**conditions of use[[1]](#footnote-1)**

**for the european union long range identification**

**and tracking data centre (eu lrit dc)**

The European Maritime Safety Agency (EMSA), represented by Executive Director, herein after referred to as "EMSA", of the one part,

and

*Republic of Latvia, which is represented by Chief of the Coast Guard Service of Naval Flotilla of the Latvian National Armed Forces,*

herein after referred to as "the Participating State”, of the other part.

WHEREAS the International Maritime Organization (IMO) adopted on 19 May 2006 the Resolution of the Maritime Safety Committee MSC 202 (81), which introduces amendments to SOLAS Chapter V/Regulation 19-1 and provides for the establishment of the Long-Range Identification and Tracking system (LRIT)) and adopted on 16 May 2008 the Resolution MSC 263(84) which sets the Revised Performance Standards and Functional Requirements for the Long Range Identification and Tracking of Ships.

HAVING REGARD TO the Council Resolutions of 2 October 2007 and 9 December 2008 to establish a European LRIT Data Centre (EU LRIT DC).  The main objective of the EU LRIT DC is the identification and tracking of ships flying the flag of Participating States or Parties. The data generated will be integrated in the wider International LRIT system.  All Participating States/Parties can share a LRIT information repository and one interface to the International Data Exchange (IDE) for requesting LRIT information on ships registered with other data centres.

ACKNOWLEDGING paragraph 1 of the said Council Resolution: the European Commission is in charge of managing the EU LRIT DC, in cooperation with Member States, through the European Maritime Safety Agency (EMSA). The Agency is in charge of the development, operation and maintenance of the EU LRIT DC.

UNDERLINING that the EU LRIT DC Users have the right to receive LRIT information pursuant to the provisions of SOLAS regulation V/19-1 specifically, based on:

1. Flag State entitlements;
2. Port State entitlements;
3. Coastal State entitlements;
4. SAR user entitlements.

REITERATING that the purpose of the LRIT system is for maritime security, Search and Rescue (SAR), maritime safety and the protection of the marine environment.

CONFIRMING that the EU LRIT DC shall be in accordance with all relevant IMO LRIT performance standards and requirements.

Have agreed:

**Article 1. Definitions**

Unless expressly provided otherwise:

1. *LRIT* means Long Range Identification and Tracking of ships.
2. *LRIT NCA* means the National Competent Authority (NCA) appointed by the Participating State which is entitled to receive LRIT information directly from the EU LRIT DC and is responsible to create and coordinate national LRIT DC Users of the data centre and their access rights.
3. *LRIT DC User* means any user of the EU LRIT system which is entitled by the LRIT NCA in accordance with SOLAS regulation V/19-1 to request and receive LRIT information through the EU LRIT Data Centre.
4. *EU LRIT DC* means the EU LRIT Data Centre which is set-up for processing LRIT information from vessels flying the flag of Participating States and for requesting and delivering LRIT information on ships registered with other data centres.
5. *EU LRIT Ship DB* means the EU LRIT Ship Database which is a system used for storing, maintaining and distributing the list of ships instructed by the LRIT NCA to transmit LRIT information to the EU LRIT DC.
6. *Participating States* means European Union Member States and the EEA countries Norway and Iceland.
7. *Participating Parties* means the Overseas Countries and Territorieslisted in Annex II to the EC Treaty and any third country or territory which is not covered by the EC Treaty but has been approved to join the EU LRIT DC according to the procedure indicated in the Council Resolution concerning the EU LRIT Data Centre of 9 December 2008.
8. *EMSA* means the European Maritime Safety Agency established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (Text with EEA relevance), as amended.
9. *Contracting Government* means a government that is a Contracting Party to SOLAS.
10. *DDP* means the LRIT Data Distribution Plan which is managed by the International Maritime Organization.
11. *EU LRIT System* means the system comprising of the EU LRIT DC, EU LRIT Ship DB, ASP application, and the EU LRIT Invoicing & Billing component.
12. *SAR* means Search and Rescue.
13. *SOLAS* means the International Convention of Safety of Life At Sea, 1974, as amended.
14. *SSN* means SafeSeaNet which is a Community ship traffic monitoring and information system regulated 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 and repealing Council Directive 93/75/EEC, as amended.
15. *ASP* means Application Service Provider.
16. *EU ASP* means the recognized ASP which is contracted by EMSA to provide services to the EU LRIT Data Centre.
17. *CSP* means Communications Service Provider.
18. *IDE* means International LRIT Data Exchange.
19. *IMO* means International Maritime Organization.
20. *LRIT Coordinator* is appointed by the IMO Maritime Safety Committee and undertakes the review of the performance of the LRIT system including ASP’s, all LRIT Data Centres, the IDE, etc.

