

ANNEX 14

**RESOLUTION MSC.297(87)
(adopted on 21 May 2010)**

ESTABLISHMENT OF THE INTERNATIONAL LRIT DATA EXCHANGE

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO the provisions of regulation V/19-1 on the Long-range identification and tracking of ships of the International Convention for the Safety of Life at Sea, 1974, as amended (the Convention) and, in particular, that, as from 31 December 2008, ships shall transmit, and Contracting Governments to the Convention (Contracting Governments) shall be able to receive, pursuant to the provisions of the regulation V/19-1 of the Convention, LRIT information,

BEARING IN MIND that the Revised performance standards and functional requirements for the long-range identification and tracking of ships (the Revised performance standards) adopted by resolution MSC.263(84) provide in paragraph 10.1 that an International LRIT Data Exchange, recognized by the Committee, should be established,

RECALLING FURTHER that, at its eighty-fourth session, it adopted resolution MSC.264(84) on the Establishment of the International LRIT Data Exchange on an interim basis by the United States for a period of two years as from 1 January 2008,

BEARING ALSO IN MIND that, at its eighty-fifth session, it adopted resolution MSC.276(85) on the Operation of the International LRIT Data Exchange on an interim basis and agreed that, whilst noting with appreciation the offer of the United States, the International LRIT Data Exchange should continue to be provided on an interim basis by the United States until 31 December 2011,

TAKING INTO ACCOUNT that, at its eighty-sixth session, it had requested the LRIT Coordinator, pursuant to the provisions of paragraph 14.2 and 14.3 of the Revised performance standards, to:

1. issue a request for the submission of proposals for the establishment and operation of the International LRIT Data Exchange, as from a date to be decided by the Committee, provided such a date was not earlier than 1 September 2010 and not later than 31 December 2010, and
2. evaluate the management, operational, technical and financial aspects of the proposals received, taking into account the provisions of SOLAS regulation V/19-1, the Revised performance standards, the Technical specifications for the LRIT system and any other related decisions of the Committee,

HAVING CONSIDERED, at its eighty-seventh session, a proposal submitted by the Contracting Governments of Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom (the proposing Contracting Governments), for the establishment, maintenance and operation of the International LRIT Data Exchange by the European Maritime Safety Agency (EMSA) in Lisbon, Portugal, as from 2011 (the proposal),

HAVING ALSO CONSIDERED the evaluation of the proposal by the LRIT Coordinator, who assessed, *inter alia*, that the proposal met the technical requirements of the Organization, as well as the technical design and implementation requirements for establishing, operating and maintaining the International LRIT Data Exchange,

RECOGNIZING that EMSA is an established body of the European Union, as the maritime technical agency, and has its own legal personality,

HAVING FURTHER CONSIDERED the confirmation provided by the proposing Contracting Governments and the European Commission, with respect to the legal and administrative framework provided by EMSA's founding Regulation and EMSA's technical and operational expertise, which guarantee the protection of any data from judicial interference or other access not authorized by the 1974 SOLAS Convention, as well as the integrity and protection of data and communications for the whole international LRIT system,

1. EXPRESSES its thanks and appreciation for the offer of the establishment, maintenance and operation of the International LRIT Data Exchange by EMSA, at no cost either to the Contracting Governments or the Organization for the years 2011, 2012 and 2013;
2. AGREES, pursuant to the provisions of SOLAS regulation V/19-1.14 and paragraph 10.1 of the Revised performance standards, on the establishment of the International LRIT Data Exchange by EMSA, in Lisbon, Portugal, under the conditions set out in the annex;
3. INVITES EMSA to establish the International LRIT Data Exchange in the testing environment of the LRIT system and submit, through the proposing Contracting Governments and the European Commission, the results of developmental testing for consideration of the Committee, at its eighty-ninth session;
4. EXPRESSES its thanks and appreciation to the United States for transferring the source code and set of instructions developed and used for the operation of the International LRIT Data Exchange by the United States on an interim basis to EMSA and offering technical support during the transferring process of the International LRIT Data Exchange;
5. INVITES EMSA, through the proposing Contracting Governments and the European Commission, to report to the Committee, at its eighty-eighth session, on any progress on the establishment of the International LRIT Data Exchange;
6. AGREES that, at its eighty-ninth session, it would decide, subject to the progress made during the developmental testing phase, the date on which the International LRIT Data Exchange operated by EMSA would be integrated in the production environment of the LRIT system, which may be after the eighty-ninth session of the Committee but not later than 31 December 2011;

7. INVITES ALSO the proposing Contracting Governments and the European Commission to report to the Committee, at its ninetieth session, on the financing of the maintenance and operation of the International LRIT Data Exchange beyond 2013;

8. AGREES to review, at its ninetieth session and subject to the successful integration of the International LRIT Data Exchange operated by EMSA in the production environment of the LRIT system, the continued operation of the International LRIT Data Exchange by EMSA after 2013, together with any associated new information for the maintenance, finance and operation of the International LRIT Data Exchange by EMSA after 2013.

ANNEX

ESTABLISHMENT OF THE INTERNATIONAL LRIT DATA EXCHANGE

The International LRIT Data Exchange will be established by the European Maritime Safety Agency (EMSA) under the following conditions:

- 1 The International LRIT Data Exchange should comply with the salient provisions of:
 - .1 SOLAS regulation V/19-1;
 - .2 the Revised performance standards;
 - .3 the Technical specifications for the LRIT system, as set out in MSC.1/Circ.1259/Rev.2, as may be amended, excepting the establishment of a disaster recovery site for the International LRIT Data Exchange; and
 - .4 any guidance in relation to financial and operational matters issued by the Committee.

- 2 The International LRIT Data Exchange will be operated and maintained by EMSA, at its own expense, for the years 2011, 2012 and 2013. Neither the Organization nor any of the LRIT Data Centres nor any of the other SOLAS Contracting Governments will be required to make any payment to EMSA for the services provided by the International LRIT Data Exchange.

- 3 EMSA will cooperate fully and meet all its obligations *vis-à-vis* IMSO, as the LRIT Coordinator.

- 4 The SOLAS Contracting Governments, on the understanding that the LRIT information will be accessible in accordance with SOLAS regulation V/19-1 and the Revised performance standards, agree that EMSA does not assume any form of liability in case of any technical failure of the International LRIT Data Exchange including temporary suspensions of operations or reduction of the service provided, as set out in MSC.1/Circ.1294, as may be amended.
