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Agenda item 9

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RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

Recognition of new satellite communication providers for the GMDSS

Submitted by IMSO

SUMMARY

Executive summary: This document provides information on actions undertaken by IMSO in preparation for the recognition of new mobile satellite communication system for the GMDSS

Strategic direction: 5.2

High-level action: 5.2.5

Planned output: 5.2.5.5

Action to be taken: Paragraph 16

Related documents: MSC 92/9/2 and resolution A.1001(25)

Introduction

1 This document is submitted in accordance with the related provisions of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.2), and provides information on actions undertaken by IMSO in preparation for the assessment of the capabilities, recognition and oversight of new mobile satellite communication systems for the GMDSS, to be noted by the Committee when considering document MSC 92/9/2 on recognition of the Iridium mobile-satellite system.

2 Since the adoption of resolution A.1001(25) on *Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS)*, IMSO has promoted the incorporation of new mobile satellite communication providers into the GMDSS. Contacts with different potential providers have been maintained and several presentations have been organized by the IMSO Directorate to keep IMSO Member States updated about developments.

3 In particular, representatives of Iridium attended meetings of the IMSO Advisory Committee and participated in the drafting of the Reference Public Services Agreement and other relevant documentation which were subsequently approved by the IMSO Assembly. A presentation was made by Iridium in January 2009 during the twenty-third session of the

IMSO Advisory Committee. IMSO Directorate has continued to provide information and advice to Iridium in relation to obligations and technical, operational and other requirements in relation to GMDSS.

Legal matters: IMSO Convention

4 Following adoption of resolution A.1001(25) and the decision of the Committee, at its eighty-second session, that the oversight of future satellite providers in the GMDSS should be undertaken by the International Mobile Satellite Organization, the IMSO Assembly, at its twentieth session in September/October 2008, adopted amendments to the IMSO Convention to expand the oversight of GMDSS services to any new satellite service provider recognized by the Committee. The IMSO Assembly also decided that the amendments to the Convention shall enter into force on the basis of provisional application with effect from 6 October 2008.

5 Article 3 "Primary Purpose" of the IMSO Convention, as amended, states as follows:

(1) *The Primary Purpose of the Organization is to ensure the provision, by each Provider, of maritime mobile satellite communications services for the GMDSS according to the legal framework set up by IMO.*

(2) *In implementing the Primary Purpose set out in paragraph (1), the Organization shall:*

(a) *act exclusively for peaceful purposes; and*

(b) *perform the oversight functions in a fair and consistent manner among Providers.*

6 Article 6 "Facilitation" of the IMSO Convention, as amended, specifies that:

(1) *Parties shall take appropriate measures, in accordance with national laws, to enable Providers to provide GMDSS services.*

(2) *The Organization, through existing international and national mechanisms dealing with technical assistance, should seek to assist Providers in their effort to ensure that all areas, where there is a need, are provided with mobile satellite communications services, giving due consideration to the rural and remote areas.*

Administrative matters: Public Services Agreements

7 Any recognized provider of maritime mobile satellite communications services for use in the GMDSS shall be subject to oversight by IMSO according to the rules and arrangements set out in the Public Services Agreement (PSA) concluded between the Service Provider and IMSO (resolution A.1001(25), annex, section 2.4 refers).

8 Article 5 "Oversight of the GMDSS" of the IMSO Convention, as amended, also specifies that:

(1) *The Organization shall execute a Public Services Agreement with each Provider, and shall conclude such other arrangements as may be necessary to enable the Organization to perform its oversight functions, and to report as well as make recommendations, as appropriate.*

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- (2) *Oversight of Providers by the Organization shall be based on:*
- (a) *any specific conditions or obligations imposed by the IMO during, or at any stage after, the recognition and authorization of the Provider;*
 - (b) *relevant international regulations, standards, recommendations, resolutions and procedures relating to the GMDSS;*
 - (c) *the relevant Public Services Agreement and any other related arrangements concluded between the Organization and the Provider.*
- (3) *Each Public Services Agreement shall include, inter alia, general provisions, common principles and appropriate obligations for the Provider in accordance with a Reference Public Services Agreement and guidelines developed by the Assembly, including arrangements for the provision of all the information necessary for the Organization to fulfil its purpose, functions and duties, consistent with Article 3.*
- (4) *All Providers shall execute Public Services Agreements which shall also be executed by the Director General on behalf of the Organization. Public Services Agreements shall be approved by the Assembly. The Director General shall circulate the Public Services Agreements to all Parties. Such Agreements shall be considered approved by the Assembly unless more than one-third of the Parties submit written objections to the Director General within three months from the date of circulation.*

9 To that end, the IMSO Assembly, at its twentieth session, adopted the Reference Public Service Agreement that should be executed between IMSO and each new GMDSS provider recognized by the Committee, the full text of which is available at www.imso.org (Basic Documents).

10 It should be noted that a Public Services Agreement was executed between IMSO and Inmarsat in April 1999, following its restructuring and privatization. In accordance with Article 18 thereof, that Agreement may be terminated inter alia when IMO determines that the GMDSS requirements are being satisfied by other satellite system operators.

11 At such time, it is to be expected that a new Public Services Agreement would be executed between IMSO and Inmarsat, based on the approved Reference Public Services Agreement, thereby ensuring equal and non-discriminatory conditions for each recognized mobile satellite communications provider operating in the GMDSS.

Financial matters

12 As set out in Article 13 of the IMSO Convention, IMSO's costs are paid by the GMDSS Providers and, in relation to LRIT, by entities with which IMSO has entered into Services Agreements and/or contracts, and are apportioned between them according to the Business Plan and Budget Arrangements approved by the IMSO Assembly. IMSO has established accounting systems and procedures that allow complete financial separation of the different business streams (GMDSS and LRIT).

13 According with the Revised Budget Arrangements adopted by the IMSO Assembly at its twenty-second session in June 2012, the costs of IMSO's activities relating to GMDSS are paid on an annual basis by the GMDSS provider(s). These costs shall be apportioned between all providers of satellite communications services for the GMDSS that are subject to oversight by IMSO and for which a Public Services Agreement is in force.

14 However, the apportionment criteria have not yet been established until details of any new provider are known, and will be subject to decision by the IMSO Assembly. The IMSO Business Plan will therefore be revised to accommodate any future new GMDSS provider recognized by the Committee, to define the apportionment criteria of costs between those providers.

15 In anticipation of any work which the IMSO Directorate may need to undertake in the process of recognition of new GMDSS providers, the IMSO Assembly has established specific measures, in the form of daily fees, to finance any GMDSS work not related to an existing GMDSS provider which is subject to IMSO oversight.

Action requested of the Committee

16 IMSO invites the Committee to note the information provided in this document when considering document MSC 92/9/2 on recognition of the Iridium mobile-satellite system, and in particular that:

- .1 IMSO has taken legal, administrative and financial measures that would enable IMSO to undertake the assessment and subsequent oversight of any new mobile satellite communication system for the GMDSS that is recognized by the Committee; and
- .2 should the Committee agree to request IMSO to undertake a technical and operational assessment at an early date and submit its report for consideration by the NCSR Sub-Committee, as indicated in paragraph 7.4 of document MSC 92/9/2, IMSO would be ready and able to do so.