



MEMORANDUM OF UNDERSTANDING

ON THE ESTABLISHMENT OF THE EQUASIS INFORMATION SYSTEM

(modified 26th November, 2015)

In English

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ON THE ESTABLISHMENT OF THE EQUASIS INFORMATION SYSTEM

(modified 26th November, 2015)

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The undersigned Participants in to this Memorandum of Understanding (hereinafter referred to as "Participants"),

Endorsing fully the aim of the Quality Shipping Campaign to promote a quality culture throughout the maritime industry as a whole;

Acknowledging the importance of improved transparency of information relating to the quality of ships and their operators for a genuine safety and quality culture in shipping;

Recalling the Joint Ministerial Declaration by The First Joint Ministerial Conference of Paris and Tokyo Memoranda of Understanding on port State control, adopted in Vancouver on 25 March 1998, calling for greater co-operation between port State control authorities and other concerned agencies;

Recalling further the Quality Shipping Conference in Lisbon in June 1998, and subsequent Quality Shipping events, in which the participants representing the whole range of the maritime

industry sectors, have called for making existing safety-related information on ships more accessible;

Convinced of the necessity of co-operation between public authorities and the maritime industry as regards the exchange of ship safety-related information;

Noting that this Memorandum is not a legally binding document and is not intended to impose any legal obligation on any of the Participants;

Have reached the following understandings:

Section 1 Purpose and Objectives

- 1.1 The purpose of this Memorandum is the setting-up and effective operation of an information system, hereafter referred to by the name "Equasis", on quality and safety-related information of the world merchant fleet as well as statutory ship data related to the protection of the environment.
- 1.2 By making relevant information publicly available and easily accessible, Equasis can allow persons involved in maritime transport to be better informed about the performance of ships and companies as well as maritime administrations with which they are co-operating. The system thus aims at improving quality and abating substandard practices in any sector of the maritime industry.

Section 2 Participation

2.1 Participation in the present Memorandum is open to:

a – Maritime authorities that are participants in regional MoUs on Port State Control, which are at the time of application approved data providers;

b – The United States Coast Guard (USCG); and

c – The initiators of the project: the maritime authority of France and the European Commission, represented by the European Maritime Safety Agency (hereafter EMSA).

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2.2 Observers

Observers without voting rights to the Equasis Supervisory Committee may include:

- the International Maritime Organization (IMO), and,
- Maritime authorities that have indicated their intent to join the Supervisory Committee as full members but are still investigating the procedures to do so. The Observer status should be granted for a period of a maximum of one year from the date that the interested Maritime Authority has provided its commitment to the Supervisory Committee. The observer status is to be granted by a simple majority of the Supervisory Committee Members.
- States that have decided to suspend their contribution to Equasis but made the commitment to re-join the Supervisory Committee as full members. The Observer status should be granted for a period of a maximum of one year from the date that the interested State has communicated its intent to the Supervisory Committee and not from the date of the suspension. The observer status is granted by a simple majority of the Supervisory Committee Members.

- 2.3 Without prejudice to the current participation, participants should strive to achieve, to the extent possible, geographical balance in the representation of regions.

Section 3 Co-operation

- 3.1 Each Participant intends to implement the provisions of the present Memorandum in accordance with its terms.
- 3.2 Each Participant intends to promote by all appropriate means the exchange of unbiased information and transparency in maritime transport.
- 3.3 Each Participant intends to consult and co-operate with the other Participants in order to further the aims of the present Memorandum.
- 3.4 Each Participant intends to contribute on an equal share basis to the budget of Equasis.

Section 4 Ship Data

- 4.1 Equasis is to collect, process and disseminate quality and safety-related information on the world merchant ships as well as statutory ship data related to the protection of the environment provided to it with the permission of the owners of such information.
- 4.2 Owners of the information referred to in 4.1 providing the latter to Equasis are hereafter referred to as "Data Providers".
- 4.3 The concept of data provider, together with the criteria, rules, procedures and tools to be used when examining, proposing and accepting potential data providers for Equasis are governed by the Data Providers Accreditation Procedure in its latest version approved by the Supervisory Committee.
- 4.4 The information disseminated by Equasis is to be accessible through the Internet, subject to the conditions laid down by the Supervisory Committee.

