

Joint Oireachtas Committee on Transport

briefing on

Part 12 Heads of the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2020

Opening Statement

Thank you, Chairman.

I am here to brief the Committee today on the General Scheme for Part 12 of the *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2020*. Part 12 concerns amendments to the provisions of the Harbours Act 1996 regarding pilotage exemption certificates.

Background

Part 12 concerns the issue of harbour pilotage exemption certificates or ‘PECs’. Pilotage entails a certified pilot boarding a vessel to guide it safely into, around or out of a port. Dublin Port Company employ 12 pilots who carry out 4,000 pilot jobs per year. However, under Section 72 of the Harbours Act 1996, a pilot exemption certificate (PEC) may also be granted by a harbour company for a period of up to one year to one of three ranks on board a ship (Ship Master, Chief Mate, or the Officer of the Watch), holding the relevant seafarer qualification, where that person can show the required competency and sufficient knowledge of the port pilotage district. The majority of ship movements in Dublin Port are carried out by Captains who are holders of Dublin Port Pilot Exemption Certificates.

Part 12, which proposes amendments to the Harbours Act 1996, was developed to address concerns that PECs which have been issued by Dublin Port Company to seafarers holding UK Certificates of Competency may no longer be valid or may very quickly become invalid following the end of the transition period, with no means of renewing those PECs for a period after the end of the transition period.

PECs meet the statutory pilotage requirements on approximately 65% of all ship movements in Dublin Port’s pilotage district. The frequency with which PECs are used in Dublin Port on ferries to

and from the UK is very high, given that ferries from the UK arrive daily (for example, from Liverpool and Heysham) or twice daily (from Holyhead). If PECs that have been issued to seafarers with UK seafarer certificates of competence on such ferries became invalid at the end of the transition period it would lead to a number of serious problems for Dublin Port. These include :-

- Turn-around efficiency would be greatly reduced as the act of boarding and disembarking pilots is time consuming with a consequent impact on RoRo ferries operating on tight schedules which transport most of the country's RoRo freight.
- Pilotage by a Port pilot is considerably more expensive for ferry operators than PECs and the need to use pilots would impose significant additional costs on ferry companies and, in turn, their customers and the end-consumers at a time when many ferry companies are experiencing difficult trading conditions due to Covid.
- The act of boarding and disembarking Port pilots brings with it an inherent risk, which is greater for larger vessels. While this risk is mitigated through standard operating procedures there are occasions during bad weather when the mitigation is to suspend the Ports pilotage service thus delaying cargo vessels.
- Dublin Port Company (DPC) pilots are fully occupied dealing with the more difficult pilotage assignments, and DPC would not be able to employ and train sufficient pilots to meet the requirement for pilotage for ferries in the time available. The time to train a newly employed pilot for ferry operations varies from 16 months (for the smallest ferries) to 36 months (for the largest).

Legislative Changes : What does Part 12 of the Bill do?

Part 12 sets out amendments needed to the Harbors Act 1996 to address the concerns raised that PECs based on UK Certificates of Competency may no longer be valid following the end of the transition period.

- Part 12.1 of the Bill provides a definition for the purposes of Part 12.
- Part 12.2 of the Head ensures that a pilotage exemption certificate remains valid for the period specified in the PEC itself and while the person must hold the relevant seafarers certificate of competency at the time of the making of the application for the PEC, once granted, the PEC remains valid in accordance with its terms. It also provides for an extension of the period of

validity of the PECs from the current one year to a maximum of three years. It will also allow existing holders of PECs to apply for new PECs in the period leading up to the end of the transition period, notwithstanding the fact that their PECs may not have expired.

- Part 12.3 of the Head will enable a harbour company through its bye-laws to require the holder of a PEC of more than one year's duration to undergo a periodic review to ensure they continue to have the relevant competence and local knowledge of the harbour pilotage district to enable the holder of the certificate to pilot the ship within that pilotage district.
- It is proposed that this part of the Bill, following enactment, would be commenced shortly before the end of the transition period to enable Dublin Port Company to complete the processing of applications for three year PECs in line with the legislative changes to the Harbours Act 1996 set out in Part 12.

As with all other Departments involved in this Bill, we have been engaging with the Office of the Parliamentary Counsel as a matter of priority and we have finalised that work as regards Part 12.

Concluding Remarks

The purpose of Part 12 of the Brexit Omnibus Bill is to provide amendments in primary legislation which, will ensure that ferries can continue to be piloted efficiently and with quick turnaround times in Dublin Port without unnecessary delays, particularly at the end of the transition period.

The Department is grateful for the support this Part has received this far, and in its previous life as Part 9 of the 2019 Brexit Omnibus Act, and we look forward to working with you to advance this necessary legislation.

I would like to thank the Chairman for inviting us to make this presentation and look forward to hearing any views or comments of the Committee and to respond to any questions you may have.