

Commonwealth of Dominica



Office of the Maritime Administrator

Policy Letter: 02-17 – Maritime Mobile and Maritime Mobile Satellite Radio Services Accounting Authority Approval and Operating Procedures

Applicability: All Ship owners, Operators and Masters and Officers of Merchant Ships, Authorized Classification Societies and Approved Accounting Authorities

1. Vessel Radio Accounting Authority Requirements

- 1.1 The International Telecommunication Union (“ITU”) Convention currently in force provides for Accounting Authorities to settle maritime radio communication accounts for ships licensed by the Administration.
- 1.2 It is mandatory that all international maritime radio traffic charges for radio communication from ship to shore, both terrestrial and satellite, shall be settled by an approved Accounting Authority which has the legal contract with the owner of the vessel.
- 1.3 No ship is entitled to be registered or to maintain registration under the Dominica Flag unless the owner shall have entered a into valid contract with an Accounting Authority approved by the Administration. The approved Accounting Authority, pursuant to the terms of the contract, shall assume the maritime mobile and maritime mobile-satellite radio services accounting obligation and may assume responsibility for obtaining the vessel's Ship Radio Station License.
- 1.4 The approved Accounting Authority for the vessel shall be fully responsible for the payment of the radio communication charges including all activation and deactivation fees. The approved Accounting Authority must give a guaranty to the Dominica Government, through the Administration, that no charges will accrue to the account of the Dominica Government and ensure that the guaranty remains fully effective.
- 1.5 All ship owners, operators, and managers should ensure that all radio traffic charges are sent to the approved Accounting Authority only, and not to any third party. In the event

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that an approved Accounting Authority does not remit proper and timely payments on behalf of the ship station licensee:

- .1 The ship station licensee will be responsible for making arrangements for another approved Accounting Authority to perform future settlements;
 - .2 The ship station licensee will settle any outstanding accounts due to radio stations or communications entities;
 - .3 Neither the Administration nor its agent will be liable for any outstanding accounts due to radio stations, approved Accounting Authorities, or any other communications entities.
- 1.6 The list of radio service companies approved by the Administration as Accounting Authorities will be updated periodically as entities are added or removed from the list. The list of approved Accounting Authorities is available on the Administration's website web-site: <http://dominica-registry.com/accounting-authorities.html>.

2. **Approval of Radio Accounting Authorities**

The Administration is responsible for approving accounting authorities that wish to provide settlement services for Dominica registered vessels. The Rules for certification are provided at Annex I of this Policy Letter. Entities that wish to become an approved accounting authority for Dominica flagged vessels will need to complete an application for certification, Annex II, and contact the Administration's Technical Department by email: technical@dominica-registry.com.

Any questions can be directed to:
Technical Department
Tel: + 1 508 992 7170
E-mail: technical@dominica-registry.com

ANNEX I

Rules for Certification of Maritime Mobile and Maritime Mobile Satellite Radio Services Accounting Authorities

1. Purpose

The following rules delineate the Commonwealth of Dominica's requirements for certifying and monitoring Accounting Authorities in the maritime mobile and maritime mobile-satellite radio service areas. Accounting Authorities settle accounts for public correspondence for messages transmitted at sea by or between maritime mobile stations located on board Dominica registered vessels and utilizing coast and coast earth station facilities.

2. Basic Qualifications

2.1 Applicant Organizations must:

- .1 Meet the requirements and conditions contained in these rules in order to be certified as an Accounting Authority ("AA"). No individual or other entity, including accounting authorities approved by other administrations, may act as a Dominica accounting authority and settle accounts of Dominica registered vessels in the maritime mobile or maritime mobile-satellite services without a certification from the Administration.
- .2 Provide formal documentation and proof of their ability to settle accounts.
- .3 Agree to pay the required fees prescribed herein.

3. Application

- 3.1 Written application must be made to the Administration on Application for Certification and Re-Certification as an Accounting Authority which is contained in Annex II of this Policy Letter. Additional copies may be obtained from the Administration by sending an e-mail or fax request to the Technical Department, Dominica Maritime Administration: email: technical@dominica-registry.com or fax +1 508 992 7120.
- 3.2 All applicants shall submit one signed original copy of the form with a processing fee of US \$500.
- 3.3 The application shall be signed by the individual, partner or primary officer of a corporation who is legally able to obligate the entity for which he or she is a representative.

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- 3.4 Applications should be mailed at least 30 days prior to scheduled commencement of settlement activities to allow time for the Administration to review the application.
- 3.5 The Certificate is valid for five (5) years at which time a new Application must be submitted to renew the Certificate.
- 3.6 All applicants for renewal of their Certificates shall submit one signed original copy of the form with a renewal processing fee of US \$250.

4. Approval

- 4.1 The Administration will notify each applicant in writing as to whether the applicant has been approved as an accounting authority. A Certificate of Authorization will be issued to each approved applicant.
- 4.2 The Administration will notify the International Telecommunication Union (“ITU”) and other applicable authorities within thirty (30) days of any changes to its approved list of Accounting Authorities.

