

PROVISIONS OF THE NATIONAL MARITIME
AUTHORITY

**GENERAL DIRECTORATE OF THE MARITIME TER-
RITORY AND MERCHANT MARINE
(D.G.T.M. y M.M.)**

1. GENERALITIES: All vessels, both foreign and domestic, sailing on waters of national jurisdiction or bound for Chilean ports, will be under the legislation of the Republic of Chile, according to United Nations Convention on the Law of the Sea (Jamaica Convention or CONVEMAR, as its acronym in Spanish).

The Chilean jurisdictional waters consist of:

- Internal Waters (IW)
- Territorial Sea (TS)
- Contiguous Zone (CZ)
- Exclusive Economic Zone (EEZ)
- The area of responsibility for Maritime Search and Rescue operations (SAR REGION).

In the IW, the Chilean Law prevails.

In the TS, additionally to the above mentioned law, it is allowed the Innocent Passage of vessels, as established in the CONVEMAR.

In the CZ, the Chilean State oversees the customs, immigration and sanitary activities, likewise sanctioning any violation performed within its territory or TS.

In the EEZ the Chilean State asserts sovereignty rights for the exploration and exploitation, conservation and management of natural resources, as detailed in the CONVEMAR.

The SAR REGION was established in the International Convention on Maritime Search and Rescue of 1979 (SAR Convention). And it comprises the area from the Northern border with Peru to Latitude 30°00'S, passing through the meridian 120°00'W, from there to the South Pole, passing through the meridian 131°00'W.

Vessels entering and/or sailing in Chilean jurisdictional waters, as well as bound to Chilean ports shall know the provisions of the following laws, regulations and agreements, which may be obtained from www.directemar.cl :

- Ley de Navegación
- Reglamento del Artículo 137 de la Ley de

Navegación.

· Ley Orgánica de la Dirección General del Territorio Marítimo y de Marina Mercante.

· D.S. (M) N°991 de 26 Oct. 1987, which establish the jurisdiction of the Maritime Governors Offices and the Captain of the Port offices with their respective jurisdiction areas.

· Reglamento de Recepción y Despacho de Naves

· Reglamento de Practicaje y Pilotaje

· Reglamento General de Radiocomunicaciones del Servicio Móvil Marítimo.

· Código de Comercio Libro III de la Navegación y el Comercio Marítimo.

· Reglamento General de Orden, Seguridad y Disciplina en las Naves y Litoral de la República.

· DFL 1/95 – Fija texto refundido, coordinado y sistematizado de la Ley N°19.366, que sanciona el tráfico ilícito de estupefacientes y sustancias psicotrópicas.

· DFL N°2, de 12 Nov. 1997 que fija texto refundido, coordinado y sistematizado de la Ordenanza de Aduanas.

· Reglamento de Control de las Investigaciones Científicas y Tecnológicas Marinas, efectuadas en la Zona de Jurisdicción Nacional.

· Reglamento de Sanidad Marítima, aérea y de las fronteras.

· Reglamento de informaciones que afectan a la navegación e hidrografía del litoral.

· Convenio sobre el reglamento Internacional para prevenir los Abordajes, 1972.

· Recomendaciones sobre la utilización sin riesgo de plaguicidas en los buques.

· Código de estabilidad sin avería para todos los tipos de buques regidos por los instrumentos de la OMI.

· Reglamento para el Control de la Contaminación Acuática.

· Ley sobre Bases Generales del Medio Ambiente.

· Procedimientos de Emergencia para Buques que transporten Mercancías Peligrosas.

· DECRETO N° 1.190, de 29 de diciembre de 1976 que Organiza el Servicio de Búsqueda y Rescate Marítimo.

· Convenios Internacionales de La Organización Marítima Internacional (OMI) suscritos por Chile. (http://www.directemar.cl/dai/convenios_int/conv_omi.htm)

The responsibility over the SAR REGION also includes the Drake passage and the area which extends to the Antarctic Territory, where the weather conditions are generally adverse. There is an Antarctic Patrol stationed at such area during Summer months in order to assist vessel which may require assistance.

