### **EUROPEAN YACHTING SEMINAR**

INTERCONTINENTAL HOTEL LONDON, UNITED KINGDOM 9 FEBRUARY 2010







#### INTERNATIONAL REGISTRIES, INC.

THE MARSHALL ISLANDS MARITIME AND CORPORATE ADMINISTRATORS



#### **AGENDA**

- Marshall Islands History & Registry Overview
- Flag State Responsibilities
- Particulars of the Yacht Registry
- Corporate Requirements
- Summary









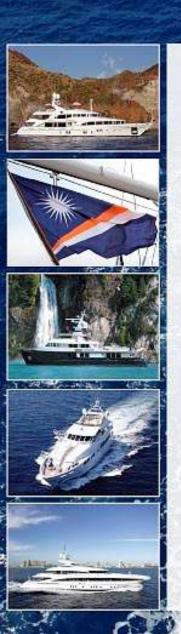












### PRESENTED BY:

### Gene Sweeney

Senior Vice President, Yacht Operations Ft. Lauderdale, Florida

### Ryan Rabatin

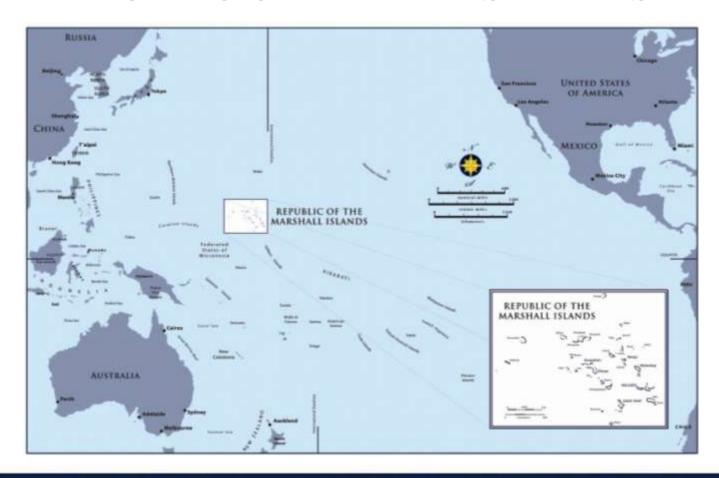
Vice President, Vessel Administration Ft. Lauderdale, Florida

#### **Patrick Bachofner**

Business Development Manager Geneva



#### THE REPUBLIC OF THE MARSHALL ISLANDS





















#### THE HISTORY OF THE MARSHALL ISLANDS

- 1788 Islands named for British sea Captain John Marshall
- 1885 1914 German Possession
- 1914 1944 Japanese Administered
- 1947 Trusteeship between the United Nations (UN) and the United States (US)
- 1986 Independent and Sovereign Nation
- 1991 Full UN Membership
- 1998 Full IMO Membership
- 2007 Full ILO Membership and ascension to the Maritime Labour Convention (MLC), 2006





### COMPACT OF FREE ASSOCIATION ACT OF 1985



PUBLIC LAW 99-239 - JAN. 14, 1986

99 STAT, 1773

TITLE 48 U.S. CODE, SEC 1901

TITLE I – APPROVAL OF COMPACT; INTERPRETATION OF, AND U.S. POLICIES REGARDING, COMPACT; SUPPLEMENTAL PROVISIONS

b) MARSHALL ISLANDS. – The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of the Marshall Islands is hereby approved, and Congress hereby consents to the subsidiary agreements as set forth on pages 115 through 391 of House Document 98-192 of March 30, 1984, as they relate to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with Presidentof U.S. section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

(c) REFERENCE TO THE COMPACT. – Any reference in this joint resolution to "the Compact" shall be treated as a reference to the Compact of Free Association set forth in title II of this joint resolution.





















#### **POLITICAL STABILITY**





#### **Population:**

60,000

#### **Total Area:**

500,000 sq. miles comprising 1,152 islands and islets

#### **Government Type:**

Sovereign Nation; blend of UK parliamentary and US style of Government

#### Capital:

Majuro



















#### WHO WE ARE





The WORLD PEACE, registered on March 11, 1949

- The company goes back to 1948, when it was founded by Edward R.
   Stettinius, seen here at the Yalta
   Conference when he was Secretary of State.
- International Registries, Inc. (IRI)
   and its affiliates are the Maritime and
   Corporate Administrators of the
   Marshall Islands Registry.





