

EXECUTIVE COUNCIL

RESTRICTED

Title of Report: Long Range Identification and Tracking of Ships

Paper No: 189/09

Date: 20 August 2009

Report of: Marine Officer

1.0 Purpose

- 1.1 To acquaint Honourable Members with the requirement for the Long Range Identification and Tracking (LRIT) of ships arising from Chapter V of the Safety of Life at Sea (SOLAS) Convention;
- 1.2 To seek Members' views on the policy as to the extent of the tracking of foreign registered merchant ships passing the Falkland Islands or approaching ports in the Falkland Islands.
- 1.3 To secure Members' approval to progress arrangements to complete Falkland Islands compliance with SOLAS requirements for flag state obligations in respect of Long Range Identification and Tracking of ships.

2.0 Recommendation

Honourable Members are recommended to:

- 2.1 Waive the entitlement to receive data from vessels approaching Falkland Islands ports or traversing waters off the Falkland Islands out to a distance of 1,000 n. miles;
- 2.2 Signify approval to continue negotiations with the MCA/DfT and service providers to ensure flag state compliance with SOLAS LRIT requirements.

3.0 Summary of Financial Implications

- 3.1 The UK Department for Transport has been unable so far to obtain costs for the use of the EU Data Centre as the reporting point for Falkland Islands ships. The only indicative costs quoted are US 40-50c. per poll, which at four polls per day for four

ships over a year aggregates to US\$2336-2920. (It is possible that two FI ships will qualify for LRIT exemption, in which case the figures quoted are halved – please see paragraph 4.4 below).

4.0 Background

- 4.1 After 11 September 2001, the International Maritime Organisation introduced a number of measures including Chapter XI-2 of the SOLAS Convention which with its associated International Ship and Port Facility Security Code made mandatory enhanced security measures on board vessels and during their interface with port facilities. Additionally Chapter XI-2 made provision for the eventual introduction by Contracting Governments of a system of Long Range Identification and Tracking of merchant vessels wherever they might be.
- 4.2 Regulation 19-1 of the revised Chapter V of SOLAS provides the regulatory framework for Long Range Information and Tracking of ships. The regulation applies to ships engaged on international voyages as follows: passenger ships (any tonnage), cargo ships of 300 gross tonnage and upwards and mobile offshore drilling units.
- 4.3 The Falkland Islands has possibly four ships on its Register of qualifying tonnage, the two BAS vessels, “Protegat” and “Concordia Bay.” However, the latter two ships do not make regular international voyages, but only visit the South American coast for the purpose of effecting repairs and statutory survey. IMO Maritime Safety Council (MSC) Circulars do provide for such one-off international voyages provided they are notified to the other Port State and a voyage plan is submitted in advance of the voyage, without the requirement for full LRIT compliance. The Marine Officer has applied to the UK MCA/DfT for possible exception/exemption of these two vessels.
- 4.4 Chapter V of SOLAS and subsequent Maritime Safety Council Resolutions (contained in MSC Circulars) require Contracting Governments to have the ability to receive LRIT information about ships for security purposes. This includes the ability to track own flag vessels wherever they may be and an entitlement to track vessels intending to enter a port facility under the jurisdiction of the Contracting Government and vessels not intending to enter a port facility of the Contracting Government but navigating within up to 1,000 n. miles of its coast (or such lesser distance as the Contracting State may specify to the IMO) providing such ships are not located within the waters landward of the baselines of another Contracting Government or within the territorial waters of their own flag state. The ability to poll own flag vessels is mandatory.
- 4.5 Such requirements necessitate the establishment of a National Data Centre by the Contracting Government or an agreement with a Regional or other Data Centre. The Fisheries Department Vessel Monitoring System polls fishing vessels in much the same way as will happen for merchant vessel LRIT. It might be assumed that FIG’s existing system would suffice for the purpose, but the problem is that it would need a very robust interface feeding data to the International Data Centre, such that for

example the “James Clark Ross” approached Rio de Janeiro or even entered the Brazilian security (1,000 mile) zone, the Brazilian authorities could start to receive polls if they pay the relevant fees. The UK DfT has reached agreement in principle with the European Maritime Safety Agency that UK Overseas Territories may contract with the EU Data Centre to use their polling facilities for the purposes of LRIT. Clearly, the costs of setting up a Data Centre for 2-4 ships would be prohibitive. However apart from indicative poll costs, no other costs associated with use of the EU Data Centre have been forthcoming.

