



MARITIME SAFETY COMMITTEE  
84th session  
Agenda item 24

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**REPORT OF THE MARITIME SAFETY COMMITTEE  
ON ITS EIGHTY-FOURTH SESSION**

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## 1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The eighty-fourth session of the Maritime Safety Committee was held from 7 to 16 May 2008 under the chairmanship of Mr. Neil Ferrer (Philippines). The Committee Vice-Chairman, Mr. Christian Breinholt (Denmark), was also present.

1.2 The session was attended by delegations from the following Member Governments:

ALGERIA	ISRAEL
ANGOLA	ITALY
ANTIGUA AND BARBUDA	JAMAICA
ARGENTINA	JAPAN
AUSTRALIA	JORDAN
AZERBAIJAN	KENYA
BAHAMAS	KUWAIT
BAHRAIN	LATVIA
BANGLADESH	LIBERIA
BARBADOS	LIBYAN ARAB JAMAHIRIYA
BELGIUM	LITHUANIA
BELIZE	LUXEMBOURG
BOLIVIA	MALAYSIA
BRAZIL	MALTA
BULGARIA	MARSHALL ISLANDS
CAMBODIA	MAURITANIA
CANADA	MEXICO
CHILE	MOROCCO
CHINA	NAMIBIA
COLOMBIA	NETHERLANDS
CROATIA	NEW ZEALAND
CUBA	NIGERIA
CYPRUS	NORWAY
CZECH REPUBLIC	PAKISTAN
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	PANAMA
DENMARK	PAPUA NEW GUINEA
DOMINICA	PERU
DOMINICAN REPUBLIC	PHILIPPINES
ECUADOR	POLAND
EGYPT	PORTUGAL
ESTONIA	QATAR
FINLAND	REPUBLIC OF KOREA
FRANCE	ROMANIA
GERMANY	RUSSIAN FEDERATION
GHANA	SAINT KITTS AND NEVIS
GREECE	SAINT VINCENT AND THE GRENADINES
HONDURAS	SAUDI ARABIA
ICELAND	SERBIA
INDIA	SINGAPORE
INDONESIA	SLOVENIA
IRAN (ISLAMIC REPUBLIC OF)	SOUTH AFRICA
IRELAND	SPAIN

SWEDEN  
 SWITZERLAND  
 SYRIAN ARAB REPUBLIC  
 THAILAND  
 TRINIDAD AND TOBAGO  
 TUNISIA  
 TURKEY  
 TUVALU  
 UKRAINE

UNITED KINGDOM  
 UNITED REPUBLIC OF  
 TANZANIA  
 UNITED STATES  
 URUGUAY  
 VANUATU  
 VENEZUELA  
 YEMEN

the following Associate Members of IMO:

HONG KONG, CHINA

FAROE ISLANDS

and the following State not Member of IMO:

COOK ISLANDS

1.3 The session was attended by a representative from the following United Nations specialized agency:

WORLD METEOROLOGICAL ORGANIZATION (WMO)

1.4 The session was also attended by observers from the following intergovernmental organizations:

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)  
 EUROPEAN COMMISSION (EC)  
 MARITIME ORGANISATION FOR WEST AND CENTRAL AFRICA (MOWCA)  
 LEAGUE OF ARAB STATES  
 INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)  
 MEDITERRANEAN MEMORANDUM OF UNDERSTANDING ON  
 PORT STATE CONTROL (MED MoU)  
 REGIONAL COOPERATION AGREEMENT ON COMBATING PIRACY  
 AND ARMED ROBBERY AGAINST SHIPS IN ASIA (ReCAAP ISC)

and by observers from the following non-governmental organizations in consultative status:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
 INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)  
 INTERNATIONAL SHIPPING FEDERATION (ISF)  
 INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC)  
 INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)  
 INTERNATIONAL CHAMBER OF COMMERCE (ICC)  
 INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)  
 INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND  
 LIGHTHOUSE AUTHORITIES (IALA)  
 INTERNATIONAL RADIO-MARITIME COMMITTEE (CIRM)  
 COMITÉ MARITIME INTERNATIONAL (CMI)

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)  
BIMCO  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)  
ICHCA INTERNATIONAL (ICHCA)  
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)  
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)  
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION  
(IAIN)  
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS  
(IFSMA)  
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)  
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)  
THE INTERNATIONAL GROUP OF P&I ASSOCIATIONS (P&I CLUBS)  
INTERNATIONAL ROAD TRANSPORT UNION (IRU)  
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)  
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS  
(INTERCARGO)  
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND  
TECHNOLOGY (IMarEST)  
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)  
INTERNATIONAL SAILING FEDERATION (ISAF)  
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)  
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)  
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)  
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)  
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)  
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)  
INTERFERRY  
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)  
INTERNATIONAL ASSOCIATION OF MARITIME UNIVERSITIES (IAMU)  
INTERNATIONAL PAINT AND PRINTING INK COUNCIL (IPPIC).

1.5 The session was also attended by Mr. A.I. Chrysostomou (Cyprus), Chairman of the Marine Environment Protection Committee (MEPC). The Chairmen of all Sub-Committees, except for the Chairman of the SLF Sub-Committee, were also present.

### **Opening address of the Secretary-General**

1.6 In his opening address, the Secretary-General referred to the Organization's return to its newly-refurbished Headquarters building and expressed his gratitude to Members, organizations and the Secretariat for their cooperation and understanding throughout the life of the project. He expressed special appreciation to the United Kingdom Government, for its financial contribution to the costs of the refurbishment and for its management of the project, and to the Member States and sister organizations of the United Nations System that had hosted IMO meetings scheduled to be held abroad. He emphasized the importance of the work of the Committee handling the safety of life at sea and expressed his and the Committee's sympathy and compassion to the people of Myanmar who were affected by the recent catastrophic cyclone strike. The Secretary-General then referred to the items of the Committee's agenda that were to be considered in detail by working groups (GBS, LRIT and human element), as well as to developments concerning maritime casualties and incidents, piracy and armed robbery

against ships, and the other topics under the Committee's purview. The full text of the Secretary-General's opening address is reproduced in document MSC 84/INF.14.

### **Chairman's remark and statements by delegations and observers**

1.7 In responding, the Chairman thanked the Secretary-General for his words and advice and stated that the Secretary-General's advice and requests would be given every consideration in the deliberation of the Committee and its working groups.

1.8 The Chairman and a large number of delegations expressed their appreciation to the Government of the United Kingdom and the Secretary-General for his successful leadership, for the refurbishing of the IMO Headquarters, and expressed appreciation to the Secretariat, as a whole, for the conduct of business as usual in spite of the difficulties and inconveniences. They also appreciated the Governments and sister institutions of the United Nations for hosting IMO meetings scheduled to take place during the refurbishment period, namely: Denmark, Germany, Kenya, Panama and Turkey, as well as UNESCO and UNON in Nairobi. The Committee associated itself, as a whole, to the Secretary-General's expression of sympathy and compassion to the nation of Myanmar following the recent catastrophic cyclone strike.

1.9 The delegation of the United Kingdom referred to the completion of the investigation of the casualty which occurred to the containership **MSC Napoli**, the report on which was published on 22 April 2008, formally submitted to the Organization and released on the website of the Marine Accident Investigation Bureau\*. Among the recommendations contained in the report, the delegation highlighted that buckling checks should be based on global hull stresses along the entire length of the hull; containers should be accurately weighed and a code of best practice for the container industry should be developed. On the latter, it was indicated that a draft code was under preparation for submission to MSC 85. In concluding its intervention, the delegation of the United Kingdom recognized that the appropriate course of action would be to follow the established procedures for the analysis of reports of investigations into casualties by the Sub-Committee on Flag State Implementation, with a view to developing recommendations to the Committee on actions which might be taken by the Organization and FSI 16 should report to MSC 85 on this matter.

1.10 Referring to the conclusions of the report of investigation into another casualty, i.e. the loss of the anchor-handling/supply vessel **Bourbon Dolphin**, the delegation of Norway indicated that this tragic accident, having taken the lives of half of the crew and a 14-year old boy, was only explicable by the interaction of a number of unfortunate circumstances. Based on these findings, certain proposals for changes to the current regulatory system have been prepared. The delegation informed the Committee that a copy of the report of investigation in English language would be available to all delegations during MSC 84 and that it was the intention of Norway to submit a document in due course for the consideration of the Committee.

1.11 The delegation of Spain referred to the hijacking, 250 nautical miles from the Somali coastline in international waters of the Spanish tuna fishing vessel **Playa de Bakio** on 20 April 2008. While expressing its entire satisfaction with the liberation of the twenty-six members of the crew and the recovery of the vessel with the efficient intervention of the Spanish diplomacy in Madrid and in Kenya, the delegation thanked the Organization and, in particular, the Secretary-General, for the support provided, and strongly condemned all acts of piracy and armed robbery against ships. The delegation informed the Committee on the active role of Spain

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\* ([http://www.maib.gov.uk/cms\\_resources/MSC%20Napoli.pdf](http://www.maib.gov.uk/cms_resources/MSC%20Napoli.pdf)).



for the adoption of a UN resolution in the relevant meetings of the United Nations Security Council and the European Union, and offered its continued support to IMO and any other UN forum in order to eradicate this problem from the sea. In the context of the action taken by navies to suppress piracy and armed robbery against ships in waters off the coast of Somalia and, in particular the escorting of ships chartered by the World Food Programme to deliver humanitarian aid to Somalia, the Secretary-General expressed the Organization's appreciation to the delegations of Denmark, France, Germany, Italy, the Netherlands, Spain, the United Kingdom and the United States.

1.12 Having highlighted the challenge for IMSO to assume the functions of LRIT Coordinator, the Director of IMSO expressed his appreciation to the various Member States which had contributed through financial support or human resources. He stressed the urgency of securing the financial viability of the LRIT Coordinator's role as well as the system itself. He also emphasized the opportunity at this session of the Committee to invite the Member States to discuss and evaluate the tasks carried out by IMSO as LRIT Coordinator, and to clarify political, legal and technical issues related to the LRIT Coordinator's role acting on their behalf. Bearing in mind that 1 July 2008 is the date of first implementation of the system, IMSO indicated that decisions taken by the Committee at this session would allow the IMSO Assembly, at its next session in September this year, to adopt the required measures, and reaffirmed that all the IMSO Staff remain entirely dedicated to their contribution, together with IMO and all its Member States, to the timely implementation of the LRIT system.

### **Adoption of the agenda and related matters**

1.13 The Committee adopted the agenda (MSC 84/1) and a provisional timetable for guidance during the session (MSC 84/1/1, annex). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 84/INF.16.

1.14 The Committee's decisions on the establishment of working and drafting groups are reflected under sections of this report covering corresponding agenda items.

### **Credentials**

1.15 The Committee was informed that the credentials of delegations attending the session were in due and proper form.

### **Expression of sympathy for the victims of the earthquake in China**

1.16 At the opening of the meeting on Tuesday, 13 May 2008, the Secretary-General expressed the Organization's, staff and his personal condolences, sympathy and compassion for the victims of the devastating earthquake that hit the Sichuan Province in the south western region of China the day before.

1.17 He was writing to the Chinese Ambassador to express IMO's solidarity and asked the Chinese delegation to convey feelings of deep sorrow and anguish for the catastrophic event. Everyone's thoughts and prayers were with the families of the innocent victims – with those in hospital and all others in need of support and care.

1.18 He expressed the hope there would be no further quakes and that the worst was over.

1.19 The Committee joined the Secretary-General in the expression of the above sentiments.

## 2 DECISIONS OF OTHER IMO BODIES

### Outcome of the ninety-third session of the Legal Committee

2.1 The Committee noted (MSC 84/2) the outcome of the ninety-third session of the Legal Committee relating to:

- .1 the progress on the work of the Joint IMO/ILO *ad hoc* Expert Working Group on Liability and Compensation, regarding Claims for Death, Personal Injury and Abandonment of Seafarers; and
- .2 the reconvening of the Joint IMO/ILO Working Group to monitor the implementation of the Guidelines on the basis of the terms of reference approved by the ILO Governing Body, including the addition concerning the collection of information.

### Outcome of the twenty-fourth extraordinary session of the Council

2.2 The Committee noted (MSC 84/2/1) the outcome of the twenty-fourth extraordinary session of the Council which, *inter alia*, had:

- .1 approved, as amended, the updated Strategic Plan for the Organization (for the six-year period 2008 to 2013), together with an associated draft Assembly resolution;
- .2 approved, as amended, the updated High-level Action Plan of the Organization and priorities for the 2008-2009 biennium, together with an associated draft Assembly resolution;
- .3 noted, with satisfaction, the adoption of the Singapore Statement on Enhancement of Safety, Security and Environmental Protection in the Straits of Malacca and Singapore;
- .4 noted, in particular, the elements of the Singapore Statement relating to the measures the littoral States have already taken in an effort to enhance safety, security and environmental protection in the Straits of Malacca and Singapore and the further actions they contemplate to take in this respect;
- .5 agreed that the Organization should contribute to the implementation of the Cooperative Mechanism established by the littoral States;
- .6 authorized the Secretary-General to provide, within the Organization's cooperation with the littoral States, every assistance possible in attracting sponsors for the projects presented during the Kuala Lumpur Meeting, including promoting financial contributions for the establishment, maintenance, repair and replacement of aids to navigation in the Straits of Malacca and Singapore;
- .7 approved the report of the Committee's eighty-third session in general, and decided to transmit it, with its comments and recommendations, to the twenty-fifth session of the Assembly, in accordance with Article 21(b) of the IMO Convention;

- .8 approved the proposed draft resolution on Piracy and armed robbery against ships in waters off the coast of Somalia, annexed to document C/ES.24/12(a)/2, and decided to submit it, as amended, to the twenty-fifth regular session of the Assembly for adoption; and
- .9 approved the proposed Agreement of Cooperation between IMO and the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against ships in Asia (ReCAAP ISC), for submission to the twenty-fifth regular session of the Assembly.

2.3 With reference to the protection of vital shipping lanes, the delegation of Singapore thanked the Secretariat and all the user States and other stakeholders for participating in the Singapore Meeting on the Straits of Malacca and Singapore, held in September 2007, and for the good progress made on the Cooperative Mechanism. The delegation also informed the Committee that a number of user States and other stakeholders had pledged to participate in the Cooperative Mechanism including providing substantial contributions to the Aids to Navigation Fund. In their opinion this was a positive sign for the functioning of the Cooperative Mechanism which aimed to enhance the safety of navigation and environmental protection in the Malacca Straits and it was hoped that Member States would continue to support the Cooperation Forum, where user States and stakeholders could meet and discuss such issues in the Straits of Malacca and Singapore, with the three littoral States, at the next meeting, scheduled to be held in Malaysia later this month. In this context, the delegation of Malaysia, appreciating the efforts by the Secretariat, informed the Committee that invitation for the user States and other stakeholders to attend the next meeting of the Cooperative Forum, to be held in Kuala Lumpur, were in the process of being distributed.

### **Outcome of the twenty-fifth session of the Assembly**

2.4 The Committee noted (MSC 84/2/2) that the twenty-fifth session of the Assembly, had noted in the context of consideration of the reports and recommendations of the Committee, the work of the Committee with regard to the amendments to safety and security-related mandatory instruments; passenger ships safety; measures to enhance maritime security; goal-based new ship construction standards; LRIT-related matters; implementation of the revised STCW Convention; the Casualty Investigation Code; illegal, unreported and unregulated fishing and related matters; capacity-building for the implementation of new measures; piracy and armed robbery against ships; role of the human element; safety of general cargo ships; formal safety assessment, as well as decisions of the Assembly, including adoption of the relevant resolutions, regarding entry into force and implementation of the 1993 Torremolinos Protocol; amendments to COLREG 1972; piracy and armed robbery against ships off the coast of Somalia; and Strategic plan for the Organization and High-level Action Plan and priorities for the 2008-2009 biennium.

2.5 The Committee, having noted that the Assembly had endorsed the course of action proposed by the Secretary-General for circulation of future consolidated audit summary report and requested the Committee and the MEPC to consider the summary report, with a view to informing the Council, in due course, of the outcome of this consideration, has dealt with the aforementioned request under agenda item 22 (Work programme).

## **Outcome of the fifty-seventh session of Marine Environment Protection Committee**

- 2.6 The Committee noted (MSC 84/2/3) the MEPC 57's outcome with regard to, *inter alia*:
- .1 harmful aquatic organisms in ballast water;
  - .2 recycling of ships, including convening of a diplomatic conference for adoption of the convention on recycling of ships;
  - .3 prevention of air pollution from ships, in particular, the approval, subject to the Committee's concurrent decision, of the MSC/MEPC circular on Decreasing availability of halons for marine use;
  - .4 amendments to, and interpretation of, MARPOL, in particular the MEPC's request to issue an MSC/MEPC circular on interpretation of the date of the building contract (see also document MSC 84/19/1);
  - .5 identification and protection of special areas and particularly sensitive sea areas;
  - .6 MEPC's request, in the context of the MSC resolution on use of long-range identification and tracking information for safety and marine environmental protection purposes, to seek in the future, the view of the MEPC prior to adoption of similar resolutions;
  - .7 harmful anti-fouling systems in ships;
  - .8 role of the human element;
  - .9 work programmes of the BLG and FSI Sub-Committees and environment-related items in the work programmes of the DSC, NAV and DE Sub-Committees;
  - .10 approval, in the context of application of the Committees' Guidelines, of amendments to the Guidelines, subject to the Committee's concurrent decision; and
  - .11 the MEPC's request to consider the issue of reducing oil discharges in the context of the Committee's work on safety of fishing vessels.

## **3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

### ***GENERAL***

- 3.1 Contracting Governments to the 1974 SOLAS Convention were invited to participate in the consideration and adoption of proposed amendments to:
- .1 chapters II-1, II-2, III, IV and XI-1 of, and the appendix to the Annex, to the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention;

- .2 the International Code of Safety for High-Speed Craft, 1994 (1994 HSC Code), in accordance with the provisions of article VIII and regulation X/1.1 of the 1974 SOLAS Convention;
- .3 the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code), in accordance with the provisions of article VIII and regulation X/1.2 of the 1974 SOLAS Convention;
- .4 the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (ESP Guidelines) (resolution A.744(18)), in accordance with the provisions of article VIII and regulation XI-1/2 of the 1974 SOLAS Convention; and
- .5 the International Maritime Dangerous Goods (IMDG) Code (resolution MSC.122(75)), in accordance with the provisions of article VIII and regulation VII/1.1 of the 1974 SOLAS Convention.

3.2 Contracting Governments constituting more than one third of the total of Contracting Governments to the 1974 SOLAS Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with articles VIII(b)(iii) and VIII(b)(iv) of the Convention.

3.3 The proposed amendments to SOLAS chapters II-1, II-2, III, IV and XI-1 of, and the appendix to the Annex to, the 1974 SOLAS Convention and to the Codes and Guidelines mandatory under the Convention were circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by circular letters No.2816 of 25 October 2007 and No.2820 of 22 October 2007.

3.4 Parties to the 1988 SOLAS Protocol were invited to participate in the consideration and adoption of proposed amendments to the appendix to the Annex to the Protocol. Parties constituting more than one third of the total of Parties to the Protocol were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of articles VIII(b)(iii) and VIII(b)(iv) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol.

3.5 The proposed amendments to the 1988 SOLAS Protocol were circulated in accordance with SOLAS article VIII(b)(i) and article VI(c) of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1988 SOLAS Protocol by circular letter No.2817 of 25 October 2007.

3.6 The Committee was also invited to consider and adopt the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), with a view to making it mandatory under SOLAS chapter XI-1.

3.7 The Committee was further invited to consider and approve the following non-mandatory instruments in conjunction with the adoption of the amendments to the relevant aforementioned mandatory instruments referred to in paragraph 3.1:

- .1 Guidelines for owners/operators on preparing for emergency towing procedures; and

- .2 Guidelines for construction, maintenance and inspection of accommodation ladders and gangways.

3.8 The Committee was also invited to consider the proposed correction to the text of amendments to SOLAS chapter VI concerning material safety data sheets (MSDS), adopted at MSC 83, and take action as appropriate.

## ***CONSIDERATION OF THE PROPOSED AMENDMENTS TO INSTRUMENTS AND OF NEW MANDATORY STANDARDS***

### **CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION**

#### ***PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1***

##### **Regulation 3-4 – Emergency towing arrangements on tankers**

##### **New regulation 3-9 – Means of embarkation on and disembarkation from ships**

3.9 The Committee recalled that the proposed amendments to SOLAS regulation II-1/3-4 and the new SOLAS regulation II-1/3-9 (MSC 84/3, annex 1) had been developed by DE 50 and approved by MSC 83.

3.10 Noting that no comments had been submitted on the aforementioned regulations, the Committee confirmed its contents, subject to editorial improvements, if any.

##### **Regulation 35-1 – Bilge pumping arrangements**

3.11 The Committee recalled that the proposed amendments to SOLAS regulations II-1/35-1 and II-2/20 (MSC 84/3, annex 1) had been developed and approved by MSC 83, to establish provisions concerning the drainage of fire-fighting water in enclosed ro-ro spaces.

3.12 Noting that the new SOLAS regulation II-1/35-1, adopted at MSC 80 (resolution MSC.194(80), annex 2), is expected to have been accepted on 1 July 2008 and to enter into force on 1 January 2009, the Committee recognized that, procedurally, the proposed amendments to regulation II-1/35-1 could not be adopted at this session.

3.13 Subsequently, the Committee agreed to adopt the proposed amendments to regulation II-1/35-1 at a future session after the entry into force of regulation II-1/35-1 and requested the Secretariat to take action as necessary.

#### ***PROPOSED AMENDMENTS TO SOLAS CHAPTER II-2***

##### **Regulation 10 – Fire fighting**

3.14 The Committee recalled that the proposed amendments to SOLAS regulation II-2/10 (MSC 84/3, annex 1) had been developed by FP 51 and approved by MSC 83.

3.15 Noting that no comments had been submitted on the regulation, the Committee confirmed its contents, subject to editorial improvements, if any.

### **Regulation 19 – Carriage of dangerous goods**

3.16 The Committee recalled that the proposed amendments to SOLAS regulation II-2/19 (MSC 84/3, annex 1) had been developed and approved by MSC 83.

3.17 Noting that no comments had been submitted on the regulation, the Committee confirmed its contents, subject to editorial improvements, if any.

### **Regulation 20 – Protection of vehicle, special category and ro-ro spaces**

3.18 The Committee recalled that the proposed amendments to SOLAS regulation II-2/20 (MSC 84/3, annex 1) had been developed and approved by MSC 83.

3.19 Noting that there were square brackets around the words “to the satisfaction of the Administration” in paragraphs 6.1.4.1.1, 6.1.4.1.3, 6.1.4.2 and 6.1.5 of the regulation, and recognizing that the FP Sub-Committee was currently developing the Guidelines referred to in the draft amendments, the Committee agreed to delete square brackets and the words therein.

3.20 With regard to the square brackets around the words “measures shall be taken” in paragraph 6.1.5 of the regulation, the Committee agreed that the above words should be modified to clearly indicate that the “measures” are fixed devices and not operational measures and instructed the drafting group to modify the text accordingly. In this context, the Committee, acknowledging the need to develop the Guidelines for drainage systems in closed vehicle and ro-ro spaces and special category spaces, referred to in paragraphs 6.1.4 and 6.1.5 of the regulation, by the time the amendments come into force, instructed the SLF and FP Sub-Committees to finalize the draft Guidelines for submission to MSC 86 for approval.

### ***PROPOSED AMENDMENTS TO SOLAS CHAPTER III***

#### **Regulation 6 – Communications**

#### **Regulation 26 – Additional requirements for ro-ro passenger ships**

3.21 The Committee recalled that the proposed amendments to SOLAS regulations III/6 and III/26 (MSC 84/3, annex 1) had been developed by COMSAR 11 and approved by MSC 83.

3.22 Noting that no comments had been submitted on the proposed amendments to SOLAS chapter III, the Committee confirmed its contents, subject to editorial improvements, if any.

### ***PROPOSED AMENDMENTS TO SOLAS CHAPTER IV***

#### **Regulation 7 – Radio equipment: General**

3.23 The Committee recalled that the proposed amendments to SOLAS regulation IV/7 (MSC 84/3, annex 1) had been developed by COMSAR 11 and approved by MSC 83.

3.24 Noting that no comments had been submitted on the proposed amendments to SOLAS chapter IV, the Committee confirmed its contents, subject to editorial improvements, if any.

***PROPOSED AMENDMENTS TO SOLAS CHAPTER XI-1*****New regulation 6 – Additional requirements for the investigation of marine casualties and incidents**

3.25 The Committee recalled that the proposed new SOLAS regulation XI-1/6 (MSC 84/3, annex 1) had been developed by FSI 15 and approved by MSC 83, to make the Casualty Investigation Code mandatory under the SOLAS Convention.

3.26 Having considered the proposal by the delegation of the United States, which was supported by other delegations, to adopt the new SOLAS regulation XI-1/6, making the Code mandatory, by a separate resolution, agreed to the United States' proposal and instructed the drafting group accordingly.

***PROPOSED AMENDMENTS TO THE APPENDIX TO THE ANNEX TO THE 1974 SOLAS CONVENTION***

3.27 The Committee recalled that the proposed amendments to the appendix to the Annex to the 1974 SOLAS Convention had been developed by COMSAR 11 and approved by MSC 83.

3.28 Noting that no comments had been submitted on the proposed amendments to the appendix, the Committee confirmed its contents subject to editorial improvements, if any.

***DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS***

3.29 The Committee agreed that the SOLAS amendments, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2009 and should enter into force on 1 January 2010. Consequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolutions for adoption (see also paragraph 3.26).

***PROPOSED AMENDMENTS TO THE 1988 SOLAS PROTOCOL***

3.30 The Committee recalled that the proposed amendments to the forms of Record of Equipment for Passenger Ship Safety Certificate (Form P), Record of Equipment for Cargo Ship Safety Equipment Certificate (Form E), Record of Equipment for Cargo Ship Radio Certificate (Form R) and Record of Equipment for Cargo Ship Safety Certificate (Form C) contained in the appendix to the Annex to the 1988 SOLAS Protocol (MSC 84/3/1, annex) had been developed by COMSAR 11 and approved by MSC 83.

3.31 Noting that the forms of Record of Equipment for Passenger Ship Safety Certificate (Form P), Record of Equipment for Cargo Ship Safety Equipment Certificate (Form E) and Record of Equipment for Cargo Ship Radio Certificate (Form R) contained in the appendix to the Annex to the 1974 SOLAS Convention can also be amended in line with amendments to the Records of Equipment under the 1988 SOLAS Protocol, the Committee agreed to refer the issue to the drafting group to prepare amendments to Forms P, E and R contained in the 1974 SOLAS Convention.

**Date of entry into force of the proposed amendments**

3.32 The Committee agreed that the amendments to the appendix to the Annex to the 1988 SOLAS Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2009 and should enter into force on 1 January 2010.



## **PROPOSED AMENDMENTS TO MANDATORY CODES**

### ***PROPOSED AMENDMENTS TO THE 1994 HSC CODE***

3.33 The Committee recalled that the proposed amendments to the International Code of Safety for High-Speed Craft, 1994 (1994 HSC Code) (MSC 84/3, annex 2) had been developed by COMSAR 11 and approved by MSC 83.

3.34 Noting that no comments had been submitted on the proposed amendments to the 1994 HSC Code, the Committee confirmed its contents, subject to editorial improvements, if any.

#### **Date of entry into force of the proposed amendments**

3.35 The Committee agreed that the amendments to the 1994 HSC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2009 and should enter into force on 1 January 2010.

### ***PROPOSED AMENDMENTS TO THE 2000 HSC CODE***

3.36 The Committee recalled that the proposed amendments to the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code) (MSC 84/3, annex 3) had been prepared by COMSAR 11 and approved by MSC 83.

3.37 Noting that no comments had been submitted on the proposed amendments to the 2000 HSC Code, the Committee confirmed its contents, subject to editorial improvements, if any.

#### **Date of entry into force of the proposed amendments**

3.38 The Committee agreed that the amendments to the 2000 HSC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2009 and should enter into force on 1 January 2010.

### ***PROPOSED AMENDMENTS TO RESOLUTION A.744(18)***

3.39 The Committee recalled that the proposed amendments to resolution A.744(18) (MSC 84/3, annex 4) had been developed by DE 50 and approved by MSC 83.

3.40 The Committee considered the submission by IACS (MSC 84/3/7), proposing that paragraph 5.6.2 of section 5.6 (Survey planning meeting) be modified to also permit a representative nominated by the master or Company to attend the survey planning meeting, and agreed, in principle, to the proposed modifications, taking into account the comments to make the qualification of representatives clearer by using appropriate wording.

3.41 Having noted that no further comments had been submitted on the proposed amendments to resolution A.744(18), the Committee confirmed its contents, subject to editorial improvements, if any.

**Date of entry into force of the proposed amendments**

3.42 The Committee agreed that the amendments to resolution A.744(18), proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2009 and should enter into force on 1 January 2010.

***PROPOSED AMENDMENTS TO THE IMDG CODE***

3.43 The Committee recalled that the proposed amendments to the IMDG Code had been agreed by DSC 12 and had been circulated in accordance with the amendment procedure for the IMDG Code approved by MSC 75 (MSC 75/24, paragraph 7.36.3).

3.44 Having noted the concern over the words “company” or “companies” used in the proposed amendments to the IMDG Code, the Committee agreed to replace the words “company” or “companies” by the words “entity” or “entities”, respectively, and, having confirmed the contents of the draft amendments, subject to editorial improvements, if any, instructed the drafting group accordingly.

**Date of entry into force of the proposed amendments**

3.45 The Committee agreed that the amendments to the IMDG Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2009 and should enter into force on 1 January 2010, noting that the operative paragraph 4 of the draft resolution also states that Contracting Governments to the SOLAS Convention may apply the amendments in whole or in part on a voluntary basis as from 1 January 2009.

**CONSIDERATION OF A NEW MANDATORY STANDARD*****CASUALTY INVESTIGATION CODE***

3.46 The Committee recalled that the draft Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) (MSC 84/3/4, annex) had been developed by FSI 15 and approved by MSC 83, with a view to making parts I and II of the Code mandatory under SOLAS chapter XI-1 (see also paragraph 3.26).

3.47 The delegation of Turkey, having expressed their concerns on the draft Casualty Investigation Code to the effect that the reference to the United Nations Convention on the Law of the Sea (UNCLOS) in footnotes to the draft Code make it difficult for States, that are not Parties to UNCLOS, to accept the Code, therefore, proposed to include the words, e.g., “and rules of international and customary laws”, in the footnotes. The Committee agreed to the proposal and instructed the drafting group to modify the draft Code accordingly.

**Effective date of the Code**

3.48 The Committee agreed that the Casualty Investigation Code, proposed for adoption at the current session, should take effect on 1 January 2010, noting that the effective date should be the same as the date of entry into force of new SOLAS regulation XI-1/6, i.e., 1 January 2010.

## **CONSIDERATION OF AMENDMENT-RELATED GUIDELINES**

### ***GUIDELINES FOR CONSTRUCTION, MAINTENANCE AND INSPECTION OF ACCOMMODATION LADDERS AND GANGWAYS***

3.49 The Committee recalled that the draft Guidelines (MSC 84/3/3, annex 1) had been prepared by DE 50 and approved, in principle, by MSC 83 for formal approval at this session, together with the adoption of the draft new SOLAS regulation II-1/3-9 (Means of embarkation on and disembarkation from ships).

3.50 The Committee considered document MSC 84/3/6 (Australia, Republic of Korea and IACS), proposing several amendments to the draft Guidelines, with a view to achieving consistent and complete implementation of the safety provisions prescribed in the draft new SOLAS regulation II-1/3-9, and, having recognized that the comments and modifications made would result in substantial changes to the draft Guidelines, decided not to approve the draft Guidelines at this session and instructed the DE Sub-Committee to review the draft Guidelines, taking into account the proposed amendments, and submit to MSC 86 for approval.

### ***GUIDELINES FOR OWNERS/OPERATORS ON PREPARING FOR EMERGENCY TOWING PROCEDURES***

3.51 The Committee recalled that the draft Guidelines (MSC 84/3/3, annex 2) had been prepared by DE 50 and approved, in principle, by MSC 83 for formal approval at this session, together with the adoption of the amendments to SOLAS regulation II-1/3-4 (Emergency towing arrangements on tankers).

3.52 Noting that no comments had been submitted on the draft Guidelines, the Committee confirmed its contents, subject to editorial improvements, if any.

## **CONSIDERATION OF THE SUGGESTED CORRECTION TO THE TEXT OF AMENDMENTS TO SOLAS CHAPTER VI CONCERNING MATERIAL SAFETY DATA SHEETS (MSDS), ADOPTED AT MSC 83**

3.53 The Committee recalled that MSC 83 had adopted amendments to SOLAS chapter VI (resolution MSC.239(83)), inserting a new regulation VI/5-1 on Material safety data sheets (MSDS), and considered document MSC 84/3/5 (Secretariat), addressing the anomaly of the text of new SOLAS regulation VI/5-1 on MSDS and proposing a course of action to rectify the anomaly.

3.54 With regard to the inclusion of the proposed modifications, which are outlined in paragraph 6 of document MSC 84/3/5, one delegation, being of the opinion that the proposed modifications constitute formal amendments, stated that they should be adopted in accordance with the amendment procedure specified in SOLAS article VIII, and did not agree to the course of action proposed by the Secretariat, although the Secretariat explained that, because the amendments adopted by resolution MSC.239(83) are in the process of authentication, the suggested course of action would not contradict the Vienna Convention, if the Committee agrees unanimously. Consequently, the Committee agreed not to proceed with the proposed rectification and to settle the matter through formal amendments.

3.55 Regarding the application of the new SOLAS regulation VI/5-1, the majority of the delegations who spoke expressed the view that MSDS should be required for ships carrying either MARPOL Annex I cargoes or bunker fuel oils, but some delegations stated that, under the

present regulation developed by the BLG Sub-Committee, MSDS need not be required for bunker fuel oil.