Terms not otherwise defined should have the same meaning as the meaning attributed to them in SOLAS.

**Article 2. Purpose and Objectives**

2.1 For the purposes of these Conditions of Use, the Participating State mentioned above nominates the following LRIT National Competent Authority (NCA) contact point which is the governmental administration or body responsible to create and coordinate users for the EU LRIT Data Centre in his/her country and manage their access rights.

|  |  |
| --- | --- |
| **LRIT NCA Contact Point** | |
| **Name of contact or Entity /Administration**  **Job Title** | Coast Guard Service of Naval Flotilla of the Latvian National Armed Forces  Maritime Rescue and Coordination Centre Riga (MRCC Riga) |
| **Contact Details including tel/email:** | Meldru street 5a, Riga, LV-1015, Latvia.  Phone:+37129476101; +37167323103 (24 h)  Fax: +371 67320100  e-mail: sar@mrcc.lv;  isps1@mrcc.lv |

2.2 The purpose of the Conditions of Use is to define the roles and responsibilities of the Participating State and EMSA.

**Article 3. LRIT Information property rights**

3.1 LRIT Information for all ships to which SOLAS regulation V/19-1 applies obtained during the set-up, implementation and operation of the EU LRIT DC, is owned solely by the Participating State where the ship is registered.

**Article 4. Data use and distribution**

4.1 The LRIT NCA grants EMSA the right to receive, store, retrieve and exchange LRIT information as needed for the purposes of the EU LRIT DC. These rights are non-transferable (EMSA cannot transfer these rights to anybody else) and non-exclusive (the LRIT NCA can grant similar rights to another body). The LRIT NCA also grants EMSA the right to charge for the data when providing data to other LRIT Data Centres in accordance with the DDP. The LRIT NCA also grants EMSA the right to enquire, request and obtain the relevant ship information and if available, owner/operator information needed for the operation of the EU LRIT DC.

4.2 The EU LRIT System allows for the possibility of internal routing of LRIT information transmitted by ships flying the flag of the Participating State(in accordance with IMO LRIT Performance Standards as revised) and especially to distribute the data via SSN.

4.3 EMSA shall not be liable for any damage caused by the LRIT NCA deciding to share, redistribute or recirculate LRIT data with a third party either within or outside its country.

**Article 5. Role and rights of EMSA**

**General**

5.1 EMSA is responsible, on behalf of the Commission and Member States, for the setting-up, implementation, testing, commissioning, operating and maintenance of the EU LRIT DC in accordance with IMO requirements. For these purposes EMSA acts as the EU LRIT DC Administrator towards the IMO, the LRIT Coordinator, the IDE, the CSP/ASP and other LRIT Data Centres without prejudice to the competences of the Participating State as a Contracting Government to SOLAS.

5.2 EMSA ensures the daily operation and maintenance of the system in accordance with the IMO availability and performance criteria, including the annual review and auditing by the LRIT Coordinator. EMSA is the administrator of the EU LRIT DC.

5.3 EMSA has the right to manage all components of the EU LRIT System. The aim of the management control process is to keep track of the activities performed in the system and to control the quality of service and the quality of data (all data related to the ship/equipment/network/systems identification are correct) delivered to the LRIT DC Users. Problems not solved at the EU LRIT DC level with ships flying the flag of the Participating State will be communicated to the LRIT NCA.

5.4 EMSA ensures that the EU LRIT DC is able to operate as a fault tolerant system, which means that the system is able to recover from errors and restore to normal operation.

5.5 EMSA will ensure prompt notification of the LRIT NCA any time there is a technical problem leading to the non-availability of the system and will ensure a prompt and accurate handling of such situations.

5.6 EMSA ensures that the hosting of the EU LRIT DC respects the availability requirements and follows the IMO guidance on system security.

5.7 EMSA distributes LRIT information for Republic of Latvia based on its submitted DDP as Contracting Government to IMO.

