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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	20 July 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	COMMISSION STAFF WORKING DOCUMENT For the Council Shipping Working party IMO – Union submission to be submitted to the 97th session of the Maritime Safety Committee (MSC 97) of the IMO in London from 21 – 25 November 2016 concerning a report on the audit process of the International Long-Range Identification and Tracking of ships (LRIT) Data Exchange

Delegations will find attached document **SWD(2016) 256 final**.

Encl.: **SWD(2016) 256 final**



Brussels, 20.7.2016
SWD(2016) 256 final

COMMISSION STAFF WORKING DOCUMENT

For the Council Shipping Working party

IMO – Union submission to be submitted to the 97th session of the Maritime Safety Committee (MSC 97) of the IMO in London from 21 – 25 November 2016 concerning a report on the audit process of the International Long-Range Identification and Tracking of ships (LRIT) Data Exchange

COMMISSION STAFF WORKING DOCUMENT
For the Council Shipping Working party

IMO – Union submission to be submitted to the 97th session of the Maritime Safety Committee (MSC 97) of the IMO in London from 21 – 25 November 2016 concerning a report on the audit process of the International Long-Range Identification and Tracking of ships (LRIT) Data Exchange

PURPOSE

The document presented in the Annex¹ contains a draft Union submission to the 97th session of the Maritime Safety Committee of the IMO (MSC 97). It should be transmitted to the appropriate technical body of the Council with a view to achieving agreement on transmission of the documents to the IMO prior to the required deadline of 16 September 2016.

Article 2(4)(a) of Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency establishes that the Agency shall develop and operate the European Union Long-Range Identification and Tracking of Ships European Data Centre and the Union Maritime Information and Exchange System (SafeSeaNet), as well as the International Long-Range Identification and Tracking information data exchange system in accordance with the commitment made in the International Maritime Organisation. Therefore, the substance of the draft Union submission falls under EU exclusive competence.

¹ The submission of proposals or information papers to the IMO, on issues falling under external exclusive EU competence, are acts of external representation. Such submissions are to be made by an EU actor who can represent the Union externally under the Treaty, which for non-CFSP (Common Foreign and Security Policy) issues is the Commission or the EU Delegation in accordance with Article 17(1) TEU and Article 221 TFEU. IMO internal rules make such an arrangement absolutely possible as regards existing agenda and work programme items. This way of proceeding is in line with the General Arrangements for EU statements in multilateral organisations endorsed by COREPER on 24 October 2011.

ANNEX

MARITIME SAFETY COMMITTEE

MSC 97/7/N
/2016
Original: ENGLISH

97th session
Agenda item 7

UPDATES TO THE LRIT SYSTEM

Report on the audit process of the International LRIT Data Exchange

Submitted by the European Commission on behalf of the European Union

SUMMARY

Executive summary: This document provides information related to the possibility of modifying the requirement to audit the International LRIT Data Exchange on an annual basis.

Strategic direction: 5.2

High-level action: 5.2.4

Planned output: 5.2.4.2

Action to be taken: Paragraph 15

Related documents: Resolution MSC.263(84); Resolution MSC. 275(85); MSC.1/Circ.1412; Resolution MSC.322(89); NSCR 3/7/4; NSCR 3/7/5 and NSCR 3/29

Introduction

1 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), as amended, sets out that certain aspects of the performance of the LRIT system are reviewed or audited by the LRIT Coordinator acting on behalf of all SOLAS Contracting Governments.

2 The audit objective is to verify that the International LRIT Data Exchange (LRIT IDE) operates in accordance with the provisions of SOLAS regulation V/19-1 and of the Revised Performance standards, taking into account the related provisions of the Technical specifications for the LRIT system and any relevant decisions of the Committee.

3 Moreover, the aim of the audit process is to identify any need for initiating corrective and/or preventive actions and to identify opportunities for improving the efficiency, effectiveness and security of the LRIT IDE, in particular, and of the LRIT system, in general.

4 The Revised Performance standards set out that the performance of the LRIT IDE should be audited by the LRIT Coordinator on an annual basis.

Discussion

5 EMSA hosts, operates, and maintains the LRIT IDE Production and Developmental Testing environments since 2011 on behalf of the IMO.

6 The EU delivers the LRIT IDE service to all SOLAS Contracting Governments free of charge on behalf the IMO.

7 After four consecutive audits, the LRIT Coordinator noted few observations that resulted in corrective actions being taken in the subsequent software releases. Also the recommendations were promptly implemented by EMSA in order to maintain the higher standards of the LRIT IDE service.

