

MARITIME SAFETY COMMITTEE
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**REPORT OF THE MARITIME SAFETY COMMITTEE ON ITS
NINETY-FIRST SESSION**

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The ninety-first session of the Maritime Safety Committee was held at IMO Headquarters from 26 to 30 November 2012 under the chairmanship of Mr. Christian Breinholt (Denmark). The Vice-Chairman of the Committee, Capt. M. Segar (Singapore), was also present.

1.2 The session was attended by delegations from Members and Associated Members; by representatives from the United Nations Programmes, specialized agencies and other entities; by observers from intergovernmental organizations with agreements of cooperation; and by observers from non-governmental organizations in consultative status; as listed in document MSC 91/INF.1.

1.3 The session was attended by the President of the Assembly, Mr. Eduardo Medina-Mora (Mexico), and the Chairman of the Council, Mr. J.G. Lantz (United States).

Opening address of the Secretary-General

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>.

Chairman's remarks

1.5 The Chairman thanked the Secretary-General for his opening address and stated that his advice and requests would be given every consideration in the deliberations of the Committee.

Statements by delegations

1.6 The delegation of the United Kingdom made a statement, which is set out in annex 40. In response to the aforementioned statement, the delegation of Argentina made a statement, which is also set out in annex 40. The delegations of Brazil, Chile, Cuba, Ecuador, Guatemala, Mexico, Peru, Uruguay and Venezuela supported the views of Argentina and the need for the resolution of the issue.

1.7 The delegation of Ukraine informed the Committee of the situation regarding the containership **Taroko** after a collision involving a small coast freighter **Dershing** 15 miles away from Peng Hu Island, which resulted in the sinking of **Dershing** with fatalities. Two officers from **Taroko** were ordered to stay on Peng Hu Island until the end of an investigation, which took more than a year before the officers were released this month. In the view of that delegation, this incident highlights the criminalization of seafarers and underscores the need to give full effect to those instruments of the Organization which protect seafarers' rights. Its statement is set out in annex 40. The delegation of Liberia and the observer from ISC shared the concerns expressed by the delegation of the Ukraine and thanked them for their statement.

Adoption of the agenda and related matters

1.8 The Committee adopted the agenda (MSC 91/1) and agreed to be guided by the provisional timetable (MSC 91/1/1), on the understanding that it was subject to adjustments depending on the progress made each day. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 91/INF.9.

Credentials

1.9 The Committee noted that credentials of the delegations attending the session were in due and proper form.

2 DECISIONS OF OTHER IMO BODIES

Outcomes of TC 62, C 108, C 109 and MEPC 64

2.1 The Committee noted the decisions of TC 62 (MSC 91/2), C 108 and C 109 (MSC 91/2/1 and Add.1) and MEPC 64 (MSC 91/2/2) and agreed to take appropriate action under the relevant agenda items.

2.2 With reference to document MSC 91/2/2/Add.1 (Secretariat) and bearing in mind that the entry-into-force date of chapter 4 of MARPOL Annex VI will be 1 January 2013, the Committee, as requested by MEPC 64, approved MSC-MEPC.2/Circ.11 on Interim Guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions.

2.3 In this connection, the delegation of the Netherlands raised concerns over the determination of the minimum power values for the different ship types in the interim guidelines as the values chosen (parameters a and b in table 1) would, in its view, give a very low margin for bulk carriers below 20,000 dwt. Accordingly, if those values were applied to newly-built tankers below 20,000 dwt., it would result in non-compliant tankers making them unsuitable for all ship types, especially bulk carriers and tankers with a deadweight below 20,000 dwt., regardless of the fact that these ships were already designed for an optimum energy efficiency. Nevertheless, the Committee was of the opinion that, at least for the interim period, this should not cause any problems because regulation 21 of the Convention, concerning the required EEDI, does not apply to bulk carriers and tankers below 20,000 dwt until 1 January 2015. The delegation of Greece expressed the view that the figures assigned for ship types a and b in the interim period would not safeguard the safety of ships in adverse weather conditions, since engines would have MCRs 30 per cent lower than the MCRs of typical bulk carriers currently built. Greece is currently examining the possibility of carrying out its own independent study and would provide the results when available.

Report on the 2012 Conference on the Safety of Fishing Vessels

2.4 The Committee noted with appreciation the successful outcome of the 2012 Conference on the Safety of Fishing Vessels held from 9 to 11 October 2012 in Cape Town, South Africa (MSC 91/2/3), in particular the adoption of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, and with reference to Conference resolution 5:

- .1 instructed SLF 55 to develop a procedure for calculating the number of fishing vessels of each Contracting State of the 2012 Cape Town Agreement, as a matter of high priority under its agenda item "Any other business", for submission to MSC 92 for approval; and
- .2 invited Member Governments and international organizations to urgently consider the matter and submit comments and proposals to SLF 55.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

GENERAL

3.1 Contracting Governments to the 1974 SOLAS Convention were invited to consider and adopt proposed amendments to:

- .1 chapters II-1, II-2 and III and the appendix to the annex to the Convention, as amended, in accordance with the provisions of article VIII of the Convention;
- .2 the International Code for Fire Safety Systems (FSS Code), in accordance with the provisions of article VIII and regulation II-2/3.22 of the Convention;
- .3 the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), in accordance with the provisions of article VIII and regulation VII/8.1 of the Convention;
- .4 the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers (resolution MSC.215(82)); and
- .5 the Performance standard for protective coatings for cargo oil tanks of crude oil tankers (resolution MSC.288(87)).

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 the 1974 SOLAS Convention and to Codes and performance standards mandatory under the Convention, were circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the Convention by Circular letters No.3190 of 15 June 2011 and No.3275 of 25 May 2012.

3.4 Parties to the 1988 Load Lines Protocol were invited to consider and adopt proposed amendments 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 paragraph 2(f)(ii)(bb) of article VI of the 1988 Load Lines Protocol.

3.5 The proposed amendments to the 1988 Load Lines Protocol were circulated, in accordance with article VI of the Protocol, to all IMO Members and Parties to the Protocol by Circular letter No.3276 of 25 May 2012.

3.6 Parties to the 1978 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 II of the 1978 SOLAS Protocol.

3.7 The proposed amendments to the 1978 SOLAS Protocol were circulated in accordance with SOLAS article VIII(b)(i) and article II of the 1978 SOLAS Protocol to all IMO Members and Parties to the 1978 SOLAS Protocol by Circular letter No.3278 of 25 May 2012.

3.8 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.

3.9 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.3279 of 25 May 2012.

3.10 The Committee was also invited to consider and adopt:

- .1 in accordance with article 29(3)(a) of the International Convention on Load Lines, 1966, proposed amendments to annex I and a new proposed annex IV to the Convention;
- .2 in accordance with paragraph 2 of article VI of the Convention on the International Regulations for Preventing Collisions at Sea, 1972, a proposed new Part F to the Convention; and
- .3 in accordance with article 18(3)(a) of the International Convention on Tonnage Measurement of Ships, 1969, proposed amendments to annex I and a proposed new annex III to the Convention.

3.11 The proposed amendments to the International Convention on Load Lines, 1966, the Convention on the International Regulations for Preventing Collisions at Sea, 1972, and the International Convention on Tonnage Measurement of Ships, 1969, were prepared by FSI 20 for adoption and approval of the associated draft Assembly resolutions (FSI 20/19, annex 5) to make the IMO Instruments Implementation Code and auditing mandatory. In accordance with the aforementioned articles, any amendment, if adopted by a majority of two thirds of those present and voting in the Maritime Safety Committee, shall be communicated to all Members of the Organization and all Contracting Governments or Parties, as appropriate, at least six months prior to its consideration by the Assembly of the Organization with a view to adoption.

3.12 The Committee was further invited to consider and adopt the Code on noise levels on board ships, approved at MSC 90, in conjunction with the adoption of the associated SOLAS amendments (new proposed SOLAS regulation II-1/3-12), making the Code mandatory.

3.13 The Committee was also invited to consider and:

- .1 adopt a draft MSC resolution on Application of SOLAS regulation III/17-1 to ships other than those engaged in international voyages; and
- .2 approve a draft MSC circular on Guidelines for the development of plans and procedures for recovery of persons from the water,

which were both approved, in principle, by MSC 90.

PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

3.14 The Committee recalled that the proposed amendments to the SOLAS Convention (MSC 91/3, annex 1, and MSC 91/3/4, which refers to the amendments to SOLAS chapter II-2 postponed for adoption by MSC 90, as set out in MSC 90/3, annex 1) were developed by DE 56, FP 54 and FP 55, and approved by MSC 88, MSC 89 and MSC 90.

Proposed amendments to SOLAS chapter II-1***New regulation 3-12 – Protection against noise******Regulation 36 – Protection against noise***

3.15 The Committee noted that no comments had been submitted on the proposed new regulation II-1/3-12 and the draft amendments to regulation II-1/36. However, during the consideration of the draft text of the Code, it was recognized that additional modifications to the draft amendments to SOLAS chapter II-1 would be needed in order to reflect the correct application requirements of the Code. Consequently, the Committee decided to consider the draft amendments to SOLAS chapter II-1 in conjunction with the draft text of the Code (see paragraphs 3.70 to 3.72).

Proposed amendments to SOLAS chapter II-2***Regulation 1 – Application******Regulation 9 – Containment of fire******Regulation 10 – Fire fighting******Regulation 15 – Instructions, onboard training and drills******Regulation 20 – Protection of vehicle, special category and ro-ro spaces***

3.16 The Committee recalled that MSC 90, following an extensive discussion, had decided to postpone the adoption of the draft amendments to regulations II-2/1, II-2/9, II-2/10 and II-2/20 and invited Member States and international organizations to submit comments and proposals to this session regarding the uniform application of the proposed amendments. MSC 90 had also approved additional draft amendments to regulations II-2/10 and II-2/15, with a view to adoption at this session.

3.17 The Committee also recalled that, following the approval of MSC.1/Circ.1430 on Revised Guidelines for the design and approval of fixed water-based fire-fighting systems, MSC 90 had agreed that consequential amendments to the draft amendments to regulation II-2/20 would be needed.

3.18 The Committee had for its consideration the following documents:

- .1 MSC 91/3/5 (Germany), commenting on document MSC 91/3/4, and providing the outcome of the discussion of a small informal group at MSC 90, including additional proposed modifications to the draft amendments to SOLAS chapter II-2;
- .2 MSC 91/3/6 (Germany), commenting on Circular letter No.3275 and proposing additional modifications to the draft amendments to SOLAS regulations II-2/10 and II-2/15;
- .3 MSC 91/3/7 (Germany), commenting on document MSC 91/3/5 and proposing additional modifications to the proposed amendments prepared by the small informal group at MSC 90;

- .4 MSC 91/3/8 and MSC 91/INF.3 (Argentina), providing comments and additional explanations in response to the statement made by the delegation of Germany during MSC 90 (MSC 90/28/Add.1, annex 36) and providing an example of a methodology for establishing the scope of application of amendments to the SOLAS Convention and related codes, as explained in document MSC 89/3/3 (Argentina);
- .5 MSC 91/3/10 (Germany), commenting on documents MSC 89/3/2 (Secretariat) and MSC 89/3/3 (Argentina) and proposing to have a general and detailed discussion within an appropriate IMO body to determine a clear and efficient procedure for amending the SOLAS Convention;
- .6 MSC 91/3/11 (Argentina), commenting on documents MSC 91/3/5, MSC 91/3/6 and MSC 91/3/7 (Germany) and providing comments and observations on the proposed additional modifications;
- .7 MSC 91/3/12 (Democratic People's Republic of Korea), proposing additional modifications to the draft amendments to SOLAS regulations II-2/10 and II-2/15; and
- .8 MSC 91/3/16 (Sweden), proposing additional modifications to the draft amendments to SOLAS regulation II-2/10.

3.19 The Committee had also for its consideration document MSC 91/WP.5 (Secretariat) consolidating, in annex 1, all the proposed draft amendments to SOLAS chapter II-2 and including:

- .1 a possible interim solution to define the applicability of the draft amendments to SOLAS chapter II-2;
- .2 all other proposed additional modifications submitted to this session; and
- .3 additional consequential amendments to regulation II-2/20 to update references to MSC.1/Circ.1430.

3.20 The Committee considered the draft amendments to SOLAS chapter II-2, using annex 1 of MSC 91/WP.5 as a reference document, and took action as indicated in paragraphs 3.21 to 3.35.

3.21 The Committee decided, as an interim solution, that the general application date of the chapter should remain unchanged and that the scope and date of application of the draft amendments under consideration should be defined within the new or amended regulations, as appropriate. In doing so, it was recognized that this was a temporary solution which would allow the Committee to proceed with the adoption of the draft amendments to SOLAS chapter II-2 at this session and that a long-term approach for amending the SOLAS Convention and related mandatory codes was urgently required (see paragraph 3.33).

3.22 During the consideration of the draft amendments to SOLAS chapter II-2, the following views were expressed:

- .1 with respect to the proposed amendments to regulation II-2/1, it was suggested that the reference to resolution MSC.308(88) should not be included in paragraph 2.1;

- .2 with respect to the proposed amendments to regulation II-2/10, several delegations commented on the need for performance standards for two-way portable radiotelephone apparatus, the number of portable radios for each fire-fighting team, the date of implementation and the ships to which the amendments would be applicable. While some delegations supported the preparation of performance standards for such apparatus, others expressed concerns and indicated that, if the Committee was to agree, a new unplanned output would be necessary. Several delegations supported the additional modifications proposed in documents MSC 91/3/6 and MSC 91/3/16 related to the implementation date and the number of portable radios for each fire-fighting team, respectively. The application was clarified by the Chairman of the FP Sub-Committee, who indicated that the new requirements were not only intended for tankers but also for other ships containing hazardous areas; and

- .3 with respect to the proposed amendments to regulation II-2/15, it was recalled that Part E of chapter II-2 was applicable to all ships and suggested that the additional modifications related to application in the first part of the paragraph were not necessary. In addition, several delegations did not support the modification of the words "suitable number" with the words "minimum of one", related to spare cylinders, as proposed in document MSC 91/3/12. The delegation of Vanuatu, supported by the Cook Islands, brought to the Committee's attention a concern that appliances for recharging breathing apparatus cylinders have potential hazards associated with their use. The delegation suggested that the inclusion of a footnote might serve to provide guidance or general guidance for the safe use of these appliances. After some discussion, it was generally agreed that, without the text of the proposed footnote being available, consideration for inclusion of the above footnote was not possible at that time.

3.23 After an extensive discussion, the Committee:

- .1 agreed with the proposed additional modifications to regulations II-2/1, II-2/9, II-2/20 and paragraph 5.6.3, subparagraph .1 of regulation II-2/10, excepting the inclusion of the words "and MSC.308(88)" in the draft amendments to paragraph 2.1 of regulation II-2/1, which would require further consideration by the drafting group;

- .2 noting that there was not sufficient support for the preparation of performance standards for two-way portable radio-telephone apparatus for firefighters, agreed, in principle, with the proposed additional modifications to the new draft paragraph 10.4 of regulation II-2/10, as proposed in documents MSC 91/3/6 and MSC 91/3/16, subject to further consideration of applicability interpretations by the drafting group;

- .3 did not agree with the proposed additional modifications to the draft amendments to regulation II-2/15, noting that additional modifications might be needed to clarify the number of spare cylinders; and

- .4 agreed with a proposal for the inclusion of a footnote in a suitable place in SOLAS chapter II-2 to clarify the amendments to the date of application of the chapter adopted by resolution MSC.308(88).

3.24 Following consideration of the draft amendments to chapter 3 of the FSS Code (see paragraphs 3.41 to 3.50), the Committee agreed to move the application requirements of the draft amendments to paragraph 2.1.2 of chapter 3 of the FSS Code to SOLAS regulation II-2/10.10 and instructed the drafting group to prepare the necessary additional draft amendments to the above regulation for consideration.

3.25 The Committee confirmed the proposed draft amendments to SOLAS chapter II-2, as set out in annex 1 of document MSC 91/WP.5, subject to the additional modifications indicated in paragraph 3.23 above, and editorial improvements, if any.

3.26 With regard to the development of general guidance on the drafting of amendments to the SOLAS Convention and related mandatory codes concerning their application, the Committee recalled that MSC 89, having considered the report of the 2011 Chairmen's Meeting, had agreed that any new drafting procedures should initially be limited to the application of the SOLAS Convention and instructed the FSI Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of mandatory IMO instruments to consider documents MSC 89/3/2 (Secretariat), MSC 89/3/3 (Argentina) and the relevant parts of document MSC 89/21 (Secretariat), and prepare a comprehensive proposal for consideration by FSI 20.

3.27 The Committee noted that FSI 20 had given preliminary consideration to the issue (FSI 20/19, paragraphs 10.28 to 10.30) and had decided to postpone its consideration pending additional information to be submitted by Argentina to MSC 91, which had been provided in documents MSC 91/3/8 and MSC 91/INF.3.

3.28 In the ensuing discussions, the following views were expressed:

- .1 similar issues related to the scope and application of amendments to SOLAS chapter III and the LSA Code had been considered by MSC 86 and a resolution of the issues was still pending;
- .2 a methodology for amending the SOLAS Convention and mandatory codes should be carefully considered in a holistic way;
- .3 consideration should be given to the frequency of the adoption of amendments;
- .4 the preparation of a road map with required actions would be appropriate; and
- .5 a group should be established under an appropriate IMO body with specific terms of reference approved by the Committee.

3.29 The Committee noted with appreciation the detailed information provided by Argentina (MSC 91/3/8 and MSC 91/INF.3) and Germany (MSC 91/3/10), and thanked them for their efforts in trying to solve the issue.

3.30 Following discussion, the Committee agreed that a working group should be established under the FSI Sub-Committee with specific terms of reference to consider the issue of the scope of application of amendments to SOLAS and related codes in a holistic manner.

3.31 In this respect, the Committee established the Working Group on Terms of Reference to develop the above-mentioned terms of reference for a working group under the FSI Sub-Committee.

3.32 Having approved the report of the working group (MSC 91/WP.14) in general, the Committee took action as described in paragraphs 3.33 to 3.35.

3.33 The Committee agreed to establish the Ad Hoc Working Group on the Consideration of the issue of the scope of application of amendments to SOLAS and related codes and guidelines in a holistic manner, to meet during FSI 21, and instructed the group, taking into account relevant documents (e.g. MSC 86/20/1, MSC 86/WP.3, MSC 87/26, DE 54/6, MSC 88/9/2, MSC 88/22/1, MSC 88/22/2, MSC 88/26, FSI 19/11/3, FP 55/22/3, MSC 89/3/2, MSC 89/3/3, MSC 89/19, MSC 89/21 (annex 2 of the annex), MSC 89/25, FSI 20/10 and FSI 20/19, paragraph 10.28, MSC 90/3, MSC 90/28, MSC 91/3/5, MSC 91/3/8, MSC 91/3/10, MSC 91/3/11, MSC 91/INF.3, etc.), comments and decisions made by MSC 91 and relevant documents submitted to FSI 21, to:

- .1 identify issues related to the scope of application of amendments to SOLAS, in particular, its chapters II-2 and III, appendix (forms of certificates and records of equipment), associated mandatory instruments (e.g. FTP, FSS, LSA Codes) and, where appropriate, non-mandatory instruments (e.g. resolution MSC.81(70) on Revised Recommendation on Testing of Life Saving Appliances);
- .2 carry out an analysis of the structure of SOLAS, taking into account the provision contained in article VIII(e), and focussing, in particular, on SOLAS chapters II-2 and III and related codes; and, in this context, also review past and current procedures regarding the entry into force procedure of amendments to SOLAS, e.g. the four-year cycle for amendments to SOLAS (MSC 59/33, section 26);
- .3 develop a methodology to systematically resolve the identified issues;
- .4 advise on, and prepare relevant draft vehicle(s) for, the establishment of the above-mentioned methodology;
- .5 define the roadmap for the implementation of the methodology for existing and future amendments if necessary and as appropriate; and
- .6 submit a report to MSC 92.

3.34 The Committee agreed that the working group should meet during the five working days of FSI 21 and report directly to MSC 92, called for the relevant expertise to be made fully available and requested the Secretariat to make consequential arrangements for FSI 21 accordingly.

3.35 In order to facilitate the consideration of this complex matter, the Committee agreed to the following relaxation of deadlines for relevant submissions to FSI 21 under agenda item Any other business:

- .1 documents containing more than 6 pages of text (bulky documents) by 28 December 2012;
- .2 non-bulky documents submitted in electronic format by 11 January 2013; and
- .3 documents commenting on those referred to in paragraphs .1 and .2 above by 18 January 2013.

Proposed amendments to SOLAS chapter III

New regulation 17-1 – Recovery of persons from the water

3.36 The Committee noted that no comments had been submitted on the draft amendments to new regulation III/17-1 and confirmed their contents, subject to editorial improvements, if any.

