

ANNEX 6**RESOLUTION MSC.265(84)
(adopted on [...] May 2008)****ESTABLISHMENT OF THE INTERNATIONAL LRIT DATA EXCHANGE
ON AN INTERIM BASIS**

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 of the International Convention for the Safety of Life at Sea, 1974, as amended (the Convention) on the Long-range identification and tracking (LRIT) of ships 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, LRIT information transmitted by ships,

BEARING IN MIND that regulation V/19-1 entered into force on 1 January 2008,

RECALLING FURTHER the Revised performance standards and functional requirements on long-range identification and tracking of ships (the Revised performance standards) adopted by resolution MSC.[...](84) provide in section 10.1 that an International LRIT Data Exchange recognized by the Committee should be established,

ALSO RECALLING the Arrangements for the timely establishment of the LRIT system adopted by resolution MSC.211(81) and, in particular, that the International LRIT Data Centre and the International LRIT Data Exchange should commence trials and testing of the LRIT system not later than 1 July 2008,

FURTHER RECALLING that, at its eighty-third session, it accepted the contingency offer from the United States in relation to the establishment and operation of the International LRIT Data Exchange on an interim basis and until such time the Committee would be able to make the necessary permanent arrangements and to this end adopted resolution MSC.243(83) on the Establishment of the International LRIT Data Exchange on an interim basis,

RECALLING ALSO that in operative paragraph 3 of resolution MSC.243(83) it requested the Secretariat to prepare, following any necessary consultations with the United States, a draft resolution on the establishment of an International LRIT Data Exchange on an interim basis, within the framework of regulation V/19-1.14, for consideration and adoption by the Committee at its eighty-fourth session,

MINDFUL of the key and pivotal role of the International LRIT Data Exchange in the LRIT system architecture,

DESIRING to put the necessary arrangements in place so as to ensure that the LRIT system becomes fully operational, as planned, on 31 December 2008,

HAVING CONSIDERED, at its eighty-fourth session, a report on the progress made by the United States in relation to the establishment and operation of the International LRIT Data Exchange on an interim basis,

1. RECOGNIZES, pursuant to the provisions of regulation V/19-1.14 and paragraph 10.1 of the Revised performance standards, the aforesaid exchange as the International LRIT Data Exchange referred to in the Revised performance standards subject to the terms and conditions set out in the Annex to the present resolution;
2. AGREES that, bearing in mind that the contingency offer from the United States is only an interim arrangement and a permanent solution should be found for the International LRIT Data Exchange as soon as possible (within two years as from 1 January 2008 subject to a further review by the Committee), at its eighty-fifth session, it would discuss with a view to finalizing the arrangements for the establishment and operation of the International LRIT Data Exchange on a permanent basis;
3. REVOKES resolution MSC.243(83).

ANNEX

ESTABLISHMENT OF THE INTERNATIONAL LRIT DATA EXCHANGE ON AN INTERIM BASIS

The International LRIT Data Exchange is established and operated by the United States under the following conditions:

- 1 The International LRIT Data Exchange should comply with the salient provisions of:
 - (1) regulation V/19-1;
 - (2) the Revised performance standards;
 - (3) the Technical specifications for the LRIT system¹, other than those relating to the capability to move to an off-site location;
 - (4) the criteria for the location of the International LRIT Data Centre and the International LRIT Data Exchange, other than those relating to backup servers; and
 - (5) any guidance in relation to financial and operational matters issued by the Committee.

- 2 The International LRIT Data Exchange would be provided by the United States at their own expense and, in this respect, the United States has clarified that its intention is that consistent with their domestic laws and procurement regulations, the capital, operating and maintenance costs for the establishment and operation of the International LRIT Data Exchange would be borne by the United States. The intention of the United States is that neither the Organization nor any of the LRIT Data Centres nor any of the other Contracting Governments would be required to make any payment to the United States for the services provided by the International LRIT Data Exchange.

- 3 The United States, while not withdrawing their reservation, during the eighty-second session of the Committee, with respect to the decision of Committee in relation to the appointment of the International Mobile Satellite Organization (IMSO) as the LRIT Co-ordinator, will co-operate fully and will meet all its obligations *vis-à-vis* IMSO as LRIT Co-ordinator in respect of participation of IMSO in the initial developmental and integration testing and in connection with the audit of the performance of the International LRIT Data Exchange within the framework established by regulation V/19-1 and sections 10 and 14 of the Revised performance standards.

- 4 The Contracting Governments, on the understanding that the LRIT information would be accessible in accordance with regulation V/19-1 and the Revised performance standards, agree that the United States does not assume any form of liability in case of any technical failure of the International LRIT Data Exchange.

¹ Refer to MSC.1/Circ.[...] on Interim revised Technical specifications for the LRIT system.

5 The Contracting Governments, on the understanding that the LRIT information would be accessible in accordance with regulation V/19-1 and the Revised performance standards, also agree that United States does not assume any form of liability in case the International LRIT Data Exchange needs to be temporarily shutting down for example due to denial of service or malicious attack.
