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## ANY OTHER BUSINESS

### Inconsistent implementation of SOLAS regulations IV/10 and IV/15 and COMSAR.1/Circ.32/Rev.2 relating to an MF radio installation for sea area A3

Submitted by IACS

#### SUMMARY

*Executive summary:* This document identifies different understandings amongst stakeholders on whether a duplicated MF/HF radio installation may be also accepted as a primary MF radio installation for sea area A3, based on COMSAR.1/Circ.32/Rev.2, and aims for a global and consistent implementation of GMDSS requirements.

*Strategic direction,  
if applicable:* 7

*Output:* None

*Action to be taken:* Paragraph 26

*Related documents:* MSC 105/3/5; NCSR 10/21/1 and NCSR 10/WP.5

## Background

1 As part of IMO's long-standing project for GMDSS modernization, MSC 105 adopted the amendments to chapter IV of the SOLAS Convention and chapters 14 of the 1994 and 2000 HSC Codes for their harmonized implementation on or after 1 January 2024, respectively through resolutions MSC.496(105), MSC.498(105) and MSC.499(105).

2 In doing so, numerous non-mandatory IMO instruments were also amended, established, superseded or revoked, including the revocation of resolution A.702(17) which previously provided the provisions relating to the duplication of GMDSS requirements.

3 As part of the remaining work and in an effort to provide unambiguous interpretations of the radio installation requirements in SOLAS chapter IV and related IMO instruments, NCSR 9 approved COMSAR.1/Circ.32/Rev.1, which also included the components of resolution A.702(17). Consequently, MSC 106 endorsed the approval of COMSAR.1/Circ.32/Rev.1.

4 However, as COMSAR.1/Circ.32/Rev.1 was considered to require further amendments in order to avoid non-uniform implementation of GMDSS requirements, Liberia and IACS submitted document NCSR 10/21/1 to address various issues including the duplication of GMDSS equipment. Based on the proposals in that document, NCSR 10 had a lengthy discussion and finally agreed to revise COMSAR/Circ.32/Rev.1. Consequently, MSC 107 endorsed the approval of COMSAR.1/Circ.32/Rev.2, with an effective implementation date of 1 January 2024.

## Discussion

### *Related discussion in and the outcome from MSC and NCSR*

5 It is the understanding of IACS, as opined in document MSC 105/3/5, that the amendments to the SOLAS Convention, 1994 HSC Code and 2000 HSC Code pertaining to the GMDSS modernization do not bring substantive changes to the radio installations on existing ships, as they were introduced mostly to accommodate new future technologies or existing arrangements by generalizing, modifying and/or relocating the expressions therein.

6 MSC 105, after contemplating document MSC 105/3/5, did not object to such understanding and confirmed that in accordance with the guidance provided in MSC-MEPC.5/Circ.6, the re-issuance of the relevant certificates and their supplements, if any, after entry into force of the amendments, would not be necessary until their expiry.

7 Before 1 January 2024, there were generally two different solutions for compliance with the sea area A3 requirements under SOLAS regulation IV/10, namely, Inmarsat or HF solution. These arrangements had been based on SOLAS regulation IV/10 and resolution A.702(17); and may be rephrased as shown below:

	Primary system	Duplicated system
Sea areas A1 + A2 + A3 (Inmarsat solution)	VHF, MF, RMSS SES	VHF, RMSS SES
Sea areas A1 + A2 + A3 (HF solution)	VHF, MF/HF (Telex)	VHF, RMSS SES

8 From the comparison in paragraph 7 above, it is noted that, under the HF solution for sea area A3, the HF function of an MF/HF radio installation had been accepted as an equivalent to recognized mobile satellite services (RMSS) ship earth stations (SES) as the primary system in sea area A3; and that the duplication of equipment for sea area A3 before 1 January 2024 did not mean that a separate MF installation was required under the HF solution. Therefore, before 1 January 2024, there had been numerous vessels provided with only an MF/HF radio installation and RMSS SES for operating in sea areas A1+A2+A3.