Proposed amendments to the appendix to the annex to SOLAS

Form of Safety Certificate for Passenger Ships

Form of Safety Construction Certificate for Cargo Ships

Form of Safety Equipment Certificate for Cargo Ships

Form of Safety Radio Certificate for Cargo Ships

Form of Exemption Certificate

Form of Safety Certificate for Nuclear Passenger Ship

Form of Safety Certificate for Nuclear Cargo Ship

Record of Equipment for Passenger Ship Safety (FORM P)

Record of Equipment for Cargo Ship Safety (FORM E)

Record of Equipment for Cargo Ship Safety (FORM C)

Record of Equipment for Cargo Ship Safety Radio (FORM R)

Record of Equipment for the Nuclear Passenger Ship Safety Certificate (Form PNUC)

Record of Equipment for the Nuclear Cargo Ship Safety Certificate (Form CNUC)

3.37 The Committee recalled that the proposed amendments to the appendix to the annex to the 1974 SOLAS Convention had been approved by MSC 90 and that the main changes consisted of the following:

- .1 consequential editorial amendments as a result of the harmonization and rectification of inconsistencies;
- .2 removal of the Record of Equipment for the Nuclear Passenger Ship Safety Certificate (Form PNUC) and the Record of Equipment for the Nuclear Cargo Ship Safety Certificate (Form CNUC);
- .3 addition of the Record of Equipment for Cargo Ship Safety (Form C); and
- .4 updating the records of equipment (Form P, Form E, Form R and Form C) to reflect current requirements.

3.38 The Committee noted that no comments had been submitted on the draft amendments to the appendix to the annex to the 1974 SOLAS Convention and confirmed their contents, subject to editorial improvements, if any.

3.39 The Committee also noted that the proposed amended forms of certificates and records of equipment would replace the entire appendix to the annex to the 1974 SOLAS Convention.

Date of entry into force of the proposed amendments

3.40 The Committee agreed that the SOLAS amendments proposed for adoption at the current session should be deemed to have been accepted on 1 January 2014 and enter into force on 1 July 2014, and instructed the drafting group to finalize the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO CODES AND PERFORMANCE STANDARDS MADE MANDATORY UNDER THE 1974 SOLAS CONVENTION

Proposed amendments to the FSS Code

3.41 The Committee recalled that MSC 90 had postponed the adoption of amendments to chapters 5 and 7 of the FSS Code prepared by FP 54 and approved by MSC 88 (MSC 90/3, annex 3), in order for them to be adopted in conjunction with the associated amendments to SOLAS chapter II-2, the adoption of which had also been postponed (see paragraph 3.16).

3.42 The Committee also recalled that additional proposed amendments to the FSS Code (MSC 91/3, annex 2) had been developed by FP 55 and approved by MSC 90.

3.43 The Committee recalled further that, following the approval of MSC.1/Circ.1430 on Revised Guidelines for the design and approval of fixed water-based fire-fighting systems, MSC 90 had agreed that consequential amendments to the draft amendments to chapter 7 of the FSS Code would be needed (see paragraph 3.17).

3.44 The Committee had for its consideration document MSC 91/3/15 (IACS), commenting on the proposed amendments to chapter 3 of the FSS Code and seeking clarification on the retroactive application of requirements for breathing apparatus as related to a firefighter's outfit (as provided in the FSS Code) and a fireman's outfit (as provided in the SOLAS Convention for ships constructed before 1 July 2002).

3.45 The Committee also had for its consideration document MSC 91/WP.5 (Secretariat) consolidating, in annex 2, all the draft amendments to the FSS Code and including additional consequential modifications to regulation II-2/20 to update references to MSC.1/Circ.1430.

3.46 The Committee considered the draft amendments to the FSS Code, using annex 2 of MSC 91/WP.5 as reference document, and took action as indicated in paragraphs 3.47 to 3.51.

3.47 Several delegations commented on the application requirements of the draft amendments to chapter 3 of the FSS Code and recommended that they should be clarified. Some of them were of the view that the requirements for compressed air breathing apparatus should be applicable to all ships, including those constructed before 2002, with a 4-year phase-out period for non-self-contained breathing apparatus.

3.48 The Chairman of the FP Sub-Committee, supported by several delegations, clarified that the draft amendments to chapter 3 of the FSS Code were intended to introduce the requirement for a specific alarm system only for self-contained compressed air breathing apparatus related to the volume of the remaining air in the cylinder. Further, the Sub-Committee had not been tasked to consider any phase-out of pump and hose breathing systems.

3.49 A subsequent issue was raised related to the application paragraph contained in the draft amendments to paragraph 3.2.1.2 of chapter 3 of the FSS Code. In this regard, several delegations were of the view that the application of the new requirements for self-contained compressed air breathing apparatus should instead be placed in the SOLAS Convention.

3.50 After consideration, the Committee:

- .1 noted that the draft amendments related to breathing apparatus in chapter 3 would not phase-out existing pump and hose breathing systems (i.e. non-self-contained apparatus) on ships constructed before 1 July 2002;

- .2 agreed that the application requirements for the draft amendment to paragraph 3.2.1.2 of chapter 3 of the FSS Code (related to self-contained compressed air breathing apparatus) should be moved to SOLAS regulation II-2/10.10 (with consequential amendments to SOLAS regulation II-2/1.2, if necessary), and instructed the drafting group to prepare the consequential draft amendments; and
- .3 confirmed the proposed draft amendments to the FSS Code, as set out in annex 2 to document MSC 91/WP.5, subject to the additional modifications indicated in subparagraph 3.50.2 above, and editorial improvements, if any.

Date of entry into force of the proposed amendments

3.51 The Committee agreed that the amendments to the FSS Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2014 and enter into force on 1 July 2014, and instructed the drafting group to finalize the draft requisite MSC resolution for adoption.

Proposed amendments to the IBC Code

3.52 The Committee recalled that the proposed amendments to the IBC Code (MSC 91/3, annex 3) had been developed by BLG 16 and approved by MSC 90, as amended by MEPC 63, and then adopted by MEPC 64 by resolution MEPC.225(64), and having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any (see also paragraph 3.84).

Date of entry into force of the proposed amendments

3.53 The Committee agreed that the amendments to the IBC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 December 2013 and enter into force on 1 June 2014, in line with other related amendments to the IBC Code adopted by resolution MEPC.225(64), and instructed the drafting group to finalize the draft requisite MSC resolution for adoption.

Proposed amendments to mandatory coating performance standards

3.54 The Committee recalled that the proposed amendments to the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers (resolution MSC.215(82)) and the Performance standard for protective coatings for cargo oil tanks of crude oil tankers (resolution MSC.288(87)) (MSC 91/3, annexes 4 and 5) had been developed by DE 56 and approved by MSC 90, following the adoption of associated amendments to SOLAS regulation XI-1/2, by resolution MSC.325(90), which make the 2011 ESP Code mandatory. Noting that no comments had been submitted on the draft amendments to the coating performance standards, the Committee confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.55 The Committee agreed that the amendments to the coating performance standards, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2014 and enter into force on 1 July 2014, and instructed the drafting group to finalize the draft requisite MSC resolutions for adoption.

PROPOSED AMENDMENTS TO THE 1988 LOAD LINES PROTOCOL

Proposed amendments to annex I – Regulations for determining load lines

Regulation 27 – Types of ships

Regulation 27(11) – Initial condition of loading

Regulation 27 (13) – Condition of equilibrium

3.56 The Committee recalled that the proposed amendments to the 1988 Load Lines Protocol (MSC 91/3/1, annex) had been developed by SLF 54 and approved by MSC 90 and, having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.57 The Committee agreed that the amendments to the 1988 Load Lines Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2014 and enter into force on 1 July 2014, and instructed the drafting group to finalize the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE 1978 SOLAS PROTOCOL

Proposed amendments to the appendix to the annex to the 1978 SOLAS Protocol

Form of Safety Construction Certificate for Cargo Ships

Form of Safety Equipment Certificate for Cargo Ships

3.58 The Committee recalled that the proposed amendments to the 1978 SOLAS Protocol (MSC 91/3/2, annex) had been approved by MSC 90 in order to harmonize amendments to the appendices to the annex to the 1974 SOLAS Convention and its 1988 SOLAS Protocol with the 1978 SOLAS Protocol. Noting that no comments had been submitted on the draft amendments to the appendix to the annex to the 1978 SOLAS Protocol, the Committee confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.59 The Committee agreed that the amendments to the 1978 SOLAS Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2014 and enter into force on 1 July 2014, and instructed the drafting group to finalize the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE 1988 SOLAS PROTOCOL

Proposed amendments to the appendix to the annex to the 1988 SOLAS Protocol

Form of Safety Certificate for Passenger Ships

Form of Safety Construction Certificate for Cargo Ships

Form of Safety Equipment Certificate for Cargo Ships

Form of Safety Radio Certificate for Cargo Ships

Form of Safety Certificate for Cargo Ships

Form of Exemption Certificate

Record of Equipment for Passenger Ship Safety (Form P)

Record of Equipment for Cargo Ship Safety (Form E)

Record of Equipment for Cargo Ship Safety Radio (Form R)

Record of Equipment for Cargo Ship Safety (Form C)

3.60 The Committee recalled that the proposed amendments to the 1988 SOLAS Protocol (MSC 91/3/3, annex) had been approved by MSC 90 and that the main changes consisted of the following:

- .1 consequential editorial amendments as a result of harmonization and rectification of inconsistencies; and
- .2 the removal of all records of equipment (i.e. Form P, Form E, Form R and Form C).

3.61 The Committee noted that no comments had been submitted on the draft amendments to the appendix to the annex to the 1988 SOLAS Protocol and confirmed their contents, subject to editorial improvements, if any.

3.62 The Committee also noted that the proposed amended forms of certificates and records of equipment would replace the entire appendix to the annex to the 1988 SOLAS Protocol.

Date of entry into force of the proposed amendments

3.63 The Committee agreed that the amendments to the 1988 SOLAS Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2014 and enter into force on 1 July 2014, and instructed the drafting group to finalize the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966

3.64 The Committee recalled that the proposed amendments to the International Convention on Load Lines, 1966, had been prepared by FSI 20 (FSI 20/19, annex 5) for adoption at this session and subsequent adoption by the Assembly at its twenty-eighth session and, noting that no comments had been submitted on the proposed amendments, confirmed their contents, subject to editorial improvements, if any.

Draft Assembly resolution on adoption of the proposed amendments to the International Convention on Load Lines, 1966

3.65 The Committee considered the requisite draft Assembly resolution contained in annex 5 to document FSI 20/19 and instructed the drafting group to prepare its final text, for approval.

PROPOSED AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

3.66 The Committee recalled that the proposed amendments to the Convention on the International Regulations for Preventing Collisions at Sea, 1972, had been prepared by FSI 20 (FSI 20/19, annex 5) for adoption at this session and subsequent adoption by the Assembly at its twenty-eighth session and, noting that no comments had been submitted on the proposed amendments confirmed their contents, subject to editorial improvements, if any.

Draft Assembly resolution on adoption of the proposed amendments to the Convention on the International Regulations for Preventing Collisions at Sea, 1972

3.67 The Committee considered the requisite draft Assembly resolution contained in annex 5 to document FSI 20/19 and instructed the drafting group to prepare its final text for approval.

PROPOSED AMENDMENTS TO THE INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 1969

3.68 The Committee recalled that the proposed amendments to the International Convention on Tonnage Measurement of Ships, 1969, had been prepared by FSI 20 (FSI 20/19, annex 5) for adoption at this session and subsequent adoption by the Assembly at its twenty-eighth session and, noting that no comments had been submitted on the proposed amendments confirmed their contents, subject to editorial improvements, if any.

Draft Assembly resolution on adoption of the proposed amendments to the International Convention on Tonnage Measurement of Ships, 1969

3.69 The Committee considered the requisite draft Assembly resolution contained in annex 5 to document FSI 20/19 and instructed the drafting group to prepare its final text, for approval.

PROPOSED NEW MANDATORY INSTRUMENT**Proposed Code on noise levels on board ships**

3.70 The Committee recalled that the draft Code on noise levels on board ships had been developed by DE 56 and approved by MSC 90 (MSC 90/28/Add.1/Rev.1, annex 14), with a view to adoption at this session, in conjunction with the adoption of the associated new SOLAS regulation II-1/3-12 to make the Code mandatory (see paragraph 3.15).

3.71 In considering document MSC 91/3/14 (IACS), the Committee decided to establish a group of experts to consider the comments and observations provided by IACS related to the draft text of the Code on noise levels on board ships approved by MSC 90 and to prepare additional modifications to the proposed new SOLAS regulation II-1/3-12, the draft amendments to SOLAS regulation II-1/36 and to the Code, as appropriate, for consideration by plenary.

3.72 Having considered the advice of a group of experts, the Committee confirmed the contents of the Code on noise levels on board ships, as approved by MSC 90, including the additional modifications proposed by the group of experts; the proposed new SOLAS regulation II-1/3-12; and the draft amendments to SOLAS regulation II-1/36, subject to editorial improvements, if any, and instructed the drafting group to prepare the final text of the Code and the final draft amendments to SOLAS chapter II-1.

Effective date of the Code

3.73 The Committee noted that the Code would take effect on 1 July 2014 upon entry into force of the associated new SOLAS regulation II-1/3-12, and instructed the drafting group to finalize the requisite draft MSC resolution contained in the annex to document MSC 91/3/13, for adoption.

NON-MANDATORY INSTRUMENTS**Draft MSC resolution on Application of SOLAS regulation III/17-1 to ships other than those engaged on international voyages**

3.74 The Committee recalled that the draft MSC resolution on Application of SOLAS regulation III/17-1 to ships other than those engaged on international voyages (MSC 91/3/9, annex 1) had been prepared by DE 55 and approved, in principle, by MSC 90, with the view

to adoption at this session, in conjunction with the adoption of amendments to SOLAS regulation III/17-1 (see paragraph 3.36). Noting that no comments had been submitted on the draft MSC resolution, the Committee confirmed its contents, subject to editorial improvements, if any, and instructed the drafting group to prepare the final text of the resolution.

Draft MSC circular on Guidelines for the development of plans and procedures for recovery of persons from the water

3.75 The Committee recalled that the draft Guidelines for the development of plans and procedures for recovery of persons from the water (MSC 91/3/9, annex 2) had been prepared by DE 55 and approved, in principle, by MSC 90, with the view to final approval as this session, in conjunction with the adoption of the amendments to SOLAS regulation III/17-1 (see paragraph 3.36). Noting that no comments had been submitted on the draft MSC circular, the Committee confirmed its contents, subject to editorial improvements, if any and instructed the drafting group to prepare the final text of the Guidelines.

ESTABLISHMENT OF THE DRAFTING GROUP

3.76 Having considered the above matters, the Committee established the Drafting Group on Consideration and Adoption of Amendments to Mandatory Instruments and instructed it, taking into account the decisions taken in plenary, to prepare the final text, for consideration by the Committee with a view to adoption or approval, as appropriate:

- .1 the draft amendments to the 1974 SOLAS Convention, taking into account the relevant documents related to SOLAS chapter II-2, the FSS Code and the IBC Code, the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers (resolution MSC.215(82)), the Performance standard for protective coatings for cargo oil tanks of crude oil tankers (resolution MSC.288(87)); the 1978 and 1988 SOLAS Protocols; and the 1988 Load Lines Protocol, together with the associated draft MSC resolutions;
- .2 the draft amendments to the 1966 Load Lines Convention; 1972 Collision Regulations and 1969 Tonnage Measurement Convention and the associated draft Assembly resolutions;
- .3 the final text of the Code on noise levels on board ships and the associated draft MSC resolution;
- .4 the draft MSC resolution on Application of SOLAS regulation III/17-1 to ships other than those engaged on international voyages; and
- .5 the draft MSC circular on Guidelines for the development of plans and procedures for recovery of persons from the water.

REPORT OF THE DRAFTING GROUP

3.77 Having considered the report of the drafting group (MSC 91/WP.7), the Committee approved it in general and took action as indicated hereunder.

Adoption of a new mandatory instrument

Adoption of the Code on noise levels on board ships

3.78 The Committee considered the final text prepared by the drafting group (MSC 91/WP.7, annex 1) and adopted the Code on noise levels on board ships, by resolution MSC.337(91), as set out in annex 1.

Adoption of amendments to the 1974 SOLAS Convention and to codes and performance standards mandatory under the Convention

Adoption of amendments to the 1974 SOLAS Convention

3.79 During the consideration of the draft amendments to the 1974 SOLAS Convention, the Committee agreed to the following additional modifications to the proposed amendments contained in annex 2 to document MSC 91/WP.7:

- .1 in the proposed new regulation II-1/3-12, in paragraphs 1.2, 2.1 and 2.2, the word "constructed" should be replaced with the words "the keels of which are laid or which are at a similar stage of construction";
- .2 in the draft amendments to regulation II-2/1:
 - .1 the last sentence of the footnote to be added to the title of regulation 1 should be replaced with the following:

"However, this resolution amended, under chapter II-2, regulations II-2/3.23 (definition of "Fire Test Procedures Code") and II-2/7.4.1 (new subparagraph .3) only, and all other regulations with the original application date of 1 July 2002 were not amended."; and
 - .2 a new draft amendment should be included to clarify the application of the new requirements for self-contained compressed air breathing apparatus, as follows: The following new paragraph 2.5 is added:

"2.5 Ships constructed before 1 July 2012 shall also comply with regulation 10.1.2, as adopted by resolution MSC.338(91)."; and
- .3 in the draft amendments to regulation II-2/10.4, the words "fire-fighting team" should be replaced with the words "fire parties" and the words "or intrinsically safe" should be added after the words "explosion-proof type".

3.80 The expanded Committee, including the delegations of 111 Contracting Governments to the 1974 SOLAS Convention, having considered the final text of the proposed amendments to the Convention prepared by the drafting group (MSC 91/WP.7, annex 2) together with the modifications contained in paragraph 3.79 above, adopted the amendments unanimously by resolution MSC.338(91), as set out in annex 2.

3.81 In adopting resolution MSC.338(91), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Convention should be deemed to have been accepted on 1 January 2014 (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 July 2014, in accordance with the provisions of article VIII thereof.

Adoption of amendments to the FSS Code

3.82 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapters 3, 5, 7, 8, 9, 12, 13 and 14 of the FSS Code, prepared by the drafting group (MSC 91/WP.7, annex 3), and adopted the amendments unanimously by resolution MSC.339(91), as set out in annex 3.

3.83 In adopting resolution MSC.339(91), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to chapters 3, 5, 7, 8, 9, 12, 13 and 14 of the FSS Code should be deemed to have been accepted on 1 January 2014 (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 July 2014, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the IBC Code

3.84 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapters 17, 18 and 19 of the IBC Code, prepared by the drafting group (MSC 91/WP.7, annex 4), and, given that the drafting group had no comments on the proposed amendments, adopted the amendments unanimously by resolution MSC.340(91), as set out in annex 4, containing, in the annex, the same set of amendments as adopted by resolution MEPC.225(64). In doing so, the Committee authorized the Secretariat, when preparing the final text of the report, to incorporate the text of the amendments adopted by resolution MEPC.225(64) into the annex of resolution MSC.340(91).

3.85 In adopting resolution MSC.340(91), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to chapters 17, 18 and 19 of the IBC Code should be deemed to have been accepted on 1 December 2013 (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 June 2014, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to coating performance standards

3.86 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the coating performance standards, prepared by the drafting group (MSC 91/WP.7, annexes 5 and 6), and adopted unanimously:

- .1 resolution MSC.341(91) on *Amendments to the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers* (resolution MSC.215(82)), as set out in annex 5; and
- .2 resolution MSC.342(91) on *Amendments to the Performance standard for protective coatings for cargo oil tanks of crude oil tankers* (resolution MSC.288(87)), as set out in annex 6.

3.87 In adopting resolutions MSC.341(91) and MSC.342(91), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the above coating performance standards should be

deemed to have been accepted on 1 January 2014 (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 June 2014, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the 1978 SOLAS Protocol

3.88 The expanded Committee, including delegations of 89 Parties to the 1978 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 91/WP.7, annex 8) and adopted the amendments unanimously by resolution MSC.343(91), as set out in annex 7.

3.89 In adopting resolution MSC.343(91), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article II of the 1978 SOLAS Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 January 2014 (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 II of the 1978 SOLAS Protocol) and should enter into force on 1 July 2014, in accordance with the provisions of SOLAS article VIII and article II of the 1978 SOLAS Protocol.

Adoption of amendments to the 1988 SOLAS Protocol

3.90 The expanded Committee, including delegations of 82 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 91/WP.7, annex 9) and adopted the amendments unanimously by resolution MSC.344(91), as set out in annex 8.

3.91 In adopting resolution MSC.344(91), 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 January 2014 (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 July 2014, in accordance with the provisions of SOLAS article VIII and article VI of the 1988 SOLAS Protocol.

Adoption of amendments to the 1988 Load Lines Protocol

3.92 The expanded Committee, including delegations of 79 Parties to the 1988 Load Lines Protocol, considered the final text of the proposed amendments to annex I to the Protocol, prepared by the drafting group (MSC 91/WP.7, annex 7) and adopted the amendments unanimously by resolution MSC.345(91), as set out in annex 9.

3.93 In adopting resolution MSC.345(91), the expanded Committee determined, in accordance with article VI of the 1988 Load Lines Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 January 2014 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VI of the 1988 Load Lines Protocol) and should enter into force on 1 July 2014, in accordance with the provisions of article VI of the 1988 Load Lines Protocol.

