

Commonwealth of Dominica



Office of the Maritime Administrator

TO: All Vessel Owners, Operators, Crew Managers, Mariners and Regional Offices

SUBJECT: Automatic Identification Systems (AIS)

APPLICABILITY: All Commonwealth of Dominica registered vessels

Automatic Identification System Requirements

The International Maritime Organization (“IMO”) established mandatory carriage requirements for approved Automatic Identification System (“AIS”) equipment under Regulation V/19 of the International Convention for the Safety of Life at Sea (“SOLAS”). The carriage requirements apply to:

- (a) all ships* of 300 gross tons (“GT”) and upwards engaged on international voyages;
- (b) cargo ships of 500 GT and upwards not engaged on international voyages; and
- (c) all passenger ships irrespective of size.

**All Ships* means any ship, vessel or craft irrespective of type and purpose. Therefore, these regulations shall apply to all registered private and commercial yachts and fishing vessels.

REQUIREMENTS:

1. Implementation

All ships must be fitted with approved AIS, as the IMO timetables for implementation have expired.

2. Operation

SOLAS requires that all ships fitted with AIS maintain the AIS in operation at all times, except where international agreements, rules, or standards provide for the protection of navigational information. With respect to this requirement, Masters should reference SOLAS, Regulation XI-2/8, entitled “Masters” discretion for ship safety and security”. This regulation reinforces and provides the Master with significant discretion concerning the safety and security of his or her ship where continued operation of the AIS would pose a higher risk.

For example, within ports, information on the location of all ships will be particularly valuable to port authorities and other vessels in the vicinity. However, there may be circumstances that would be considered high risk, such as during volatile cargo transfers within storage terminals, where continued use of the AIS may not be allowed. Continued use of the AIS while transiting areas known for incidents of armed robbery and piracy, such as the Straits of Malacca, may also be considered a very high risk. For these and similar other reasons, the ship’s Master may exercise discretionary authority to switch AIS off if safety is deemed to be compromised by its continued operation. Such action, however, shall be properly recorded in the official log and reported to the Company Security Officer and any Coastal State Authority with a vested interest in accordance with the Ship Security Plan provisions. Safety concerns shall always override those of maritime security.

3. Annual Testing

In accordance with SOLAS V/18.9:

“The Automatic Identification System (AIS) shall be subjected to an annual test. The test shall be conducted by an approved surveyor or an approved testing or servicing facility. The test shall verify the correct programming of the ship static information, correct data exchange with connected sensors as well as verifying the radio performance by radio frequency measurement and on-air testing using e.g., a Vessel Traffic Service (VTS). A copy of the test report shall be retained on board the ship.”

The Guidelines on Annual Testing of the Automatic Identification System (AIS) is contained in MSC.1/Circ.1252, although predating some SOLAS regulations, have not been revoked. The Dominica Maritime Administration gives effect to these

guidelines provided that the approved surveyor or approved testing or servicing facility is authorized by an approved Recognized Organization.

4. United States Coast Guard (“USCG”) Regulatory Compliance

On 15 August 2003, the USCG set policy for ships trading with the U.S. When an amendment to SOLAS Chapter V and a provision in USCG regulations address the same navigational safety concern and when applying both would result in an unnecessary duplication of inconsistency between Chapter V and the USCG regulation, the USCG will accept the provision under Chapter V as meeting the corresponding USCG regulation. This will apply to dates of implementation of the respective requirements. In other words, if a vessel meets the SOLAS requirements, the vessel will also meet the requirements of any future USCG regulations regarding SOLAS navigational equipment, including AIS.

The U.S. Code of Federal Regulations, Title 33, subpart 164.46, applies to vessels, structures, and facilities of any kind located under, in, on, or adjacent to waters subject to the jurisdiction of the U.S. Masters and shipowners should be familiar with these regulatory requirements as they may apply to their vessels operating in U.S. waters.

5. AIS Manipulation Identified as Sanctions/Illicit Activity Risk

Vessels subject to sanctions, or engaged in illicit activity, have been identified as often intentionally disabling their AIS transponders to mask their movements. Similarly, vessels with which sanctioned vessels conduct ship-to-ship transfers will typically disable AIS to evade detection to facilitate illicit trade. This tactic, whether employed by sanctioned or 3rd party vessels, is a red flag for potentially illicit activity and is a violation of international regulations.

6. Insurance Issues relating to AIS Requirements

In accordance with United Nations Security Council (“UNSC”) recommendations, protection and indemnity insurance and reinsurance companies, as well as petroleum product trading, refining and producing companies now include “AIS switch-off clauses”, as well as employ AIS screening in contracts for at-risk vessels operating in relevant regions. Vessels failing to comply with AIS requirements therefore risk invalidation of their P&I and other insurance coverage required for vessel registration.

Required Action by Owners/Operators

Owners are required to ensure that their vessels comply with the applicable AIS requirements. Owners and Masters are also required to ensure that the annual testing of AIS on their vessel(s) is completed as required and the report of which is maintained on board and logged according.

Violations

Any vessel found to have their AIS terminal deactivated or not reporting in violation of the applicable regulations listed above may be subject to the imposition of a fine up to the amount of \$50,000.00 USD per incident. Vessels may incur additional penalties for failure to maintain mandatory insurance coverage as a result of AIS non-compliance.

Any questions can be directed to:

Technical Department
Tel: + 1 508 992 7170
e-mail: technical@dominica-registry.com

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