3.56 The Committee recalled that MSC 76 considered a proposal to require MSDS to ships carrying MARPOL Annex I cargoes or bunker fuel oils and instructed the BLG Sub-Committee to consider the proposal under the already existing work programme with a view to establishing mandatory provisions for requiring MSDS for such ships. After a lengthy discussion, the Committee agreed to further consider this matter at the next session and instructed the Secretariat to prepare:

- .1 a revised text of regulation VI/5-1 covering the proposed correction of the error suggested by the Secretariat and necessary modifications to reflect the view of the majority that MSDS should be required also for the bunker fuel oils; and
- .2 a draft MSC circular on the application of the present regulation VI/5-1,

with a view to their adoption and approval, as appropriate, at MSC 86.

3.57 In the context of paragraph 3.56, the Chairman of the BLG Sub-Committee stated that, in his opinion, BLG 8 had not been given clear instruction on this matter by the Committee.

#### **ESTABLISHMENT OF A DRAFTING GROUP**

3.58 Following discussion in plenary, the Committee established an *ad hoc* drafting group to prepare the final text of the draft amendments to the 1974 SOLAS Convention, the 1994 HSC Code, the 2000 HSC Code, resolution A.744(18), the IMDG Code and the 1988 SOLAS Protocol; the draft Casualty Investigation Code; the amendment-related non-mandatory guidelines, together with the associated draft MSC resolutions and MSC circular, as appropriate, for consideration by the Committee for adoption and approval, as appropriate.

#### ***ADOPTION OF A NEW MANDATORY INSTRUMENT AND PROPOSED AMENDMENTS TO MANDATORY AND NON-MANDATORY INSTRUMENTS***

#### **REPORT OF THE DRAFTING GROUP**

3.59 Having received the report of the drafting group (MSC 84/WP.3), the Committee took action as indicated hereunder.

#### **ADOPTION OF A NEW MANDATORY INSTRUMENT**

##### **Adoption of the Casualty Investigation Code**

3.60 The Committee considered the text of the Casualty Investigation Code prepared by the drafting group (MSC 84/WP.3, annex 8) and adopted the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), by resolution MSC.255(84), set out in annex 1.

3.61 When adopting the Casualty Investigation Code, the delegation of the United States reserved its position on the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, because of the inclusion of

certain provisions, not directly promoting maritime safety, which create fundamental and irreconcilable conflicts with important aspects of United States domestic law.

## **ADOPTION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION AND THE 1988 SOLAS PROTOCOL**

### **Adoption of amendments to the 1974 SOLAS Convention**

3.62 The expanded Committee, including the delegations of 100 Contracting Governments to the 1974 SOLAS Convention considered the final text of the proposed amendments to chapters II-1, II-2, III and IV of, and to the appendix to the Annex to, the Convention prepared by the drafting group (MSC 84/WP.3, annex 1) and adopted the amendments unanimously by resolution MSC.256(84), set out in annex 2.

3.63 The expanded Committee, including the delegations of 100 Contracting Governments to the 1974 SOLAS Convention considered the final text of the proposed amendments to SOLAS chapter XI-1 prepared by the drafting group (MSC 84/WP.3, annex 2) and adopted the amendments unanimously by resolution MSC.257(84), set out in annex 3.

3.64 In adopting resolutions MSC.256(84) and MSC.257(84), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to chapters II-1, II-2, III, IV and XI-1 of, and to the appendix to the Annex to, the Convention should be deemed to have been accepted on 1 July 2009 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2010, in accordance with the provisions of SOLAS article VIII.

3.65 In this regard, the delegation of the United States stated that provisions were inserted into the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), which are not directly related to maritime safety and that those provisions create fundamental and irreconcilable conflicts with important aspects of United States domestic law. Accordingly, the delegation of the United States objected to the proposed amendment to SOLAS chapter XI-1, making the Casualty Investigation Code mandatory for certain investigations conducted by flag States.

### **Adoption of amendments to the 1988 SOLAS Protocol**

3.66 The expanded Committee, including delegations of 67 Parties to the 1988 SOLAS Protocol, considered the final text of the proposed amendments to the appendix to the Annex to the Protocol prepared by the drafting group (MSC 84/WP.3, annex 3) and adopted the amendments unanimously by resolution MSC.258(84), set out in annex 4.

3.67 In adopting resolution MSC.258(84), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 July 2009 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol) and should enter into force on 1 January 2010, in accordance with the provisions of SOLAS article VIII and article VI of the 1988 SOLAS Protocol.

**ADOPTION OF THE PROPOSED AMENDMENTS TO THE MANDATORY CODES****Adoption of amendments to the 1994 HSC Code**

3.68 The expanded Committee, including delegations of 100 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 1994 HSC Code prepared by the drafting group (MSC 84/WP.3, annex 4) and adopted the amendments unanimously by resolution MSC.259(84), set out in annex 5.

3.69 In adopting resolution MSC.259(84), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 1994 HSC Code should be deemed to have been accepted on 1 July 2009 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2010, in accordance with the provisions of SOLAS article VIII.

**Adoption of amendments to the 2000 HSC Code**

3.70 The expanded Committee, including delegations of 100 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 2000 HSC Code prepared by the drafting group (MSC 84/WP.3, annex 5) and adopted the amendments unanimously by resolution MSC.260(84), set out in annex 6.

3.71 In adopting resolution MSC.260(84), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 2000 HSC Code should be deemed to have been accepted on 1 July 2009 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2010, in accordance with the provisions of SOLAS article VIII.

**Adoption of amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18))**

3.72 The expanded Committee, including delegations of 100 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the Guidelines (resolution A.744(18)) prepared by the drafting group (MSC 84/WP.3, annex 6) and adopted the amendments unanimously by resolution MSC.261(84), set out in annex 7.

3.73 In adopting resolution MSC.261(84), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Guidelines should be deemed to have been accepted on 1 July 2009 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2010, in accordance with the provisions of SOLAS article VIII.

3.74 In the context of the item, the Committee endorsed the group's recommendation that, when considering further amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), the DE Sub-Committee should take into account the inclusion, in paragraph 5.6.2 of the Guidelines, of the words "or an appropriately qualified representative appointed by the master or Company" and that:

- .1 in paragraph 1.2.6 of the Guidelines, there is no real definition of the term “transverse section”; and
- .2 in paragraph 1.2.10 of the Guidelines, the definition of the term “a corrosion prevention system” includes some requirements of soft coatings, and there is linkage between parts of the requirements therein and requirements in paragraph 5.3. Therefore, these requirements should be located in the more suitable place in the text.

### **Adoption of amendments to the IMDG Code**

3.75 The expanded Committee, including delegations of 100 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IMDG Code prepared by the drafting group (MSC 84/WP.3, annex 7) and adopted the amendments unanimously by resolution MSC.262(84), set out in annex 8.

3.76 In adopting resolution MSC.262(84), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IMDG Code should be deemed to have been accepted on 1 July 2009 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2010, in accordance with the provisions of SOLAS article VIII.

3.77 The Committee noted that, in accordance with the procedure adopted by MSC 75 for the adoption of amendments to the IMDG Code with regard, *inter alia*, to voluntary application of new amendments one year prior to their date of entry into force, it agreed, as stated in the operative paragraph 4 of the resolution, that Contracting Governments may apply the aforementioned amendments in whole or in part on a voluntary basis from 1 January 2009, pending their entry-into-force date on 1 January 2010.

### **APPROVAL OF A NEW NON-MANDATORY IMO INSTRUMENT**

3.78 The Committee considered the final text of a new non-mandatory IMO instrument prepared by the drafting group (MSC 84/WP.3, annex 9) and approved MSC.1/Circ.1255 on Guidelines for owners/operators on preparing emergency towing procedures.

3.79 The Committee, having recalled its decision with regard to the draft Guidelines for construction, maintenance and inspection of accommodation ladders and gangways (see paragraph 3.50), noted that the group had preliminarily reviewed the draft Guidelines (MSC 84/WP.3, annex 10) and endorsed the group’s recommendation that the modified draft Guidelines be forwarded to the DE Sub-Committee, for appropriate action.

### **INSTRUCTIONS TO THE SECRETARIAT**

3.80 In adopting the aforementioned amendments, the Committee authorized the Secretariat, when preparing the authentic texts of the amendments as appropriate, to effect any editorial corrections that may be identified, and to bring to the attention of the Committee any errors or omissions which require action by the Contracting Governments to the 1974 SOLAS Convention and the Parties to the 1988 SOLAS Protocol.

## **4 MEASURES TO ENHANCE MARITIME SECURITY**

### **General**

4.1 The Committee recalled that MSC 83 had agreed that maritime security should remain on the agenda for MSC 84 and MSC 85, with provision for a drafting group on maritime security at MSC 84, if required, and for the Maritime Security Working Group (MSWG) to reconvene at MSC 85.

### **Fifth special meeting of the Counter-Terrorism Committee**

4.2 In considering document MSC 84/4 (Secretariat) on the report of the Fifth special meeting of the United Nations Security Council Counter-Terrorism Committee with International, Regional and Sub-Regional Organizations which provided a copy of the Joint Statement and of the associated Plan of action adopted at the end of the meeting, the Committee noted the information provided and invited SOLAS Contracting Governments to review the Plan of Action (annex to document MSC 84/4) and to submit reports on actions they have taken in relation to, and observations on, the activities listed therein as being associated with the Organization, for consideration during MSC 85.

### **National supplemental security arrangements**

4.3 In considering the proposals by Turkey (MSC 84/4/2), the Committee noted the information provided on the additional national security arrangements required by Turkey for the monitoring of ships and the AIS carriage requirements for ships other than those covered by SOLAS chapter XI-2 and the ISPS Code.

4.4 The Committee further noted that the information provided in document MSC 84/4/2 had been made available to the correspondence group on the security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code for its consideration.

4.5 In this context, the Committee also noted that a demonstration project to trial, test and assess AIS class B transponders and the interaction between AIS class A and class B transponders was being conducted in the Straits of Malacca and Singapore by Indonesia, Malaysia and Singapore (the littoral States) with support from Australia, Japan and the Republic of Korea. The demonstration project was one of the six projects identified during a series of IMO-sponsored meetings convened in cooperation with the littoral States for the purposes of enhancing safety, security and environmental protection in the Straits of Malacca and Singapore. The Committee noted that the intention was to report the result of the project to the Organization in due course.

### **ISO Maritime and supply chain security standards**

4.6 In considering the updated information provided by ISO (MSC 84/4/5) on maritime and supply chain security standards, the Committee noted the information provided, thanked ISO for its work which complements the efforts of the Organization to enhance maritime security and invited ISO to continue to update the Committee on the activities it is undertaking in this important area.



### **Port facility security audits**

4.7 The Committee considered the proposals of Canada (MSC 84/4/3) on the development of guidance on port facility security audits to supplement the guidance provided in MSC.1/Circ.1194 on Effective implementation of SOLAS chapter XI-2 and the ISPS Code and MSC.1/Circ.1193 on Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities.

4.8 Having noted the proposal of Canada to establish a correspondence group to progress the matter intersessionally for further consideration at MSC 85, the Committee, taking into account that MSC 83 had already re-established the correspondence group on security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code and had instructed it to report to MSC 85, decided to consider the development of guidance on port facility security audits further at its next session and invited SOLAS Contracting Governments and international organizations to submit, taking into account the suggestions set out in document MSC 84/4/3, proposals and comments on the issue.

### **Development of model legislation on maritime security**

4.9 Recalling that MSC 82 had agreed to recommend the inclusion, as a high-level action for the 2008-2009 biennium, of the development of model legislation on maritime security, the Committee considered a submission by Austria *et al* (MSC 84/4/4) outlining preliminary ideas on the issues which would need to be discussed when developing model legislation on maritime security.

4.10 The Committee agreed that such model legislation on maritime security would have to be flexible enough to take into account, for example, the diversity of legal systems and the national structures of SOLAS Contracting Governments and the legal status of the operators of port facilities (i.e., state-owned or private port facilities) and invited SOLAS Contracting Governments and international organizations to submit, taking into account the suggestions set out in document MSC 84/4/4, proposals and comments for further consideration of the issue at its next session.

### **Proposed amendments to MSC/Circ.1097**

4.11 The Committee recalled that MSC 77 had recognized and considered the need for additional information to assist Contracting Governments and the industry with the implementation of, and compliance with, the special measures to enhance maritime security detailed in SOLAS chapter XI-2 and the ISPS Code, and had developed MSC/Circ.1097 on Guidance relating to the implementation of SOLAS chapter XI-2 and the ISPS Code.

4.12 The Committee considered the proposals by IACS (MSC 84/4/1) to amend MSC/Circ.1097 by adding two sub-sections, the first on the handling of failures identified during ISPS Code verification; and the second on conflicts between safety and security and decided not to pursue, at this stage, the matter. Notwithstanding the aforesaid, the Committee agreed that, should the need arise, the proposals in document MSC 84/4/1 could be considered further at its next session.

## 5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

5.1 The Committee recalled that MSC 83, in considering the report of the GBS Working Group, had tentatively agreed to draft SOLAS amendments to make the draft International goal-based new ship construction standards for bulk carriers and oil tankers mandatory. Regarding the Standards themselves, MSC 83 had concurred with the view of the group that it would not be possible to finalize them until Tier III of the GBS (verification of compliance) had been completed. In this context, with regard to the draft Guidelines for the verification of compliance with GBS (Tier III verification guidelines), MSC 83 had agreed that a second trial application of the Guidelines (following the first trial application agreed at MSC 82), was necessary in order to finalize them and had approved a project plan for such a second trial application, using the IACS CSR for oil tankers. The final report of the Pilot Panel carrying out the project is scheduled expected for MSC 85.

5.2 The Committee also recalled that MSC 83 had agreed to the following work plan for the development of GBS, bearing in mind that both the prescriptive and the safety level approaches should move forward as integral elements of IMO GBS:

- .1 clarification of the work to be done to develop a generic GBS framework;
- .2 identification and compilation of the elements of the framework that have already been agreed to or proposed in previous MSC submissions, working group reports or other IMO instruments (e.g., FSA Guidelines, HEAP process Guidelines) and identification of existing gaps; and
- .3 development of a prioritized plan to close the gaps and provide a unified framework that ensures consistent development of GBS, i.e. both the prescriptive and safety level approaches,

and had decided that it would be more effective to focus efforts at this session on the unified GBS framework and the safety level approach (SLA) and dedicate MSC 85 to the finalization of the GBS for bulk carriers and oil tankers, including Tier III and the associated SOLAS amendments.

5.3 The Committee further recalled that, in line with the above decisions, MSC 83 had established a Correspondence Group on the Safety Level Approach under the coordination of Germany and, in line with the work plan referred to in paragraph 5.2, had instructed it to clarify the work to be done to develop a generic GBS framework; to identify and compile the elements of the framework that have already been agreed to or proposed previously and identify existing gaps; and to develop a prioritized plan to close the gaps and provide a unified framework that ensures consistent development of GBS, using both the prescriptive and safety level approaches.

### **Outcome of the GBS Working Group established at MSC 83 and the Pilot Panel**

5.4 The Committee noted the following documents reporting on ongoing work the outcome of which will be presented to MSC 85:

- .1 MSC 84/5 (Chairman of the GBS Working Group), reporting on the discussions of the GBS Working Group at MSC 83 on the draft Guidelines for the verification of compliance with GBS and containing in the annex a list of detailed comments made during the work of the group, which have been taken into account by the

Pilot Panel in its ongoing review of the Tier III verification process (document MSC 84/5/2); and

- .2 MSC 84/5/2 (Coordinator of the Pilot Panel), reporting on the progress made with the second trial application of the Tier III verification process since MSC 83, in particular that the Pilot Panel has completed an initial revision of the Tier III guidelines and has provided IACS with the revised guidelines as scheduled.

### **Possible need for amendments to other IMO instruments**

5.5 The Committee considered document MSC 84/5/1 (Secretariat), presenting the view of the Secretariat on the possible need for amendments to IMO instruments, in particular the MARPOL and Load Line Conventions, following the eventual adoption of the GBS for bulk carriers and oil tankers, as requested by MSC 83, and agreed that the matter should be considered in detail at MSC 85 when the GBS for bulk carriers and oil tankers are expected to be finalized.

### **Report of the correspondence group**

5.6 The Committee considered the report of the correspondence group (MSC 84/5/3), noting that the group had discussed in detail the work to be done to develop a generic GBS framework, the elements of the framework that have already been agreed to or proposed in previous MSC submissions and, consequently, the items to be included in a long-time work plan. Following this, the group arrived at a condensed work plan which was prioritized as set out in paragraph 54 of the report of the group.

5.7 The Committee also had for its consideration the following documents, commenting on the report:

- .1 MSC 84/5/4 (Denmark, Germany, Sweden), containing detailed proposals for the development of a generic framework for GBS, defined as a standard that “determines a goal to be achieved but without specifying the solution”, whereby the structure is based on a “rules for rules” part, including the IMO mission statement, goals and functional requirements, and a “rules for the ship” part, based on the regulatory framework of today and including IMO conventions, classification rules, etc. High-level goals and corresponding clusters of functional requirements are illustrated with examples;
- .2 MSC 84/5/5 (Japan), agreeing that the generic framework should contain top-level goals, sub-goals and functional requirements that have to be fulfilled to meet the sub-goals and consequently the top-level goal. Two examples, in terms of intact stability and structural safety, are explained for further consideration of the methodology to compensate for the gaps between top-level goals and functional requirements; and
- .3 MSC 84/INF.5 (Netherlands), providing the text of the NATO Naval Ship Code and chapter VII of the annex to the Code, which is used in paragraph 5.3 of the Code as an example to illustrate how the GBS methodology was applied in the drafting of the regulations of the Code.

5.8 The Committee agreed to refer the report, together with documents MSC 84/5/4, MSC 84/5/5 and MSC 84/INF.5, to the GBS Working Group for further detailed consideration.

### Scope of the agenda item

5.9 The delegation of the Bahamas, referring to the terms of reference of the GBS Working Group, proposed that the group should be instructed to focus on new ship construction standards only. They pointed out that the original discussion at the Council on the need for the establishment of this agenda item had been on the need to give Member States oversight with regard to the rules of classification societies concerning ships' hulls. In the view of the delegation, the report of the GBS correspondence group went far beyond the remit of the agenda item which was clearly limited to new ship construction. The work done by the correspondence group on a generic GBS framework covering various ship design aspects not related to hull strength standards would need to be accommodated by a new work programme item for which a compelling need would have to be demonstrated. The delegation felt that, if the safety level approach was to be further developed under the existing agenda item, it should concentrate on hull construction standards for new ships only.

5.10 The above view was supported by a number of delegations which supported the proposal to narrow the terms of reference of the GBS Working Group to new ship hull construction standards. During the discussion, the following views were, *inter alia*, expressed:

- .1 while the Committee had agreed at MSC 83 to follow both approaches, SLA and prescriptive, in parallel, the work should, for both approaches, focus on new ship construction;
- .2 the outcome of the currently ongoing work on the GBS for bulk carriers and oil tankers should be finalized first and experience in their application should be gained, before expanding the scope of the work to the development of a generic GBS framework for IMO rule-making; and
- .3 the decision of the Council regarding the title of the agenda item, i.e. goal-based new ship construction standards, and its inclusion in the High-level Action Plan of the Organization (resolution A.990(25)) meant that the scope of the work should be kept to the development of construction standards for new ships only.

5.11 A number of other delegations did not agree with the views described above and pointed out the following:

- .1 the Committee had already agreed at previous sessions to expand the work to include the development of a generic GBS framework;
- .2 the decision of the Assembly to include the item on GBS in the High-level Action Plan of the Organization (resolution A.990(25)), which foresees the development of GBS through both approaches in parallel, meant that the expansion of the work was implicitly agreed;
- .3 the GBS concept should be applied to the rule-making process in general and not only with regard to hull strength standards for new ship construction and should be used for the development of a future overarching regulatory framework which would encompass the prescriptive and safety level approaches; and

- .4 the meaning of the term “new ship construction” was much wider than just hull strength standards for new ship construction and has been understood, from the beginning, to cover all aspects of design and construction of new ships. To reduce it to hull issues only would limit the scope of the work on GBS.

5.12 Other views in the matter were expressed as follows:

- .1 the Committee should concentrate on the finalization of the GBS for bulk carriers and oil tankers at this point in time as a priority before the development of a generic GBS framework was considered, starting with putting in place the basic building blocks for the SLA, including agreement on the meaning of terminology used. In its current form, the SLA was not developed enough to be ready for the practical application; and
- .2 since MSC 83 had already agreed to expand the scope of the work, a pragmatic solution could be to finalize the GBS for bulk carriers and oil tankers based on the prescriptive approach first and to gain experience with the application of the GBS standard, and then to develop the GBS for bulk carriers and oil tankers using the safety level approach.

5.13 The Chairman, in his summary, acknowledged that this was a difficult and complex issue. He recalled that the Committee had agreed on a work plan for the issue which included the finalization of the GBS for bulk carriers and oil tankers and the further development of the GBS concept in a parallel approach, using both the safety level and the prescriptive methodology and that the Assembly had included relevant outputs in the High-level Action Plan of the Organization, i.e. the development of goal-based ship construction standards for new bulk carriers and oil tankers and the further development of GBS based on both the prescriptive and safety level approaches as integral elements of GBS. The issue had evolved over several sessions of the Committee since MSC 78 and MSC 83 had agreed to a work plan on how to proceed in the matter. Consequently, he suggested to instruct the working group to consider the development of a generic GBS framework, at this stage focusing on hull construction of new ships, with the understanding that the work, at a later stage, would eventually be expanded to cover all aspects of design and construction of new ships.

### **Establishment of the GBS Working Group**

5.14 Following the discussion, the Committee established the GBS Working Group and instructed it to consider in detail the report of the correspondence group (MSC 84/5/3), taking into account documents MSC 84/5/4, MSC 84/5/5, MSC 84/INF.5 and comments, proposals and decisions made in plenary, and, in particular, to:

- .1 consider the condensed and prioritized work plan proposed by the correspondence group (MSC 84/5/3, paragraphs 52 to 54) and prepare a final work plan, including a time frame, for consideration by the Committee;
- .2 consider the development of a generic framework for IMO GBS, focusing, at this stage, on hull construction of new ships, in the understanding that, at a later stage, the work will cover every aspect of design and construction of new ships;
- .3 consider the development of general GBS guidelines; and

- .4 consider whether a GBS Correspondence Group should be established and, if so, prepare terms of reference for the group.

### **Report of the GBS Working Group**

5.15 Having received the report of the group (MSC 84/WP.4), the Committee approved it in general and took decisions as outlined in the following paragraphs.

#### ***Development of generic GBS guidelines, including a description of a generic GBS framework***

5.16 The Committee noted that the group had an extensive discussion on the development of generic guidelines for the application of GBS to support the IMO regulatory development process and had agreed that the current effort to develop goal-based standards consists of three essential and related elements, namely the GBS for the new construction of oil tankers and bulk carriers; the safety level approach; and the development of generic GBS guidelines. Generic GBS guidelines would link the first two elements, as well as other initiatives which may be undertaken, by providing a unifying framework to ensure a similar structure and consistent approach.

5.17 The Committee agreed to the key principles contained in the generic guidelines for developing goal-based standards (the Guidelines), as set out in the annex of the report of the group, as a basis for any further work in this regard, noting that figure 1 of the Guidelines indicates the relationship between a GBS and a generic GBS framework.

#### ***Prioritized work plan to finalize the generic GBS guidelines***

5.18 The Committee, noting that the group reviewed the condensed and prioritized work plan, as presented in paragraphs 52 and 54 of the report of the GBS Correspondence Group (MSC 84/5/3), agreed that the following steps should be taken, in priority order, to finalize the draft Guidelines, with a view towards ensuring that they were generic:

- .1 further development of the section on “Verification of compliance” to address process, method and criteria needed to verify rules/regulations for ships;
- .2 development of a process for monitoring the effectiveness of a GBS, taking into consideration the relevant items in paragraph 52.4 of the report of the GBS Correspondence Group (MSC 84/5/3);
- .3 further refinement of the generic GBS framework, taking into consideration the relevant items in paragraph 52.2 of the report of the GBS Correspondence Group (MSC 84/5/3);
- .4 development of definitions and terminology as needed for effective use of the Guidelines; and
- .5 incorporation of lessons learned from the pilot project on the trial application of the verification of compliance with GBS using IACS CSR for oil tankers (MSC 83/28, paragraph 5.66).

***Work plan for the further development of goal-based standards***

5.19 The Committee noted that the group had updated the short-term plan for the further development of GBS agreed at MSC 83 to reflect the progress achieved at this session and, while reviewing the prioritized and condensed work plan prepared by the GBS Correspondence Group (MSC 84/5/3, paragraph 52), had noted that some elements of this work plan were relevant for the long-term development of GBS and had agreed that these and other issues should be documented for consideration by the Committee at a future session.

5.20 Subsequently, the Committee agreed to the following work plan for the continued development of GBS:

**.1 *Intersessional period between MSC 84 and MSC 85***

.1.1 Pilot Panel completes trial application and finalizes Tier III of GBS for bulk carriers and oil tankers for consideration at MSC 85.

.1.2 GBS Correspondence Group further develops the generic guidelines for developing goal-based standards with a view towards finalization at MSC 86.

**.2 *MSC 85***

Dedicated session to finalize and approve Tiers I to III of the GBS for bulk carriers and oil tankers and to finalize and approve associated draft SOLAS amendments.

**.3 *Intersessional period between MSC 85 and MSC 86***

Continued progress on the draft generic guidelines for developing goal-based standards by the GBS Correspondence Group.

**.4 *MSC 86***

.4.1 Finalization of the generic guidelines for developing goal-based standards.

.4.2 Development of a plan to validate the results from the safety level concept (e.g., either through the comparison of the GBS for bulk carriers and oil tankers using the prescriptive and safety level approaches or an alternative method).

.4.3 Consideration of the long-term implementation of GBS.

**.5 *longer term considerations***

.5.1 Assessment of the experience gained from the application of GBS and incorporation of lessons learned into the generic guidelines for developing goal-based standards.

.5.2 Validation of the results of the safety level approach by comparing with the prescriptive approach.

- .5.3 Determination of the current safety level of the rules/regulations.
- .5.4 Application of GBS to other ship types on an incremental basis.
- .5.5 Expansion of GBS to cover every aspect of the design and construction of new ships.
- .5.6 Consideration of whether all new or revised IMO regulations, classification rules and other mandatory standards should be followed by a commentary in an agreed format, explicitly stating which functional requirements are addressed and providing the substantial basis for the regulation.
- .5.7 Consideration of whether any changes to the IMO process for submitting proposals for new work programme items are needed after approval/adoption of the Guidelines.

### **Re-establishment of the GBS Correspondence Group**

5.21 The Committee agreed to re-establish the GBS Correspondence Group, under the coordination of Germany<sup>\*</sup>, with the following terms of reference:

- .1 finalize the generic guidelines for developing goal-based standards, based on the prioritized work plan set out in paragraph 5.18 of document MSC 84/24; and
- .2 submit a report to MSC 86.

## **6 LRIT-RELATED MATTERS**

6.1 The Committee recognized that, for the LRIT system to become operational on 30 December 2008, it must take decisions with respect to all issues having a bearing on the establishment and operation of the International LRIT Data Exchange (IDE), the LRIT Data Distribution Plan (DDP) and, indeed, the complete LRIT system.

6.2 In addition, the Committee also recognized that, since the actual establishment and integration of almost all components of the LRIT system would start after MSC 84, it would need to decide how matters relating to the technical aspects and the development and integration testing of the various components of the LRIT system would be handled during the period between MSC 84 and MSC 85.

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6.3 The Committee noted that all issues of principle would need to be tabled in plenary to enable it to instruct the Working Group on LRIT-related matters (the working group) accordingly, to be established at the end of the consideration of all LRIT-related matters.

6.4 The Committee recalled further that in view of the critical nature of the issues involved, and as had been identified by MSC 83 and recently by the *ad hoc* LRIT Group, matters in connection with the establishment of the LRIT system had fallen behind, in comparison to what was envisaged during MSC 81 and needed to be expedited on a priority basis.

6.5 The Committee agreed to consider the various matters in the following order:

- .1 general comments;
- .2 intentions of Contracting Governments/questionnaire on LRIT-related matters;
- .3 matters pending since MSC 83;
- .4 outcome of *ad hoc* LRIT Group;
- .5 sustainability and viability of the LRIT system;
- .6 performance review and audit of the LRIT system; and
- .7 ongoing work within the European Union to develop a European Master plan for the fixed-based AIS networks.

6.6 The Committee considered documents MSC 84/6 (Secretariat), MSC 84/6/1 and Adds.1 to 4 (*ad hoc* LRIT Group), MSC 84/6/2 (Marshall Islands), MSC 84/6/3 (Bahamas, Liberia and Marshall Islands), MSC 84/6/4 (IMSO), MSC 84/6/5 (Austria *et al*), MSC 84/6/6 (Turkey), MSC 84/6/7 (United States), MSC 84/6/8 (Secretariat) and MSC 84/6/9 (United States).

### **General comments**

6.7 The delegation of the Bahamas was of the view that the sustainability and financial viability of the LRIT system was an important issue, which needed detailed consideration at this session of the Committee.

### **Intentions of Contracting Governments/Questionnaire on LRIT-related matters**

6.8 The Committee recalled that MSC 81, when adopting the 2006 SOLAS (chapter V) amendments on LRIT, had also adopted resolution MSC.211(81) on Arrangements for the timely establishment of the LRIT system which, *inter alia*:

- .1 invited Contracting Governments to advise MSC 82 of their firm intentions in relation to the establishment of National, Regional and Cooperative LRIT Data Centre(s) (operative paragraph 1); and
- .2 recommended that Contracting Governments take early appropriate actions to ensure that all necessary infrastructures are in place, timely, for the establishment of the LRIT system (operative paragraph 10).

6.9 The Committee noted that the *ad hoc* LRIT Group at its second session, recognizing that any future discussions on the financial viability of the LRIT system should be based on reliable data in relation to the expected volume of LRIT information packages which would be received by the LRIT system and the expected demand for such information, had requested the Secretariat to re-issue the Questionnaire on LRIT-related matters, set out in the annex to document MSC 83/6/14, and to consolidate the replies to be received and make them available for consideration by MSC 84.

6.10 The Committee also noted that, in order to have constructive discussions and avoid making too many assumptions, some of which might, at a later time, in retrospect prove to be erroneous, there was a need to have a clear understanding what Contracting Governments plan in relation to:

- .1 the establishment of National, Regional and Cooperative LRIT Data Centres; and
- .2 the provision to them of LRIT information and the volume of LRIT information they contemplate to request.

6.11 The Committee recalled that MSC 83 had noted, in particular, that only 24 Contracting Governments representing approximately just over 13% of the total Contracting Governments had provided replies to the questionnaire on LRIT-related matters.

6.12 The Committee recalled also that at MSC 83, noting the very limited response to the questionnaire, the Chairman had advised that, at this stage, there was no other alternative than to asking each Contracting Government attending MSC 83 to provide a clear indication on its plans and firm intentions by completing and handing in, if it had not already done so, the response to the questionnaire.

6.13 The Committee considered documents MSC 84/6/8 and MSC 84/WP.9. As requested by *ad hoc* LRIT Group (see paragraph 6.9 above), the Secretariat, with a view to ensuring in a systematic manner the submission of the information required by the Committee when deciding on a number of LRIT-related issues, issued a questionnaire which Contracting Governments were asked to complete and return to the Secretariat as soon as possible. Document MSC 84/WP.9 summarizes in a tabular matrix format the replies received.

6.14 The Committee noted that once again the response was insufficient. Only a total of 48 responses had been received: 13 Contracting Governments had updated their previous responses and 26 Contracting Governments had provided new information.

6.15 The observer from ICS voiced the industry's desire to reopen the debate on the establishment of the International LRIT Data Centre (IDC). He alluded to the fast approaching deadline of 1 January 2009 and expressed his concerns on ships not being able to transmit LRIT information, not due to their own fault, but because flag States had not yet made the necessary relevant provisions in establishing or appointing their LRIT Data Centres (DCs). He expressed the concern that, following the recent new legislation, ships calling at United States ports may become liable to criminal and civil penalties through no fault of theirs, unless the proper IDC is established. He concluded by stating that more Contracting Governments should respond to the questionnaire to enable the Committee to make informed decisions.

6.16 The delegation of the Bahamas stated that presently most of the Contracting Governments were constrained from taking relevant actions due to lack of guidance on LRIT-related matters from the Committee, since most components of the LRIT system were still under development. It was, therefore, hoped that the present session would provide the necessary guidance urgently required.

6.17 The delegation of Slovenia informed the Committee that the European Union was working hard towards the timely establishment and operation of the European LRIT Data Centre. Many actions had already been initiated, like drafting of technical specifications and developing an European Union ship database. This was a large and complex undertaking involving the European Commission, the 27 European Union Member States as well as Iceland and Norway with a total of around 10,000 ships. Due to the complexity of the project and the involvement of 29 IMO Member States and about 10,000 ships, the European LRIT Data Centre might not be operational on time. This might also be the case for many other IMO Member States. The European Union was not proposing a postponement or amendment to the relevant SOLAS regulations nor to open a debate on this issue. However, they believed that at the next session of the Committee, the issue should be considered in more detail with a view to examining the possibility of providing for leniency on the enforcement of the control provisions of the relevant SOLAS regulations during the first year of implementation. The delegation of Slovenia reiterated their commitment to use the LRIT messages within the European Union for security, safety, environmental protection and search and rescue (SAR) purposes.

6.18 The delegation of the Islamic Republic of Iran stated that with respect to the relaxation of control procedures, it agreed with the proposal of the European Union and reminded the Committee of its intervention on the same matter at MSC 83 (MSC 83/28, paragraph 6.22 refers).

6.19 The Chairman urged delegates to provide the required information on their intentions as to the establishment of DCs during the session to enable the Committee to make informed decision in this respect.

