

# MTSA/ISPS POLICY ADVISORY COUNCIL

October 26, 2004

## Issue/Discussion/Decision Facilities with Foreign Megayachts 01-03 Change 3

**FINAL**

**Issue:** (01-03 Change 3) How will 33 CFR 105 be implemented at small facilities that are primarily recreational in nature that accept foreign flagged yachts?

**Decision:** 33 CFR Part 105 is applicable to facilities that receive vessels subject to SOLAS.

A foreign yacht that carries more than 12 passengers and engages in trade is subject to SOLAS. To prove that yacht meets the provisions of SOLAS, the flag state will issue the yacht a complement of SOLAS documents. With the exception of vessels engaged in bareboat charters, these documents may **not** be “turned on” and “turned off” depending on the conditions of the vessel’s operations (i.e. engaged in trade or not engaged in trade). Examples to help a boarding officer or marine inspector determine whether vessels are subject to SOLAS are found in Policy Advisory Council Issue Paper 44-04.