#### **WORLDWIDE OFFICES**





















#### **PRIMARY YACHT OFFICES**













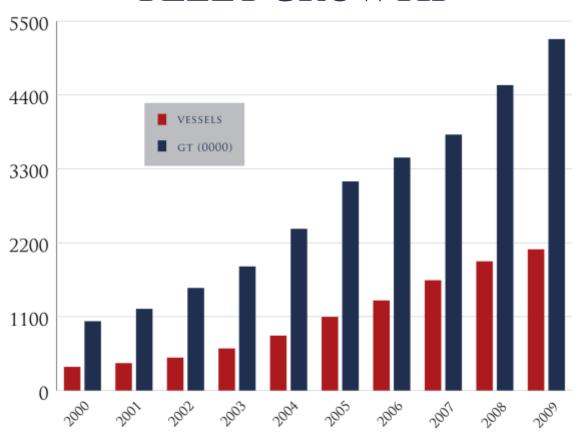








#### **FLEET GROWTH**



As of 31 December 2009



















#### **FLEET TYPES**

VESSEL TYPE	NO. OF VESSELS	% OF FLEET	GROSS TONS	% OF FLEET GROSS TONS
BULK CARRIER	336	16%	12,771,520	24%
CONTAINER	218	10%	4,890,058	9%
GAS CARRIER	82	4%	6,910,263	13%
GENERAL CARGO	78	4%	913,312	2%
MISCELLANEOUS	76	4%	611,133	1%
MODU	113	5%	1,979,158	4%
MOU	19	0.90%	910,225	2%
OSV	124	6%	209,168	0.40%
PASSENGER	8	0.38%	167,167	0.32%
TANKER	521	25%	22,871,072	44%
YACHT	527	25%	84,774	0.16%
TOTAL FLEET	2102		52,317,850	

