II**, since 1993
- **MARPOL 73/78 Annex III**, since 2001
- **MARPOL 73/78 Annex IV**, since 2006
- **MARPOL 73/78 Annex V**, since 1993
- **MARPOL Protocol 97 Annex VI**, since 2007



International legislation

Romania is part of:

- **CLC Protocol 92**, since 2001
- **PAL Protocol 02**, Law of accession in August 2014
- **LLMC Convention 76 & LLMC Protocol 96**, since 2007
- **SUA Convention 88**, since 1993
- **SUA Protocol 88**, since 1993
- **SALVAGE Convention 89**, since 2002
- **OPRC Convention 90**, since 2001
- **BUNKERS Convention 01**, since 2009
- **ANTI FOULING 01**, since 2008



Other IMO instruments implemented by Romania

▪ Mandatory Instruments under Conventions, inter alia:

SOLAS 1974

2008 IS Code, FSS Code, 2010 FTP Code, LSA Code, Grain Code, IBC Code, IGC Code, INF Code, ISM Code, IMSBC Code, 1994 HSC Code, 2000 HSC Code, 2011 ESP Code, Casualty Investigation Code, Noise Code, ISPS Code, RO Code and
Res. MSC.169(79), Res. MSC.168(79), Res. A.739(18), Res. A.789(19), Res. MSC.215(82), Res. MSC.133(76), Res. MSC.287(87),
Res. MSC.288(87), Res. MSC.289(87),

MARPOL

BCH Code, NOx Technical Code 2008, IBC Code, CAS - Res. MEPC.94(46),
RO Code

STCW

STCW Code, part A



RNA works as:

- implementation of ISM Code & ISPS Code

is carried out by the **Division for ISM & ISPS**

- inspections of dangerous goods

are carried out by **Department for Dangerous Goods**

All these divisions are within **Directorate for Safety and Security Inspections**





Other non-mandatory IMO instruments implemented by Romania, inter alia:

1979 MODU Code, 1989 MODU Code, OSV Code, SPS Code, 2008 SPS Code,
2011 TDC Code

Rez. MSC.235(82) - 2006 OSV Guidelines

Rez. MSC.286(86) - Recommendations for material safety data sheets (MSDS),

Rez. MEPC.107(49) - Guidelines for pollution prevention equipment for machinery
space bilges of ships

Rez. MEPC.182(59) - Sampling of fuel oil

Rez. MEPC.184(59) - 2009 Guidelines for exhaust gas cleaning systems

Rez. MEPC.198(62) - 2011 Guidelines addressing additional aspects to the NOx
Technical Code 2008 (SCR Systems)

Rez. MEPC.205(62) - 2011 Guidelines for oil filtering equipment

Rez. A.673(16) - LHNS Guidelines

Rez. A.761(18) - Approval of servicing stations for inflatable liferafts

Rez. A.1047(27) - Principles of minimum safe manning

Rez. A.1050(27) - Recommendations for entering enclosed spaces aboard ships

Rez. A.1053(27) - HSSC



RNA preparatory works as:

- Translation into Romanian language of the Conventions, Protocols, Codes, Amendments, Circulars etc.,
- Legal impact study, as appropriate
- Draft of legal act (law, ordinance, Governmental decision, ministerial order) for ratification, accession, acceptance, publishing
- Draft of national legislation for implementation: specific methodological norms, guidelines, procedures etc.,
- Support documentation,

are carried out by the **Division for Harmonization of Legislation** within **Directorate for European Affairs and International Relations**



The implementation of IMO Conventions is documented, in general, by:

- Legal act for ratification or accession or acceptance, usually a Law
- Legal act for implementation, usually a Ministerial Order or a Governmental Decision
- Guidelines or instructions for work issued by Romanian Naval Authority for its personnel
- Procedures for activities within the Quality Management System of Romanian Naval Authority
- Reports
- Information



Violations to the requirements adopted by IMO Conventions are treated in the national legislation.

- Law nr. 191/2003 on offences to the regime of waterborne transport

The law has provisions of penalties (years of prison or penal fines) for each offence.

Personnel of Romanian Naval Authority, Harbour Masters especially, has an important role in the stage of investigations.

- Governmental Decision nr. 876/2007 for establishing and sanctioning of violations to the regime of waterborne transport.

Romanian Naval Authority is in charge with the ascertainment of violations.

Also, in some other Governmental Decisions for approval of implementation norms are included provisions related to violations and sanctions.



