

Council of the European Union

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WORKING DOCUMENT

From:	General Secretariat of the Council	
To:	Delegations	
Subject:	7th session of the IMO Sub-Committee on Navigation, Communications and Search and Rescue (NCSR 7) (London, 15-24 January 2020)	
	 Non-paper from the Commission drafted to facilitate EU co-ordination 	

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (13.02.2020)

Delegations will find attached a non-paper from the Commission drafted to facilitate co-ordination between the EU Member States and the Commission in respect of the subject mentioned above<u></u>. <u>revised in the light of the discussions at the coordination meeting in London on</u> <u>15 January 2020</u>.

<u>ANNEX</u>

NON PAPER

DRAFTED TO FACILITATE CO-ORDINATION BETWEEN THE EU MEMBER STATES AND THE COMMISSION¹ FOR THE 7TH MEETING OF THE SUB-COMMITTEE ON NAVIGATION, COMMUNICATION AND SEARCH AND RESCUE (NCSR 7) (LONDON, 15 – 24 JANUARY 2020)²

Non-restrictive list of items for which EU, common or coordinated positions could be agreed upon.

This document lists all received documents³. The Commission suggests focussing the discussion on the proposed positions and on the consideration of support for submissions by another EU or EEA State as fellow EU/EEA. This does not exclude the discussion of any other item on the agenda, if explicitly requested by a Member State or the Commission.

The comments by the Commission are printed in *italics*. The proposed line of conduct to be followed by the Member States and the Commission is printed in *bold italics*.

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¹ For reasons of brevity, the word "Commission" used in this document means the responsible service of the Commission.

² It is the intention of the Presidency to ensure the necessary co-ordination of the Member States' positions on the spot on the basis of the discussion of this paper.

³ Includes submissions published on the IMO documents website up to 11 December 2019.

⁴ Reservation: all delegations (pending the outcome of discussions on IMO – EU Co-ordination procedural matters within the framework of the SWP in Brussels).

⁵ At BLG 17, the Commission and the Council Secretariat informed the EU Member States' delegations about emerging changes resulting from the adaptation to the requirements of the Lisbon Treaty to the EU IMO coordination process and the scope of EU competence over issues addressed in IMO. Many delegations expressed serious concerns about these changes, including their immediate effect on the current and upcoming EU-IMO coordination exercise(s), and requested the Commission to clarify and elaborate these changes in writing for further consideration. Consequently, the following delegations entered a reservation or a scrutiny reservation against EU competency claims in this document and the procedural changes until their further clarification:

Scrutiny reservation: <u>ES</u>, <u>FI</u>, <u>FR</u>, <u>IT</u>, <u>PL</u>.

Reservation: <u>BE</u>, <u>CY</u>, <u>DE</u>, <u>DK</u>, <u>EL</u>, <u>MT</u>, <u>NL</u>, <u>SE</u>, <u>UK</u>.

⁶ The <u>Commission</u> considers the matter of EU coordination sufficiently clear, based on existing Treaty provisions and extensive discussions and written exchanges within the Shipping Working Party which took place during the first half of 2013. It therefore does not see the need of the above footnotes and requests the matter to be resolved by the Council.

Agenda item 1 – Adoption of the agenda

Docs: NCSR 7/1, NCSR 7/1/1-3

NCSR 7/1 (Secretariat): provides the provisional agenda for this session.

<u>NCSR 7/1/1 (Secretariat)</u>: contains annotations to the provisional agenda provided in document NCSR 7/1.

<u>NCSR 7/1/2 (Chair)</u>: informs the Sub-Committee on preliminary arrangements for NCSR 7, in order to allow delegates to plan for their participation at this session of the Sub-Committee.

<u>NCSR 7/1/3 (Chair)</u>: informs of the arrangements for working, drafting and/or experts groups at NCSR 7.

According to NCSR 7/1/3 (Chair), the following groups are expected to be set up during this session:

- a. Navigation Working Group (Agenda items 7, 8, 10, 13);
- b. Communications Working Group (Agenda items 9, 11, 12, 14, 18, 22);
- c. SAR Working Group (Agenda item 16, 17);
- d. Experts Group on ships' routeing (Agenda item 3); and
- e. a possible drafting group on Agenda item 9.

It should be noted that following the recommendation of NCSR 5, based on the workload of the Sub-Committee, MSC 99 agreed, and MSC 101 re-confirmed, to extend the NCSR Sub-Committee's meeting time to eight days, for a trial period of two sessions starting from NCSR 6, without increasing the four days allocated for interpretation. In view of this arrangement, the Chair, in NCSR 7/1/2, notifies that on the first day of the session, Wednesday, 15 January 2020, plenary will discuss the items related to the COM WG and the NAV WG. The SAR WG will commence its work based on provisional terms of reference, and the agenda items related to this WG will be discussed during the second day of the session, Thursday, 16 January 2020. The Experts Group (EG) related items will also be considered during the second day. The third day of the session, Friday 17 January 2020, will consider all remaining items, as well as the report of the SAR WG.

There will be no plenary sessions from Monday, 20 to Thursday, 23 January 2020, inclusive, but the remaining groups would continue to work with their respective reports being presented on the last day of the session, Friday 24 January 2020.

Agenda item 2 – Decisions of other IMO Bodies

Docs: NCSR 7/2

<u>NCSR 7/2 (Secretariat)</u>: contains references to decisions taken by SSE 6, HTW 6, MSC 101, MEPC 74, FAL 43 and C 122 which are of relevance to the Sub-Committee.

Containers lost at Sea

<u>EU relevance</u>

The reporting of incidents involving lost containers is regulated in EU law by Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system. Article 17.2(d) of this Directive requires that Member States take all appropriate measures to ensure that the master of a ship sailing within their search and rescue region/exclusive economic zone or equivalent, immediately reports to the coastal station responsible for that geographical area any "...containers or packages seen drifting at sea." The purpose is to make responsible authorities aware, so that timely measures can be taken. The reporting of incidents involving the loss of containers was implemented by the Commission in cooperation with the Member States through the Union Maritime Information and Exchange System (SafeSeaNet) operated by EMSA, developing Incident Reporting Guidelines covering this aspect and including a uniform reporting format.

In addition, Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector, provides that Member States' maritime accident investigation bodies are informed without delay by the responsible authorities and/or by the parties involved, of the occurrence of all casualties and incidents falling within the scope of the Directive - including the loss of containers at sea. Furthermore, Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy requires Member States to report on the quality of the marine environment and to monitor activities or incidents that may affect it.

In view of the above, this issue falls under EU exclusive competence.

<u>Background</u>

MEPC 73 adopted the Action Plan to address marine plastic litter from ships (resolution MEPC.310(73)). During the discussion on marine plastics the MEPC noted that the loss of containers at sea could, besides being a source of marine plastics, be a safety hazard for ships and fishing vessels. Therefore, regarding actions 10 and 11 of the Action Plan, relating to mandatory reporting of containers lost at sea and ways of communicating their location, MEPC, in line with the EU position, invited interested Member States and international organizations to submit proposals for a new output to MSC. It also requested the CCC Sub-Committee and the NCSR Sub-Committee to note the importance of the issue of lost containers at sea for addressing marine plastic litter from ships, as their expertise could be sought in future.

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Agenda item 3 – Routeing measures and mandatory ship reporting systems

Docs: NCSR 7/3, NCSR 7/3/1-4, NCSR 7/INF.10, NCSR 7/INF.11, NCSR 7/INF.15

<u>NCSR 7/3 (Australia)</u>: contains a proposal for an amendment to the IMO-adopted two-way route in the Great Barrier Reef and Torres Strait, in Far North Queensland, Australia.

<u>NCSR 7/3/1 (Norway)</u>: contains a proposal to harmonize and consolidate the three ships' routeing systems in the Norwegian Exclusive Economic Zone (EEZ), each with traffic separation schemes (TSS) and recommended routes. The objective is to optimize the effect of the routeing systems in addition to harmonize the systems so that they apply to the same categories of ships.

<u>NCSR 7/3/2 (Poland)</u>: contains a proposal to amend the existing traffic separation scheme (TSS) "Slupska Bank" by establishing a third section of TSS and adjusting and renaming the existing east part, in order to reduce the danger of groundings in the area of shallows detected further east of the existing TSS in and outside the Polish territorial seas, in the southern part of the Baltic Sea.

<u>NCSR 7/3/3 (France)</u>: an amendment to the conditions of use of the two-way route in the "Off Ushant" traffic separation scheme is proposed in order to remove ambiguities and take into account technological developments.

<u>NCSR 7/3/4 (France and the Netherlands)</u>: presents recommendations from the World Association for Waterborne Transport Infrastructure (PIANC) on the interaction between offshore wind farms (OWF) and maritime navigation. These recommendations can be considered as a complement to the measures provided in the amended General provisions on ships' routeing (GPSR) (resolution A.572(14)).