As of 31 December 2009











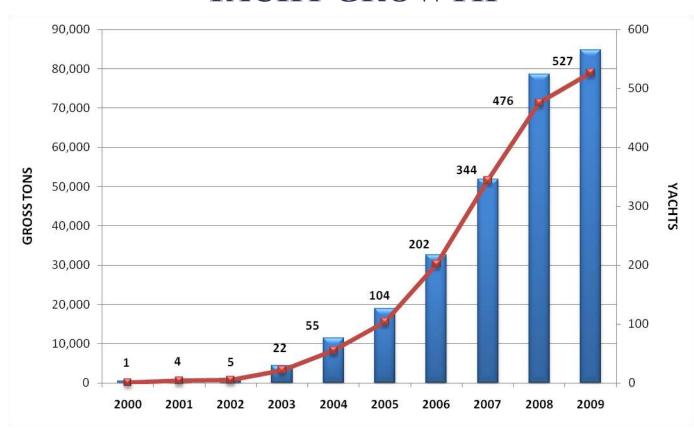








#### **YACHT GROWTH**

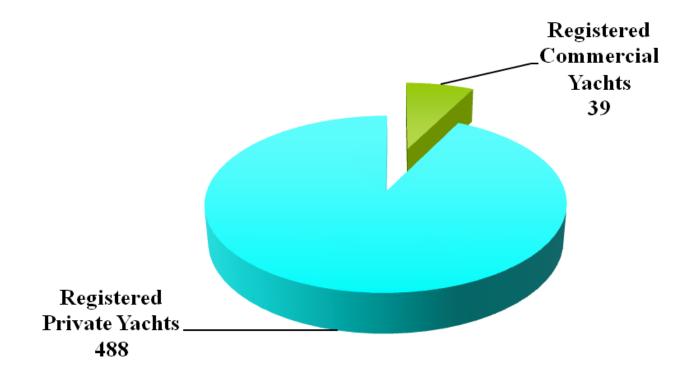


As of 31 December 2009





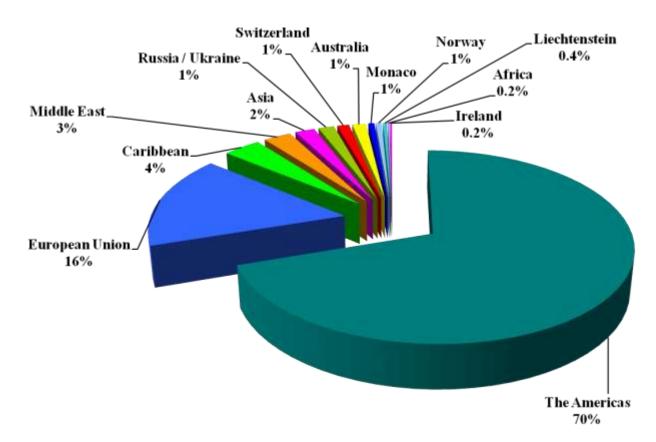
#### **YACHT TYPES**



As of 31 December 2009



#### REGISTERED YACHTS BY OWNER/OPERATOR NATIONALITY



As of 31 December 2009









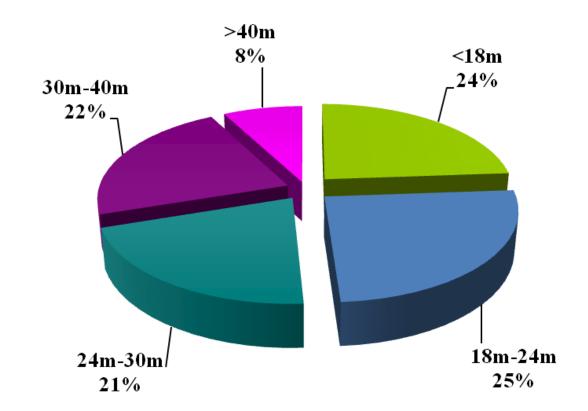








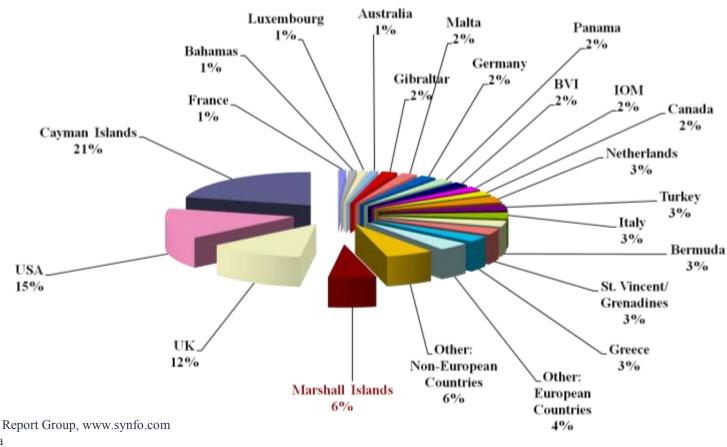
#### YACHT FLEET LENGTH OVERVIEW



As of 31 December 2009



#### YACHT REGISTRATIONS BY FLAG STATE



Source: The Yacht Report Group, www.synfo.com

Based on 2008 data











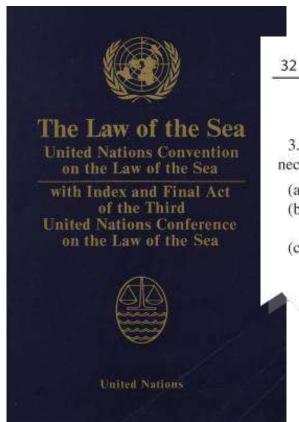








#### **UNCLOS**



Convention: arts. 94-95

#### Article 94 Duties of the Flag State

- Every State shall take such measures for ships flying its flag as are necessary to ensure safety at sea with regard, inter alia, to:
- (a) the construction, equipment, and seaworthiness of ships;
- (b) the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments;
- (c) the use of signals, the maintenance of communications and the prevention of collisions.

## ARTICLE 94

**Duties of the flag State** 









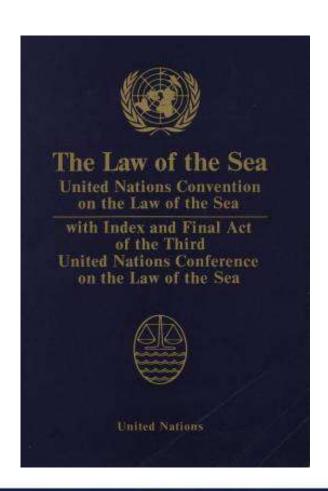








#### **UNCLOS**



78

Convention: arts. 217-218

#### Article 217 Enforcement by flag States

- States shall ensure compliance by vessels flying their flag or of their registry with applicable international rules and standards, established through the competent international organization or general diplomatic conference, and with their laws and regulations adopted in accordance with this Convention for the prevention, reduction and control of pollution of the marine environment from vessels and shall accordingly adopt laws and regulations and take other measures necessary for their implementation. Flag States shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs.
- States shall, in particular, take appropriate measures in order to ensure that vessels flying their flag or of their registry are prohibited from sailing, until they can proceed to sea in compliance with the requirements of the international rules and standards referred to in paragraph 1, including requirements in respect of design, construction, equipment and manning of vessels.
  - 3. States shall ensure the vessels flying their flag or of their registry carry oard certificates recommend and issurguant to international rules that vessels flying their flag or of their registry carry oard certificates recommend to international rules and issurguant to international rules of their registry carry oard certificates recommendate their flag or of their registry carry oard certificates recommendates and issurguant to international rules of their registry carry oard certificates recommendates and issurguant to international rules of their registry carry oard certificates recommendates and issurguant to international rules of their registry carry oard certificates recommendates and issurguant to international rules of their registry carry oard certificates recommendates and issurguant to international rules of their registry carry oard certificates recommendates and issurguant to international rules of their registry carry of their registry carry oard certificates recommendates and issurguant to international rules of their registry carry of their registry

