

ITALY

I. Registration & certification of private vessels carrying out SAR as their predominant activity:

1. When asking for registration of such vessels in your country, do the entities operating them declare SAR as their main scope of activity?

Yes, however the national legislation provides for the registration of ships engaged in the special service “salvage” only.

2. Does your national legislation provide for the registration of ships, which aim to be engaged in “rescue operations”?

- a) If yes, please describe in detail the specific conditions laid down in your legislation in relation to private organizations declaring SAR as their main scope of activity.

The “SAR” activity is a task assigned by the Hamburg Convention to the Contracting Governments; the “search and rescue” activity is carried out by the governmental ships belonging to the Italian Coast Guard; other State’s owned ships concur in performing the activity. The Italian legislation allows a private ship to be registered and certified for the “salvage” service only.

- b) If no, please list what other activities these vessels would normally declare as their main pursuit.

- c) If a request for registration is made, please provide details on what actions are taken to register the ship or to deny the registration.

The Italian national legislation does not allow a private ship to be registered to perform “search a rescue”; any related request is to be rejected.

Some Group members indicated that they have adopted ad hoc legislative provisions for the purposes of such declarations.

- d) If your country has such provisions in place, please describe them in detail and provide the exact legal reference (with hyperlinks if available).

3. Are there in your legal order any binding rules providing for a specific certification requirements for private vessels carrying out SAR activities as their predominant activity?

- a) If yes, please describe the rules in detail and how exactly they apply to the situation at hand.

Ships can be certified for the “salvage” service. Into the national legislation, the “salvage” service is defined as the activity performed by private “ships equipped to rescue ships in distress”. The certification process has been included in the national Circular n.167/2022 dated 10.2.2022 with the aim to have a harmonized approach at national level, taking into account the applicable national and international legislation requirements.

- b) If not, please describe the rules that currently apply in your country to private vessels carrying out SAR as their predominant activity (irrespective of whether any such vessels have in practice asked for registration).

One Member State - in response to the safety risks that are involved in routinely carrying out search and rescue operations at sea – has reported to have recently introduced ad hoc rules, requiring vessels built as and or registered as recreational craft or as a cargo vessel to obtain an additional certification if they are systematically engaged in rescue activities at sea.

c) If your country has such rules in place, please describe them in detail and highlight their added value.

Basically, ships intended to carry out “salvage” have to comply with the “SPS code” and hold the class notation “rescue”.

Compliance with the mentioned requirements imply that the ship is fully equipped and certified to carry out “salvage” operations in terms of stability requirements, availability of LSA, crew certification and shipboard organization to face emergency situations that can occur on board.

This ensures both for the Flag State to discharge its own responsibility (Art.94 UNCLOS) and for the ship’s Master to comply with the obligation to provide “rescue”, not creating any danger to the ship and persons on board, if the ship is managed in accordance with the related certification (Art.98 UNCLOS).

d) If your country does not have such rules, please share your views on whether you would see the added value of introducing such rules or, if not, please describe the reasons for which you believe that your existing rules are sufficient.

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4. Are there in your legal order any non-binding rules such as recommendations or guidelines for the registration or certification of private vessels carrying out SAR activities as their predominant activity? If yes, please describe them in detail.

No

5. Do you have specific categories for private vessels that carry out SAR as their main activity to distinguish them from other type of craft?

a) If yes, please provide details about the categories.

b) If no, please list the categories into which these vessels fall (or if not applicable, would fall). In your view, is it sufficient to classify these vessels into general categories in light of the specific nature of activities carried out by private vessels pursuing SAR as their predominant activity?

As mentioned in previous answers, the only category might be “salvage”. The “SAR” activity is a prerogative of the Contracting Government under the Hamburg Convention; therefore, each State has to establish the relevant requirements (in accordance with the Convention) for the designated resources to be engaged in SAR activity within the SAR area under its own jurisdiction.

The “SAR service” cannot be recognized to any private ship operating outside the SAR area of the State which has decided to identify and designate “private” ships/organizations for the SAR activity.

II. Safety requirements for private vessels carrying out SAR as their predominant activity:

6. Does your national legislation provide for any specific safety/prevention of pollution/crew training and certification requirements that apply to private vessels flying your flag and carrying out SAR activities as their main activities?

a) If yes, please describe them in detail.