<u>NCSR 7/INF.10 (Brazil)</u>: based on the need to reduce the risk of maritime incidents, improve the safety of navigation and protect the marine environment in the region, the Government of Brazil is preparing a proposal for the establishment of an Area to be avoided (ATBA) at the Santos Basin region off the Brazilian southeast coast for transiting ships. The Santos Basin area has a high concentration of oil platforms, supply vessels, drilling rigs, production systems and floating production storage and offloading (FPSO) vessels. This area is close to a high demographic density and sensitive marine environment region.

<u>NCSR 7/INF.11 (Brazil)</u>: presents the study carried out by Petrobras' Research and Development Centre (CENPES) on an oil spill simulation study and the potential environmental consequences following a collision mock-up between a FPSO operating in the Santos basin region and a merchant ship. This document should be considered in conjunction with document NCSR 7/INF.10, in which the Brazilian government presents information on the intention to establish an area to be avoided for transiting ships in the Santos Basin (the most important Brazilian oil production area), located in the maritime region of the south eastern coast of Brazil.

<u>NCSR 7/INF.15 (France and the Netherlands)</u>: presents a report from the World Association for Waterborne Transport Infrastructure (PIANC) on Interaction between offshore wind farms and maritime navigation (MarCom WG Report No 161 - 2018).

<u>EU relevance</u>

Directive 2002/59/EC on establishing a Community vessel traffic monitoring and information systems as amended, (VTMIS Directive 2002/59/EC), promotes and regulates the use of routing systems and mandatory ship reporting systems by EU Member States. In accordance with Article 23 (c) of this Directive, EU Member States and the Commission shall work together to put in place, where necessary, mandatory reporting systems, mandatory maritime traffic services and appropriate ship's routing systems, with a view to submitting them to the IMO for approval. Therefore any such proposal to the IMO has to be prepared in accordance with Article 23 (c) of this Directive.

<u>Background</u>

NCSR 5 noted that the number of ships' routeing and ship reporting systems were increasing. While their main objective was to enhance navigational safety and prevent marine pollution, they may be adding to the administrative burden of ships having to report the same information at several points. The Sub-Committee therefore agreed to invite the Member States concerned to review their adopted ships' routeing and reporting systems with a view to reduce the ships' reporting burden.

Consideration at NCSR 7

Two of the proposals (NCSR 7/3/2-3) submitted to the Sub-Committee concern traffic separation schemes (TSSs) within EU Member States (Poland and France). In document NCSR 7/3/2, Poland highlights that this proposal was presented at the Ninth Meeting of the HELCOM Group of Experts on Safety of Navigation (SAFE NAV 9-2018) attended by delegations from Denmark, Estonia, Germany, Latvia, Russia and Sweden. The Group of Experts did not object to the planned amendments to the TSS "Slupska Bank". In NCSR 7/3/3, France notes that the proposed amendment to the TSS "Off Ushant" will bring clarity as regards to which ships the TSS applies and will allow for the better use of automatically available information. **DELETED**

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Agenda item 4 – Updates to the LRIT system

Docs: NCSR 7/4, NCSR 7/4/1-3, NCSR 7/INF.2 and 18

<u>NCSR 7/4 (Secretariat)</u>: provides information on developments related to LRIT since NCSR 6, including the functioning and operation of the LRIT Data Distribution Plan (DDP) server and the Information Distribution Facility (IDF), the renewal of Public Key Infrastructure (PKI) certificates, the testing and establishment of LRIT Data Centres (DCs), the third modification testing phase of the LRIT system and the outcomes of the periodical meetings of the LRIT Operational Governance body (OGB)

<u>NCSR 7/4/1 (IMSO)</u>: contains information on the annual LRIT audits conducted and completed by IMSO between 14 November 2018 and 12 November 2019NCSR 7/4/2 (IMSO).

<u>NCSR 7/4/2 (IMSO)</u>: provides information related to the overall performance of the LRIT system between 17 October 2018 and 15 October 2019 and relevant recommendations by IMSO, in order to improve efficiency, effectiveness and security of the LRIT system.

<u>NCSR 7/4/3 (Brazil, Chile and Uruguay)</u>: presents the test results and analysis of the implementation of approach A to the change of periodic rate of transmission of the Long-Range Identification and Tracking (LRIT) information and suggests a roadmap for the implementation of the proposed amendments.

<u>NCSR 7/INF.2 (European Commission on behalf of the Union)</u>: reports about the status of the International LRIT Data Exchange in the production environment from 1 August 2018 to 31 July 2019.

<u>NCSR 7/INF.18 (IMSO)</u>: provides information on the scale of charges to be levied by the LRIT Coordinator during the period from 1 January to 31 December 2020.

<u>EU relevance</u>

This subject is of importance to the EU in the light of Article 6(b) of the VTMIS Directive 2002/59/EC, as amended, which obliges EU Member States and the Commission to cooperate to determine the requirements concerning the fitting of equipment for transmitting LRIT information on board ships sailing in waters within the coverage of AIS fixed-based stations of Member States, and to submit to the IMO any appropriate measures, as well as to establish an European LRIT Data Centre (EU LRIT DC). It is also important in view of the role of EMSA as the operator of the EU LRIT DC as well as the LRIT International Data Exchange (IDE) in accordance with Resolution MSC.297(87) (adopted on 21 May 2010) on the establishment of the international LRIT data exchange.

Consideration at NCSR 7

LRIT developments

In document NCSR 7/4, the Secretariat reports on the developments which took place since the last session of the Sub-Committee. It also notes the changes to the European Union Cooperative LRIT Data Centre (CDC): 1) the disassociation of the UK, the British Virgin Islands, Gibraltar and the Falkland Islands (Malvinas); and 2) the provision of services to Tunisia and Georgia.

IMSO, as required by the Revised performance standards and functional requirements for the longrange identification and tracking of ships (resolution MSC.263(84), as amended) reports in document NCSR 7/4/2 on the performance of the LRIT system and makes recommendations based on the analysis of its findings for improving the efficiency, effectiveness and security of the LRIT system. IMSO reports that the LRIT system continued to be operational and well maintained throughout the reporting period. In this regard it should be noted that the European Maritime Safety Agency (EMSA) maintains and operates the International LRIT Data Exchange (IDE). In fact, in document NCSR 7/INF.2, the Commission (EMSA) reports on the performance, maintenance activities, developments and security related issues pertaining to the LRIT IDE for the period from 1 August 2018 to 31 July 2019.

Document NCSR 7/4/1 provides information on the audits carried out by IMSO. The audit of the LRIT IDE was carried out on 26 September 2018. As noted in this document IMSO only made one observation (the reason for which is given in NCSR 7/INF.2).

Improvements to the LRIT system

The subject matter in submission NCSR 7/4/3 by Brazil has been in discussion since NCSR 3. At NCSR 3, Brazil (NCSR 3/7/2) proposed two alternative approaches for changes to the LRIT architecture related to the periodic (update) rate mechanisms:

- Option A: DCs providing LRIT information implement changes to the way of processing requests for the provision of LRIT information at intervals other than every 6 h (i.e. those requiring reconfiguration of the LRIT shipborne equipment). The providing DC should process LRIT position request messages requiring changes to the rate of transmission of LRIT information by a ship and, instead of reprogramming the LRIT shipborne equipment, it should obtain on-demand position reports from the LRIT shipborne equipment by transmitting polling commands at the required intervals.
- Option B: DCs willing to request LRIT information at intervals other than every 6 h should implement changes to the way of requesting the LRIT information. Instead of sending a single LRIT position request message requesting to change the periodic rate of transmission, it should transmit LRIT position request messages with one-time poll of ship request at the required intervals.

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At NCSR 3 the following Union position was agreed:

"Invite Brazil to first gain experience with Approach A in their own Data Centre and to give feedback on this before further considering changes to the LRIT architecture related to the periodic (update) rate mechanisms as proposed in NCSR 3/7/2."

At NCSR 4, Brazil (NCSR 4/4/2) provided additional supporting documentation for both options. These have been reviewed by the LRIT Operational Governance Body (OGB) and the outcome of discussions was set out in the IMO Secretariat's submission NCSR 4/4/1:

Option A	Option B
Could be implemented, in an optional manner, only by those DCs willing to change the way of processing LRIT position request messages	<i>Would need to be implemented by all DCs</i>
Would require some amendments to the LRIT-related documentation, but not to the XML schemas.	Would require amendments to both the LRIT-related documentation and the XML schemas
<i>Would not impact the functioning of the IDE or the DDP server</i>	Would impact the IDE or the DDP server from the system upgrade perspective
Would not require modification testing	Would require modification testing

The IMO Secretariat noted that the OGB recommended that before any changes were made to the LRIT documentation, DCs should test these new arrangements on an interim basis. In addition, the OGB considered that based on the results of testing and a cost/benefit analysis, further consideration should be given by a group of experts to the implementation of Option B, as this would result in a simplified and harmonized implementation. A decision could then be made between the two options.