#### **ARTICLE 217**

#### **Enforcement by flag States**



















#### FLAG STATE RESPONSIBILITIES

- Exercises regulatory control
- Well-resourced worldwide offices
- Easily accessible
- Quality customer service
- Understanding of the industry
- Internationally recognized
- Vessel Screening and pre-registration vetting
- IMO proactive participation





#### FLAG STATE VERSUS PORT STATE

#### Flag State

- Imparts nationality
- Records ownership
- Establishes legal framework
- Ensures national and international statutory and regulatory controls
- Establishes rights and privileges of the yacht

#### **Port State**

- Enforces international laws and regulations
- Establishes and enforces regulation of operations in territorial waters
- Right to inspect









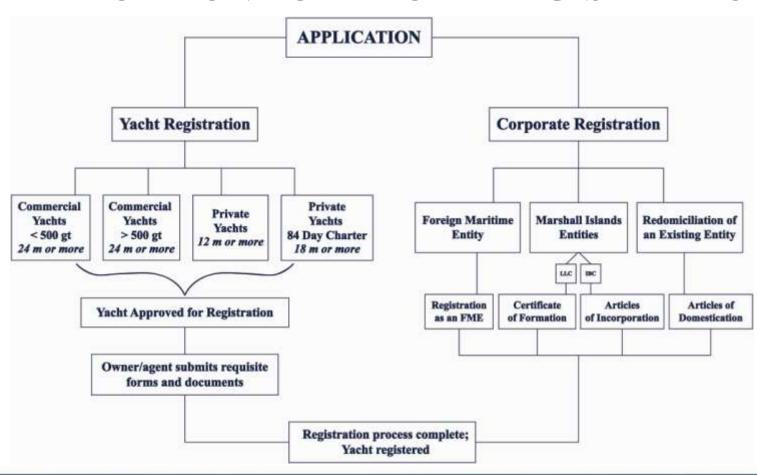








#### **APPLICATION FOR YACHT REGISTRATION**





















### FOUR QUADRANTS OF YACHT REGISTRATION

PRIVATE YACHTS

PRIVATE YACHTS
84 DAY CHARTER

COMMERCIAL YACHTS
<500 GT

COMMERCIAL YACHTS
>500 GT

















#### **PRIVATE YACHTS**

- Basic Registration Requirements
- Survey Reports
- Proof of Ownership
- Evidence of Authority
- Insurance
- Recordable Mortgages
- Consent to Transfer or Proof of Deletion (Transcript of Registry)
- 1 or 3 Year Registration Options



















#### PRIVATE YACHTS – 84 DAY CHARTER

- 84 day option to charter as a private yacht
- Minimum 18 meters
- Must pass enhanced survey by AR or Recognized Organization (RO)
- Must have Minimum Safe Manning Certificate (MSMC)







#### **CHARTERING & MI-127**



### REPUBLIC OF THE MARSHALL ISLANDS MARITIME ADMINISTRATOR

TELEPHONE:

FAX:

EMAIL:

@register-iri.com WEBSITE: www.register-iri.com

#### DECLARATION OF PRIVATE USE

AFFIDAVIT RE: NON-CARRIAGE OF PASSENGERS OR CARGO FOR HIRE, CHARTERING AND SALE OF YACHT OR INTEREST IN OWNING ENTITY

I,	having been swom
depose and say that I am	0
	(title)
	, owner or prospective owner of the yach
	to be registered in The Republic of the Marshall Island
under Official Number	; and that such is a pleasure yacht which complies with th
requirements of a Private Yacht as define	ed in Section 1.12 of the Marshall Islands Maritime Regulations; and further
the transportation of merch	offered for any type of charter operation; or be engaged in trade for nandise or the carriage of passengers for reward, remuneration or button to the actual cost of the week or its operation for the period







of the voyage or excursion).