6.20 The Committee referred documents MSC 84/6/8 and MSC 84/WP.9 to the working group for further consideration.

### **Matters pending since MSC 83**

6.21 The Committee considered documents MSC 84/6 (Secretariat), identifying a number of outstanding matters on which the Committee and its working group would need to continue its work. On the basis of the report of the group (MSC 83/WP.6/Rev.1) and that of the Committee (MSC 83/28, paragraphs 6.76, 6.83 to 6.85, 6.88, 6.89 and 6.91), the group would need to continue its work on issues set out in paragraphs 2.1 to 2.5 of document MSC 84/6, relating to issues, amongst others, of a sustainable and viable financial basis; performance of IMSO of functions of the LRIT Coordinator: models of various agreements needed for the LRIT system, as well as consideration of annex 4 of document MSC 83/WP.6/Rev.1, which could not be finalized at MSC 83, due to time constraints.

6.22 The observer from IMSO stated that the pending issues outlined in paragraphs 2.1 to 2.5 of document MSC 84/6 had a direct impact on the LRIT Coordinator's work and these policy issues should thoroughly be discussed in plenary.

6.23 The delegation of the Bahamas was of the opinion that paragraph 2.1 of document MSC 84/6 relating to the financial aspects of the LRIT system deserved detailed discussion and subsequent decision in plenary, as it seemed that all burden would be on the flag States since port and coastal States seemed not to share the initial costs involved by guaranteeing their requests and use of the transmitted messages.

6.24 The delegation of China stated that with respect to financial issues, the Committee had to take into account the concerns of all Contracting Governments and take appropriate decisions thereon. Secondly, there was a need for confidentiality of the LRIT information, including the establishment of an effective management system.

6.25 The Committee referred document MSC 84/6 to the working group for further consideration.

### **Outcome of *ad hoc* LRIT Group**

#### **Reports of the *ad hoc* LRIT Group**

6.26 The Committee recalled that MSC 83 had approved the convening of an intersessional *ad hoc* LRIT Group (the group) and instructed it, in essence, to consider all issues of a technical nature which had a bearing on the timely establishment of the LRIT system.

6.27 In considering the report of the group (MSC 84/6/1 and Adds.1 to 4), the Committee approved the report in general, noted that the report had set out seventeen points on which it had been requested to take action and agreed only to address a selected number of key issues where it was necessary to have a debate in plenary before referring matters to the working group for further consideration. In particular, the Committee took action as reported in the ensuing paragraphs.

#### **Progress report on the establishment of the interim IDE**

6.28 The Committee noted that the United States, as required by schedule for the implementation of the LRIT system (MSC 83/WP.6/Rev.1, annex 2), provided at each session a status update on development of the interim IDE system (MSC 84/6/1, paragraph 8; MSC 84/6/1/Add.1, paragraphs 6 and 7; MSC 84/6/1/Add.2, paragraph 1.6).

#### **Amendments to the technical specifications**

6.29 The Chairman of the group provided a comprehensive summary of the discussion within, and the action taken by, the group relating to the amendments to the technical specification for the LRIT system, notably the finalization of the XML Schemes; development of amendments to the technical specifications for communications within the LRIT system and to the technical specifications for International LRIT Data Exchange and consequential to the technical specifications for International LRIT Data Centre; and development of the processing algorithm for standing orders.

6.30 The group had agreed to advise the Committee that, although it was recommending the inclusion, in the Technical specifications for the LRIT system, of the Technical specifications for the International LRIT Data Centre, the work done so far was primarily concentrated on issues relating to the IDE; communications within the LRIT system; the DDP; and DDP server. Thus, the Technical specifications for the International LRIT Data Centre had received very limited

attention and in case the Committee was to reconsider its decisions in relation to the establishment of an IDC, the related technical specification should be subject to a comprehensive revision. In addition, the group was of the view that, at this stage, the Technical specifications for the International LRIT Data Centre should be considered as providing only a limited guidance for those establishing DCs and any reference to it should be done with care and diligence.

6.31 The Committee subsequently approved the amendments to the Technical specifications for the International LRIT Data Exchange, the Technical specifications for the International LRIT Data Centre and Technical specifications for communications within the LRIT system adopted by the group and the actions taken by the group as if they had been taken by the Committee (MSC 84/6/1, paragraphs 11 to 25, 31 and 35 to 42; MSC 84/6/1/Add.1, paragraphs 11 to 35 and 51 to 53; MSC 84/6/1/Add.2, paragraphs 2.1 to 2.38; and MSC 84/6/1/Add.4, annex 2).

### **Simplification of the definition of geographical areas**

6.32 The Chairman of the group provided a summary of the discussion within, and the action taken by, the group relating to the definition of the geographical areas which needed to be included in the DDP in order to enable the DCs to correctly implement the provision of regulation V/19-1.8.1.

6.33 Whilst a high number of geographical coordinate points would define the various geographical areas with greater accuracy, the size of the various files containing the points was, in such cases, very large and required considerable time to be transferred from the DDP and processed, as internal inputs, by the DCs, thus slowing down the entire LRIT system. In addition, DCs, when processing geographical areas defined with high level of accuracy, would be required, in order to meet the quality of service criteria specified in the Performance standards and functional requirements for the long-range identification and tracking of ships (Performance standards), to have large computational capacities and capabilities.

6.34 The group had therefore agreed that, at this stage of the development of the LRIT system, the only practical solution was to recommend, subject to the agreement of the caveats to be posted on the DDP, the use of simplified geographical polygons and to develop guidance on the constraints to be observed when defining them. The related constraints, which had been developed after comprehensive discussions, were specified in section 7 of part I of the Technical specifications for the LRIT Data Distribution Plan which were set out in annex 3 to document MSC 84/6/1/Add.2.

6.35 The Secretariat advised that, taking into account the discussions thus far, would be providing to the working group with a draft of the caveats to be posted on the DDP for consideration and eventual advice to the Committee.

6.36 With regard to the agreement of the geographical areas to be included in the DDP and the proposed simplification of the geographical areas representing internal waters and territorial sea, the delegation of China expressed the view that the Committee would need to recognize that this was a complex and sensitive issue, which might entail issues of baseline data, States' sovereignty, and territorial waters and needed to be handled with caution.

6.37 The delegation of Turkey, supporting the views of the delegation of China, stated that these geographical areas should only represent the result of the technical and unilateral work done for the purposes of LRIT system by nations. In addition, there could be inevitable

overlapping within the geographical areas submitted to the DDP by different nations. Therefore, these geographical areas provided by nations for technical purposes of LRIT system should not be regarded as representing maritime jurisdiction areas. This should be one of the caveats that would be adopted before the end of this session.

6.38 The Secretariat clarified that, since so far no input had been received, further discussion was necessary in the working group regarding the caveats to be posted on the DDP.

6.39 The Chairman, in his summing up, confirmed that the agreement on the use of simplified geographical polygons for the DDP was conditional, subject to outcome of the discussion in the working group regarding the caveats to be posted on the DDP.

6.40 The Committee subsequently agreed, subject to the agreement of the caveats to be posted on the DDP, that the geographical areas to be included in the DDP, should be simplified geographical polygons in accordance with the guidance provided in section 7 of part I of the Technical specifications for the LRIT Data Distribution Plan (MSC 84/6/1/Add.4, annex 3).

### **Technical specifications for the LRIT Data Distribution Plan**

6.41 The Chairman of the group provided a summary of the discussion within, and the action taken by, the group relating to the development of technical specifications for the DDP and related XML Schemes.

6.42 The Committee subsequently approved the draft Technical specifications for the LRIT Data Distribution Plan (MSC 84/6/1/Add.4, annex 3).

### **Consolidation of technical specifications for the LRIT system**

6.43 The Chairman of the group provided an explanation relating to the need for the consolidation of all the amendments to the technical specifications for the LRIT system.

6.44 The group agreed that at this stage of the development of the LRIT system there was a very urgent need to consolidate all amendments to the IDE, IDC and communications specification adopted thus far and to incorporate these into a single basic document. The group was also of the view that the preparation of aforesaid technical specifications in a revised format, consolidating all amendments, would also contribute to the management of risks which might arise in the establishment of the LRIT system as a result of inadvertent use of incorrect technical documentation. The group had also agreed that the Technical specifications for the LRIT Data Distribution plan should also be included in the single basic document.

6.45 The Committee consequently authorized the consolidation of the technical specification for the LRIT system in a single document consisting of the Technical specifications for the International LRIT Data Exchange, the Technical specifications for the International LRIT Data Centre, the Technical specifications for communications within the LRIT system, and the Technical specifications for the LRIT Data Distribution Plan and incorporating all amendments (see also paragraph 6.137).

### **Documentation of future amendments to the technical specifications for the LRIT system**

6.46 The Chairman of the group provided an explanation relating to the method to be followed when documenting future amendments to the technical specifications for the LRIT system.

6.47 The group had recommended that, in case the Committee was to establish the arrangements which were needed between MSC 84 and MSC 85 for the timely consideration and adoption of amendments to the technical specifications for the LRIT system in the light of the results of the testing to be conducted after MSC 84, the Committee should, in lieu of following the practice of the Organization when documenting amendments, allow the incorporation of the agreed amendments in the basic document and its issue as a revised version having effect upon release.

In such cases the adopted amendments would be clearly identified in the revised version which would then replace the basic document and become the basic document. Such an approach, which was in line with industry practices, would be of great help to those involved in the establishment of the LRIT system and would facilitate the development of the documentation relating to the testing of the system.

In addition, as the related work would be once more conducted on the understanding that the Committee would consider and, unless it deemed it to be unreasonable, would approve, accept and endorse, as the case might be, the actions taken in retrospect as if they had been taken by the Committee, it would provide the necessary documentary evidence for consideration by MSC 85.

The aforesaid recommended approach should be based on the understanding that the technical specifications for the LRIT system would continue to be in the English language only until the end of MSC 85 or such later time to be decided by the Committee. Such an approach would not have any adverse effects on the development and implementation of the LRIT system and, in fact, in order to avoid waste of resources the prudent approach would be to translate the related documents in the French and Spanish languages only when the Committee would be confident that the adoption of amendments would no longer be necessary.

6.48 The Committee considered paragraphs 2.56 to 2.58 of document MSC 84/6/1/Add.2 on the proposed approach for recording and documenting any amendments to the aforesaid technical specifications which may be adopted during the period between MSC 84 and MSC 85, agreed with the proposed approach and referred the matter to the working group for further consideration and to advise the Committee accordingly.

#### **Guidance in relation to the definition of geographical areas for Contracting Governments which are neither States Parties to UNCLOS nor States Parties to 1958 TS and CZ**

6.49 The Committee considered paragraphs 3.10 and 3.13 of document MSC 84/6/1/Add.2 on whether there was a need, as far as those Contracting Governments which are neither States Parties to UNCLOS<sup>1</sup> nor States Parties to 1958 TS and CZ<sup>2</sup>, to provide guidance in relation to the definition of geographical areas which should be included in the DDP.

6.50 The Chairman of the group provided a summary of the matters, noting that, whilst some of the Contracting Governments were not States Parties to any related international treaties, most of the 158 Contracting Governments were States Parties to different treaties of relevance to the issue, which might complicate the definition of the geographical areas for the purposes of the DDP.

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<sup>1</sup> United Nations Convention on the Law of the Sea.

<sup>2</sup> Convention on the Territorial Sea and the Contiguous Zone.

6.51 The delegation of Turkey stated that it was not party to UNCLOS. However, Turkey agreed with most of its provisions that reflect international customary law. Accordingly it should be noted that Turkey's maritime jurisdiction areas, where established so far, were in line with international law. As such it was in their view not necessary to provide further guidance for the definition of geographical areas. Consequently, Turkey would provide, as appropriate, the necessary input to the DDP.

6.52 The delegation of Venezuela supported Turkey and stated that it also used customary law to define geographical areas.

6.53 The delegation of Australia stated that any guidance or caveats should be through an MSC circular rather than to be included in the DDP.

6.54 The Chairman, in his summing up, concluded that no further guidance was needed in this matter.

### **Proposed draft amendments to the Performance standards**

6.55 The Committee considered documents MSC 84/6/1, paragraphs 26 to 30 and 32 to 34; MSC 84/6/1/Add.1, paragraphs 42 to 50; MSC 84/6/1/Add.2, paragraphs 2.39 to 2.49, 3.14, 3.38 to 3.42 and 3.81 to 3.83; and MSC 84/6/1/Add.4, annex 4, on proposed draft amendments to the Performance standards including the adoption of Revised Performance standards consolidating all amendments.

6.56 The Chairman of the group provided a summary of the discussion within the group in relation to, and justification for, the development of draft amendments to the Performance standards. The major part of the proposed amendments addressed matters relating to the DDP and the DDP server. In essence, the existing section 11.2, which specified the data to be included in the DDP had been recast so as to reflect the actual needs of the system. In addition, whilst the Performance standards specified requirements in relation to communication between the DCs and the IDE, they did not include provisions in relation to communications between the DCs and the DDP and between the IDE. Thus, a new section 11.3 was proposed which addressed the salient issues and which mirrored the corresponding provisions of section 7.1 for the DCs and section 10.3 for the IDE. Consequential amendments to sections 7.1 and 10.3 were also proposed so as to include the related references to the DDP server.

6.57 One of the pending matters since MSC 83 had been as to how and when the technical specifications should be integrated in the Performance standards. Through the proposed draft amendments, the inclusion of related references to the technical specifications in sections 7, 9, 10 and 11 of the Performance standards would provide the required links.

6.58 The group, recalling that the Committee had already adopted one set of amendments to the Performance standards and bearing in mind the length of the proposed draft amendments, as well as those proposed by IMSO as the LRIT Coordinator, recommended, instead of adopting another set of amendments to the Performance standards, to consider adopting Revised performance standards.

6.59 The Committee referred the matter to the working group for further consideration and to advise the Committee accordingly.



## Developmental and integration testing

6.60 The Committee considered documents MSC 84/6/1, paragraph 54.1; MSC 84/6/1/Add.1, paragraphs 76 to 94 and 102.1; and MSC 84/6/1/Add.2, paragraphs 3.15 to 3.32, on issues relating to the developmental and integration testing of the components of the LRIT system and the organization and coordination of the testing programme of the prototype and production LRIT system.

6.61 The Chairman of the group provided a summary of the discussion within, and the action taken by, the group relating to the developmental and integration testing, concluding that the Protocols for the developmental testing of the LRIT system and for testing the integration into the system of new LRIT Data Centres (MSC 83/6/1, annex 5) had been developed assuming certain scenarios which, as matters now stood, were unrealistic. In addition, certain aspects of the tests envisioned for the LRIT system, such as software module tests, factory acceptance tests and in-service verification tests, required distinct and unique testing procedures tailored to the specific software and hardware configurations to be developed by a likely vendor and which are different from those currently being deployed by those establishing DCs, the interim IDE and the DDP. Thus, the group had agreed that, whilst the aforesaid protocols provided a valid template and included some sound provisions which were still relevant to the current realities, they needed comprehensive revision before being considered as providing the high level documentation for the testing of the LRIT system. The group, therefore, on the basis of the dates stipulated in resolution MSC.211(81) developed a preliminary plan in relation to the testing and integration of the LRIT system which needed to be further refined at the current session and invited the Committee to:

- .1 establish the arrangements which are needed between MSC 84 and MSC 85 for the timely development and adoption of testing documentation and for the consideration and adoption of any required amendments to either the technical specifications or the testing documentation; and
- .2 consider all issues relating to the management of the test programme of the LRIT system (other than those relating to the development of the testing documentation).

6.62 In this context, the Committee also considered the proposal by the United States (MSC 84/6/9) inviting the Committee to consider, taking into account any related recommendations of the *ad hoc* LRIT Group, the testing of the various components of the LRIT system and decide, in particular, on the process to be followed during the period between MSC 84 and MSC 85.

6.63 The observer from IMSO stated that they fully supported and endorsed the views of the United States that, with respect to the testing and integration of the various components of the LRIT system there would be a need to quickly turn around test plans and test results and minimize the time taken to approve test plans and test results, so as to avoid any delays which might affect the establishment of the LRIT system by 30 December 2008. Secondly, it was imperative that the Committee established a streamlined approval process to quickly and effectively approve the above-mentioned plans and results.

6.64 The Committee, agreeing with the proposals in principle, referred the matter to the working group for further consideration and to advise the Committee accordingly.

### **Continuity of service of the LRIT system**

6.65 The Committee considered documents MSC 84/6/1, paragraphs 16 and 54.2; MSC 84/6/1/Add.1, paragraph 102.2; and MSC 84/6/1/Add.2, paragraphs 3.33 to 3.37) on development of a plan for the continuity of service of the LRIT system.

6.66 The Chairman of the group provided a summary of the discussion within, and the action taken by, the group relating to the issue of continuity of service of the LRIT system. Recognizing that there might be circumstances which might require the temporary shutting down of the IDE or the DDP server, for example, due to denial of service or a malicious attack and the likelihood that a DC might be forced to be temporarily shut down could not be excluded, the group agreed to recommend that a plan for the continuity of service of the LRIT system would need to be developed between MSC 84 and MSC 85 and agreed by MSC 85 so as to avoid any undesired circumstances once the LRIT system entered operation on 31 December 2008. The group agreed to invite the Committee to determine how such a plan should be developed and discussed during the intersessional period.

6.67 The Committee referred the matter to the working group for further consideration and to advise the Committee accordingly.

### **Public Key Infrastructure (PKI) certificates**

6.68 The Committee considered documents MSC 84/6/1, paragraph 61; MSC 84/6/1/Add.1, paragraphs 36 to 40; and MSC 84/6/1/Add.2, paragraphs 3.76 and 3.77, on the issue of Public Key Infrastructure (PKI) certificates.

6.69 The Chairman of the group provided a summary of the discussion within, and the action taken by, the group relating to the issue, renewal and revocation of PKI certificates, and noted that the Secretariat, taking into account the discussions thus far, would be providing to the working group related information for its consideration and eventual advice to the Committee.

6.70 The Committee referred the matter to the working group for further consideration and to advise the Committee accordingly.

### **Shipborne equipment**

6.71 The Committee considered documents MSC 84/6/1, paragraphs 44 to 53; MSC 84/6/1/Add.1, paragraphs 68 to 75; MSC 84/6/1/Add.2, paragraphs 3.78 and 3.79; and MSC 84/6/1/Add.4, annex 5, on the issues which had arisen as a result of the provisions of regulation V/19-1.6 which specified that the shipborne equipment used to transmit LRIT information shall be of a type approved by the Administration.

6.72 The Chairman of the group provided a summary of the debate in, and the action taken by, the group relating to the issue of shipborne equipment. The group, recalling that SOLAS regulation V/19-1.6 specified that any shipborne equipment to be used for transmitting LRIT information “shall be of a type approved by the Administration”, had considered the need for verification and certification of compliance of the ships which were requirements of regulation V/19-1. The group had agreed that, as regulation V/19-1 was part of chapter V, the type approval of any shipborne equipment should be in accordance with the practice of type approval of other shipborne equipment the carriage of which was required by other provisions of chapter V. The group had also recalled that, since the start of the discussions on LRIT of ships,

in February 2002, the development of LRIT had been based on the premise that ships were expected to comply with the related requirements, using existing shipborne equipment. In fact, the 2002 SOLAS Conference in Conference resolution 10 on Early implementation of long-range ship's identification and tracking stated that "equipment installed on board and ashore is available for immediate use and would allow the early implementation of LRIT" and, on that basis, urged "Contracting Governments to take, as a high-priority, any action needed, at the national level, to" implement and begin LRIT of ships.

6.73 The Chairman of the group advised that the group had noted that the requirement for the shipborne equipment to be of a type approved by the Administration meant that any new equipment, which ships might need to install on board for whatever reason in order to comply with the obligation to transmit LRIT information, should be of a type approved by the Administration; and any existing shipborne equipment, already installed on board, which might be used for the same purpose should also be of a type approved by the Administration. From the discussions within the group it had transpired that none of the Administrations had type approved any new or existing shipborne equipment for such a purpose and none of the manufacturers had developed any products which were type approved. In addition, the requirement to have existing equipment already installed on board to undergo a type approval process, was not something which was logical nor a manageable, practicable or reasonable requirement, considering the number of ships which were required to comply. In simple practical terms, the requirement for a shipborne equipment to be of a type approved by the Administration meant that a prototype of the equipment had to be physically examined and tested so as to demonstrate that it met the requirements of the performance standards established by the Organization and any specific national requirements of the Administration concerned. Although equipment might be of a type approved by the Administration, when it was installed on board it still needed to undergo a variety of tests in order to verify that it functioned and performed as intended before the compliance of the ship with the related requirement could be certified.

6.74 The Chairman of the group also advised that the group had noted that, in order to solve the problem, the Committee would need to adopt amendments to regulation V/19-1 so as not to require existing ships to use type approved equipment when transmitting LRIT information. However, whilst such a course of action might solve the problem as from the entry into force point of view of such amendments, at this stage, the earliest possible date when such amendments might enter into force was 1 July 2010. Thus, the Committee would also need to unanimously adopt an interim scheme stipulating the arrangements to be applied during the period between 31 December 2008 and 30 June 2010 in lieu of the requirements for the shipborne equipment to be of a type approved by the Administration. The group had further noted that such an interim scheme should be based on a series of examinations and tests, as determined by the Committee, which demonstrated and verified compliance of the shipborne equipment with the requirements of regulations V/19-1.4 and V/19-1.7 and of section 4 of the Performance standards. In this respect and, in view of earlier discussions within the Committee and during the last session of MSC/ISWG/LRIT 2 of difficulties which might arise when a ship changed flag or due to legacy equipment (MSC 83/6/2, paragraphs 95 to 107), the Committee would also need to establish the criteria or the range within which the functional performance of existing equipment should be considered as being acceptable. The implementation of such an interim scheme would require the active involvement and participation of application service providers (ASPs), since it would be the ASPs who would undertake the various tests; transmit to the ship being tested the various control commands; receive the LRIT information being transmitted; monitor the performance of the shipborne equipment over a period of time; and provide related objective evidence.

6.75 The Chairman of the group further advised that the group had concluded that this issue should be brought to the attention of the Committee as soon as possible with a view to enabling the Committee to take a decision as to how the issue should be handled in a practicable, uniform and consistent manner, bearing in mind that demanding compliance with the requirement for the equipment to be of a type approved could not be considered as being conducive to, or in line with, the concentrated efforts of the Committee to set up the LRIT system. The group had also proposed the adoption of an interim scheme to address the matter which should be promulgated, through an MSC circular, which should have two parts. The first part should address the administrative and procedural issues and the second part the technical matters.

6.76 Accordingly, the group had invited the Committee to consider:

- .1 whether regulation V/19-1.6 should be amended so as to delete the requirement for the shipborne equipment to be of type approved by the Administration and, if so, when such amendments should be adopted and enter into force; and
- .2 in case the requirement for the shipborne equipment to be of a type approved by the Administration is to be deleted, to determine the interim scheme to be followed until the related amendment enters into force.

6.77 The observer from IACS informed the Committee that it did not see the need or added value for LRIT compliance being brought within the existing survey and certification regimes relating to equipment type approval. LRIT was not a carriage requirement; the transmission of LRIT data was a functional requirement. There was a need for compliance testing by the application service provider. IACS, therefore, questioned if recognized organizations should get involved in the LRIT verification process.

6.78 A number of delegations supported IACS's views and were not in favour of the type approval process. It was, however, recognized by a majority of the delegations that an interim scheme was necessary, until such time when the necessary amendments to SOLAS regulation V/19-1 had entered into force or a permanent approval process was in place, and that the task to prepare such a scheme should be given to the working group.

6.79 The Committee referred the matter to the working group for further consideration and to advise the Committee accordingly.

### **Matters affecting implementation of the LRIT system**

6.80 The Committee considered documents MSC/*ad hoc* LRIT 3/3/1 (Bahamas) and MSC 84/6/1/Add.2, paragraphs 3.43 to 3.69 on matters affecting implementation of the LRIT system identified by the Bahamas.

6.81 The Chairman of the group provided a summary of the discussion within, and the action taken by, the group on matters affecting implementation of the LRIT system, as identified by the Bahamas, relating to the issues of exemptions; switching off of shipborne equipment and ceasing the distribution of LRIT information; and the compliance of floating production, storage and offloading units; floating storage units; and special purposes ships.

6.82 The Committee referred the matter to the working group for further consideration and to advise the Committee accordingly.

### **Guidelines in relation to the provisions of LRIT information to Search and rescue services**

6.83 The Committee considered documents MSC/*ad hoc* LRIT 3/3/6 (Secretariat) and MSC 84/6/1/Add.2, paragraphs 3.70 to 3.75, on the development of guidelines in relation to the provisions of LRIT information to SAR services.

6.84 The Chairman of the group provided a summary of the discussion within, and the action taken by, the group in relation to the development of appropriate guidance to SAR services in relation to the request of LRIT information which had been under discussion since COMSAR 11. The group had considered a summary of the discussions thus far; and a list of questions and general principles developed by COMSAR 12, together with a request for the preparation of an appropriate MSC circular providing related guidance to SAR services in relation to what LRIT information they were entitled to; how they should formulate such requests; through whom they should lodge them; and what documentation they needed to keep in order to document their usage and facilitate the performance review and audit of the LRIT system. The group had also agreed that the development of the requested guidance was warranted, as the SAR services would be as from 31 December 2008 amongst the first users of LRIT information. In addition such guidance would also be of use and avoid the need to produce similar guidance for the benefit of those operating DCs and the IDE. Furthermore, the approval by the Committee of the related guidance would also ensure a harmonized and consistent approach when providing LRIT information to SAR services. The group, due to time constraints, had been unable to prepare the draft of the requested MSC circular and had invited the Committee to consider referring the matter to the working group for the necessary actions.

6.85 The Committee referred the matter to the working group for further consideration and to advise the Committee accordingly.

### **Guidance on the implementation of the LRIT system**

6.86 The Committee considered document MSC 84/6/1/Add.2, paragraph 3.80 and annex 6, on the development of guidance on the implementation of the LRIT system.

6.87 The Chairman advised the Committee that the group had prepared, for the benefit of Contracting Governments and Administrations, a first working version of a draft MSC circular on Guidance on the implementation of the LRIT system, as set out in annex 6 to document MSC 84/6/1/Add.4. The draft identified some of the primary duties and obligations of Contracting Governments and Administrations at the initial establishment of the LRIT system and had been designed to assist the Contracting Governments which do not attend IMO meetings on regular basis. The group had invited the Committee to consider the issue further with a view of approving such an MSC circular.

6.88 The Committee referred the matter to the working group for further consideration and to advise the Committee accordingly.

### **ASPs-related matters**

6.89 The Committee considered documents MSC 84/6/1/Add.1, paragraphs 96 and 102.4 and MSC 84/6/1/Add.2, paragraphs 3.84 and 3.85, on the need for the development of guidelines to aid Contracting Governments when considering and screening applications for recognition as ASPs.

6.90 The Chairman of the group provided a summary of the discussion within, and the action taken by, the group on ASPs-related matters. Paragraph 5.5 of the Performance standards provided that in “addition to the provisions of paragraph 5.3, Administrations, Contracting Governments and the Committee may establish, in relation to the ASPs seeking their recognition, specific requirements as a condition of recognizing a particular ASP”. The group, in the absence of proposals, had been unable to discuss the matter and had invited the Committee to consider the issue, bearing in mind that number of delegations had indicated that in case such guidance was to be developed the process should not distract the timely establishment of the LRIT system.

6.91 The Committee referred the matter to the working group for further consideration and to advise the Committee accordingly.

#### **SUSTAINABILITY AND VIABILITY OF THE LRIT SYSTEM**

6.92 The Committee considered the proposal by the Bahamas, Liberia and the Marshall Islands (MSC 84/6/3), proposing revision of the interval at which the shipborne equipment should be set, to automatically transmit the ship’s LRIT information to the LRIT Data Centre identified by the Administration. The co-sponsors proposed that the current standard of 6-hour intervals be revised to 12-hour intervals. The co-sponsors also proposed that during the period of trial tests of the LRIT system, beginning 1 July 2008 and until the system becomes operational, that the shipborne equipment should be set to automatically transmit at 24-hour intervals. This transmission interval should be sufficient to conduct the necessary tests to ensure the LRIT system is functioning properly, while not over burdening the system during the trial period.

6.93 There was an extensive debate on the proposals by the Bahamas, Liberia and the Marshall Islands and a large number of delegations spoke on the issue. Some delegations supported the proposal and were of the opinion that this was a good idea, as it would have a positive effect on controlling costs, since the costs associated with sustaining a viable LRIT system were primarily linked to the supply of LRIT information from ships and the demand for use of such information.

6.94 A number of other delegations were of the view that they could not support the proposals and were of the opinion that the Committee should not revise the reporting interval, since this had been a fundamental element in the establishment of the LRIT system, which originated from the maritime security regime, and could have a detrimental effect on security, as well as safety and environmental protection. Simply cutting the number of messages by half would not have the desired effect on the costs, since these were largely fixed and only to some extent dependent on the transmission costs. These delegations also requested the Committee to encourage Contracting Governments to complete the Questionnaire on LRIT-related matters so that more reliable information was available to the Committee for taking relevant decisions.

6.95 The Chairman, in summing up the debate, stated that there had been a substantive intensive discussion. There had been a lot of arguments, both in favour of and against the proposals for the current standard of reporting at 6-hour intervals be revised to 12-hour intervals and also that during the period of trial tests of the LRIT system, beginning 1 July 2008 and until the system became operational, the shipborne equipment should be set to automatically transmit at 24-hour intervals. It would be easy for him to go by the numbers and opt for maintaining the 6-hour interval which was supported by the majority; however, this was not merely a numbers game but more a question of principle, since on the other hand, concerns and questions had been raised on the necessity and need for controlling the costs including the needs and

concerns of small island developing States and least developed countries. The positive aspect of this discussion was that it had provided the Committee with a clearer picture of the pros and cons of the proposals of the Bahamas which should help the working group to consider the issue thoroughly. Accordingly, the Chairman decided to refer the matter for consideration by the working group and report to the Committee. In case, the working group was unable to come up with a viable solution, he would respect the views of the majority.

### **Mini IDC**

6.96 The Committee considered the proposal by the Marshall Islands (MSC 84/6/2), notifying the Committee of the availability of existing LRIT Data Centre infrastructure and resources available to those Contracting Governments not yet having established an LRIT Data Centre. The Marshall Islands re-emphasized that this submission had been made without obligation or intent to be involved in any way in the establishment or operation of the mini-IDC. They were merely attempting to assure that all such affected Contracting Governments would have available to them the means by which to participate in a compliant manner by the 31 December 2008 deadline. They invited the Committee to note that Contracting Governments interested in considering this offer in further detail should contact Pole Star Space Applications Limited directly (<http://lrit.com>) as soon as possible.

6.97 The observer from IMSO informed the Committee that, with respect to paragraph 8 of document MSC 84/6/2, the issue of the evaluation of the Consortium proposal by IMSO during MSC 83 was not of any relevance. The Committee would have the final say on the appointment the mini-IDC, if it was considered appropriate.

### **Financial viability of the LRIT system**

6.98 The Committee, at the request of the delegation of the Bahamas also considered in detail the issue of financial viability of the LRIT system. The delegation of the Bahamas stated that it needed to clarify two specific issues namely, the sharing of LRIT information within and between DCs; and the cost recovery aspect. In their view, it seemed now that there was an unfair burden on flag States in establishing the LRIT system components.

6.99 The delegation of China stated that it had the same concerns as the Bahamas. China was aware that MSC 83 had discussed the issue but the Committee had made no decisions affecting SOLAS regulation V/19-1.11.1, whereby Contracting Governments were required to “bear the costs associated with any long-range identification and tracking information they request to receive”, however, the flag States were now required to bear the cost for the establishment of DCs and related costs. Hence, there was uncertainty about billing costs and charges. It was important that the Committee made clear decisions on the financial model and the concept about cost sharing.

6.100 Some other delegations were of the view that the issue had been debated extensively at previous, and earlier at this session and that they had reservations about discussion of this issue in the working group. This was a policy issue, which needed to be decided in plenary.

6.101 The Chairman, in summing up the debate, recalled the earlier discussion on the related matter of the reduction of the numbers of LRIT data transmissions and the sustainability and viability of the system debate that followed. He, therefore, was of the opinion, that the Committee had sufficiently considered the matter as far as it could at this stage and that it would

be best to instruct the working group to develop various options of financial models for consideration and decision by the Committee later at this session.

6.102 The Committee, subsequently, referred documents MSC 84/6/3 and MSC 84/6/2 to the working group for further consideration and development of relevant financial models and to advise the Committee accordingly.

#### **PERFORMANCE REVIEW AND AUDIT OF THE LRIT SYSTEM**

6.103 The Committee considered the proposal by IMSO (MSC 84/6/4) as the LRIT Coordinator providing information and comments, concerning the implementation of the LRIT system. In addition, it has proposed a number of amendments to the Performance standards and functional requirements for the long-range identification and tracking of ships designed to reflect the needs that have become apparent in the period since they were adopted by the Committee. IMSO requested the Committee to note:

- .1 in relation to the decision of MSC 83 not to establish an IDC at this time, the concern of IMSO to ensure that the LRIT system should be open to cost-effective and operationally efficient participation by all Contracting Governments;
- .2 the information provided in relation to the IMSO LRIT Business Plan; and
- .3 consider the proposed draft amendments to the Performance standards, set out in the annex to document MSC 84/6/4, and decide accordingly.

6.104 In this context, the Committee also considered the comments by the United States (MSC 84/6/7) on document MSC 84/6/4 submitted by IMSO as the LRIT Coordinator, concerning the implementation of the LRIT system and specifically, on the proposed amendments to the Performance standards and functional requirements relating to IMSO's role as the LRIT Coordinator; advance payment for IMSO's services; and the issue of Barring of Contracting Governments from receiving LRIT information in case on non or late payment.

6.105 There was a fairly long debate on the proposal by IMSO (MSC 84/6/4) as the LRIT Coordinator, and a large number of delegations spoke on the issue. The majority of delegations were of the opinion that there could be no advance payment for IMSO's services for carrying out audits, mainly for reasons of national legislation, although other options could be considered; and IMSO should not be permitted to bar Contracting Governments from receiving LRIT information in case of non or late payment. This should be the Committee's prerogative. Some delegations were of the opinion that there was no need for on-site audits including the need for annual audits, since this could be done remotely by electronic means. Concern was also raised as to the high level of charges proposed by IMSO for services rendered to Contracting Governments during the establishment of the LRIT system.