9 However, from 1 January 2024, SOLAS regulation IV/10 for sea area A3, as amended by resolution MSC.496(105), only permits an RMSS SES solution consisting of an MF radio installation and one RMSS SES as the primary systems. This necessitates a swapping of the primary and duplicated systems for ships certified for sea areas A1 + A2 + A3 through the HF solution before 1 January 2024, meaning that for these ships the RMSS SES should be regarded as the primary system and HF as the duplicated equipment on or after 1 January 2024.

10 In this regard, paragraphs 47 and 48 of document NCSR 10/21/1 pointed out the issue and proposed a footnote to the table beneath paragraph 2.3 of COMSAR.1/Circ.32/Rev.1, as rephrased below:

"

Equipment	A1	A2	A3	A4
...				
MF telephony installation with MF DSC capable of:		X <sup>a</sup>	X <sup>b</sup>	
DSC watch on 2 187.5 kHz		X <sup>a</sup>	X <sup>b</sup>	
Watch on other appropriate frequency or frequencies for urgency and safety communications for the area in which the ship is navigating		X <sup>a</sup>	X <sup>b</sup>	
...				

- a An MF radio installation provided for sea area A3 or a duplicate MF/HF radio installation provided for sea area A3 or an MF/HF radio installation provided for sea area A4 may be accepted also as an MF radio installation for sea area A2.
- b A duplicate MF/HF radio installation provided for sea area A3 may be accepted also as an MF radio installation provided for sea area A3."

11 After discussion within the Working Group on Communication established by NCSR 10, the proposed footnotes (a) and (b) were simplified as footnote No. 6 to the table beneath paragraph 2.3 of COMSAR.1/Circ.32/Rev.2, as shown below, applying to the primary MF and MF/HF radio installations and duplicated MF and MF/HF radio installations. This means that a duplicated MF/HF radio installation may also serve as a primary MF radio installation for sea area A3:

"6 An MF/HF radio installation may substitute an MF radio installation."

12 Noting that footnote No. 6, as detailed in paragraph 11 above, may have become an over-simplified and ambiguous version of the proposal in document NCSR 10/21/1 (see paragraph 10 above), paragraph 50 of document NCSR 10/WP.5 was written to capture the intent of footnote No. 6, as follows:

"The Group also reviewed and updated the table under section 2.3, including the notes underneath it, based on proposals in documents NCSR 10/21/1 and NCSR 10/21/4. In particular, the Group simplified the notes under the table in section 2.3 and came to a mutual understanding that ships may choose a duplicated MF/HF telephony to substitute an MF telephony in sea area A3."

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13 IACS understands that the requirements on the duplication of equipment as contained in SOLAS regulation IV/15 were not amended during the revision of SOLAS chapter IV.

14 Notwithstanding the discussion in and the outcome from MSC and NCSR, as elaborated in paragraphs 5 to 12 above, IACS has observed that there is a different understanding amongst Member States and other stakeholders on whether a duplicated MF/HF radio installation may be also accepted as a primary MF radio installation for the sea area A3. Unless reaffirmed by MSC, there is a concern that the different understanding may lead to non-uniform application of GMDSS minimum requirements.

15 It is observed that, for ships certified for sea areas A1+A2+A3 through the HF solution before 1 January 2024, some Member States, either as flag or port Administrations, require an additional MF or RMSS SES to allow ships to navigate in sea area A3 on or after 1 January 2024, while others accept that a single MF/HF radio installation may be used to meet the requirements of the primary MF radio installation and the duplicated MF/HF radio requirements simultaneously.

16 For those who do not interpret footnote No. 6 of the table beneath paragraph 2.3 of COMSAR.1/Circ.32/Rev.2 as meaning that a single MF/HF radio installation may be used to meet the requirements of the primary MF radio installation and the duplicated MF/HF radio requirements simultaneously, the following may be their ground to require an additional MF or RMSS SES for ships operating in sea area A3 with one (1) primary RMSS SES, and one (1) duplicated MF/HF:

- .1 paragraph 1.6.3.3 of COMSAR/Circ.32/Rev.2 details that duplicated equipment should be connected to a separate antenna and be installed and ready for immediate operation;
- .2 paragraph 8.5.2 of COMSAR/Circ.32/Rev.2 on battery circuits specifies that a single fault in one of the power units should not affect both the basic and duplicated radio equipment;
- .3 an NBDP Radio Telex function is no longer required on or after 1 January 2024 both for a primary and a duplicated MF/HF radio installation.