There is a net of six coastal radio stations which keep permanent listening watches on Channel 16 VHF (156,8 MHz), channel 70 VHF-DSC (156,525) and on MF (2182 KHz), plus the following frequencies in MF for DSC: 2.187,5 KHz – 8.414,5 KHz – 4.207,5 KHz – 6.312 KHz – 12.577 KHz and 16.804,5 KHz. These radio stations are detailed in the International Radio Stations Nomenclator (ITU Publication) in the Admiralty List of Radio Signals –ARLS-Vol 1 (2) Coast Radio Stations” and SHOA 3008-Radionavigational Aid in the Chilean Coast.

All vessels, while sailing must keep a continue listening watch on Channel 16. This watch shall be received in the usual steering place of the vessel. In the same way, those vessel supplied with Digital Selective Call technologies (DSC) must keep permanent listening watch on Channel 70 (156,525 MHz).

2. MARITIME SEARCH AND RESCUE.- The Chilean ship reporting system (CHILREP) has been established according to the SAR Convention, which came into effect in June 22, 1985. By means of S.D. (M) No 550 of November 9, 1983, the Chilean Ship reporting System was established.

The CHILREP is operated by the General Directorate of the Maritime Territory and Merchant Marine (DIRECTEMAR). In the case that a ship position or final report is missed, the Maritime Search and Rescue Coordinator Center or Subcenter will initiate investigations to establish if vessel is safe. It also includes broadcasts to other controlled vessels in the proximity and communications with shipowners, owners, agents or shippers. If these investigations are unsuccessful, then the search operations will be initiated.

Participation in this system is voluntary for foreign vessels and it began in December 1st, 1991.

Without detriment to that participation in the system is voluntary, national regulations stipulate that all international inbound vessels navigating to Chil-

ean Ports shall report their arrival at least 24 hours in advance.

Foreign vessels sailing on Chilean IW must report their position at 1200 Z and 2400 Z (0800 and 2000 LT). Outside the IW, the system considers only one daily report between 1200 Z and 1600 Z (0800 and 2000 LT).

Chilean Flag vessels will report their position at 1200 Z and 2400 Z (0800 and 2000 LT) on a continuous and daily basis.

For the compliance of the report delivery, refer to the following means of contact:

Telephones: +56-32-208637 and +56-32-208639

Telex: 330607 ANGEL CK

Fax: +56-32-208662

E-mail: mrcchile@directemar.cl

Chile is also associated to the COSPAS-SARSAT System which receives alerts from radio beacons of 406 MHz and 121.5 MHz. To do so, there are 3 LUTs (Local Terminal Users) in operation: one in Santiago, other in Punta Arenas and a third one at Rapa Nui (Easter Island)

There are five Maritime Search and Rescue Regional Centers located at the Maritime Authorities of Iquique, Valparaíso, Talcahuano, Puerto Montt and Punta Arenas, which have the following email addresses:

mrsiciquique@directemar.cl

mrservalparaiso@directemar.cl

mrsctalcahuano@directemar.cl

mrscpuertomontt@directemar.cl

mrscpuntaarenas@directemar.cl

3. Channel Navigation.- A vessel proceeding along the course of a narrow channel must keep as near to the outer limit of the channel or fairway which lies on her starboard side as it is safe and practicable. (Rule 9, Regulation for Preventing Collisions at Sea).

Fairways and channels crossing notices must be broadcast in Spanish and English, one hour in advance to the crossing and shall include: ship name, position, crossing estimated time and direction. This information shall be broadcast on channel 16 VHF, prior to a safety alert notice with Digital Selective call techniques in Channel 70 VHF, which must be repeated every 15 minutes, until the crossing is finished.

All vessel as for July 1st, 2004, should have installed on board and in operation the Automatic Identification System (AIS) which is capable of broadcasting and receiving identification information of vessel, cargo, position and other pertinent data with regard to her intentions such as: Course, speed, ETA, as well as other updated information of the vessel.