Adoption of amendments to the International Convention on Load Lines, 1966

3.94 The Committee, including delegations of 110 Contracting Governments to the International Convention on Load Lines, 1966, considered the final text of the proposed amendments to annex I and the proposed new annex IV to the Convention prepared by the drafting group (MSC 91/WP.7, annex 10) and adopted the amendments and approved the associated draft Assembly resolution, as set out in annex 10, for submission to the twenty-eighth session of the Assembly for adoption. The Committee requested the Secretary-General to circulate the adopted amendments and associated draft Assembly resolution in time for consideration by the twenty-eighth session of the Assembly.

Adoption of amendments to the Convention on the International Regulations for Preventing Collisions at Sea, 1972

3.95 The Committee, including delegations of 109 Contracting Parties to the Convention on the International Regulations for Preventing Collisions at Sea, 1972, considered the final text of the proposed new Part F to the Convention prepared by the drafting group (MSC 91/WP.7, annex 11) and adopted the amendments and approved the associated draft Assembly resolution, as set out in annex 11, for submission to the twenty-eighth session of the Assembly for adoption. The Committee requested the Secretary-General to circulate the adopted amendments and associated draft Assembly resolution in time for consideration by the twenty-eighth session of the Assembly.

Adoption of amendments to the International Convention on Tonnage Measurement of Ships, 1969

3.96 The Committee, including delegations of 108 Contracting Governments to the International Convention on Tonnage Measurement of Ships, 1969, considered the final text of the proposed amendments to annex I and the proposed new annex III to the Convention, prepared by the drafting group (MSC 91/WP.7, annex 12) and adopted the amendments and approved the associated draft Assembly resolution, as set out in annex 12, for submission to the twenty-eighth session of the Assembly for adoption. The Committee requested the Secretary-General to circulate the adopted amendments and associated draft Assembly resolution in time for consideration by the twenty-eighth session of the Assembly.

Adoption and/or approval of related non-mandatory instruments***Application of SOLAS regulation III/17-1 to ships to which SOLAS chapter III does not apply***

3.97 The Committee considered the final text of the proposed draft MSC resolution prepared by the drafting group (MSC 91/WP.7, annex 13) and adopted resolution MSC.346(91) on *Application of SOLAS regulation III/17-1 to ships to which SOLAS chapter III does not apply*, as set out in annex 13.

Guidelines for the development of plans and procedures for recovery of persons from the water

3.98 The Committee considered the final text of the proposed draft MSC circular prepared by the drafting group (MSC 91/WP.7, annex 14) and approved MSC.1/Circ.1447 on Guidelines for the development of plans and procedures for recovery of persons from the water.

INSTRUCTIONS TO THE SECRETARIAT

3.99 In adopting the aforementioned amendments, new mandatory instrument and related instruments, the Committee authorized the Secretariat, when preparing the final

report of the Committee and 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 Parties to the 1978 and 1988 SOLAS Protocol or to the 1966 Load Line Convention, the 1988 Load Lines Protocol, the 1972 Collisions Regulations or the 1969 Tonnage Measurement Convention.

OTHER ISSUES

Timing of replacement of existing certificates

3.100 The Committee noted that guidance on the timing of replacement of existing certificates was provided in MSC-MEPC.5/Circ.6.

Consequential modifications to other related draft amendments to make the draft IMO Instruments Implementation Code (III Code) and auditing mandatory

3.101 The Committee noted that the group had modified the definitions of "Audit Scheme" and "Audit Standard" in the draft amendments to the 1966 Load Line Convention, the 1972 Collisions Regulations and the 1969 Tonnage Measurement Convention to make the III Code mandatory.

3.102 Consequently, the Committee authorized the Secretariat to effect any corresponding editorial corrections to the draft amendments to other relevant instruments considered at this session.

Use of pink paper for the circulation of amendments

3.103 The Committee agreed that the use of pink paper was no longer necessary due to increased use of electronic distribution of documents and the establishment of the IMODOCS website and requested the Secretariat to discontinue its use for the circulation of draft amendments to conventions, protocols and codes.

4 MEASURES TO ENHANCE MARITIME SECURITY

4.1 In considering the communication of security-related information to the Organization (MSC 91/4), the Committee noted that a number of Contracting Governments had yet to update their information and were, therefore, not fulfilling their obligations under SOLAS regulation XI-2/13 on Communication of information. The Committee urged Contracting Governments to review their information in GISIS and update it as necessary, and noted the intention of the Secretariat to review and upgrade the module's accessibility and value as an information source and to promulgate details of any additional features and procedural changes by means of a circular letter.

4.2 The Committee further noted the current availability of the IMO Guide to Maritime Security and the ISPS Code in English and French, and its expected availability in Spanish later this year, and the need to follow the procedures detailed therein.

5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

5.1 The Committee recalled that MSC 90 had agreed on a work plan for the development of the Interim Guidelines for the safety-level approach (SLA) and had invited Member States and international organizations to submit comments and proposals on the work plan to this session. MSC 90 had also established a correspondence group and instructed it to develop draft Guidelines for the approval of equivalents and alternatives as provided for in various IMO instruments and to submit an interim report to this session and a final report to MSC 92.

Implementation of the GBS verification scheme

5.2 The Committee noted document MSC 91/5/2 (IACS), providing an update on the current status of its members' preparations for the implementation of the GBS verification scheme, together with their plans to submit initial verification requests to the Organization by the applicable deadline (i.e. 31 December 2013), and invited IACS to provide further updates on the progress made by IACS members regarding the implementation of the GBS verification scheme at future sessions of the Committee, noting that any information submitted should continue to be as clear and unambiguous as possible.

Safety-level approach (SLA)

5.3 The Committee considered document MSC 91/5/1 (Germany and Poland), supporting the further discussion of the safety-level approach, taking into account the work plan agreed at MSC 90, and addressing the development of the SLA framework and the execution of an SLA exercise.

5.4 Consequently, the Committee instructed the GBS Working Group to consider the information and suggestions provided in the document, in the context of their consideration of the development of Interim Guidelines for the safety-level approach.

Guidelines for the approval of equivalents and alternatives as provided for in various IMO instruments

5.5 The Committee considered the report of the Correspondence Group on Goal-based Standards (MSC 91/5), noting that the group had discussed the use and applicability of Guidelines for the approval of equivalents and alternatives but did not come to a consensus, in particular regarding their applicability, but that work is progressing on the contents of the Guidelines, with a summary of comments of the group members, which would be the basis for the further work, as attached to the report.

5.6 The delegation of Greece made a statement, as set out in annex 40, expressing concerns with regard to the applicability of the Guidelines, which, in its view, should be limited to novel designs only. The statement was supported by a number of delegations.

5.7 Other delegations were of the view that the applicability of the Guidelines was clearly stated in section 1.3 and furthermore regulated by relevant requirements concerning the approval of alternatives and equivalents in mandatory IMO instruments; and that their main purpose was to assist Administrations in the approval of risk-based designs by providing a structured approach.

5.8 The Committee, having noted the progress made by the group and, in particular, the debate on the applicability of the Guidelines, instructed the GBS Working Group to further consider the matter, taking into account the views expressed in the plenary discussions,

especially whether the applicability of the Guidelines should be limited to novel design and applications only and whether structural requirements and arrangements for conventional ships covered by mandatory instruments should be excluded (MSC 91/5, paragraph 10).

Establishment of the GBS Working Group

5.9 Subsequently, the Committee established the Working Group on Goal-Based Standards (GBS) and instructed it, taking into account comments and proposals made in plenary, to:

- .1 further develop the Guidelines for the approval of equivalents and alternatives as provided for in various IMO instruments, based on the report of the correspondence group (MSC 91/5), in particular addressing their applicability as discussed in paragraph 10 of the report; and
- .2 further consider the development of interim guidelines for the safety-level approach, taking into account document MSC 91/5/1.

Report of the GBS Working Group

5.10 Having considered the report of the group (MSC 91/WP.9), the Committee approved it in general and took action as described in the following paragraphs.

Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments

5.11 The Committee noted the progress made by the group in the development of draft text for Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments and agreed that the draft Guidelines, due to their volume, would be issued as addendum to the report of the group (MSC 91/WP.9/Add.1) immediately after this meeting.

5.12 With regard to the draft covering MSC circular for the approval of the Guidelines, the Committee noted the two options for the draft circular developed by the group (MSC 91/WP.9, annex 1) for referral to the GBS correspondence group for further consideration (see paragraph 5.16.2).

5.13 The Committee encouraged Member States and international organizations to submit information on how they may have used the Guidelines on approval of risk-based ship design (MSC 86/5/3, annex) for the approval of alternatives and equivalents to the GBS correspondence group.

5.14 The Committee noted the discussions of the group on the development of Interim Guidelines for the safety level approach and invited Member States and international organizations to submit comments on the elements for consideration in the development of the Interim Guidelines prepared by the group (MSC 91/WP.9, annex 2) to MSC 92.

5.15 With respect to the work plan for the development of the Interim Guidelines agreed at MSC 90, the Committee noted that no changes to the plan were required at this time.

Continued work of the GBS Correspondence Group

5.16 Recalling its decision at MSC 90 that the GBS Correspondence Group¹ would submit its final report to MSC 92 (see paragraph 5.1), the Committee approved revised terms of reference for the group as follows:

- .1 finalize draft guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments, based on documents MSC 91/WP.9 and MSC 91/WP.9/Add.1, giving special consideration to:
 - .1 identification of existing IMO guidance concerning alternative designs and arrangements, with a view to its consolidation in a single document;
 - .2 a suitable title for such guidelines; and
 - .3 structure, format and appropriate use of such guidelines;
- .2 finalize the associated MSC circular cover note for the above draft guidelines, on the basis of annex 1 to document MSC 91/WP.9;
- .3 discuss further the verification process for approving alternatives and equivalents, in particular concerning transparency and repeatability; and
- .4 submit a report to MSC 92.

5.17 In this connection, the Committee noted that, taking into account the close proximity of MSC 91 and MSC 92 and the volume of work, the timetable for the completion of the guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments may need to be adjusted at the next session.

6 LRIT-RELATED MATTERS

Establishment and testing of LRIT Data Centres

6.1 The Committee noted the information provided by the Secretariat (MSC 91/6) related to latest developments on the establishment and testing of LRIT Data Centres (DCs).

Financial issues

6.2 The Committee, recalling its decision at its last session (MSC 90/28, paragraphs 6.9 to 6.14) on the need for an urgent review of the LRIT system, with a view to reducing the financial burden of operating DCs in compliance with SOLAS regulation V/19-1, noted the information provided by IMSO (MSC 91/6/1) on the scale of charges expected to be levied by the LRIT Coordinator for LRIT-related work to be undertaken from 2013 and beyond and

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expressed its appreciation to IMSO for having considered and agreed on a considerable reduction of the audit fee in response to the Committee's request.

6.3 Those delegations that spoke all appreciated the compromise solution presented by the IMSO Assembly for the potential reduction of the audit fee in a phased manner and were of the view that, at present, it was not necessary to explore alternative options for the audit and review of the LRIT system. Notwithstanding the above, the delegation of the United States noted that the future audit fee, although reduced, could still be a problem for DCs with a small number of ships. IMSO should, therefore, continue exploring alternative ways of reducing the financial burden for such DCs, in particular, those established by Small Island Developing States (SIDS).

6.4 Consequently, the Committee decided to continue with the current arrangements for the conduct of the audits of DCs and of the International LRIT Data Exchange (IDE), with the understanding that the audit unit fee would be reduced during the forthcoming years, as advised by IMSO.

6.5 The delegation of Liberia reported that, further to its decision to provide LRIT information, free of any charge, from 1 July 2012 until 31 December 2012, to Governments requesting the information as port or coastal States which were not participating in the LRIT system (MSC 90/28, paragraph 6.14), no requests for information had been made and, in this respect, Liberia was concerned with regard to the future viability of the system.

6.6 The Committee, having welcomed the work done by IMSO and the phased reduction of audit fees, agreed that it was no longer necessary to pursue alternative options for the audit and review of the LRIT system and invited IMSO to continue to pursue cost savings.

LRIT Data Centres not able to be audited

6.7 The Committee noted the information provided by IMSO (MSC 91/6/2), welcomed the positive developments and, recalling the discussions at MSC 90 related to the barring, suspension or temporary disconnection of DCs from operating in the LRIT system (MSC 90/28, paragraphs 6.19 and 6.20), decided that no further action was required.

6.8 The delegation of Venezuela (Bolivarian Republic of) informed the Committee that the performance review and audit of the Venezuela National LRIT Data Centre had not been completed because of legal issues regarding the agreement between Venezuela (Bolivarian Republic of) and IMSO, which were expected to be resolved in the near future.

Statements by the Islamic Republic of Iran and Azerbaijan

6.9 The delegations of the Islamic Republic of Iran and Azerbaijan made statements concerning the overlapping of polygons in the Caspian Sea. The full texts of their statements are set out in annex 40.

7 PASSENGER SHIP SAFETY

BACKGROUND

7.1 The Committee recalled that MSC 90 (MSC 91/7) had unanimously endorsed the action taken by the Secretary-General in the wake of the **Costa Concordia** accident with regard to the inclusion of an additional item in the agenda of MSC 90 and fully supported his proposal to establish a provisional timetable for improving the current international passenger ship regulations, taking into account initiatives being taken by the cruise shipping industry. In response to the Secretary-General's initiative, MSC 90 approved, in principle, the long-term action plan on passenger ship safety (MSC 90/WP.10, annex 3), subject to modifications

stemming from the report of the investigation into the **Costa Concordia** accident and any progress made on various aspects of passenger ship safety currently under consideration within IMO by its specialized sub-committees.

7.2 The Committee also recalled that MSC 90 had approved MSC.1/Circ.1446 on Recommended interim measures for passenger ship companies to enhance the safety of passenger ships and had adopted resolution MSC.336(90) on *Measures aimed at enhancing safety of passenger ships*, which, being of an operational nature, may be taken prior to the analysis of reasons behind the loss of the **Costa Concordia**.

PROGRESS REPORT ON THE COSTA CONCORDIA ACCIDENT INVESTIGATION

7.3 The Committee noted with appreciation the progress reports on the ongoing investigation presented by the Government of Italy (MSC 91/7/5 and MSC 91/7/7).

URGENT ACTIONS REQUESTED BY THE SECRETARY-GENERAL

7.4 With immediate reference to the update on the course of investigation into the **Costa Concordia** incident provided by Italy, the Committee considered document MSC 91/WP.12 (Secretary-General), stressing the urgent need for an international response, through IMO, to assure the travelling public and the families of those who lost loved ones in the incident, that the Organization will take the necessary and swift action to prevent such an accident occurring again in the future. To this end, the document addressed the most urgent operational issues in which the Secretary-General considered that the Organization already had enough information to take action on a number of issues.

7.5 In considering the issues raised by the Secretary-General, the Committee agreed that the working group should be instructed to further consider whether it was now appropriate to establish mandatory measures to address the issues highlighted in paragraph 3 of document MSC 91/WP.12. In taking the above decision, the Committee emphasized that these actions did not preclude the Committee from taking further substantive actions on both operational and technical issues following receipt of the casualty report into the loss of the **Costa Concordia**.

CRUISE SHIP OPERATIONAL SAFETY REVIEW AND RELATED ISSUES

7.6 The Committee considered document MSC 91/7/1 (CLIA), providing an update on the continuing cruise ship operational safety review and proposing three additional issues for inclusion in the scope of operational measures already provided for in MSC.1/Circ.1446 (i.e. common elements of musters and emergency instructions; recording the nationality of passengers; and lifeboat loading for training purposes (on board ships where the crew number is 300 or more)), and agreed to instruct the working group to further consider the proposals of an operational character contained in the above document, together with the guidance provided in MSC.1/Circ.1446 and resolution MSC.336(90), and advise the Committee on whether any additional guidance needed to be approved at this session.

7.7 The Committee noted document MSC 91/7/6 (ICS), providing its views on the Recommended interim measures for passenger ship companies to enhance the safety of passenger ships (MSC.1/Circ.1446) and reiterating its standpoint expressed at MSC 90 that any regulatory measures should be taken only after detailed analyses and consideration of the report on the investigation.

LONG-TERM MEASURES PROPOSED BY THE UNITED KINGDOM

7.8 Having briefly discussed documents MSC 91/7/2, MSC 91/7/3 and MSC 91/7/4 (United Kingdom), advising of its intent to submit detailed technical documents to SLF 55, proposing reintroduction of the residual freeboard after damage concept in the SOLAS probabilistic standard for damage stability (MSC 91/7/2); and to MSC 92, proposing new unplanned outputs on rectification of an inconsistency in the "safe return to port" concept which, at present, does not account for sufficient stability (MSC 91/7/3) and proposing reviewing the Guidance for watertight doors on passenger ships which may be opened during navigation (MSC.1/Circ.1380) and, possibly, SOLAS regulation II-1/22 concerning the possibility of keeping certain watertight doors open during the ship's operation (MSC 91/7/4), the Committee decided to only note them, as requested, since they would be considered by the relevant technical sub-committees under existing outputs already approved by the Committee or considered at MSC 92, as appropriate.

PASSENGER SHIP SPECIFIC SAFETY TRAINING

7.9 The Committee considered document MSC 91/19/7 (United States), proposing the inclusion of an unplanned output on passenger ship training aimed at amending the existing requirements of the STCW Convention and Code relating to passenger ships to match the new challenges posed by the increased size of modern cruise ships and the large number of passengers on board, and agreed to forward the proposal to the working group for detailed consideration with regard to the long-term action plan (MSC 90/WP.10, annex 3, entry 11).

CASUALTY INVESTIGATION REPORT FROM GOVERNMENT OF INDONESIA

7.10 The delegation of Indonesia informed the Committee about the collision that took place on 26 September 2012, in the vicinity of Sunda Strait, involving domestic passenger ro-ro ferry **Bahuga Jaya** and LPG carrier **Norgas Chatinka**, resulting in the sinking of **Bahuga Jaya** with the loss of seven lives and the rescue of 206 passengers. The investigation into the collision has been completed and the report is under consideration.

RE-ESTABLISHMENT OF THE WORKING GROUP ON PASSENGER SHIP SAFETY

7.11 Recalling the decision taken at MSC 90 to establish a working group on passenger ship safety at this session (MSC 90/28, paragraph 25.55), the Committee reconvened its Working Group on Passenger Ship Safety and instructed it, taking into account comments and decisions made in plenary, to:

- .1 taking into account the guidance provided in MSC.1/Circ.1446 and resolution MSC.336(90), advise the Committee on how best to proceed, in particular give detailed consideration as to whether it would now be appropriate to establish mandatory measures to address the issues highlighted by the Secretary-General in document MSC 91/WP.12;
- .2 consider further the proposals of an operational character contained in document MSC 91/7/1, together with the guidance provided in MSC.1/Circ.1446 and resolution MSC.336(90), and advise the Committee on whether any additional guidance needs to be approved at this session;
- .3 consider the proposal in document MSC 91/19/7 and advise the Committee on whether an unplanned output on passenger ship safety should be included in the biennial agenda of the STW Sub-Committee and provisional agenda for STW 44; and

- .4 update the long-term action plan on passenger ship safety (MSC 90/WP.10, annex 3), taking into account the relevant documents submitted to the session.

REPORT OF THE WORKING GROUP

7.12 Having received the report of the working group (MSC 91/WP.8), the Committee approved it in general and took action as reflected in paragraphs 7.13 to 7.29 below.

Urgent issues raised by the Secretary-General

Muster policy for ships engaged on a voyage where passengers are scheduled to be on board for more than 24 hours

7.13 The Committee agreed with the recommendation to establish mandatory measures on the issue of muster policy for ships engaged on a voyage where passengers are scheduled to be on board for more than 24 hours, taking into account that the concern raised by the Secretary-General (MSC 91/WP.12, paragraph 3.1) was an important outcome of the cruise shipping industry operational safety review, which had been included in the Recommended interim measures for passenger ship companies to enhance the safety of passenger ships (MSC.1/Circ.1446). In this regard, the Committee noted the statement by CLIA to the group that conducting musters prior to a ship's departure, as provided for in MSC.1/Circ.1446 and implemented by member companies, has not incurred any significant impact on running costs.

7.14 The Committee considered the draft amendments to SOLAS regulations III/19.2.2 and III/19.2.3 prepared by the group and agreed that they provide enough flexibility for allowing late passengers to obtain proper safety instructions.

7.15 With regard to passenger musters on ro-ro passenger ships operating with short port stays, the Committee noted that the proposed draft text of regulation III/19.2.2 accounted for the difficulties associated with pre-departure passenger musters, and provided for the possibility to carry out these musters immediately upon departure.

7.16 Having considered the view of one delegation that the words "immediately upon departure", as it contained in the draft amended regulation III/19.2.2, might need additional clarification, the Committee noted in this connection that the draft text was still open for comments before the final decision on this matter is taken at MSC 92.

7.17 Having considered the above issues, the Committee approved the draft amendments to SOLAS regulations III/19.2.2 and III/19.2.3, as set out in annex 14, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 92.

7.18 Notwithstanding the above decision, the Committee recognized that the text of SOLAS regulations III/19.2.2 and III/19.2.3 could be further improved, taking into account the relationship between the two regulations, the types of passenger ships they apply to, and the relevant muster and briefing requirements, and concurred with the group to capture the above matters in the revised long-term action plan (MSC 91/WP.8, annex 3, entry 13), including any findings that may affect these regulations in the light of conclusions of the **Costa Concordia** investigation report.