Romania is not (yet) a state party to:

- **INTERVENTION - International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, and the INTERVENTION Protocol 1973**
- **OPRC-HNS PROTOCOL - Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000**
Romania has a national contingency plan which covers the provisions of this Protocol.
- **LONDON CONVENTION 72 - Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter**
LONDON CONVENTION PROTOCOL 96
Similar provisions are included in Bucharest Convention - Protection of the Black Sea against pollution
- **BALLAST WATER 2004 - International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM)**
Romanian Naval Authority translated convention into Romanian language and prepared the draft of the legal impact study and the draft of Law for accession



Romania is not (yet) a state party to:

- **SFV - The Torremolinos International Convention for the Safety of Fishing Vessels The 1993 Torremolinos Protocol; Cape Town Agreement of 2012**
Romanian Naval Authority translated into Romanian language and is preparing now the draft of law for accession to the **Cape Town Agreement of 2012**.
It expected to be presented to the Parliament at the beginning of 2015.
Romania has fully transposed into national legislation the relevant EU Directive 97/70 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over.
- **HONG KONG CONVENTION** - The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships
Romanian Naval Authority translated the Convention into Romanian language and drafted the law for accession.
Romania applies Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC.
- **NUCLEAR Convention 71** - Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material (NUCLEAR)



Romania is not (yet) a state party to:

- **FUND Convention 71** - International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND), and 1976, **1992**, 2000, **2003 Protocols**

Romanian Naval Authority translated FUND Prot 1992 (including 2000 amendments) and FUND Prot 2003 into Romanian language.

- **HNS CONVENTION** - International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS) and **2010 Protocol**

Romanian Naval Authority translated HNS Convention into Romanian language.

- **NAIROBI WRC 2007** - Nairobi International Convention on the Removal of Wrecks
Romanian Naval Authority translated the Convention into Romanian language and drafted the law for accession to this convention; the draft law is pending adoption.



Acquis Communautaire on safety at sea

- the main EU legislation is enforced/implemented as follows:

– assumed by Ministry of Transport and Romanian Naval Authority:

- **Regulation (EC) No 1406/2002** of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency
- **Regulation (EC) No 2099/2002** of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships
- **Regulation (EC) No 725/2004** of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security
- **Regulation (EC) No 789/2004** of the European Parliament and of the Council of 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community and repealing Council Regulation (EEC) No 613/91
- **Regulation (EC) No 336/2006** of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95
- **Regulation (EC) No 391/2009** of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations



– assumed by Ministry of Transport:

- **Commission Regulation (EU) No 1286/2011** of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council

– assumed by Romanian Naval Authority:

- **Commission Regulation (EU) No 788/2014** of 18 July 2014 laying down detailed rules for the imposition of fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations pursuant to Articles 6 and 7 of Regulation (EC) No 391/2009 of the European Parliament and of the Council



Commission Directive 96/40/EC of 25 June 1996 establishing a common model for an identity card for inspectors carrying out port State control

– transposed into national legislation by Government Decision No.811/2010

Council Directive 96/98/EC of 20 December 1996 on marine Equipment

– transposed into national legislation by Government Decision No.494/2006

Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

– transposed into national legislation by Order of Minister of Public Works, Transport and Housing No.653/2003

Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community

– transposed into national legislation by Order of Minister of Transport, Constructions and Tourism No.218/2006

Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services

– transposed into national legislation by Order of Minister of Transport, Constructions and Tourism No.389/2006



Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers

– transposed into national legislation by Order of Minister of Public Works, Transport and Housing No. 727/2003

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

– transposed into national legislation by Government Decision No.1016/2010

Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships

– transposed into national legislation by Order of Minister of Transport, Constructions and Tourism No. 717/2006

Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005 on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC

– transposed into national legislation by Order of Minister of Transport No.1252/2014



Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security

– transposed into national legislation by Order of Minister of Transport No. 290/2007

Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers

– transposed into national legislation by Order of Minister of Transport No.1252/2014

Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations

– transposed into national legislation by Order of Minister of Transport and Infrastructure No.249/2011

Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control

– transposed into national legislation by Government Decision No.811/2010



Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council

– transposed into national legislation by Government Emergency Ordinance No. 87/2011

Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements

– transposed into national legislation by Order of Minister of Transport and Infrastructure No. 250/2011

Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships

– transposed into national legislation by Order of Minister of Transport and Infrastructure No.422/2011



Implementation mode

- establishing the level of compulsory norms: Order of Minister, Government Decision, Government Ordinance, Law
- drawing up the table of concordance
- conducting legal study impact, as appropriate



Romanian policy as an EU member state on implementation and amending IMO conventions

- analysing the compatibility of convention or amendments with the competence of EU and EU legislation in relevant areas and RNA assumes the legislation that enters into RNA/MT competency
- making statements in its own name, as an EU member state
- applying the provisions of EU Regulations, Directives relating to implementation of IMO conventions, protocols and codes.



RNA works as:

- surveys, audits, inspections;
- issuance, endorsement and/or renewal of certificates;
- establishing of corrective actions;
- withdrawal or cancellation of certificates,

are carried out by the **Department for Technical Certification of Ships** within **Technical Directorate**

International certificates were issued not only for seagoing ships for international voyages. Few of maritime ships for domestic use, GRT>500, requested international certificates.

RNA had not issue any international certificate for foreign ships.