The premise behind the Union's position agreed for NCSR 3 has not changed. In addition, it was observed that a compelling need for investment in a cost/benefit analysis to fully consider Approach B was not made. Therefore, it was preferable for interested DCs to test Approach A.

At NCSR 5, Brazil verbally confirmed that it was testing Approach A and it would forward the results to NCSR 6.

In NCSR 6/4/3, Brazil notified that it completed the development of Approach A. The results show that there will be a reduction of costs for the Application Service Provider (ASP) and ship since it will be possible to simplify the LRIT shipborne equipment, the LRIT conformance test, the software to be developed by the ASP, and the required know-how of the ASP. In addition, Brazil contends that Approach B will provide a better financial impact on the LRIT system, in comparison to the effects of Approach A as well as a cleaner architecture and reduces administrative burdens to the DCs. However, the actual savings resulting from implementing the two approaches were not quantified.

Therefore, it was agreed that the proposals to implement Approach A and to consider postponing the next LRIT modification phase until a final decision on the proposed Approach B should not be supported by the Union before Brazil presents a well-defined cost/benefit analysis for both approaches. Therefore, the EU position at NCSR 6 was to:

"Propose that Brazil submits a clear cost/benefit analysis of Approaches A and B before the actions proposed in document NCSR 6/4/3 can be considered any further."

In document 7/4/3, Brazil submits the results of 8 experiments it has conducted as well as the anticipated cost reductions. **DELETED**

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<u>Agenda item 5 – Application of the "Indian Regional Navigation Satellite System (IRNSS)" in</u> <u>the maritime field and development of performance standards for shipborne IRNSS receiver</u> <u>equipment</u>

Docs: NCSR 7/5, NCSR 7/5/1

<u>NCSR 7/5 (India)</u>: provides further information and detailed data on the Indian Regional Navigation Satellite System (IRNSS) including system performance, capability, testing and application for consideration by the Sub-Committee.

<u>NCSR 7/5/1 (India)</u>: provides the coverage area of the Indian Regional Navigation Satellite System (IRNSS) and its intended area of services, for the consideration of the Sub-Committee.

<u>Agenda item 6 – Recognition of the Japanese regional navigation satellite system Quasi-</u> <u>Zenith Satellite System (QZSS) and development of performance standards for shipborne</u> <u>satellite navigation system receiver equipment</u>

Docs: NCSR 7/6, NCSR 7/6/1-2, NCSR 7/INF.4

<u>NCSR 7/6 (Germany, Japan and Poland)</u>: provides a functional approach and modular structure for performance standards for shipborne equipment using radio signals for the provision of information and data for navigation. The applicability of the approach is proved by exemplary implementation of a draft performance standard for shipborne QZSS receiver equipment (Quasi-Zenith Satellite System) into the modular documentation structure. The flexible extendibility of the performance standards is illustrated by a draft performance standard for shipborne GPS receivers using a source of augmentation data to improve accuracy and integrity of shipside position, velocity and time (PVT) data provision.

<u>NCSR 7/6/1 (Japan)</u>: provides the draft performance standards for shipborne Quasi-Zenith Satellite System (QZSS) receiver equipment for consideration by the Sub-Committee.

<u>NCSR 7/6/2 (Japan)</u>: provides a brief introduction to the Quasi-Zenith Satellite System (QZSS) for preliminary consideration by the Sub-Committee.

<u>NCSR 7/INF.4 (Germany)</u>: provides an overview of structure and content of performance standards developed in the last few decades to specify the requirements for shipborne equipment using radio signals for the provision of information and data for navigation. The existing performance standards have been analysed to elaborate similarities and differences in relation to documentation structure and specified requirements. The provided results of analysis show the potential for future development of Performance Standards in a common document. A smart modularization and reorganization of this common document may provide the following advantages: (a) the specification of requirements becomes functional and technology neutral; (b) the increase of functional capacity resulting from technological advances is depictable; and (c) the performance standard is extendable in relation to further functionalities and additional requirements.

EU Relevance

There is an EU interest, which is mainly due to the Galileo project which is the European global satellite-based navigation system (GNSS). The European GNSS Agency (GSA) has developed draft performance standards for GALILEO receiver equipment. The Galileo equipment is included in section 4 (Navigation equipment) of Commission Implementing Regulation (EU) 2019/1397 of 6 August 2019 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2018/773 established in accordance with Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment.

<u>Background</u>

In MSC 99/20/4, Japan asked for a new output to recognize the Japanese Regional Navigation Satellite System (Quasi-Zenith Satellite System (QZSS)) as a future component of the World-Wide Radionavigation System (WWRNS) and developed performance standards for shipborne QZSS receiver equipment. Germany in a commenting paper, MSC 99/20/12, observed that the NCSR Sub-Committee should be enabled to consider the merit of developing a more generic approach for developing performance standards for all shipborne GNSS receiver equipment and recommended that the proposed output should be adjusted accordingly. **DELETED**

Consideration at NCSR 7

In NCSR 7/6, Germany, Japan and Poland provide in Annex draft Performance standards for shipborne equipment using radio signals for the provision of information and data for navigation. Their main purpose is the specification of requirements for shipborne equipment using radio signals to provide information and data for navigation to bridge teams and shipboard applications (e.g. ECDIS, INS, etc.).

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Agenda item 7 – Revision of the Guidelines for vessel traffic services (resolution A.857(20))

Docs: NCSR 7/7, NCSR 7/7/1

NCSR 7/7 (Australia, Brazil, China, India, Norway, Republic of Korea, Singapore, Turkey, IHO, IALA, IMPA, IAPH, IAIN, IFSMA, IHMA and NI): provides a draft revision of the Guidelines for Vessel Traffic Services (resolution A.857(20)) for the Sub-Committee's consideration.

<u>NCSR 7/7/1 (ICS and BIMCO)</u>: provides comments on the draft revision of the Guidelines for Vessel traffic services (resolution A.857(20)) presented in document NCSR 7/7.

<u>EU relevance</u>

There is Union competence concerning these guidelines because Directive 2002/59/EC on vessel traffic monitoring and information systems provides in Article 8 that Member States shall monitor and ensure compliance of ships with VTS rules based on guidelines developed by the IMO.

<u>Background</u>

MSC 99 approved the proposal by Australia et al in MSC 99/20/3 to establish a new output for NCSR to revise Resolution A.857(20) to update the current provisions which were adopted in 1997. The submission stated that the resolution was never amended despite technological and operational advances: e.g. AIS, computing power, support tools, training and certification. The position of the EU at MSC 99 (Council W.Doc. 8159/2/18 of 17 May 2018) was to support this proposal. The new output was put on the agenda of NCSR 7.

Consideration at NCSR 7

In document NCSR 7/7, Australia et al sets out a revised draft Assembly Resolution on the Guidelines for Vessel Traffic Services (resolution A.857(20)). **DELETED**

ICS and BIMCO (NCSR 7/7/1) raise two issues with respect to the proposed draft Assembly Resolution. Firstly, the co-sponsors object to paragraph 4.4 of the draft Assembly Resolution which allows states to establish voluntary VTS outside their territorial waters. Article 8 of the VTMIS Directive provides that Member States may establish VTS areas outside their territorial waters. Therefore, the Union cannot support the proposal to delete paragraph 4.4. It should also be noted that the proposal would allow preparing for a 'future VTS' in relation to MASS and mixed traffic situations. Such a 'future VTS' is not necessarily the same as today for conventional traffic. The second issue raised by the co-sponsors concerns paragraph 6.1.3 whereby ships may not comply with the rules or instructions of a VTS if they are contrary to safety of navigation (existing) and/or protection of the marine environment (added). **DELETED**

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<u>Agenda item 8 – Consideration of descriptions of Maritime Services in the context of e-navigation</u>

Docs: NCSR 7/8

<u>NCSR 7/8 (Secretariat)</u>: reports on the outcome of an informal meeting of Member States and international organizations acting as domain coordinating bodies for the further development of descriptions of Maritime Services in the context of e-navigation, held at IALA Headquarters, on 9 October 2019.

<u>EU relevance</u>

This agenda item is related to the implementation of the IMO e-navigation strategy. **DELETED**

<u>Background</u>

NCSR 1 finalized the e-navigation Strategy Implementation Plan (SIP), which was approved by MSC 94. Based on the proposal submitted by Norway et al. (MSC 96/23/7), MSC 96 agreed to include in the 2016-2017 biennial agenda of the Committee an output on "Develop guidance on definition and harmonization of the format and structure of Maritime Service Portfolios (MSPs)", assigning the NCSR Sub-Committee as the coordinating organ.