Avoidance of unnecessary disruptions and distractions to the bridge team

7.19 The Committee noted the group's view that the issue raised in regard to unnecessary disruptions and distractions to the bridge team (MSC 91/WP.12, paragraph 3.2)

was already adequately covered by SOLAS regulation V/15.6, the additional guidance contained out in MSC.1/Circ.1446 and the appropriate sections of ship safety management systems developed and approved under the ISM Code and that no further action was necessary in this regard.

Conditions under which a master may deviate from the approved voyage plan for reasons other than safety or environmental protection

7.20 In regard to the conditions under which a master may deviate from the approved voyage plan for reasons other than safety or environmental protection (MSC 91/WP.12, paragraph 3.3), the Committee noted the group's discussion on whether companies, as defined in SOLAS regulation IX/1.2, should develop policies and procedures to specify the aforementioned conditions and concurred with the view of the group that mandatory measures should not be prepared at this stage. Notwithstanding, the Committee noted that the group had decided to address the concern expressed by the Secretary-General when revising the Recommended interim measures (MSC.1/Circ.1446) and had agreed to include a new output on voyage planning in the long-term action plan (see paragraphs 7.23 and 7.29).

Revision of the Recommended interim measures for passenger ship companies to enhance the safety of passenger ships (MSC.1/Circ.1446)

7.21 The Committee noted that the group had considered the proposals stemming from the outcome of the cruise industry's operational safety review (MSC 91/7/1) and had concurred in general with the proposal to review MSC.1/Circ.1446, as reflected in paragraphs 7.22 to 7.27 below.

Common elements of musters and emergency instructions

7.22 The Committee noted that the group had agreed to common elements of musters and emergency instructions and added new text promoting passengers' attendance at musters and drills.

Voyage planning

7.23 The Committee agreed with the proposal by the group to make a number of changes to the interim guidance related to voyage planning to address conditions under which changes to the approved voyage plan should be conducted. As referred to in paragraph 7.20 above, these conditions may also be defined when reviewing resolution A.893(21) on the understanding that they relate to changes to the approved voyage plan for reasons other the safety of life at sea or protection of the marine environment. In this connection, the Committee noted that the scope of resolution A.893(21) was broader than passenger ships only.

Recording the nationality of persons on board

7.24 The Committee agreed in general with the proposal on recording the nationality of passengers, but considered it appropriate to expand it to cover all persons on board, as other information is required for all persons by SOLAS regulation III/27, taking into account the exemptions provided within the regulation, and added a reference thereto to identify the relevant SOLAS requirement for which additional recommendations were provided.

7.25 In this connection, the Committee also agreed that SOLAS regulation III/27 should be amended in the future to include the requirement on recording nationality of all persons on board and included a corresponding entry into the long-term action plan.

Lifeboat loading for training purposes

7.26 The Committee agreed to recommend to companies, as defined in SOLAS regulation IX/1.2, to have a policy envisaging that at least one lifeboat is to be filled with crew members equal in number to its certified number of occupants at least every six months. To address the concern on safety of personnel taking part in abandon ship drills, a reference to MSC.1/Circ.1206/Rev.1 on Measures to prevent accidents with lifeboats was included in the recommendations.

Revised MSC.1/Circ.1446 and consequential amendment to resolution MSC.336(90)

7.27 Having considered the above issues, the Committee approved MSC.1/Circ.1446/Rev.1 on Recommended interim measures for passenger ship companies to enhance the safety of passenger ships, which supersedes MSC.1/Circ.1446, and instructed the Secretariat to issue a corresponding corrigendum to resolution MSC.336(90) where MSC.1/Circ.1446 is referenced.

New unplanned output on passenger ship training

7.28 Having noted the group's consideration of document MSC 91/19/7, the Committee agreed to include an output on "Passenger ship training" in the post-biennial agenda of the Committee, with two sessions needed to complete the item, assigning the STW Sub-Committee as the coordinating body, and instructed STW 44 to include this item in the provisional agenda of STW 45 (see also paragraph 19.29).

Updating of the long-term action plan on passenger ship safety

7.29 Taking into account the progress made at the session, the Committee approved the Revised long-term action plan on passenger ship safety, as set out in annex 3 to document MSC 91/WP.8.

STATEMENT BY THE SECRETARY-GENERAL

7.30 Following consideration of this item, the Secretary-General expressed his sincere appreciation to the Committee for the positive response to the concerns contained in his note (MSC 91/WP.12), thereby sending to the travelling public and the families of those who lost loved ones in the **Costa Concordia** accident, a strong signal that the Organization was the appropriate international body to take the necessary and swift action aiming at preventing such an accident occurring again in the future.

8 MAKING THE POLAR CODE MANDATORY

8.1 The Committee recalled that MSC 90 noted the view of DE 56 that MSC and MEPC should prioritize their discussion on how to make the Polar Code mandatory in the most expeditious way possible. Following a relevant proposal by Norway, and noting that MEPC 63 had already discussed the matter, MSC 90 agreed to include in the agenda for this session an item on "Making the Polar Code mandatory".

8.2 The Committee had for its consideration the following two documents:

- .1 MSC 91/8 (Secretariat), reporting on the outcome of the consideration by MEPC 63 of how to make the Polar Code mandatory, in particular that MEPC 63 had agreed that all relevant existing instruments should be amended to mandate the associated provisions of the future Polar Code, as opposed to making it mandatory under the SOLAS Convention only or developing a stand-alone new Convention; and

- .2 MSC 91/8/1 (Argentina), proposing to structure the Polar Code according to general provisions, safety measures (containing mandatory and recommendatory provisions) and pollution prevention measures, corresponding to respective MARPOL annexes and other pollution-related IMO instruments. The safety measures would then be included in a new chapter of SOLAS, while the pollution prevention measures would be included in each of the MARPOL annexes and other pollution-related instruments as applicable. This would provide flexibility to adopt amendments to the Code independently, both on safety and pollution prevention.

8.3 A number of delegations supported the proposal by Argentina and suggested that it should form the basis for the further discussions in the DE Sub-Committee on how to make the Code mandatory. The proposed way forward, i.e. structuring the Code according to general provisions, safety measures (containing mandatory and recommendatory provisions) and pollution prevention measures, was welcomed as it would avoid a fragmentation of the provisions by maintaining an integrated structure.

8.4 Regarding the proposal to adopt the safety measures part of the Code as a new chapter to SOLAS, several delegations pointed out that such new chapters are traditionally adopted by a conference of SOLAS Contracting Governments and that the costs for convening a diplomatic conference needed to be taken into account in the considerations.

8.5 The delegation of New Zealand drew the attention of the Committee to the envisaged second phase of the work on the Polar Code, whereby, following the eventual adoption of the Code, its application to non-convention ships, in particular fishing vessels, should be further considered and stressed the importance of this work.

8.6 Following discussion, the Committee, having thanked Argentina for its constructive proposals, instructed the DE Sub-Committee to structure the draft Polar Code along the lines proposed in document MSC 91/8/1, i.e. having a general part, a part on safety measures and a part on pollution prevention measures, so that the Code could be adopted under the relevant applicable IMO instruments and specific maritime safety and pollution prevention requirements could be amended independently.

9 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

REPORT OF THE SIXTEENTH SESSION OF THE SUB-COMMITTEE

General

9.1 The Committee approved, in general, the report of the sixteenth session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR 16/17 and MSC 91/9) and took action as indicated hereunder, recalling that MSC 90 had already taken action on urgent matters emanating from COMSAR 16.

Data interface definition for an Inmarsat C SafetyNET terminal

9.2 The Committee endorsed the action taken by the Sub-Committee to invite IEC, assisted by IMSO and CIRM, to develop a data interface definition for an Inmarsat C SafetyNET terminal similar to the existing definition for NAVTEX, for use by manufacturers of Inmarsat C terminals and navigation display systems (e.g. INS, ECDIS) on a voluntary basis.

Liaison statements to ITU-R

9.3 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to convey three liaison statements to ITU-R WP 5B and ITU-R WP 7C, as appropriate:

- .1 on the "Work Plan adopted for revision of Recommendation ITU-R M.493-13";
- .2 "Regarding Recommendation ITU-R M.493-13"; and
- .3 on "Proposed changes to Recommendations ITU-R M.824-3 and ITU-R M.1176 and WRC-15 Agenda item 1.12 and Resolution COM 6/18".

Less responsive search and rescue points of contact (SPOCs)

9.4 The Committee noted that, in 2008, Cospas-Sarsat started regular testing of communications between its Mission Control Centres (MCCs) and national search and rescue points of contact (SPOCs). Available results showed that about 25 per cent of all tested SPOCs were insufficiently responsive or non-responsive.

9.5 In this context, the Committee reminded Member States with a low response rate of the importance of a reliable test call response of their search and rescue point of contact (SPOC) and encouraged them to take action, as appropriate.

9.6 Furthermore, the Committee decided to inform the Technical Co-operation Committee on the perceived need of some countries identified in document COMSAR 16/5/2, paragraph 17, for capacity-building and technical assistance to help ensure the timely response of their search and rescue point of contact (SPOC) upon receiving distress alerts.

Revised MSC circular on Guide for cold water survival

9.7 The Committee approved MSC.1/Circ.1185/Rev.1 containing the revised MSC circular on Guide for cold water survival.

Information on the availability of SAR Services

9.8 The Committee, noting that a new module of GISIS, called "Radiocommunications and Search and Rescue (COMSAR)", had been developed by the Secretariat containing the same information as available in the SAR.8 circular (Global SAR Plan), agreed to make it available from 1 December 2012. This module, accessible via GISIS, would provide:

- .1 the opportunity for Member States to enter and update information on SAR services directly into GISIS; and
- .2 interested parties direct access to updated information on SAR services.

9.9 Accordingly, the Committee approved COMSAR.1/Circ.55 on Guidance for entering and updating information on Search and Rescue into GISIS and on how to access information for operational use.

9.10 The Committee also noted that, as a consequence, information concerning the availability of SAR services would be updated by Member States through the COMSAR module of GISIS from 1 December 2012, and accordingly COMSAR.1/Circ.52, containing the Questionnaire on the availability of SAR Services, would be redundant and there would be no need to issue the updated SAR.8 circular in future. In this context, the Committee further noted that the last updated SAR.8/Circ.4 would be issued on 1 December 2012.

Guidance on Smartphone and Other Computer Device SAR Applications

9.11 The Committee approved COMSAR.1/Circ.56 on Guidance on smartphone and other computer device SAR applications, providing guidance on the potential safety concerns on the use of applications for smartphones and other computer devices available for download and offering users a facility to raise a SAR alert.

Recommendation for the protection of the AIS VHF data link

9.12 The Committee, noting that NAV 58 had not provided any additional comments, approved resolution MSC.347(91) on *Recommendation for the protection of the AIS VHF data link*, as set out in annex 15, revoking resolution MSC.140(76), taking into account that several AIS devices have been permitted since its adoption in 2002.

10 FLAG STATE IMPLEMENTATION

REPORT OF THE TWENTIETH SESSION OF THE SUB-COMMITTEE

10.1 The Committee recalled that MSC 90 had considered urgent matters emanating from the twentieth session of the Sub-Committee on Flag State Implementation (FSI) and had also taken action as recorded in sections 9 (Ship design and equipment) and 25 (Work programme) of its report (MSC 90/28, paragraphs 9.11, 25.15 and 25.16).

10.2 The Committee approved, in general, the report of FSI 20 (FSI 20/19 and MSC 91/10) and, taking into account relevant decisions and comments made by MEPC 64 (MSC 91/2/2 and MSC 91/10/5), took action as indicated hereunder.

Reporting requirements in IMO instruments

10.3 The Committee noted that, to promote the implementation of mandatory IMO instruments, particularly in respect of enhancing the rate of notifications, and making an effective use of information and communication technology, FSI 20 explored the potential validation of electronic reporting through the GISIS system as a means to achieve compliance with requirements of notification and circulation of mandatory reports from Parties to the various IMO bodies.

10.4 The Committee, having noted the related decision of MEPC 64, endorsed the Sub-Committee's decision to consider, at its next session, the draft Assembly resolution on notification and circulation through GISIS of information related to mandatory reporting requirements, as set out in the annex to document FSI 20/3/1.

10.5 Having noted that there are cases where the frequency of reporting and details of how to communicate domestic legislation, including the language, are not always clearly specified in the mandatory instruments, the Committee also concurred with MEPC 64 in endorsing the Sub-Committee's invitation to interested Member States to submit their proposals on draft guidelines on communication of information under IMO instruments to a future session, in particular on domestic legislation, including the frequency of such reporting and the language in which information should be provided.

10.6 The Committee further concurred with the decision of MEPC 64 to instruct the Sub-Committee to examine in detail, the difficulties encountered by Member States in complying with the various mandatory reporting requirements, while taking into account the establishment of the Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR), with a view to avoiding any duplication of work.

Certificates and documents to be carried on board ships

10.7 The Committee concurred with the decision of MEPC 64 and endorsed the Sub-Committee's decision to further clarify the meaning of "originals" to be carried on board ships taking into account the ongoing work of the FAL Committee on electronic access to certificates and documents, and any related work being undertaken within the Organization.

10.8 The Committee also concurred with the decision of MEPC 64 to instruct the Sub-Committee to initiate revisions to FAL.2/Circ.123-MEPC.1/Circ.769-MSC.1/Circ.1409, as may be necessary, and endorse the request to the Secretariat to prepare a note containing those requirements, which may result in the revision of the above-mentioned circular and/or amendment to appendix 12 of the Procedures for PSC (resolution A.1052(27)), as appropriate.

Regulation for non-convention ships

10.9 The Committee noted that a modular set of standards of harmonized regulations and model national legislation for ships not covered by the 1974 SOLAS Convention (GlobalReg), together with a model course, were developed in 2010 by IMO consultants, taking into account existing model regulations for non-Convention ships developed by IMO for various regions as well as all available IMO documents on safety regulations for ships not covered by SOLAS.

10.10 The Committee, in considering the Sub-Committee's request to coordinate a detailed technical review of GlobalReg by all relevant sub-committees, in order to develop a non-mandatory instrument on regulations for non-convention ships and to identify a process for keeping it updated, was informed that MEPC 64 had decided that it was not appropriate for it to extend the scope of the planned output on the development of a non-mandatory instrument on regulations for non-convention ships and the GlobalReg.

10.11 The Committee considered document MSC 91/10/3 (France et al) containing a proposal for an incremental option for the review of GlobalReg by seven sub-committees over a three-year period.

10.12 In the ensuing discussion, a number of delegations reiterated the importance of globally harmonized and updated safety standards for non-convention ships, which would assist Administrations to effectively regulate the safety standards of such ships. However, concerns were also expressed regarding the magnitude of the task, which needed to be better defined and to adhere more closely to the planning process of the Organization's work.

10.13 The Committee, recalling that the proposed work was already in the High-level Action Plan for the biennium (output 5.2.1.18), agreed that FSI 21 should develop a detailed strategy for the development of the non-mandatory instrument on safety standards for non-convention ships and a clearer identification of the envisaged output, which should initially be limited to common regulations and those that are specific to non-convention passenger ships with the aim of improving the capacity of Member States, for consideration at MSC 92 for inclusion in the High-level Action Plan for the next biennium.

Referral of investigation report and analysing material

10.14 The Committee endorsed the Sub-Committee's decision to forward the reports on the incidents of the **BBC Atlantic** (GISIS incident C0007492), **Star Java** (GISIS incident C0007519), **Knud Lauritzen** (GISIS incident C0007251), **Sand Falcon** (GISIS incident C0007978) and **Wellservicer** (GISIS incident C0007608), as well as the analysis and comments made by the correspondence group, to the DE Sub-Committee for its consideration and advice, as appropriate.

Certified true copy of amendments to conventions

10.15 The Committee concurred with the decision of MEPC 64 to request the Secretariat to release a version of the certified true copy of amendments to a convention on IMODOCS, in track changes, and establish a time limit for the circulation of the certified true copies, preferably at the time of adoption, taking into account the views expressed by the Legal Office.

Lack of accession to key international maritime instruments

10.16 Regarding the Sub-Committee's proposal to request the Secretariat to invite States depositing instruments of ratification to submit relevant and related domestic documents leading to the ratification of an IMO instrument that could be made accessible to other States, the Committee was advised that MEPC 64, in noting that TC 62 had considered the same proposal, concurred with the view of TC 62 (TC 62/15, paragraphs 3.14 and 3.15).

10.17 The Committee, after consideration of document MSC 91/10/2 (France et al), agreed to the proposal for the development of additional functionality to the existing GISIS module on "Status of Treaties", to allow the uploading of information on domestic documents leading to ratification, without the need for translation, on the understanding that the information was of limited scope and volume and would not extend to the text of primary and secondary legislation.

Scope of application and drafting of amendments to SOLAS and its Codes

10.18 Having noted that FSI 20 continued to consider the issue of the scope of application of amendments to SOLAS and related Codes and Guidelines from a holistic point of view, as instructed by MSC 87 and MSC 89, the Committee agreed to the Sub-Committee's proposal to refer the draft amendments to the LSA Code and the concerns regarding the application of SOLAS regulation III/1.4.2, together with the proposed draft MSC circular on Guidance for drafting amendments to the International Life-Saving Appliance (LSA) Code to DE 57 for its consideration.

Draft IMO Instruments Implementation Code (III Code)

10.19 The Committee recalled that MSC 89 and MEPC 62 had approved the draft IMO Instruments Implementation Code (III Code), as set out in annex 26 to document MSC 89/25, for submission to the Assembly, at its twenty-eighth session for adoption, and had requested the Secretariat to provide FSI 20 with a comprehensive review of the options available on the process of making the III Code and auditing mandatory and the rationale thereon.

10.20 The Committee noted the view of the Sub-Committee that, although the III Code is intended to become mandatory, it would be non-mandatory at the adoption stage until it is made mandatory by the entry into force of amendments to the relevant IMO instruments; and that the version of the III Code approved by MSC 89 and MEPC 62, which contained both provisions in mandatory terms and of a recommendatory nature, needed to be redrafted in non-mandatory form.

10.21 The Committee, noting the related decision of MEPC 64, approved the draft Assembly resolution on Adoption of the IMO Instruments Implementation Code (III Code), as set out in annex 16, for submission to the Assembly, at its twenty-eighth session, for adoption.

10.22 Having noted that FSI 20 conducted a comprehensive review of scenarios for adopting the III Code and draft amendments to mandatory IMO instruments together with the course of action for adoption of, and future amendments to, the III Code in its mandatory form, as requested by the Committee, and had agreed on the scenario which relies on the normal sequence of events, the Committee concurred with the decision of MEPC 64 in endorsing the Sub-Committee's recommendation that amendments to the relevant instruments should be adopted after the III Code has been first adopted by the Assembly.

10.23 In this context, the Committee noted the information contained in document MSC 91/10/1 (Secretariat), concerning a possible time frame to make the draft III Code and auditing mandatory, and was advised by the Secretariat that the draft amendment to COLREG 1972 should be adopted at this session for referral to A 28 for adoption, with an acceptance date of 1 July 2015 and an expected date of entry into force of 1 January 2016, and agreed that the aforesaid information on the time frame could be a general guide for the actions to be taken on the III Code and the draft amendments.

10.24 The Committee also concurred with the decision of MEPC 64 and, thereby, also endorsed the Sub-Committee's recommendation that the preferred method of referencing would be to incorporate the symbol of the Assembly resolution adopting the III Code into the text of the amendments to the mandatory instruments, which can be done only after the adoption of the III Code by the Assembly. This reference would neither include the standard words "as amended" nor mention the article of the instrument concerned regarding the use of the tacit acceptance procedure. Using this method, the resolution reference alone could, in future, be replaced and updated using the article-based tacit acceptance procedure.

10.25 Having endorsed the Sub-Committee's recommendation that both the explicit acceptance procedure and the unanimous acceptance procedure might be initiated concurrently for acceptance of amendments to LL 66 and Tonnage 1969 and that both of the above-mentioned procedures should be used for the purpose of amending LL 66 and Tonnage 1969 by the MSC and the Assembly, the Committee considered the draft amendments to LL 66, Tonnage 1969 and COLREG 1972 along with the associated draft Assembly resolutions and referred them to the drafting group established under agenda item 3 (see paragraph 3.76) for finalization with a view to adoption by the Committee.

10.26 To make the III Code and auditing mandatory, the Committee approved draft amendments to the International Convention for the Safety of Life at Sea Convention, 1974, as amended, as set out in annex 17, and the International Convention on Load Lines, 1966, as modified by the Protocol of 1988, as set out annex 18, together with the associated draft MSC resolutions, for circulation in accordance with the relevant articles of the aforementioned Conventions, with a view to adoption at MSC 93.

10.27 The delegation of Cyprus made a statement, as set out in annex 40, on the approval of the draft III Code and the draft amendments to SOLAS 1974 and 1988 LL Protocol to make the Code and auditing mandatory. The delegations of Belgium, Bulgaria, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom associated themselves with the statement.

10.28 The delegation of the United States also made a statement, as set out in annex 40, indicating that the text of the current draft amendments to the IMO instruments could be improved prior to adoption by more clearly reflecting the scope and purpose of the audit.