RNA, usually issues the statutory certificates to Romanian ships. Though, RNA concluded agreements with 7 Recognized Organizations:

- **BV – Bureau Veritas** at 01.01.2005 for 5 years with a tacit clause for extension
- **GL – Germanischer Lloyd** at 09. 12.2003 for 5 years with a tacit clause for extension
- **RS – Russian Maritime Register of Shipping** at 31.12.2008 for 5 years with a tacit clause for extension
- **KR – Korean Register of Shipping** at 24.10.2008 for 5 years with a tacit clause for extension
- **RINA – Registro Italiano Navale** at 13.02.2013 for 5 years with a tacit clause for extension
- **LR – Lloyd's Register of Shipping** at 25.07.2013 for 5 years with a tacit clause for extension
- **NK – Nippon Kaiji Kyokai** at 13.03.2013 for 5 years with a tacit clause for extension

Note: RNA has taken steps to conclude an agreement with DNV-GL.



Romania volunteered for the IMO Audit Scheme and in 2009 was audited with good results.

Also, Romanian Naval Authority passed successfully the inspections carried out by EMSA in 2014 for the minimum level of training of the seafarers, PSC and VTMIS, in 2011 for VTMIS and in 2008 for PSC, according to relevant European directives.

A necessity of implementation of maritime legislation relating to maritime safety and security is represented by the regional cooperations in this field, as well as the monitoring by the Memorandum of Understanding on Port State Control in the Black Sea region and Paris MOU, as follows:



Romanian Naval Authority is involved in regional cooperation for:

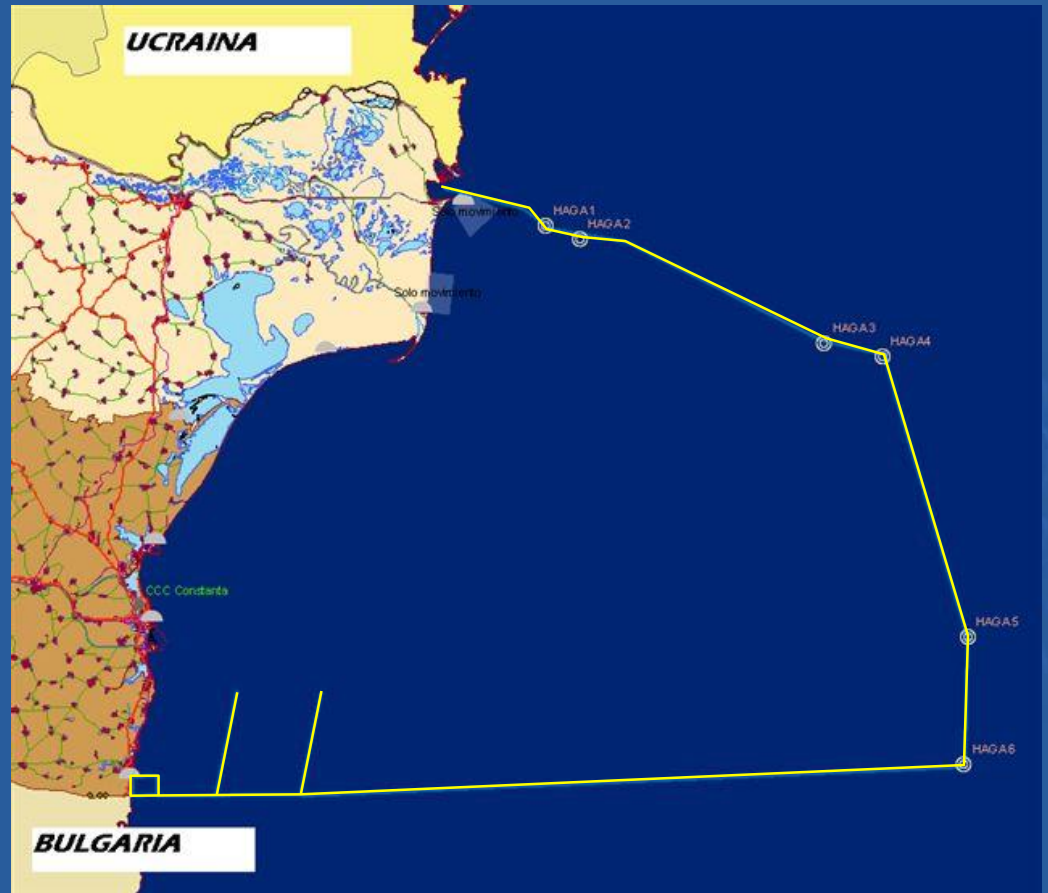
- **Vessel Traffic Service**
- **AIS Network System**
- **SafeSeaNet**
- **Integrated System of Maritime Border Surveillance (SCOMAR)**
- **CleanSeaNet**
- **Long Range Identification and Tracking (LRIT) system**





ROMANIAN SAR NATIONAL SYSTEM

The Romanian SAR responsibility area





Regional agreements

Romania is party of

BLACK SEA MOU on PSC, since Sept. 2001

PARIS MOU on PSC, since July 2007

1998 SAR Agreement in Black Sea, since 2010

**BUCHAREST CONVENTION 1992 - BLACK SEA PROTECTION AGAINST
POLLUTION**

Odessa Ministerial Statement, 1993

Strategic Action Plan for the Black Sea

Regional Contingency Plan for Oil Spills



Thank you for your attention!