In order to work on this output, MSC 98 activated the IMO/IHO Harmonization Group on Data Modelling (HGDM). Following the outcome of the first meeting of HGDM, NCSR 5 further developed the draft guidance and invited domain coordinating bodies to submit the description of Maritime Services under their remit to HGDM 2 in accordance with the developed template. MSC 99, recognizing the need to regularly update the e-navigation SIP to allow for prioritized tasks to be included in the work programme of the NCSR Sub-Committee, approved the E-navigation Strategy Implementation Plan – Update 1 (MSC.1/Circ.1595).

Subsequently, NCSR 6 developed and MSC 101 adopted resolution MSC.467(101) on Guidance on the definition and harmonization of the format and structure of Maritime Services in the context of e-navigation and approved MSC.1/Circ.1610 on Initial descriptions of Maritime Services in the context of e-navigation. MSC 101 had also agreed, in line with the EU position, to refer MS 4 and MS 8 for the consideration of the FAL Committee.

Consideration at NCSR 7

Document NCSR 7/8 (Secretariat) provides the report on the further development of the descriptions of Maritime Services carried out during an informal meeting between the domain coordinating bodies. The document also describes the remaining work to finalise the descriptions of 4 and 8 as well as possible future work to discuss interoperability issues, to consider the development of related product specifications and data standardization, to update the e-navigation strategy implementation plan (SIP) and to enhance the awareness on the use of the MS descriptions. Therefore, the expected discussion at NCSR 7 will mainly concentrate on defining a general approach for developing further the MS descriptions. Therefore, no new EU position is required and the agreed position for previous NCSR Sub-Committee meetings is still valid:

"Ensure interaction and avoid conflicts between the development of e-Navigation within IMO and EU e-Maritime related legislation, implementations and R&D within the EU."

<u>Agenda item 9 – Updating of the GMDSS master plan and guidelines on Maritime Safety</u> <u>Information (MSI)</u>

Docs: NCSR 7/9, NCSR 7/9/1-4, NCSR 7/INF.7-8

<u>NCSR 7/9 (IHO World-Wide Navigational Warning Service Sub-Committee (WWNWS-SC) and</u> the Joint World Meteorological Organization (WMO) - IOC Technical Commission for Oceanography and Marine Meteorology (JCOMM) Worldwide Met-Ocean Information and <u>Warning Service Committee (WWMIWS-C))</u>: contains a proposal for amending the International SafetyNET Manual, consolidating a guidance on technical requirements for Fleet Safety which was disseminated, on an interim basis, by means of MSC.1/Circ.1611. The title of the Manual is also proposed to be changed to reflect the consolidation. It is further proposed to separate relevant annexes on the recently retitled IMO EGC Coordinating Panel, which could be disseminated on a separate MSC circular.

<u>NCSR 7/9/1 (Chair of the IMO NAVTEX Coordinating Panel)</u>: provides a summary of the current issues being addressed by the IMO NAVTEX Coordinating Panel and its actions/activities since the sixth session of the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR 6).

<u>NCSR 7/9/2 (IHO)</u>: informs the Sub-Committee on matters discussed and decisions taken at the tenth session of the IHO WWNWS Sub-Committee, which was held from 26 to 30 August 2019.

<u>NCSR 7/9/3 (World Meteorological Organization (WMO))</u>: informs the Sub-Committee on the recent updates, plans and activities undertaken by the JCOMM Committee for the IMO/WMO Worldwide Met-Ocean Information and Warning Service (WWMIWS) to coordinate the provision of MSI for WWMIWS.

<u>NCSR 7/9/4 (Chair of the International SafetyNET Coordinating Panel)</u>: provides a summary report of the International SafetyNET Coordinating Panel meeting held on 29 August 2019, in Halifax, Canada.

<u>NCSR 7/INF.7 (Canada)</u>: notifies that Canada has replaced its Notice to shipping (NOTSHIP) service with a Navigational warning (NAVWARN) service. NOTSHIPs will no longer be issued. However, until their update is completed, Canadian nautical charts and publications will refer to Notice to shipping or NOTSHIP. All references to Notice to shipping or NOTSHIP must be read as meaning Navigational warning or NAVWARN.

<u>NCSR 7/INF.8 (Canada)</u>: notifies that with effect from 7 January 2020, Canada will establish NAVTEX service areas for each of its NAVTEX transmitters.

<u>Agenda item 10 – Safety measures for non-SOLAS ships operating in polar waters</u>

Docs: NCSR 7/10, NCSR 7/10/1

<u>NCSR 7/10 (Canada, Chile, France, Marshall Islands, New Zealand and Norway)</u>: outlines a possible approach to progress a technical analysis of the feasibility and consequences of applying chapters 9 and 11 of the Polar Code to non-SOLAS ships. The aim is to improve the safety of all ships operating in polar waters and those on board, and to reduce risk to the marine environment.

<u>NCSR 7/10/1 (FOEI, WWF and Pacific Environment)</u>: the co-sponsors welcome the work undertaken to progress the technical analysis of the feasibility and consequences of applying chapters 9 and 11 to ships not certified under the SOLAS Convention operating in polar waters and provide further views

<u>EU relevance</u>

Different EU legislation already includes provisions which are applicable to navigation in Polar waters. Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over includes provisions in Annex III on 'Northern regional provisions', such as ice accretion. Annex III of this Directive sets out technical provisions for fishing vessels operating in areas including polar waters. In addition, the Recreational Craft Directive 2013/53/EU regulates the design and construction of boats up to 24 meters while Commission Implementing Regulation (EU) 2019/1397 regulates the design, construction and performance requirements and testing standards for marine equipment used on board ships. Finally, Directive 2002/59/EC establishing a vessel traffic and monitoring system includes provisions related to ships operating in ice conditions. Article 18 requires competent authorities: 1) to supply the master of a ship which is in their area of competence "with appropriate information on the ice conditions, the recommended routes and the icebreaking services in their area of competence"; and 2) to document that ships satisfy the strength and power requirements commensurate with the ice situation in the area concerned.

Background

MSC 99 considered proposals for safety measures for non-SOLAS ships operating in polar waters and agreed that any safety measures for non-SOLAS vessels should, in principle, apply to both Arctic waters and the Antarctic area. When considering safety measures for different types of vessels, it was necessary to consider the area of application on a case-by-case basis as there was a possibility that exemptions/exceptions may apply.

MSC 99 also concluded that mandatory measures could only be applicable to international voyages while guidelines normally have no applicability restrictions and it would be up to the Member States to determine how to implement them. In this regard, the SDC Sub-Committee was asked to develop recommendatory safety measures for fishing vessels of 24m in length and over, with a view to alignment with the 2012 Cape Town Agreement, as well as for pleasure yachts above 300 gross tonnage not engaged in trade. After considering the issue, SDC 6 agreed to establish a Correspondence Group, under the coordination of New Zealand, for developing two sets of guidelines: one for fishing vessels and one for pleasure yachts.

MSC 99 had agreed to establish a working group at MSC 100 to further consider outstanding issues, provide clear instructions to the NCSR Sub-Committee, and further consider the Roadmap. However, MSC 100 was again unable to reach consensus on widening the mandatory application of the Polar Code and the progress made on a preliminary draft text for a new paragraph in SOLAS regulation XIV/3 relating to the Polar Code, part I-A, chapters 9 (Safety of navigation) and 11 (Voyage planning) and agreed to take this draft text into account for future work. In this context, the Committee invited Member States and international organizations to submit information to MSC 101 that would assist in determining the feasibility and consequences of applying the requirements in chapters 9 and 11 of the Polar Code to non-SOLAS ships. A similar conclusion was reached in respect of the need for a Polar Water Operations Manual (PWOM) and methodologies for determining ship's operational capabilities in ice. Finally, MSC 100 agreed on a revised Roadmap as well as to develop a resolution to urge Member States to act, for example through the implementation of relevant sections of the Polar Code, and invited Member States and international organizations to submit proposals for such a resolution to MSC 101.

MSC 101 considered three submissions relating to the extension of the Polar Code provisions to non-SOLAS ships. MSC 101/7 (Marshall Islands and New Zealand) and MSC 101/7/2 (Chile, France, Marshall Islands, New Zealand, FOEI, WWF and Pacific Environment) argued that it was feasible to apply chapters 9 and 11 of the Polar Code to non-SOLAS vessels operating in polar waters. This would enhance safety in the polar regions and would ensure a level playing for all vessels. While 101/7/1 (Canada, Chile, France, Marshall Islands, New Zealand, FOEI, Pacific Environment and WWF) proposed the development of a draft Assembly resolution urging Member States to take steps, on a voluntary basis, to implement the safety measures of the Polar Code to non-SOLAS ships. MSC 101 subsequently approved the draft Assembly resolution on interim safety measures for ships not certified under the SOLAS Convention operating in Polar Waters and decided to refer documents MSC 101/7 and 101/7/2 to NCSR 7 to consider the consequences and feasibility of applying chapters 9 and 11 of the Polar Code to non-SOLAS ships as well as to determine how best to enhance the safety of non-SOLAS ships, including possible development of amendments to SOLAS and/or the Polar Code.