#### **MI-127**

- (b) That the owner further understands that under paragraph (a) the Registry permits a private yacht of 18 meters or greater in length to be demise/bareboat, time, or voyage chartered out for up to 84 days in any one (1) calendar year to allow for the yacht owner to recoup some of his/her operating expenses. This chartering privilege exempts the yacht from having to be registered as a commercial yacht. However those who wish to charter their private yacht of 18 meters or greater in length in accordance with these privileges will be required to satisfy the following additional requirements:
  - At time of application for registry in the Marshall Islands, the owner will declare on the application form, MI-101PY, the intention to avail the yacht of the 84 days of chartering per calendar year.
  - ii. If the owner declares his intention to charter the yacht, it must pass an enhanced survey conducted by a Marshall Islands Appointed Representative. The enhanced survey will address the yacht's equivalency to commercial equipment standards for life saving apparatus, safety and fire-fighting equipment in addition to the Fit for Purpose survey.
  - iii. Effective 1 January 2010, all private yachts engaged in chartering will be required to have a Safety Management System approved by a Marshall Islands Appointed Representative. It is strongly recommended that an Approved Safety Management System be put in place as soon as possible.
  - iv. All private yachts of 80 gross tons or greater, or 24 meters or greater in length, and engaged in chartering, must apply for, and operate under, a Minimum Safe Manning Certificate, MI-282-10, which requires crew members to hold Marshall Islands
    - Certificates of Competency or Marshall Islands endorsements on their national licenses for the position in which they are serving aboard the yacht. Additionally, all crew members must hold a valid Marshall Islands Seafarer's Identification and Record Book, which requires the minimum STCW training.
  - Private yachts of 18 meters or greater in length, engaged in chartering, must have annual compliance verification by way of an Appointed Representative's survey to maintain chartering privileges.
  - vii. Demise/Bareboat Charter Party and/or the Yacht Service Agreement must have specific language clearly stating that a "competent master and crew will operate the yacht in accordance with the Marshall Islands Law and Regulations."

















#### **MI-127**

viii. Proper P&I and Hull and Machinery insurance coverage in place for the period and scope of the charter.

(c) That the owner understands that in the event of the sale of the yacht or the interest in the owning entity, the purchaser will have no automatic right to re-register the yacht in their ownership or to continue the registration of the yacht under the Marshall Islands Flag.

(d) That the owner understands that if it is determined after registration of the yacht that this Declaration has been deliberately and fraudulently filed with the Maritime Administrator, it will result in the immediate termination of the Private Yacht Certificate of Registry and the striking of the yacht from the registry.					
		(signature)			
Subscribed and swom to before me		,			
this day of	20				
at					
at					
Signature of Notary Public, Depu Commissioner or Special Agen					
ACKNOWLEDGEMENT FROM MASTER					
Master, [YACHT NAME] c/o [Company Name] Marshall Islands					
Dear Captain,					
Please acknowledge receipt and understanding of this Declaration of Private Use by signing the below and promptly returning this document to the Office of the Maritime Administrator at the office address shown in the letterhead.					
Sincerely,					
[Signator] [Signator Title] Office of the Maritime Administrator Republic of the Marshall Islands					
Receipt is herewith acknowledged:					
Date:	Signature of Master:				
Rev. 7/08	2 of 2	MI-127			



















#### **COMMERCIAL YACHTS < 500 GT**

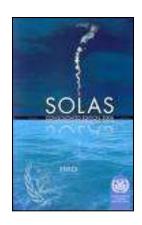
- ARs Class not required
- Document of Compliance/ Classification Certificate
- Annual Review of Certification
- MI-103 Commercial Yacht Code
- Annual Safety Inspections (yachts over 400 gt)
- Manning Requirements





#### **COMMERCIAL YACHTS > 500 GT**

- Classification Certificate
- Annual Review of Certification
- International Compliance (yachts over 500 gt)
- Minimum Safe Manning Requirements
- Annual Safety Inspections (yachts over 400 gt)
- ISM Code Declarations

























### INSURANCE AS REQUIRED BY THE FLAG

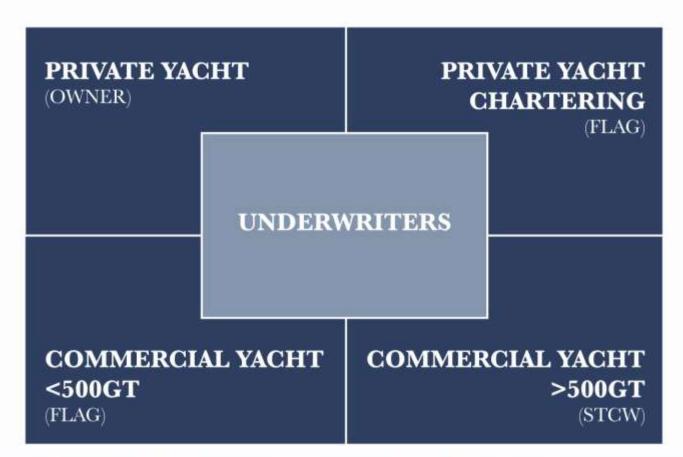
Vessel Registration and Mortgage Recording Procedures (MI-100) Chapter III, Section 2, subsection B, item 12

- The vessel owner is required to maintain, at all times, satisfactory third-party liability and hull and machinery insurance coverage issued by an underwriter in policy form acceptable to the Maritime Administrator
- Must be able to verify that at all times that liability insurance coverage is currently in full force and effect for the vessel
- Must provide protection and indemnity coverage in force with respect to the vessel





