

ANNEX 17

RESOLUTION MSC.433(98) (adopted on 16 June 2017)

GUIDELINES AND CRITERIA FOR SHIP REPORTING SYSTEMS

THE MARITIME SAFETY COMMITTEE,

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

HAVING ADOPTED at its sixty-third session by resolution MSC.31(63) regulation V/8-1, of the International Convention for the Safety of Life at Sea (SOLAS), 1974, on ship reporting systems which, inter alia, requires a ship reporting system, when adopted and implemented in accordance with the guidelines and criteria developed by the Organization, to be used by all ships,

HAVING CONSIDERED, at its ninety-eighth session, the recommendation of the Sub-Committee on Navigation, Communications and Search and Rescue at its fourth session,

1 ADOPTS the revised *Guidelines and criteria for ship reporting systems* set out in the annex to the present resolution;

2 INVITES Governments developing ship reporting systems for adoption by the Organization in accordance with SOLAS regulation V/11 to take account of the revised Guidelines and criteria, set out in the annex to the present resolution;

3 ENCOURAGES Governments that operate approved ship reporting systems to consider automated electronic reporting means recognized by the Organization when reviewing their ship reporting systems;

4 REQUESTS the Secretary-General to bring this resolution to the attention of all Contracting Governments to the SOLAS Convention and to Members of the Organization which are not Contracting Governments to the Convention;

5 REVOKES resolutions MSC.43(64), MSC.111(73) and MSC.189(79).

ANNEX

GUIDELINES AND CRITERIA FOR SHIP REPORTING SYSTEMS

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GUIDELINES AND CRITERIA FOR SHIP REPORTING SYSTEMS

PREAMBLE

These guidelines and criteria are associated with SOLAS regulation V/11 and should, in accordance with regulation V/11, be complied with by Contracting Governments when planning and proposing ship reporting systems to the Organization for adoption and implementing such systems after adoption. Ship reporting systems so adopted will be mandatory for use by all ships, certain categories of ships, or ships carrying certain cargoes.

In addition to the adoption of mandatory ship reporting systems, the Organization may also review and recognize those ship reporting systems of a recommendatory nature and Contracting Governments are encouraged to submit such systems to the Organization in accordance with SOLAS regulation V/11. Such systems will be recommended by the Organization for voluntary use in international waters if they comply as near as practicable with SOLAS regulation V/11 and these guidelines and criteria.

1 DEFINITIONS

The following terms are used in connection with matters relating to ship reporting systems:

- .1 **Adopted ship reporting system** means a ship reporting system, (hereinafter referred to as a "system") that has been established by a Government or Governments after it has been accepted by the Organization as complying with all requirements of SOLAS regulation V/11.
- .2 **Shore-based authority** means the authority or authorities designated by a Contracting Government or Governments with the responsibility for the management and coordination of a system, the interaction with participating ships, and the safe and effective operation of a system. Such an authority may or may not be an authority in charge of a vessel traffic service.
- .3 **Interaction between a shore-based authority and a participating ship** means interchange of data between ships participating in a system and a shore-based authority, aimed at enhancing maritime safety or the protection of the marine environment.
- .4 **Hazardous cargoes** means:
 - .4.1 goods classified in the International Maritime Dangerous Goods (IMDG) Code;
 - .4.2 substances classified in chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) and chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code);
 - .4.3 oils as defined in MARPOL Annex I;
 - .4.4 noxious liquid substances as defined in MARPOL Annex II;
 - .4.5 harmful substances as defined in MARPOL Annex III;

- .4.6 radioactive materials specified in the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code).

2 GENERAL CONSIDERATIONS FOR ADOPTED SHIP REPORTING SYSTEMS

2.1 Objectives

Ship reporting systems should be considered for adoption by the Organization only if supported by a demonstrated need to address one or more of the following: the improvement of the safety of life at sea, the safety and efficiency of navigation and/or to increase the protection of the marine environment. They may or may not be operated as part of a vessel traffic service.

2.2 Communication

2.2.1 Reports

2.2.1.1 Communication between a shore-based authority and a participating ship should be limited to information essential to achieve the objectives of the system and, unless there is an emergency involving the safety of life at sea or a threat to the marine environment, the information should not be used for any other purpose.

2.2.1.2 The communication system should enable the shore-based authority and the participating ship to exchange information. The communication should be clear and simple and avoid imposing an undue burden on masters, officers of the watch and pilots. If verbal communications are used, the language should enable the shore-based authority and the participating ship to understand each other clearly. Where language difficulties exist and in particular where requested by the master or the shore-based authority, a mutually agreed upon language or English, using the Standard Marine Communication Phrases*, should be used.