8 EMSA, as the primary LRIT IDE Operator, reports to the NCSR Sub-Committee annually on the status of the system, including the fulfilment of the performance requirements.

9 EMSA supports the IMSO in its auditing tasks by sending the journal extract of the LRIT IDE on a monthly basis and assists the LRIT Coordinator in the audit process when requested.

10 Against that background, the issue regarding the possibility to modify and delete the requirement to audit the LRIT IDE on an annual basis was discussed at the NCSR 3 meeting (29 February to 4 March 2016). The Sub-Committee agreed that before embarking on any further discussions, a policy decision should be taken by the Committee (MSC) and noted that the European Commission intended to progress discussions on this matter with IMSO.

11 Such discussions have taken place between the European Commission and IMSO recognising that the main aim of the audit is to act proactively, identifying deviations from the LRIT requirements, as well as opportunities to improve the functioning of the LRIT system, but also recognising that the cycle of audits, against the background and experience gained so far in carrying out audits and the very few findings established, can be modified, without an impact on the technical viability or safety of the LRIT system.

Conclusions

12 The LRIT Coordinator has concluded that the LRIT IDE, as operated by EMSA, was found to be substantially in compliance with the technical and operational requirements of the LRIT system throughout the periods audited.

13 The funds invested by the EU to host, operate, maintain, and improve the LRIT IDE system at EMSA turn out a sound, secure, and transportable software, and a stable and reliable supporting IT infrastructure.

14 The current frequency of annual audits of the LRIT IDE by the LRIT Coordinator acting on behalf of all Contracting Governments should therefore be modified to once every three years.

Actions requested of the Committee

15 The Committee is invited to consider:

- .1 modifying the audit frequency from annually to every three years for the LRIT IDE; and
- .2 the proposed amendments to related documents, as indicated in the annex.

Annex

RESOLUTION MSC.263(84) (adopted on 16 May 2008) REVISED PERFORMANCE STANDARDS AND FUNCTIONAL REQUIREMENTS FOR THE LONG-RANGE IDENTIFICATION AND TRACKING OF SHIPS (Amended by RESOLUTION MSC.330(90) (adopted on 25 May 2012))

10 International LRIT Data Exchange

10.3 The International LRIT Data Exchange should:

- .5 archive journal(s), for at least one year and until such time as the Committee reviews and accepts the LRIT Coordinator's annual report of the audit of its performance. However, the archived journal(s) should provide a complete record of the activities of the exchange between two consecutive ~~annual~~ audits of its performance;

14.4 The LRIT Coordinator should undertake a review of the performance of the LRIT system taking into account the provisions of regulation V/19-1, the present performance standards, the technical specification for the LRIT system and any related decisions of the Committee and should report its findings to the Committee at least annually. In this respect, the LRIT Coordinator should [~~on an annual basis~~]:

- .1 review the performance of ASPs (or CSPs when they act as ASPs) providing services to the International LRIT Data Centre [**on an annual basis**];
- .2 audit the performance of all LRIT Data Centres based on archived information and their fee structures [**on an annual basis**];
- .3 audit the performance of the International LRIT Data Exchange and its fee structure, if any[, **every three years**]; and
- .4 verify that Contracting Governments and Search and rescue services receive only the LRIT information they have requested and are entitled to receive [**on an annual basis**].

MSC.1/Circ.1259/Rev.6 (21 November 2014) LONG-RANGE IDENTIFICATION AND TRACKING SYSTEM TECHNICAL DOCUMENTATION (PART I)

3.7.3 Archiving

3.7.3.1 The IDE should maintain an archive Journal that can accommodate the ready retrieval of Journal(s) data for at least one year or until such time as the Committee reviews and accepts the LRIT Coordinator's [~~annual~~] report of the audit of its performance.

3.7.3.2 The archived Journal(s) should provide a complete record of the activities of the IDE between two consecutive [~~annual~~] audits of its performance.

MSC.1/Circ.1412/Rev.1 (21 November 2014)
PRINCIPLES AND GUIDELINES RELATING TO THE REVIEW AND AUDIT OF THE
PERFORMANCE OF LRIT DATA CENTRES AND OF THE INTERNATIONAL LRIT DATA
EXCHANGE

Reporting on the review and audit of the performance of DCs and/or of the IDE

- 16.2 The anniversary date of the IDE is 15 October [**of the year in question**] [~~of each year~~].