10.29 The Committee also concurred with the decision of MEPC 64 in endorsing the Sub-Committee's recommendation that, once a new Code is adopted by the Assembly, amendments to the mandatory instruments making the III Code mandatory should be adopted to replace the symbol of the corresponding Assembly resolution number which had adopted the old version of the Code with the symbol of the new Assembly resolution adopting the new version of the Code. The amendments to all relevant mandatory instruments making the Code mandatory should enter into force at the same time, in order to avoid having different versions of the Code in force simultaneously.

10.30 While concurring with the decision of MEPC 64, the Committee instructed the Sub-Committee to develop, at its next session, a new non-mandatory instrument in the form of a draft Assembly resolution, solely containing the annexes to the current non-mandatory Code for the implementation of mandatory IMO instruments, to be reviewed in the future in the same way as the annexes to the non-mandatory Code have been updated regularly since its initial adoption.

Draft Code for recognized organizations (RO Code)

10.31 The Committee noted that the Code for recognized organizations (RO Code) should be made mandatory under the SOLAS, MARPOL and Load Lines Conventions by amending those mandatory provisions referring to resolutions A.739(18) on *Guidelines for the Authorization of Organizations Acting on Behalf of the Administration* and A.789(19) on *Specifications on the Survey and Certification Functions of Recognized Organizations acting on behalf of the Administration*, under the tacit acceptance procedure. The Committee concurred with the decision of MEPC 64 in endorsing the Sub-Committee's recommendation in favour of the adoption of separate MSC and MEPC resolutions for adopting and amending the RO Code. The Committee also endorsed the Sub-Committee's recommendation to amend only those instruments under its purview that refer expressly to resolutions A.739(18) and A.789(19) to make the RO Code mandatory, i.e. SOLAS and LL PROT 1988.

10.32 The Committee also concurred with the decision of MEPC 64 endorsing the Sub-Committee's request to the Secretariat to further communicate with the International Organization for Standardization Secretariat to obtain clarification or approval for referencing its standards in the RO Code and, if required, conduct a study with interested delegations to adjust the text of the RO Code. In this regard, the Committee noted the information provided by the Secretariat that an agreement had been concluded between ISO and IMO for the use of the ISO standard on the basis of a one-off payment to be made when the RO Code is issued as an IMO publication.

10.33 In considering document MSC 91/10/5 (Secretariat) relating to the outcome of MEPC 64, the Committee also concurred with the decision of MEPC 64 to:

- .1 retain the second version of the footnote of the two square-bracketed versions of the proposed new footnote to be added to the entry on "liability", as it appears under paragraph 8.4 of appendix 3 of the RO Code;
- .2 the modifications to the draft RO Code as proposed in documents MEPC 64/11/5 and MEPC 64/11/5/Corr.1 (IACS), in general; and
- .3 further amend the text of the last sentence of paragraph 3.6.3 of part II of the RO Code to read: "Records specified in paragraph 3.6.4.2 for a ship shall be retained for a minimum period of 3 years beyond the period for which statutory certification and services are provided by the RO to that ship, or a longer period if specified in the agreement between the flag State and the RO".

10.34 Having further considered document MSC 91/10/5, also addressing issues related to the relationship between the RO Code and resolutions A.739(18) and A.789(19), as well as editorial matters, together with document MSC 91/WP.11 on the list of proposed amendments in this regard, the Committee, having agreed with the aforementioned amendments and concurred with the decision of MEPC 64, approved the draft Code for Recognized Organizations (RO Code) and the associated draft MSC resolution, as set out in annex 19, with a view to adoption at MSC 92. The Committee authorized the Secretariat, when preparing the final text of the draft Code, to take into account the decisions made in plenary, as appropriate, and 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 Committee when adopting the draft RO Code.

10.35 To make the RO Code mandatory, the Committee approved draft amendments to the International Convention for the Safety of Life at Sea Convention, 1974, as amended, as set out in annex 20, and the International Convention on Load Lines, 1966, as modified by the Protocol of 1988, as set out annex 21, together with the associated draft MSC resolutions, for circulation in accordance with the relevant articles of the aforementioned Conventions, with a view to adoption at MSC 92.

10.36 The delegation of Cyprus made a statement, as set out in annex 40, in connection with the approval of the draft RO Code and the draft amendments to SOLAS 1974 and 1988 LL PROT 1988 to make the RO Code mandatory. The delegations of Belgium, Bulgaria, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom associated themselves with the above-mentioned statement.

OTHER MATTERS

10.37 The Committee considered document MSC 91/10/4 (Mongolia et al), providing information about recent ship entry policies or requirements imposed by port authorities of several Member States. Having noted the views of some delegations on the need for a global approach to port entry conditions for ships and those of other delegations that were of the view that it was the prerogative of a State to establish port entry conditions, the Committee noted the information provided and encouraged those Member States that had encountered such difficulties with respect to ships entitled to fly their flags to engage in bilateral or regional discussions with those States that impose such conditions with a view to resolving any issues that arise.

11 TRAINING AND WATCHKEEPING

REPORT OF THE FORTY-THIRD SESSION OF THE SUB-COMMITTEE

General

11.1 The Committee approved, in general, the report of the forty-third session of the Sub-Committee on Training and Watchkeeping (STW 43/14 and MSC 91/11) and took action as indicated hereunder.

Development of training standards for recovery systems

11.2 The Committee concurred with the decision of the Sub-Committee that there was no need to develop additional training for recovery capability for all types of ships.

Guidelines for the Implementation of the Medical Standards of the 2010 Manila Amendments

11.3 The Committee approved the revised Guidelines on the Medical Examination of Seafarers and instructed the Secretariat to disseminate it as STCW.7/Circ.19.

Procedures regarding the consideration of information communicated in accordance with article IV and regulation I/7 of the STCW Convention and section A-I/7 of the STCW Code

11.4 The Committee, having considered document MSC 91/11/2 (Islamic Republic of Iran), agreed to editorial modifications and approved MSC.1/Circ.1448 on Procedures regarding the consideration of information communicated in accordance with article IV and regulation I/7 of the STCW Convention.

Guidance on the preparation, reporting and review of independent evaluations and steps taken to implement mandatory amendments required by regulations I/7 and I/8 of the STCW Convention, and sections A-I/7 and A-I/8 of the STCW Code

11.5 The Committee, having considered document MSC 91/11/3 (Islamic Republic of Iran) proposing amendments to the draft revised circular, approved MSC.1/Circ.1449 on Guidance on the preparation, reporting and review of independent evaluations and steps taken to implement mandatory amendments required by regulations I/7 and I/8 of the STCW Convention.

Guidance on arrangements between parties to allow for recognition of certificates under regulation I/10 of the STCW Convention

11.6 The Committee approved MSC.1/Circ.1450 on Guidance on arrangements between parties to allow for recognition of certificates under regulation I/10 of the STCW Convention.

Guidance on ECDIS training

11.7 Bearing in mind that the first phase of carriage requirements for ECDIS entered into force on 1 July 2012, the Committee endorsed the Sub-Committee's approval of STCW.7/Circ.18 on Guidance on Electronic Chart Display and Information System (ECDIS) Training.

Enhancing the efficiency and user-friendliness of the ISM Code

11.8 The Committee considered document MSC 91/11/6 (Bahamas, Liberia, Panama, ICS and CLIA), proposing changes to the draft amendments to the International Safety Management (ISM) Code prepared by the Sub-Committee, but did not agree to the proposed deletion of new paragraph 6.2.1 or to the replacement of the proposed new paragraph 12.2. However, the Committee approved a new paragraph to be added to the foreword of the publication of the Code² to clarify the intent of footnotes and requested the Secretariat to amend the text of the publication accordingly. In this connection, the delegation of the Bahamas stated that if the Committee had decided to proceed with the use of what it still considered to be a vague phrase, the intervention made by delegation of Spain, which linked the identification of "delegated ISM-related tasks" to the assessment of risks, as set out in paragraph 1.2.2.2 of the Code, was considered to be likely to be helpful in implementing this requirement.

² New paragraph to be inserted: "The footnotes given in this Code are inserted for reference and guidance purposes and do not constitute requirements under the Code. However, in accordance with paragraph 1.2.3.2, all relevant guidelines, recommendations, etc., should be taken into account. In all cases the reader must make use of the latest versions of the referenced texts of the document specified in a footnote, bearing in mind that such texts may have been revised or superseded by updated material."

11.9 Having considered the above issues, the Committee approved the draft amendments to the International Safety Management (ISM) Code, as set out in annex 22, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII with a view to adoption by MSC 92. In this connection, the Secretariat was requested to prepare the associated draft MSC resolution for consideration at MSC 92.

Amendments to the Revised Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations

11.10 The Committee, noting that MEPC 64 had approved the revised guidelines on implementation of the ISM Code by Administrations, subject to concurrent decision of MSC 91, approved the draft Assembly resolution on Revised Guidelines on implementation of the ISM Code by Administrations, as set out in annex 23, for submission to the Assembly, at its twenty-eighth session, for adoption.

Amendments to the Guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies

11.11 The Committee, noting that MEPC 64 had approved revised guidelines for the operational implementation of the ISM Code by companies, subject to concurrent decision of MSC 91, approved MSC-MEPC.7/Circ.8 on Revised Guidelines for the operational implementation of the ISM Code by Companies.

Amendments to the Guidelines for a structure of an integrated system of contingency planning for shipboard emergencies

11.12 The Committee, noting that MEPC 64 approved the revised guidelines for the structure of an integrated system of contingency planning for shipboard emergencies, subject to concurrent decision MSC 91, approved the draft Assembly resolution on Revised Guidelines for the structure of an integrated system of contingency planning for shipboard emergencies, as set out in annex 24, for submission to the Assembly, at its twenty-eighth session, for adoption.

List of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments

11.13 The Committee instructed the FSI Sub-Committee to consider document STW 43/10/5 in conjunction with its work on matters related to the List of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments (MSC.1/Circ.1371).

Control of safety when transferring persons at sea

11.14 The Committee agreed that guidelines on safety when transferring persons at sea should be developed and instructed the Human Element Working Group at STW 44 to develop guidelines on safety when transferring persons at sea, taking into account the information contained in document MSC 89/24/1 (Denmark), resolution A.1045(27) and SOLAS regulation V/23.

Code for the implementation of mandatory IMO instruments

11.15 The Committee considered documents MSC 91/11/4 (Islamic Republic of Iran) and MSC 91/11/5 (United States), proposing amendments to the draft amendments to the STCW Convention and Code developed by the Sub-Committee to make the IMO Instruments Implementation Code (III Code) and auditing mandatory.

11.16 In the ensuing discussion, a majority of the delegations, while supporting the draft amendments to the STCW Convention and Code prepared by STW 43, did not support the proposals contained in document MSC 91/11/4. Furthermore, the Committee agreed that the proposals contained in document MSC 91/11/5 were of a substantive nature that required further consideration.

11.17 After some discussion, the Committee, noting the substantive nature of the proposals and taking into account that amendments to Conventions related to the Audit Scheme would only be adopted by the Committee in 2014, referred the proposals in document MSC 91/11/5 to STW 44 for consideration with a view to approval by MSC 92 and adoption by MSC 93 in 2014.

SECRETARY-GENERAL'S REPORT PURSUANT TO STCW REGULATION I/7

11.18 In introducing his report (MSC 91/WP.3), the Director of the Maritime Safety Division, on behalf of the Secretary-General, advised the Committee that in preparing the report required by STCW regulation I/7, paragraph 2, the Secretary-General had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of section A-I/7 of the STCW Code 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.

11.19 The Committee was subsequently invited to consider the report attached to document MSC 91/WP.3 for the purpose of confirming that the information provided by the Government concerned demonstrated that full and complete effect was given to the provisions of the STCW Convention.

11.20 As was the case with the Secretary-General's reports to its previous sessions, the Committee agreed to consider the report 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.

11.21 The Committee confirmed that the procedures for the assessment of the information provided had been correctly followed in respect of the STCW Party included in the Secretary-General's report and instructed the Secretariat to issue an updated circular as MSC.1/Circ.1163/Rev.8.

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

11.22 In introducing his report (MSC 91/WP.3/Add.1), the Director of the Maritime Safety Division on behalf of the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 2, the Secretary-General had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of section A-I/7 of the STCW Code 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.

11.23 The Committee was subsequently invited to consider the reports attached to document MSC 91/WP.3/Add.1 for the purpose of confirming that the information provided by the STCW Parties pursuant to STCW regulation I/8 confirmed that full and complete effect was given to the provisions of the STCW Convention.

11.24 As was the case with the Secretary-General's reports to previous sessions of the Committee, the Committee agreed to consider all the reports collectively in order to:

- .1 review the procedures report to identify any entries requiring clarification;
- .2 review the information presented in comparison table format; and
- .3 confirm that each report reflected that the procedures for the assessment of the information provided by the Parties concerned had been correctly followed.

11.25 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 issue an updated circular as MSC.1/Circ.1164/Rev.11.

APPROVAL OF COMPETENT PERSONS

11.26 The Committee approved additional competent persons nominated by the Governments (MSC 91/11/1) and requested the Secretariat to issue an updated circular as MSC/Circ.797/Rev.23.

12 SAFETY OF NAVIGATION**REPORT OF THE FIFTY-EIGHTH SESSION OF THE SUB-COMMITTEE****General**

12.1 The Committee approved, in general, the report of the fifty-eighth session of the Sub-Committee on Safety of Navigation (NAV) (NAV 58/14 and MSC 91/12) and took action as indicated in paragraphs 12.2 to 12.16.

Adoption of new traffic separation scheme (TSS)

12.2 In accordance with resolution A.858(20), the Committee adopted the proposed new traffic separation scheme in "In the approaches to IJmuiden", as set out in annex 25, for dissemination by means of COLREG.2/Circ.64.

Amendments to existing traffic separation schemes (TSSs)

12.3 In accordance with resolution A.858(20), the Committee adopted amendments to the existing traffic separation schemes, including associated routeing measures, as follows:

- .1 "Off Texel";
- .2 "In the Approaches to Hook of Holland and at North Hinder";
- .3 "Off Rodsher Island";
- .4 "Off Ushant", including article 3 of SN/Circ.232;
- .5 "In the Santa Barbara Channel";
- .6 "Off San Francisco"; and
- .7 "In the Approaches to Los Angeles – Long Beach",

as set out in annex 25, for dissemination by means of COLREG.2/Circ.64.

Routeing measures other than TSSs

12.4 In accordance with resolution A.858(20), the Committee adopted the following new routeing measures other than separation schemes, including amendments to existing routeing measures other than traffic separation schemes:

- .1 an area to be avoided for ships 300 GT or over and a mandatory No Anchoring Area for all ships, as Associated Protective Measures (APMs) for Saba Bank PSSA;
- .2 two (2) Precautionary Areas and an area to be avoided as part of establishing a new routeing system "In the approaches to IJmuiden";
- .3 Precautionary Area, a Recommended route and an area to be avoided as part of establishing a new routeing system in the area "West of Rijnveld";
- .4 amendments to the existing "Deep-water route leading to IJmuiden";
- .5 amendments to the existing Routeing measures other than traffic separation schemes, as part of the revision of the routeing system "In the Approaches to Hook of Holland and at North Hinder";
- .6 amendments to the existing Deep-water route leading to Europoort, as part of the revision of the routeing system "In the Approaches to Hook of Holland and at North Hinder";
- .7 recommendatory area to be avoided off the Ningaloo Coast, Western Australia;

- .8 recommendatory measure for vessels crossing the traffic separation scheme and Precautionary areas in the Singapore Strait during hours of darkness;
- .9 areas to be avoided in waters off the Brazilian south-east coast;
- .10 recommended tracks and traffic separation line between the traffic separation schemes "Off Rodsher Island" and "Off Gogland Island"; and
- .11 revoked the existing Deep-water route inside the borders of the traffic separation schemes from Gogland Island to Rodsher Island,

as set out in annex 26, for dissemination by means of SN.1/Circ.317.

Implementation of the adopted routeing measures and mandatory ship reporting systems

12.5 The Committee decided that the adopted new traffic separation scheme and amendments to the existing traffic separation schemes referred to in document MSC 91/12, paragraph 12.2 and subparagraphs 12.3.1 and 12.3.2 (as requested by the Netherlands and Belgium) should be implemented on 1 August 2013 at 0000 hours UTC, whilst those referred to in subparagraphs 12.3.3, 12.3.4, 12.3.5, 12.3.6 and 12.3.7 should be implemented on 1 June 2013 at 0000 hours UTC (see annex 25). The routeing measures other than traffic separation schemes referred to in subparagraphs 12.4.1, 12.4.7, 12.4.8, 12.4.9, 2.4.10 and 12.4.11 (see annex 26), should be implemented six months after their adoption, i.e. on 1 June 2013 at 0000 hours UTC, whilst those detailed in subparagraphs 12.4.2 to 12.4.6 should be implemented (as requested by the Netherlands and Belgium) on 1 August 2013 at 0000 hours UTC.

Mandatory ship reporting system

12.6 In accordance with resolution A.858(20), the Committee adopted resolution MSC.348(91) on New mandatory ship reporting system "In the Barents Area (Barents SRS)", as set out in annex 27, for dissemination by means of SN.1/Circ.318. The Committee also decided that, as requested by Norway and the Russian Federation, it should be implemented six months after its adoption, i.e. on 1 June 2013 at 0000 hours UTC.

Adoption of the amendments to the General Provisions on Ships' Routeing (resolution A.572(14), as amended)

12.7 The Committee adopted amendments to the *General Provisions on Ships' Routeing* (resolution A.572(14)), as amended, for dissemination by means of SN.1/Circ.319, subject to confirmation by the Assembly. The Committee further instructed the Secretariat to forward the proposed amendments to the Assembly, at its twenty-eighth session, for confirmation.

ITU matters

12.8 The Committee endorsed the action by the Sub-Committee in instructing the Secretariat to forward the liaison statements to ITU-R WP 5B, concerning the revision of recommendation M.1371-4 and WRC-15, agenda item 1.16, on possible new AIS technology applications and possible new applications to improve maritime radiocommunication and noted that the Secretariat had done so intersessionally.

12.9 The Committee invited Member States to advise manufacturers to affix product labels to the equipment AIS-SART, EPIRB-AIS and AIS MOB, clearly indicating that these AIS devices must be regarded as location aids in emergency situations and not as distress alert systems.

Development of an e-navigation strategy implementation plan

12.10 The Committee noted the progress in the development of an e-navigation strategy implementation plan and the re-establishment of a correspondence group to progress the work intersessionally.

Development of the revised draft text of the policy on use of Aids to Navigation

12.11 The Committee noted progress in the development of the revised draft text of the policy on use of Aids to Navigation and the re-establishment of a correspondence group to progress work intersessionally to finalize a revised draft policy for AIS Aids to Navigation (AtoN) and to develop symbols for AIS AtoN, taking into account the symbols contained in SN/Circ.243 and other relevant guidelines, standards and publications.

Revision of MSC.1/Circ.1350 on Unified Interpretations of SOLAS regulation V/22.1.6 relating to navigation bridge visibility

12.12 The Committee approved MSC.1/Circ.1350/Rev.1 on Unified Interpretations of SOLAS regulation V/22.1.6 relating to navigation bridge visibility.

Draft MSC resolution on the Performance Standards for Electronic Inclinometers

12.13 The Committee endorsed the draft MSC resolution on the Performance Standards for Electronic Inclinometers, as set out in annex 28, with a view to adoption by MSC 92.

Revisions to interpretation Nos. 22 and 27 of appendix to MSC.1/Circ.1369

12.14 The Committee endorsed the revisions to interpretation Nos. 22 and 27 of the appendix to MSC.1/Circ.1369 and instructed the Secretariat to issue MSC.1/Circ.1369/Add.1.

Operating anomalies within ECDIS

12.15 The Committee endorsed the action of the Sub-Committee in approving and disseminating SN.1/Circ.312 on operating anomalies within ECDIS.

Review of vague expressions in SOLAS regulation V/22

12.16 The Committee, noting the discussions relating to the review of vague expressions in SOLAS regulation V/22, at NAV 58, concurred with the view that the issues raised at MSC 90 could not be resolved without a proper unplanned output on the Sub-Committee's agenda and, noting the work done to date on this issue, invited Member States to make relevant proposals.

OUTCOME OF A MEETING WITH ORIGINAL EQUIPMENT MANUFACTURERS OF ECDIS

12.17 The Committee noted with appreciation the information contained in document MSC 91/12/1 (Secretariat) relating to the outcome of a meeting held with Original Equipment Manufacturers (OEMs) of ECDIS to explore ways and means to address operating anomalies identified within ECDIS. In this context, the Committee urged shipowners,

managers and ships to use the information provided on the IHO website and on the websites of individual ECDIS manufacturers to ensure that their ECDIS systems were updated to meet the latest applicable standards.

12.18 The observer from ICS, in the context of document MSC 91/12/1, drew attention to information on the IHO website that raised industry concerns with respect to the reliability and accuracy of ECDIS for use in navigation.