2.2.1.3 The initial report required from a ship entering the system should generally be limited to the ship's name, call sign, IMO identification number if applicable, and position.

2.2.1.4 Other supplementary information may also be requested in the initial report if justified in the proposal for adoption as necessary to ensure the effective operation of the system. Such supplementary information required may include, for example, the intended movement of the ship through the area covered by the system, any operational defects or difficulties affecting the ship, and, as set forth in 1.4 above, the general categories of any hazardous cargoes on board.

2.2.1.5 In the case of an emergency or threat to the marine environment, the shore-based authority may request that the participating ship provides as soon as practicable the precise details of any hazardous cargoes, including their location on board the ship.

2.2.1.6 The system should be planned to transmit information quickly and securely in the most effective way.

2.2.2 Technical considerations

2.2.2.1 The reliability of communications and the availability of communication frequencies should be assured. Shore-based authorities, if practicable, should consider automated electronic means of ship reporting, recognised by the Organization, to reduce ships' reporting burden.

* See resolution A.918(22) on IMO Standard Marine Communication Phrases

2.2.2.2 Careful attention should be given to the format and structure of the message and the mode of transmission. Communication should be conducted in conformity with resolution A.851(20) on ship reporting, taking into account any other relevant guidelines, criteria, regulations or instruments developed by the Organization. If practicable, ship reporting systems should be automated using available electronic means, recognised by the Organization.

2.3 Shore-based authority

2.3.1 The varying objectives, area of coverage and complexity of a system will dictate the level of staffing of the shore-based authority and the necessary qualifications and standard of training of the operators. These standards should, as appropriate, take account of the recommendations of the Organization*.

2.3.2 For interaction with ships participating in the system, the shore-based authority should be equipped with radio installations compatible with the requirements of SOLAS chapter IV - Radiocommunications and any other electronic means, recognized by the Organization necessary to accomplish the objectives of the system.

2.3.3 The shore-based authority should have the ability to relay information relating to distress, maritime safety or threats to the marine environment without delay to the appropriate national or international maritime authorities, with a view to the initiation of response action.

2.3.4 If necessary for the operation of the system, a shore-based authority should have a database with the capacity to retain, update, supplement and retrieve information once reported. Information retained in the system should be made available only on a selective and secure basis to authorities required to respond to distress, maritime safety or threats to the marine environment.

2.4 Participating ships

2.4.1 Participating ships required by a system to report to a shore-based authority should do so without delay upon entering and, if necessary, when leaving the area of the system in accordance with the provisions of each system so adopted. A ship may be required to provide additional reports or information to update or modify an earlier report.

2.4.2 Failure of a ship's radiocommunication equipment, or other electronic means for communications recognized by the Organization should not, of itself, be considered as a failure to comply with the rules of a reporting system; however, the shipmaster should endeavour to ensure communication is restored as soon as practicable. If a technical failure prevents the ship from reporting, the master should enter the fact and reasons for not reporting in the ship's log.

3 CRITERIA FOR PLANNING, PROPOSING AND IMPLEMENTING ADOPTED SHIP REPORTING SYSTEMS BY CONTRACTING GOVERNMENTS

3.1 Responsibility of the Contracting Government or Governments

It is the responsibility of the Contracting Government or Governments to plan, propose to the Organization and implement systems or amendments to such systems.

3.2 Planning or revising ship reporting system for adoption

3.2.1 A Contracting Government or Governments should establish the objectives and clearly define the area of a system. All information for effective utilization of such a system by mariners

* Refer to resolution A.857(20) on Guidelines for Vessel Traffic Services

should be conveyed to the appropriate maritime administrations and hydrographic authorities at least six months prior to the date of implementation.

3.2.2 In planning or revising a system, Contracting Governments should take account of such factors as:

- .1 hydrographical and meteorological elements, such as prevailing winds and currents, shifting shoals, local hazards, aids to navigation, and visibility;
- .2 the character of ship traffic, including the density of such traffic, conflicting navigation patterns, narrow fairways, areas where ships converge or cross, the record of maritime casualties, the categories of ships navigating in the area, interference by ship traffic with other marine-based activities, and ships carrying hazardous cargoes or types and quantities of bunker fuel;
- .3 environmental considerations;
- .4 equipment requirements, and methods of ship-to-shore communication and data processing so as to ensure reliability and clear communication between the shore-based authority and participating ships;
- .5 the shore-based facilities (including hardware and software) and the personnel qualifications and training required to support the operation of the proposed system; and
- .6 the procedural and communication interfaces of the system with other maritime safety or pollution response systems, including any adjacent ship reporting system.