6.106 The Chairman, in summing up the debate, stated that there had been a substantive discussion and it was evident that there had been no support for advance payment for IMSO's services (other options could be considered), a majority of the delegations did not support the need for an annual audit including the need for on-site presence. Although Barring had been accepted by MSC 83, the majority did not support barring by IMSO; this should be done by the Committee, as appropriate. Lastly, some of the proposed amendments to the Performance standards could be accepted.



6.107 The Committee referred documents MSC 84/6/4 and MSC 84/6/7 to the working group for further consideration.

**ONGOING WORK WITHIN THE EUROPEAN UNION TO DEVELOP A EUROPEAN MASTER PLAN FOR THE FIXED-BASED AIS NETWORKS**

6.108 The Committee considered the document by Austria *et al* (MSC 84/6/5), providing information on the ongoing work within the European Union to develop a European master plan for the fixed-based AIS networks. The European Union also expressed its concerns as regards further work needed by IMO to agree procedures to define the coverage of fixed-based AIS networks on the basis of the real coverage and not related to the definition of sea area A1. The extended areas could and possibly should then be used for granting exemptions from the carriage requirement for LRIT equipment on ships or the transmission of LRIT information from ships trading in these areas.

6.109 In this context, the Committee also considered the document by Turkey (MSC 84/6/6), commenting on the information provided by Austria *et al* in document MSC 84/6/5 on the ongoing work within the European Union to develop a European master plan for the fixed-based AIS networks. Turkey supported the consideration of Austria *et al* that, in order to avoid costly installations on ships as well as unnecessary costs to States to buy LRIT information from communication service providers, the AIS system should be used as much as possible to provide LRIT information. Turkey believed that further work in IMO should be carried out and, if necessary, practical procedures or guidelines should be developed in order to utilize AIS coverage by Contracting Governments within the LRIT framework. The Committee noted the information provided by Turkey.

6.110 There was an extensive discussion on the proposal by Austria *et al* (MSC 84/6/5) regarding the ongoing work within the European Union in this respect. A number of delegations spoke on the issue and a majority of them supported the concept of extended AIS coverage for granting exemptions from the carriage requirement for LRIT equipment on ships or the transmission of LRIT information from ships trading in these areas. However, the view was also expressed that, as a matter of principle, consideration should be given to extending the concept on a global basis rather than one particular region.

6.111 The Committee agreed that more information was needed on this issue and caution should be exercised in addressing this subject, since there were a number of subjects to be taken into account when considering this further. Matters of principle like the foundation on which the LRIT system had been built; the need for shore-based station infrastructure; data contents of the messages; and other core components lay at the heart of the subject under consideration.

6.112 The Committee decided to refer document MSC 84/6/5 (Austria *et al*) to the working group and instructed it, time permitting, to discuss the matters raised in document MSC 84/6/5 and prepare a list of issues on which further information should be provided, for consideration by the Committee.

**Establishment of the Working Group on LRIT-related matters**

6.113 Having considered the various issues relating to LRIT-related matters, the Committee established the Working Group on LRIT-related Matters and instructed it as follows:

The working group, taking into account decisions taken and proposals and comments made in plenary, should:

- .1 noting that MSC 83 has accepted, in principle, the recommendations of MSC/ISWG/LRIT 2 set out in paragraphs 142.2 to 142.14, 142.16 to 142.24 and 142.26 to 142.29 of document MSC 83/6/2, on the basis of the work done during MSC 83 as set out in annex 4 to MSC 83/WP.6/Rev.1 and taking into account the issues relating to barring set out in paragraphs 7 to 11 of document MSC 84/6/7 (United States), finalize the codification and consolidation of the issues involved in an appropriate format (which may be MSC resolution(s) and/or MSC circular(s) depending on the nature of the issues involved) so as to enable easy identification and reference and prepare and submit for consideration with a view to adoption or approval the relevant document;
- .2 consider all issues relating to the models of the various agreements needed for the establishment of the LRIT system and recommend the approach to be taken;
- .3 consider and recommend the approach to be taken for adopting, recording and documenting any amendments to technical specifications which may need to be adopted during the period between MSC 84 and MSC 85 (MSC 84/6/1/Add.2, paragraphs 2.56 to 2.58);
- .4 prepare a draft of the caveats to be posted on the DDP in relation to the definition of geographical areas which should be included in the DDP (MSC 84/6/1/Add.1, paragraphs 61 to 67 and MSC 84/6/1/Add.2, paragraphs 3.2 and 3.13);
- .5 prepare the proposed draft amendments to the Performance standards for adoption by the Committee and recommend whether, in lieu of adopting separate amendments, the Committee should adopt Revised Performance standards consolidating all amendments (MSC 84/6/1, paragraphs 26 to 30 and 32 to 34; MSC 84/6/1/Add.1, paragraphs 42 to 50; MSC 84/6/1/Add.2, paragraphs 2.39 to 2.49, 3.14, 3.38 to 3.42 and 3.81 to 3.83; and MSC 84/6/1/Add.4, annex 4);
- .6 consider the issues relating to the developmental and integration testing of the components of the LRIT system and the organization, coordination and management of the testing programme of the prototype and production LRIT system and recommend the approach to be taken (MSC 84/6/1, paragraph 54.1; MSC 84/6/1/Add.1, paragraphs 76 to 94 and 102.1; and MSC 84/6/1/Add.2, paragraphs 3.15 to 3.32);
- .7 consider the development of a plan for the continuity of service of the LRIT system and recommend the approach to be taken (MSC 84/6/1, paragraphs 16 and 54.2; MSC 84/6/1/Add.1, paragraph 102.2; and MSC 84/6/1/Add.2, paragraphs 3.33 to 3.37);
- .8 consider the issue of Public Key Infrastructure (PKI) certificates and recommend the approach to be taken (MSC 84/6/1, paragraph 61; MSC 84/6/1/Add.1, paragraphs 36 to 40; and MSC 84/6/1/Add.2, paragraphs 3.76 and 3.77);

- .9 consider the issues which have arisen as a result of the provisions of regulation V/19-1.6 which specifies that the shipborne equipment used to transmit LRIT information shall be of a type approved by the Administration and recommend the approach to be taken (MSC 84/6/1, paragraphs 44 to 53; MSC 84/6/1/Add.1, paragraphs 68 to 75; MSC 84/6/1/Add.2, paragraphs 3.78 and 3.79; and MSC 84/6/1/Add.4, annex 5);
- .10 consider the matters affecting implementation of the LRIT system identified by the Bahamas (MSC/*ad hoc* LRIT 3/3/1) and recommend the approach to be taken (MSC 84/6/1/Add.2, paragraphs 3.43 to 3.69);
- .11 consider the development of guidelines in relation to the provisions of LRIT information to SAR services and recommend the approach to be taken (MSC/*ad hoc* LRIT 3/3/6 (Secretariat) and MSC 84/6/1/Add.2, paragraphs 3.70 to 3.75);
- .12 consider the development of guidance on the implementation of the LRIT system and recommend the approach to be taken (MSC 84/6/1/Add.2, paragraph 3.80 and MSC 84/6/1/Add.4, annex 6);
- .13 consider the need for the development of guidelines to aid Contracting Governments when considering and screening applications for recognition as Application Service Provider (ASP) and recommend the approach to be taken (MSC 84/6/1/Add.1, paragraphs 96 and 102.4 and MSC 84/6/1/Add.2, paragraphs 3.84 and 3.85);
- .14 consider and recommend the approach to be taken for ensuring the timely establishment of the LRIT system on a sustained and viable financial basis, taking into account documents MSC 84/6/2 (Marshall Islands), MSC 84/6/3 (Bahamas, Liberia and Marshall Islands), MSC 84/6/8 (Secretariat) and MSC 84/WP.9 (Secretariat) and prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards;
- .15 consider all issues relating to the performance by IMSO of the functions of the LRIT Coordinator and, taking into account documents MSC 84/6/4 (IMSO) and MSC 84/6/7 (United States), prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards and advise the Committee on any issues which the Organization should bring to the attention of IMSO as matters on which Contracting Government have concerns; and
- .16 after finalizing the work on items .1 to .15 and the report to the Committee to discuss the matters raised in document MSC 84/6/5 (Austria *et al*) and prepare a list of issues on which further information should be provided.

### **Report of the Working Group**

6.114 Upon receipt of the report of the working group (MSC 84/WP.5 and Add.1 and Add.2), the Committee approved it in general and took action as outlined in the following paragraphs.

### **Financial viability of the LRIT system**

6.115 The Committee noted the discussions of the working group relating to the financial viability of the LRIT system and endorsed the financial model proposed.

### **Models of the various agreements needed for the establishment of the LRIT system**

6.116 The Committee agreed that development of models of the various agreements which might be required for the establishment of the LRIT system should no longer be pursued and, in lieu, as an interim arrangement, determined that all DCs which were seeking integration into, and after becoming part of, the LRIT system:

- .1 were obliged to implement and comply with the provisions of SOLAS regulation V/19-1;
- .2 were obliged to comply with the relevant provisions of the Revised performance standards and of the associated Technical specifications for the LRIT system;
- .3 should satisfactorily complete developmental and integration testing before they were allowed to form part of the LRIT system, and modification testing thereafter as and when the need arises, on the basis of the arrangements, procedures and testing schedules to be developed by the Organization; and
- .4 should implement and comply with any guidance in relation to financial and operational matters adopted by the Committee.

### **Adoption, recording and documenting amendments to technical specifications for the LRIT system during the period between MSC 84 and MSC 85**

6.117 The Committee approved the terms of reference for the *ad hoc* LRIT Group, set out in annex 1 to document MSC 84/WP.5/Add.1 and authorized the *ad hoc* LRIT Group to consider and adopt amendments to technical specifications for the LRIT system on behalf of the Committee during the period between MSC 84 and MSC 85.

### **Simplification of definition of the geographical areas – Caveats to be posted on the DDP**

6.118 The Committee authorized, on a provisional basis, posting of the caveats, set out in the appendix to the guidance on the implementation of the LRIT system (see paragraph 6.129), and invited Contracting Governments to submit comments and proposals, if they deem appropriate thereto for consideration and final decisions on the issue during MSC 85.

### **Revised performance standards**

6.119 The Committee adopted resolution MSC.263(84) on Revised performance standards and functional requirements for the long-range identification and tracking of ships, set out in annex 9.

### **Developmental and integration testing of the components of the LRIT system**

6.120 The Committee authorized the *ad hoc* LRIT Group to develop, agree and adopt, on behalf of the Committee, the documentation for the testing and integration of the LRIT system during the period between MSC 84 and MSC 85.

6.121 The Committee concurred with and endorsed the staged approach in the developmental and integration testing of the various components of the LRIT system on the understanding that the *ad hoc* LRIT Group would have the required latitude to refine the approach as the circumstances warrant.

6.122 The Committee authorized, pursuant to the provisions of paragraph 14.3.2 of the Revised performance standards, IMSO acting as LRIT Coordinator to authorize, on behalf of and subject to consideration and approval, acceptance or endorsement of the action by the Committee, the integration, on an interim basis, of the DCs which have undergone and satisfactorily completed developmental testing into the production LRIT system.

6.123 The Committee noted that the arrangements relating to the testing of the LRIT system only cover the intersessional period between MSC 84 and MSC 85 and thus the developmental and integration testing of the components of the LRIT system for the period after MSC 85 would need to be discussed and agreed at the next session.

#### **Plan for the continuity of service of the LRIT system**

6.124 The Committee instructed the *ad hoc* LRIT Group to consider and report to MSC 85 on all matters relating to the development of a plan for the continuity of service of the LRIT system and, if possible, to develop such a plan.

#### **Public key infrastructure (PKI) certificates**

6.125 The Committee noted that the Secretariat was investigating, pursuant to the request of the *ad hoc* LRIT Group, the issuing by the Organization of the Public key infrastructure (PKI) certificates to the components of the LRIT system.

#### **Shipborne equipment – Guidance on the survey and certification of compliance of ships with the requirement to transmit LRIT information**

6.126 The Committee approved MSC.1/Circ.1257 on Guidance on the survey and certification of compliance of ships with the requirement to transmit LRIT information.

#### **Matters affecting implementation of the LRIT system**

6.127 The Committee instructed the *ad hoc* LRIT Group to consider matters affecting implementation of the LRIT system and recommend to MSC 85 the approach to be taken.

#### **Guidelines in relation to the provisions of LRIT information to SAR services**

6.128 The Committee approved MSC.1/Circ.1258 on Guidance to search and rescue services in relation to requesting and receiving LRIT information.

#### **Guidance on the implementation of the LRIT system**

6.129 The Committee approved MSC.1/Circ.1256 on Guidance on the implementation of the LRIT system.

**ASPs-related matters**

6.130 The Committee instructed the *ad hoc* LRIT Group to consider the need for the development of guidelines to aid Contracting Governments when considering and screening applications for recognition as ASP and consider and recommend to MSC 85 the approach to be taken, on the understanding that Contracting Governments should not delay the recognition of ASPs or the authorization of ASPs to conduct conformance testing on the grounds that the Committee had not yet either decided whether such guidance was necessary or agreed any guidance to this end.

**Performance review and audit of the LRIT system**

6.131 The Committee noted the discussions in relation to the review and audit of the performance of the LRIT system.

6.132 The Committee invited proposals and suggestions on the issue of the performance review and audit of the LRIT system for consideration.

6.133 The Committee advised IMSO that Contracting Governments had serious reservations in relation to the methodologies which were being considered for the determining the charges to be levied by IMSO when conducting performance review and audit of DCs and the IDE and with respect to the total cost of the performance review and audit.

6.134 The Committee, without interfering in the internal affairs of IMSO, urged those Contracting Governments which were also IMSO Parties to explore, during the deliberations of the IMSO Advisory Committee and the forthcoming session of the IMSO Assembly, how the charges to be levied by the LRIT Coordinator for conducting performance review and audit of the LRIT system could be brought down to affordable levels and apportioned in a fair and reasonable manner amongst those who have to bear the burden.

6.135 The Committee urged Contracting Governments to provide information in relation to the number of ships flying their flags which are required to transmit LRIT information and on whether they were contemplating to establish DCs and, if so, the expected date(s) of the commencement of their operations.

**Establishment of the international LRIT data exchange on an interim basis**

6.136 The Committee adopted resolution MSC.264(84) on the Establishment of the international LRIT data exchange on an interim basis, set out in annex 10.

**Interim revised technical specifications for the LRIT system**

6.137 The Committee approved MSC.1/Circ.1259 on Interim revised technical specifications for the LRIT system.

**Statement by the delegation of Panama**

6.138 The delegation of Panama, in thanking the working group for its efforts, pointed out that the meeting had been of great importance in allaying their concerns about obtaining the tools needed to bring the LRIT system into operation. The delegation stated that they fully

expect the Panama national centre to be ready for the entry-into-force date. By 1 January 2009, at least 20% of the world fleet, namely their fleet, will be in compliance.

The delegation wished to remind other States that, for the system to function, all Contracting States must be ready for the entry into force and indicated that Panama had shown its commitment to the system from an early stage, attending all the relevant meetings and complying with all its responsibilities, such as completion of the questionnaire, and is now LRIT-compliant.

They encouraged the Contracting States to retain the existing entry-into-force date, and then through effort and cooperation, to be ready for the end of the year. The delegation stated that it was regrettable for the system and the Organization that a region representing approximately one fifth of the Contracting States informed Panama, at the beginning of the meeting, that it would not be ready to meet its responsibilities. However, that must not detract from the momentum achieved by the remaining States.

## **7 SAFETY OF NAVIGATION**

### **Report of the fifty-third session of the NAV Sub-Committee**

7.1 The Committee, having recalled that MSC 83 had considered urgent matters emanating from the fifty-third session of the Sub-Committee on Safety of Navigation (NAV), approved, in general, the report of the Sub-Committee on that session (NAV 53/22 and MSC 84/7) and took action on the remaining matters as indicated hereunder.

#### **Development of carriage requirements for a bridge navigational watch alarm system**

7.2 The Committee noted the progress on the development of carriage requirements for a bridge navigational watch alarm system (BNWAS). The Committee also noted that at NAV 53, during the discussions that had taken place, there had been substantial support for amending SOLAS regulation V/19 for a carriage requirement of a bridge navigational watch alarm system. It had also been evident that Members were clear in their mind that carriage of BNWAS should not lead to a reduction in manning levels on the bridge. It was expected that the issue would be finalized at NAV 54.

#### **Guidelines for the installation of shipborne radar equipment**

7.3 The Committee approved SN.1/Circ.271 on Guidelines for the installation of shipborne radar equipment. These Guidelines provide guidance for owners, ship designers, manufacturers, installers, yards, suppliers and ship surveyors.

#### **Development of an e-navigation strategy**

7.4 The Committee noted and endorsed the progress made in the development of an e-navigation strategy. The Committee also noted that NAV 53 had re-established the correspondence group, which had submitted a document to COMSAR 12, raising specific questions which should be addressed by the COMSAR Sub-Committee and also prepared a final comprehensive report, including an information document for consideration by NAV 54, which was expected to complete the strategy for consideration and appropriate action by MSC 85.

## **Development of mandatory carriage requirement for ECDIS**

7.5 The Committee noted the progress made in the development of carriage requirement for ECDIS and that, at NAV 53, there had been a lot of arguments, both in favour and against the proposals for a mandatory carriage requirement. On the one hand, there had been support, at least “in principle” for the introduction of a carriage requirement, whilst on the other hand, concerns and questions had been raised on the necessity, feasibility and cost-effectiveness of such carriage requirements, the uncertainties of global ENC-coverage and related shortcomings in the content of ENCs, the position of developing countries, small island developing States and least developed countries and the human element and training aspects and related issues. The positive aspect of this discussion had been that it had provided the Sub-Committee with a clearer picture of the pros and cons of a carriage requirement, and this clearer picture might offer a good basis for the submission of proposals on the issue for NAV 54. It is expected that good progress will be made at NAV 54.

## **Unified interpretations of COLREGs**

7.6 The Committee approved MSC.1/Circ.1260 on the Unified interpretations of COLREGs, as guidance when applying relevant provisions of COLREGs to vessels constructed on or after 1 January 2009.

## **Prevention of maritime accidents due to driftwood**

7.7 The Committee, recognizing the importance of the prevention of accidents due to driftwood and other floating obstacles, approved MSC.1/Circ.1261 on Prevention of maritime accidents due to driftwood. Member States are invited to ask ships that detect driftwood and other floating obstacles (including containers, other large cargo items, etc.), which could cause a maritime accident, especially for a high-speed craft, to communicate the information to ships in the vicinity and competent authorities, in accordance with SOLAS regulation V/31.

# **8 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS**

## **REPORT OF THE TWELFTH SESSION OF THE DSC SUB-COMMITTEE**

### **General**

8.1 The Committee approved, in general, the report of the twelfth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC 12/19, DSC 12/19/Add.1, DSC 12/19/Add.2 and MSC 84/8) and took action as indicated in the ensuing paragraphs.

### **Revised EmS Guide**

8.2 The Committee approved MSC.1/Circ.1262 on Amendments to the Revised emergency response procedures for ships carrying dangerous goods (EmS Guide).

### **Text of the IMDG Code downloadable from the Internet**

8.3 The Committee noted that when considering issues surrounding the mandatory application of training requirements for shore-side personnel at DSC 12, some delegations were of the view that placing the complete text of the IMDG Code, in portable document format



(PDF) only, would assist in better accessibility and promotion of the provisions of the Code noting that a similar provision existed whereby the complete text of the UN Recommendations on the transport of dangerous goods was freely accessible and downloadable from the Internet.

8.4 The Director, Maritime Safety Division, invited the Committee to note that the issue of placing the complete text of the IMDG Code, as amended, had been discussed within the Secretariat and that allowing the text to be freely accessible and downloadable from the Internet was likely to have an impact on the revenue generated from the sales of the IMDG Code. Furthermore, he invited the Committee to note that such a reduction in the sales revenue was likely to affect the surplus of the Printing Fund which contributed significantly to those activities of the Organization which have a technical cooperation dimension. He emphasized that the aforementioned issue was raised at the Sub-Committee when a proposal to make the provisions of shore-side personnel training mandatory was considered, but the potential merit of the free access to the IMDG Code in the context of ensuring proper awareness of the Code requirements by shore-side personnel was not properly debated nor justified. He concluded that unless there was a compelling need for free access to the IMDG Code through the Internet from the point of view of promoting safety, it was advisable that the current policy of the Code being a sales item be maintained.

8.5 The Committee had an extensive debate on the issue which was along the lines of that which took place at DSC 12.

8.6 Having listened to the discussion on the issue, the Secretary-General expressed the view that in order to progress the matter it would be appropriate for the Committee to consider matters relating to safety aspects only and to invite the Technical Co-operation Committee (TCC) to provide its views on the impact on its activities, if any, as a result of placing the complete text of the Code on the Internet freely downloadable. He advised that the final decision should then be taken by the Council and the Assembly on the basis of the advice of the two Committees.

8.7 Subsequently, the Committee, having taken into account the outcome of the Sub-Committee, the information provided by the Director and the views of the Secretary-General, agreed to instruct the Sub-Committee to consider the merits of placing the complete text of the IMDG Code on the Internet and allowing it to be freely downloadable in the context of improving safety and prevention of pollution and to advise the Committee accordingly. Furthermore, the Committee invited the TCC to consider the connotations of the aforementioned on its activities and to advise the Council and the Assembly accordingly.

#### **Amendments to the marine pollutant provisions**

8.8 Having noted the concurrent decision of MEPC 57, the Committee endorsed the action taken by the Sub-Committee in issuing DSC.1/Circ.54 on Information on the amendments to the marine pollutant provisions, which would take effect through the 2008 amendments to the IMDG Code (amendment 34-08) and provide a method on how to address marine pollutant-related issues from 1 January 2009 to 31 December 2009 which is the voluntary application period of the aforementioned amendment.

#### **Guidance on chapter 2.10 of the IMDG Code**

8.9 Having noted the concurrent decision of MEPC 57, the Committee endorsed the action taken by the Sub-Committee in issuing DSC.1/Circ.55 on Guidance on the application of

chapter 2.10 (Marine Pollutants) of the IMDG Code as amended by resolution MSC.205(81) (amendment 33-06).

### **Exposing containerized cargoes to elevated heat sources**

8.10 The Committee noted that the Sub-Committee, having agreed to draw the attention of the Committee to the potentially serious consequences of exposing some containerized cargoes to elevated heat sources, had noted that similar discussions were currently ongoing at the UN Sub-Committee of experts on the transport of dangerous goods (UNSCOE) and agreed that it might be premature to issue a DSC circular before the outcome of the considerations at that UN Sub-Committee was completed.

### **Adoption of the 2008 amendments to the IMDG Code**

8.11 The Committee recalled that it had taken decisions on the adoption of the 2008 amendments to the IMDG Code (amendment 34-08) under agenda item 3 (Consideration and adoption of the amendments to mandatory instruments) (see paragraphs 3.75 to 3.77).

### **International Maritime Solid Bulk Cargoes (IMSBC) Code**

#### ***Amendments to the 1974 SOLAS Convention***

8.12 The Committee, having agreed to modifications, including replacing “BC Code” with “IMSBC Code”, approved the draft amendments to the 1974 SOLAS Convention, set out in annex 11, and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, for consideration at MSC 85 with a view to adoption.

#### ***Approval of, and amendments to, the draft IMSBC Code***

8.13 The Committee approved the draft International Maritime Solid Bulk Cargoes (IMSBC) Code and the associated draft MSC resolution, set out in annex 12, for adoption at MSC 85 in conjunction with the adoption of the aforementioned draft SOLAS amendments and authorized the Secretariat to effect editorial corrections to the text of the draft Code, as necessary.

8.14 In this context, having considered the proposal by Japan (MSC 84/8/1) on amendments to the Foreword and section 1 of the draft IMSBC Code, the Committee forwarded them to DSC 13 for detailed consideration and, if required, submission of corresponding modifications to the text of the draft IMSBC Code to MSC 85.

8.15 Having noted the relevant decisions of DSC 12, as detailed in document DSC 12/19 (paragraphs 5.15 to 5.19), the Committee confirmed that the Code is a living document and agreed that DSC 13 should make progress on the schedules for DRI (A), DRI (B), Coal and Brown coal briquettes, development of new schedules for DRI Fines and Formed solid sulphur and modify certain parts of the draft IMSBC Code before its adoption at MSC 85.

#### ***Application of the IMSBC Code***

8.16 The Committee endorsed the recommendation of the Sub-Committee that Contracting Governments to the 1974 SOLAS Convention may apply the IMSBC Code, in whole or in part,

on a voluntary basis as from 1 January 2009 as, amongst others, the proposed voluntary application date will be the same as that of the 2008 amendments to the IMDG Code.

### **Amendments to the INF Code**

8.17 The Committee approved the draft amendments to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code), as amended, set out in annex 13, which are consequential in view of the envisaged mandatory IMSBC Code, and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration at MSC 85 with a view to adoption.

### **Code of Safety for Special Purpose Ships (SPS Code)**

8.18 The Committee noted that the Sub-Committee had agreed to a text for inclusion in chapter 7 of the draft revised SPS Code and that it had been forwarded to the DE Sub-Committee for coordination purposes.

### **Guidance on providing safe working conditions for securing of containers**

#### ***Revised Recommendation on safety of personnel during container securing operations***

8.19 The Committee, having agreed to modifications to paragraph 2 and to add a new paragraph 4, as reflected in document MSC 84/WP.12, approved MSC.1/Circ.1263 on Revised Recommendation on safety of personnel during container securing operations.

#### ***Revised Guidelines for the preparation of the cargo securing manual***

8.20 The Committee noted that the Sub-Committee agreed to delay the submission to the Committee of the agreed draft Revised Guidelines for the preparation of the cargo securing manual and the associated draft MSC circular until work on the draft amendments to the CSS Code had been finalized, in order to ensure that they are approved at the same session of the Committee; to additional draft amendments to the draft Revised Guidelines for the preparation of cargo securing manual in order to make it clear that Cargo Safe Access Plan (CSAP) is only required for containerships; and that a consolidated text of the draft Revised Guidelines, containing the aforementioned draft amendments, be prepared by the Secretariat for submission to MSC 85. In that context, the Committee agreed to forward the amendments relevant to CSAP and CSM to the SLF Sub-Committee for comments and requested the Secretariat to forward them to DSC 13.

### **Recommendations on the safe use of pesticides in ships applicable to fumigation of cargo holds**

8.21 The Committee approved MSC.1/Circ.1264 on Recommendations on the safe use of pesticides in ships applicable to fumigation of cargo holds and endorsed the proposal of the Sub-Committee that the Recommendations should supplement the provisions of the IMSBC Code and the Grain Code.

### **Recommendations on the safe use of pesticides in ships applicable to fumigation of cargo transport units**

8.22 The Committee approved MSC.1/Circ.1265 on Recommendations on the safe use of pesticides in ships applicable to fumigation of cargo transport units and endorsed the recommendation of the Sub-Committee that the aforementioned Recommendations should supplement the provisions of the IMDG Code.

### **Application of requirements for dangerous goods in packaged form in SOLAS and the 2000 HSC Code**

8.23 The Committee noted that the Sub-Committee had finalized amendments to the SOLAS regulations II-2/1 and II-2/19, including draft revised tables 19.1 and 19.3, along with the associated draft MSC resolution; and to the 2000 HSC Code, including draft revised tables 7.17-1 and 7.17-3, along with the associated draft MSC resolution, with respect to matters falling under its purview, for referral to the FP Sub-Committee for coordination purposes.

### **Document of compliance with the special requirements for ships carrying dangerous goods**

8.24 The Committee approved MSC.1/Circ.1266 on Document of compliance with the special requirements for ships carrying dangerous goods under the provisions of regulation II-2/19 of the 1974 SOLAS Convention and of paragraph 7.17 of the 2000 HSC Code.

### **Documents for the E and T Group meetings**

8.25 Following the proposal by the Chairman of the Sub-Committee, the Committee, in order to facilitate the work of the Sub-Committee's E and T Group, requested the Secretariat to prepare formal documents for the consideration by the group which should be along the lines of those prepared for similar groups, such as the ESPH Working Group.

### **AD HOC MECHANISM WITHIN THE IMO SECRETARIAT FOR THE RESOLUTION OF DIFFICULTIES IN THE CARRIAGE OF IMDG CODE DANGEROUS GOODS INCLUDING CLASS 7 RADIOACTIVE MATERIALS**

8.26 While considering document MSC 84/8/2 (Secretariat), the Committee recalled that in pursuance of the operative paragraph 7 of resolution A.984(24), which requested the Secretary-General to explore the possibility of establishing an *ad hoc* mechanism within the Organization to coordinate efforts to speedily resolve difficulties in the carriage of IMDG Code class 7 radioactive materials, in close cooperation with the IAEA, the Secretary-General had established a focal point on the resolution of such difficulties, and that MSC 83 had requested the Secretariat to keep it informed of the progress made on that mechanism.

8.27 The Committee noted that, in order to facilitate the monitoring and coordination of the resolution of such difficulties, IMO had established a Dangerous Goods Carriage Database (DGCD) where all reports on delays and denials are logged in. Access to this database is open to all UN bodies concerned, on a request basis, and so far the IAEA has been granted access to it with the view to logging data relevant to matters under its purview. The Committee also noted that at the time of preparing document MSC 84/8/2, 18 reports on delays and denials of class 7 radioactive materials in sea mode had been received and these had been entered in the database. A preliminary analysis of the reports, undertaken by the Secretariat, which did not provide all the requested information in a number of cases, revealed that the majority of the reports concern

refusals by carriers or port authorities to accept class 7 radioactive materials, as it becomes apparent that they have a policy in place of non-acceptance of class 7 radioactive materials; however, a small number of radioactive materials are accepted only for certain destinations. The Committee noted that the above analysis was subject to confirmation by a further detailed analysis of the reports that will be conducted jointly by the Secretariats of the three Agencies (IMO, IAEA and ICAO), taking into account the relevant decisions of the IMO bodies and other bodies concerned, as appropriate.

8.28 The Director, Maritime Safety Division, informed the Committee that since the receipt of the above-mentioned 18 reports, the Secretariat had received another 17 reports which are being analysed by the Secretariat.

8.29 The Committee noted the information provided and agreed that the Secretariat should continue to take part in the meetings of the International Steering Committee and other relevant meetings of the IAEA and keep the Committee informed of the outcome of the *ad hoc* mechanism and urged Member States to continue to take steps to facilitate the shipments of all dangerous goods, particularly those class 7 radioactive materials, the use of which has a humanitarian dimension.

8.30 The Committee noted the information provided by the delegation of Argentina regarding an invitation to attend the 12th International Congress of the International Radiation Protection Association (IRPA 12), which will take place in Buenos Aires, Argentina, in October 2008 and agreed that the Secretariat should participate in the congress.

#### **BULK CARRIER LOADING RATES**

8.31 INTERCARGO provided information (MSC 84/INF.8) on a recent survey of ships' masters conducted as part of an ongoing investigation into high loading rates of bulk carriers, highlighting that many of the issues raised by the survey were subject to further investigation and that it was evident that the BLU Code was not being universally applied.

8.32 The Committee, having thanked INTERCARGO for the information provided, referred document MSC 84/INF.8 to DSC 13 for information purposes and invited INTERCARGO to consider submitting that information, along with other relevant findings with the view to developing risk reduction measures, to the Sub-Committee for detailed consideration.

### **9 FIRE PROTECTION**

#### **REPORT OF THE FIFTY-SECOND SESSION OF THE SUB-COMMITTEE**

##### **General**

9.1 The Committee approved, in general, the report of the fifty-second session of the Sub-Committee on Fire Protection (FP) (FP 52/21 and MSC 84/9) and took action as indicated hereunder.

##### **Equivalent fixed gas fire-extinguishing systems for machinery spaces and cargo pump-rooms**

9.2 The Committee approved MSC.1/Circ.1267 on Amendments to the Revised Guidelines for the approval of equivalent fixed gas fire-extinguishing systems, as referred to in SOLAS 74,

for machinery spaces and cargo pump-rooms (MSC/Circ.848). In this context, the Committee noted the view expressed by the delegation of Sweden that guidance should be developed on the method to determine the No Observed Adverse Effect Level (NOAEL) and Lowest Observed Adverse Effect Level (LOAEL) values and, in this regard, they informed the Committee of their intention to submit a document to MSC 85, proposing to expand the Sub-Committee's work programme item on "Performance testing and approval standards for fire safety systems" to include development of the above guidance.

### **Fixed fire-extinguishing systems for cabin balconies**

9.3 The Committee approved MSC.1/Circ.1268 on Guidelines for the approval of fixed pressure water-spraying and water based fire-extinguishing systems for cabin balconies.

### **Sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12**

9.4 The Committee adopted resolution MSC.265(84) on Amendments to the Revised Guidelines for approval of sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12 (resolution A.800(19)), set out in annex 14, having endorsed the decision of the Sub-Committee that the amendments should apply only to new approvals for equivalent sprinkler systems and that existing type approvals already issued to confirm compliance with the present Revised Guidelines (resolution A.800(19)) should remain valid for six years after 1 July 2009.

### **Equivalent water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms**

9.5 The Committee approved MSC.1/Circ.1269 on Amendments to the Revised Guidelines for the approval of equivalent water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms (MSC/Circ.1165).

### **Fixed aerosol fire-extinguishing systems equivalent to fixed gas fire-extinguishing systems for machinery spaces**

9.6 The Committee approved MSC.1/Circ.1270 on Revised Guidelines for the approval of fixed aerosol fire-extinguishing systems equivalent to fixed gas fire-extinguishing systems, as referred to in SOLAS 74, for machinery spaces.

### **High-expansion foam using inside air for the protection of machinery spaces and cargo pump-rooms**

9.7 The Committee approved MSC.1/Circ.1271 on Guidelines for high-expansion foam using inside air for the protection of machinery spaces and cargo pump-rooms, and endorsed the Sub-Committee's decision that the Guidelines should be effective on 1 July 2009.