12.19 Following the ICS intervention, there was a general discussion on the anomalies identified in ECDIS equipment. Some delegations expressed concerns that ECDIS equipment was not compliant with the ECDIS performance standards and that an MSC resolution was necessary to provide flexibility relating to ECDIS carriage requirements. In this context, others were of the view that, as the issue of operating anomalies was being addressed by the IMO and IHO Secretariats, and the industry, through CIRM, there was no perceived need for an MSC resolution.

12.20 The IHO advised that it was unaware of any ECDIS in use at sea that could not be used to meet the carriage requirements, notwithstanding that a limited number required a software upgrade in order to work optimally, and that there were no safety implications involved. Lastly, IHO would continue its efforts, along with IMO, to address any operating anomalies by convening further workshops and meetings with OEMs. The statements by ICS and IHO are attached in annex 40.

12.21 After extensive discussion, the Committee, recognizing that SN.1/Circ.312 on Operating anomalies identified with ECDIS had already been issued and, noting the proactive steps taken by the Secretariat in convening the meeting with the OEMs, instructed the Secretariat to continue, on a priority basis, to monitor the developments, expedite efforts in coordination with IHO, CIRM and OEMs to address this issue and keep the Committee informed on a regular basis.

12.22 Furthermore, the Committee, noting that the United Kingdom had submitted a proposal to include an unplanned output for the NAV Sub-Committee to include ECDIS matters as a continuous agenda item within the Sub-Committee's current biennial agenda and the Committee's post-biennial agenda, agreed to examine under agenda item 19 (see paragraph 19.21) whether this could be expanded to address these issues on an ongoing basis.

OUTCOME OF THE 3RD IHO WORKSHOP OF TECHNICAL EXPERTS RELATING TO OPERATING ANOMALIES IDENTIFIED WITHIN ECDIS

12.23 The Committee noted with appreciation the oral information provided by the IHO observer relating to the outcome of the 3rd Workshop of Technical Experts relating to operating anomalies identified within ECDIS held at IMO Headquarters on 9 and 10 October 2012. In this context, the Committee also noted that the manufacturers had agreed to provide a list of technical contact points which would provide the mariner with information relating to software updates.

UPDATE ON ACTION TAKEN BY JAPANESE ECDIS MANUFACTURERS TO ADDRESS OPERATING ANOMALIES IDENTIFIED WITHIN ECDIS

12.24 The Committee noted with appreciation the information provided by Japan (MSC 91/INF.4) on the action taken by Japanese manufacturers to address operating anomalies identified within ECDIS.

13 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

URGENT MATTERS EMANATING FROM THE SEVENTEENTH SESSION OF THE SUB-COMMITTEE

13.1 The Committee considered urgent matters emanating from the seventeenth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (documents DSC 17/17 and MSC 91/13) and took action as indicated hereunder.

Draft amendments (02-13) to the IMSBC Code

Draft schedule(s) for iron ore fines

13.2 The Committee noted that the Sub-Committee had decided not to finalize a draft schedule for iron ore fines at DSC 17 in order to await the outcome of related research, with a view to finalizing the draft schedule(s) and appropriate test methods at DSC 18; and had approved DSC.1/Circ.66/Rev.1 on Carriage of iron ore fines that may liquefy so that it would continue to be applied until the finalization of the schedule(s).

13.3 In this regard, the Committee authorized DSC 18 to issue a DSC circular on early implementation of the draft schedule(s) for iron ore fines, after the Sub-Committee finalizes the draft schedule(s).

13.4 The Committee, having noted that the Sub-Committee had established a correspondence group to finalize the draft schedule(s) for iron ore fines, agreed to relax the submission deadline for the group's report to DSC 18, due to the anticipated heavy work load, from 13 weeks to 9 weeks prior to DSC 18, bearing in mind that 4-page comments documents could still be submitted 7 weeks prior to the session.

Text of the draft amendments (02-13) to the IMSBC Code

13.5 The Committee noted that the Sub-Committee had authorized E&T 18 to prepare the final text of draft amendments (02-13) to the IMSBC Code and associated guidelines, based on decisions taken at DSC 17, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration and subsequent adoption by MSC 92, together with the approval of the associated guidelines. The Committee noted that the draft amendments (02-13) to the IMSBC Code were circulated by Circular letter No.3317 dated 23 October 2012.

13.6 The Committee considered document MSC 91/13/2 (Secretariat), containing a draft MSC circular on Early implementation of amendments (02-13) to the IMSBC Code, and agreed to forward the draft MSC circular to MSC 92 for consideration, together with the associated amendments to be adopted.

Mandatory requirements for enclosed space entry and rescue drills

13.7 The Committee approved the draft amendments to SOLAS chapter III related to enclosed space entry and rescue drills, as set out in annex 29, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 92.

13.8 The Committee also approved the draft consequential amendments to the 1994 and 2000 HSC Codes, as set out in annexes 30 and 31, respectively, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 92.

13.9 In this connection, the Committee noted that the consequential amendments to the 1979, 1989 and 2009 MODU Codes and the DSC Code had been forwarded to MSC 92 for adoption, together with the relevant amendments to SOLAS chapter III.

Mandatory carriage of appropriate atmosphere testing instruments on board ships

13.10 The Committee noted that the Sub-Committee had prepared a justification (DSC 17/17, annex 8) for inclusion of an unplanned output on "Mandatory carriage of appropriate atmosphere testing instruments on board ships" in the Sub-Committee's biennial agenda and decided to deal with the matter under agenda item 19 (Work programme), together with document MSC 91/13/3 (Australia, P&I and IACS) (see paragraph 19.8).

Revision of the IMO/ILO/UNECE Guidelines for the Packing Cargo Transport Units

13.11 The Committee noted that the Sub-Committee had requested the Secretariat to forward its views to the Group of Experts for the revision of the IMO/ILO/UNECE Guidelines for the Packing Cargo Transport Units.

Draft amendments to 1972 CSC

13.12 The Committee approved the draft amendments to the International Convention for Safe Containers (CSC), 1972, as set out in annex 32, and requested the Secretary-General to circulate them in accordance with CSC article X with a view to adoption at MSC 92.

13.13 In this regard, the Committee noted that the Sub-Committee had invited Bureau International des Containers et du Transport Intermodal (BIC) to develop a pilot database of approved continuous examination programmes (ACEP) references, with voluntary information from Member States and international organizations, and invited the Committee to extend the target completion date of output 5.2.3.1, to 2013.

Development of guidance on protective clothing

13.14 The Committee, with regard to development of guidance on protective clothing, noted that the Sub-Committee, taking into account that work on the related standard was still ongoing within ISO, had invited the Committee to place this output on its post-biennial agenda until ISO completes its work.

Arrangement of the Sub-Committee in future sessions

13.15 The Committee noted the concerns expressed at DSC 17 regarding the reduction of interpreted sessions, which resulted in many of the documents related to the development of amendments to the IMDG Code being forwarded directly to the E&T Group without detailed consideration due to time constraints.

Meetings of the E&T Group in 2013

13.16 The Committee approved the holding of two intersessional meetings of the E&T Group in 2013 to prepare the next set of amendments to the IMDG Code (see also paragraph 19.52).

14 TECHNICAL CO-OPERATION ACTIVITIES RELATING TO MARITIME SAFETY AND SECURITY

DEVELOPMENTS CONCERNING TECHNICAL CO-OPERATION ACTIVITIES

Implementation Guidelines for fishing vessels safety

14.1 The Committee recalled that, at its eighty-ninth session (MSC 89/25, paragraph 9.6), it had requested the Technical Co-operation Committee (TC) to consider including the Implementation Guidelines for fishing vessels safety within the ITCP and, when implementing a related activity, to secure funding for translation into the language of the recipient country, if it is not one of the six official languages of IMO.

14.2 The Committee noted that, in discussing the request, TC 62 had considered a proposal for IMO to liaise with the Food and Agriculture Organization of the United Nations (FAO) in order to join efforts in finding a solution for translation of the Implementation Guidelines. It also noted that the Secretary-General had highlighted the need for wider dissemination of the Guidelines to many developing countries and had assured the TC that the proposal would be discussed with FAO.

ITCP biennial report on 2010-2011

14.3 The Committee noted that TC 62 had considered the ITCP biennial report on 2010-2011 (MSC 91/2, paragraph 4), which summarized the output for the biennium. The report included a total of 350 activities covering 45 advisory missions and assignments and 180 training courses held at national and regional levels, with about 4,340 persons trained.

THEMATIC PRIORITIES FOR THE ITCP 2014-2015

14.4 The Committee recalled that, at MSC 88, it had agreed on the safety- and security-related thematic priorities for the ITCP covering the 2012-2013 biennium (MSC 88/26, paragraphs 14.8 to 14.12 and annex 19). It further noted that TC 63 is expected to approve the ITCP for 2014-2015 based on the assessed needs of the beneficiaries, the approved work programme of the Organization, the interests of developing countries and the thematic priorities agreed by the Committees.

14.5 In considering document MSC 91/14 (Secretariat), the Committee recalled that, at MSC 88 (MSC 89/25, paragraph 6.4), it had urged Governments to provide the Organization with the information they were obliged to communicate pursuant to the related provisions of SOLAS and the Revised performance standards and functional requirements for the long-range identification and tracking of ships and had requested the Secretariat to consider organizing, under the ITCP, national or regional seminars to assist Contracting Governments to identify problems they might face in this respect. MSC 90 (MSC 90/28, paragraph 6.2.2) had also urged Governments establishing LRIT Data Centres, which had not yet completed developmental or integration testing, to do so at the earliest opportunity and to request technical assistance in case they were experiencing any issues with the establishment of the Data Centres. In view of the foregoing, the Committee agreed to reflect LRIT matters in paragraph 2 of the list of thematic priorities.

14.6 Taking into consideration the fact that the first carriage requirements for ECDIS on ships entered into force on 1 July 2012 and following discussions at COMSAR on the issue of operating anomalies and having also considered that STW 43 had also considered the matter on training and had updated/validated the model course accordingly, the Committee agreed to amend paragraph 4 of the list of thematic priorities to include ECDIS-related matters.

14.7 With the anticipated adoption of the IMO Instruments Implementation Code (III Code) by the twenty-eighth regular session of the Assembly, to replace the Code for the implementation of mandatory instruments, the Committee agreed to reflect the change in paragraph 5 of the list of thematic priorities on approval of the III Code.

14.8 With the entry into force on 29 September 2012 of the 1995 STCW-F Convention, and to reflect the need to provide the necessary technical assistance, highlighting the newly approved Implementation Guidelines on safety of small fishing vessels, the list was amended to reflect this development. Following the successful adoption of The Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993, relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977, along with related resolutions by the diplomatic conference, which was held in Cape Town, South Africa from 9 to 11 October 2012, the Committee agreed to amend paragraph 7 of the current thematic priorities to include the provision of technical assistance related to the implementation of the aforementioned Agreement in relation to Conference Resolution 3.

14.9 The Committee approved the thematic priorities for the ITCP covering the 2014-2015 biennium, as set out in annex 33, and taking into the account the Secretary-General's review and reform initiative regarding the identification of a limited number of priority TC themes per year, in order to provide a more effective delivery to maximize the impact under national activities throughout the regions, and financed through the allocation of a ring-fenced percentage of core TC Funds, based on the existing Technical Advisory Services Programme as a blue-print, agreed to the following four priority themes for 2014:

- .1 Maritime security and anti-piracy measures (priority 2);
- .2 Voluntary IMO Member State Audit Scheme (priority 5);
- .3 Safety of navigation (priority 4); and
- .4 Safety of non-convention ships and fishing vessels (priorities 7 and 8).

IMO MODEL COURSE PROGRAMME

14.10 The Committee noted the updated information provided in document MSC 91/14/1 (Secretariat), in particular, the review and update of model courses 1.27–Operational use of Electronic Chart Display and Information Systems (ECDIS) and 3.19–Ship Security Officer and production of three new model courses namely, 3.26–Security training for seafarers with designated security duties, 3.27–Security awareness training for all seafarers and 6.10–Train the Simulator Trainer and Assessor. The Committee further noted updated figures of 66 model courses published in English of which 32 had been translated into French and 35 into Spanish, as well as the information provided by the delegation of Peru on the three model courses it has undertaken to translate into Spanish.

15 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

General

15.1 The Committee recalled that MSC 90 (MSC 90/28, paragraph 17.3) had requested the Vice-Chairman of the Committee, in consultation with the Chairman and assisted by the Secretariat, to submit, to MSC 91, a preliminary assessment of the capacity-building implications and technical assistance needs related to the approved amendments to mandatory instruments and the new unplanned outputs related to mandatory instruments, which were approved at that session.

Assessment of capacity-building implications for the implementation of new measures

15.2 The Committee considered document MSC 91/15 (Vice-Chairman) providing the outcome of the preliminary assessment requested above. The Committee noted that new legislation is required for most of the items considered under the draft amendments to mandatory instruments, and recalled that the technical and/or legal support which may be necessary for some Member States to develop legislation had been considered at the last session and it was concluded that this could be addressed through the Organization's Integrated Technical Co-operation Programme (ITCP).

15.3 The Committee further noted that a few items required the introduction of new equipment where training in their use may be necessary after introduction by the shipping industry and agreed that the ad hoc Capacity-building Needs Analysis Group (ACAG) be established to consider the preliminary assessment.

15.4 The Vice-Chairman, in his introduction of document MSC 91/15, highlighted the administrative burden of producing a 22-page document under this agenda item and requested that it might be helpful if the ACAG were to consider this issue when reviewing the analysis in the document under consideration, to which the Committee agreed.

Establishment of the ACAG

15.5 Having considered the above matters, the Committee established the Capacity-building Needs Analysis Group (ACAG), under the chairmanship of the Vice-Chairman of the Committee (Mr. M. Segar) and instructed it, taking into account document MSC 91/15, comments, proposals and decisions made in plenary, to:

- .1 in consultation with the intergovernmental and non-governmental organizations, make an assessment and, when implementing new measures, a post-assessment of capacity-building actions that may be required or expected of the shipping industry for the implementation of the mandatory instruments;
- .2 advise the Committee of the implications for capacity-building for the Organization and the industry relating to the proposed amendments to existing instruments; and
- .3 consider how to shorten the length of the assessment information contained in document MSC 91/15.

Report of the advisory group

15.6 Having considered the report of the advisory group (MSC 91/WP.10), the Committee approved it in general and took action as set out in paragraphs 15.6 to 15.10.

Preliminary assessment of capacity-building implications for amendments to mandatory instruments approved at MSC 90

15.7 The Committee endorsed the group's view that training in the use of new equipment could be provided for by manufacturers and any training that may be necessary for Administrations may be channelled through the ITCP. Further guidelines for the implementation of some of the amendments may also be necessary.

Preliminary assessment of capacity-building implications for outputs related to proposed new amendments to mandatory instruments approved at MSC 90

15.8 The Committee endorsed the group's view that there may be capacity-building implications or a need for technical assistance for some of the proposed new measures and decided that this should be kept under review, taking into consideration the ongoing work on the development of the proposed measures.

Future submission of assessed items

15.9 Regarding the bulkiness of the assessed information submitted, the Committee agreed that this had been overtaken by ongoing reforms in the Organization and that the information currently submitted should continue as it would encourage thorough assessment and transparency.

Preliminary assessment for MSC 92

15.10 The Committee requested the Vice-Chairman, in consultation with the Chairman and with the assistance of the Secretariat, to submit, to MSC 92, a preliminary assessment of the amendments to mandatory instruments and the new outputs related to proposed new measures, approved at this session.

16 FORMAL SAFETY ASSESSMENT**General**

16.1 The Committee recalled that MSC 90 had agreed, in principle, to the draft MSC-MEPC circular on the Revised Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule making process (Revised FSA Guidelines) and the draft MSC-MEPC circular on Guidelines for the application of Human Element Analysing Process (HEAP) to the IMO rule making process (HEAP Guidelines), for further consideration at this session with a view to approval.

16.2 The Committee also recalled that MSC 90 had re-established the FSA Experts Group and instructed it to review the FSA studies on crude oil tankers and sea transport of dangerous goods (MSC 90/28, paragraph 19.20). The FSA Experts Group met from 21 to 23 November 2012 and its report is contained in document MSC 91/WP.6 (see paragraph 16.5).

Revised FSA Guidelines and HEAP Guidelines

16.3 The Committee considered document MSC 91/16 (Secretariat), containing the draft Revised FSA Guidelines and HEAP Guidelines (annexes 1 and 2), which were prepared by the Secretariat based on the decisions taken at MSC 90. In this regard, the Committee noted, regarding the draft Revised FSA Guidelines, that the Chairman of the GBS/FSA Working Group established at MSC 90, after consulting with some members of the group, proposed modifications to the definition of "probability" in relation to the term "Bayesian network", for further consideration at this session. The Committee agreed to the aforementioned modifications.

16.4 Subsequently, the Committee approved, subject to the concurrent approval of MEPC 65, the draft MSC-MEPC circular on the Revised Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule making process, as set out in annex 34, and the draft MSC-MEPC circular on Guidelines for the application of Human Element Analysing Process (HEAP) to the IMO rule making process, as set out in annex 35.

Report of the FSA Experts Group

16.5 The Committee considered the report of the FSA Experts Group (MSC 91/WP.6), together with documents MSC 91/16/1 and MSC 91/INF.5 (Japan), containing detailed information on the reanalysis of the FSA study on crude oil tankers and providing further background information and data used for the recalculation and reanalysis that were included in document MSC 90/19/4 and Corr.1 (Japan), and took action as indicated in paragraphs 16.6 to 16.16.

FSA study on the safe sea transport of dangerous goods

16.6 The Committee endorsed the group's recommendation to encourage industries to further report relevant accidents associated with carriage of dangerous goods, including near miss incidents.

16.7 The Committee noted the group's recommendation that the basis for selection of the experts should be annexed to each FSA report in accordance with appendix 8 of the Revised FSA Guidelines.

16.8 The Committee endorsed the group's view that explanation as to how experts reached the conclusion and the level of agreement among them is necessary, particularly for those FSAs using qualitative methods.

16.9 The Committee noted that the group had generally agreed that the FSA study on the safe sea transport of dangerous goods was conducted in accordance with the FSA Guidelines, though the group was not confident in some recommendations of the study due to a lack of quantitative cost-benefit analysis.

16.10 With respect to the group's view on the final recommendations, as proposed by the FSA study (DSC 16/6, steps 3 and 5; and DSC 16/INF.2, section 8), the Committee:

- .1 concerning recommendation 1 on modification to the IMDG Code regarding improved packaging and stowage, agreed that the DSC Sub-Committee should further consider the proposals in detail, together with documents DSC 17/11 and DSC 17/11/INF.6 (Germany), bearing in mind that quantitative cost-benefit analysis had not been conducted;
- .2 concerning recommendation 2 on adjustment to fire protection equipment, having noted that related proposals would be partially considered by FP 56 (FP 56/5) under the agenda item on "Review of fire protection requirements for on-deck cargo areas", agreed that the FP Sub-Committee should further consider the proposals related to the safety of containerhips carrying dangerous goods that react dangerously with water and/or carbon-dioxide, bearing in mind that quantitative cost-benefit analysis had not been conducted;
- .3 concerning recommendation 3 on modification of the EmS and/or EmS F-G, agreed that the DSC Sub-Committee should further consider the proposals in detail together with document DSC 17/11/1 (Germany); and
- .4 concerning recommendation 4 on supplementing the training for fire fighting as part of the IMO model courses, having noted that DSC 17 had forwarded document DSC 17/11/2 (Germany) to the STW Sub-Committee for consideration, agreed that the STW Sub-Committee should further consider the proposals in detail.

FSA study on crude oil tankers

16.11 The Committee, having noted the group's view that establishing casualty databases, which are accessible and contain detailed root causes, and that commercially available data should be examined, endorsed its recommendation that the GISIS module should be further enhanced for this purpose and encouraged Member States to submit casualty data to GISIS.

16.12 The Committee endorsed the view of the group that historical casualty data used in future FSA studies should be analysed with due account given to mandatory requirements, which are implemented after relevant casualties occurred. In this context, the Committee noted that the FSA study, while using accident data from both double-hull (DH) and single-hull (SH) tankers, took into account differences of DH and SH tankers but did not differentiate the data from different years regarding these tankers.

16.13 The Committee noted the group's view that it is important to also conduct the risk analysis on root causes (basic events) leading to initiating events (top events).

16.14 The Committee noted that the group had generally agreed that the FSA study on crude oil tankers was conducted in accordance with the Guidelines, recognizing that the study had used CATS criterion, which is different from the environmental risk evaluation criteria agreed by MEPC 62.