3.2.3 In planning a system, a Contracting Government should consider whether the authority exists, or should be established, under domestic law to assess violations of any proposed requirements of a system.

3.3 Proposing a ship reporting system to the Organization for adoption

Systems and amendments thereto should be proposed to the Organization for adoption. The proposal should include:

- .1 the objectives and demonstrated need for the proposed system;
- .2 categories of ships required to participate in the system;
- .3 relevant information pertaining to the hydrographical and meteorological elements, the characteristics of ship traffic and any environmental aspects of the area;
- .4 the delineation of the reporting system as shown on a nautical chart (type of nautical chart as appropriate) and a description of the system including the geographical coordinates. The coordinates should be given in the WGS 84 datum; in addition, geographical coordinates should also be given in the same datum as the nautical chart if this chart is based on a datum other than WGS 84;
- .5 the format and content of the reports required, the times and geographical positions for submitting reports, the shore-based authority to whom these reports should be sent and, if any are to be provided, the available services;

- .6 the information to be provided to the participating ship and the procedures to be followed;
- .7 the proposed communication requirements for the system, including frequencies on which reports should be transmitted and information to be reported;
- .8 the relevant rules and regulations in force in the area of the proposed system;
- .9 the shore-based facilities (including hardware and software) and personnel qualifications and training required to support the operation of the proposed system;
- .10 a summary of the measures used to date, if any, and the reasons why these measures are considered to be inadequate;
- .11 information concerning the applicable procedures if the communication facilities of the shore-based authority fail;
- .12 a description, if appropriate, of any plans that have been prepared for responding to an emergency involving the safety of life at sea or threats to the marine environment;
- .13 details of the measures to be taken in accordance with 3.4.1.5, if a ship fails to comply with the requirements of the system;
- .14 reference to the relevant data exchange standard, if applicable;
- .15 necessary provision to consider cyber-risk management guidelines adopted by the Organization*, if applicable;
- .16 consideration of automated ship reporting by electronic means, recognised by the Organization, to reduce ships' reporting burden; and
- .17 the proposed effective date of the reporting system should be as soon as practicable but not earlier than six months after adoption by the Organization.

3.4 Implementation of an adopted ship reporting system

3.4.1 In implementing a system, Contracting Governments should:

- .1 ensure that the shore-based authority is provided with the equipment and facilities necessary to effectively accomplish the objectives of the system;
- .2 staff the shore-based authority with appropriately qualified and suitably trained personnel capable of performing the tasks required;
- .3 establish operating procedures for routine and emergency situations;
- .4 in a timely manner, provide mariners full details of the requirements to be met and the procedures to be followed in the area of the system. This information should include the categories of ships required to participate; areas of applicability; the times and geographical positions for submitting reports; the

* MSC-FAL.1/Circ.3 on Guidelines on maritime cyber risk management

format and content of the required reports; the shore-based authority responsible for the operation of the system; any information to be provided to participating ships; and, if any are to be provided, the types of services available; and

- .5 consider whether the failure to comply with a system should be made an offence subject to appropriate measures under domestic law and in accordance with the provisions of SOLAS regulation V/11; however, a technical failure of the communication equipment of a shore-based authority or a ship should be considered to constitute a defence to such measures.

3.4.2 Administrations should require that their ships comply with the requirements of adopted systems. Administrations which have received information of an alleged violation of a system by a ship flying their flag should provide the Government which has reported the offence, with details of any appropriate action taken.

4 CRITERIA FOR ASSESSMENT OF PROPOSALS FOR ADOPTION AND REVIEW OF ADOPTED SHIP REPORTING SYSTEMS BY THE ORGANIZATION

4.1 The Organization will consider each proposal for a system submitted to it by a Contracting Government or Governments.

4.2 In assessing each proposal, the Organization should take into account the information provided in accordance with 3.3.

4.3 If the Organization determines that a proposal for a system does not satisfy the requirements set forth in SOLAS regulation V/11 or these guidelines and criteria, the proposal will be referred back to the appropriate Contracting Government or Governments.

4.4 The Organization should provide a forum for the review and re-evaluation of systems, as necessary, taking into account pertinent comments, reports, and observations of the system. Elements under review might include the reliability of the communication system and the information requested. Contracting Governments which have ships participating in such systems are encouraged to bring any concerns regarding the operation of a system to the attention of the Organization so that any necessary adjustments may be recommended.

4.5 The Organization will determine the effective date for the commencement of operation of the system which should be as soon as practicable, but not earlier than six months after the date of adoption.

4.6 The Organization should, in assessing proposals for the adoption of a system, take into account the technical and financial resources available to developing Contracting Governments and those with economies in transition.