4. Ports Regulations. The following are some of the provisions of the Regulation of Order, Security and Discipline on board Vessels and Coastal areas of the Republic, which among others, must be considered by vessels arriving to Chilean Ports.

a) The Captain of the Port, especially, will have under his control the Police of the Territorial Sea, ports, bays, channels, navigable lakes, rivers and islands. He will also keep watch over the fishing industry making them comply with the regulations submitted.

b) The police for beaches, quays, piers, jetties, docks and any port site, will be under the control of the Captain of the Port, who will inspect all work and port operations performed in his jurisdiction. In the same way, every operations performed on board vessels of any type, by order of another authority, must be done prior knowledge of the respective Captain of the Port.

c) Every person in charge of the enforcement of any law, regulation or decree, which allows him to interfere on board merchant vessels or in beaches, coast sites and other sites under the jurisdiction of the Captain of the Port Office, will proceed prior knowledge of the respective Captain of Port.

d) Every person belonging to a ship's crew, both domestic or foreign or which is accidentally on board within the area of the maritime jurisdiction, as well as forwarders, shipowners, agents, ship's representatives, shipping companies employees and maritime and port personnel controlled by the Maritime Authority must appear before the Captain of the Port.

e) No embarkation could berth a vessel entering a port, until the official visits of the Sanitary Authority, the Captain of the Port and the Customs Service had been received on board; afterwards the Captain of the Port will declare the vessel in allowed communication. Only warships are not obliged to receive those visits.

f) Every Master of a foreign or domestic vessel during the official visit, is obligated to declare the presence of any injured or sick person on board, specially of infectious diseases, which will be subject to a fine.

g) No vessel is authorized to move from one berth to other without authorization of the Captain of the Port, which will be subject to a fine, unless cases of danger or under an emergency, which shall be informed promptly.

h) No vessel could arrive or work on minor ports, cove or sites without authorization of the customs office for commerce, unless it had been authorized or forced due to circumstances beyond their control, such as imminent danger of shipwreck or emergency call at port.

i) All domestic or foreign vessels heading for a port, should announce her arrival to the Captain of the Port at least 24 hours in advance. In ports where there is no coast radio station available, they should do it through other listening radio stations or any other means available, promptly and requesting acknowledgement of receipt.

j) Anchoring in the middle of a waterway, channel or passage is prohibited if it obstructs navigation or make it difficult. It is also prohibited mooring to buoys, beacons which are marking waterways, bars, submerged wrecks, etc, or damaging them in any way.

k) When vessels arrive at port, the Captain of the Port will indicate the vessel the berth to be used, which can not be changed without his authorization, unless circumstances beyond their control, in which case, it must be informed in writing, as prompt as possible to the subscribed Authority.

l) Berthing to breakwater sites, piers, quays or fiscal buoys will be indicated by the Port's administration, which will inform the respective Captain of the port in advance.

m) Vessels charging, discharging or carrying explosives or inflammable goods, should keep raised a red flag during those operations.

n) It is absolute prohibited to merchant and war vessel's personnel shooting firearms on board with projectiles of any kind, as well as throwing out to sea explosive materials.

o) No embarkation belonging to merchant vessels can leave the port limits, without authorization in writing of the Maritime Authority and the Customs

office warrant.

p) No vessel shall maneuver, berth or unberth or make any movement within the bay, without the Port Captain prior authorization.

5. WATER POLLUTION.- The regulations on Aquatic Pollution Control have established, among others, the adoption of the following measures, which are of interest to seafarers:

a) Any discharge of oil or oily mixtures in waters of the Chilean Jurisdiction, from vessels or naval crafts is prohibited, except when the following conditions are satisfied:

Oil tankers of 150 tons or more, and non tanker vessels equipped with cargo spaces that had been constructed and are used to transport bulk oil and have a capacity equal to 200 m³ and above, when:

-The tanker is more than 50 nautical miles from the nearest land, and is proceeding *en route*.

-The rate of discharge of oil content does not exceed 60 liters per nautical mile.

-The total quantity of oil discharge does not exceed 1/15.000 of the total cargo carrying capacity of existing vessels and 1/30.000 for new tankers.

-The vessel has in operation an oil discharge monitoring and control system (oil level gage) and a slop tank.

-The above imposed conditions will not be applicable for discharge of clean and segregated ballast.

- Ships of 400 tons gross tonnage or more, naval crafts and above mentioned vessel, could only discharge machinery space bilge if they are not polluted with oil cargo residue, when:

- The tanker is more than 12 nautical miles from the nearest land.

- They are proceeding *en route*.

- The oil content of the effluent does not exceed the 100 parts per million.