16.15 With respect to the group's views on the final recommendations, as proposed by the FSA study (MEPC 58/17/2, section 10; and MEPC 58/INF.2, section 15), the Committee:

- .1 regarding RCO 3 (active steering gear redundancy), agreed that SOLAS regulation II-1/29.14 covers the requirement of redundancy of power supply to steering gear;
- .2 regarding RCO 4 (ECDIS), agreed that ECDIS has already been introduced in SOLAS chapter V;
- .3 agreed that the DE Sub-Committee should further consider RCO 6 (navigational sonar), taking into account the view that navigational sonar may be a source of underwater noise;
- .4 agreed that RCOs 7.1 (enhanced cargo tank subdivision), 7.2 (increased double bottom height) and 7.3 (increased side tanks width) need not be further considered since the CATS criterion is not included in the Revised FSA Guidelines;
- .5 agreed that the FP and STW Sub-Committees should further consider RCO 8 (hot work procedures training), which may apply to all ships;
- .6 agreed that the FP Sub-Committee should further consider RCO 9 (double sheathed low pressure fuel pipes for fuel injection systems in engines), for application to new ships only;
- .7 regarding RCO 11 (emergency escape from engine control rooms), noted that the FP Sub-Committee was already considering this matter under its agenda item on "Development of requirements for additional means of escape from machinery spaces", which covers the secondary means of escape route from enclosed spaces within machinery spaces;

- .8 noted that a concern was expressed in the group that the calculated societal oil spill costs (SC) described in appendix 7 of the draft Revised FSA Guidelines, if assurance and uncertainty factor is unity, may be too low for large spillages and it would discourage any effort of reducing potential oil spill risk, and that these values should be reviewed as well as GCAF and NCAF; and
- .9 concluded that the work on the FSA for crude oil tankers was finished.

16.16 The Committee noted the group's view that treatment and analysis of historical casualty data should be conducted carefully, taking into account the value of recently implemented risk control measures in mandatory instruments, while recognizing that the matter is generally covered the Revised FSA Guidelines.

Recommendations forwarded to the sub-committees

16.17 With regard to the recommendations forwarded to the relevant Sub-Committees (see paragraphs 16.10 and 16.15), the Committee agreed that those recommendations that could not be considered under existing outputs should be included in its post-biennial agenda, as appropriate (paragraphs 19.7, 19.12, 19.13, 19.14, 19.23 and 19.31).

17 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Statistical information

17.1 The Committee noted the information provided by the Secretariat (MSC 91/17) on the latest statistical information available to the Organization.

17.2 In this connection, the delegation of Cyprus underlined the danger of under-reporting attempted attacks and urged all parties to provide relevant and accurate information in this regard.

17.3 The Committee noted the downward trend in piracy attacks in the western Indian Ocean but expressed concern at the increase in the number of incidents of piracy and armed robbery against ships in the Gulf of Guinea and the increasing level of violence of those attacks. The delegation of Singapore stated that the reduction in piracy gave no room for complacency and, having noted that piracy in the Gulf of Guinea followed a different modus operandi to that in the western Indian Ocean, thanked the Government of Nigeria for having investigated the boarding of two Singaporean ships by pirates off West Africa.

17.4 The delegation of Nigeria advised the Committee that its Government was currently engaged in various counter-piracy activities within the sub region. These involved the deployment of Nigerian Navy patrol ships in monitoring and tracking of ships movements within the Gulf of Guinea, and providing assistance to ships that may require them. The Government of Nigeria was also providing a special security task force to neighbouring countries within the sub region as a way of assistance to addressing piracy issues within the Member States' territorial waters.

17.5 The delegation of Greece expressed its anxiety over the increase of piracy and armed robbery incidents in the Gulf of Guinea and the need to provide assistance to the littoral States. A copy of their statement is set out in annex 40.

17.6 The observer from ICS emphasized that, given the complex nature of West African piracy and armed robbery, broader multilateral action was urgently required, involving cooperation between littoral States and the engagement of IMO, industry, flag States and

relevant military expertise. The experience and success of the ReCAAP initiative may be of assistance in developing an appropriate model to combat this crime. A copy of the statement by ICS, which received support from other delegations, is set out in annex 40.

17.7 The observer delegation from MOWCA expressed its deep concern on the increase of piracy in the Gulf of Guinea. The United Nations Security Council had adopted resolutions 2018 (2011) and 2039 (2012) and MOWCA initiatives included a policy for networking coast guard functions. Fifteen States from the region had signed a memorandum of understanding (MoU) dividing the region into four areas, each having a coordination centre, and States had been cooperating in the higher risk areas. A MOWCA Round Table meeting on implementation of the MoU and equipping the centres would be held in 2013. This initiative would run in parallel to other on-going initiatives, including a Heads of Government summit in 2013.

17.8 The delegation of India drew attention to the plight of innocent seafarers held hostage in Somalia, including the crew of **MV Iceberg**, held for 968 days, and called upon the Organization and flag States to develop concrete measures for their expeditious release. A copy of the statement by the delegation of India, which received support from other delegations, is set out in annex 40.

17.9 The delegation of Malta expressed support for the statement of India and urged the international community to be less cautious in its approach to addressing piracy. Having noted the proliferation of acts of piracy and armed robbery against ships, the delegation of Malta called for greater efforts to eradicate piracy and to protect seafarers.

17.10 The delegation of South Africa shared the concerns expressed by the delegation of India and further called for the Organization and the broader international community to initiate specific measures aimed at the release of all innocent seafarers held hostage. In response to the statement by the delegation of Nigeria, the delegation of South Africa suggested that countries in that subregion could consider submitting to the Committee, at its next session, reports on the measures being undertaken by them to curb piracy in that subregion.

17.11 The delegation of Egypt, supported by Saudi Arabia and the League of Arab States, expressed concern that the definition of High Risk Area given in the Best Management Practices for protection against Somalia-based piracy (BMP4) was inaccurate with respect to the Red Sea and Suez Canal where no attacks had taken place. The observer from BIMCO stated that industry was aware of the concerns and that it had been agreed the issue would be discussed in Working Group 3 of the Contact Group on Piracy off the Coast of Somalia. The delegation of the United Kingdom advised that they were facilitating an ad hoc meeting to take place in London in January 2013, invitations for which would be issued shortly, which would consider issues relating to the High Risk Area and report back to the next meeting of Working Group 3 in February.

17.12 The delegation of Kenya stated that Kenyan forces had intervened in Somalia under the auspices of AMISOM, including the extension of the Kenyan component of the naval force; and were contributing to a sustainable method for addressing piracy by contributing to stability in Somalia both on land and at sea. The delegation of Kenya urged the international community to continue its involvement, congratulated South Africa and Mozambique on becoming signatories to the Djibouti Code of Conduct, which is improving maritime situational awareness, and encouraged further training programmes.

17.13 The delegation of Venezuela stated that there was a need for counter-piracy measures to be effected at an international level, limited to areas outside of States' jurisdiction. With respect to PCASP, Coastal States had sovereign rights over territorial waters and it was unacceptable to delegate those rights to third parties. A copy of the statement of Venezuela is attached in annex 40.

17.14 Recalling its decision at its last session (MSC 90/28, paragraph 6.21) for a polling functionality in the GISIS Information Distribution Facility, which has since been implemented and which allows security forces to more easily identify the current position of ships approaching the piracy High Risk Area using LRIT information, the Committee urged Contracting Governments to consider allowing security forces to transmit polling request messages to ships flying their flag through an opt-in arrangement for which further information can be requested by e-mailing lrit@imo.org or by reviewing Circular letter No.3306.

17.15 The Committee thanked ICC for the Human Cost of Piracy data collated by the International Maritime Bureau (MSC 91/INF.2), noted with concern the increased levels of violence reported and encouraged all relevant maritime authorities to continue to provide data on this issue to the IMB. The Committee also noted the update on the activities of the ReCAAP Information Sharing Centre (MSC 91/INF.7).

Reports on Initiatives to Suppress Piracy and Armed Robbery

17.16 The Committee noted that Government of Turkey had been contributing naval assets to counter piracy operations in the western Indian Ocean and had established a multinational maritime security centre of excellence in Marmaris, which was now delivering training. A copy of the statement by the delegation of Turkey is set out in annex 40.

17.17 The Committee, recalling its decisions at its last session (MSC 90/28, paragraph 20.58) that ISO would be best placed to develop standards on Private Maritime Security Companies (PMSC) with guidance from IMO, that the Committee had approved the new interim guidance on PMSC (MSC.1/Circ.1443) that was provided to ISO to serve as the base document to be used in developing the ISO standards, and that the Organization did not support self-certification or self-regulation, noted the information provided by ISO (MSC 91/17/1) on progress to date on the new ISO Publicly Available Specification (PAS) 28007.

17.18 The Committee noted that ISO PAS 28007 had been developed by ISO Technical Committee 8 (TC 8), which is the official liaison with IMO, and that ISO had held several open meetings related to development of the specification, a copy of which had been provided to the Secretariat for distribution to Member States, international organizations and non-governmental organizations with consultative status after MSC 91.

17.19 The observer of ISO informed the Committee that ISO PAS 28007 is a member of the ISO 28000 series, where ISO 28000:2007 is the certifiable security management systems standard and ISO 28003:2007 provides requirements for providing audits and certification to ISO 28000:2007. ISO PAS 28007 sets out the guidance for applying ISO 28000 to Private Maritime Security Companies. Both standards were adopted in 2007. An accredited certification body wishing to offer accredited certification to PMSC under ISO 28000 should meet the updated requirements of ISO 28003.

17.20 The Committee invited ISO to provide an update to MSC 92. In the meantime, the Committee thanked ISO for its work and encouraged Member States to bring the PAS to the attention of their national standards bodies; and PMSCs, shipowners and other stakeholders to study and use this PAS as appropriate. In addition, regarding the accreditation and certification process, Member States should contact their national accreditation bodies, which are accredited by the International Accreditation Forum (IAF). The list of recognized IAF Member bodies can be found on the IAF Website (<http://www.iaf.nu>). National standards bodies should be able to assist.

18 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Status of conventions

18.1 The Committee recalled that MSC 90, having noted that the information presented in hard copy in annexes 2 and 3 to document MSC 90/INF.2, is also available on the IMO public website, agreed to discontinue receiving the information in hard copy.

18.2 The Committee was advised that MEPC 64 had agreed to MSC 90's recommendation and further decided to delete the item on "status of conventions" from its agenda at future sessions.

18.3 The Committee noted the information contained in document MSC 91/18/1 (Secretariat) that the list of conventions, their status and summary, and other multilateral instruments and amendments in respect of which the Organization performs depositary and other functions, which were previously contained in annexes 1, 2 and 3 to documents such as MSC 90/INF.2, can be obtained from IMO's website as indicated in document MSC 91/18/1.

18.4 The Committee also noted the information provided by the delegation of Uruguay on its ongoing process for the ratification of a number of IMO instruments.

18.5 The Committee agreed to retain the agenda item on **Implementation of instruments and related matters** for consideration of issues other than the status of conventions and noted the comment by the observer of IACS of the importance of this agenda item for the consideration of policy and implementation issues related to those mandatory instruments within the Committee's purview, including those on the Organization's High-level Action Plan.

LIFEJACKET LIGHTS

18.6 Having considered document MSC 91/18 (IACS), seeking clarification on the requirements of SOLAS regulation III/20.2 and section 2.2 of the LSA Code regarding what might constitute "acceptable arrangements for the positioning and operation of lights fitted to lifejackets", the Committee instructed DE 57 to further consider document MSC 91/18 under its agenda item on "Development of safety objectives and functional requirements of the Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III" and advise MSC 92 accordingly.

19 WORK PROGRAMME

BIENNIAL AGENDAS OF THE SUB-COMMITTEES AND PROVISIONAL AGENDAS FOR THEIR FORTHCOMING SESSIONS, INCLUDING CONSIDERATION OF NEW OUTPUTS PROPOSED BY MEMBER GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS AND SUB-COMMITTEES CONCERNED

19.1 Taking into account the recommendations made by the Sub-Committees which had met since MSC 90 (MSC 91/19 and MSC 91/19/Add.1); the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1013(26)); various proposals for new outputs submitted to the session by the Member Governments and international organizations and the sub-committees concerned; a preliminary assessment of such proposals (MSC 91/WP.2), undertaken by the Chairman with the assistance of the Secretariat, in accordance with the relevant provisions of the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.2); and decisions taken during the session, the Committee reviewed the biennial agendas of the sub-committees and the provisional agendas for their forthcoming sessions and took action as indicated hereunder.

19.2 The Committee recalled that, with regard to the Committee's method of work relating to the consideration of proposals for new outputs, it had agreed at MSC 78 that the objective when discussing these proposals was to decide, based upon justification provided by Member States in accordance with the Committees' Guidelines, whether an output should or should not be included in the sub-committee's biennial agenda. A decision to include an output in a sub-committee's biennial agenda does not mean that the Committee agreed with the technical aspects of the proposal, and 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.

19.3 The Committee noted that MEPC 64 had approved the revised biennial agendas of the BLG and FSI Sub-Committees and the provisional agendas for their forthcoming sessions, and had further approved the items in the biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues, as reported in document MSC 91/2/2.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

Outcome of MEPC 64

19.4 The Committee noted that MEPC 64 had approved the Sub-Committee's biennial agenda and the provisional agenda for BLG 17.

Mandatory carriage of appropriate atmosphere testing instruments on board ships

19.5 The Committee recalled that, following consideration of a relevant proposal by DSC 17, it had agreed to include, in the 2012-2013 biennial agenda of the DSC Sub-Committee and in the provisional agenda for DSC 18, an unplanned output on "Development of amendments to SOLAS and the relevant codes concerning mandatory carriage of appropriate atmosphere testing instruments on board ships", with a target completion year of 2013, in association with the FP, BLG and STW Sub-Committees as and when requested by the DSC Sub-Committee.

Biennial agenda of the Sub-Committee and provisional agenda for BLG 17

19.6 The Committee approved the Sub-Committee's biennial agenda and the provisional agenda for BLG 17, as set out in annexes 36 and 37, respectively, and requested the Secretariat to inform the MEPC accordingly.

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)

Recommendations emanating from the FSA study on the safe sea transport of dangerous goods

19.7 The Committee recalled that it had agreed to recommendations emanating from the FSA study on the safe sea transport of dangerous goods (MSC 91/WP.6) and instructed the DSC Sub-Committee to further consider the recommendations related to the IMDG Code and EmS Guide under the existing agenda item on "Amendments to the IMDG Code and supplements" and advise the Committee accordingly (see paragraphs 16.10.1 and 16.10.3).

Mandatory carriage of atmosphere testing instruments on board ships

19.8 The Committee considered a proposal by DSC 17 (DSC 17/17, annex 8), to introduce mandatory carriage requirements for appropriate atmosphere testing instruments on board ships, and agreed to include, in the 2012-2013 biennial agenda of the DSC Sub-Committee and in the provisional agenda for DSC 18, an unplanned output on

"Development of amendments to SOLAS and the relevant codes concerning mandatory carriage of appropriate atmosphere testing instruments on board ships", taking into account document MSC 91/13/3, with a target completion year of 2013, in association with the FP, BLG and STW Sub-Committees as and when requested by the DSC Sub-Committee.

Biennial agenda of the Sub-Committee and provisional agenda for DSC 18

19.9 The Committee approved the Sub-Committee's biennial agenda and the provisional agenda for DSC 18, as set out annexes 36 and 37, respectively.

SUB-COMMITTEE ON FIRE PROTECTION (FP)

Requirements for escape route signs and equipment location markings

19.10 The Committee considered document MSC 91/19/4 (United States), proposing to clarify and harmonize existing requirements for escape route signs and equipment location markings specified in SOLAS and related instruments, and agreed that further information was needed to take a final decision. Subsequently, the Committee invited the United States to submit a proposal to a future session, taking into account the relevant ISO standards and the outcome of the **Costa Concordia** investigation. In this regard, the Committee was advised by the observer from ISO that ISO 24409-2 on Design, location and use of shipboard safety signs, safety-related signs, safety notices and safety markings – Part 2: Catalogue, would soon be available as a full international standard and that ISO/TC 8 was at an advance stage with regard to part 3 of ISO 24409, which will contained a code of practice on how such signs should be displayed.

Mandatory carriage of atmosphere testing instruments on board ships

19.11 The Committee recalled that, following consideration of a relevant proposal by DSC 17, it had agreed to include, in the 2012-2013 biennial agenda of the DSC Sub-Committee and in the provisional agenda for DSC 18, an unplanned output on "Development of amendments to SOLAS and the relevant codes concerning mandatory carriage of appropriate atmosphere testing instruments on board ships", taking into account document MSC 91/13/3, with a target completion year of 2013, in association with the FP, BLG and STW Sub-Committees as and when requested by the DSC Sub-Committee (see paragraph 19.8).

Recommendations emanating from the FSA study on the safe sea transport of dangerous goods

19.12 The Committee recalled that it had agreed to recommendations emanating from the FSA study on the safe sea transport of dangerous goods (MSC 91/WP.6) and instructed the FP Sub-Committee to further consider the recommendations related to dangerous goods that react dangerously with water and/or carbon-dioxide under the existing agenda item on "Review of fire protection requirements for on-deck cargo areas" and advise the Committee accordingly (see paragraph 16.10.2).

Recommendations emanating from the FSA study on crude oil tankers

19.13 The Committee, having recalled another recommendation emanating from the FSA study on crude oil tankers related to the double sheathed low-pressure fuel pipes for fuel injection systems in engines (paragraph 16.15.6), agreed to include, in the post-biennial agenda of the Committee, an output on "Considerations related to the double sheathed low-pressure fuel pipes for fuel injection systems in engines on crude oil tankers", with one session needed to complete the item, assigning the FP Sub-Committee as the coordinating organ.

19.14 The Committee also recalled that it had considered recommendations related to training on hot work procedures (see paragraph 16.15.5) and agreed to include, in the post-biennial agenda of the Committee, an output on "Training in hot work procedures on crude oil tankers", with one session needed to complete the item, assigning the STW Sub-Committee as the coordinating organ, in association with the FP Sub-Committee as and when requested by the STW Sub-Committee.

Biennial agenda of the Sub-Committee and provisional agenda for FP 56

19.15 The Committee confirmed the Sub-Committee's biennial agenda and the provisional agenda for FP 56, as set out in annexes 36 and 37, respectively.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

Outcome of MEPC 64

19.16 The Committee noted that MEPC 64 had approved the Sub-Committee's biennial agenda and the provisional agenda for FSI 21.

Biennial agenda of the Sub-Committee and provisional agenda for FSI 21

19.17 The Committee confirmed the Sub-Committee's biennial agenda and the provisional agenda for FSI 21, as set out in annexes 36 and 37, respectively, and requested the Secretariat to inform the MEPC accordingly.

SUB-COMMITTEE ON RADIOCOMMUNICATIONS AND SEARCH AND RESCUE (COMSAR)

Operational and technical issues related to AIS distress communications

19.18 The Committee considered document MSC 91/19/8 (United States), proposing to develop AIS distress alerting standards to provide guidance to ITU and IALA and to help shape the technical work and development of standards related to AIS distress communications, but did not agree to the proposed output, taking into account that the COMSAR Sub-Committee is currently working on the Review of the GMDSS and that AIS distress communications will be considered as part of the review.

Biennial agenda of the Sub-Committee and provisional agenda for COMSAR 17

19.19 The Committee confirmed the Sub-Committee's biennial agenda and the provisional agenda for COMSAR 17, as set out in annexes 36 and 37, respectively.

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

Application of the satellite navigation system "BeiDou" in the maritime field

19.20 The Committee considered document MSC 91/19/5 (China), proposing to recognize the satellite navigation system "BeiDou" as a future component of the World-Wide Radionavigation System (WWRNS) and develop performance standards for shipborne "BeiDou" receiver equipment, and agreed to include in the 2012-2013 biennial agenda of the NAV Sub-Committee and provisional agenda for NAV 59, an output on "Application of the satellite navigation system "BeiDou" in the maritime field", with a target completion year of 2014.

ECDIS matters

19.21 The Committee considered documents MSC 91/19/6 and Corr.1 (United Kingdom) proposing a new output on ECDIS matters and, taking into consideration the need to address the issue of ECDIS anomalies as early as possible, agreed to include in the 2012-2013 biennial agenda of the NAV Sub-Committee and provisional agenda for NAV 59, an output on "Consideration of ECDIS matters related to the implementation of the carriage requirements in SOLAS regulations V/19.2.10 and V/19.2.11", with a target a completion year of 2014.

Biennial agenda of the Sub-Committee and provisional agenda for NAV 59

19.22 The Committee approved the Sub-Committee's revised biennial agenda and the revised provisional agenda for NAV 59, as set out in annexes 36 and 37, respectively.

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)**Recommendations emanating from the FSA study on crude oil tankers**

19.23 The Committee, having recalled that it had agreed recommendations emanating from the FSA study on crude oil tankers to be further considered by relevant Sub-Committees, in particular instructing the DE Sub-Committee to consider those recommendations related to navigational sonar (see paragraph 16.15.3), agreed to include in the post-biennial agenda of the Committee, an output on "Recommendations related to navigational sonar on crude oil tankers", with one session needed to complete the item, assigning the DE Sub-Committee as the coordinating organ.

Development of amendments to the 2011 ESP Code

19.24 Following an intervention by the Chairman of the DE Sub-Committee concerning the agreement at DE 56 to develop an amendment procedure for the 2011 ESP Code in order to keep the Code up to date with associated IACS unified requirements, the Committee agreed to include output 1.1.2.3 (Development of amendments to the 2011 ESP Code) in the provisional agenda for DE 57.

Biennial agenda of the Sub-Committee and the provisional agenda for DE 57

19.25 The Committee approved the Sub-Committee's biennial agenda and the provisional agenda for DE 57, as set out in annexes 36 and 37, respectively.