Consideration at NCSR 7

In document NCSR 7/10 (Canada et al) sets out several steps on how to carry out a technical analysis of the feasibility and consequences of applying chapters 9 and 11 of the Polar Code to non-SOLAS ships. The co-sponsors propose to only start a preliminary discussion at NCSR 7, with more detailed discussions taking place intersessionally and in a working group at NCSR 8. The paper sets out, in an Annex, individual elements of Chapters 9 and 11 of the Polar Code that could be applied to non-SOLAS ships and an appraisal of the consequences of their application. The co-sponsors (FOEI, WWF and Pacific Environment) of document NCSR 7/10/1 support the proposals contained in NCSR 7/10 but raise concerns with the proposed introduction of a transition period for retrospective application.

This proposal is limited to assessing the feasibility and consequences of applying chapters 9 and 11 of the Polar Code to non-SOLAS vessels and has no regulatory implications at this stage. **DELETED**

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<u>Agenda item 11 – Revision of SOLAS chapters III and IV for Modernization of the Global</u> <u>Maritime Distress and Safety System (GMDSS), including related and consequential</u> <u>amendments to other existing instruments</u>

Docs: NCSR 7/11, NCSR 7/11/1

<u>NCSR 7/11 (United States as coordination of the correspondence group)</u>: contains the report of the Correspondence Group on the Modernization of the GMDSS, including a further draft of the revision of SOLAS chapters III and IV.

<u>NCSR 7/11/1 (United States)</u>: contains recommendations on related and consequential amendments to other existing instruments related to the revision of SOLAS chapters III and IV

<u>EU relevance</u>

Navigation and Radio-communication equipment are listed as an item in Section 4 and 5, respectively, of the Commission Implementing Regulation (EU) 2019/1397 of 6 August 2019 on design, construction and performance requirements and testing standards for marine equipment, and therefore have to comply with the requirements of the Marine Equipment Directive 2014/90/EU. Decisions on the applicable performance standards of marine equipment will therefore have a direct effect on this EU legislation. There is therefore exclusive EU competence on this issue.

<u>Background</u>

Following on the work carried out at NCSR 5, NCSR 6 considered the report of the Correspondence Group on the Modernization of the GMDSS (Correspondence Group) (NCSR 6/11), recommending amendments to SOLAS chapters III and IV and recommended further refinements. To progress the work further - to consider unresolved issues and to further develop related and consequential amendments to other existing instruments - the Sub-Committee agreed to re-establish the Correspondence Group to report to NCSR 7.

Consideration at NCSR 7

The report of the Correspondence is presented in document NCSR 7/11. The United States puts forward additional comments in document NCSR 7/11/1.

TREE.2.A

Specific comments in respect of Footnote for SOLAS IV/14 in NCSR 7/11:

- **DELETED**
- **DELETED**

As regards NCSR 7-11-1, page 3, bullet 23, the A.813(19) footnote to refer to IEC 60533 and IEC 60945 could be supported. In addition, it is appropriate to add a note addressing uniform testing criteria given that the testing standards:

- IEC 60092-504 addresses Operational testing and EMC testing (Ships general)
- IEC 60533 addresses Operational testing and EMC testing (Ships metallic hulls)

address EMC testing methods limits and performance criteria, and whilst similar, there are some differences. The said methods and limits are also referred to in some other standards (CISPR publications and IEC 61000-4 series).

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Basic std: Test method and test set up	Description	Port	Test parameters/ Test values	Limit/ Performance Criteria	Recommended test sequence
CISPR 16 1-2 CISPR 16 2-1	Conducted emission	- AC power - DC power - I/O ports - Signal/control ports	Refer to basic standard (quasi peak detector, LISN, etc)	Limit: IEC 60533: 2015 Table 2 Column 2 and column 3	Ist
CISPR 16 1-4 CISPR 16 2-3	Radiated emission	Enclosure	Refer to basic standard (quasi peak detector, 3 m distance, etc))	Limit: IEC 60092-504: 2016, Table 1 test 19, 1 st group of limits	2 nd
<i>IEC 61000-4-</i> 2	ESD	Enclosure	IEC 60533: 2015 Table 4 including notes rows	Performance Criteria B	10 th
IEC 61000-4- 3	E-M field: radiated immunity	Enclosure	<i>IEC</i> 60092- 504: 2016, <i>Table 1 test 14</i> .	Performance Criteria A	3 rd
<i>IEC 61000-4-</i> <i>4</i>	Electrical fast transients (bursts)	- AC power - DC power	IEC 60533: 2015 Table 4 including notes	Performance Criteria B	8 th

		- I/O ports - Signal/control ports	rows		
<i>IEC 61000-4-</i> 5	Surge voltage	- AC power - DC power	IEC 60533: 2015 Table 4 including notes rows	Performance Criteria B	9 th
<i>IEC 61000-4-</i> 6	Conducted RF interference	 AC power DC power I/O ports Signal/control ports 	IEC 60533: 2015 Table 4 including notes rows	Performance Criteria A	4 th
IEC 61000-4- 11	Power supply variation	- AC power - DC power	IEC 60533: 2015 Table 4 including notes rows	Performance Criteria B	6 th
	Power supply failure	- AC power - DC power	IEC 60533: 2015 Table 4 including notes rows	Performance Criteria C	5 th
<i>IEC 61000-4-</i> <i>16</i>	Conducted LF interference	- AC power - DC power	IEC 60533: 2015 Table 4 including notes rows	Performance Criteria A	7 th

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<u>Agenda item 12 – Response to matters related to the Radiocommunication ITU-R Study</u> <u>Group and ITU World Radiocommunication Conference</u>

Docs: NCSR 7/12, NCSR 7/12/1-10, NCSR 7/INF.6, 13

<u>NCSR 7/12 (Secretariat)</u>: contains in the annex the report of the fifteenth meeting of the Joint IMO/ITU Experts Group on Maritime radiocommunication matters, which was held at IMO Headquarters from 8 to 12 July 2019.

<u>NCSR 7/12/1 (Secretariat)</u>: contains in the annex a liaison statement from ITU concerning electromagnetic interference (EMI) effects of Light Emitting Diode (LED) lighting systems when co-located on board maritime vessels, and the EMI effects of LED on aeronautical systems.

<u>NCSR 7/12/2 (Secretariat)</u>: contains in the annex a liaison statement from ITU-R WP 5B concerning the revision of Recommendation ITU-R M.585-7 — Assignment and use of identities in the maritime mobile service.

<u>NCSR 7/12/3 (Secretariat)</u>: contains in the annex a liaison statement from ECC CEPT regarding the publication of the ECC Report 299 Measures to address potential blocking of MES operating in bands adjacent to 1518 MHz (including 1525-1559 MHz) at sea ports and airports.

<u>NCSR 7/12/4 (Secretariat)</u>: contains in the annex a liaison statement from ICAO regarding the Adjacent band compatibility studies of IMT – Advanced systems in the mobile service in the band below 1 518 MHz with respect to MSS systems operating in 1 518 – 1 559 MHz.

<u>NCSR 7/12/5 (CIRM)</u>: Man overboard-automatic identification system (MOB-AIS) devices are used extensively by mariners and serve an important role in maritime safety. The new recommendation ITU-R M.2135-0 on Technical characteristics of autonomous maritime radio devices operating in the frequency band 156-162.05 MHz implies that MOB-AIS devices which do not include Digital selective calling (DSC) functionality are to be designated as Autonomous maritime radio devices (AMRD) Group B. Such a designation could result in these devices not being permitted to use the AIS1 and AIS2 channels. CIRM is of the view that MOB-AIS devices are not AMRD and are therefore beyond the scope of recommendation ITU-R M.2135-0.

<u>NCSR 7/12/6 (China and France)</u>: considers the benefits of NAVDAT and the conditions necessary for its integration as a component of GMDSS, based on studies of the NAVDAT system, and proposes future work to facilitate the application of NAVDAT.

<u>NCSR 7/12/7 (Germany, Marshall Islands, ICS, IMSO and CIRM)</u>: proposes a reply liaison statement to be sent to the Electronic Communications Committee (ECC) of the European Conference of Postal and Telecommunications Administrations (CEPT) regarding the publication of the ECC Report 299 on Measures to address potential blocking of MES operating in bands adjacent to 1 518 MHz (including 1 525-1 559 MHz) at sea ports and airports.

<u>NCSR 7/12/8 (Secretariat)</u>: provides information on the outcome of the International Telecommunication Union (ITU) World Radiocommunication Conference 2019, on issues of relevance to IMO.

<u>NCSR 7/12/9 (Netherlands)</u>: comments on documents NCSR 7/12 (paragraphs 6.1 to 6.5) and NCSR 7/12/1 and proposes an alternative approach for solving the issue of Electromagnetic interference (EMI) effects of Light emitting diode (LED) lighting systems when co-located on board maritime vessels, and the EMI effects of LED on aeronautical systems.