- 4.6 LRIT will use INMARSAT-C for the purposes of polling ships automatically four times per day via national Data Centres. (Ships which venture outside the INMARSAT satellite footprints above c. 75 degrees North/South such as the BAS vessels will require an additional low-orbiting satellite system such as Iridium). Each poll will provide the identity of the ship, the ship’s position and date and time of day of the position provided. Additional polls over four per day can be made but would be paid for by the state requesting them. (An example might be a suspicious vessel approaching a Contracting Government port when additional polls to track the vessel’s whereabouts would be requested).
- 4.7 In paragraph 4.4 above, the entitlement to receive information about foreign ships transiting the waters up to 1,000 n. miles from the coast of a Contracting Government. This information will be obtainable via the International Data Centre (in the USA) at a cost. However, it is argued that, since vessels approaching ports in the Falklands notify their arrival intentions, provide their International Security Declarations in advance and can be tracked up to 50 n. miles before arrival on the Automatic Information System, longer range tracking is unnecessary, especially in view of the DfT Security Risk Assessment rating of the Falklands as “Negligible.” If it is thought desirable to extend the boundaries within which ship positional information should be available, then a decision is required as to the radius from the coastline from which information should be available ie the radius can be anything up to 1,000 n. miles. Although tracking of foreign flag vessels is not recommended on grounds of additional cost, it will be necessary to complete a Falkland Islands Data Distribution Plan (please see para. 4.12) which must include positional details of the Falkland Islands internal waters, territorial sea and 1,000 n. mile zone. As these areas will already be in the Plan, it would be possible in the future to exercise port state and coastal state rights if security circumstances change, by informing the International Maritime Organisation.
- 4.8 Turning to the ship side obligations, there was an obligation for all eligible ships to be LRIT-compliant by 31 December 2008, but due to lack of guidance and slippage of shore side Data Centre creation*, this has now been amended to require compliance by the first Safety Radio Certificate survey after the above date. (Ships operating in high latitudes have a longer extension for compliance with additional requirements). * The EU Data Centre only became operational on 01 June 2009.

- 4.9 In order to demonstrate compliance, a vessel has to undergo a LRIT Conformance Test provided by an Authorised Testing Application Service Provider (ATASP) appointed by the flag state government to provide testing services on its behalf. The MCA has appointed five companies to perform Conformance Tests and issue test reports and certification on its behalf.
- 4.10 The RRS “James Clark Ross” was due its radio survey and Conformance Test on 28 July 2009. In order not to jeopardise the issue of the Safety Radio Certificate and risk detention of the vessel, one of the companies, Pole Star, approved by the MCA has been appointed to provide Conformance Tests and issue certification on behalf of FIG upon terms and conditions imposed by the Attorney General. The costs of testing (£200 per test) and certification (£100) are payable by the ship owner.
- 4.11 Tasks now remaining are to complete negotiation and ascertain any costs for utilisation of the EU Data Centre via the DfT/MCA. The EU Data centre has appointed as its Application Service Provider for the purposes of polling EU and Overseas Territories’ (or Non-metropolitan Areas as the EU prefers to call them) ships, a company called Collecte Localisation Satellites; therefore it will be necessary for the Falkland Islands to also authorise this company as an Application Service Provider. Until these preliminaries are completed, FI flag vessels cannot be polled.
- 4.12 In the last two days further instructions have been received from the International Maritime Organisation concerning the submission of a LRIT Data Distribution Plan to the IMO. The Data Distribution Plan must contain the geographical (latitude/longitude) co-ordinates of the internal waters (those waters inside the baselines from which the territorial sea is measured), the territorial sea co-ordinates and the seaward area bounded by the 1,000 n. mile zone. These areas when the co-ordinates are joined will form polygons. The co-ordinate points must be supplied in degrees and decimal degrees to two decimal places and based on WGS 84 datum. This information is required whether or not the Contracting Government wishes to exercise its (port state) entitlement to information on foreign flag vessels approaching its ports or passing through the 1,000 n. mile zone (coastal state). The positional requirements above cause a problem in that the co-ordinates given for the basepoints of the Falkland Islands Territorial Sea and Conservation Zones in their respective Proclamations are based on Falkland Islands 1943 Datum. Current Falkland Islands coastal charts are also based on the 1943 Datum. (They are due to be replaced soon with WGS 84 Datum base). The difference between the two data is about 180 metres). It is proposed therefore to approach the UK Hydrographic Office for assistance in delineating the areas required by the IMO. Any costs associated with this work will be ascertained. This work must be completed before any testing can be carried out to poll Falkland Islands ships by the designated Data Centre.

5.0 Financial Implications

5.1 Apart from the possible polling costs included in paragraph 3, there are currently no costs available for use of the EU Data Centre. The only cost for mainland EU States is confined to polling costs, but it has been indicated that other non-EU States (Iceland and Norway will use the EU Data Centre) and Overseas Territories of member States will be charged. It is unknown how any charges will be imposed, whether on a per ship basis or otherwise. It has yet to be ascertained whether the UK Hydrographic Office will charge for providing the information outlined in para. 4.12. It is believed that polling charges, EU Data Centre and UKHO can be met from within existing budgets, provided they are not too exorbitant.

5.2 SOLAS ChapterV, paragraphs 11.1 and 11.2 provide as follows:

11.1 “Contracting Governments shall bear all costs associated with any long-range identification and tracking information they request and receive. Notwithstanding the provisions of paragraph 11.2, Contracting Governments shall not impose any charges on ships in relation to long-range identification and tracking they may seek to receive.”

11.2 “Unless the national legislation of the Administration provides otherwise, ships entitled to fly its flag shall not incur any charges for transmitting long-range identification and tracking information in compliance with the provisions of this regulation.”

5.3 Apart from the possible exception in paragraph 11.2, it appears that all costs for LRIT must be borne by the flag state.

6.0 Legal Implications

6.1 None, except there will need to be consultation with the Attorney General’s Chambers on any appointment agreements with the EU Data Centre and Authorised Service Providers.

7.0 Human Resources Implications

None.