

## CIRCULAR No 38 Rev. 1

### PORTUGUESE MARITIME ADMINISTRATION

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**SUBJECT | ANNUAL TESTING OF EPIRBs, VDR, S-VDR AND AIS**

**To |** Shipowners, Companies, Operators, Recognized Organizations, Shore Based Maintenance Entities, Surveyors and Inspectors, Masters and Skippers of Portuguese flagged vessels

**DISCLAIMER |** This document is for information only and is not intended to interpret or replace the legal referenced documents published by official sources

***References:** SOLAS Regulation IV/15.9 on Maintenance Requirements for Satellite EPIRBs; SOLAS Regulation V/18.8 and 18.9 on Approval, surveys and performance standards of navigational systems and equipment and voyage data recorder (VDR) for the annual testing of VDR and AIS; Circular MSC.1/Circ.955 “Servicing of Life Saving Appliances and Radiocommunication Equipment under the Harmonized System of Survey and Certification (HSSC)”;* Circular MSC.1/Circ.1040/Rev.1 “Revised guidelines on annual testing of 406 MHz Satellite EPIRBs”; Circular MSC.1/Circ.1222/Rev.1 “Revised guidelines on annual testing of Voyage Data Recorders (VDR) and Simplified Voyage Data Recorders (S-VDR)”; Circular MSC.1/Circ.1252 “Guidelines on annual testing of Automatic Identification System (AIS)”;

*Decree-Law n.º 106/2004 of 8 May, which applies the SOLAS Convention, its protocol and the current amendments to national vessels; Decree-Law n.º 248/2000 of 3 October, on its updated edition, establishing a common safety regime for fishing vessels of 24 meters and above; Decree-Law n.º 108/2004 of 27 July, on its updated edition, which transfers into the internal legal system the Directive n.º 2002/59/EC, of the Parliament and the Council, of 27 June, establishing a Community vessel traffic monitoring and information system; Decree-Law n.º 93/2020, of 3 November, which establishes the safety rules for passenger vessels in domestic voyages, extending to these vessels the application of certain rules of the SOLAS Convention.*

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#### 1. OBJECTIVE

The aim of this Circular is to inform about the interpretation<sup>1</sup> of the Portuguese Maritime Administration, DGRM, of the timeframe to perform the annual testing of EPIRBs, VDRs, S-VDRs and AIS under the *chapeau* of the Harmonized System of Survey and Certification, HSSC, outlined in Resolution A.1140(31) and the European Union and National rules. Information is also given about the scope and which vessels are covered by the requirement of performing these tests.

#### 2. SCOPE

##### 2.1 EPIRB ANNUAL TESTING

All ships and vessels to which the following rules are applicable will be subject to verification of the EPIRB annual test:

2.1.1 Chapter IV of the SOLAS Convention in its most recent update;

2.1.2 Fishing vessels of 24 metres in length and above falling within the scope of Decree-Law n.º 248/2000, of 3 October in its most recent update;

2.1.3 Class A, B and C passenger ships falling under the scope of Decree-Law n.º 93/2020 of 3 November.

##### 2.2 VDR/S-VDR ANNUAL TESTING

All ships and vessels falling under the scope of regulation V/20 of SOLAS Convention 1974, in its most recent update. All ships and vessels mentioned in annex II of Decree-Law n.º 180/2004, of 27 July, in its most recent update, will be excluded.

##### 2.3 AIS ANNUAL TESTING

All ships and vessels to which, due to matter, the following rules are applicable will be subject to verification of the AIS annual test:

2.3.1 Regulation V/19.2.4 of the SOLAS Convention 1974, in its most recent update;

2.3.2 Fishing vessels of 24 metres in length and above falling within the scope of Decree-Law n.º 248/2000, of 3 October in its most recent update and not included in 5.3.1 above.

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<sup>1</sup> MSC.1/Circ.1576, of 15 June 2017 “Unified interpretation of the provisions of SOLAS relating to the annual testing of the VDR, S-VDR, AIS and EPIRB” should also be consulted.

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All ships and vessels mentioned in annex II of Decree-Law n.º 180/2004, of 27 July, in its most recent update, will be excluded.

### **3. ANNUAL TEST OF EPIRBs**

3.1 Regulation IV/15.9 of the SOLAS Convention, in its updated version, refers Satellite EPIRBs shall be, not only tested annually for all aspects of operational efficiency, with special emphasis on checking the emission on operational frequencies, coding and registration, but also subject to maintenance at intervals not exceeding five years, to be performed at an approved shore-based maintenance facility (SBM). The annual test may be conducted on board the ship or at an approved testing station.

3.2 The regulation also defines when this test should be performed, both for passenger and cargo ships. For passenger ships the test should be performed within 3 months before the expiry date of the passenger ship safety certificate. On cargo ships, within 3 months before the expiry date of the cargo ship safety radio certificate when the renewal survey is due, or 3 months before or after the anniversary date of the certificate for periodic surveys. The checklist for this testing are laid down in the guidelines annexed to MSC.1/Circ.1040/Rev.1.

3.3 Circular MSC.1/Circ.955 refers the servicing intervals of satellite EPIRBs required by SOLAS regulation IV/15.9, shall not exceed 12 months which may be extended to 17 months where in any case this is impracticable in exceptional circumstances. In the meantime and according to regulations I/8 and I/9 of the 1988 SOLAS Protocol, the said appliances shall be subjected to an annual or a periodical survey within 3 months before or after each anniversary date of the Cargo Ship Safety Radio Certificate or the Cargo Ship Safety Certificate, i.e. maximum 18 months interval.