#### **YACHT MANNING**



















#### **CLASSIFICATION OF PERSONS ONBOARD**

- Passengers
- Guests
- Crew
- Supernumeraries





















### **CREWING REQUIREMENTS**

- Minimum Safe Manning Certificate
  - Issued by Marshall Islands
  - Required for Chartering Yachts over 80 gt and over 24 meters
- Marshall Islands Licenses and Seafarers' Identification and Record Books (SIRBs) for all Officers and SIRBs for crew on Chartering Yachts
  - Commercial Yachts must have Basic STCW Training
  - Private Yachts Chartering only require rating





#### **LICENSING**

- STCW Matrix in Commercial Yacht
   Code for Commercial Yachts
- Only Single Engine KW or HP
- Private Yachts doing Chartering –
   Flag Jurisdiction
- Certificate of Qualification
- Applications accepted in all worldwide offices





















#### **NEWBUILDINGS**

- MI has agreement with IACS Members (ROs)
- ROs have Plan Review, Survey and Certificate Approval under MI
- Comply with SOLAS →
   Commercial Yacht Code →
   Petition Flag
- Below 500 gt option to use ARs







### **MARRIAGES IN INTERNATIONAL WATERS**

- Master performs ceremony in international waters with two adult witnesses
- Evidenced by a Certificate of Marriage
- Recorded in an official Log Book Entry





















### CERTIFICATE OF MARRIAGE AT SEA AND LOG BOOK ENTRY

- Full names and nationalities of both parties
- Full name and Marshall Islands license number of Master
- Name and Official Number of yacht
- Geographic location of marriage
- Log Book and page numbers
- Confirmation of age and gender of couple through official documentation



















### **CURRENT ACTIVITES**

- Maritime Labour Convention (MLC), 2006
- Global Yachting Resources
- 500<sup>th</sup> Yacht

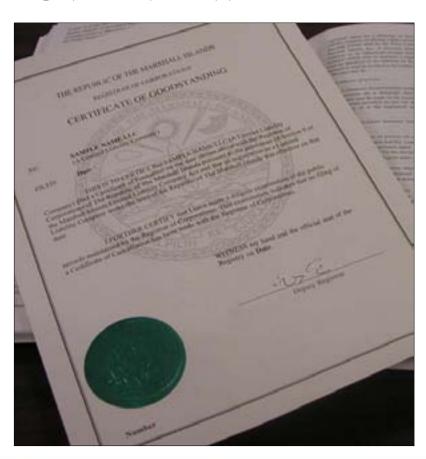




# THE MARSHALL ISLANDS YACHT REGISTRY

### **CORPORATE OVERVIEW**

- Corporate Program
- Yacht Owning Entities
- Advantages
- Case Studies
- Seminar Conclusion















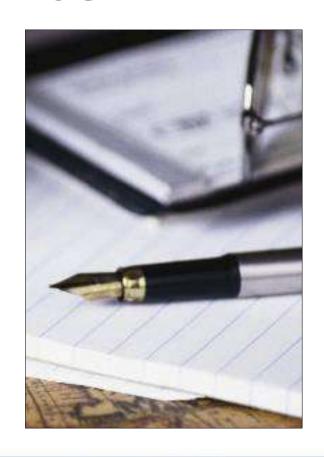






### THE CORPORATE PROGRAM

- Marshall Islands Association Law of 1990, as amended
- Primarily modeled after the corporate laws of the US state of Delaware
- Allows British or US style corporate management
- Proactive Nitijela Amends legislation to meet the ever changing needs of the international financial & shipping communities



















# THE MARSHALL ISLANDS YACHT REGISTRY

## MARSHALL ISLANDS PUBLICLY TRADED COMPANIES

#### NYSE

[New York Stock Exchange]

Aegean Marine Petroleum Network Inc. (ASW)

Danasis Corporation (DAC)

DHT Maritime Inc. [DHT]

Diana Shipping, Lot. (D5X)

Genco Shipping & Trading Ltd. (GNK

General Maritime Corporation [GMR]

Global Ship Lenor, Inc. (GSL)

Navies Maritime Acquisition Corporation (NNA)

Navion Maritime Holdings Inc. (NM)

Navior Maritime Partners L.P. (NMM)

Safe Bulkers for [SB]

Seasonan Cormoration (SSW)

Teckny Corporation (TK)

Tecksy LNG Partners L.P. (TGP)

Teekey Offshore Partners L.P. (TOO)

Teckny Tankers Ltd. (TNK)

#### NASDAQ

(National Association of Securities Dealers Automated Quotations)

