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MoT Reg 4/2023: Improving Safety in Navigating at Sea through a Comprehensive Regulation on Shipping Telecommunication

Overview

In ensuring the safety and security of sea transportation, two factors must be taken into account: seaworthiness and marine navigation. The latter involves a good seamanship, professional knowledge and judgment, as well as application of science and technology. One of the main aspects in marine navigation includes shipping-telecommunication, which holds an important role in ensuring the safety of navigating in seas since it serves as a medium to conduct ship-to-ship and ship-to-shore communication during shipping, hence, a thorough regulation regarding shipping-telecommunication is crucial.

To accommodate the above, on 1 February 2023, the Ministry of Transportation (“**MoT**”) enacted MoT Regulation No. 4 of 2023 regarding Implementation of Shipping-Telecommunication and Service of Vessel Traffic Governance in Indonesian Waters (“**MoT Reg 4/2023**”). The recently issued regulation governs provisions related to shipping communication more comprehensively, as well as introduces new shipping telecommunication technologies.

Updated Requirements for the Implementation of Shipping Telecommunication Medium

Based on Article 2 MoT Reg 4/2023, the mediums for shipping telecommunication now include:

1. Coast radio station;
2. National Data Centre (NDC) for Long Range Identification and Tracking of Ships (LRIT);
3. Vessel radio station;
4. Vessel Traffic Services (VTS);
5. Navigational Telex (Navtex);
6. Marine Electronic Highway (MEH); and
7. Maritime Coordination Centre (MCC).

The above list includes new type of mediums, which are Navigational Telex, Marine Electronic Highway, and Maritime Coordination Centre.

Obligations for Business Actors in the Implementation of Shipping Telecommunication

Prior to the enactment of MoT Reg 4/2023, there were no provisions that regulate obligations for business actors in implementing shipping telecommunication. However, in the MoT 4/2023, there are several obligations which must be done by relevant business actors, as follows:



1. Obligations in Operating Coast Radio Station

After obtaining a standard certificate of marine frequency determination, its holders are obliged to maintain its coast radio station, guarantee the reliability of coast radio station with predetermined standards, submit list of ships that have been serviced, and periodically report to the Director General of Sea Transportation.¹

2. Obligations in Operating LRIT (Long Range Identification and Tracking of Ships)

Prior to the commencement of LRIT operation, there must be an appointment of recognized application service provider and authorized testing application service provider (ASP). In order to obtain the ASP status, business actors must file an application to the Director General of Sea Transportation.²

3. Obligations in Operating VTS (Vessel Traffic Service)

In order to procure VTS, business actors must obtain approval of VTS implementation.³ As an approval holder, business actors must maintain its VTS, guarantee the reliability of VTS with predetermined standards, submit list of ships that have been serviced, and periodically report to the Director General of Sea Transportation.⁴

Introduction of Electronic Navigation (E-Navigation)

Aside from the revised regulation regarding shipping telecommunication, the MoT Reg 4/2023 introduces innovations in shipping telecommunication, that are E-Navigation and Maritime Safety Information. The implementation of E-Navigation includes:⁵

1. Information service of VTS;
2. Navigational Assistance Service of VTS;
3. Port support services;
4. Maritime Safety Information;
5. Pilotage service;
6. Tug service;
7. Vessel shore reporting;
8. Telemedical assistance service;
9. Maritime assistance service;
10. Nautical chart service;
11. Meteorological information;
12. Real-time hydrographic and environmental information services; and

¹ Article 17 MoT Reg 4/2023

² Article 35 (1) MoT Reg 4/2023

³ Article 55 MoT Reg 4/2023

⁴ Article 56 MoT Reg 4/2023

⁵ Article 95 MoT Reg 4/2023



13. Search and rescue services.

The above services are implemented by referring to the E-Navigation guidelines issued by International Maritime Organization and International Association of Marine Aids to Navigation and Lighthouse Authorities.⁶

Administrative Sanction

In this regard, the type and procedure of administrative sanction related to shipping is regulated in a separate regulation, that is MoT Regulation No. PM 34 of 2022 regarding Procedure for Supervision and Imposition of Administrative Sanctions for Violation of Shipping Regulation (“**MoT 34/2022**”). Administrative sanction shall imposed in the event of violation of the obligations stated in the MoT 4/2023, which is based on the result of supervision. The administrative sanction includes:

1. Written warning;
2. Suspension of permits or certificates;
3. Revocation of license or certificate; and/or
4. Administrative fine.

The above sanctions may be imposed gradually or directly.

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⁶ Article 94 (1) MoT Reg 4/2023