- The vessel has in operation an oil discharge monitoring and control system (oil level gage), oily-water separating equipment or oil filtering systems.

- The above mentioned conditions will not be required when those no diluted waters, have an oil content not exceeding fifteen parts per million, and have in operation an oil filtering system.

b) No discharge into the sea shall contain chemicals or other substances or concentrations which are hazardous to the marine environment or chemi-

cals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.

c) Any discharge from any vessel or naval craft into internal waters, ports and channels is prohibited, unless discharge of:

- Bilge waters from machinery spaces, not polluted with oil.

- Water not mixed with oil cargo residues.

- Oil or oily mixtures whose content does not exceed 15 parts per million. In which case, the vessel or naval craft should have in operation a filtering system equipped with a stopping device which will ensure that the discharge is automatically stopped when the oil content of the effluent exceeds 15 parts per million.

d) Oil residues from any vessel or naval craft which cannot be discharged into the sea, shall be retained on board and discharged to reception facilities. If not available, the Maritime Authority could authorize its discharge, in a way that does not affect the marine environment.

e) In order to avoid introduction of any epidemic and harmful species, any vessel coming from abroad containing sea water ballast, shall renew her ballast at least once before arriving at Chilean Ports and not exceeding 12 nautical miles from the coast. Furthermore, every vessel coming from Zones affected by cholera or any other epidemic of similar contagious characteristics, shall adopt the above mentioned procedures, which should be controlled by the Maritime Authority.

There is a National Pollution Control Center (CENCOM), located at the Directorate of Maritime Interest and Aquatic Environment (DIRINMAR), which has five Regional Pollution Coordination Centers in the Maritime Authorities of Iquique, Valparaíso, Talcahuano, Puerto Montt and Punta Arenas. These regional centers have the denomination of CERCON and can be contacted through the above mentioned Maritime Authorities to the following email addresses:

cerconique@directemar.cl (G.M. Iquique)

cerconvalp@directemar.cl (G.M. Valpso.)

cercontalc@directemar.cl (G.M. Talcahuano)

cerconpmo@directemar.cl (G.M. Pto. Montt)

cerconpar@directemar.cl (G.M. Pta. Arenas)

<http://www.directemar.cl/spmaa/PrincSPMAACC.htm>

6. Pilotage.- In general, both harbor and waterways Pilotage are compulsory for all vessel entering or leaving ports or/and sailing in internal waters. The work performed by the harbor pilots its known as "Port pilotage" and the one performed in waterways and fjords its called "Sea pilotage".

For national vessels, pilotage both on port or in waterways is voluntary only when the Master has a license issued by the National Maritime Authority in each case.

The sea pilots are based in Valparaíso and their pilotage assistance shall be requested to the Directorate of Maritime Safety and Operations – DIRSOMAR- (Pilotage Service), by means of a Shipping Agency 72 hours in advance to the pilots boarding.

6.1.- Pilotage in Southern Waters.- Generally, the assistance of pilots will not be required in the Strait of Magellan, in the area between Felix and Punta Arenas, for those vessels crossing the Strait from ocean to ocean and which are not sailing in internal waters before or after that area.

When any circumstance determines the suspension of the present exception, D.G.T.M and M.M. will set out the appropriate means to allow those vessels to embark or disembark pilots opportunely.

For those vessels sailing the Strait of Magellan from the Pacific to the Atlantic Oceans, pilots shall be embarked in the Pilot Station of Ancud (41°48',5 S, 73°51',0 W) or Laitec (43°16',5 S, 73°39',0 W) and Posesion bay (52° 22',5 S, 69°, 02',0 W) for those sailing the Strait of Magellan from the Atlantic to the Pacific.

It has been established that every vessel of third flag coming from the Antarctic or Atlantic Oceans and heading for a the Strait of Magellan or a Chilean Port via Beagle Channel or vice versa, shall embark or disembark a waterway pilot to initiate or finish the pilotage in one of the following pilot stations:

a) Vessels coming from or heading for the Antarctic Continent.