<u>NCSR 7/12/10 (Republic of Korea):</u> provides comments on the report of the fifteenth meeting of the Joint IMO/ITU Experts Group on Maritime radiocommunication matters (NCSR 7/12) regarding the technical standardization for public mobile networks in the context of maritime safety. The report mentioned that IMO could be more proactive and get involved in the work of the 3rd Generation partnership project (3GPP) concerning maritime safety, taking into account the wide use in non-SOLAS vessels of public mobile broadband and the importance of emerging communication technologies which may enhance maritime safety and efficiency. It is proposed that IMO could keep monitoring and investigating the use of public broadband communication and get involved in the standardization work of emerging maritime communication technologies related to maritime safety. If necessary, IMO could offer appropriate support in standardization work to be harmonized with GMDSS.

<u>NCSR 7/INF.6 (IALA)</u>: provides an update in the considerations made by IALA with respect to the developments within 3GPP that may support the maritime domain.

<u>NCSR 7/INF.13 (China and France)</u>: presents test measurements of the NAVDAT system in MF and HF bands conducted by China and France, respectively.

a. <u>Revision of SOLAS Chapters IV</u>

On action points from NSCR 7/12 related to this subject matter, note primarily the comments under Agenda item 11.

b. <u>Harmonized System of Survey and Certification (HSSC)</u> <u>EU Relevance</u>

The survey guidelines under the harmonised system of survey and certification (HSSC) are a requirement under Regulation (EC) No 391/2009 on common rules and standards for ship inspection and survey organisations.

Consideration at NCSR 7

The Joint IMO/ITU Experts Group on Maritime Radiocommunication matters (action point 29 in NCSR 7/12) recommended that the Sub-Committee invites the III Sub-Committee to revise resolution A.1120(30) on Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2017 in accordance with the revision to SOLAS chapter IV. No action is required at this stage, but once the revision of Chapter IV is completed, consequential changes will have to be made to the HSSC.

c. <u>L-band maritime satellite communications</u>

EU Relevance

Decision (EU) 2018/661 amending Commission Implementing Decision (EU) 2015/750 on the harmonisation of the 1 427-1 517 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union, imposes limits on the out of band emissions of mobile networks into the adjacent 1518-1559 MHz band used for mobile earth stations (mobile satellite receivers on board vessels or airplanes). This Decision stipulates that:

- Member States shall ensure that the terrestrial mobile systems give appropriate protection to systems in adjacent bands (as above).
- The out-of-band emission limits are intended to provide appropriate protection of mobile satellite services operating in the 1 518-1 559 MHz frequency band, in particular at sea ports, airports and search and rescue ground stations of the mobile satellite service, from mobile services operating in the 1 492-1 517 MHz frequency band.
- Further national measures may be needed to improve protection of mobile satellite services in the band 1518-1 559 MHz.
- In addition, improvements in the receiver performance of mobile earth stations are needed in line with the objectives and requirements of the Radio Equipment Directive 2014/53/EU (RED) establishing a regulatory framework for placing radio equipment on the market.

<u>Background</u>

The European Conference of Postal and Telecommunications Administrations (CEPT) will develop station-to-mobile transmissions to provide additional broadband downlink capacity to mobile users in Europe. This decision could have a negative effect on the proper functioning of mobile earth stations, including INMARSAT terminals particularly around seaports and inland waterways. This could require the replacement of existing INMARSAT satellite terminals on ships and aircraft that could be subject to interference.

MSC 99 endorsed the proposal by NCSR 5 to instruct the Joint IMO/ITU Experts Group on Maritime radio-communication matters to prepare a liaison statement and submit it to ITU and CEPT. MSC 99, while noting the maritime safety implications, encouraged Member States to participate in the ITU and CEPT meetings since such meetings were primarily dominated by the mobile industry, including the mobile phone industry, and so had little awareness of maritime safety issues. The agreed liaison statement was sent to ITU and CEPT. ITU in its reply (NCSR 6/12/2) stated that it was carrying out studies which will address the potential interference. The results of the studies was to be shared with both IMO and IMSO. The EU position at NCSR 6 (Document 5098/1/19 Rev 1) was to:

'Support the initiatives undertaken by the IMO Secretariat, mentioned in NCSR 6/12, to protect the L-band maritime satellite communications, enabling a global protection of maritime mobile satellite systems consistent with the limits established in Decision (EU) 2018/661 amending Implementing Decision 2015/750 on the harmonisation of the 1452-1492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union as regards its extension in the harmonised 1427/1452 MHz and 1492-1517 MHz frequency bands.'

ECC in its Report 299 from March 2019 considered proportionate measures that administrations could apply to address potential blocking of MES operating in bands adjacent to 1518 MHz (including 1525-1559 MHz) at sea ports and airports. It proposed a phased approach – a transitional phase 1, when more stringent protection limits would apply to protect currently operating terminals which are more sensitive to blocking (two pfd limit options), to be followed by a phase 2 with more relaxed limits based on the out-of-band emission limits (-30 dBm) from Commission Implementing decision (EU) 2015/750. Based on a typical Inmarsat public service obligation, the proposed length of the transitional period is 5-7 years. Guidance to national authorities is also provided regarding which ports and airports should be protected.

Consideration at NCSR 7

NCSR 7/12 refers to the discussion on the issue of possible interference of terrestrial mobile communications with L-band maritime satellite communications. It notes that the Group considered document IMO/ITU EG 15/7 (Secretariat) containing a liaison statement from ECC CEPT referring to the availability of the ECC Report 299 "Measures to address potential blocking of MES operating in bands adjacent to 1 518 MHz (including 1 525-1 559 MHz) at sea ports and airports". This liaison statement is also included in NCSR 7/12/3. In document NCSR 7/12/7, Germany et al provide a draft reply to the ECC Report 299 highlighting that 7 years would be too short to replace MSS terminals on all vessels, taking into consideration the life-time of such equipment (up to 25 years) and the need to develop the appropriate legislation.

The problem seems to be that existing satellite receivers (e.g. Inmarsat) are not resilient and can pick up a lot of signals in adjacent bands, not only in their own band. They need to be improved and upgraded progressively in line with the requirements of the Radio Equipment Directive.

The provisions of the Implementing Decision gives Member States the flexibility to apply additional protection measures. The application of ECC Report 299 would not contradict the Implementing Decision, as Member States will be bound and able to apply its technical parameters. However, Member States may further restrict the deployment and operation of authorised national mobile networks near sea ports pursuant to ECC Report 299.

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d. <u>Outcome of the World Radiocommunication Conference 2019 (WRC-19)</u>

An overview of the outcome of WRC-19 is given in NCSR 7/12/8. Of particular importance to the EU are the new spectrum allocations for the development of the satellite component of the VHF data exchange system (VDES) (agenda item 1.9.2).

<u>Background</u>

The EU position at NCSR 6 (working document 5098/1/19 Rev 1 of 16 January 2019) was to:

"Support the finalisation at this session of the draft IMO position on WRC-19 agenda items concerning agenda item 1.9.2 (new spectrum allocations for the VDES satellite component)."

This subject is important for the EU in view of the use of AIS data in accordance with the VTMIS Directive 2002/59/EC, and projects being conducted by the Commission and EMSA related to the use of VDES. In particular, the satellite component (VDE-SAT) for the VDES could be used for the exchange of digital data communication from ship to shore and shore to ship, for example, to support the operation of maritime autonomous surface ships (MASS), mandatory reporting services, and digital certificates as well as other reporting services falling under 'Maritime Services' as identified in IMO's e-navigation Strategic Implementation Plan.

Furthermore, the EU positions at WRC-19 were defined by a Council Decision 10300/19, as adopted on 13 June 2019. Inter alia, EU positions were established in relation to the introduction of an additional satellite GMDSS provider, the regulation and harmonization of Autonomous Maritime Radio Devices and the allocation of the VDES satellite component. All WRC-19 outcomes related to the above-mentioned issues are in line with the Council Decision. Notable to mention is that NCSR 7/12/8 reports that ITU WRC-19, which was held in Sharm El-Sheikh, Egypt, from 28 October to 22 November 2019, allocated on a secondary basis the frequencies for the VDES satellite component (VDE-SAT). This will enable the VDES to be used for the exchange of digital data on a global scale.

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<u>Agenda item 13 – Revision of the Guidelines on places of refuge for ships in need of assistance</u> (resolution A.949(23))

Docs: NCSR 7/13

NCSR 7/13 (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom, European Commission, ICS, IUMI, IAPH, BIMCO, IACS, ISU, INTERTANKO and P&I Clubs): sets out a preliminary draft structure and revision of the Guidelines. This is proposed in order to make the Guidelines clearer, up to date and more operational, ensuring that they continue to serve as an effective instrument providing support for all parties involved in handling a ship in need of assistance seeking a place of refuge.