3.4 From Circular MSC.1/Circ.955 we can also read the IMO's maritime safety committee in pursuance of the HSSC's objectives to simplify survey requirements, thereby reducing the burden on Administrations, operators of ships and the crews of ships, decided that the servicing intervals of radiocommunication equipment for ships, whose flag States implement the HSSC, may be in concert with the terms of the HSSC annual, periodical and renewal

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survey stipulated in the 1988 SOLAS Protocol notwithstanding regulations III/20.8, III/20.9 and IV/15.9 of the 1974 SOLAS Convention, as amended.

3.5 DGRM's interpretation on this subject is that the annual survey due to EPIRBs shall be carried out within the "time window" of the prescribed survey, but not later than the date of completion of the survey for endorsement or renewal of the relevant certificate<sup>2</sup>.

3.6 In case of fishing vessels of 24 metres in length and above falling within the scope of Decree-Law n.º 248/2000, of 3 October in its most recent update, the annual survey due to EPIRBs shall be carried out within the "time window" prescribed for the periodical radio survey.

#### **4. ANNUAL TEST OF VDR OR S-VDR**

4.1 Regulation V/18. 8 of the SOLAS Convention, in its updated version, establishes the voyage data recorder system, including all sensors, to be subjected to an annual performance test. The test shall be conducted by an approved testing or servicing facility to verify the accuracy, duration and recoverability of the recorded data. In addition, tests and inspections shall be conducted to determine the serviceability of all protective enclosures and devices fitted to aid location. A copy of the certificate of compliance issued by the testing facility, stating the date of compliance and the applicable performance standards, shall be retained on board the ship.

4.2 The objective of this annual test is the verification of the VDR/S-VDR compliance in accordance with the manufacturer specification, being the checklist pointed out in the guide lines annexed to Circular MSC.1/Circ.1222/Rev.1. The manufacturer must complete a review, record any changes and issue the completed test report within 45 days. To accommodate performance checks to align with the appropriate survey under the HSSC, the annual performance check may be carried out according with the following: for passenger ships up to 3 months before the due date of the passenger ship safety certificate; for cargo ships the test should be done up to 3 months before the due date of the cargo ship safety certificate renewal or within -/+ 3 months of the due date for annual or periodical surveys. The

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<sup>2</sup> Relevant certificate - the Passenger Ship Safety Certificate or the Cargo Ship Safety Radio Certificate or the Cargo Ship Safety Certificate, as applicable.

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maximum period between subsequent checks is, therefore, 15 months for passenger ships and 18 months for cargo ships, unless either certificate has been extended as permitted by SOLAS regulation I/14, in which case a similar extension may be granted.

4.3 The guidelines on the annual test to VDR and S-VDR point out that for the verification of the float-free capsules approved with Resolution MSC.333(90) should be done according with Circular MSC.1/Circ.1040/Rev.1.

4.4 DGRM's interpretation on this subject is that the annual test of either VDRs or S-VDRs should be carried out within the "time window" of the annual, periodical or renewal survey under the HSSC, but not later than the date of completion of the survey for endorsement or renewal of the relevant certificate<sup>3</sup>.

4.5 Fishing vessels to which Regulation V/20 of the SOLAS 1974 Convention, in its updated version apply, shall carry out the annual test of either VDRs or S-VDRs within the "time window" prescribed for the radio periodical survey.

## **5. ANNUAL TEST OF AIS**

5.1 Regulation V/18.9 of the SOLAS Convention, in its updated version establishes the automatic identification system (AIS) should be subject to an annual test, to be conducted by an approved surveyor or an approved testing or servicing facility. The test shall verify the correct programming of the ship static information, correct data exchange with connected sensors as well as verifying the radio performance by radio frequency measurement and on-air test using, e.g. a Vessel Traffic Service (VTS). A copy of the test report shall be retained on board the ship.

5.2 The guidelines on annual testing of the automatic identification system (AIS) annexed to Circular MSC.1/Circ.1252 it is referred that to accommodate performance test to align with the appropriate survey under HSSC, the annual testing may be carried out according with the following: for passenger ships, the test should be done up to 3 months before the due date of

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<sup>3</sup> Relevant certificate - the Passenger Ship Safety Certificate or the Cargo Ship Safety Radio Certificate or the Cargo Ship Safety Certificate, as applicable.

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the renewal of the passenger ship safety certificate; for cargo ships the test should be done up to 3 months before the due date of the cargo ship safety certificate renewal or within -/+ 3 months of the due date for annual or periodical surveys. The maximum period between subsequent checks is, therefore, 15 months for passenger ships and 18 months for cargo ships, unless either certificate has been extended as permitted by SOLAS regulation I/14, in which case a similar extension may be granted.

5.3 DGRM's interpretation on this subject is that the annual test of the AIS shall be carried out within the "time window" of the annual, periodical or renewal survey under HSSC, but not later than the date of completion of the survey for endorsement or renewal of the relevant certificate<sup>4</sup>.

5.4 In case of fishing vessels of 24 metres in length and above falling within the scope of Decree-Law n.º 180/2004, of 27 July, in its most recent update, the annual survey due to AIS shall be carried out within the "time window" prescribed for the periodical radio survey.

Lisbon, 10.02.2021

The General Director of Natural Resources, Safety, and Maritime Services

**For further information please contact:**

**Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos**

Avenida Brasília 1449 - 030 Lisboa, Portugal

Tel.: +351 213 035 700

[www.dgrm.mm.gov.pt](http://www.dgrm.mm.gov.pt)

E-mail: [dsam.secretariado@dgrm.mm.gov.pt](mailto:dsam.secretariado@dgrm.mm.gov.pt)

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<sup>4</sup> Relevant certificate - the Passenger Ship Safety Certificate or the Cargo Ship Safety Radio Certificate or the Cargo Ship Safety Certificate, as applicable.