5. Accounting Authority Identification Code (AAIC)

- 5.1 A certified Accounting Authority maintaining settlement operations outside the Commonwealth of Dominica will be assigned the same AAIC as that originally assigned to such entity by the administration of the country of operation. However, in no case will an entity be certified as an accounting authority for settlement of Dominica licensed vessel accounts unless the entity has already been issued an AAIC by another administration.
- 5.2 Accounting Authorities with settlement operations within Dominica will be assigned the AAIC of the Commonwealth of Dominica and will not be subject to Section 5.1.
- 5.3 No entity will be entitled to or assigned more than one AAIC.
- 5.4 AAICs may not be reassigned, sold, bartered or transferred and do not convey upon sale or absorption of a company or firm without the express written approval of the Administration. The Administration will not unduly deny such a request.

6. Operations

- 6.1 All Accounting Authority operations must be conducted in accordance with applicable Dominica Maritime Law, Rules and Regulations, the International Telecommunication Regulations (“ITR”), and other international rules, regulations, agreements, and, where appropriate, ITU-T Recommendations to which Dominica is a party.

6.2 Ship owners are responsible for the selection of the Accounting Authority of their choice provided that such Accounting Authority is recognized by the Commonwealth of Dominica.

7. **Settling of Accounts**

7.1 All maritime telecommunications accounts should be timely paid in accordance with applicable ITU Regulations and ITR requirements. Accounting Authorities are deemed to be responsible for remitting, in a timely manner, all valid amounts due to earth stations, other applicable communication administrations or their agents. Settlements must adhere to the standards set forth in these rules and must be in accordance with the ITR taking into account the applicable ITU-T Recommendations and other guidance issued by the Administration.

7.2 Accounting Authorities must cooperate fully with the Administration in all respects concerning international maritime settlements issues, including the resolution of questions of fact or other issues arising as a result of settlement operations.

8. **Annual Review**

Accounting Authorities accept their certifications on condition that their settlement activities may be audited with respect to Dominica vessels by the Administration or its duly authorized representative. Additionally, the Administration reserves the right to verify any statement(s) made or any materials submitted to the Administration under these rules. Failure to respond satisfactorily to any audit findings is grounds for forfeiture or suspension or cancellation of authority to act as an Accounting Authority for Dominica vessels.

9. **Retention of Settlement Records**

Accounting Authorities must retain, for the purpose of compliance with these rules, all settlement records for a period of at least five years following settlement of an account.

10. **Cessation of Operations**

10.1 The Administration must be notified immediately should an Accounting Authority plan to relinquish its certification or cease to perform settlements as authorized.

10.2 When an Accounting Authority is transferred, merged or sold, the new entity must apply for certification in its own right if it is interested in becoming an Accounting Authority to settle accounts for Dominica vessels.

10.3 The applicant must certify acceptance of all accounts to the Administration at the time of application.

11. Complaint and Inquiry Resolution

Accounting Authorities must maintain procedures for resolving complaints and/or inquiries from its contractual customers (vessels for which it performs settlements), the Administration, the ITU, and foreign administrations or their agents. These procedures must be available to the Administration upon request.

12. Notification of Refusal to Provide Telecommunications Service to Dominica Registered Vessel(s)

The Administration must be notified in writing within fifteen (15) days of any change in address of an Accounting Authority. The Accounting Authority must provide the Administration with all relevant new particulars including telephone and telefax numbers, e-mail addresses, street addresses, and name of a contact person.

13. Barring of Terminals

The Accounting Authority that causes a mandatory barring to be raised on a maritime MES must:

- .1 notify the Point of Service Activation (“PSA”) in advance that the MES will be barred in 14 days;
- .2 in the case of an unpaid account, ensure the invoice is outstanding for at least three months;
- .3 implement the barring in such a way that the ability of a vessel to use distress communication and transmitting LRIT Data is not impeded;
- .4 be prepared throughout the 24 hour day to be able to quickly unbar the MES if requested by an RCC either directly or through Inmarsat, to facilitate RCC response to a distress situation.

14. Administration Responsibilities

The Administration will be responsible for the following:

- .1 issuance of the applicable radio station licenses;
- .2 maintaining a database of radio telecommunication data containing information on the radio and communications systems on Dominica vessels;
- .3 Provide the necessary reports to the ITU and applicable organizations;

.4 Maintain a public list of Accounting Authorities as approved by the Administration.

15. Investigations and Penalties

15.1 The Administration may investigate any complaints made against Accounting Authorities to ensure compliance with all applicable Dominica rules, ITU Regulations and other international maritime accounting procedures which the Commonwealth of Dominica recognizes.

15.2 The Administration may issue written warnings or forfeitures to Accounting Authorities which are found not to be operating in accordance with established rules and regulations. Warnings will generally be issued for violations that do not seriously or immediately affect settlement functions or international relations. Continued or unresolved violations may lead to further enforcement action by the Administration, including suspension or cancellation of the Accounting Authority certification.