5.8 EMSA provides the LRIT NCA access to the User Web Interface of the EU LRIT Data Centre to consult the journals of the EU LRIT DC reflecting all user activity related to the LRIT reports and requests for his/her country. The journal reflects all LRIT DC User activities to enable a user to check them in the future and for auditing purposes. The journal contains the internal routing activity related to the reports of the ships flying the flag of the Participating State.

**EU LRIT Ship Database**

5.9 EMSA is responsible for the development, operation, hosting and administration of the EU LRIT Ship DB which is an element of the EU LRIT System. The EU LRIT Ship DB is a system used for storing, maintaining and distributing the list of ships instructed by their administration to transmit LRIT information to the EU LRIT DC. The EU LRIT System will only process LRIT reports of ships if they are listed in the EU LRIT Ship DB.

5.10 The EU Ship DB contains the following mandatory information for each individual ship:

* + - IMO number
    - MMSI Number
    - Ship Name
    - Call Sign
    - If the equipment has been type approved or not (Yes/No) and if it has then the type approval reference number, or
    - If it has undergone a Conformance test, then the test report date and the ASP that performed the Conformance test.

5.11 The following information is needed for the EU Recognised ASP to be able to proceed with the integration of the shipborne equipment and to analyse and report failures/errors:

Information on the radio equipment:

* + - Communication system (i.e. Inmarsat C, Iridium, etc.)
    - Terminal model
    - Serial number
    - Radio identifier
    - LRIT Mandatory (if ship is an LRIT mandatory ship or not)

OPTIONAL

Contact person:

* + - name
    - Address
    - Telephone number
    - Fax number/email
    - Comments/text field for further information.

5.12 EMSA ensures that any changes and updates received for the list of ships will be included automatically into the EU LRIT System operations on a daily basis. The information in the EU LRIT Ship DB will be downloaded by the EU ASP as necessary to provide LRIT reports.

**EU LRIT Data Centre**

5.13 EMSA is responsible to perform an evaluation of service performance, data quality, etc. in order to continuously improve the EU LRIT DC service.

5.14 EMSA recognises all nationally type approved shipborne equipment and conformance test reports delivered by the EU Recognised ASP or by the Authorised ASP notified to the IMO by the Administration of the flag.

5.15 EMSA provides LRIT DC Users access to the User Web Interface (UWI) of the EU LRIT DC and an XML interface. A User Manual is available on line from the EU DC UWI. Access to the UWI is password protected.

5.16 The EU LRIT DC is subject to audits by the LRIT Coordinator and also by European recognised auditing bodies such as the European Court of Auditors and the Internal Audit service of the European Commission.

**Article 6. Role and rights of the LRIT NCA**

**General**

6.1 The LRIT NCA has access to the LRIT information as defined in SOLAS regulation V/19-1.8.1. The LRIT NCA is responsible for managing its own national “*LRIT DC Users*” and their access rights in accordance with the guidelines provided by EMSA. These LRIT DC Users can represent a Flag State, Port State, Coastal State, or an active Search and Rescue (SAR) service and are authorised by the LRIT NCA to request/receive/read LRIT information.

6.2 The LRIT NCA represents the national mandate to discuss and decide on LRIT matters within the scope of the existing LRIT legal framework and CoU signed between EMSA and the participating State.

6.3 The LRIT NCA representatives from each Participating State for the EU LRIT DC meet in the LRIT NCA Group. The groups’ mandate and role are described in the Rules of Procedure.

6.4 The LRIT DC Users have the possibility to request and receive LRIT information, activate standing orders in the DDP, request SAR SURPICS and consult ship positions, subject to access rights granted by the LRIT NCA.

**EU LRIT Ship Database**

6.5The LRIT NCA appointed pursuant to Article 2.1, nominates the following ship data manager (or Entity or Administration) in order to coordinate with EMSA with regard to the development and operation of the EU LRIT Ship DB and to upload and update its list of ships, subject to SOLAS Chapter V/Regulation 19-1, and its relevant information according to Article 5.10 of this document.

|  |  |
| --- | --- |
| **Ship Data Manager** | |
| **Name of contact or Entity/Administration** | Head of Register  Latvian Ship Register  Maritime Administration of Latvia |
| **Contact Details including tel/email:** | Phone: +371 67062162  Mob. phone:+371 26541911  E-mail: kr@lja.lv |

Should there be a change in this contact point, this should be communicated to EMSA in writing as soon as possible.