<u>EU relevance</u>

Article 20a of Regulation 2002/59/EC on plans for the accommodation of ships in need of assistance directly addresses this issue and refers to the current IMO Guidelines in IMO Resolutions A.949(23) and A.950(23).

<u>Background</u>

MSC 100 approved the request, made in document MSC 100/17/1 (+Corr.1) by the EU Member States, the Commission and concerned industry bodies, for a new output to update the current IMO resolution A.949(23) on Guidelines on places of refuge for ships in need of assistance. The submission sought to ensure that the IMO resolution remains up to date and continues to serve as an effective instrument providing a clear framework, to deal with a ship seeking a place of refuge, in a consistent and harmonized manner globally.

Consideration at NCSR 7

The very fruitful collaboration between EU Member States and industry continued meeting the overall declared joint aim to make a submission to IMO resulting in NCSR 7/13 which proposes amendments to the IMO Guidelines on places of refuge. **DELETED**

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Agenda item 14 – Developments in GMDSS satellite services

Docs: NCSR 7/14, NCSR 7/14/1-3, NCSR 7/INF.16

<u>NCSR 7/14 (China)</u>: presents, in the annex, information on pre-assessment of the BeiDou Message Service System (BDMSS) in relation to the criteria established by resolution A.1001(25), for consideration by the Sub-Committee in its evaluation and recognition of BDMSS as a Global Maritime Distress and Safety System (GMDSS) service provider.

<u>NCSR 7/14/1 (Cospas-Sarsat Secretariat)</u>: provides a status report on the Cospas-Sarsat system, including system operations, significant developments, space and ground segments, beacons, false alerts, reporting by Rescue coordination centres (RCCs) on the use of the distress alert data provided and the results of Mission control centre-Single point of contact (MCC-SPOC) communication tests, and seeks NCSR views on these matters.

<u>NCSR 7/14/2 (IMSO)</u>: contains the annual report by the International Mobile Satellite Organization (IMSO) to IMO on Inmarsat's public service obligations for the provision of recognized mobile satellite communication services in the GMDSS, as overseen by IMSO.

<u>NCSR 7/14/3 (Australia)</u>: The approval by IMO and pending operational introduction of Iridium as a recognized mobile satellite service provider in GMDSS, offers the prospect of improvements in the capability, redundancy and coverage of GMDSS. It also results in a range of operational implementation issues that are being addressed unilaterally by Australia and many other Member States. It would be beneficial to articulate these issues for further discussion at IMO, to ensure that the operational introduction of Iridium by Maritime safety information providers occurs smoothly.

<u>NCSR 7/INF.16 (IMSO)</u>: provides information regarding the progress on implementation of the recognized maritime mobile satellite services by Iridium, as monitored by IMSO.

<u>EU relevance</u>

In document NCSR 7/14/2, IMSO again highlights the problem related to the possible interference of terrestrial mobile communications with L-band maritime satellite communications. Note also the relevant text included under agenda item 12.

NCSR 7/14/1 notes the contribution of the European Commission to the development of the MEOSAR system through the deployment of Galileo satellites.

Agenda item 15 – Further development of the provision of global maritime SAR services

No Docs.

<u>Agenda item 16 – Guidelines on harmonized aeronautical and maritime search and rescue</u> procedures, including SAR training matters

Docs: NCSR 7/16, NCSR 7/16/1-2, NCSR 7/INF.3, NCSR 7/INF.5

<u>NCSR 7/16 (Secretary-General)</u>: contains in the annex the report of the twenty-sixth meeting of the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime Search and Rescue, which was held in Viña del Mar, Chile, from 9 to 13 September 2019.

<u>NCSR 7/16/1 (United States)</u>: provides an overview on implementation of autonomous distress tracking of aircraft in flight and proposes guidance information for all SAR services.

<u>NCSR 7/16/2 (United States)</u>: The United States is conducting trials which would enable distressed aircraft about to ditch to locate and alert nearby ships using GMDSS technology.

<u>NCSR 7/INF.3 (Argentina and Chile)</u>: describes the activities of the twenty-first Combined Antarctic Naval Patrol carried out by the submitting States.

<u>NCSR 7/INF.5 (Georgia)</u>: provides information on harmonization of maritime search and rescue procedures, including SAR training matters carried out in the Black Sea area and the summary of outcome of the 15th Black Sea Conference on Maritime search and rescue (Black Sea SAR Conference), which was held in Batumi, Georgia, on 11 and 12 September 2019.

Consideration at NCSR 7 - Galileo Return Link Service

Galileo, which is the global navigation satellite system (GNSS) developed by the EU, provides, among other services, a SAR service which includes a Return Link Service (RLS) to provide the end user with an acknowledgement that the distress message had been processed by the system.

Section 7.5 of the report of the 26th meeting of the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime Search and Rescue (JWG) (NCSR 7/16) reports the discussion on the two information documents submitted by the EC (IP.7 and WP.30) on the Galileo RLS.

In respect of the first document (IP.7) concerning the Return Link Message (RLM) Type 1, the JWG noted that in the past it had already recognised that such messages were beneficial. In fact, COMSAR 16 had endorsed the acceptability of the RLM Type-1 including the optional inclusion of this functionality within distress beacons.

As regards the second document (WP.30) on a two-way communication via RLS the JWG confirmed its previous position that while there could be some interest in this service it still could not support the introduction of a 2-way messaging system. The ICAO/IMO JWC-26 then deferred the discussion about the two-way communication via Galileo Return Link Service unless otherwise instructed by IMO or ICAO (para 7.5.9 of the report).

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In relation to this functionality, the report refers back to concerns raised in 2012 about the language barrier and latency. At the present status of development, these issues have been analysed and solutions have been proposed.

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Agenda item 17 – Amendments to the IAMSAR Manual

No Docs.

<u>Agenda item 18 – Unified interpretation of provisions of IMO safety, security, and environment-related conventions</u>

Docs: NCSR 7/18, NCSR 7/18/1

<u>NCSR 7/18 (IACS and CIRM)</u>: seeks clarification on whether expired primary batteries can be used to examine and check the operation of survival craft portable two-way VHF radiotelephone apparatus.

<u>NCSR 7/18/1 (CIRM)</u>: proposes a unified interpretation of resolution MSC.149(77) relating to battery validity dates for survival craft portable two-way VHF radiotelephone apparatus

EU Relevance

Survival craft portable two-way VHF radiotelephone apparatus forms part of Directive 2014/90/EU on marine equipment as it is listed in section 5.17 of Commission Implementing Regulation (EU) 2019/1397 of 6 August 2019 on design, construction and performance requirements and testing standards for marine equipment. The IMO Resolution MSC.149(77) on the adoption of the revised performance standards for survival craft portable two-way vhf radiotelephone apparatus is referred to in Commission Implementing Regulation (EU) 2019/1397. As a result, the matter falls into exclusive EU competence.

TREE.2.A

Consideration at NCSR 7

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Agenda item 19 - Validated model training courses

No Docs.

Agenda item 22 – Any other business

Docs: NCSR 7/22, NCSR 7/22/1-7, NCSR 7/INF.9, 12, 14, 17, 19 and 20

<u>NCSR 7/22 (International Electrotechnical Commission (IEC)</u>: IEC TC80 prepares standards to support the performance standards of the Organization. The Sub-Committee is invited to note the progress in the work.

<u>NCSR 7/22/1 (Secretariat)</u>: provides information on IMO publications related to navigation, communication and search and rescue, and makes recommendations to enhance the quality and contents of IMO publications.

<u>NCSR 7/22/2 (Canada)</u>: Challenges have been encountered with the portrayal of Maritime Safety Information (MSI) because of guidance provided in SN.1/Circ.243/Rev.2. Clarification from the Sub-Committee is requested on the degree of flexibility that can be exercised by the International Hydrographic Organization's S-124 Correspondence Group when developing portrayal for MSI.

<u>NCSR 7/22/3 (Republic of Korea)</u>: proposes development of the guidelines for the use of Electronic nautical publications (ENPs) in order to unify implementation of SOLAS regulation V/19.2.1.4.

<u>NCSR 7/22/4 (Georgia and Ukraine)</u>: draws the attention of the Sub-Committee to the Russian Federation's unlawful unilateral actions in the northern and eastern parts of the Black Sea, the Sea of Azov and the Kerch Strait, including the maritime areas adjacent to the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, and the Autonomous Republic of Abkhazia, Georgia, both temporarily occupied by the Russian Federation (hereinafter "Crimea" and the "Abkhazia region"), and the consequences of such unlawful actions for search and rescue operations in these maritime areas.

<u>NCSR 7/22/5 (IHO)</u>: reports on the status of IHO's ECDIS-related standards, presents a roadmap of the introduction of the next generation of S-101 Electronic navigational charts (ENC) and explains the resulting implications for existing and new ECDIS installations. It is part of the continuing monitoring by IHO of ECDIS issues related to the implementation of the carriage requirements in SOLAS regulations V/19.2.10 and 11.