15.3 The Administration may take further enforcement action, including suspension or cancellation of an Accounting Authority certification, if it is determined that the Commonwealth of Dominica's or ship owners interest so requires. Reasons for which such action may be taken include but are not limited to:

- .1 illegal activity or fraud;
- .2 non-payment or late payment to a foreign administration or agent;
- .3 failure to follow ITR requirements and procedures that Dominica recognizes;
- .4 failure to take into account ITU-T Recommendations which Dominica recognizes;
- .5 bankruptcy or liquidation;
- .6 providing false or incomplete information to the Administration or failure to comply with or respond to requests for information;
- .7 failure to pay Administration fees.

15.4 Prior to taking any of the enforcement actions listed in this section, the Administration will give notice of its intent to take the specified action and the grounds therefore, and afford a thirty (30) day period for a response in writing; however, where the interest of the ship owners or the Commonwealth of Dominica so requires, the Administration may temporarily suspend a certification pending completion of these procedures.

16. Liability for Payment

- 16.1 In the event that an accounting authority does not remit proper and timely payments on behalf of the ship station licensee:
- .1 The ship station licensee will be responsible for making arrangements for another accounting authority to perform future settlements.
 - .2 The ship station licensee will settle any outstanding accounts due to radio stations or communications entities.
- 16.2 The Administration will, upon request, take all possible steps, within the limits of applicable national law and maritime regulations, to ensure settlement of the accounts of the ship station licensee.
- 16.3 The Commonwealth of Dominica, the Administration or its agent(s), will be not liable for any outstanding accounts due to radio stations, Accounting Authorities, or any other communications entities.
- 16.4 The Accounting Authority will be responsible for indemnifying the Commonwealth of Dominica and its agent against all settlement claims arising from the failure to fully settle accounts.

ANNEX II

Application for Certification and Re-Certification as an Accounting Authority

INSTRUCTIONS: This application is to be used to apply to be certified as an Accounting Authority in accordance with the provisions of Dominica Policy Letter 02-17 Maritime Mobile and Maritime Mobile Satellite Radio Services Accounting Authority Approval and Operating Procedures and to renew certification. The completed application with a copy of any applicable Articles of Incorporation and/or Bylaws should be sent electronically via email to: technical@dominica-registry.com or mailed together to the following address:

Dominica Maritime Administration
Technical Department
32 Washington Street
Fairhaven, MA 02719
United States

Failure to respond to all items may result in your application being returned. Please review the application carefully and ensure that the application is signed by the appropriate official(s) and that all required information is provided.

A processing fee of US \$500 must be submitted with the initial application.

Approved Accounting Authorities are required to renew their Certificate every five (5) years.

A processing fee of US \$250 must be submitted with each request for renewal application.

Name of Applicant – (Corporation):

Purpose: Initial Renewal

Are you currently an Accounting Authority? Yes No

If yes, enter current AAIC: _____

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Inquiries concerning the subject of this Policy Letter should be directed to the Deputy Maritime Administrator, Commonwealth of Dominica, 32 Washington Street, Fairhaven, MA 02719 USA
technical@dominica-registry.com

BUSINESS ADDRESS

CONTACT INFORMATION

STREET ADDRESS

TELEPHONE NUMBER

CITY

EMAIL ADDRESS

STATE

ZIPCODE

COUNTRY

Will you be settling accounts for registered vessels of other jurisdictions? Yes No

If yes, list these jurisdictions:

Structure of Company or Corporation (*Use additional sheet if necessary*):

Please provide a brief summary describing the structure of your settlement operation as it relates to your overall company or corporate structure. Provide a copy of your Articles of Incorporation, and/or Bylaws, or equivalent documents.

Evidence of Financial Responsibility:

All applicants who intend to settle accounts for Dominica Registered ship radio stations must provide letter of financial responsibility from a financial institution or equivalent documentation.

By virtue of my signature below, I hereby make application to the Commonwealth of Dominica to become an Accounting Authority. I have responded to all items on this application honestly and completely. I understand that should I be approved to be an Accounting Authority, I must adhere to all applicable Dominica Maritime laws, rules and regulations, the International Telecommunications Regulations (ITR), and other rules, regulations, agreements, and where applicable, ITU-T Recommendations. I also acknowledge that I will submit to the Commonwealth of Dominica Maritime Administration (“Administration”) all required information reports and fees in a timely manner and that I will meet all financial responsibility requirements. I further acknowledge that I may not trade, reassign, sell or otherwise transfer my authority to act as an Accounting Authority without the express approval of the Administration and that I may not be assigned more than one Accounting Authority Identification Code. I agree to maintain my processing operation within the country stated above and notify the Administration of any changes. Should I cease to function as an Accounting Authority, I agree to notify the Administration immediately. I agree to maintain acceptable complaint resolution procedures and to notify the Administration immediately should I receive notice of any refusal of a foreign administration/facility to handle legitimate telecommunications between Dominica registered vessels, licensed vessels, and the foreign entity providing services.

I acknowledge that I am familiar with the Dominica rules and regulations concerning sanctions and grounds for forfeiture or suspension or cancellation of an Accounting Authority certification.

Signed by: _____

Print Name: _____

Title: _____

Company: _____

Date: _____