6.6 The LRIT NCA is responsible via its Ship Data Manager for the registration and updating of its list of ships subject to LRIT requirements (i.e. whenever a change occurs) including changes of flag as soon as possible to ensure accuracy of the EU LRIT Ship DB. The quality of the data recorded in the data base remains under the responsibility of the administration.

6.7 The LRIT NCA shall ensure that the Ship Data Manager only list vessels in the EU LRIT Ship DB which are obliged to send LRIT information according to SOLAS Chapter V/Regulation V/19-1. Of these ships, only those that have equipment which have been type approved or conformance tested should be inserted in the database.

6.7.1 In the particular case of a ship which is temporarily exempt from complying with the obligations of SOLAS Chapter V/Regulation V/19-1, the Ship Data Manager may decide to maintain the registration of the ship in the Ship database and tag it as “LRIT non-mandatory”.

6.8 The Ship Data Manager only has access to the information in the EU LRIT Ship DB regarding ships flying its flag.

**EU LRIT Data Centre**

6.9 The Participating State should recognise the EU ASP as the Recognised EU ASP. The Participating State should make this approval applicable on a national level to all ships flying its flag in order to allow the EU ASP access to relevant information related to the ship and the shipborne LRIT equipment.

6.10 EMSA has provided prices for the conformance testing of shipborne equipment from the EU ASP such that these uniform/standard prices may be circulated to shipowners. The Participating State has the right to authorise ASP’s to conduct conformance tests on a national level. The list of the Authorised ASP’s should be communicated to the IMO.

6.11 The Participating State gives permission to EMSA to request Inmarsat to give the EU ASP access to the Inmarsat Ship Databases and Directory.

6.12 The LRIT NCA and its LRIT DC Users have access to:

* + - A UWI enabling the LRIT DC Users to request and receive LRIT information. An XML interface for exchanging LRIT information between systems.
    - A training site for the training of their LRIT DC Users.
    - A 24/7 help desk (Maritime Support Services) to provide assistance and support to LRIT DC Users with regard to the system performance, quality of data, troubleshooting, and incident management.

6.13 The LRIT NCA appoints an operational contact point for LRIT (24/7 if available) to be the permanent point of contact with the EMSA 24/7 help desk in case of an operational emergency (system performance, ship reporting, etc).

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| --- | --- | --- |
| **Operational Contact Point** | | |
| **Name of contact or Entity/Administration**  **Job title** | Coast Guard Service of Naval Flotilla of the Latvian National Armed Forces  Chief of Technical Support Department |
| **Contact Details including tel/email:** | Maritime Rescue and Coordination Centre Riga (MRCC Riga)  Meldru street 5a, LV-1015, Latvia  Phone: +371 67082064 (24h duty)  Mob. phone:+371 26402289 (24 h duty)  E-mail: [sar@mrcc.lv](mailto:sar@mrcc.lv)  isps1@mrcc.lv | |
| Tel outside working hours. | Phone (mob., 24h): +371 26402289 | |

**Article 7. Liability**

7.1 EMSA shall not be liable for any damage, direct or indirect, caused by a temporary or partial failure or malfunction of the system, or a termination of service caused by factors outside the control of EMSA.

7.2 EMSA and the LRIT NCA shall cooperate to minimise potential negative consequences of such failure, malfunction or termination.  EMSA and the LRIT NCA shall cooperate with a view to helping each other against potential claims brought by third parties in relation to the operation of the system.

**Article 8. Security of data / system**

8.1 Documentation related to the EU LRIT DC will be dealt with in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

8.2 EMSA and the Participating States consider LRIT information falls under the scope of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Data will only be accessible by the LRIT Coordinator who is empowered by IMO for the sole purpose of auditing the LRIT system.

8.3 EMSA ensures that the EU LRIT System is accessible in a secure way by LRIT DC Users and that the EU LRIT System security requirements are compliant with all IMO requirements.

**Article 9. Financial Provisions**

**General**

9.1 EMSA covers all costs associated to the four daily mandatory LRIT reports (every six hours) delivered to the LRIT DC Users as well as all ship integration costs.

9.2 EMSA further provides the LRIT NCA or its national LRIT DC Users with LRIT information free of charge for SAR purposes in accordance with SOLAS Chapter V/Regulation 19-1.

9.3 The LRIT NCA is responsible for the payment of LRIT messages requested by any of its LRIT DC Users.

9.4 The prices of the EU ASP, which are the result of a public procurement, form the basis of the price list for all Participating States of the EU LRIT DC. This price list is set out in Annex 1.

