

S185A4

International Mobile Satellite Organization

ASSEMBLY

Eighteenth Session

25 to 29 September 2006

Agenda item 5

ASSEMBLY/18/5/ADD/4

Origin: Director

Date: 21 September 2006

DRAFT REFERENCE PUBLIC SERVICES AGREEMENT

IMO EVALUATION AND APPROVAL: ALTERNATIVE TEXT

<p>Executive Summary: this document contains an alternative draft text of the Reference Public Services Agreement which could be used if IMO decides to undertake evaluation and approval of new satellite operators itself</p> <p>Action to be taken: to decide to delegate final agreement of the text of the PSA to the Advisory Committee to take account of final decisions by IMO</p> <p>Related documents: ASSEMBLY/18/5 + Adds 1, 2, 3 ASSEMBLY/18/9/3 (Report of Sixteenth Session of the Advisory Committee)</p>

1 BACKGROUND

At its Fifteenth Session, the Advisory Committee requested the Director to distribute the IMO legal advice on evaluation and recognition to the members of the Committee when it is received, in advance of the Assembly (paragraph 3.1.8 of AC/15/Report refers). Document IMO MSC 82/8/2 has been made available to the Assembly as ASSEMBLY/18/INF/9. The Committee also noted that “*if the IMO legal advice is that IMO may decide to evaluate and approve new providers itself, the Director will prepare an alternative version of the draft Reference PSA, for consideration by the Assembly, to take account of that eventuality.*”

2 EVALUATION AND APPROVAL

2.1 It now appears possible that the IMO Maritime Safety Committee may decide, at its eighty second session in Istanbul, Turkey in November/December 2006, that it will undertake the approval of new satellite operators for the GMDSS on the basis of an evaluation report, which may be produced by IMSO. The Director has therefore developed an alternative draft Reference Public Services Agreement which is annexed to this document.

2.2 At its Sixteenth Session, the Advisory Committee agreed that the alternative draft reference PSA presented in the document reflects a clear distinction between the evaluation and recognition functions, which may be carried out by or on behalf of IMO, and the oversight functions, which are the present responsibility of IMSO in relation to Inmarsat, and may be extended to other providers of mobile satellite services for the GMDSS through the amendments to the IMSO Convention to be considered by the Assembly at its Eighteenth Session.

3 ACTION REQUIRED

3.1 The Assembly is invited to note that the Advisory Committee reviewed the alternative draft reference Public Services Agreement at its Sixteenth Session.

3.2 Bearing in mind the range of options available to IMO in this regard, the Assembly decides to delegate final agreement of the text of the PSA to the Advisory Committee to take account of final decisions by IMO.