### **Fixed water-based fire-fighting systems for ro-ro spaces and special category spaces**

9.8 The Committee approved MSC.1/Circ.1272 on Guidelines for the approval of fixed water-based fire-fighting systems for ro-ro spaces and special category spaces equivalent to that referred to in resolution A.123(V), and, having noted the Sub-Committee's agreement that the Guidelines should be implemented as soon as possible to allow the industry to begin installing

such systems, decided that the Guidelines should apply when approving fixed-based fire-fighting systems for ro-ro spaces and special category spaces on or after 1 June 2008.

#### **Amendments to SOLAS regulation II-2/10**

9.9 The Committee approved the draft amendments to SOLAS regulation II-2/10, set out in annex 15, regarding recharging requirements and the appropriate number of spare charges for the required breathing apparatus, and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 85.

#### **Performance testing and approval standards for fire-safety systems**

9.10 The Committee noted that the Sub-Committee had approved the revised work plan for the development of performance testing and approval standards for fire-safety systems, and had invited Member Governments and international organizations to submit, to FP 53, their views on how to deal with this long-term work item.

#### **Amendments to SOLAS regulation II-2/9**

9.11 The Committee approved the draft amendments to SOLAS regulation II-2/9, set out in annex 15, concerning the control of the installation of fire doors with three-sided frames, noting that these amendments should apply to new ships only, and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 85.

#### **Unified interpretations of the FTP Code**

9.12 The Committee approved MSC.1/Circ.1273 on Unified interpretations of the International Code for Application of Fire Test Procedures (FTP Code).

#### **Evaluation of fire risk of external areas on passenger ships**

9.13 The Committee approved MSC.1/Circ.1274 on Guidelines for evaluation of fire risk of external areas on passenger ships, developed in response to the cabin balcony fire on board the **Star Princess** to ensure the fire safety of external areas.

#### **Amendments to SOLAS regulation II-2/9.7**

9.14 The Committee approved the draft amendments to SOLAS regulation II-2/9.7, set out in annex 15, on matters related to fire resistance of ventilation ducts, and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 85.

#### **Review of the SPS Code**

9.15 The Committee noted that the Sub-Committee had agreed to chapter 6 of the draft SPS Code relating to fire protection, for referral to the DE Sub-Committee for coordination purposes.

## **Amendments to SOLAS chapter II-2**

9.16 The Committee approved the draft amendments to SOLAS chapter II-2, set out in annex 15, concerning the application of requirements for the carriage of dangerous goods, and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 85. In this respect, the Committee, following the recommendation of the Sub-Committee, instructed DSC 13 to consider the draft amendments and submit its comments to MSC 85.

## **Amendments to the 2000 HSC Code**

9.17 The Committee approved, in principle, the draft amendments to the 2000 HSC Code, set out in annex 16, concerning the application of requirements for the carriage of dangerous goods, and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 85. As advised by the Sub-Committee, the Committee instructed DSC 13 to consider the draft amendments and submit its comments to MSC 85.

## **Underdeck stowage of dangerous goods**

9.18 The Committee considered the Sub-Committee's recommendation that generic requirements on prohibition of underdeck stowage of "class 2.3 having subsidiary risk class 2.1" and "class 4.3 liquids having a flashpoint less than 23°C" be incorporated in the IMDG Code and, having noted that the IMDG Code restricts underdeck stowage on a product-by-product basis and not by a generic prohibition, decided not to instruct the DSC Sub-Committee to consider incorporating such requirements in the IMDG Code.

## **Unified interpretations on the number and arrangement of portable fire extinguishers**

9.19 The Committee, after having made a minor modification, approved MSC.1/Circ.1275 on Unified interpretations of SOLAS chapter II-2 on the number and arrangement of portable fire extinguishers on board ships.

## **Development of provisions for gas-fuelled ships**

9.20 The Committee noted that the Sub-Committee had reviewed the fire protection-related aspects of the draft Interim Guidelines on safety for gas-fuelled engine installations in ships, prepared by BLG 11 and, subsequently, had decided to refer the matter to a correspondence group for detailed consideration.

## **Unified interpretations of SOLAS chapter II-2**

9.21 The Committee approved MSC.1/Circ.1276 on Unified interpretations of SOLAS chapter II-2.

## **Revision of the Code on Alarms and Indicators**

9.22 The Committee noted that the Sub-Committee had agreed to the proposed amendments to the parts of the draft Revised Code on Alarms and Indicators, related to fire safety, for referral to DE 51 for coordination purposes.



### **Long-term availability of halons**

9.23 The Committee noted the information on the outcome of the nineteenth meeting of the Parties to the Montreal Protocol and the request of the UNEP representative for IMO to assist UNEP in its efforts to collect data on halons from the maritime sector, in particular, to encourage Member States to collect data on the number of halon systems still in use on board their ships and the total amount of halons in their respective merchant fleets, and to convey this information to the UNEP Ozone Secretariat. The Committee agreed to deal with this matter in detail under agenda item 20 (Relations with other organizations).

### **Measures to prevent explosions on oil and chemical tankers transporting low-flashpoint cargoes**

9.24 The Committee noted that the Sub-Committee, having noted views expressed during discussion on the subject, had decided to establish a working group at FP 53 to progress the matter and had urged Member Governments and international organizations to submit the essential data on the subject to FP 53 for consideration and action, as appropriate. In this regard, the delegation of France, which drew the Committee's attention to the Sub-Committee's request for additional information on costs, the human element and other factors that justify the concern to propose new measures intended to prevent explosions, expressed the view that the Sub-Committee's mandate was for completion in 2009 with a view to proposing measures (and not discussing their advisability) for new ships in the first instance, and thereafter, of considering the measures that could be applied to existing ships.

### **OTHER MATTERS**

#### **Revised standards for the design, testing and locating of devices to prevent the passage of flame into cargo tanks in tankers**

9.25 The Committee noted information on the status of ongoing standardization work within ISO with regard to pressure/vacuum valves for cargo tanks (MSC 84/INF.11), which is referenced in circular MSC/Circ.1009 (Amendments to the Revised standards for design, testing and locating of devices to prevent the passage of flame into cargo tanks in tankers (MSC/Circ.677)), and decided to forward the document to FP 53 for information purposes.

## **10 BULK LIQUIDS AND GASES**

### **REPORT OF THE TWELFTH SESSION OF THE BLG SUB-COMMITTEE**

#### **General**

10.1 The Committee approved, in general, the report of the twelfth session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 12/17, BLG 12/17/Add.1 and MSC 84/10) and took action as indicated in the ensuing paragraphs.

#### **Development of provisions for gas-fuelled ships**

10.2 The Committee noted the progress made by the Sub-Committee on the development of the provisions and, in particular, that the Sub-Committee had confirmed that, in furthering the development of these provisions, it would be appropriate to have a two-step approach with the first set of the provisions developed to be applicable to LNG-fuelled ships only.

10.3 The Committee agreed with the view of the delegation of France that in the context of reducing the generation of SO<sub>x</sub> gases when furthering the development of provisions for gas-fuelled ships, the relevant provisions of MARPOL Annex VI, as amended, should be taken into account.

#### **Review of the Recommendation for material safety data sheets (MSDSs) for MARPOL Annex I cargoes and marine fuel oils**

10.4 The Committee noted the outcome of the consideration of issues relevant to MSDSs in the context of review of the Recommendation for material safety data sheets for MARPOL Annex I cargoes and marine fuel oils and the progress made in the context of amendments to Annex to resolution MSC.150(77), in particular that the Sub-Committee, having deliberated the matter in depth, established a correspondence group to, *inter alia*, review annex 2 of resolution MSC.150(77) with regard to the appropriate information to be provided in the Material Safety Data Sheets and parameter-related matters and to prepare a consolidated text of the revised annexes 1 and 2 of the resolution for consideration at BLG 13.

#### **Inconsistencies between SOLAS regulation VI/1 and new regulation VI/5-1**

10.5 The Committee noted that it had taken decisions, regarding the inconsistencies between SOLAS regulation VI/1 and new regulation VI/5-1, under agenda item 3 (Consideration and adoption of amendments to mandatory instruments).

#### **Intersessional meeting of the ESPH Working Group**

10.6 Having noted that MEPC 57 had agreed that the intersessional meeting of the ESPH Working Group should be held some time in 2009, the Committee approved the holding of the meeting of the group in 2009.

#### **Device to prevent passage of flame into cargo tanks**

10.7 The delegation of Denmark expressed the view that it should be evident that all chemical tankers as well as other ships should only carry cargoes for which they are constructed, equipped and approved. In the view of that delegation, no product should, therefore, be included in the International Pollution Prevention Certificate for the carriage of noxious liquid substances in bulk, unless the ship was designed and capable of a safe carriage of such products. The delegation, referring to the report of BLG 12 (paragraphs 16.19 to 16.23), expressed its disappointment that despite clear instructions from MSC 83, including a clear conclusion on the matter by the FP Sub-Committee, BLG 12 had decided to postpone a clarification of this important issue till the next session of the Sub-Committee, mainly because of an intervention by an observer from a non-governmental organization expressing a need for further considerations. The Danish delegation expressed its concern that this further delay may have serious impacts on the safety of the chemical carriers involved.

## **11 SHIP DESIGN AND EQUIPMENT**

### **URGENT MATTERS EMANATING FROM THE FIFTY-FIRST SESSION OF THE SUB-COMMITTEE**

#### **General**

11.1 The Committee considered urgent matters referred to it (document MSC 84/11) emanating from the fifty-first session of the Sub-Committee (DE 51/28) and took action as indicated hereunder.

#### **Amendments to the ESP Guidelines (resolution A.744(18))**

11.2 The Committee noted the progress made regarding the development of amendments to the ESP Guidelines (resolution A.744(18)), in particular that DE 51 had established a correspondence group and instructed it to harmonize the part on single-side skin bulk carriers with the newly developed part on double-side skin bulk carriers; review the Guidelines to harmonize them with the IACS Z10 series; and prepare amendments to permit the master or a representative nominated by the master or company to attend the survey planning meeting.

#### **Code of Safety for Special Purpose Ships, 2008**

11.3 The Committee considered the draft Code of Safety for Special Purpose Ships (SPS Code), 2008 (DE 51/28, annex 1) and the related document MSC 84/11/7 (Netherlands), proposing amendments to the definition of “special personnel” in paragraph 1.3.3.2 of the draft revised SPS Code regarding the training programme to be approved by the Administration and the deletion of the footnote to paragraph 1.3.12 referring to sail training ships not propelled by mechanical means.

11.4 Following debate, the Committee, with regard to the proposals outlined in the above paragraph, did not support the proposals to amend the definition of “special personnel” and to delete the footnote to paragraph 1.3.12.

11.5 The delegation of Italy, supported by some other delegations, pointed out that paragraph 1.2.3 of chapter 1 of the draft 2008 SPS Code, concerning the transport of industrial personnel not working on board, excluded the application of the Code to ships that transport technicians working on board offshore platforms. They were of the opinion that the SPS Code should apply to ships that carry those working on offshore units since these workers may be compared with special personnel. Although these workers did not carry out any activities on board the ships that carried them, they were trained in fire-fighting and in the use of life-saving appliances on the basis of the safety rules applicable to the offshore units on which they worked and had a better training than, e.g., scientists and technicians engaged in research activities. The Italian delegation, therefore, was of the view that paragraph 1.2.3 should be deleted because it was not desirable to exclude these types of ships from the scope of application of the SPS Code.

11.6 The Committee, having noted that the matter had been extensively discussed by the Sub-Committee and was not supported, and comments made during the discussion in plenary, did not agree to the proposal to delete paragraph 1.2.3 of the draft 2008 SPS Code concerning the transport of industrial personnel not working on board, but recommended that interested delegations should consider submitting a proposal for a new work programme item with regard to the transport of industrial personnel on offshore support vessels to the Committee, in accordance with the Guidelines on the organization and method of work.

11.7 Consequently, the Committee adopted resolution MSC.266(84) on Code of Safety for Special Purpose Ships, 2008, set out in annex 17.

### **Revision of the Code on Alarms and Indicators**

11.8 The Committee noted the outcome of the Sub-Committee's work on the revision of the Code on Alarms and Indicators, in particular that further work on the revision of the Code was necessary and that IACS (who prepared the first version of the revision) had been requested to prepare the final draft revised Code on Alarms and Indicators for submission to DE 52, changing the references to the 1989 MODU Code in the draft revised Code to refer to the relevant paragraphs of the draft revised MODU Code (see paragraph 11.9) and incorporating the outcome of DSC 12 and FP 52.

### **Amendments to the MODU Code**

11.9 The Committee noted the progress made on the development of amendments to the MODU Code, in particular the Sub-Committee's decision to prepare a complete revised Code for finalization at DE 52, when the outstanding contributions from the COMSAR and FP Sub-Committees would be available.

### **Life-saving appliances and related matters**

#### ***Interim Recommendation on conditions for authorization of service providers for lifeboats, launching appliances and on-load release gear***

11.10 The Committee considered the draft Interim Recommendation on conditions for authorization of service providers for lifeboats, launching appliances and on-load release gear, in connection with document MSC 84/11/1 (Secretariat), containing, as requested by DE 51, the view of IMO's Legal Division with regard to the inclusion of provisions for manufacturers in paragraph 4 of the draft Interim Recommendation and a proposal for a rewording of those provisions, requesting Administrations to take measures to ensure compliance by manufacturers.

11.11 The observer from IACS, supported by a number of delegations, stated that, in their opinion, while this matter is only addressed in non-mandatory guidance, there will be problems in terms of uniformity in global implementation. The long-term objective should, therefore, be to amend the relevant provisions of SOLAS chapter III to address this issue.

11.12 Following debate, the Committee supported the proposal to replace paragraph 4 of the draft Interim Recommendation, in principle, and, having agreed to the modified text of the paragraph, approved MSC.1/Circ.1277 on Interim Recommendation on conditions for authorization of service providers for lifeboats, launching appliances and on-load release gear.

#### ***Global coverage of lifeboat service providers***

11.13 The Committee noted that the Sub-Committee had requested ILAMA to report to DE 52 on the establishment of adequate global coverage of suitable lifeboat service providers, including coordination with non-ILAMA members, and on the availability of training for certification of service personnel.

### ***Amendments to the LSA Code***

11.14 The Committee approved draft amendments to the LSA Code, set out in annex 18, relating to the change of the average weight of seafarers, specified in the Code, from 75 kg to 82.5 kg, and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 85.

### ***Amendments to the Revised recommendation on testing of life-saving appliances***

11.15 The Committee approved, in principle, a draft MSC resolution on Adoption of amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)), set out in annex 19, for formal adoption in conjunction with the adoption of the draft amendments to the LSA Code referred to in paragraph 11.14 above.

### ***Lifeboat on-load release gear***

11.16 The Committee noted the outcome of the Sub-Committee's work regarding lifeboat on-load release gear, in particular that, due to time constraints, this matter could not be considered in sufficient detail and that, therefore, DE 51 had instructed the LSA Correspondence Group to further consider, as a matter of priority, the "fail safe" concept and the use of fall preventer devices and to finalize relevant amendments to the LSA Code and the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)); and also to develop a definition for "on-load release hooks of poor and unstable design", explore criteria to determine poor and unstable design of such hooks and consider a timeframe for the replacement of such hooks.

### ***Guidance on wearing immersion suits in totally enclosed lifeboats***

11.17 The Committee approved MSC.1/Circ.1278 on Guidance on wearing immersion suits in totally enclosed lifeboats.

### ***Guidelines for the approval of novel life-saving appliances***

11.18 The Committee noted the outcome of the Sub-Committee's work on guidelines for the approval of novel life-saving appliances, in particular the decision to develop relevant provisions when revising SOLAS chapter III under the work programme item on "Development of a new framework of requirements for life-saving appliances".

### **Corrosion protection**

#### ***Guidelines on maintenance and repair of protective coatings***

11.19 The Committee noted the progress made on the development of guidelines on maintenance and repair of protective coatings and also that, in this context, the Sub-Committee had noted the Industry Guidelines for the implementation of the Performance standards for protective coatings (PSPC), adopted by resolution MSC.215(82), and had found their application to be beneficial for Administrations, industry and other parties concerned.

11.20 In this connection, the Committee considered document MSC 84/11/6 (IACS), providing, in the annex to the document, IACS Unified Interpretation SC 222 which clarifies how

IACS Members intend to uniformly interpret the provisions of the above Performance standard for protective coatings in relation to salt measurement and stripe coatings.

11.21 The Committee supported the proposed Unified Interpretation (UI) in general and, following a proposal by the delegation of Greece, invited IACS to amend the first part of the UI concerning stripe coats by adding the following sentence at the end of the interpretation:

“A roller may be used for scallops, ratholes, etc., but not for edges and welds.”

11.22 The IACS observer advised the Committee that the UI would be amended in line with the above proposal and would be submitted to DE 52 under the agenda item “Consideration of IACS unified interpretations” for consideration and action as appropriate.

### ***Guidelines for corrosion protection of permanent means of access arrangements***

11.23 The Committee approved MSC.1/Circ.1279 on Guidelines for corrosion protection of permanent means of access arrangements.

### **Definition of the term “bulk carrier”**

11.24 The Committee noted the outcome of the Sub-Committee’s work regarding the definition of the term “bulk carrier” and, in particular, that DE 51, having agreed that further work should be undertaken to finalize the matter, had invited the Committee to include a relevant item in the Sub-Committee’s work programme and the provisional agenda for DE 52.

11.25 In this regard, the Committee had for its consideration the following documents:

- .1 MSC 84/11/2 (Norway), submitting in the annex to their document a draft MSC resolution on Revised interpretation of the term “bulk carrier” as defined in SOLAS regulation IX/1.6, based on the one prepared by the group of experts at DE 51 (DE 51/WP.8), and requesting the Committee to thoroughly debate the matter as a priority, with a view to resolving it at this session;
- .2 MSC 84/11/3 (Secretariat), presenting pertinent background information and proposals for a way forward, in particular advising that a drafting group could be established to prepare the final text of the draft resolution for adoption at this session, so that the Committee may resolve the matter in principle, while any remaining work could be deferred to DE 52;
- .3 MSC 84/11/4 (Chairman of the DE Sub-Committee), providing background information on the discussions in the DE Sub-Committee on the issue and supporting the establishment of a drafting group at this session;
- .4 MSC 84/11/5 (CESA), commenting on the draft MSC resolution as attached to document MSC 84/11/2, in particular the proposed operative paragraph 1.3.2, and recommending that the alternative approach to define design specifics indicating that a ship is primarily used for non-bulk cargoes should be further explored; and
- .5 MSC 84/11/8 (INTERCARGO), commenting on the draft MSC resolution as attached to document MSC 84/11/2 and, in particular, expressing the view that this approach provides a sound basis for further consideration and that the

clarification of the definition is an urgent matter in order to provide clarity for the industry.

11.26 The observer from ICS stressed the need for a rapid solution to the issue, i.e., the development of an appropriate definition of the term “bulk carrier”, in order to provide for the correct application of SOLAS chapter XII. In his opinion, the draft MSC resolution proposed by Norway (MSC 84/11/2) could form the basis for such solution but needed further detailed consideration with special attention paid to smaller ships on marginal routes which only occasionally carried bulk cargoes. However, the observer emphasized that, for such discussion, a proper working group needed to be established.

11.27 While several other delegations supported the ICS statement, having also stressed the need for urgent action on the issue, advocating that the matter should preferably be resolved at this session, however, some other delegations were of the view that the debate should be postponed until a proper working group could be formed to consider the matter.

11.28 The delegation of the Cook Islands pointed out that the definition proposed by Norway seemed to favour special types of double-hull ships and could have a detrimental effect on developing countries and, in particular, small island States. In this context, several other delegations indicated their concern that a definition of the term “bulk carrier” might have a negative impact on developing countries and that it would be premature to resolve the matter at this session. They suggested, instead, that an intersessional working group could consider the issue with a view to finalization.

11.29 Referring to the item on “General cargo ship safety” on the Committee’s agenda, the delegation of the Bahamas suggested that this item was closely related to the issue and that a definition for the term “bulk carrier” could be developed in conjunction with the work on the definition of the term “general cargo ship”.

11.30 Consequently, the Committee agreed that it would not attempt to resolve the matter at this session but would instead consider, under agenda item 22 (Work programme), the establishment of the working group to deal with the matter.

## **12 TRAINING AND WATCHKEEPING**

### **URGENT MATTERS EMANATING FROM THE THIRTY-NINTH SESSION OF THE SUB-COMMITTEE**

#### **General**

12.1 The Committee considered urgent matters referred to it (MSC 84/12) emanating from the thirty-ninth session of the Sub-Committee (STW 39/12) and took action as indicated hereunder.

#### **Comprehensive review of the STCW Convention and the STCW Code**

12.2 The Committee:

- .1 noted the progress of work relating to the comprehensive review of the STCW Convention and the STCW Code;
- .2 noted and agreed, in principle, to the proposal to hold a conference to adopt amendments to the STCW Convention and the STCW Code emanating from the comprehensive review and to advise C 100 accordingly;

- .3 agreed to the schedule of meetings relating to the comprehensive review of the STCW Convention and the STCW Code, as set out in annex 1 to document STW 39/12; and
- .4 approved the convening of an *ad hoc* intersessional working group in September 2008 to progress work on the comprehensive review.

12.3 In light of the foregoing, the Committee invited the Council to endorse, in principle, holding a diplomatic conference in 2010 to adopt amendments emanating from the comprehensive review and to make, in due course, appropriate appropriations in the budget for the next biennium.

12.4 The Committee recalled that, under agenda item 15 (Role of the human element), it had referred document STW 39/6/1 to the Joint MSC/MEPC Working Group on Human Element for detailed consideration and advice on the way forward as reflected in paragraph 15.25.

#### **Areas in chapter VI of the STCW Code where training cannot be conducted on board**

12.5 The Committee, in considering the list of areas in chapter VI of the STCW Code where training cannot be conducted on board, as developed by STW 39, also considered the proposal by Norway (MSC 84/12/2) that the STW Sub-Committee should be instructed to consider measures to ensure compliance with the requirements in the STCW Convention with a view to maintaining professional competence in accordance with section A-I/11 of the STCW Code, in areas where training cannot be conducted on board.

12.6 A number of delegations supported the proposal by Norway that STW 40 should be instructed to consider measures to ensure compliance with the requirements in the STCW Convention, to maintain professional competence in accordance with section A-I/11 of the STCW Code, in areas where training cannot be conducted on board.

12.7 Some delegations expressed the view that training in these areas to maintain continued proficiency in basic training, should be the responsibility of the companies under section 6 of the ISM Code through the Company's safety management system (SMS), and could also be included in STCW regulation I/14 (Responsibilities of companies). One delegation expressed the opinion that demonstration of professional competence should be on a continuous basis and that STW 40 should be instructed to clearly identify these areas, which could then form a part of the Company's SMS.

12.8 Accordingly, the Committee approved the list of areas where training cannot be conducted onboard and instructed the Sub-Committee to consider measures to ensure compliance with the requirements in the STCW Convention, to maintain professional competence in these areas.

#### **Review of the principles for establishing the safe manning level of ships**

12.9 The Committee noted the progress of work relating to the review of the principles for establishing the safe manning level of ships.

#### **PREPARATION OF REPORTS PURSUANT TO STCW REGULATION I/7, PARAGRAPH 2**

##### **Secretary-General's report to the Committee**

12.10 In introducing his report (MSC 84/WP.2), the Secretary-General advised the Committee that in preparing the reports required by STCW regulation I/7, paragraph 2, he had solicited and



taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC.1/Circ.797. The report, as required by MSC.1/Circ.796/Rev.1, was comprised of:

- .1 the Secretary-General's report to the Committee;
- .2 a description of the procedures followed;
- .3 a summary of the conclusions reached in the form of a comparison table; and
- .4 an indication of the areas which were not applicable to the Government concerned.

12.11 The Committee was subsequently invited to consider the reports attached to document MSC 84/WP.2 for the purpose of confirming that the information provided by those Governments concerned demonstrated that full and complete effect was given to the provisions of the STCW Convention.

12.12 As was the case with the Secretary-General's reports to its previous sessions, the Committee agreed to consider the reports in order to:

- .1 identify, from the Secretary-General's report, the scope of information evaluated by the panels;
- .2 review the procedures report to identify any entries requiring clarification;
- .3 review the information presented in comparison table format to ensure that it was consistent with the Secretary-General's report; and
- .4 confirm that each report reflected that the procedures for the assessment of the information provided by the Governments concerned had been correctly followed.

12.13 The Committee confirmed that the procedures for the assessment of the information provided had been correctly followed in respect of the two STCW Parties whose information had not been evaluated previously and another STCW Party, which had communicated additional information, included in the Secretary-General's report and requested the Secretariat to update MSC.1/Circ.1163/Rev.2 accordingly and issue it as MSC.1/Circ.1163/Rev.3.

#### **SECRETARY-GENERAL'S REPORT PURSUANT TO STCW REGULATION I/8**

12.14 In introducing his report (MSC 84/WP.2/Add.1), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC.1/Circ.797. Each report, as required by MSC.1/Circ.997, was comprised of:

- .1 the Secretary-General's report to the Committee;
- .2 a description of the procedures followed; and
- .3 a summary of the conclusions reached in the form of a comparison table.

12.15 The Committee was subsequently invited to consider the reports attached to document MSC 84/WP.2/Add.1 for the purpose of confirming that the information provided by the STCW Parties pursuant to STCW regulation I/8 demonstrated that full and complete effect was given to the provisions of the STCW Convention.

12.16 As was the case with the Secretary-General's reports to its previous sessions, the Committee agreed to consider each Party report individually in order to:

- .1 identify, from the Secretary-General's report, the scope of information evaluated by the panels;
- .2 review the procedures report to identify any entries requiring clarification;
- .3 review the information presented in comparison table format; and
- .4 confirm that each report reflected that the procedures for the assessment of the information provided by the Parties concerned had been correctly followed.

12.17 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of three STCW Parties and requested the Secretariat to update MSC.1/Circ.1164/Rev.3 accordingly and issue it as MSC.1/Circ.1164/Rev.4.

#### **APPROVAL OF COMPETENT PERSONS**

12.18 The Committee approved additional competent persons nominated by Governments (MSC 84/12/1) and requested the Secretariat to update MSC.1/Circ.797/Rev.15 accordingly and issue the updated circular as MSC.1/Circ.797/Rev.16.

### **13 GENERAL CARGO SHIP SAFETY**

13.1 The Committee recalled that MSC 83 (MSC 84/13), following consideration of the documents submitted to the session, had agreed that more detailed analysis of the cause of accidents involving general cargo ships (in particular, the outcomes of the SURSHIP project and the study being undertaken by the Republic of Korea) is needed to facilitate the identification of the problem areas for such ships, bearing in mind the variety of ship types covered by the category of general cargo ships. Consequently, MSC 83 agreed that a working group should be established at a future session with the preliminary terms of reference set out in paragraph 1.3 of document MSC 84/13 and invited Member Governments and international organizations to submit, to MSC 84, further information and relevant proposals on the matter, taking into account that several studies on this subject were ongoing.

13.2 Following discussion on best way to proceed on the matter in light of the information received to date, the Committee agreed, in principle, that:

- .1 there was an urgent need to consider the safety of general cargo ships, taking into account the current safety level of these types of ships and the documents submitted to date on the matter;
- .2 more detailed casualty information on the cause of accidents involving general cargo ships was needed to progress the matter, including the outcome of any related studies;

- .3 that the definition of the terms “bulk carrier” and “general cargo ship” are interrelated and therefore any outcome of discussion on the definition of “bulk carrier” under the provisions of the SOLAS Convention should be taken into account in the discussion of the definition of “general cargo ship”; and
- .4 any FSA studies submitted on the matter should first be reviewed by the FSA Group of Experts before establishing a working group on general cargo ship safety (see also paragraph 16.2),

and invited Member Governments and international organizations to submit further information and the relevant proposals on the issue to MSC 85.

## **14 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES**

### **General**

14.1 The Committee recalled that, at MSC 82, it had considered a proposal (MSC 82/20/1) that the Committee and all its sub-committees should ensure that, when developing new instruments or amending existing ones, where necessary, guidance for implementation is prepared and that issues requiring the provision of technical assistance prior to implementation are identified. Whilst supporting the proposal, the Committee recognized that the issue was not only relevant to the Committee and its sub-committees but also to other Committees (MEPC, FAL Committee and LEG Committee) as well as the Assembly and diplomatic conferences.

14.2 The Committee recalled also that at MSC 83, having considered document MSC 83/18/1 (South Africa) it had agreed that, as a matter of policy, the Committee must insert a criteria in its method of work requiring that Member States and organizations with observer status, when proposing development of new instruments or proposing amendment to existing instruments, identify capacity implications. MSC 83 had requested the Secretariat to prepare draft amendments to the Committees’ Guidelines to that effect and submit these to MEPC 57 and MSC 84 for consideration. MSC 83 had also agreed, in principle, to establish, at MSC 84, an *ad hoc* working group on capacity-building and technical cooperation for the implementation of new instruments and had submitted a draft Assembly resolution on Need for capacity-building for the development and implementation of new, and amendments to existing, instruments for submission to A 25 for adoption.

14.3 The Committee noted that the Assembly, at its twenty-fifth session, had noted the outcome of MSC 83 on the issue of capacity-building for the implementation of new measures, and adopted resolution A.998(25) on Need for capacity-building for the development and implementation of new, and amendments to existing, instruments. The Committee noted, in particular, that by resolution A.998(25), the Assembly recommended, *inter alia*, that the committees should establish a mechanism to identify new instruments requiring the provision of technical assistance prior to implementation (operative paragraph 3 of the resolution) and instructed all IMO organs, under the coordination of the Council, to make arrangements, within their work, so as to enable as many Member States as possible to participate actively in the work of such organs (operative paragraph 4 of the resolution).

14.4 The Committee noted that MEPC 57 had also noted the adoption of resolution A.998(25), and, in particular, operative paragraphs 3 and 4 of the resolution.

## Draft amendments to the Committees' Guidelines

14.5 The Committee noted that the Secretariat (MSC 84/14) had reviewed the current Committees' Guidelines (MSC-MEPC.1/Circ.1) with a view to include necessary provisions to reflect the decisions of MSC 83 and had proposed that the following elements should be reflected in modifications to the current Committees' Guidelines:

- .1 a general statement that the Committees should assess the implications for capacity-building and technical cooperation, before establishing a new work programme concerning proposals for new, or amendments to existing, instruments;
- .2 modifications to the format for submission of proposals for new items, requesting the proposer of a new item to provide necessary information regarding the need for capacity-building; and
- .3 a set of criteria against which the Committees may wish to identify new instruments requiring the provision of technical assistance prior to implementation; issues requiring special focus when developing technical cooperation and assistance activities relating to the implementation of new measures; and new instruments requiring a simplified guide for implementation, as recommended by the Assembly (operative paragraph 3 of resolution A.998(25)).

14.6 During the discussion, while the majority of delegations supported the draft amendments to the Committees' guidelines (MSC 84/14, annex 2), some delegations expressed concern and practical difficulty that it would be difficult to provide an assessment of capacity-building required for the Administration when proposing a work programme for new instruments and this should be done by the Committee when considering a new work programme item. Some delegations also expressed the view that such an assessment should be carried out during the course of the development of new instruments and not before establishing a new work programme item.

14.7 Having exchanged views on the draft amendments, the majority of the Committee agreed, in principle, to the draft amendments to the Guidelines, subject to further consideration at MSC 85. The Committee recognized the need to establish a set of criteria and established a correspondence group, under the coordination of South Africa\*, with the following terms of reference:

- .1 review the draft amendments on capacity-building to the Committees' Guidelines in document MSC 84/14, annex;

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- .2 develop criteria for the identification of capacity-building implications, and proposing new, or amendments to existing, instruments, taking into account the following matters:
  - .1 the scope that the proposed instrument intends to cover;
  - .2 whether the instrument has or will identify role players within clearly identified functions in the implementation;
  - .3 steps that are required to be taken into account to bring the instrument into force;
  - .4 the nature of the proposed instrument, whether it is mandatory or recommendatory;
  - .5 what minimum resources are and/or would be required during the implementation phase;
  - .6 whether the instrument is an enhancement or a deviation from an existing instrument/standard; and
  - .7 whether there is, or will be, a need to develop a guidance to implementation document;
- .3 consider the minimum information that proposers of new work programme items should submit as part of the original submission to the Committee or subsidiary body for consideration when the matter is evaluated;
- .4 develop a mechanism to identify new instruments requiring the provision of technical assistance prior to implementation and issues requiring special focus when developing technical cooperation and assistance activities relating to the implementation of new measures, and new instruments requiring a simplified guide to implementation; and
- .5 submit a report to MSC 85.

14.8 Delegations of Belgium, Cyprus, Denmark, Germany, the Netherlands, Norway, Sweden, the United Kingdom and the United States expressed their reservations on the Committee's decision to agree, in principle, to the draft amendments to the Committees' Guidelines (MSC 84/14, annex 2). In particular, the delegation of Cyprus stated that the draft amendments were not in line with the recommendations of the Assembly outlined in resolution A.998(25).

## **15 ROLE OF THE HUMAN ELEMENT**

### **OUTCOME OF MSC 83**

15.1 The Committee recalled that MSC 83 had agreed:

- .1 that the FSI Sub-Committee should no longer be tasked with the revision of the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22)) and that this

work should be carried out by the Joint MSC/MEPC Working Group on Human Element and invited Member States and international organizations to submit proposals for consideration by the Joint MSC/MEPC Working Group on Human Element at MSC 84;

- .2 that documents submitted to the FSI Sub-Committee on this issue should be made available to the Joint MSC/MEPC Working Group on Human Element; and
- .3 to instruct the Joint MSC/MEPC Working Group on Human Element to develop draft amendments to the ISM Code with the understanding that the intended scope of the amendments should be limited to those relating to requirements for seafarer safety representation,

and, accordingly, MSC 83 had invited MEPC 57 to reconsider its decision on this issue.

15.2 In this context, the observer from IACS informed the Committee that the proposals in documents FSI 11/7/2 and FSI 12/7/1 submitted to the FSI Sub-Committee were no longer relevant and, hence, should be considered as withdrawn.

