

PROCEDURE FOR REQUESTING AND CONCEDING AUTHORISATION TO CARRY OUT MINOR REPAIRS TO PAINTWORK ON THE OUTER STRUCTURE OF VESSELS, CLEAN THE HULL AND OTHER ROUTINE CONSERVATION AND MAINTENANCE OPERATIONS OF VESSELS AFLOAT IN THE PORT OF BARCELONA
--

LEGAL BASIS

Article 95.2 of Law 48/2003, of 26th November, on the economic regime and service provision of general interest ports, establishes that activities implying circumstances of exclusivity, intensity, jeopardy or profitability will require the authorisation or concession of the Port Authority in question.

Routine conservation and maintenance operations to the outer structure of vessels in the Port of Barcelona falling within the **scope of the aforementioned law**, are considered to present sufficient elements of **intensity** and **jeopardy** to pose a risk of pollution to the marine and air environment and thereby require authorisation from the Port of Barcelona, in accordance with article 95.2 of Law 48/2003, of 26th November.

OBJECTIVES

The aims of this procedure are as follows:

- To establish the regulatory procedure for carrying out routine maintenance works to the outer structure or hull of vessels in the Port of Barcelona, in accordance with current legislation and regulate the procedure for obtaining authorisation when necessary, differentiating between the inherent degree of risk involved in the different operations to be carried out.
- To simplify administrative procedures for requesting and obtaining authorisation to carry out operations, which should in most cases allow requests to be processed almost immediately thereby encouraging the use of electronic data transmission.
- To establish the general criteria, conditions and limitations for carrying out such operations in optimum conditions of safety, not only to protect the people involved but also the marine and coastal environment of the Port of Barcelona service area.

SPHERE OF APPLICATION

This procedure applies to activities carried out by commercial, fishing or pleasure craft in waters of the port service area, with the exception of activities carried out in special naval construction or repair facilities and routine operations in marinas or fisheries quays, namely:

- A. Painting the outer structure of vessels.
- B. Cleaning or rinsing down the hull.

The external structure of the vessel is understood to be as exposed to the elements such as the ship sides, open decks, bulwarks, casings, deckhouses, railings, superstructures, hatch covers, companionways, etc.

This procedure will also apply when painting takes place in enclosed areas from which direct discharges could be made into port waters.

CRITERIA, CONDITIONS AND LIMITATIONS

The general rule being applied is Article 129.1 on preventing and combating pollution in the public port domain, of Law 48/2003, of 26th November, of the Economic Regime and Service Provision of General Interest Ports:

"Spills, releases or emissions from vessels or other floating craft of any kind, whether solid, liquid or gas, are prohibited in the public port domain."

Furthermore, maintenance works to the external structure of vessels which have been authorised by the Port of Barcelona, will be subject to the following, criteria, conditions and limitations:

1. *General criteria:*

- 1.1. The above operations can only be carried out at the request of the vessel's ship agent, or in their absence, the ship's Master, and always under the direct and non-transferrable responsibility of the Master and the ship owner/operator, and on the understanding that this responsibility extends to the actions of crew members and other people involved.
- 1.2. In fulfilment of Law 48/2003, modified by Law 33/2010, of 5th August, when authorised maintenance works concur with other operations taking place on board the vessel, it will be the responsibility of the applicant to coordinate labour risk related activities, in accordance with Spanish Law 31/1995, of 8th November on Occupational Health and Safety, and complementary regulations on the subject.
- 1.3. Similarly, it will be the responsibility of the applicant to ensure that any companies intervening in these works have fulfilled their tax and Social Security obligations, and also of ensuring that any crew members from the vessel involved or any specialised companies authorised to carry out works are in possession of an insurance policy to cover against accident and civil responsibility, or some other legal cover, which protects against risk to themselves and other third parties.
- 1.4. Access to quays by mobile cranes, forklift trucks or any other auxiliary vehicles used in support of the above operations must be explicitly authorised by the Barcelona Port Authority.
- 1.5. Unless express authorisation has been granted to the contrary, these operations must not be carried out during the hours of darkness, the cut off point being one hour after sunset and one hour before sunrise. Additionally, paintwork to the outerstructure of the sides and bulwarks of vessels cannot be undertaken outside the sheltered waters of the port, Zone II.
- 1.6. The Barcelona Port Authority can request additional information or safety measures concerning the permitted or authorised operations, and these may be halted if the environmental or working conditions do not comply with this procedure.

2. *Limitations due to weather conditions:*

Other than in exceptional cases with explicit authorisation, as a general rule, operations subject to this procedure **must not be carried out** when:

- 2.1. The force of the prevailing wind or wind forecasted for the time the activity is due to take place is equal to or greater than force 5 of the Beaufort Wind Scale (8 a 10 m/s).
- 2.2. Visibility is less than half a mile.
- 2.3. When the Barcelona Port Authority considers that adverse weather conditions are too dangerous to safely carry them out, due to for example heavy rain, sleet, snow, etc.