Section 5 Organisation

5.1 The Supervisory Committee

- 5.1.1 A Supervisory Committee, hereafter called the Committee, is established, composed of one representative of each Participant, to carry out the specific tasks assigned to it under the present Memorandum.
- 5.1.2 The Committee may invite maritime organisations related with Equasis purposes to participate in its meetings, as non-voting observers.
- 5.1.3 At least one representative of the Management Unit is to attend the meetings of the Committee as advisor.
- 5.1.4 At least one representative of the Technical Unit is to attend the meetings of the Committee as advisor.

5.1.5 The Committee is to meet twice a year, and at any other times as it may be decided. The Committee is to elect its own chairman and adopt its own rules of procedure.

5.1.6 The Committee is to:

- .1 govern the operation of Equasis and provide general guidelines to the Management Unit and the Technical Unit;
- .2 approve annual reports prepared by the Management Unit and Technical Unit;
- .3 approve the Equasis expenditure and budget proposal;
- .4 approve the work plan prepared by the Management Unit and Technical Unit;
- .5 assess the opinion of the Editorial Board and reach a decision for the approval or dismissal of Data Providers;
- .6 endorse the nomination of the managing officer of the Management Unit; and
- .7 keep under review and decide as necessary on other matters relating to the operation and the effectiveness of the present Memorandum.

5.1.7 Decisions of the Committee are taken by approval of a simple majority of the Committee Members present in the meeting.

5.1.8 A Participant withdrawing from membership on the Committee should seek to give at least six months advance notice of its intention to cease participation.

5.2 The Management Unit


5.2.1 A Management Unit is established to be in charge of the daily operation of Equasis. The Management Unit is intended to operate on a non-profit basis with the aim of improving quality in maritime transport.

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5.2.2 EMSA is to host the Management Unit and locate it in EMSA's premises at EMSA's own cost.

5.2.3 The Management Unit, acting under the guidance of the Committee and within the limits of the resources made available for Equasis, is to:

- .1 manage agreements with the data providers of information to Equasis and arrange the modalities for access to and use of the information system;
- .2 assess all applications from data providers in accordance with the Data Providers Accreditation Procedure in its latest version approved by the Committee and prepare relevant proposals for the Editorial Board and the Committee.
- .3 prepare an annual Equasis budget proposal for approval by the Committee;
- .4 prepare meetings, circulate papers and provide assistance as may be required to enable the Committee and the Editorial Board to carry out their functions;
- .5 facilitate the exchange of information, prepare summaries and statistics of the information provided through Equasis and prepare reports as may be necessary for the purposes of the present Memorandum;
- .6 instruct the Technical Unit as appropriate;
- .7 handle complaints relating to the services provided through Equasis through a dedicated help desk and otherwise as required;
- .8 prepare a detailed annual report of its activities, including those of the Technical Unit, for approval by the Committee;
- .9 promote Equasis; and



- .10 carry out any other work as may be necessary to facilitate the effective operation of the present Memorandum, including the development of proposals for improving, strengthening and extending the Equasis information system.

5.2.4 The Management Unit is to be led by a Managing Officer, whose nomination is to be endorsed by the Committee.

5.3 The Technical Unit

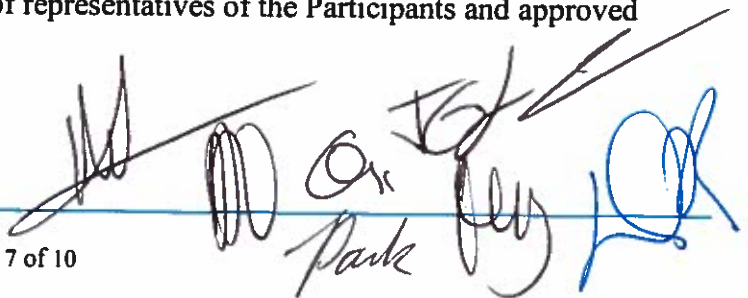
5.3.1 The Technical Unit is to:

- .1 develop the information system and manage the database;
- .2 be in charge of the technical aspects of provision of information in Equasis, including setting up and maintenance of adequate computer resources and other equipment as necessary;
- .3 facilitate the efficient functioning of Equasis by giving preference to the most appropriate technical standards;
- .4 provide the Management Unit with a detailed annual report of its activities; and
- .5 monitor and, where necessary, improve the quality of the system on a continuous basis.