15.3 Furthermore, the Committee noted that MEPC 57 had agreed with the decision of MSC 83 and referred documents FSI 13/10/1 (IACS), FSI 12/4/3 (United Kingdom) and FSI 12/7/4 (Republic of Korea) to the Joint MSC/MEPC Working Group on Human Element for detailed consideration.

## **MATTERS RELATED TO THE ISM CODE**

### **Amendments to the ISM Code**

15.4 New Zealand and ITF (MSC 84/15/1) proposed to amend the ISM Code to enable full involvement of seafarers in health and safety initiatives.

15.5 A number of delegations supported the proposal to amend the ISM Code to enable full involvement of seafarers in health and safety initiatives. Some delegations, supporting in principle the proposed amendments to the ISM Code, expressed concern regarding the selection or appointment of the seafarer safety representative and their specific roles on board. However, a number of delegations sought clarification relating to:

- .1 selection/appointment process for the seafarer safety representative;
- .2 training for the seafarer safety representative;
- .3 dismissal protection for the seafarer safety representative, as this was a potential source of conflict; and
- .4 the authority of the master in relation to role and responsibility of the seafarer safety representative.

15.6 Some delegations expressed the opinion that procedures for seafarer safety representative should be in accordance with the ISM Code and the appointment of the seafarer safety representative should be left to the Company.

15.7 The observer from ITF clarified that it was not the intention to bypass the authority of the master or to provide a blanket protection to the seafarer safety representative other than for carrying out the functions entrusted by the role.

15.8 A number of delegations reiterated that the authority of the master was enshrined in the SOLAS Convention and the ISM Code, which in itself was a holistic way of looking at safety on board.

15.9 A number of delegations informed the Committee that ships flying their flag had seafarer safety representatives on board for many years without any problems related thereto.

15.10 Taking into account the above views and comments, the Committee referred the proposal to the Joint MSC/MEPC Working Group on Human Element for detailed consideration.

15.11 China and the Republic of Korea (MSC 84/15/3) proposed amendments to the ISM Code to harmonize the requirement for the extension of the validity of the Safety Management Certificate (SMC) with those of SOLAS certificates and the International Ship Security Certificate (ISSC). There was general support for this proposal.

15.12 The delegation of Panama, supported by others, expressed the view that it was not possible to verify all certificates at different ports as some flag States might not have sufficient inspectors and, therefore, supported the proposal to harmonize the requirement for the extension of the validity of Safety Management Certificate (SMC) with those of SOLAS certificates and International Ship Security Certificate (ISSC) which would allow a flag State to have better control over ships flying their flag.

15.13 In light of the foregoing, the Committee agreed to expand the scope of amendments to the ISM Code to include this proposal and referred it to the Joint MSC/MEPC Working Group on Human Element for detailed consideration.

#### **Amendments to the Revised Guidelines on Implementation of the ISM Code by Administrations (resolution A.913(22))**

15.14 Austria *et al* (MSC 84/15/5) proposed amendments to the Revised Guidelines on Implementation of the ISM Code by Administrations (resolution A.913(22)) to improve the effectiveness of implementation of the International Safety Management (ISM) Code.

15.15 A number of delegations expressed the view that:

- .1 as the interim Document of Compliance (DOC) facilitated initial implementation of the ISM Code by a company, this should not delay the plans for setting up of a safety management system meeting the full requirements of the ISM Code;
- .2 the proposed additional requirements could cause difficulties not only for a new company to obtain an interim DOC but also for a company with an existing DOC, if it were to purchase/operate a new ship type;
- .3 the proposal could lead to the reduction in flexibility and also to the suppression of deficiencies; and
- .4 decision on an additional audit following a PSC detention should be left to the discretion of the Administration.

15.16 The Committee, after a general discussion, referred the proposal to the Joint MSC/MEPC Working Group on Human Element for detailed consideration.

#### **SAFETY RECOMMENDATIONS FOR DECKED FISHING VESSELS OF LESS THAN 12 METRES IN LENGTH AND UNDECKED FISHING VESSELS**

15.17 The Committee recalled that MSC 83 had:

- .1 noted that SLF 50 had referred relevant chapters of the draft Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels to the respective sub-committees and to the Joint MSC/MEPC Working Group on Human Element for consideration; and
- .2 also requested the Secretariat to prepare a relevant document for MSC 84, so that the Joint MSC/MEPC Working Group on Human Element, when established, could consider the relevant chapters of the draft Safety recommendations and comment as appropriate.

Accordingly, the Secretariat had prepared document MSC 84/15/2 containing the text of the preamble, chapters 1 and 11 of, and Annex I to, the draft Safety recommendations (SLF 51/5).

15.18 A number of delegations welcomed the draft Safety recommendations for small fishing vessels less than 12 metres in length, for their usefulness and supported to further develop the Safety recommendations. However, concerns were raised on requirements for crew accommodation of the draft Safety recommendations (MSC 84/15/2), as to whether it was necessary for such detailed requirements for small fishing vessels less than 12 metres in length, and, therefore, careful consideration was requested. Recognizing the need to carefully examine the draft Safety recommendations from the point of view of human element, the Committee referred it to the Joint MSC/MEPC Working Group on Human Element for further consideration, in order to provide comments and views from the human element perspective to SLF 51 for further consideration.

#### **THE ORGANIZATION'S STRATEGY TO ADDRESS THE HUMAN ELEMENT**

##### **Near-miss data in accident and incident investigations**

15.19 Liberia (MSC 84/15/4), taking into account comments made at MEPC 56, proposed guidance to address near-miss reporting and information based on the lack thereof in the industry.

15.20 The delegation of Greece drew the attention of the Committee to the fact that the Organization had already issued MSC.1/Circ.1015 on Reporting near-misses and that as most of the near-misses were hidden, other ways of reporting on near-misses had to be explored without the fear of any punitive action.

15.21 The delegation of the United States expressed the view that after the Joint MSC/MEPC Working Group had prepared the guidance it should be forwarded to the FSI Sub-Committee Casualty Investigation Working Group for their views.

15.22 The delegation of Turkey expressed the view that as there was no global database on near-miss data, a global database with anonymity was necessary.



15.23 Having briefly considered the proposal, the Committee referred it to the Joint MSC/MEPC Working Group on Human Element for consideration.

#### **OTHER ISSUES**

##### **Ongoing work of the Human Factors Task Group (HFTG) established by the industry**

15.24 The Committee was informed that STW 39 had considered the proposal by ICS *et al* (STW 39/6/1) on a model for the delivery of a training and competency verification programme, incorporating the five key elements within an effective safety culture being developed for all personnel who work on, or have direct involvement with, the cargo operations of oil tankers, chemical tankers and liquefied gas tankers and noted that the Human Factors Task Group had concluded that one of the most significant contributory factors to the incident causes was a failure to follow or understand cargo operation guidelines and procedures at both shipboard and ship management level. Accordingly, STW 39 had invited the Committee to refer document STW 39/6/1 to the Joint MSC/MEPC Working Group on Human Element for detailed consideration and advice on the way forward.

15.25 As requested by STW 39, the Committee referred document STW 39/6/1 (ICS *et al*) to the Joint MSC/MEPC working group on Human Element for detailed consideration and advice on the way forward.

##### **Paris MoU Concentrated Inspection Campaign on the ISM Code**

15.26 The Committee noted the information provided by the Paris MoU (MSC 84/INF.10) on the preliminary findings on their Concentrated Inspection Campaign on the International Safety Management (ISM) Code carried out between 1 September and 30 November 2007.

#### **ESTABLISHMENT OF THE JOINT MSC/MEPC WORKING GROUP**

15.27 The Committee established the Joint MSC/MEPC Working Group on Human Element and instructed it, taking into account the comments and decisions made in plenary, to:

- .1 consider document:
  - .1 MSC 84/15 together with documents FSI 12/4/3 and FSI 13/10/1, MSC 84/15/1 and MSC 84/15/3 and prepare draft amendments to the ISM Code;
  - .2 MSC 84/15/5 together with document FSI 12/7/4 and prepare draft amendments to Revised Guidelines on implementation of the ISM Code (resolution A.913(22));
  - .3 MSC 84/15/2 and advise the Committee on the relevant safety recommendations for decked fishing vessels of less than 12 metres in length, accordingly;
  - .4 MSC 84/15/4 and prepare a draft MSC/MEPC.7 circular on Guidance to address near-miss reporting and information based on the lack of near-miss reporting in the industry; and
  - .5 STW 39/6/1 and advise the Committee on the way forward; and

- .2 review and update the action plan in the Organization's Strategy to address the human element.

#### **REPORT OF THE WORKING GROUP**

15.28 Upon receipt of the report of the working group (MSC 84/WP.6), the Committee approved it in general and took action as outlined in the following paragraphs.

#### **MATTERS RELATED TO THE ISM CODE**

##### **Amendments to the ISM Code**

15.29 The Committee, considering the proposal by New Zealand and ITF (MSC 84/15/1), agreed that promoting safe behaviour for a safety culture on board ships required the involvement of all personnel ashore and on board, in a cooperative environment without fear of any repercussions or intimidation. Several delegations expressed the view that, although there might be a need for seafarer safety representative, they had concerns with the proposal in its present format relating to:

- .1 small ships with small crews;
- .2 ships with multi-ethnic crews;
- .3 training;
- .4 relationship with the role of shipboard safety officer; and
- .5 relationship with the master.

The Committee, noting these concerns agreed that the proposal should be reconsidered at the next session of the Joint MSC/MEPC Working Group on Human Element.

15.30 The Committee agreed to the proposed amendments to the ISM Code by China and the Republic of Korea (MSC 84/15/3) to harmonize the requirement for the extension of the validity of Safety Management Certificate (SMC) with those of SOLAS certificates and International Ship Security Certificate (ISSC).

15.31 Having also agreed to the draft amendments to the ISM Code proposed by IACS (FSI 13/10/1), the Committee, accordingly, approved draft amendments to the ISM Code, set out in annex 20, and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, at MSC 85, with a view to adoption.

##### **Amendments to the Revised Guidelines on implementation of the ISM Code by Administrations (resolution A.913(22))**

15.32 The Committee considered the proposals in document MSC 84/15/5 (Austria *et al*) and expressed the view that the proposed amendments did not provide specific criteria to determine compliance with the requirements, but only provided a list of factors to be taken into account for consideration when seeking additional objective evidence to acquire an Interim Document of Compliance certificate and that criteria to assess the above-mentioned factors should be included in proposed paragraph 2.1.5 in order to provide better guidance. The Committee, however, did not agree to the proposed new paragraph 3.16.1.

15.33 The Committee noted the information in document FSI 12/4/3 (United Kingdom) related to the application of the ISM Code.

15.34 The Committee considered the proposal in document FSI 12/7/4 (Republic of Korea) and was of the view that:

- .1 specific intervals for the verification process was already reflected in the existing guidance and there was no need for duplication; and
- .2 with respect to the proposed amendments relating to standards on the transfer of ISM Code certification, the guidelines for Administrations and for recognized organizations (ROs) should be clearly delineated since requirements for transfer of flag and transfer of RO do not follow the same set of standards as proposed.

15.35 The Committee, noting that the amendments to these guidelines would only be adopted at the twenty-sixth session of the Assembly in November/December 2009, agreed that it would be more appropriate to prepare preliminary text at this session with a view to finalizing it at the next session of the Joint MSC/MEPC Human Element Working Group to be convened at MEPC 59.

15.36 Accordingly, the Committee noted a preliminary draft text of amendments to the Revised Guidelines on implementation of the International Safety Management (ISM) Code by Administrations and invited Member Governments and international organizations to submit comments and proposals for consideration at the next session of the Joint MSC/MEPC Working Group on Human Element for finalization with a view to adoption at A 26.

#### **SAFETY RECOMMENDATIONS FOR DECKED FISHING VESSELS OF LESS THAN 12 METRES IN LENGTH AND UNDECKED FISHING VESSELS**

15.37 The Committee considered document MSC 84/15/2 (Secretariat), containing the text of the preamble, chapters 1 and 11 of, and annex 1 to, the draft Safety recommendations (SLF 51/5), and agreed that chapter 11 of the proposed Safety recommendations provided information on the design, construction, equipment, training and protection of the crew of small fishing vessels that were at sea for more than 36 hours, took into account the human element and were therefore useful in promoting the safety of the vessel and safety and health of the crew.

15.38 In this context, the Committee endorsed the proposed amendments to chapter 1 (General provisions) of the draft Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels, as provided below:

- .1 in subparagraph 1.1.3, the word “similar” should be inserted between the words “any” and “body” and at the end of the sentence, the words “that is accessible from the sea” should be inserted after the word “water”; and
- .2 in subparagraph 1.1.4, the words “non-commercial” should be inserted between the words “to” and “vessels” and the words “used for sport or recreation” should be deleted,

and requested the Secretariat to forward the above comments to SLF 51.

## **THE ORGANIZATION'S STRATEGY TO ADDRESS THE HUMAN ELEMENT**

### **Near-miss data in accident and incident investigations**

15.39 The Committee, following consideration of document MSC 84/15/4 (Liberia) and relevant recommendations of the group (MSC 84/WP.6), agreed that there was a need to provide guidance to encourage companies and seafarers to document and record information on near-misses and hazardous situations in order to understand the precursors to events that were detrimental to safety and the marine environment, and approved draft MSC-MEPC.7 circular on Guidance on near-miss reporting, set out in annex 3 to document MSC 84/WP.6, subject to concurrent decision by MEPC 58.

### **OTHER ISSUES**

#### **Ongoing work of the Human Factors Task Group (HFTG) established by the industry**

15.40 The Committee considered document STW 39/6/1 (ICS *et al*) and noted that the STCW Convention related to training and certification of seafarers on board ships whereas the proposal by ICS *et al* also encompassed personnel working ashore in companies, port facilities and terminals. The Committee discussed concerns regarding the proposed tanker endorsement on matters relating to requirements for sea service, additional training and unnecessarily specific endorsements, revalidation and familiarization training that overburdened seafarers.

15.41 The Chairman of the STW Sub-Committee expressed concerns relating to the establishment, timing and the terms of reference of the correspondence group proposed by the working group and indicated that, as the proposed terms of reference for the correspondence group covered issues relating to seafarers serving on board tankers, this would have a bearing on the ongoing comprehensive review of the STCW Convention and the STCW Code.

15.42 Several delegations, supporting the concerns expressed by the Chairman of the STW Sub-Committee, expressed the opinion that any matters relating to training and certification of seafarers should only be discussed by the STW Sub-Committee. Furthermore, they also expressed the opinion that the criteria for revalidation and competency verification in the proposal were neither feasible nor sustainable. Accordingly, they did not support the establishment of the correspondence group with the proposed terms of reference.

15.43 One delegation made also reservations regarding the proposed correspondence group and its terms of reference on additional training for shore-based personnel. In their opinion, provisions in sections 5.2 and 6.5 of the ISM Code were sufficient to address training of shore-based personnel.

15.44 Several delegations, supporting the establishment of the correspondence group with the proposed terms of reference, recalled that the Inter-industry Human Factors Task Group had been established at the request of the Committee to study the reported incidents of explosions on chemical and product tankers under 20,000 dwt. In their opinion, the report had, perhaps, not been adequately presented.

15.45 However, the majority could not accept that consideration of seafarers training and certification issues by the proposed correspondence group, as this could potentially impede progress of the ongoing comprehensive review of the STCW Convention and the STCW Code. They further stated that the work of the correspondence group should only supplement and provide feed back to the ongoing work of the STW Sub-Committee.

15.46 Following the debate, the Committee concluded that:

- .1 the issues were very important and required careful consideration;
- .2 the issues involved both shipboard and shore personnel;
- .3 the ongoing comprehensive review of the STCW Convention and the STCW Code was under time constraints and any delay should be avoided;
- .4 input from the industry was appreciated; and
- .5 the outcome of discussions in the correspondence group should be reported to the *ad hoc* STW intersessional working group.

15.47 The Committee agreed that:

- .1 the *ad hoc* STW intersessional working group should allocate sufficient time to address familiarization training for shipboard personnel and review tanker specific training requirements for personnel with operational and management level responsibilities;
- .2 the correspondence group should take into account the outcome of the *ad hoc* STW intersessional working group;
- .3 the correspondence group should initially focus its work on shipboard personnel and provide the relevant input to the *ad hoc* STW intersessional working group and thereafter on shore-based personnel; and
- .4 the correspondence group should submit its report for consideration by the Joint MSC/MEPC Working Group on Human Element scheduled to meet during MEPC 59.

15.48 Taking into account the views expressed above, the Committee established a correspondence group under the coordination of ICS<sup>\*</sup>, with the following terms of reference:

Recognizing that STW 39/6/1 reflects work of the industry Human Factors Task Group (HFTG) on revised requirements for tankers endorsements, the correspondence group, taking into account the human element, as relevant, and the information contained in document STW 39/6/1, to:

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- .1 develop proposals for familiarization training for shipboard personnel;
- .2 develop proposals for familiarization training for operational shore-based personnel;
- .3 review tanker specific training requirements for personnel with operational and management level responsibilities on board tankers and shore-based staff with ship management responsibilities; and
- .4 submit a report to MEPC 59 for consideration by the Joint MSC/MEPC Working Group on Human Element.

### **Updated human element action plan**

15.49 The Committee approved the updated Human element action plan provided in the annex to MSC-MEPC.7/Circ.4 on the Organization's strategy to address the human element, subject to concurrent decision by MEPC 58.

## **16 FORMAL SAFETY ASSESSMENT**

### **General**

16.1 The Committee recalled that MSC 83, recognizing that there would be an outcome of MEPC 57 regarding environmental risk acceptance criteria and other submissions to this session, in particular related to the review of FSA studies, had agreed to retain the item in the provisional agenda for this session.

### **Review of FSA studies**

16.2 Recalling also that MSC 83 noted the possibility of holding an FSA Experts Group at MSC 86 as a working group to review of FSA studies submitted by Denmark (MSC 83/21/1, MSC 83/21/2, MSC 83/INF.3 and MSC 83/INF.8), the Committee considered document MSC 84/16, containing the outcome of MSC 83 on matters related to review of FSA studies and relevant parts of the Guidance on the use of HEAP and FSA (MSC-MEPC.2/Circ.6), and, having noted the procedures for the establishment of an FSA Experts Group prescribed in the aforementioned Guidance on the use of HEAP and FSA, agreed, in principle, to hold an FSA Experts Group for review of FSA studies at MSC 86. In this context, the Committee noted the information provided by the delegation of Denmark that they intend to submit, to MSC 85, the FSA studies on cruise ships and ro-pax ships, and an FSA study on oil tankers to MSC 86.

### **Outcome of MEPC 57**

16.3 The Committee noted that MEPC 57, having considered the report of the FSA Correspondence Group (MEPC 57/17), noted that, while progress had been made, divergent views had remained, and had re-established the correspondence group to further review the environmental risk acceptance criteria. The Committee also noted that MEPC 57, in the light of the work to be carried out, had agreed to request the Committee to retain the item in the provisional agenda for MSC 85.

## **Retention of the item in the agenda**

16.4 The Committee, recognizing that, at MSC 85, there would be an outcome of MEPC 58 regarding environmental risk acceptance criteria and submissions related to the review of FSA studies, agreed to retain the item in the provisional agenda for MSC 85, and encouraged Member Governments and international organizations to submit, to MSC 85, proposals and comments on matters related to the review of the FSA studies and arrangements for the FSA Experts Group.

## **17 PIRACY AND ARMED ROBBERY AGAINST SHIPS**

### **Comprehensive review of guidance for preventing and suppressing piracy and armed robbery against ships**

17.1 The Committee noted (MSC 84/17/1, Secretariat) that the Assembly, at its twenty-fifth session, had requested the Committee to undertake a comprehensive review of the guidance provided by the Organization for preventing and suppressing piracy and armed robbery against ships. This review should, *inter alia*:

- .1 take into account the current trends and practices of the perpetrators;
- .2 provide advice in cases where seafarers, fishermen and other mariners are kidnapped or held hostages for ransom; and
- .3 provide advice in cases where naval vessels and military aircraft seek to provide assistance or protection.

17.2 In this context, the Committee gave initial consideration to the proposals of Denmark (MSC 84/17/4) which offered a number of suggested enhancements to the guidance given in MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.3, in the light of the increased number of hijackings over the last year; the nature of the attacks; and the entry into force of the ISPS and ISM Codes.

17.3 During the discussions of the proposals of Denmark, the delegation of Yemen drew attention to the draft memorandum of understanding developed by the meeting held in Dar es Salaam, United Republic of Tanzania, which proposed, *inter alia*, the establishment of regional information centres in Yemen and Kenya. The delegation of Yemen thanked the Organization for its efforts to establish a regional maritime information centre for the Red Sea and Gulf of Aden through the meetings held in Sana'a in 2005 and Muscat in 2006; advised the Committee that work had already commenced to build such a centre in Sana'a; and called upon States in the region to sign, without delay, the regional agreements developed by the Sana'a/Muscat process and the Dar es Salaam meeting. The Committee noted the offer of Yemen to host a meeting to sign a regional agreement.

17.4 The delegation of Nigeria gave a verbal report on the outcome of the International Conference on Piracy and Armed Robbery at Sea held in Abuja, Nigeria from 28 to 30 April 2008, reiterating the remarks of the Secretary-General that "maritime security and the suppression of piracy and armed robbery against ships must therefore be a coordinated effort, both nationally and regionally. The "three Cs" of security: communication, cooperation and coordination are vital and we encourage Nigeria to lead the way in developing seamless inter-agency cooperation between police, military, intelligence, judiciary, industry and community stakeholders. Only by an open, honest and integrated approach to the enforcement of

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the rule of law from inland waterways to the outer extremities of the exclusive economic zone, will we have a chance of delivering the security that we all need". The delegation of Nigeria reported that the Conference had reached consensus on a pragmatic course of action and that results would be forthcoming, even if they were not immediately apparent.

17.5 Following discussions in which the proposals of Denmark were widely supported, the Committee decided that the best way to take the issue forward would be to establish a correspondence group to progress the matter intersessionally for further consideration at MSC 85.

17.6 The Committee noted that ITF (MSC 84/17/2) had questioned the effectiveness of the guidance for preventing and suppressing piracy and armed robbery against ships where, in their view, the vessels are inadequately manned and crews have been given insufficient training, information or technology to deal with these situations; and had called on flag States to actively take up the issue with Companies and take punitive action against those paying only lip service to effective manning levels.

#### **Establishment of a drafting group**

17.7 Following discussion in plenary, the Committee established an *ad hoc* drafting group to develop terms of reference for a correspondence group on the review and updating of MSC/Circ.622/Rev.1, MSC/Circ.623/Rev.3 and resolution A.922(22).

#### **Piracy and armed robbery against ships in waters off the coast of Somalia**

17.8 The Committee noted that the Assembly, at its twenty-fifth session, had adopted resolution A.1002(25) on Piracy and armed robbery against ships in waters off the coast of Somalia, and noted that operative paragraph 7 of resolution A.1002(25) had called upon Governments in the region to conclude, in cooperation with the Organization, and implement, as soon as possible, a regional agreement to prevent, deter and suppress piracy and armed robbery against ships. Pursuant to operative paragraph 7, plans were being made to convene, subject to the decision of the Council of IMO, an IMO-sponsored meeting for the conclusion and signing of such a regional agreement during the fourth quarter of 2008. To this end, a two-stage, sub-regional meeting on piracy and armed robbery against ships in the Western Indian Ocean had been held in Dar es Salaam, United Republic of Tanzania from 14 to 18 April 2008.

17.9 Following an oral briefing given by the Director, Maritime Safety Division, the Committee noted that the purpose of the sub-regional meeting had been to enhance the level of awareness of Governments in the region on issues relating to piracy and armed robbery against ships; to start a process of building their capacity to deal with related matters; and to prepare a draft regional agreement to be submitted for consideration with a view of adoption at a meeting to be convened, subject to the endorsement of the Council, later on this year, should the progress made during the sub-regional meeting justify so doing.

Over sixty participants from the following 13 States from the region attended the sub-regional meeting: Comoros, Egypt, Ethiopia, France, Kenya, Madagascar, Maldives, Mauritius, Seychelles, South Africa, Sudan, the United Republic of Tanzania and Yemen. The sub-regional meeting was hosted by the Government of the United Republic of Tanzania, supported by IMO and funded by the Organization's Technical Co-operation Fund. The United Nations Division for Ocean Affairs and the Law of the Sea, the United Nations Office on Drugs and Crime, the United Nations Political Office for Somalia, the World Food Programme, INTERPOL,



ReCAAP-ISC, BIMCO, Denmark, Kenya, the Republic of Korea, the United Kingdom, the United Republic of Tanzania, the United States of America and Yemen had also supported the meeting through their active participation as speakers.

During the meeting, these subject-matter experts gave presentations on a range of piracy related topics including:

- the situation in Somalia;
- the international legal framework;
- requirements for national legislation;
- civil military cooperation; and
- models for regional cooperation and capacity-building.

The meeting had been judged by the participants to be very successful, having progressed the issues of cooperation at both national and regional levels. The participants developed and agreed a draft Memorandum of Understanding concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean, the Gulf of Aden and the Red Sea, subject to further editorial and legal review and translation by IMO, for onward transmission to national authorities and the Council of IMO for its consideration.

The ultimate success or otherwise of this meeting would be evaluated in the context of the follow-up action taken by participating Governments to improve cooperation, coordination and communication nationally and throughout the Western Indian Ocean, Gulf of Aden and Red Sea, including the implementation of the Memorandum of Understanding concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean, the Gulf of Aden and the Red Sea.

17.10 In acknowledging the words of appreciation of a number of delegations for the efforts of the Secretariat to address the problem of piracy and armed robbery in waters off the coast of Somalia, the Secretary-General noted with satisfaction that, in the 24 years since the Organization had become actively involved in countering piracy and armed robbery against ships, the number of such incidents had been reduced significantly in South America, the South China Sea and the Straits of Malacca and Singapore, largely through the cooperative efforts of the States concerned and through regional initiatives, such as the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). The areas for concern were now in the Gulf of Guinea and in the waters off the coast of Somalia.

The Secretary-General paid tribute to the Council for its efforts to stir action by the United Nations Security Council (UNSC) by seeking consent, from the part of Somalia's Transitional Federal Government, for intervention, in the country's territorial sea, by naval vessels of third countries operating in Western Indian Ocean and Gulf of Aden waters. In 2005, the Council's action had resulted in a 'Presidential Statement' by the President of the United Nations Security Council, which had had a favourable impact on reducing piratical activities in the waters concerned. Currently, the adoption of a draft UNSC resolution was being considered, which would hopefully have good results in stemming the activities of pirates and armed robbers. The Secretary-General requested Members of the UNSC to support the adoption of the draft resolution; and all other members to promote, through the United Nations General Assembly, action to prevent piracy off the coast of Somalia.

## **Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia**

17.11 Recalling that the ReCAAP Information Sharing Centre had been launched on 29 November 2006, the Committee noted that the Council at its twenty-fourth extraordinary session, had considered and the Assembly, at its twenty-fifth regular session, had approved the proposed Agreement of Co-operation between IMO and the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against ships in Asia, the Committee noted ReCAAP's commitment to assisting in countering piracy and armed robbery against ships globally.

### **Reporting and investigation of acts of piracy and armed robbery against ships**

17.12 The Committee noted the proposals of ICC-IMB (MSC 84/17/3) to provide for an effective response against piracy and armed robbery against ships, through, *inter alia*, ICC-IMB being tasked with providing to the international maritime community, assistance with the implementation of the Code of Practice for the investigation of the crimes of piracy and armed robbery against ships; and with responsibility for receiving and promulgating reports of such acts.

17.13 The Committee also noted that both INTERTANKO (MSC 84/17/5) and BIMCO (MSC 84/17/6) supported the proposal by the ICC-IMB.

17.14 While thanking ICC-IMB and the IMB Piracy Reporting Centre in Kuala Lumpur for their valuable work, the majority of delegates who spoke expressed the view that jurisdiction over acts of piracy (on the high seas) and armed robbery against ships (within national jurisdiction) were State responsibilities and thus to encourage States to favour one commercial, albeit non-profit-making, entity would be inappropriate and inconsistent with international law.

17.15 Noting that there was support among many delegations and observers for many of the other proposals of ICC, the Committee instructed the drafting group to take document MSC 84/17/3 into account when developing terms of reference for the correspondence group, however, the correspondence group should not engage in discussion on elements which may undermine existing efforts including issues concerned with sovereign rights, jurisdiction and responsibilities of States under international law.

### **Statistical information**

17.16 The Committee recalled that, since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships have been circulated under the MSC.4/Circ. series. The annual report for the calendar year 2007 had been issued under the symbol MSC.4/Circ.115.

17.17 The Committee recalled that, since June 2001 and in accordance with the instruction of MSC 74, the MSC.4 circulars reporting on acts of piracy and armed robbery differentiated (in separate annexes) acts of piracy and armed robbery actually "committed" from "attempted" ones.

17.18 In considering document MSC 84/17 (Secretariat), the Committee noted that the number of acts of piracy and armed robbery against ships reported to the Organization and which had occurred in 2007 was 282 against 241 during the previous year, representing an increase of 17% from the figure for 2006.

17.19 The Committee observed that this 17 % increase in the reported acts of piracy and armed robbery against ships during the period under review was a cause for concern and was largely attributable to an increase in such criminal activities in the region of North East Africa, the Arabian Sea and off the coast of West Africa. The total number of incidents of piracy and armed robbery against ships, reported to have occurred or to have been attempted from 1984 to the end of March 2008, was 4,569. As emphasized in previous sessions of the Committee, much more still needed to be done to reduce this menace.

17.20 The Committee further observed that during the period under review (i.e., 1 January to 31 December 2007), it had emerged that the areas most affected (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, East Africa, West Africa, Indian Ocean, South America and the Arabian Sea and that most of the attacks worldwide have occurred or been attempted in territorial waters while the ships were at anchor or berthed.

17.21 The Committee expressed deep concern that in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. From the same information, it emerged that, during the period under review, twenty crew members had been killed, one hundred and fifty-three crew members were reportedly injured/assaulted. About one hundred and ninety crew members were reportedly taken hostage/kidnapped and two crew members were reportedly still unaccounted for. Sixteen ships had been hijacked.

17.22 The Committee concluded by urging, once again, all Governments and the industry to intensify and coordinate their efforts to eradicate these unlawful acts.

17.23 The Committee noted that despite numerous requests, at previous sessions of the Committee, the Secretariat still received very few, if any, reports from Member Governments on action they had taken with regard to incidents reported to have occurred in their territorial waters. The Committee reiterated the urgent need for all Governments to provide the Organization with the information requested.

### **Report of the drafting group**

17.24 Having received the report of the drafting group (MSC 84/WP.11), the Committee agreed to establish a correspondence group on the review and updating of MSC/Circ.622/Rev.1, MSC/Circ.623/Rev.3 and resolution A.922(22), under the coordination of Denmark\*, with the following terms of reference:

- .1 when proposing amendments to MSC/Circ.622/Rev.1, MSC/Circ.623/Rev.3 and resolution A.922(22), the correspondence group should:

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- .1 take into account the current trends and practices of the perpetrators, and regional responses thereto;
  - .2 take into account the special measures to enhance maritime security contained in SOLAS chapter XI-2 and the ISPS Code, which have been adopted by the Organization since the adoption or revision of MSC/Circ.622/Rev.1, MSC/Circ.623/Rev.3 and resolution A.922(22);
  - .3 consider the proposals of Denmark (MSC 84/17/4, annex), ITF (MSC 84/17/2), and ICC (MSC 84/17/3) specifically related to the revision of MSC/Circ.622/Rev.1, MSC/Circ.623/Rev.3 and resolution A.922(22); and
  - .4 consider the need for guidance to seafarers, fishermen and other mariners in case they are attacked, fired upon, kidnapped or held hostage by pirates and armed robbers;
- .2 the correspondence group should give an interim report to MSC 85 and submit its final report for consideration by MSC 86; and
  - .3 the correspondence group should engage in discussion on issues that complement existing efforts but not elements which may undermine such efforts including issues concerned with sovereign rights, jurisdiction and responsibilities of States under international law.

## **18 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY**

### **DEVELOPMENTS CONCERNING TECHNICAL COOPERATION ACTIVITIES**

#### **General**

18.1 The Committee noted the information provided in document MSC 84/18 on the safety- security- and facilitation-related activities executed in 2007 and those planned for 2008 under the Integrated Technical Co-operation Programme (ITCP) for the biennium 2008-2009 and was advised by the Secretariat of additional information on technical cooperation activities.

#### **Domestic ferry safety**

18.2 The Committee recalled that, at its eighty-second session, it was informed that the continual loss of life resulting from domestic ferry accidents had prompted IMO to develop an eight-phase plan concerning non-Convention ferry safety and invited the International Ferry Industry Association (INTERFERRY) to join in this effort. The two Organizations had signed a Memorandum of Understanding (MoU) in January 2006, formalizing their intent to work together towards enhancing the safety of domestic non-Convention ferries by collaborating, through IMO's Integrated Technical Co-operation Programme (ITCP).

18.3 The Committee recalled also that, at its eighty-third session, it had noted that after the Working Group meeting in Bangladesh in December 2006, the two Organizations were working on phase 5 of the plan on resource mobilization of funds for the project and that the first pilot project was under preparation and on completion of the project document, it would be launched once the funding from donors had been committed.

18.4 The Committee noted the information provided in document MSC 84/18 (Secretariat) that following the work by the two Organizations on resource mobilization, a needs assessment mission funded by the United Kingdom was conducted to evaluate the status of implementation of existing national regulations within the industry and the maritime Administration. Recommended modifications to the current regulations were agreed and will be effected by the Government of Bangladesh accordingly. It also noted that the establishment of an electronic national database to monitor the safety standards of domestic fleets was currently progressing through funding provided by the Government of the Republic of Korea.

18.5 The Committee further noted that a needs assessment mission, funded by Videotel, was carried out in March 2008 to gather salient information and materials for the preparation of the training modules dealing with site specific aspects of ferry safety. It also noted that, under a fund provided by the United States National Oceanographic and Atmospheric Administration, their experts would visit Bangladesh between June and July 2008 and work with the meteorological department to develop a user-friendly alert system on hazardous weather for masters and operators.