Capital Product Partners L.P. (CPLF)

Dryships Inc. (DRYS

Eagle Bulk Shipping Inc. (EGLE)

Eurosean Ltd. (ESEA)

Freesens Inc. (FREE, FREEW)

Oceanfreight Inc. (OCNF)

Omega Navigation Enterprises, Inc. (ONAV/Omeganav 50 (857)) (elso trading on the SE)

Paragon Shipping Inc. (PHGN)

Senarryy Maritime Holdings Corp. (SHIP)

Star Bulk Carriers Corp. (HLK)

Steakbigan, Inc. (GASS

Top Ships Inc. (TOPS)

#### LSE

(London Stock Exchange)

Goldenport Holdings Inc. (GPICLL)

#### PLUS MARKETS

Gen Genesis Group Ltd. | GEOP|

#### P.15

(Singapore Exchange)

Omega Navigation Laterprises, Inc. (ONAV/Omegamis 50 (857)) (also tending on the SE)



















### **YACHT OWNING ENTITIES**

- Marshall Island Business Entities
  - International Business Corporation
  - Limited Liability Company
  - Partnership
  - Limited Partnership
- Foreign Maritime Entity







### INTERNATIONAL BUSINESS CORPORATION (IBC)

- Considered distinct legal entities
- Gives owners the ability to maximize profitability while minimizing personal liability
- Easy to form and administer







### LIMITED LIABILITY COMPANY (LLC)

- Combines traits of an IBC and a partnership
- Flexible management
- Registered pursuant to the Marshall Islands LLC Act, modeled after the laws of Delaware





















### FOREIGN MARITIME ENTITY (FME)

An FME is a legal entity created under the laws of a jurisdiction other than the Marshall Islands that is eligible to own vessels when registered in the Marshall Islands pursuant to Section 119 of the Business Corporation Act (BCA).

- Registration requirements:
  - Application for Registration as Foreign Maritime Entity
  - Certificate of Goodstanding
  - Certified copy of articles, charter or other document upon which existence of the entity is based





### REDOMICILIATION

The provisions of the Marshall Islands Associations Law allow foreign entities (corporations, partnerships, limited partnerships and limited liability companies) to redomicile into the Marshall Islands

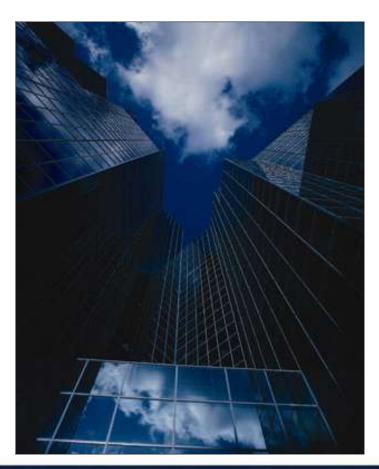
- Redomiciliation into the Marshall Islands is free
- Redomiciliation requirements:
  - Articles of Domestication
  - Evidence of Corporate Existence
  - Copy of underlying Incorporation Documentation
  - File new Articles of Incorporation





### **CORPORATE PROGRAM – BENEFITS**

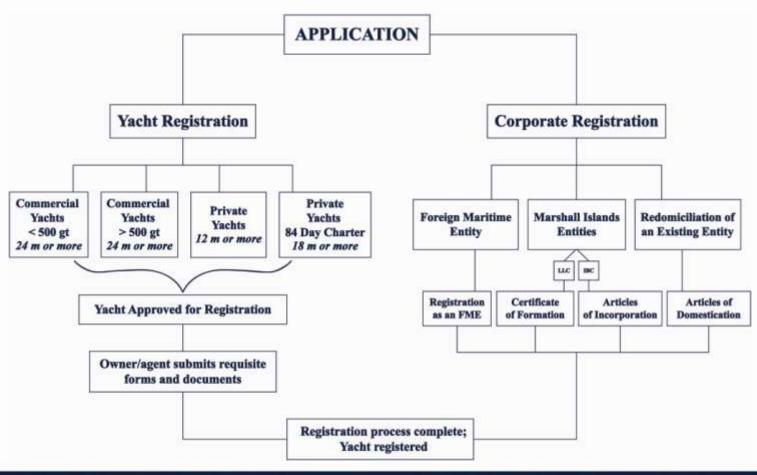
- Ease of Formation and Maintenance
- Service & Speed
- Flexibility
- Expense/Cost
- Confidentiality
- Tax Exemption