<u>NCSR 7/22/6 (United States)</u>: In June 2019, the Maritime Safety Committee adopted resolution MSC.471(101), updating the performance standards for float-free Emergency position-indicating radio beacons (EPIRB) operating on 406 MHz. The existing performance standards for shipborne Simplified voyage data recorders (S-VDRs), resolution MSC.163(78), references resolution A.810(19) and should be updated appropriately to include MSC.471(101).

<u>NCSR 7/22/7 (United States)</u>: In June 2019, the Maritime Safety Committee adopted resolution MSC.471(101), updating the performance standards for float-free Emergency position-indicating radio beacons (EPIRB) operating on 406 MHz. The existing performance standards for Voyage data recorders (VDR), resolution MSC.333(90), references resolution A.810(19) and should be updated appropriately to include resolution MSC.471(101).

<u>NCSR 7/INF.9 (Japan)</u>: provides information on confirmed cases of the use of Automatic identification system (AIS) in the sea area around Japan, that may be confused with actual maritime accidents, to share its concern and ask for cooperation to prevent such cases.

<u>NCSR 7/INF.12 (IMO and WMO Secretariats</u>): contains in the annex the preliminary report of the WMO/IMO International Symposium on Extreme Maritime Weather: Towards Safety of Life at Sea and a Sustainable Blue Economy, held from 23 to 25 October 2019 in IMO Headquarters.

<u>NCSR 7/INF.14 (Republic of Korea)</u>: reports on the highlights of the third e-Navigation Underway Asia-Pacific Conference, held at Millennium Hilton Seoul hotel, on 2 to 3 September 2019.

<u>NCSR 7/INF.17 (International Maritime Pilots' Association (IMPA))</u>: covers the attached safety campaign/survey results, collected by IMPA.

<u>NCSR 7/INF.19 (United States)</u>: The Automated Merchant Vessel Reporting (Amver) programme provides assistance to mariners in distress through voluntary support from participating vessels. The Amver Center operates and maintains a vessel plot database, a valuable Search and rescue (SAR) tool for the international maritime community, and provides SAR surface pictures (SURPIC) of participating Amver vessels to requesting Rescue Coordination Centres, free of charge, and enables timely assistance in many distress situations. This document provides the Amver annual report and performance metrics for the 2018 calendar year.

<u>NCSR 7/INF.20 (China)</u>: provides considerations on the future revision of ECDIS – Guidance for Good Practice (MSC.1/Circ.1503/Rev.1).

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Emergency position-indicating radio beacons (EPIRB) and Voyage Data Recorders (VDR) – <u>NCSR 7/22/6-7</u>

EU relevance

Directive 2002/59/EC, on vessel traffic monitoring and information systems (VTMIS Directive), as amended, requires that certain ships should be fitted with a VDR in accordance with the technical and performance standards laid down in Chapter V of SOLAS. In addition, VDRs, as well as EPIRBs, form part of Directive 2014/90/EU on marine equipment as they are listed in the Commission Implementing Regulation (EU) 2019/1397 of 6 August 2019 on design, construction and performance requirements and testing standards for marine equipment. Both resolution MSC.163(78) and resolution MSC.333(90) are referred to in Commission Implementing Regulation (EU) 2019/1397. As a result, the matter falls under exclusive EU competence.

Consideration at NCSR 7

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<u>Search and rescue operations in the maritime areas appertaining Ukraine and Georgia – NCSR</u> <u>7/22/4</u>

Ukraine and Georgia, in document NCSR 7/22/4, raise the issue of Russia's illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol as well as the Autonomous Republic of Abkhazia, Georgia. Ukraine and Georgia emphasise that the Russian Federation's claim to be responsible for implementing IMO instruments and Search and Rescue operations in the maritime areas appertaining to the Ukraine and Georgia infringe upon their rights as the coastal States for those areas and are unlawful and invalid as they violate those rights. In the document Ukraine and Georgia therefore emphasise that they are unable to conduct search and rescue operations in the maritime areas in the northern and eastern parts of the Black Sea, the Sea of Azov and the Kerch Strait, including the maritime areas adjacent to Crimea and the Abkhazia region.

As regards to Ukraine, the Commission would draw EU Member States' attention to IMO Circular letter 4017 of 19 August 2019, in which Ukraine provides a comprehensive report detailing the threats to the security and safety of navigation in the maritime areas appertaining to the temporarily occupied territory of the Autonomous republic of Crimea and the city of Sevastopol. The Ukraine has indicated its intention to continue to make such reports on a regular basis.

*The established position of the Union is*⁷:

• The European Union does not recognise and continues to condemn the illegal annexation of Crimea and Sevastopol to the Russian Federation, as stated in the European Council conclusions in March 2014 and repeated in numerous occasions after that.

⁷ Council document EUCO 7/1/14 Rev.1 of 21 March 2014 Council Decision 2014/145/CFSP of 17 March 2014 (OJ L 078, 17.3.2014, p.16) as amended

• The European Union has put in place a number of restrictive measures in response to the illegal annexation of Crimea and Sevastopol and Russia's actions destabilising the situation in Ukraine. The restrictive measures have been adopted in accordance with Chapter 2 of Title V of the Treaty on European Union on Common Foreign and Security Policy (CFSP), under the procedure established in Article 215 of the Treaty on the Functioning of the European Union. European Union Member States should pay due regard to these measures when considering the relevant submissions by Ukraine.

• The EU position was last reconfirmed in a Declaration by the High Representative on behalf of the EU on 17 March 2019 (https://www.consilium.europa.eu/en/press/press-releases/2019/03/17/declaration-by-the-high-representative-federica-mogherini-on-behalf-of-the-eu-on-the-autonomous-republic-of-crimea-and-the-city-of-sevastopol/).

• The EU expects Russia to ensure free and unhindered passage of all ships through the Kerch Strait to and from the Azov Sea, in accordance with international law.

• The EU non-recognition policy of the illegal annexation, as agreed by Member States in Council, requires that "whenever Russia refers to Crimea and Sevastopol as part of the Russian Federation in multilateral fora, such as the UN, the OSCE, the Council of Europe and WTO, the EU makes a statement in response to remind the world that it does not recognise the illegal annexation".

• The earlier EU positions on this issue, agreed for the MSC 101 meeting in June 2019 and III 6 in July 2019, remain valid.

As regards the situation in Georgia, the established position of the Union is⁸:

The European Union's commitment to a peaceful resolution of the conflicts in Georgia remains as strong as ever. The European Union reiterates its firm support to the sovereignty and territorial integrity of Georgia within its internationally recognised borders.

The European Union remains heavily engaged in conflict resolution efforts in Georgia, including by co-chairing the Geneva International Discussions, the activities of the EU Special Representative and of the EU Monitoring Mission (EUMM) on the ground. Unfortunately, Russia is supporting, including by military means and in violation of international law and commitments undertaken under the EU-mediated 12 August 2008 agreement, a further separation of Abkhazia and South Ossetia from the rest of Georgia.

• The statement, which reflects the EU established positions, to be read in respect of NCSR 7/22/4 is the following:

"More than five years on from the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, the European Union remains firmly committed to Ukraine's sovereignty and territorial integrity.

The European Union reiterates that it does not recognise and continues to condemn this violation of international law. It remains a direct challenge to international security, with grave implications for the international legal order that protects the unity and sovereignty of all states.

⁸ Council document on the Council conclusions of the 3191st Foreign Affairs Council meeting in Luxembourg, 15 October 2012

Moreover, the European Union condemns the lengthy Russian inspection regime for cargo vessels coming from Ukraine's ports in the Azov Sea or heading towards them and the hindrance to shipping that Russia's construction of the Kerch Bridge between the Crimean Peninsula and the Russian Federation has caused.

The European Union remains committed to fully implementing its non-recognition policy, including through restrictive measures. The EU calls again on UN Member States to consider similar non-recognition measures in line with the UNGA Resolution 68/262.

The European Union also remains fully committed to peaceful conflict resolution in Georgia and reiterates its firm support for the sovereignty and territorial integrity of Georgia within its internationally recognised borders."

Electronic Chart Display and Information System (ECDIS) – NCSR 7/22/5

<u>EU relevance</u>

ECDIS standards are covered under the Commission Implementing Regulation (EU) 2019/1397 of 6 August 2019 on design, construction and performance requirements and testing standards for marine equipment (as part of Directive 2014/90/EU on marine equipment), and which include a reference to resolution MSC.232(82). The matter therefore falls within exclusive EU competence.

Consideration at NCSR 7

In document NCSR 7/22/5, the IHO provides an overview of its work on updating ECDIS-related standards and presents a ten-year roadmap (2020-2030) for the introduction of the next generation of S-101 Electronic navigational charts (ENC). **DELETED**

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