In addition to comply with the “SPS code” and hold the class notation “rescue”, the following requirements apply, as detailed in the national Circular 167/2022:

- ✓ a pick-up area of at least 5 meters in diameter and free from obstructions.
- ✓ a rescue boat and associated SOLAS compliant launch/recovery systems;
- ✓ a "RESCUE" area on each side of the ship's main deck.
- ✓ an adequate area for medical assessment, registration, etc. of the rescued people.
- ✓ a dedicated, equipped and furnished infirmary to provide first aid;
- ✓ cabins and additional beds and seats
- ✓ Exclusive toilet facilities. At least one toilet, one sink and one shower must be provided for each group of 50 rescued persons connected to a treatment systems or holding tanks in accordance with Annex IV MARPOL 73/78;
- ✓ arrangements for waste collection according to the provisions of Annex V of MARPOL considering the total number of people that the vessel can carry;
- ✓ for each group of 50 people rescued: a minimum of 0.85 tons of water sweet lavender and a minimum of 0.7 tons of drinking water;

- ✓ **water heating systems must be able to supply all showers dedicated to rescued people with water at 40°C for at least 2 hours;**
- ✓ **disposable towels and isothermal blankets**
- ✓ **provisions for rescued people in addition to those necessary for the normal complement of the crew.**

b) If no, please describe in detail the requirements that apply to the categories under which these private vessels carrying out SAR as their predominant activity are currently registered in your country. In your view, to what extent can these rules guarantee the “safety” of the vessel and its crew given the specific nature of the activities carried out by private vessels that engage in SAR as their predominant activity?

In one country, despite the lack of specific legislation, the type of operation carried out by private vessels is taken into account to impose ad hoc conditions on this kind of vessels. In practice, in the experience of that country the registration of such vessels is recorded on separate lists, mentioning their origin and activities as reported by them. On the other hand, the certifications are also adapted to the number of rescued people that could be transported by these boats.

c) Would you see an added value of such an approach being replicated in your country?

III. Other:

7. Does your Member State have privately owned or operated rescue Units within the meaning of the Hamburg Convention? If so, please describe the exact details of the arrangement and list the specific conditions, as well as describe the modalities under which these organizations are registered and permitted to carry out their activities.

The Italian National SAR Plan, drawn up on the basis of the Hamburg Convention, establish that naval and aeronautical means suitable for carrying out search and rescue operations at sea are:

a) SPECIALIZED ASSETS (S.R.U. Search and Rescue unit): Coast Guard assets built and specially set up, as well as equipped with specially trained Coast Guard personnel suitable for interventions at sea;
b) COMPETING MEANS (Search and rescue facilities). assets not immediately available to the Coast Guard, because built or used for other purposes or institutional purposes:

- 1) assets of all other governmental Administrations (listed in the individual local plans of the M.R.S.C.);
- 2) assets (aero-naval) of the IT-Navy;
- 3) IT Air Force aircraft;
- 4) vessels (all type) present in port or in navigation in the area;
- 5) naval and air assets of other States (if/when requested);

The choice of the most suitable naval and/or air assets for carrying out the search and rescue operation is the prerogative of the I.M.R.C.C./M.R.S.C responsible

8. In your view, are there any aspects or gaps in existing legislation that should be looked at to make sure that private vessels could carry out SAR as their predominant activity in a safe and orderly manner? If yes, provide details.

Considering that private ships operating internationally might be registered and certified as “salvage” vessels only, the current international legislation might be more specific in detailing the requirements of ships engaged in “rescue” people at sea by further elaborating the SPS code.

This might be an initiative of those Member States would seek for more specific requirements detailed; in our view the legislation is already available and it is a Member State decision how to implement at national level.

9. Would you consider that there is a need for any further (e.g. safety) requirements to be applied to these vessels that would enable effective and proportionate type of inspections, when necessary?

It is not clear which “type of inspection” is meant here. In case reference is made to the PSC activity the relevant procedures are harmonized and consolidated and we do not consider to have a specific “inspection regime” for this vessel when a PSC inspection is carried out.

10. Beyond this questionnaire, and in a medium-term, would you see any specific and related topics for a dedicated (comparative and/or analytical) study

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