Area at Richmond Passage delimited by the following geographic coordinates:

- 1) Lat. 55° 20'30"S, Long. 66°41'45"W
 - 2) Lat. 55° 20'30"S, Long. 66°40'00"W
 - 3) Lat. 55° 21'30"S, Long. 66°40'00"W
 - 4) Lat. 55° 21'30"S, Long. 66°41'45"W
- (Ref. Chart: SHOA No13300. Edition, 1977)

b) Vessels coming from or heading for the Atlantic Ocean

Area at the Beagle Channel delimited by the following geographic coordinates:

- 1) Lat. 55° 07'30"S, Long. 66°34'00"W
 - 2) Lat. 55° 07'30"S, Long. 66°32'10"W
 - 3) Lat. 55° 08'30"S, Long. 66°32'10"W
 - 4) Lat. 55° 08'30"S, Long. 66°34'00"W
- (Ref. Chart: SHOA N°13300. Edition 1977)

c) Likewise, it has been established the following Pilot Station for bad weather conditions to complement the area pointed out in paragraph b).

Picton roadstead Area lies on 3 cables South of Reparo Island and delimited by the following geographic coordinates:

- 1) Lat. 55° 03'20"S, Long. 66°48'06"W
 - 2) Lat. 55° 03'20"S, Long. 66°49'50"W
 - 3) Lat. 55° 04'20"S, Long. 66°49'50"W
 - 4) Lat. 55° 04'20"S, Long. 66°48'06"W
- (Ref. Chart: SHOA N°13300. Edition 1977)

d) Vessel coming from or heading for the Antarctic Territory or coming from or heading for the Atlantic Ocean.

Point located at: Lat. 55°56'44"S. Long. 67°12'30"W.

(Ref. Chart: SHOA No 13620. Edition, 2000).

6.2. Pilotage in Antarctic Waters.- Due to the increase of the maritime activity in the Chilean Antarctic Territory, in the areas of tourism and Science; the national and international agreements and provisions which regulate the Antarctic activities with aim to watch for a safer navigation and to avoid ecological damages in the area, it was established that any vessel heading for the Chilean Antarctic Territory, shall be commanded by a Master who had approved the course for Antarctic Navigation, recognized by the D.G.T.M y M.M.

7. Coastal Navigation and hydrographic information and news. For the maritime community convenience, specially for pilots, masters and mates of the Merchant Marine, specially in the Bulletin of Notices to Mariners, there is a form for hydrographic information of interest, which allows seafarers to report SHOA all the necessary information that may contribute to improve charts and current nautical publications. Likewise, this information can be reported on line through a form available on the

following website: www.shoa.cl

Masters of both domestic and foreign vessels shall report a radiotelegraphic notice to the Directorate of Safety and Maritime Operations (DIRSOMAR), local maritime authorities, or directly to SHOA, about all urgent and important information, such as shallow waters, shipwrecks, unlit lighthouses and buoys, off station buoys, missing beacons, etc. These information shall be confirmed in writing when calling at port.

When reporting information regarding lighthouses, beacons, daybuoys or light buoys or portlights, the name of the affected signal shall be indicated, including its number in the List of Lights. Also, an informative copy shall be reported to the respective Local Maritime Authorities.

In all hydrographic information used to point out a certain point in the chart, for instance, the location of shallow waters, rocks, reefs, new lights, etc., its fixed position and distance from a fixed point which stands out from the chart in a clear and precise way, should be reported. Information which shall be corroborated with the corresponding geographic coordinates and the Chart or map number quoted to obtain that position.

All information concerning Charts and nautical publications of SHOA, which does not represent any danger to navigation, shall also be informed directly

to this Organization, by the corresponding means according to its importance and the information nature, accompanied by the necessary details for its evaluation. To do so, we suggest the following email address: shoa@shoa.cl.

8. Maritime Traffic Organization Schemes. As safety measures for navigation and prevention of collisions at specific maritime areas, Traffic separation schemes were established, which were previously approved by the International Maritime Organization (IMO).

These schemes consist on one way “traffic lanes” which have a separation zone between them. The narrows that appear on the Charts only show the general traffic direction and vessels shall make sure that their course coincide with that direction, keeping themselves as nearly as practicable at their starboard within the separation zone.

These traffic lanes are not compulsory. However these grant an special right to vessels using them so that seafarers must have a complete knowledge about Rule 10 of “The International Regulations for Preventing Collisions at Sea” (1972), which states all the provisions related with the “Traffic Separation Schemes”.