In addition to the above, works subject to this procedure and due to be carried out in the **anchoring area**, may only take place on deck when the maximum wave height does not exceed 2.5 metres.

3. *Restrictions to vessel operations:*

- 3.1. As a general rule such operations must not be carried out during the loading or unloading of gas liquid bulk, or other inflammable bulk goods or during cargo handling operations when the goods are considered to be particularly dangerous, and this is without prejudice to other conditions or restrictions imposed by the Barcelona Port Authority or the Local Maritime Administration regarding other operations.
- 3.2. Similarly, as a general rule, these activities will not be permitted if they could result in a delay in the departure of the vessel and the berth is due to be occupied by another vessel.
- 3.3. When these works coincide with the loading/unloading of goods or embarking/disembarking of passengers, passenger or cargo terminals must be informed and have given their approval.

PAINTING THE OUTER STRUCTURE OF VESSELS.

1. Specific criteria for painting the outer structure of vessels.

Within the sphere of application of this procedure, it is forbidden to paint the outer structure of vessels without express permission from the Barcelona Port Authority.

As a general rule, the Port of Barcelona will only grant authorisation for works considered to be **'touching up'** paintwork, or works which may not fall into this category since they exceed the maximum quantity of paint permitted but sufficient operational requirements exist to warrant authorisation, (such as those associated with changing the name or ownership of the vessel and would require the new name or the home port, or the company logo to be painted, or other requirements for the vessel to adequately operate, such as repainting the distinguishing marks and signs of the Plimsoll mark on the sides of the vessel, draft marks, IMO number, etc.). However, a change in ownership or operator will not justify the extensive painting of the outer structure to adapt the vessel to the new corporate colours.

The concept of **'touching up'** works covers paintwork to the outer structure of vessels that do not require the use of more than 10 kg of paint in the case of recreational craft and 25 kg in the case of other vessels (cargo vessels, fishing boats, etc.).

In order to carry out **'touch up'** paint works or other expressly authorised works, the following conditions must be complied with:

- The use of antifouling paints based on organic-stannic compounds (TBT) on the hull or any part of the external surface of the vessel is strictly forbidden in fulfilment of Regulation (EC) n° 782/2003 of the European Parliament and the Council.
- The use of anti-rust products must be previously assessed on a case-by-case basis by the Barcelona Port Authority and explicitly authorised.
- Paint must be applied by roller or brush. The use of paint sprays or other pressurised application systems is strictly forbidden
- The sides of vessels must either be painted from the quayside or a hanging or floating platform, and never, under any circumstances, from the deck.
- The paint canister must be fastened to the platform to prevent it from accidentally falling into the sea.
- A protective boom must be placed directly below the platform to contain accidental paint spills. In the case of floating platforms, the booms must be placed around the platform.
- Wind conditions must be observed in all cases. In moderate wind conditions (less than 5 m/s) painting should be carried out on the leeward side whenever possible. When the wind speed exceeds the provisions described in section 2, 'Limitations due to weather conditions', painting work will be suspended.
- Sand blasting, stripping and/or scraping the sides of the hull of the vessel is strictly prohibited

2. Procedure for the request and authorisation of works to paint the hull.

- a) **'Touch up'** paint operations do not require the express authorisation of the Barcelona Port Authority and are considered to be tacitly authorised - except where an express resolution exists to the contrary - on the condition that the general and specific criteria of the activity established in this procedure and the weather and operational limitations are complied with, the vessel's ship agent has sent in prior written notice of at least 12 hours to the Department of Maritime/Berthing Operations and sent a copy to the Environmental Department and the Port Police Headquarters, by email, stating the vessel's name and port of call, the type of work to be carried out, ETA and the berthing quay:

Department	Email	Fax
Maritime/Berthing Operations	Atracs@portdebarcelona.es	93.298.21.20
Environment	Medi_ambient@portdebarcelona.es	93.298.21.19
Port Police Headquarters	Centre_control@portdebarcelona.es	93.298.21.17

When notification is not possible by email, it should be submitted by fax.

- b) Express authorisation from the Barcelona Port Authority is required for all other paint operations and the procedure is as follows:
- The vessel's ship agent must fax an authorisation request to the Maritime Operations Department of the Barcelona Port Authority in order to carry out specific operations using the standard form for this purpose entitled '**Request for carrying out specific vessel repairs/operations**', which can be found at the end of this procedure.
 - Advance notice of 48 hours must be submitted prior to commencing operations. If operations fall on the day after a public holiday or after the weekend, the request must be presented at least 72 hours prior to commencing. If requests are submitted outwith the stipulated periods, this could result in AUTHORISATION BEING DENIED.
 - In addition to the standard form, the ship agent must submit sufficiently detailed information on the operations to be carried out, including the quantity of paint to be used, the mode of application and the specific paint references, including colour.
 - The Barcelona Port Authority will deal with requests and send explicit written authorisation to the ship agent via the same communication channel, in accordance with environmental criteria and rules that may apply and indicating the specific conditions within which operations must be carried out.