18.6 The Committee commended the Member States and organizations that had assisted in this project and urged Governments and industry to contribute to the IMO's technical cooperation programmes and requested the Secretariat to continue providing the Committee with updated information.

#### **IMO MODEL COURSE PROGRAMME**

18.7 The Committee noted the information in document MSC 84/18/1 (Secretariat) that 34 model courses had been translated into French and 38 model courses into Spanish. Of these translated model courses, 28 had been published in French and 30 in Spanish. The Committee requested the Secretariat to continue its follow-up and provide an updated report to MSC 85.

#### **13th General Assembly of Ministers of MOWCA**

18.8 The observer from the Maritime Organisation of West and Central Africa (MOWCA) informed the Committee that the MOWCA Member States continued their efforts to participate fully in the IMO initiatives to combat piracy and armed robbery against ships in the sub-region. He further informed the Committee that the 13th General Assembly of Ministers of MOWCA would be held in Dakar, Senegal from 29 to 31 July 2008, which would, among other issues, consider for adoption and signature, a Memorandum of Understanding (MOU) for the implementation of the MOWCA sub-regional Coast Guard Network and invited all members to participate.

#### **Sub-regional meeting on piracy and armed robbery against ships**

18.9 The delegation of the United Republic of Tanzania expressed its appreciation to the Organization for the support and assistance provided through national activities conducted under the IMO Integrated Technical Co-operation Programme (ITCP), in particular, the recently held Sub-regional meeting on Piracy and armed robbery against ships in the Western Indian Ocean in Dar es Salaam, Tanzania, from 14 to 18 April 2008.

## **19 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS**

### **Status of Conventions**

19.1 The Committee noted the information on the conventions, protocols and amendments thereto in respect of which IMO performs depositary functions and which are related to the work of the Committee, as at 29 February 2008 (MSC 84/19 and MSC 84/INF.13) and was advised orally by the Secretariat of additional information on instruments of ratification, acceptance, approval of, or accession to, safety-related IMO conventions and protocols deposited with the Secretary-General received on or after the date the above documents were prepared, i.e. the accessions by the Comoros to the 1988 SUA Convention and the 1988 SUA Protocol, and by Sierra Leone to the 1978 SOLAS Protocol and the 1995 STCW-F Convention; and the ratification by the Marshall Islands and Spain of the 2005 SUA Convention and the 2005 SUA Protocol.

### **Codes, recommendations, guidelines and other non-mandatory instruments**

19.2 The Committee recalled that MSC 83 had considered the comprehensive list prepared by the Secretariat (MSC 82/18/1 and MSC 82/INF.12) of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments, which had been adopted by resolutions or approved in the form of circulars.

19.3 The Committee also recalled that MSC 83 had referred the detailed consideration of the list annexed to document MSC 82/INF.12 to the relevant sub-committees for the identification of those instruments which might be relevant in the context of the collection of information on the implementation of non-mandatory instruments.

19.4 Having noted that, to date, only DE 51, STW 39 and COMSAR 12 had reported the outcome of their consideration of the relevant extracts of the list annexed to document MSC 82/INF.12, as prepared and updated by the Secretariat, the Committee agreed to consider the matter further at MSC 86 when the outcome of the consideration of this issue by all sub-committees will be available.

### **Building contract dates**

19.5 The Committee considered the proposal by IACS (MSC 84/19/1), which had also been submitted to MEPC 57, to develop guidance, in the form of a joint MSC-MEPC circular, on the building contract dates to be used for determining the application of relevant statutory regulations to the optional vessels, in the context of the construction of a series of vessels including specified optional vessels.

19.6 Having noted that MEPC 57 had endorsed the proposal by IACS and had invited the Committee to issue an MSC-MEPC circular with the proviso that the optional vessels should be built in the same yard and from the same plans as those of the initial series (MSC 84/2/3, paragraph 5.3), the Committee requested the Secretariat to prepare a draft MSC-MEPC circular, taking into account the outcome of MEPC 57, the clarifications provided by IACS when introducing document MSC 84/19/1 on the process followed by its members in the context of the new building contract containing an option for the construction of additional ships, and the comments made in plenary.

19.7 Having considered the text of the draft circular prepared by the Secretariat (MSC 84/WP.13), the Committee agreed to instruct FSI 16 to further consider the draft MSC-MEPC circular, together with the following suggested changes:

- .1 the text of the reference to the various dates should be kept as it appears in the regulations;
- .2 the word “yard” should be put in square brackets and followed by “[shipbuilder]”; and
- .3 the following paragraph should be added:

“The sets of amendments containing specifications regarding the contract date, the keel laying date or the delivery date should be applied as follows:

- .1 if a ship’s contract date occurs on or after the contract date specified for a particular set of amendments, the set of amendments should apply;
- .2 the keel laying date criteria should only be considered in the absence of a contract; and, if a ship’s keel laying date occurs on or after the keel laying date specified for a particular set of amendments, the set of amendments should apply; and
- .3 regardless of the ship’s contract date or keel laying date, if a ship’s delivery date occurs on or after the delivery date specified for a particular set of amendments, then that set of amendments should apply.

19.8 The FSI Sub-Committee was instructed to finalize the preparation of the draft MSC-MEPC.5 circular with a view to its approval by MEPC 58 and MSC 85.

## **20 RELATIONS WITH OTHER ORGANIZATIONS**

### **RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS**

#### **Applications for consultative status**

20.1 The Committee noted (MSC 84/20) that the Council had decided to:

- .1 grant consultative status to:
  - .1 the International Painting and Printing Ink Council (IPPIC);
  - .2 the International Fund for Animal Welfare (IFAW), on a provisional basis, for no more than two years, after which a review should be conducted; and
  - .3 the International Spill Control Organization (ISCO), on a provisional basis, for no more than two years, after which a review should be conducted;

- .2 defer its decision with regard to the application for consultative status of the Global Maritime Education and Training Association (GlobalMET) to C 100, pending its consideration by the Technical Co-operation Committee at its fifty-eighth session in June 2008;
- .3 convert the provisional consultative status granted to the International Maritime Health Association (IMHA) to full consultative status;
- .4 retain the consultative status of the Iberoamerican Institute of Maritime Law (IIDM);
- .5 retain the consultative status of the International Bar Association (IBA); and
- .6 accept the request of the Latin American Shipowners' Association (LASA) to withdraw its consultative status and maintain its privileged access to IMO documents.

#### **UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)**

20.2 The Committee, recalling its debate and decision taken on the proposal by Italy and Spain (MSC 84/22/5) under agenda item 22 (Work programme), noted the information provided by the Secretariat in document MSC 84/20/1 and requested it to keep the Committee updated on further United Nations inter-agency meetings on the treatment of persons rescued at sea.

#### **OUTCOME OF THE NINETEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL**

20.3 The Committee noted information provided by the Secretariat (MSC 84/20/2) on:

- .1 the decision taken by the nineteenth meeting of the Parties to the Montreal Protocol on the need to take all necessary actions to reduce reliance on halons in the maritime sector, taking into account the decreasing availability of halons for marine and aviation uses; and
- .2 the request made at FP 52 for IMO to assist in this effort by encouraging its Member States to collect data on the number of halon systems; number of ships so equipped; and total amount of halons installed on their merchant fleets, and to convey this information to the Ozone Secretariat for its use in completing the assignment it has received from the Parties to the Montreal Protocol.

20.4 The Committee further noted that MEPC 57 had agreed to a joint MSC-MEPC circular, set out in the annex to document MSC 84/2/3, requesting Members Governments to collect data on halons for the maritime sector and report this information directly to the Ozone Secretariat (MSC 84/2/3).

20.5 In this context, the Committee considered the comment by the Secretariat that the aforementioned joint circular requesting, in paragraph 4 of the cover note, shipowners, ship operators, shipping companies and all other interested entities to take appropriate action to reduce their reliance on halons, might be misunderstood to mean that halons could not be used to extinguish a fire on board a ship. Consequently, the Committee, in agreeing with the Secretariat, approved MSC-MEPC.1/Circ.3 on Decreasing availability of halons for marine use, having added a new paragraph 5 as follows:



“5 Notwithstanding the above request, operators of ships constructed before 1 October 1994, which may still have halon systems installed, should use such systems to extinguish a fire, if necessary, to ensure the continued safety of the ship. In addition, when an existing halon system is removed from a ship, the stored halons should be transferred to an approved halon.”

20.6 The delegation of Malta expressed the opinion that notwithstanding the above circular, more information was needed in the industry relating to the use of halons.

**UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND LAW OF THE SEA FOCUSING ISSUES ON MARITIME SECURITY AND SAFETY**

20.7 The Committee recalled that MSC 83 had noted the information provided by the Secretariat (MSC 83/23/2) that:

- .1 as requested by the Committee, the Secretariat had followed closely further developments at the UN level on the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the Consultative Process) and reported thereon, as appropriate, to previous sessions of the Committee;
- .2 the UN General Assembly, in its resolution 61/222 of 20 December 2006, had decided that the ninth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea in 2008 would focus its discussion on the topic “Maritime security and safety”; and
- .3 the Secretariat had already been contacted by the UN Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs requesting submission of information relevant to the topic of focus for the ninth meeting of the Consultative Process, “Maritime security and safety”, for inclusion in next year’s report and, in particular to provide information by November 2007 on:
  - .1 activities currently undertaken related to maritime safety and security; and
  - .2 matters which may require further action and any suggested recommendations, with an emphasis on areas where coordination and cooperation at the intergovernmental and inter-agency levels could be enhanced,

and had invited Member Governments to liaise with their relevant UN representatives at the national level, asking them to get involved in the preparation for the Consultative Process. MSC 83 had also requested the Secretariat to keep it informed of the further developments.

20.8 In this context, the Committee noted the information provided by the Secretariat (MSC 84/INF.2) as IMO’s contribution to the DOALOS office, for consideration by the Consultative Process.

20.9 The Committee also noted the updated comprehensive information relating to the schedule of activities for the forthcoming ninth meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea to be held from 23 to 27 June 2008 at the UN Headquarters in New York and requested the Secretariat to keep the Committee informed of the further developments.

20.10 The Committee further noted that the Secretariat had attended the recent preparatory meeting held at the New York Headquarters of the United Nations on 18 March 2008.

20.11 The delegation of the Netherlands appreciated the proactive approach of the Secretariat and expressed the opinion that every effort should be made to highlight the achievements of the Organization.

## **21 APPLICATION OF THE COMMITTEE'S GUIDELINES**

### **Amendments to the Committee's Guidelines**

21.1 The Committee recalled that MSC 83, having considered the recommendations of the 2007 Chairmen's meeting (MSC 83/WP.10), had agreed:

- .1 that intersessional working groups and technical groups should not be held at the same time as Committee or sub-committee meetings;
- .2 that splinter groups of a working group, if established, should meet outside normal working hours; and
- .3 to extend the deadline for submission of bulky information documents from 13 weeks to 9 weeks, if they were submitted in electronic format, and to amend the Committees' Guidelines accordingly.

21.2 The Committee noted that, as requested by MSC 83, the Secretariat had prepared proposed draft amendments to the Committees' Guidelines (MSC 84/21, annex), which reflected the relevant decisions taken by MSC 83 (see above paragraph 21.1) and also included the revised standard format for the IMO document (Circular letter No.2831), and that the same proposed draft amendments had been submitted to MEPC 57 (MEPC 57/WP.4) for consideration.

21.3 The Committee further noted (MSC 84/2/3, paragraph 17) that MEPC 57 had considered the report of the 2007 Chairmen's meeting and, having concurred with the decisions of MSC 83, approved the draft amendments to the Committees' Guidelines. The MEPC requested the Secretariat, once the draft amendments to the Guidelines had also been approved by MSC 84, to prepare a revised text of the Guidelines incorporating the amendments for dissemination by a new MSC-MEPC circular, which should supersede MSC-MEPC.1/Circ.1.

21.4 The Committee approved the draft amendments (MSC 84/21, annex) and requested the Secretariat to prepare and circulate the revised Committees' Guidelines by means of MSC-MEPC.1/Circ.2, which incorporate the approved amendments and supersede the existing Guidelines.

### **Guidelines on the application of the Strategic Plan and the High-level Action Plan**

21.5 The Committee noted (MSC 84/21, paragraphs 6 and 7) that C/ES.24 had established a correspondence group to develop guidelines on the application of the Strategic Plan and the High-level Action Plan, which would be reviewed by the *ad hoc* Council Working Group on the Organization's Strategic plan (CWGSP), so as to finalize and approve the guidelines at its one hundred and first session in November 2008. It also noted that, in operative paragraph 5 of resolution A.990(25) on High-level Action Plan of the Organization and priorities for the 2008-2009 biennium, the Committee had been requested to review and revise the

Committees' Guidelines on the organization and method of work in the light of the aforementioned guidelines to be developed by the Council.

### **Report of the 2008 Chairmen's meeting**

21.6 The Committee was advised that a meeting of the Chairmen of the Committees and sub-committees had been held on Saturday, 10 May 2008 and that the report thereof was contained in document MSC 84/WP.10. In this regard, the Committee noted that the issues related to the Strategic Plan for the Organization and High-level Action Plan (MSC84/22/20), on the reduction of meeting weeks (MSC 84/22/1, paragraph 3.1) and number of meeting groups (MSC 84/2/3, paragraph 18) had been addressed by the Chairmen's meeting. The Committee considered part of the report of the Chairmen's meeting on the issue of number of meeting groups (MSC 84/WP.10, paragraphs 27 to 30) and took action as indicated in the following paragraphs. The aforementioned other issues were considered under agenda item 22 (Work programme).

### **Number of meeting groups**

21.7 The Committee noted (MSC 84/2/3, paragraph 18) that, at MEPC 57, the delegation of the Bahamas, as supported by several delegations, had expressed the concern that the Committees' Guidelines were not being adhered to and that the increased number of working, drafting, technical and correspondence groups, including intersessional meetings, resulted in unrealistic timescales and priorities being allocated to work programme items as well as taxing the resources of Member Governments, in particular, the developing and least developed countries, as well as the Secretariat. Following the recommendation of the delegation that the next Chairmen's meeting should discuss ways to resolve these issues, the MEPC Chairman had assured MEPC 57 that these issues would be considered by the Chairmen's meeting to be held during MSC 84.

21.8 The Committee recalled that the same issue had been raised by the delegation of the Bahamas at MEPC 56 and by ICS in a letter to the Chairman of the Committee and the issue was considered at the 2007 Chairmen's meeting during MSC 83. In this regard, MSC 83 had recognized that the concerns raised by the delegation of the Bahamas and ICS were not new problems, in particular, in the case of the MEPC in the past few years and had agreed that the Committees' Guidelines should be strictly adhered to. At the same time it was recognized that in certain circumstances some flexibility was needed.

21.9 The Committee noted that the Chairmen's meeting had reiterated its recommendations of its last meeting, which MSC 83 and MEPC 57 had agreed to, that:

- .1 intersessional working groups and technical groups should not be held at the same time as Committee or sub-committee meetings; and
- .2 splinter groups of a working group, if established, should meet outside normal working hours.

21.10 The Committee further noted the recommendation of the meeting that the agenda management procedures specified in the Committees' Guidelines should be strictly adhered to and this will reduce the need for various groups at a meeting as well as intersessional meetings.

## **Review of the Committees' Guidelines**

21.11 The Committee noted that the Chairmen's meeting had agreed to review the Committees' Guidelines at the next meeting in the context of management of the work programme under the Strategic plan and planned outputs (see paragraph 22.82).

## **22 WORK PROGRAMME**

### **NEW WORK PROGRAMME ITEMS PROPOSED BY MEMBER GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS**

#### ***GENERAL***

22.1 Taking into account the recommendations made by the Sub-Committees which had met since MSC 83 (MSC 84/22, MSC 84/22/Add.1 and MSC 84/22/Add.2); various proposals for new work programme items submitted to the session by the Member Governments and international organizations; a preliminary assessment of such proposals, undertaken by the Chairman with the assistance of the Secretariat, in accordance with the relevant provisions of the Guidelines on the organization and method of work (MSC 84/WP.1) and decisions taken during the session, the Committee reviewed the work programmes of the Sub-Committees and the provisional agendas for their forthcoming sessions and took action as indicated hereunder.

22.2 The Committee recalled that, with regard to the Committee's method of work relating to the consideration of proposals for new work programme items, it had agreed at MSC 78 that the objective of the Committee when discussing these proposals was to decide, based upon justification provided by Member Governments in accordance with the Guidelines on the organization and method of work, whether the new item should or should not be included in the sub-committee's work programme. A decision to include a new item in a sub-committee's work programme does not mean that the Committee agreed with the technical aspects of the proposal. If it is decided to include the item in a sub-committee's work programme, detailed consideration of the technical aspects of the proposal and the development of appropriate requirements and recommendations should be left to the sub-committee concerned.

22.3 The Committee noted that MEPC 57 had approved the work programmes of the BLG and FSI Sub-Committees as well as the provisional agendas for BLG 13 and FSI 16, and the environment-related items on the work programmes of other sub-committees.

22.4 Prior to the Committee conducting its assessment of the proposed new work items submitted to the session, the delegation of the Netherlands supported by a number of other delegations, expressed its concern that some of the proposed new items did not have a clear reference to the planned outputs contained in resolution A.990(25), which is linked to the Organization's budget or new proposed planned outputs were developed, and, in their view, the question on related budget should be raised for items proposed to be dealt with during the biennium, also taking into account the impact such proposed work items may have on the existing workload for the particular sub-committees (see also paragraph 22.74).

## ***SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)***

### **Outcome of MEPC 57**

22.5 The Committee noted that MEPC 57 had agreed to include, in the work programme of the BLG Sub-Committee and the provisional agenda for BLG 13, high-priority items on “Review of relevant non-mandatory instruments as a consequence of the amended MARPOL Annex VI and the NOx Technical Code” and on “Amendments to MARPOL Annex I on the use and carriage of heavy grade oil on ships in the Antarctic area”, both with a target completion date of 2010.

### **Fixed hydrocarbon gas detection systems**

22.6 The Committee recalled that, following consideration of document MSC 84/22/7 (France, Finland and Germany) in the context of the FP Sub-Committee’s programme, it had agreed that the Sub-Committee should cooperate on the above issue, as necessary and when requested by the FP Sub-Committee (see also paragraph 22.16).

### **Work programme of the Sub-Committee and provisional agenda for BLG 13**

22.7 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 21. The Secretariat was requested to inform the MEPC accordingly.

22.8 The Committee approved the provisional agenda for BLG 13, as set out in annex 22 and requested the Secretariat to inform the MEPC accordingly.

## ***SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)***

### **Documentation for dangerous goods in packaged form**

22.9 Following consideration of document MSC 84/22/11 (United States), proposing to review documentation requirements for dangerous goods in packaged form and, if necessary, to prepare amendments to SOLAS regulation VII/4 and to the provisions of the IMDG Code that pertain to documentation, in order to remove ambiguities and inconsistencies in documentation aiming at facilitation of the safe and efficient transportation of dangerous goods in packaged form by sea, the Committee agreed to include, in the work programme of the DSC Sub-Committee and provisional agenda for DSC 13, a low-priority item on “Review of documentation requirements for dangerous goods in packaged form”, with a target completion date of 2009.

### **Effectiveness of the Container Inspection Programme**

22.10 The Committee considered document MSC 84/22/15 (Republic of Korea), proposing to consider the efficacy of the Container Inspection Programme (CIP) in order to encourage Member Governments to submit CIP reports and to develop strategies on how best to utilize the information submitted in accordance with MSC/Circ.1209 on Container Inspection Programmes (CIP) to reduce marine incidents with dangerous goods. The Committee agreed to include, in the work programme of the DSC Sub-Committee, a low-priority item on “Consideration for the efficacy of Container Inspection Programme”, with two sessions needed to complete the item.

**Dangerous goods container beacon**

22.11 Following consideration of document MSC 84/22/19 (Egypt), proposing that a beacon be installed on a container to facilitate search for, and recovery of, the lost container that carries dangerous goods in case of its falling in the sea, the Committee did not agree to the proposal.

**Work programme of the Sub-Committee and provisional agenda for DSC 13**

22.12 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 21. In this context, the Committee noted document MSC84/22/3, supporting the inclusion of the item on "Amendments to the International Convention for Safe Containers, 1972" in the Sub-Committee's work programme.

22.13 The Committee approved the provisional agenda for DSC 13, as set out in annex 22.

***SUB-COMMITTEE ON FIRE PROTECTION (FP)*****Tenders operating from passenger ships**

22.14 The Committee recalled that, following consideration of documents MSC 84/22/8 (United Kingdom) and MSC 84/22/24 (CLIA) in the context of the DE Sub-Committee's work programme, it had agreed to include in the work programme of the FP Sub-Committee, a high-priority item on "Safety provisions applicable to tenders operating from passenger ships", with three sessions needed to complete the item, assigning the DE Sub-Committee as a coordinator (see also paragraphs 22.51).

**Uniform implementation of SOLAS regulations II-1/8-1, II-2/21 and II-2/22**

22.15 Following consideration of document MSC 84/22/2 (Italy), proposing to prepare explanatory notes for the recently adopted SOLAS amendments related to the safe return to port concept for passenger ships with a view to ensuring a uniform implementation of SOLAS regulations II-1/8-1, II-2/21 and II-2/22, and document MSC 84/INF.3, providing additional information on the work already carried out by the shipping industry towards consistent application of the aforementioned requirements, the Committee agreed to include, in the work programme of the FP Sub-Committee and the provisional agenda for FP 53, a high-priority item on "Explanatory notes for the application of the safe return to port requirements", with a target completion date of 2010, in cooperation with the DE and SLF Sub-Committees, as necessary and when requested by the FP Sub-Committee.

**Fixed hydrocarbon gas detection systems**

22.16 The Committee considered document MSC 84/22/7 (France, Finland and Germany), proposing to expand the scope of the existing item on "Fixed hydrocarbon gas detection systems on double-hull oil tankers", in order to also consider means to avoid explosions in double spaces of double-hull oil tankers, after detection of hydrocarbon gas and, having noted the views of the observers from ICS, INTERTANKO AND OCIMF that the master should decide on the actions to be taken in such circumstances and that industry guidelines already adequately address this issue (i.e. ISGOTT), agreed to expand the existing high-priority item on "Fixed hydrocarbon gas detection systems on double-hull oil tankers" in the work programme of the FP Sub-Committee to consider also means to avoid explosions in double spaces of double-hull oil tankers after gas

detection, in cooperation with the BLG Sub-Committee as necessary and when requested by the FP Sub-Committee, and extended the target completion date of the expanded item to 2010.

### **Work programme of the Sub-Committee and provisional agenda for FP 53**

22.17 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 21.

22.18 The Committee approved the provisional agenda for FP 53, as set out in annex 22.

### ***SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)***

#### **Safety of persons rescued at sea**

22.19 The Committee considered document MSC 84/22/9 (Italy and Spain), proposing to examine the situation facing the crews of the ships that rescue persons at sea, with the aim of finding a satisfactory solution for the ships and providing adequate arrangements for those rescued at sea to ensure that they are disembarked at a safe place within a reasonable time, and noted that the FAL Committee has a correspondence group addressing issues related to the disembarkation of persons rescued at sea, which will be considered by FAL 35.

22.20 Having agreed from the outset that the proposed new work item met the criteria set out in the guidelines for approval of such work items, the Committee had divergent views on which body should be assigned the primary responsibility for the work to be undertaken.

22.21 The delegation of Malta, supported by several delegations, was of the strong opinion that the matter should be considered by the COMSAR Sub-Committee, or by the FAL Committee, and not by FSI Sub-Committee since it would have the technical expertise to deal with the complex issues involved, taking into account that issues involved were primarily focused on search and rescue.

22.22 The delegations of Spain and Italy, also supported by several delegations, were of the view that the matter should be addressed by the FSI Sub-Committee as this work was related to the implementation of the relevant SOLAS and SAR amendments and, in particular, the associated Guidelines as contained in resolution MSC.167(78).

22.23 Of the delegations who spoke on the issue, many delegations, while agreeing with the proposal for a new work programme item and agreeing that it was a major issue, did not specify the appropriate IMO body to deal with consideration of the matter, other than it should be addressed by the Organization.

22.24 Other delegations expressed caution in dealing with such a very sensitive matter, and referred to the fact that the Convention amendments only came into force in July 2006 as a result of an extremely delicate compromise which was achieved at MSC 78 after discussion over several years.

22.25 Following the discussion and having noted that the COMSAR Sub-Committee has the required expertise to consider measures on safety of persons at sea and the SOLAS and SAR amendments were developed by that Sub-Committee, the Committee agreed to include, in the work programmes of the COMSAR and FSI Sub-Committees, a high-priority item on "Measures to protect the safety of persons rescued at sea", with two sessions needed to complete the item,

and in the provisional agendas for COMSAR 13 and FSI 17; and, on practical grounds, decided to request the COMSAR Sub-Committee to consider the new item first and later on, in cooperation with the FSI Sub-Committee, to progress it in time for completion within the agreed time frame.

### **Arrangements for bottom inspections for passenger ships**

22.26 Following consideration of document MSC 84/22/10 (Bahamas), proposing to develop guidelines to ensure that sound technical judgement is exercised by Administrations which allow their passenger ships (other than ro-ro passenger ships) to have an inspection of the outside of the ship's bottom carried out in water, rather than in dry dock, the Committee, having included the relevant item in the DE Sub-Committee work programme, agreed to instruct the FSI Sub-Committee to develop appropriate amendments to the Survey Guidelines under the HSSC (resolution A.997(25)) to explain the possibility of alternative arrangement where one bottom inspection in dry dock may be substituted by a bottom inspection with the ship in water, (see also paragraph 22.52).

### **Development of a Code for Recognized Organizations**

22.27 The Committee considered document MSC 84/22/13 (Austria *et al*), proposing to develop a Code for Recognized Organizations to assist Administrations in meeting their responsibilities in recognizing, authorizing and monitoring their ROs; gather all the applicable RO requirements in a single IMO mandatory instrument; and amend the existing and applicable legal framework to ensure that the ROs are correctly audited by qualified and independent auditors with respect to the Code. The delegation of the Cook Islands reminded the Committee that the Organization had already established the Code for the Implementation of Mandatory IMO Instruments, which includes all the elements necessary to ensure that adequate procedures were followed in respect of the relationship between a flag State and its recognized organizations. Therefore, the delegation, with the support of a number of other delegations, questioned the need for the development of another code. However, the Committee agreed to include, in the work programme of the FSI Sub-Committee, a high-priority item on "Development of a Code for Recognized Organizations", with two sessions needed to complete the item, and instructed the FSI Sub-Committee to include the item in the provisional agenda for FSI 17.

22.28 In noting the above decision, the delegation of Panama, stated that the proposal for the above new work programme item did not demonstrate a compelling need since IMO already has adequate guidance on this matter. The full text of the statement is reproduced in annex 23.

22.29 The delegation of Saint Kitts and Nevis observed that many delegations stated that, in view of already existing mandatory and non-mandatory instruments, there was no compelling need for this work programme item, and that lack of clarity of the proposal was also raised by many delegations. The delegation pointed out that, as per various conventions, it is the Administration that is responsible for the accuracy of certificates issued. In view of this, it is the right and responsibility of the Administrations to monitor recognized organizations appointed by them.



## **Consideration of the Consolidated Audit Summary Report**

22.30 The Committee, having noted that A 25 requested (MSC 84/2/2, paragraph 6) the Committee and the MEPC to consider the consolidated audit summary report (A 25/8/2) and inform the Council, in due course, of the outcome of their consideration and that MEPC57, following the request of the Assembly, referred document A 25/8/2 to the FSI Sub-Committee for consideration and report to the MEPC, agreed to also instruct the FSI Sub-Committee to consider the audit summary report in part relating to the Committee's competence and report to MSC 86 for the Committee to inform the Council, as appropriate.

## **Work programme of the Sub-Committee and provisional agenda for FSI 16**

22.31 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 21. The Secretariat was requested to inform the MEPC accordingly.

22.32 The Committee approved the provisional agenda for FSI 16, as set out in annex 22 and requested the Secretariat to inform the MEPC accordingly.

22.33 Having noted, in the course of the discussion on new work programme items, some potential ambiguities regarding the expertise of the FSI Sub-Committee and confusion based on the name of this body, the Chairman of the FSI Sub-Committee recalled that, in accordance with its agreed terms of reference (MSC 80/20), the Sub-Committee is tasked with the consideration of matters related to the implementation of IMO instruments by States in their capacity as flag, port and coastal States, the development of instruments requiring technical expertise, as demonstrated by the outcome of its work.

22.34 In this context, the Chairman of the FSI Sub-Committee, supported by those chairmen of other sub-committees who intervened on this issue, invited Member States to continue providing a proper level of technical expertise in their delegations to the sub-committees in accordance with their work programmes.

## ***SUB-COMMITTEE ON RADIOCOMMUNICATIONS AND SEARCH AND RESCUE (COMSAR)***

### **Tenders operating from passenger ships**

22.35 The Committee recalled that, following consideration of documents MSC 84/22/8 (United Kingdom) and MSC 84/22/24 (CLIA) in the context of the DE Sub-Committee's work programme, it had agreed to include in the work programme of the COMSAR Sub-Committee, a high-priority item on "Safety provisions applicable to tenders operating from passenger ships", with three sessions needed to complete the item, assigning the DE Sub-Committee as a coordinator (see also paragraphs 22.51).

### **Rescue of persons at sea**

22.36 The Committee recalled that, following consideration of documents MSC 84/22/9 (Italy and Spain) in the context of the FSI Sub-Committee's work programme, it had agreed to include in the work programme of the COMSAR Sub-Committee and the provisional agenda for COMSAR 13, a high-priority item on "Measures to protect the safety of persons rescued at sea", with a target completion date of 2010, and instructed the above Sub-Committees to take into account the work being carried out by the FAL Committee, as appropriate (see also paragraph 22.25).

## **Work programme of the Sub-Committee and provisional agenda for COMSAR 13**

22.37 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 21.

22.38 The Committee approved the provisional agenda for COMSAR 13, as set out in annex 22.

### ***SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)***

#### **Review of the Principles for establishing the safe manning levels of ships – Mandatory provisions in SOLAS**

22.39 The Committee recalled that, following consideration of document MSC 84/22/22 (United Kingdom) in the context of the STW Sub-Committee's programme, it had agreed that the Sub-Committee should cooperate on the above issue, as necessary and when requested by the STW Sub-Committee (see also paragraph 22.68).

#### **Tenders operating from passenger ships**

22.40 The Committee recalled that, following consideration of documents MSC 84/22/8 (United Kingdom) and MSC 84/22/24 (CLIA) in the context of the DE Sub-Committee's work programme, it had agreed to include in the work programme of the NAV Sub-Committee, a high-priority item on "Safety provisions applicable to tenders operating from passenger ships", with three sessions needed to complete the item, assigning the DE Sub-Committee as a coordinator (see also paragraph 22.51).

#### **Safety zones around artificial islands, installations and structures in the Exclusive Economic Zone (EEZ)**

22.41 The Committee considered document MSC 84/22/4 (Brazil and United States), proposing to develop comprehensive guidelines for the consideration of requests for safety zones around artificial islands, installations and structures larger than 500 metres in Exclusive Economic Zones and providing an example of such guidelines, and agreed to include, in the work programme of the NAV Sub-Committee, a high-priority item on "Guidelines for consideration of requests for safety zones larger than 500 metres around artificial islands, installations and structures in the EEZ", with two sessions needed to complete the item.

22.42 In this regard, the Committee noted the views of several delegations that other issues (e.g., safety zones around offshore wind farms, notification areas, etc.) should be considered under this new work item and instructed the Sub-Committee to take these views into account.

#### **Voyage data recorders**

22.43 The Committee considered documents MSC 84/22/17 and MSC 84/22/18 (Egypt), proposing to consider, under existing item on "Amendments to the Performance Standards for VDR and S-VDR":

- .1 in the context of failure of VDR, definition of basic elements of VDR data connection, allowance for the possibility of a period of repair for the elements

connected to VDR and increase of the flexibility in order to decrease ship detention in case of VDR failure; and

- .2 in the context of attachment of floating capsule, the need to attach a floating capsule to the fixed one minimizing the time and risks of search for capsule and reducing search and rescue cost.

22.44 Following the discussion, the Committee agreed to expand the existing item on “Amendments to the Performance standards for VDR and S-VDR” in the work programme of the NAV Sub-Committee to consider the proposal contained in document MSC 84/22/18, and increased the number of sessions needed to complete this work item to three sessions, having decided that the proposal for the new work item in document MSC 84/22/17 did not demonstrate the compelling need in accordance with guidelines.

#### **Work programme of the Sub-Committee and provisional agenda for NAV 54**

22.45 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 21.

22.46 The Committee approved the provisional agenda for NAV 54, as set out in annex 22.

#### ***SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)***

#### **Uniform implementation of SOLAS regulations II-1/8-1, II-2/21 and II-2/22**

22.47 The Committee recalled that, following consideration of document MSC 84/22/2 (Italy) in the context of the FP Sub-Committee’s programme, it had agreed that the Sub-Committee should cooperate on the above issue, as necessary and when requested by the FP Sub-Committee (see also paragraph 22.15).

#### **Thermal performance of immersion suits**

22.48 The Committee considered document MSC 84/22/5 (Japan), proposing to amend the requirements of the LSA Code and the Revised recommendation on testing of life-saving appliances relevant to the evaluation of the thermal performance of immersion suits, with a view to introducing a new test procedure based on the “reference test device” concept, and agreed to include, in the work programme of the DE Sub-Committee, a high-priority item on “Thermal performance of immersion suits”, with two sessions needed to complete the item.

#### **Rectification of requirements for life-saving appliances**

22.49 The Committee considered document MSC 84/22/6 (Japan), proposing to rectify errors and inconsistencies in the Revised recommendation on testing of life-saving appliances, as amended by resolutions MSC.200(80) and MSC.226(82), and agreed to include, in the work programme of the DE Sub-Committee, a high-priority item on “Amendments to the Revised recommendation on testing of life-saving appliances”, with two sessions needed to complete the item.