### APPLICATION FOR YACHT REGISTRATION





















### **CASE 1: COMMERICAL YACHT + FME**

#### **Yacht Specifications**

• Type: M/Y

• Shipyard: Golden Yachts

Country: GreeceYear built: 2007

• Length: 51m

Tonnage: 499GTUse: Commercial

• Flag: Greece

· Class: ABS

#### Situation

- Yacht sold for €22m
- Re-flagged to Cayman Islands
- Ownership: BVI company
- Concern with Class notation and MCA LY2 Certification
- Owner pre-arranged Euro 0.5m charter in the Mediterranean

#### **How Did MI Respond?**

- Yacht <500 GT (24m or more), no class requirement for commercial registration
- MI appointed surveyor inspected yacht (Regs4ships)
- Program of repairs was agreed to bring yacht to standards (1 month from initial inquiry)
- Yacht was registered as an FME 1 week

#### **Outcome**

- The yacht had a good chartering season
- Halfway through the season, full class notation received
- The owner was very pleased to have the completed agreed charters as planned



















### CASE 2: PRIVATE YACHT (84 Days) + IBC

#### **Yacht Specifications**

• Type: M/Y

Shipyard: Horizon Yachts

• Country: Taiwan

• Year built: 2008

• Length: 29.50m

Tonnage: 97GT

• Use: Private

Flag: n/a

• Class: n/a

#### **Situation**

- Newbuild, but not to class or any code
- · MI appointed surveyors surveyed her at final stages of build
- · Owner wanted to charter the yacht

#### **How Did MI Respond?**

- Option 1: Yacht <500 GT (24m or more), no class requirement for commercial registration
- Option 2: Private Yacht 84 days charter (18m or more)
- MI appointed surveyor inspected yacht for both options
- Option 2 involves less cost to bring her to standards
- Setup a Marshall Island Entity (IBC) In 24 hours

#### **Outcome**

- The yacht registered as a private yacht with 84 days privilege
- She is owned by a Marshall Island Entity (IBC)
- Yacht chartered in the Eastern Mediterranean (Turkey) during the summer and St. Maarten in the winter
- The owner was pleased that he could charter her while also use her privately when she is available



















### CASE 3: PRIVATE YACHT (84 Days) + REDOM

#### **Yacht Specifications**

• Type: S/Y

Shipyard: Cantiere Navale de Cesari

Country: ItalyYear built: 1989Length: 22.50m

Tonnage: 61GT

Use: Private Flag: UK London

Class: n/a

#### **How Did MI Respond?**

- Private Yacht 84 days charter (18m or more)
- MI appointed surveyor inspected the yacht against the Private registration with 84 days privilege
- Redomiciliation from the BVI (IBC) into the Marshall Islands

#### **Situation**

- Well built 21 year old sailing yacht
- She has been operated and run as private yacht and did not need to comply with International statutory regime or reg.
- Owner wanted to charter the yacht with the 84 days
- She was in good condition but required some changes to comply with the Minimun Safe Manning requirements
- Ownership BVI company (IBC)

#### **Outcome**

- The yacht registered as private yacht with 84 days privilege
- Owner could take advantage of the free redomiciliation program
- The owner was pleased to the charter privilege and use it privately when she is available



















### **ADVANTAGES OF THE REGISTRY**

#### **Private Yachts**

- Yacht Registration can be completed within 24 hours
- Registration under a one-year or threeyear registration program
- Private yachts can be chartered out for 84 days per calendar year
- Eligibility for US cruising permit
- Tax neutral for non-Marshall Islands residents

#### **Commercial Yachts**

- Yachts below 500 GT and not in class may pursue commercial certification
- Sensible approach regarding equivalencies based on sound technical arguments for compliance with International regulations
- Practical consideration are given on lifesaving equipment requirements
- All surveys can be harmonized by a single entity using their global coverage

















### **SUMMARY**

- The MI has all the advantages of a well-organized and highly responsive registry with worldwide offices present in most strategic maritime locations.
- Availability of technical assistance to yacht owners from a team of qualified and experienced mariners make it a unique registry in this respect.
- Marshall Islands is the only major open registry white listed on Tokyo and Paris MoUs (Port State Control) as well as recognized Qualship 21 by the US Coast Guard.
- Modern and responsive corporate laws and customer serviceoriented philosophy.





### **QUESTIONS & ANSWERS**





















## **THANK YOU**



www.register-iri.com





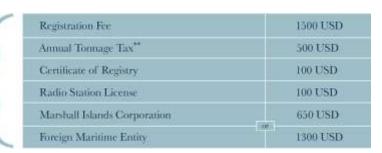
### FEE SCHEDULES

#### **Private Yachts**

#### Cor

#### **Commercial Yachts**





Registration/Re-registration	1500 USD
Annual Tonnage Taxes (per net ton)*	0.20 USD
Marshall Islands International Participation (MIIP)**	1660 USD
Marine Safety Services Fee***	2000 USD



