CLEANING THE HULL

1. Specific criteria for cleaning the vessel.

General cleaning permits will not be granted.

In the service area of the Port of Barcelona, washing down or high-pressure cleaning on board vessels is not permitted when this could result in materials being washed into port waters. Only operations to '**rinse down**' passenger vessels are permitted in the exposed areas of the topsides of vessels and decks, preferably with seawater, and without using detergents of any kind. The water pressure should be sufficiently low to avoid washing off paintwork. If paintwork in poor condition is washed away in spite of low water pressure, operations will cease unconditionally.

The cleaning of mooring ropes, cables or tools is strictly prohibited. The cleaning of decks or the sides of vessels is also prohibited where hydrocarbon or oil stains may be present unless with the express authorisation and direct supervision of the Barcelona Port Authority.

Cleaning the anchor of cargo vessels that have previously been anchored in Zone II of the Port of Barcelona is only permitted in Zone I under specific circumstances and with the prior and express authorisation of the Barcelona Port Authority.

In general, cleaning the submerged section of the hulls of vessels or craft in waters of the Port of Barcelona service area is prohibited. Cleaning grids and propellers is only permitted when carried out in accordance with operational procedures determined by the Local Maritime Administration, and when such works are considered necessary for the adequate functioning of the vessel and with prior and express authorisation from the Barcelona Port Authority.

Without prejudice to the above, the Barcelona Port Authority may consider specific one-off requests to clean the submerged part of the hull in the service area of the Port of Barcelona, when such requests are submitted in writing, explaining the reasons cleaning is necessary in the service area of the Port of Barcelona and providing a detailed description of the technology to be used in order to ensure the marine environment is fully protected.

2. Procedure to request and authorise operations for cleaning hulls.

- a) Operations to '**rinse down**' the exposed areas of all vessel hulls and decks of passenger vessels only, do not require express authorisation from the Barcelona Port Authority, and are considered to be tacitly authorised – except where an express resolution exists to the contrary – and on the condition that the general and specific criteria of the activity

established in this procedure and the weather and operational limitations are complied with, the vessel's ship agent has submitted prior written notice at least 12 hours to the Department of Maritime/Berthing Operations and sent a copy to the Environmental Department and the Port Police Headquarters, by email, stating the vessel's name and port of call, the type of work to be carried out, ETA and the berthing quay:

Department	E mail	Fax
Maritime/Berthing Operations	Atracs@portdebarcelona.es	93.298.21.20
Environment	Medi_ambient@portdebarcelona.es	93.298.21.19
Port Police Headquarters	Centre_control@portdebarcelona.es	93.298.21.17

When notification is not possible by email, it should be submitted by fax.

- b) Express authorisation from the Barcelona Port Authority is required for all other cleaning operations and the procedure is as follows:
- The vessel's ship agent must submit an authorisation request to the Maritime Operations Department of the Barcelona Port Authority for carrying out specific operations using the standard form for this purpose entitled '**Request for carrying out specific vessel repairs/operations**', which can be found at the end of this procedure.
 - Advance notice of 48 hours must be submitted prior to commencing operations. If operations fall on the day after a public holiday or after the weekend, the request must be presented at least 72 hours prior to commencing. If requests are submitted outwith the stipulated periods, this could result in authorisation being denied.
 - In addition to the standard form, the ship agent must submit sufficiently detailed information on the operations to be carried out, giving reasons why cleaning in the service area of the Port of Barcelona is necessary and providing a detailed description of the technological means to be used in order to carry out the operations in question.
 - The Barcelona Port Authority will deal with requests, in accordance with environmental criteria and rules that may apply and subject to a report from the Local Maritime Administration, which shall be binding, and will send explicit written authorisation to the ship agent by the same communication channel, indicating the specific conditions within which operations must be carried out.

SUSPENDING ACTIVITIES

The Barcelona Port Authority can interrupt or suspend authorised operations at any time, either on an individual or generalised basis, without prejudice to other possible actions that may correspond when:

- a) These operations interfere or could interfere with commercial port operations or the normal functioning of maritime port traffic and vessel manoeuvres.
- b) These operations are not in fulfilment of the general conditions established in this procedure or the specific conditions imposed in the case in question.
- c) These operations do not comply with applicable national or international legislation or which clearly do not observe the minimum required safety practices.
- d) If any emergency or exceptional situation should occur unexpectedly.

REPORTING INCIDENTS

Any accident or incident that may occur as a result of any of the operations covered in these regulated procedures, particularly those involving injury to the crew, pollution to port waters or surfaces, material damage at the quays, etc., must be reported without delay to the Port Police Headquarters on the exclusive emergency phone number 900.100.852, without prejudice to the prior notification of the Fire Brigade (080) or the Emergency Medical Services (061), or any other relevant Administrations.

Barcelona, 21st September 2011