5.3.2 The technical operation of the Equasis computer system is to be handled by the French maritime administration.

5.4 The Editorial Board

5.4.1 The Editorial Board is to be composed of representatives of the Participants and approved data providers.

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- 5.4.2 The Editorial Board is to meet twice a year, and at any other times as it may be decided. The Editorial Board is to elect its own chairman and approve its own rules of procedure.
- 5.4.3 At least one representative of the Management Unit and one representative of the Technical Unit should attend the meetings of the Editorial Board.
- 5.4.4 The Editorial Board may invite end users, as well as other organisations that contribute to the objectives of Equasis its meetings.
- 5.4.5 The Editorial Board is to:
- .1 monitor and facilitate the quality and accuracy of the information released through Equasis;
 - .2 advise the Management Unit and the Technical Unit on any aspect relating to the provision of information and data in Equasis;
 - .3 evaluate all applications from data providers in accordance with the Data Providers Accreditation Procedure in its latest version approved by the Committee and prepare an opinion for the Committee;

Section 6 Modifications

- 6.1 Any Participant may propose modifications to the present Memorandum.
- 6.2 All proposed modifications are to be submitted through the Management Unit for consideration by the Committee.
- 6.3 Modifications are decided by a two-thirds majority of the members of the Committee present and voting.
- 6.4 A modification becomes operative 60 days after it has been decided, or at the end of any different period determined unanimously by the members of the Committee present and voting at the time of decision on the modification.

Section 7 Liability

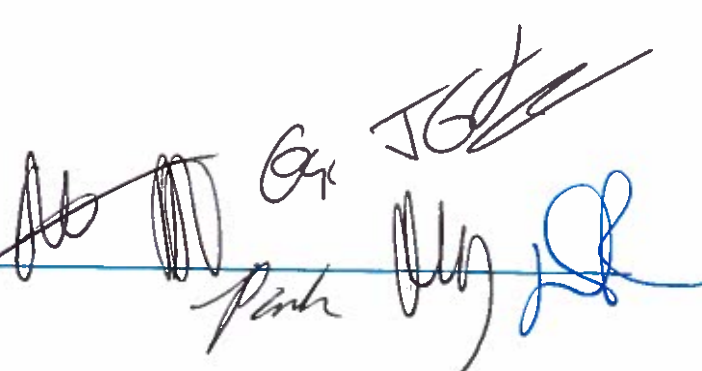
Participants, and organisations invited as observers to the Committee meetings, accept no liability for the accuracy or reliability of the data displayed on Equasis, nor any liability in connection with the management, operation or use of Equasis.

Section 8 Final Provisions

- 8.1 The present Memorandum is not intended to give rise to rights and obligations of any Participant, including those arising under international law.
- 8.2 The present Memorandum is put into operation on the date of signature thereof by all of the Participants identified as signatories below, at which time the May 2009 MOU ceases to be operational for those Participants. Additional Participants may sign thereafter.
- 8.3 The English, French and Spanish language texts of the present Memorandum are authoritative versions.



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Handwritten signatures and initials in blue ink, including 'Gx', 'JG', and 'Pank'.

SIGNED in London, in the English, French and Spanish language, this 6th day of July 2016.

by :

Maritime Authorities of

Brazil

Canada

France

Japan (SIGNED in Tokyo on 1/6/2016). *Akira Ishihara*

Norway

Spain

The Republic of Korea

The United Kingdom

The United States of America

and

The European Maritime Safety Agency (EMSA)