### **Tenders operating from passenger ships**

22.50 The Committee considered document MSC 84/22/8 (United Kingdom), proposing to develop provisions for the design, equipment and operation of tenders carrying passengers and crew from passenger ships to shore, to ensure that a consistent approach is adopted, together with document MSC 84/22/24 (CLIA), in which CLIA pointed out that its members have conducted, without serious incidents, numerous tender vessel operations each year involving tens of thousands of passengers and, therefore, CLIA could not support the proposal by the United Kingdom without details of tender vessel casualties and more specific guidance as to the scope of the work to be undertaken, bearing in mind that the above proposal might result in over-regulation of an already safe operation.

22.51 Following the discussion, the Committee agreed to include, in the work programmes of the DE, FP, COMSAR, NAV, SLF and STW Sub-Committees, a high-priority item on “Safety provisions applicable to tenders operating from passenger ships”, with three sessions needed to complete the item, assigning the DE Sub-Committee as a coordinator.

### **Arrangements for bottom inspections for passenger ships**

22.52 The Committee considered document MSC 84/22/10 (Bahamas), proposing to develop guidelines to ensure that sound technical judgement is exercised by Administrations which allow their passenger ships (other than ro-ro passenger ships) to have an inspection of the outside of the ship’s bottom carried out in water, rather than in dry dock, and to ultimately amend the Survey Guidelines under the HSSC (resolution A.997(25) to explain the possibility of alternative arrangement where one bottom inspection in dry dock may be substituted by a bottom inspection with the ship in water, and agreed to include, in the work programme of the DE Sub-Committee, a high-priority item on “Alternative arrangements for bottom inspection requirements for passenger ships other than ro-ro passenger ships”, with one session needed to complete the item (see also paragraph 22.26).

### **New work programme proposed by DE 51**

22.53 In consideration of the proposal by DE51 to include a new item on “Definition of the term bulk carrier” in the Sub-Committees work programme, the Committee recalled that the matter had been dealt with under agenda item 11 (Ship design and equipment) (see paragraphs 11.24 to 11.30).

### **Work programme of the Sub-Committee and the provisional agenda for DE 52**

22.54 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 21.

22.55 The Committee, approved the provisional agenda for DE 52, as set out in annex 22.

### ***SUB-COMMITTEE ON STABILITY AND LOAD LINES AND FISHING VESSELS SAFETY (SLF)***

### **Uniform implementation of SOLAS regulations II-1/8-1, II-2/21 and II-2/22**

22.56 The Committee recalled that, following consideration of document MSC 84/22/2 (Italy) in the context of the FP Sub-Committee’s programme, it had agreed that the Sub-Committee

should cooperate on the above issue, as necessary and when requested by the FP Sub-Committee (see also paragraph 22.15).

### **Tenders operating from passenger ships**

22.57 The Committee recalled that, following consideration of documents MSC 84/22/8 (United Kingdom) and MSC 84/22/24 (CLIA) in the context of the DE Sub-Committee's work programme, it had agreed to include in the work programme of the SLF Sub-Committee, a high-priority item on "Safety provisions applicable to tenders operating from passenger ships", with three sessions needed to complete the item, assigning the DE Sub-Committee as a coordinator (see also paragraph 22.51).

### **Specific ship stability requirements for ro-ro passenger ships**

22.58 The Committee considered document MSC 84/22/12 (Austria *et al*), proposing to review the damage stability requirements of the revised SOLAS chapter II-1, which will enter into force on 1 January 2009, to ensure that the issue of water on deck, which is a specific safety concern for ro-ro passenger ships, is adequately addressed within those requirements; and document MSC 84/22/23 (CESA), wherein, supporting in general, the proposal to review ship stability requirements for ro-ro passenger ships, CESA, while pointing out that the combined use of the revised SOLAS chapter II-1 and the Stockholm Agreement would not be appropriate, as they are based on different concepts, expressed the opinion that the decision could be taken only after the technical background of the proposal is made available and that the scope of the review should also address the issue of compatibility of the revised SOLAS chapter II-1 damage stability requirements with other legislation still regulating the design of ro-ro passenger ships.

22.59 Following the discussion, the Committee agreed to include, in the work programme of the SLF Sub-Committee, a high-priority item on "Damage stability regulations for ro-ro passenger ships", with two sessions needed to complete the item, and instructed SLF 51 to give a preliminary consideration to the matter and to include the item in the provisional agenda for SLF 52. In this regard, Member Governments and international organizations were invited to submit any studies on the above matter to SLF 52.

### **Preparation of a draft Agreement on the Implementation of the 1993 Torremolinos Protocol**

22.60 The Committee considered document MSC 84/22/21 (Iceland), proposing to prepare a draft Agreement on the implementation of the 1993 Torremolinos Protocol to facilitate and expedite the earliest possible entry into force of the 1993 Torremolinos Protocol, as called for under resolution A.1003(25) with a view to identifying the revisions to the 1993 Protocol which may be needed to make the Protocol acceptable to the required number of Governments to ensure the early entry into force, together with document MSC 84/22/16 (Secretariat), summarizing the outcome of Joint FAO/ILO Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters (JWG), MSC 83 and A 25, taking into account the conclusions of the Beijing Regional Seminar on Implementation of the 1993 Torremolinos Protocol and the study conducted by an IMO consultant on the conditions for the entry into force of the Protocol; and inviting the Committee to consider including a new work programme in the Sub-Committee's work programme to explore options to facilitate and expedite the earliest entry into force of the Protocol.

22.61 In considering the matter, the Committee noted that the JWG considered a proposal by the consultant for adoption of a new Protocol and, with regard to revision of provisions of the Protocol, two options for achieving this, i.e. statement of understanding for suspending the application of provisions of the Protocol and agreement relating to the implementation of the Protocol and recommend that IMO, in cooperation with FAO explore options and in particular, the possibility of preparation of a draft Agreement relating to the implementation of the Protocol. In this regard, the Committee recalled that MSC 83 had concurred with the recommendations of JWG.

22.62 Following the discussion, the Committee agreed to include, in the work programme of the SLF Sub-Committee, a high-priority item on “Development of an agreement on the implementation of the 1993 Torremolinos Protocol”, with two sessions needed to complete the item, in cooperation with other appropriate sub-committees as necessary and when requested by the SLF Sub-Committee, and instructed SLF 51 to give a preliminary consideration to the item and to include it in the provisional agenda for SLF 52.

### **Outcome of MEPC 57**

22.63 The Committee noted that MEPC 57, in considering documents MEPC 57/20 and MEPC 57/INF.18 regarding the impact small pleasure and fishing craft have on the marine environment and possible action by IMO, had invited the Committee to consider, in the context of the work on the safety of fishing vessels, adding the issue of reducing oil discharges to the work programme and, following the discussion, agreed to refer the documents to the Sub-Committee and instruct it to consider the issue and advise the Committee as appropriate.

### **Work programme of the Sub-Committee and the provisional agenda for SLF 51**

22.64 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 21.

22.65 The Committee approved the provisional agenda for SLF 51, as set out in annex 22.

### ***SUB-COMMITTEE ON STANDARDS OF TRAINING AND WATCHKEEPING (STW)***

#### **Tenders operating from passenger ships**

22.66 The Committee recalled that, following consideration of documents MSC 84/22/8 (United Kingdom) and MSC 84/22/24 (CLIA) in the context of the DE Sub-Committee’s work programme, it had agreed to include in the work programme of the STW Sub-Committee, a low-priority item on “Safety provisions applicable to tenders operating from passenger ships”, with three sessions needed to complete the item, assigning the DE Sub-Committee as a coordinator (see also paragraph 22.51).

#### **Model procedures for executing shipboard emergency measures**

22.67 Following consideration of document MSC 84/22/14 (Republic of Korea), proposing that a model procedure for executing shipboard emergency measures be developed to standardize the emergency drills for crew in case marine emergency on board and port State control (PSC) inspections for PSC officers, the Committee agreed to include, in the work programme of the STW Sub-Committee, a low-priority item on “Development of model procedure for executing shipboard emergency measures”, with two sessions needed to complete the item.

## **Review of the Principles for establishing the safe manning levels of ships – Mandatory provisions in SOLAS**

22.68 The Committee considered document MSC 84/22/22 (United Kingdom), proposing to review SOLAS regulation V/14 with a view to making the formal process for the determination of safe manning levels of vessels mandatory, in order to standardize the processes for the determination of safe manning levels, and agreed to include, in the work programme of the STW Sub-Committee and provisional agenda for STW 40, a high-priority item on “Mandatory requirements for determining safe manning”, with a target completion date of 2010, in cooperation with the NAV Sub-Committee, as necessary and when requested by the STW Sub-Committee.

22.69 In noting the above decision, several delegations expressed the view that the proposal for the above new work programme item did not demonstrate a compelling need since matters related to safe manning were still under discussion within the STW Sub-Committee.

### **Work programme of the Sub-Committee and the provisional agenda for STW 40**

22.70 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 21.

22.71 The Committee approved the provisional agenda for STW 40, as set out in annex 22.

## **FOLLOW-UP TO THE TWENTY-FIFTH SESSION OF THE ASSEMBLY**

### ***GENERAL***

22.72 Having considered the outcome of the twenty-fifth session of the Assembly (MSC 84/22/1 and MSC 84/22/20) and the action the Committee had been requested to take, the Committee made the following decisions as outlined in paragraphs 22.73 to 22.87 below.

### **Matters relating to specific requests for action in the context of resolutions adopted by A 25**

22.73 In the context of resolution A.991(25) – *Programme budget for the twenty-fifth financial period 2008-2009*, the Committee noted that it had been requested, taking into account that the sub-total of the Sub-Committee meeting weeks for 2009 was calculated as seven meeting weeks (not nine meeting weeks), to decide on the two Sub-Committee meetings which will not be held in 2009. The Committee, having been informed that the FAL Committee would not be meeting in 2008, decided that only one Sub-Committee meeting should not be held in 2009. Consequently, the Committee, taking into account the analysis conducted by the Secretariat in consultation with the Committee and Sub-Committee Chairmen for the meeting schedule for 2009 and relevant recommendations of the 2008 Chairmen’s Meeting, decided that SLF 52 should be held in 2010 in lieu of 2009.

22.74 In this context, the United Kingdom delegation commented that when the budget for the 2010-2011 biennium is considered by Council, attention will be given to the number of meeting weeks. Given that many members of Council have a national position of zero real growth, some may consider that seven meeting weeks is now the norm. In reply, the Director, Maritime Safety Division, confirmed that the Committee Chairmen will prepare proposals for the number of meeting weeks needed in the 2010-2011 biennium for consideration at MSC 85.

22.75 The Committee noted that it had been requested by A 25:

- .1 in the context of resolution A.996(25) – *Code for the Implementation of Mandatory IMO Instruments, 2007*, to keep, in cooperation with the MEPC, the Code under review and, in coordination with the Council, to propose amendments thereto to the Assembly;
- .2 in the context of resolution A.997(25) – *Survey Guidelines under the Harmonized System of Survey and Certification, 2007*, to keep, in cooperation with the MEPC, the Survey Guidelines under review and to amend them as necessary;
- .3 in the context of resolution A.999(25) – *Guidelines on voyage planning for passenger ships operating in remote areas*, to keep the Guidelines under review and to amend them as appropriate;
- .4 in the context of resolution A.1001(25) – *Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS)*, to:
  - .1 apply the criteria set out in the annex to the resolution, through the procedure set out in section 2 of the annex to the resolution, to evaluate satellite systems notified by Governments for possible recognition for use in the GMDSS, within the context of the relevant regulations of SOLAS chapter IV;
  - .2 ensure that mobile satellite communication systems recognized by the Organization for use in the GMDSS are compatible with all appropriate SOLAS requirements, and also that such recognition takes into account existing operational procedures and equipment performance standards;
  - .3 keep the criteria under review and to take appropriate action as necessary to secure the long-term integrity of the GMDSS; and
  - .4 in the context of resolution A.1002(25) – *Piracy and armed robbery against ships in waters off the coast of Somalia*, to review and update, as a matter of urgency, MSC/Circ.622/Rev.1, MSC/Circ.623/Rev.3 and resolution A.922(22), taking into account current trends and practices, and recalled that the matter had been dealt with under agenda item 17 (Piracy and armed robbery against ships) (see also paragraphs 17.7 and 17.24).

## **Strategic plan of the Organization and High-level action plan and priorities**

### ***General***

22.76 The Committee noted the information, in document MSC 84/22/20 (Secretariat), on the action requested by A 25 in the context of resolution A.989(20) on the Strategic plan for the Organization and resolution A.990(25) on the High-level action plan of the Organization and priorities for the 2008-2009 biennium; and on the relevant decisions of the Council, at its twenty-fourth extraordinary session, and the Assembly, at its twenty-fifth session, in particular on those referred to in paragraphs 2 and 3 of the document.



22.77 In particular, the Committee noted that, in the context of the aforementioned resolution A.989(25), it had been requested to bear in mind, when making recommendations for the work programme during the Strategic Plan period, the desirability of not scheduling more than one diplomatic conference in each year, save in exceptional cases, and, in the context of resolution A.990(25), to:

- .1 ensure, when reporting on the work to the Assembly at its twenty-sixth regular session and to the Council at its sessions during the 2008-2009 biennium, that the Committee reports progress towards fulfilling the Organization's aims and objectives using the framework of the strategic directions, high-level actions and planned biennial outputs;
- .2 ensure, when considering proposals for new work programme items, that, in accordance with the Guidelines on the organization and method of work, the issues to be addressed are those which fall within the scope of the Strategic Plan and the High-level Action Plan; and
- .3 review and revise the Guidelines on the organization and method of work in the light of the guidelines, developed by the Council, on the application of the Strategic Plan and the High-level Action Plan.

22.78 In the context of this item, the Committee noted that the Council, at its twenty-fourth extraordinary session, had agreed that greater emphasis needs to be given to ongoing efforts in the following areas:

- .1 addressing the safety of non-Convention ships;
- .2 monitoring and acting on, as may be necessary, the unexpected increase in accidents, particularly in the tanker sector, which arose in late 2006/early 2007;
- .3 in this regard, continually strengthening IMO's role with respect to the human element;
- .4 improving the PSC non-compliance rate by promoting greater efforts by all parties in the chain of responsibility;
- .5 addressing the safety of life and navigation in waters affected by acts of piracy and armed robbery; and
- .6 promoting and raising the profile, quality and environmental consciousness of shipping, and ensuring that these are permanent tasks of all concerned.

22.79 The Committee further noted that the Council, at its twenty-fourth extraordinary session, having approved the updated Strategic Plan for the Organization (for the six-year period 2008-2013) and updated High-level Action Plan of the Organization and priorities for the 2008-2009 biennium, for submission to A 25 for adoption, had endorsed related recommendations for necessary action, as applicable, by all IMO organs (which aimed at promoting increased coherence, through the Organization, in the tasks of strategic planning, work programme construction, budgeting, performance monitoring and assessment of results and instilling, in IMO's day-to-day work, a culture of systematic and permanent referral to the Strategic and High-level Action Plans), as follows:

- .1 all IMO organs should, sufficiently early in their agendas for each session, set aside adequate time for the systematic consideration of the high-level actions and their associated priorities, and their connection to the strategic directions;
- .2 all IMO organs should ensure that:
  - .1 their planned activities and, hence, the outputs thereof, are accurately and concisely described in the High-level Action Plan; and
  - .2 the production of such outputs is systematically and regularly monitored;
- .3 when considering their work programmes and provisional agendas for their next sessions, all IMO organs should, under each item, cross-reference the related strategic directions and high-level actions;
- .4 Sub-Committees should, in reporting to the Committees on their work programmes, report on the status of their planned outputs;
- .5 guidelines on the application of, and reporting on, the Strategic and High-level Action Plans should be developed, with input from all Chairmen, to facilitate the work of all IMO organs by promoting a greater understanding within the Organization, of the interconnection between the Strategic and High-level Action Plans and the planned biennial outcomes. They should include guidance for the assessment of work programme items and for the format and content of reports on work carried out by the respective IMO organs;
- .6 all IMO documents, especially proposals for new work programme items (as already required by the Committees' revised Guidelines on organization and methods of work), should demonstrate, where feasible, the linkages to the Strategic and High-level Action Plans by including, in the summary table at the beginning of each document, references to the related strategic direction(s), high-level action(s) and planned output(s);
- .7 the Council and the Committees should issue, possibly as an information paper that could be prepared by the respective Chairmen with the Secretariat, following the conclusion of their respective sessions, a table indicating the status of their outputs;
- .8 the Secretariat should prepare regularly a similar table on the status of its own outputs, for consideration by the Council;
- .9 the report on the delivery of planned biennial outputs should, as from the 2008-2009 biennium, be annexed to the report of the Council to the Assembly on the work of the Organization since the previous session of the Assembly,

and that, in addition, the Council, at its ninety-eighth session, when considering the recommendations of the aforementioned group at its sixth session, had agreed, *inter alia*, that:

- .10 in identifying and articulating their planned outputs, the Committees should, firstly, give full consideration to ensuring that their outputs will contribute to the Organization meeting its aims and objectives as described in the high-level

actions and strategic directions of the Strategic Plan. In so doing, they should also consider how they can each address all of the agreed high-level actions;

- .11 to assist the work of the Committees in identifying their planned outputs, they should, where feasible, have before them the planned outputs of other Committees so as to ensure consistency and capture of relevant synergies; and
- .12 the Committees should be invited, when instructed or agreeing to develop new IMO instruments, to specifically indicate a planned time for completion of the work.

22.80 In the context of the discussion of the above recommendations, the Committee considered the proposals by the Chairmen's meeting (MSC 84/WP.10) and took action as outlined in the following paragraphs.

### **Table of planned output**

22.81 With regard to the recommendations of the Chairmen's meeting on the present table of planned output, the Committee generally agreed that:

- .1 the present table of planned output prepared for resolution A.990(25) contained some parts which do not precisely provide the actual work programmes of the sub-committees and needed to be reviewed by all sub-committee Chairmen together with respective Secretaries to recover any missing work programme items of the sub-committees and improve the accuracy of the table;
- .2 the table of planned output should also be reviewed by the Committees during the biennium in question and should be revised to include any urgent new work programme items and that such updating should be informed to the Council for endorsement; and
- .3 the table of planned output should also provide entries on the status of work of the sub-committees on the long-term work programme items which would not yield the final output in the biennium in question,

and, having noted the plan of the Council correspondence group to provide the outcome of the work and any recommendation for the Council in 2009, further agreed to start updating the table of the planned output at this session of the Committee (see document MSC 84/INF.15).

22.82 The Committee agreed that, if the Strategic Plan and the table of planned output are to be used to manage the work programme of the Committees, then proper guidelines should be developed and the Committees' Guidelines should be reviewed accordingly. The Committee noted that the Chairmen's meeting had agreed to discuss this issue at the next meeting in 2009 in depth and invited Chairmen to provide any proposals for consideration at the next session. In this context, the Committee agreed that the agenda management procedure specified in paragraphs 3.13 to 3.25 of the Committees' Guidelines should be applied so that the agendas of all the Sub-Committees are manageable.

### **Recommendations of a general nature relating to preparation of the High-level Action Plan**

22.83 The Committee considered the Chairmen's meeting recommendations regarding Council's recommendations referred to in paragraphs 22.79.1, .2, .10, .11 and .12 and agreed to their inclusion in the Guidelines on the organization and method of work, as appropriate, so that the Committee can make best use of them when preparing the Committee's proposals for the High-level Action Plan.

### **Cross-referencing of work to the strategic directions, high-level actions and planned outputs**

22.84 With regard to the Council's recommendations referred to in paragraph 22.79.3 regarding cross-referencing related to strategic directions and high-level actions; and paragraph 22.78.6 regarding the referencing in the summary table of all IMO documents to Strategic and High-level Action Plans, the Committee noted that the following actions had been taken to date:

- .1 all documents submitted to IMO meetings now contain, in the summary box, reference links to the strategic directions, high-level actions and planned outputs for the biennium;
- .2 that the work programmes of the sub-committees now link each work programme item to the strategic directions, high-level actions and planned outputs for the biennium; and
- .3 that the document on Preliminary assessment of proposals for new work programme items includes an assessment of whether new proposals are within the scope of the Organization's Strategic and High-level Action Plans, including related cross-references,

and agreed that no further administrative cross-referencing activities are needed.

### **Format and procedure for reporting of planned outputs by the Sub-Committees**

22.85 In respect to the Council's recommendation referred to in paragraph 22.79.4, stating that the sub-committees should, in reporting to the Committees on their work programmes, report on the status of their planned outputs, the Committee agreed to the following procedure:

- .1 the sub-committees, at each respective session, should prepare and annex to their respective reports, a report on the status of their planned outputs in the High-level Action Plan for the respective biennium in the format proposed in the annex to document STW 39/WP.1, for the Committee's consideration and endorsement; and
- .2 regarding the terminologies to be used to describe the status of the planned outputs, the term "ongoing" should not be used and actual progress of work must be reflected and, in addition, the status of work on the long-term work programmes should also be provided.

### **Committee's reporting on the status of planned outputs to the Council**

22.86 Following the recommendations of the Chairmen's meeting with regard to paragraphs 22.79.7 and 22.79.9, the Committee agreed that the Chairman of the Committee and the Secretariat should, following conclusion of the respective session, issue as an information paper, a table indicating the status of planned outputs, covering any missing work programme items or new work programme as well as the status of progress of long-term work programme items, at each session of the Committee.

### **Proposals for the High-level action plan of the Organization and priorities for the 2010-2011 biennium**

22.87 In the context of the item, the Committee requested the Secretariat to prepare, in line with the above recommendations, proposals for the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium, for consideration at MSC 86 for submission to C 102 for appropriate action.

### **Flexibility on the number of groups**

22.88 The Committee, during the discussion on the DE Sub-Committee's work programme, considered the best ways to deal with high-priority items and endorsed the view of the Chairman of the DE Sub-Committee that more flexibility on the number of correspondence and working groups is needed to deal expeditiously with such items. In this regard, the Secretary-General indicated that the Council would consider the Secretary-General's document C 100/15(b) on the Joint Inspection Unit's recommendations, in particular in respect of reduction of the number of meetings, and invited delegations to keep their thoughts in mind when the above document is discussed by the Council.

22.89 The delegation of the Bahamas, supported by a number of delegations shared the concerns raised by the Chairman of the DE Sub-Committee, in particular those concerning the number of working, drafting and correspondence groups required within the constraints of the Guidelines on the organization and method of work. The delegation also drew attention to the burden on Members trying to cope with the demands of the groups, even when there was no implication on the budget of IMO. The number of intersessional and correspondence groups continued to grow and this was an increasing drain on the financial and human resources of Members. One result of this was that decisions were being taken after the work of only a few Member States and observers.

### **INTERSESSIONAL MEETINGS**

22.90 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 3.40 of the Guidelines on the organization and method of work, as well as the Committee's decision at MSC 66, that all sub-committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justified request for consideration, the Committee, taking into account decisions made under various agenda items, approved the following intersessional meetings:

- .1 the Joint ICAO/IMO Working Group, from 22 to 26 September 2008;
- .2 the ESPH Working Group, in the latter part of 2008;

- .3 *ad hoc* Working Group on Interpretation of the Definition of Bulk Carrier to be held on 24 and 25 November 2008, prior to MSC 85;
- .4 the Working Group on Comprehensive Review of the STCW Convention and the STCW Code, to be held from 8 to 12 September 2008; and
- .5 *ad hoc* LRIT Group (first meeting to be held from 23 to 27 June 2008; second meeting, from 4 to 8 August 2008; third meeting, if necessary, from 15 to 19 September 2008; and final meeting, from 27 to 31 October 2008).

#### **SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 85**

##### **Substantive items for inclusion in the agendas for MSC 85 and MSC 86**

22.91 The Committee agreed on the substantive items to be included in the agendas of its eighty-fifth and eighty-sixth sessions, as set out in document MSC 84/WP.7.

##### **Establishment of working groups during MSC 85**

22.92 Recalling the provisions of the Guidelines on the organization and method of work concerning the number of groups which may be established at any given session, the Committee, taking into account decisions made under various agenda items, agreed that working groups on the following items should be established at the Committee's eighty-fifth session:

- .1 goal-based new ship construction standards;
- .2 maritime security; and
- .3 LRIT-related matters,

and agreed to establish a drafting group on consideration and adoption of amendments to mandatory instruments.

##### **Duration and dates of the next two sessions**

22.93 The Committee noted that its eighty-fifth session had been scheduled to take place from 26 November to 5 December 2008; and its eighty-sixth session tentatively in May 2009.

## **23 ANY OTHER BUSINESS**

### **Global Integrated Shipping Information System (GISIS)**

23.1 The Committee recalled that the Global Integrated Shipping Information System (GISIS) was developed by the Secretariat in July 2005, which allows public access to sets of data collected by the Secretariat, and that the Manual for Member States' Administrations and associated disclaimer on the use of reporting facilities was disseminated by circular letter No.2639.

23.2 The Committee noted the updated information provided by the Secretariat on GISIS (MSC 84/23), indicating that there were eight modules available to IMO Members and seven to

the public, i.e., maritime security, maritime casualties and incidents, recognized organizations, port reception facilities, condition assessment scheme, pollution prevention equipment, contact points and ship identification (IMO Members only). Concerning the module on contact points, which was released on 29 February 2008, the Committee noted that Member States can directly update their respective contact details shown in annex 1 to the MSC-MEPC.6 circular series on national contact points responsible for safety and pollution prevention.

23.3 The delegations which intervened expressed appreciation to the Secretariat for the recent improvements in the speed to access various IMO internet-based servers and for the assistance provided by the Secretariat for the handling of their queries regarding GISIS facilities. For further improvement of the access to, and use of GISIS modules, the Secretariat was requested to develop a comprehensive users' manual, covering all facilities, to be updated when new modules are released, such as the PSC and requirements modules which were reported by the Secretariat as progressing towards finalization on the basis of technical development or review by relevant IMO bodies.

23.4 The Committee expressed its appreciation to those Members who use the direct reporting facilities and act as data providers on a regular basis.

#### **Updates of AIS after 2004 MARPOL amendment**

23.5 The Committee noted with appreciation information provided by IALA (MSC 84/23/1) on the need for possible modification of firmware of all AIS units following the entry into force of the 2004 MARPOL amendments, adopted by MEPC 52 by resolution MEPC.118(52) introducing an amendment to Annex II to the MARPOL Convention, which entered into force on 1 January 2007. As a consequence, and with the entry into force of resolution MEPC.118(52), the reference to Pollutant Categories A, B, C, D and Appendix III have changed to the Pollutant Categories X, Y, Z and OS. The modification of categorization to X, Y, Z or OS means that all AIS units would have to be modified to broadcast the new Pollution Categories. Such a change would need to be carried out by a qualified manufacturer's representative to all of the approximately 80,000 AIS units presently in service aboard ships above 300 gross tonnage.

23.6 The Committee referred document MSC 84/23/1 to the NAV Sub-Committee for consideration under the item on "ITU matters, including Radiocommunication ITU-R Study Group 8 matters" at NAV 54, and instructed the Sub-Committee to report the outcome to MEPC 58 and MSC 85.

#### **Night-time lookout – photochromic lenses and dark adaptation**

23.7 The Committee noted the information provided by the United Kingdom (MSC 84/23/2) on issues affecting night-time lookout, as highlighted during the investigation into the accident involving the sailing yacht **Ouzo** and **Pride of Bilbao** and, invited Member Governments and international organizations to bring the matter to the attention of seafarers. The Committee further authorized the Secretariat to prepare an MSC circular on Night-time lookout – photochromic lenses and dark adaptation and issue it as MSC.1/Circ.1280.

23.8 The observer from ICS informed the Committee that Guidance on blackout requirements on the navigating bridge and the wearing of photochromic lens was included in the fourth edition of the ICS Bridge Procedures Guide.

## **Shipping noise and marine mammals**

23.9 The Committee noted the information in document MSC 84/INF.4 (United States), advising on the issue of noise generated by international shipping and its potential adverse impact on marine life and referring, in particular, to the facts that the general (low) frequency band of large ships' noise overlaps the frequencies generally produced by some marine animals and that low-frequency sounds from ships travel great distances and are of ever-increasing prevalence, leading to increased concern with regard to potential problems for acoustically-oriented marine animals resulting from noise generated by shipping.

23.10 The Committee, following the request of the United States, invited Member Governments: to inform all interested parties, in particular those from the shipping industry, shipyards and ship builders of this issue; and to invite them to participate in the ongoing dialogue regarding identification of potential adverse impacts associated with vessel noise and the potential mitigation of those impacts and to submit any pertinent information on this issue to the U.S. Department of Commerce, National Oceanic & Atmospheric Administration, National Marine Fisheries Service, Ocean Acoustics Program\*.

## **Operational guidance for mooring**

23.11 The Committee noted with appreciation the information provided by ICS, BIMCO, IAPH, IHMA, IMPA and IFSMA (MSC 84/INF.6) on operational guidance for mooring. The need for industry guidance on mooring equipment has been a subject of debate in several IMO bodies, notably at MSC 79, NAV 49 and DE 48.

## **Outcome of the First Seoul International Maritime Forum**

23.12 Having recalled that, at MSC 83, the Republic of Korea had expressed its intention to hold the Seoul International Maritime Forum on a regular basis and had invited the IMO Secretariat and Member States to propose appropriate and relevant topics which may be adopted for the next Seoul Forum, the Committee noted the information provided in document MSC 84/INF.9 (Republic of Korea) on the outcome of the First Seoul International Maritime Forum, which was held in Seoul on 6 and 7 September 2007, under the theme of the Wreck Removal Convention.

## **Watchkeeping for small ships and vessels**

23.13 The Committee noted the information provided by Denmark (MSC 84/INF.10) on an amendment of the Danish regulation implementing the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, relating to watchkeeping arrangements for small ships and vessels.

## **Bulk carrier casualty report**

23.14 The Committee noted the information contained in document MSC 84/INF.12 (INTERCARGO) showing that during 2007, while the dry bulk fleet has been expanding, from 6,046 vessels on 31 December 2006, to 6,342 vessels on 31 December 2007, eight bulk carriers or similar dry bulk vessels were lost – an increase of one on the previous year. A total

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of 39 lives were lost on 2 vessels; compared to the same figure on a total of three vessels in the previous year. The average age of bulk carriers lost in 2007 was 25.5 years against a world wide trading average age of 14.85 years.

23.15 The bulk carrier casualty report indicated that the casualties involved trading routes or management centres outside the three primary trading centres focused on the Paris and Tokyo MoUs and United States Coast Guard spheres of influence. In the context of the loss of two smaller ships engaged on the intra-Asian iron ore trades, the report recommended the analysis of the chartering vetting techniques in this area of occurrence. The report also recommended that some analysis of the evacuation techniques used on the various ships be covered in all accident reports and stressed the need for maximum transparency in the release of accident investigation reports.

#### **Statement by the delegation of the Cook Islands**

23.16 The delegation of the Cook Islands drew the attention of the Committee to the status of the Cook Islands' application for full IMO membership under Article 7 of the IMO Convention, and informed the Committee that the Cook Islands already enjoyed member status at ICAO, IMSO, FAO, UNFCC, WHO, WMO and UNESCO and that only 13 more indications of support from Member States were needed for the Cook Islands to attain the required two-thirds approval of the IMO membership. The delegation of the Cook Islands therefore respectfully requested the delegations of Member States, upon their return to the capitals, to give consideration to conveying their support of the Cook Islands' application to the Secretary-General.

#### **Incident of m.v. Rezzak**

23.17 The delegation of India informed the Committee of the disappearance of m.v. **Rezzak**, which sailed on 17 February 2008 with a full load of steel billets about 5,000 tonnes from Novorossisk (Russia) to Bartin Liman (Turkey) with a crew of 25 (all Indians). Before sailing from Novorossisk, the vessel was reportedly detained for about two weeks due to a large number of deficiencies, and all but a few deficiencies were complied with prior to sailing. Family members of this ill-fated vessel refused to believe that they have lost their near and dear ones. They felt that either the vessel had been hijacked or it could even be a case of fraud. The delegation of India urged that the flag State should submit, at least their interim findings, at the earliest, so that they can inform the next of kin about the fate of the crew. The delegation also requested the flag State to submit the findings in this casualty to MSC 85 so the Committee can be apprised as to why all safety measures failed and what the Committee can do to prevent such terrible losses in future. The delegation of India thanked the coastal State for carrying out SAR operations and the flag State for allowing the participation of their inspector in the casualty investigation, and looked forward to the continued cooperation of the flag State, coastal State and all other parties to get to the bottom of this incident.

23.18 The delegation of Panama shared the concern with the delegation of India as regards the tragedy of the disappearance of m.v. **Rezzak** together with its crew and extended their sentiments to the families of the crew. The delegation said that the Panamanian authority as flag State, being aware of the responsibility of finding the causes of this incident, had undertaken all the work related to the investigation and had been working closely and maintaining constant communication with the Indian Authority, as well as the Turkish Authority as coastal State and with IMO since the incident occurred. The Panamanian delegation informed the Committee that immediately after heartfelt discussions with the delegation of India, they had committed themselves to deliver to the Indian Authority an advance of the initial report of the investigation

of the incident within 10 days. The delegation emphasized the limited information relating to the incident of the ship, and said that Panamanian Authority would continue being in contact with the Indian and Turkish Authorities in order to achieve the requested cooperation in a coordinated manner.

### **Expression of appreciation**

23.19 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently retired or were about to, for their invaluable contribution to its work and wished them a long and happy retirement:

- Mr. Yoshio Sasamura (Japan) (on retirement);
- Ms Marja C. Tiemens-Idzinga (Netherlands) (on retirement);
- Mr. Knut Vågnes (Norway) (on retirement);
- Mr. Rune Teisrud (Norway) (on retirement);
- Ms F. Dashti (Secretariat) (on retirement);
- Ms Michèle Foré (Secretariat) (on retirement); and
- Mr. Leroy Mayers (Secretariat) (on retirement).

### **Expression of condolences**

23.20 The Committee noted with sadness the sudden death of Mr. Gerard Yoest (United States), a former long-standing delegate to the Council and other IMO bodies, who made an invaluable contribution to the Organization. The Committee requested the delegation of the United States to convey the Committee's condolences and sympathy to the family, friends and colleagues of the deceased who would be thoroughly missed by this Organization.

(The annexes will be issued as addenda to this document)

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