***The view of IACS on the procedural and technical aspect of accepting a single MF/HF as a primary MF***

17 For those accepting footnote No. 6 as meaning that a single MF/HF radio installation may be used to meet the requirements of the primary MF radio installation and the duplicated MF/HF radio requirements simultaneously, ships previously certified for operation in sea areas A1+A2+A3 through the HF solution will continue to be accepted for sea areas A1+A2+A3 by simply swapping the primary and duplicated equipment. However, in this case, the duplicated MF/HF radio installation will be also accepted to serve as a primary MF radio installation. Furthermore, it may be argued that an additional MF equipment cannot be utilized in sea area A3 to send/receive distress/urgency/safety communication to/from the shore.

18 The structure of SOLAS regulations IV/8, V/9, V/10 and V/11 was modified through resolution MSC.496(105) to cover sea areas illustrated as follows:

SOLAS chapter IV	Sea areas (before 1 January 2024)	Sea areas (after 1 January 2024)
Regulation 8	A1	A1
Regulation 9	A1+A2	A2
Regulation 10	A1+A2+A3	A3
Regulation 11	A1+A2+A3+A4	A4

19 The different structure of SOLAS chapter IV, as mentioned in paragraph 18 above, means that when the ship operates in sea area A2, it should comply with the requirements of sea area A2, and that when operating in sea area A3, it should comply with the requirements of sea area A3, not the requirements of sea areas A1+A2+A3 as a whole. It is the understanding of IACS that an MF radio installation was included in SOLAS regulation IV/10 to enable the GMDSS communication within sea area A2.

20 While an MF radio installation is capable of ship-to-ship, ship-to-shore, and shore-to-ship communications, it is questionable if the MF radio installation is practical or widely utilized for the operation of the ship in sea area A3.

21 In addition, should a ship certified for sea areas A1+A2+A3 through the HF solution before 1 January 2024 be required of an additional MF radio installation or an additional RMSS SES (with a coverage equal or broader than a ship's primary RMSS SES) after 1 January 2024, SOLAS chapter IV should have included a period of grace for the consequential actions of concerned fleets. Taking into account the absence of a grace period in the amended SOLAS chapter IV, any additional equipment would be required immediately on entry into force on 1 January 2024. Given the number of affected ships, such installations may not be practically possible.

22 In light of paragraphs 5 to 12 and 17 to 21, IACS is of the view that a single MF/HF radio installation should be accepted as a means to comply with the requirements of a primary MF radio installation and a duplicated MF/HF radio installation simultaneously, and that such arrangements should not be a reason to detain or restrict concerned ships by PSC regimes.

### **Proposal**

23 Given that detailed requirements of the duplication of equipment are contained in COMSAR.1/Circ.32/Rev.2, which is a non-mandatory IMO instrument, IACS understands that the subject issue may not be resolved through establishing a unified interpretation.

24 Consequently, IACS urgently seeks the confirmation of the Committee as to whether, for operating in sea area A3, a single MF/HF radio installation may be accepted as a means to comply with the requirements of a primary MF radio installation and a duplicated MF/HF radio installation simultaneously, based on footnote No. 6 of the table beneath paragraph 2.3 of COMSAR.1/Circ.32/Rev.2.

25 Unless the Committee is able to determine an approach to this urgent issue at this session, based on the Committee's prior decision as elaborated in paragraphs 5 and 6 above, IACS further suggests that the question in paragraph 24 above be referred to NCSR 12 or the next session of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters for discussion and advice.

### **Action requested of the Committee**

26 The Committee is invited to consider the proposals in paragraphs 23 to 25 and take action, as appropriate.

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