9.5 The Participating State’s financial contact point for LRIT is:

|  |  |
| --- | --- |
| **Financial Contact Point** | |
| **Name & Job Title** | 1st Regional Support Centre of Logistics Command of National Armed Forces of the Republic of Latvia  Commander |
| **Contact Details including tel/email:** | Roņu street 2, Liepaja, LV-3400, Latvia  Phone:+371 63404220  Fax: +37163422883 |
| **Invoices to be made out to:** | 1st Regional Support Centre of Logistics Command of National Armed Forces of the Republic of Latvia  Reg.No. 90000294774  Bank: State Treasury  Code: TRELLV22  Account: LV81TREL2100031012000 |
| **Invoice reference to be used:** |  |

**Invoicing and Billing**

9.6 In order to request and receive LRIT reports as per Article 9.3, the LRIT NCA accepts and agrees to the EU LRIT DC payment scheme which EMSA has established for the EU LRIT DC in accordance with Article 59 of the Regulation (EC, Euratom) No 2343/2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. This scheme provides that a one-time fixed amount equalling 3,000 euros for Coastal States or 1,000 euros for land-locked States is paid. Paying this one off membership/entrance fee allows the LRIT NCA access to the EU LRIT DC.

9.7 The financial contact point will receive quarterly invoices if the outstanding amount is more than 1000 euros and otherwise will receive an invoice annually. The LRIT NCA will pay all outstanding balances within a maximum period of 45 days.

9.8 The LRIT NCA agrees to be charged for messages according to the applicable EU LRIT DC price list in Annex 1.

**Article 10. Force Majeure**

10.1 Force majeure shall mean any unforeseeable and exceptional situation or event beyond the control of the parties which prevents either of them from performing any of their obligations under this agreement, was not due to error or negligence on their part and could not have been avoided by the exercise of due diligence.

10.2 If either party is faced with force majeure, it shall notify the other party without delay by electronic mail confirmed by a fax message with acknowledgment of receipt or equivalent, stating the nature, likely duration and foreseeable effects.

10.3 Neither party shall be considered in breach of its obligations under this agreement if it has been prevented from performing them by force majeure.

10.4 The parties to this agreement shall take the necessary measures to reduce damage to a minimum.

**Article 11. Entry into Force, Amendments and Duration**

11.1 This agreement shall enter into force once signed by both parties.

11.2 This agreement remains valid unless the Participating State or EMSA requests it to end in writing 6 months before they would like it to end.

11.3 Any amendment to these Conditions of Use shall be the subject to a written agreement concluded by the parties. An oral agreement shall not be binding on both parties.

**SIGNATURES**

|  |  |
| --- | --- |
| For the Participating State,  ----------------------------------------  Chief of the Coast Guard Service of Naval Flotilla of the Latvian National Armed Forces  signature[s]:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | For EMSA,  ~~----------------------------------------~~  Executive Director  signature:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Done at [place], [date] | Done at Lisbon [date] |

In duplicate in English

Annex 1: EU LRIT Data Centre Price List for EU/EEA Member States

**Annex 1- EU LRIT Data Centre Price List for EU / EEA Member States**

| **Billable Item Code in Invoice** | **Description** | **Cost** |
| --- | --- | --- |
| [CoU\_EU\_Rpt] | EU Report | €0.113 |
| [CoU\_NEU\_Rpt] | Non-EU Report | €0.19 |

1. *6 hour Mandatory EU Reports from own fleet and Ship Integration are paid by EMSA for MSs and EEA Countries.*
2. *Messages already in the EU DC database are distributed for FREE following DDP rules (excludes non-EU position reports).*
3. *SAR costs are paid by EMSA.*

Prices may be revised upwards or downwards each year.

Revision shall be determined by the Monetary Union Index of Consumer Prices (MUICP) published by the Office Publications of the European Communities in the Eurostat monthly bulletin.

Revision may occur if the MUICP records a price level evolution of 3% or more for a consecutive period of 12 months.

In addition, the *Non-EU Report* cost may be revised yearly depending on the exchange rate between the dollar and the *euro*.

Aizsardzības ministrs R.Vējonis

Vīza: valsts sekretārs J.Sārts

13.10.2014. 12:21

3933

S.Vistiņa

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1. As referred to in the Council Resolution on the EU LRIT DC of 9 December 2008 [↑](#footnote-ref-1)