SUB-COMMITTEE ON STABILITY AND LOAD LINES AND ON FISHING VESSELS SAFETY (SLF)**Biennial agenda of the Sub-Committee and the provisional agenda for SLF 55**

19.26 The Committee confirmed the Sub-Committee's biennial agenda and the provisional agenda for SLF 55, as set out in annexes 36 and 37, respectively.

SUB-COMMITTEE ON STANDARDS OF TRAINING AND WATCHKEEPING (STW)**Mandatory carriage of appropriate atmosphere testing instruments on board ships**

19.27 The Committee recalled that, following consideration of a relevant proposal by DSC 17, it had agreed to include, in the 2012-2013 biennial agenda of the DSC Sub-Committee and in the provisional agenda for DSC 18, an unplanned output on "Development of amendments to SOLAS and the relevant codes concerning mandatory

carriage of appropriate atmosphere testing instruments on board ships", taking into account document MSC 91/13/3, with a target completion year of 2013, in association with the STW, FP and BLG Sub-Committees as and when requested by the DSC Sub-Committee (see paragraph 19.8).

Model course development, updating and validation processes

19.28 The Committee considered document MSC 91/19/2 (United States), proposing to revise the guidance for model course development, updating and validation processes, and agreed to include, in the post-biennial agenda of the Committee, an output on "Revision of the guidance for model course development, updating and validation processes", with two sessions needed to complete the item, assigning the STW Sub-Committee as the coordinating organ.

Proposed amendment to the STCW Code

19.29 The Committee considered document MSC 91/19/3 (Canada and United States), proposing to amend the STCW Code's colour vision requirements to address practical implementation issues with the required standard, and agreed to include in the 2012-2013 biennial agendas of the STW Sub-Committee and provisional agenda for STW 44, an unplanned output on "Preparation of amendments to the colour vision requirements in the STCW Code", with a target completion year of 2013".

Proposed review of STCW passenger ship specific safety training

19.30 The Committee considered document MSC 91/19/7 (United States), proposing to amend the existing requirements of the STCW Convention and the Code relating to passenger ships to match new challenges posed by the increased size of modern cruise ships and the large number of passengers on board, together with the recommendation of the Working Group on Passenger Ship Safety (MSC 91/WP.8), and agreed to include, in the post-biennial agenda of the Committee, an output on "Review of STCW passenger ship specific safety training", with two sessions needed to complete the item, assigning the STW Sub-Committee as the coordinating organ (see paragraph 7.28).

Recommendations emanating from the FSA study on crude oil tankers

19.31 The Committee, having recalled that it had agreed recommendations emanating from the FSA study on crude oil tankers to be further considered by relevant Sub-Committees, in particular instructing the STW Sub-Committee to consider those recommendations related to training on hot work procedures (paragraph 16.15.5), agreed to include, in the post-biennial agenda of the Committee, an output on "Training in hot work procedures on crude oil tankers", with one session needed to complete the item, assigning the STW Sub-Committee as the coordinating organ, in association with the FP Sub-Committee as and when requested by the STW Sub-Committee.

Biennial agenda of the Sub-Committee and the provisional agenda for STW 44

19.32 The Committee approved the Sub-Committee's biennial agenda and approved the provisional agenda for STW 44, as set out in annexes 36 and 37, respectively.

ENDORSEMENT OF UNPLANNED OUTPUTS

19.33 In accordance with the relevant provisions of the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1013(26)),

the Committee, having agreed to the Sub-Committees' biennial agendas and the provisional agendas for their forthcoming sessions, invited the Council to endorse, for inclusion in the current High-level Action Plan, the following unplanned outputs agreed at the session:

- .1 Development of amendments to SOLAS and the relevant codes concerning mandatory carriage of appropriate atmosphere testing instruments on board ships (paragraph 19.8);
- .2 Application of the satellite navigation system "BeiDou" in the maritime field (paragraph 19.20);
- .3 Consideration of ECDIS matters related to the implementation of the carriage requirements in SOLAS regulations V/19.2.10 and V/19.2.11 (paragraph 19.21); and
- .4 Preparation of amendments to the colour vision requirements in the STCW Code, with a target completion year of 2013 (paragraph 19.29).

POST-BIENNIAL AGENDA OF THE COMMITTEE

19.34 The Committee, having noted that the updated post-biennial agenda will only be produced after the session as an annex to the Committee's report to avoid any unnecessary duplication of work, invited the Council to note the updated post-biennial agenda of the Maritime Safety Committee, as set out in annex 38.

STATUS OF PLANNED OUTPUTS FOR THE 2012-2013 BIENNIUM

19.35 Having recalled that the status of planned outputs will only be produced after the session as an annex to the Committee's report to avoid any unnecessary duplication of work, the Committee invited the Council to note the Report on the status of planned outputs for the 2012-2013 biennium, as set out in annex 39.

PROPOSALS FOR THE HIGH-LEVEL ACTION PLAN AND PRIORITIES FOR THE 2014-2015 BIENNIUM

19.36 In preparation of the High-level Action Plan for the 2014-2015 biennium, the Committee instructed the sub-committees to prepare their respective biennial agendas for the coming biennium at their forthcoming sessions, for consideration at MSC 92, and requested the Secretariat to assist them in the usual manner, taking into account that:

- .1 outputs selected for the biennial agenda should be phrased in SMART terms;
- .2 where the target completion year for a specific output goes beyond that 2014-2015 biennium, an interim output should be placed in the biennial agenda with a target completion year of 2014 or 2015, as appropriate, and a related output should be placed in the Committee's post-biennial agenda with the anticipated completion year; and
- .3 biennial and provisional agendas should not contain sub-items and items placed on the provisional agendas should correspond with the outputs in the Sub-Committee's biennial agenda.

19.37 The Committee requested the Secretariat, in consultation with the Chairman, to prepare the Committee's proposals for the high-level action plan for the coming biennium,

for consideration by MSC 92 and subsequent submission to C 110, for inclusion in the Organization's High-level Action Plan and priorities for the 2014-2015 biennium, taking into account that NAV 59 and DSC 18 will, as usual, report their proposed biennial agendas for the coming biennium directly to CWGSP 13 and/or C/ES 27, as appropriate.

REVIEW AND REFORM INITIATIVE

19.38 The Committee noted that, at C 108, the Secretary-General (C 108/3/3 and C 109/3/1) reported on his Review and Reform initiative aimed at improving IMO's delivery mechanism to handle the ever-increasing workload as the Organization seeks to address newly emerging priorities and, that C 109 had considered, among other issues involving the review and reform initiative, matters related to meeting support arrangements and application of the Committees Guidelines (C 109/D).

19.39 In this connection, the Committee, in particular, noted that C 109 (MSC 91/19/9) had considered and endorsed, in principle, the restructuring of the sub-committees, which would reduce the total number of sub-committees from 9 to 7 with the potential saving of four meeting-weeks per biennium; establishing a new sub-committee to deal exclusively with environment-related matters and, as a consequence, establishing one sub-committee to consider cargo matters (both wet and dry); amalgamating the NAV and COMSAR Sub-Committees into one sub-committee; amalgamating the FP, DE and SLF Sub-Committees into two sub-committees; and renaming the FSI Sub-Committee to better reflect its current work.

19.40 The Committee further noted that the Council had invited the MSC and MEPC to give early consideration to the implications and practicability of the relevant proposals under their purview, including appropriate new names for the sub-committees in question; and to report to C 110 accordingly.

19.41 The Committee had a detailed discussion on the outcome of the Council's consideration of the Secretary-General's review and reform initiative (C 109/D and MSC 91/19/9). Whilst many of the delegations which spoke recognized the need for the Organization to make savings, a number of concerns were expressed about the proposals, particularly of the need for caution and a full analysis of the effects on the work of the Organization before changes were made.

19.42 The majority of delegations which spoke expressed support, in principle, to the proposed reduction in the number of sub-committees and the related merging of some sub-committees. A number of delegations expressed the view that efficiency gains should be pursued within the current structure (e.g. frequency of meetings, etc.). A number of delegations drew attention to the workload of some sub-committees and the need to ensure that the work continued to be delivered to an appropriate quality. A number of delegations expressed concern over the proposed names of the sub-committees and made proposals for renaming them to make their responsibilities for technical matters more clear.

19.43 On specific points, the Committee noted the following views were expressed during the discussion:

- .1 SAR issues should remain with the COMSAR Sub-Committee and be addressed annually;
- .2 further consideration needed to be given to the proposed new Cargoes Sub-Committee and the work of the ESPH Working Group;

- .3 the frequency of sub-committee meetings might be considered in more detail rather than cutting the number subsidiary bodies;
- .4 flexibility in the number of days and meetings would be helpful;
- .5 any changes should deliver efficiencies and cost-benefits;
- .6 flexibility in the number of working and drafting groups could also aid the work of busy sub-committees while others expressed the view that the maximum number should not be raised;
- .7 e-navigation might be dealt with intersessionally;
- .8 the terms of reference of the proposed sub-committee on the environment needed careful consideration; and
- .9 any decisions made should be by consensus after full consultation.

19.44 The delegation of Cyprus, supported by others, proposed the holding of a joint MSC/MEPC meeting during A 28 to approve the process of the review and restructuring of the subcommittees. In this regard, the Secretary-General advised the Committee that his intention was to implement the potential restructuring of the sub-committees commencing in January 2014 and, therefore, waiting until the Assembly to start the process would delay the review and reform initiative by another two years.

19.45 The delegation of the Cook Islands, supported by other delegations, expressed concern on the proposed reduction in the number of sub-committees and suggested that significant budgetary savings could be better achieved by reducing the frequency of relevant sub-committee meetings. A statement made by the Cook Islands regarding their proposals is set out in annex 40.

19.46 The Committee noted that C 109 had already endorsed some measures on the proposed changes to working practices affecting the Committees' Guidelines, including conducting a trial on revisions to annotated agendas and summary reports (paragraph 3.11 of C 109/D), but in so doing, noted that there was no intention to foreclose the Committees' input on these issues.

19.47 Following its extensive debate, the Committee requested the Secretariat to prepare a detailed proposal containing proposed names, terms of reference, provisional agendas and biennial agendas, cost-benefit analysis and meeting dates for each body, for consideration at MEPC 65 and MSC 92, taking into account the comments made at this session.

19.48 In considering the proposed changes to the working practices affecting the Committees' Guidelines and proposed priority-setting mechanism for the Organization, the Committee decided to further consider those matters at MSC 92 and agreed to establish a working group in this regard and subsequently invited Member States to submit comments and proposals to the next session.

ACTIVITIES, PRIORITIES AND PLAN OF MEETING WEEKS OF THE COMMITTEES AND THEIR SUBSIDIARY BODIES FOR THE 2014-2015 BIENNIUM

19.49 The Committee recalled that paragraph 3.5 of the *Guidelines on the organization and method of work of the Maritime Security Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC–MEPC.1/Circ.4/Rev.2) requires that,

at the end of the first year of the biennium, the Committee Chairmen should submit to their respective Committees a joint plan covering the activities, priorities and meetings of the Committees and their subsidiary bodies for the coming biennium, for consideration in the subsequent year, with a view to inclusion in the Secretary-General's relevant budget proposals.

19.50 The Committee, having noted proposed planned meeting weeks contained in document MSC 91/19/1 (MSC and MEPC Chairmen), agreed that, for budgetary planning purposes, the number of meeting weeks for the coming biennium should be reduced from 25 to 21 weeks, for inclusion in the Secretary-General's relevant budget proposals for the biennium 2014-2015 and requested the Secretariat to inform C 110 accordingly, bearing in mind that any final decision made by Council will take into account the view of MSC and MEPC.

19.51 Regarding the number of meeting days of the MSC, the Committee approved eight days for MSC 93 (May 2014), five days for MSC 94 (December 2014) and eight days for MSC 95 (May 2015), for inclusion in the Secretary-General's relevant budget proposals for the biennium 2014-2015, and requested the Secretariat to inform C 110 accordingly.

INTERSESSIONAL MEETINGS

19.52 The Committee, taking into account decisions made under various agenda items, approved/confirmed, as appropriate, the following intersessional meetings:

- .1 the first meeting of the E&T Group (E&T 19) to take place from 22 to 26 April 2013, as agreed under agenda item 13 (paragraph 13.16);
- .2 the second meeting of the E&T Group (E&T 20) to take place directly after DSC 18, from 16 to 20 September 2013 (paragraph 13.16); and
- .3 a meeting of the ESPH Working Group to be held in 2013, as approved by MEPC 64,

and invited the Council to endorse the above decisions.

SYMPOSIUM ON FUTURE SHIP SAFETY

19.53 The Committee noted that the Symposium on Future Ship Safety (MSC 91/INF.8) will be held at IMO Headquarters on 10 and 11 June 2013, two days prior to MSC 92 and that further information on the Symposium programme, speakers and logistical arrangements will be promulgated in due course.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 92

Substantive items for inclusion in the agendas for MSC 92 and MSC 93

19.54 The Committee agreed on the substantive items to be included in the agendas of its ninety-second and ninety-third sessions, as set out in document MSC 91/WP.13.

Establishment of working and drafting groups during MSC 92

19.55 The Committee, taking into account decisions made under various agenda items, agreed that working groups on the following subjects should be established at the Committee's ninety-second session:

- .1 passenger ship safety;
- .2 goal-based standards; and
- .3 review and reform of the Organization,

and also agreed to establish a drafting group on consideration and adoption of the amendments to mandatory instruments.

19.56 The Committee agreed that the Capacity-building Needs Analysis Group (AGAG) may also need to be established.

Duration and dates of the next two sessions

19.57 The Committee noted that its ninety-second session has been tentatively scheduled to take place from 12 to 21 June 2013; and its ninety-third session is tentatively scheduled to be held in May 2014.

20 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2013

20.1 The Committee unanimously re-elected Mr. Christian Breinholt (Denmark) as Chairman, and Capt. M. Segar (Singapore) as Vice-Chairman, for 2013.

21 ANY OTHER BUSINESS

Concerns regarding non-compliance with resolutions A.949(23) and A.987(24)

21.1 The Committee considered document MSC 91/21 (ICS, BIMCO, INTERCARGO, IPTA and INTERTANKO), expressing concern regarding the reported lack of adherence to the Casualty Investigation Code and the Organization's Guidelines on places of refuge and the ILO/IMO Guidelines on fair treatment of seafarers, requesting it to consider what additional measures might be appropriate in light of the experience with the **M/T Stolt Valor** incident, taking into account the High-level Action Plan of the Organization, with particular emphasis on Strategic Direction 7.2.

21.2 The observer from ICS, in introducing document MSC 91/21, outlined the concerns of the co-sponsors that some of the information in the ROPME submission to MEPC 64 (MEPC 64/INF.30) differed significantly from its understanding of the events as monitored by ICS and other industry associations. The text of the statement by ICS is set out in annex 40.

21.3 ROPME/MEMAC provided a detailed account of the incident including comments on the contents of document MSC 91/21. The text of the statement by ROPME/MEMAC is also set out in annex 40.

21.4 The delegation of Liberia recalled its verbal intervention during MEPC 64 in response to document MEPC 64/INF.30 (ROPME) and gave an overview of the incident concerning the **M/T Stolt Valor** from the flag State perspective. The text of the statement by the delegation of Liberia is also set out in annex 40.

21.5 A number of delegations, including industry observers, also expressed their views on the issue. There was general agreement that coastal States should facilitate the provision of places of refuge; that seafarers should be treated fairly; and that the relevant IMO guidelines should be taken into account when responding to a casualty.

21.6 The delegation of the Islamic Republic of Iran supported the views expressed by ROPME/MEMAC. The text of the statement by the Islamic Republic of Iran is set out in annex 40.

21.7 The Chairman, in summarizing the issue, stressed the need for all concerned to take into account the guidance in the existing resolutions A.949(23) and A.987(24), when determining and responding to requests for places of refuge for ships in need of assistance, including ensuring the fair treatment of seafarers involved in the casualty. The Committee endorsed the Chairman's request to the flag State for its submission to the Organization of the report on the casualty investigation as soon as practicable (resolution A.949(23)).

Global Integrated Shipping Information System (GISIS)

21.8 The Committee noted the information contained in document MSC 91/INF.6 on the Global Integrated Shipping Information System (GISIS).

Caution on GNSS signal reception failure by radio interference

21.9 The delegation of the Republic of Korea made a statement providing information and a reminder of the need for caution due to GNSS signal reception failure caused by radio interference in the Yellow Sea. The text of the statement is set out in annex 40.

General maritime safety issue

21.10 The delegation of the Islamic Republic of Iran made a statement which is set out in annex 40.

22 ACTIONS REQUESTED OF OTHER IMO BODIES

22.1 The Assembly, at its twenty-eighth session, is invited to:

- .1 consider and adopt the draft Assembly resolution on Adoption of amendments to the International Convention on Load Lines, 1966 (paragraph 3.94 and annex 10);
- .2 consider and adopt the draft Assembly resolution on Adoption of amendments to the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (paragraph 3.95 and annex 11);
- .3 consider and adopt the draft Assembly resolution on Adoption of amendments to the International Convention on Tonnage Measurement of Ships, 1969 (paragraph 3.96 and annex 12);
- .4 consider and adopt the draft Assembly resolution on Adoption of the IMO Instruments Implementation Code (III Code) (paragraph 10.21 and annex 16);

- .5 consider and adopt the draft Assembly resolution on Revised Guidelines on implementation of the ISM Code by Administrations (paragraph 11.10 and annex 23);
- .6 consider and adopt the draft Assembly resolution on Revised Guidelines for the structure of an integrated system of contingency planning for shipboard emergencies (paragraph 11.12 and annex 24); and
- .7 confirm the amendments to the General Provisions on Ships' Routeing (resolution A.572(14)), as amended, which was disseminated by means of SN.1/Circ.319 (paragraph 12.7).

22.2 The Council, at its one hundredth and tenth session, is invited to:

- .1 endorse the unplanned outputs agreed at the session for inclusion in the current High-level Action Plan and priorities for the 2012-2013 biennium (paragraph 19.33 and annexes 36 and 37);
- .2 note the updated post-biennial agenda of the Maritime Safety Committee (paragraph 19.34 and annex 38);
- .3 note the report on the status of planned outputs for the 2012-2013 biennium (paragraph 19.35 and annex 39);
- .4 note the outcome of the preliminary discussions on matters related to the review and reform initiative and that detailed consideration of the matter will be undertaken at MSC 92 (paragraphs 19.36 to 19.48);
- .5 note that, for budgetary planning purposes, the proposed number of meeting weeks for the coming biennium will be reduced from 25 to 21 planned meetings weeks, for inclusion in the Secretary-General's relevant budget proposals for the biennium 2014-2015;(paragraph 19.50);
- .6 regarding the number of meeting days of the MSC, the Committee approved eight days for MSC 93 (May 2014), five days for MSC 94 (December 2014) and eight days for MSC 95 (May 2015), for inclusion in the Secretary-General's relevant budget proposals for the biennium 2014-2015 (paragraph 19.51); and
- .7 endorse the intersessional meetings approved for 2013 (paragraph 19.51).

22.3 The Marine Environment Protection Committee, at its sixty-fifth session, is invited to:

- .1 note the concurrent approval of MSC-MEPC.2/Circ.11 on Interim Guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions (paragraph 2.2);
- .2 note the concurrent adoption, by resolution MSC.340(91), of the amendments to chapters 17, 18 and 19 of the IBC Code, which are identical to the amendments to the Code adopted by resolution MEPC.225(64) (paragraph 3.84);
- .3 note the concurrent decision on how to make the Polar Code mandatory, in particular that the structure the draft Polar should have a general part, a part on safety measures and a part on pollution prevention measures (paragraph 8.6);

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- .4 note the concurrent decision to invite interested Member States to submit proposals on draft guidelines on communication of information under IMO instruments to a future session, in particular on domestic legislation, including the frequency of such reporting and the language in which information should be provided (paragraph 10.5);
 - .5 note the concurrent decision to instruct the FSI Sub-Committee to examine the difficulties encountered by Member States in complying with the various mandatory reporting requirements, while taking into account the establishment of the Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR), with a view to avoiding any duplication of work (paragraph 10.6);
 - .6 note the relevant actions taken regarding the IMO Instruments Implementation Code (III Code) (paragraphs 10.19 to 10.30 and annex 16);
 - .7 note the relevant actions taken regarding the draft Code for recognized organizations (RO Code) (paragraphs 10.31 to 10.36 and annex 19);
 - .8 note the concurrent approval of the draft Assembly resolution on Revised Guidelines on implementation of the ISM Code by Administrations (paragraph 11.10 and annex 23);
 - .9 note the concurrent approval of approved MSC-MEPC.7/Circ.8 on Revised Guidelines for the operational implementation of the ISM Code by Companies (paragraph 11.11);
 - .10 note the outcome of the preliminary discussions on matters related to the review and reform initiative in particular that the Secretariat has been requested to prepare a detailed proposal containing proposed regarding the sub-committee restructuring, for consideration at MEPC 65 and MSC 92, (paragraphs 19.36 to 19.48); and
 - .11 note the concurrent approval for a meeting of the ESPH Working Group to be held in 2013 (paragraph 19.52).

22.4 The Technical Co-operation Committee, at its sixty-third session, is invited to:

- .1 note the perceived need of some countries identified in document COMSAR 16/5/2 for capacity-building and technical assistance to help ensure timely response of their search and rescue point of contact upon receiving distress alerts (paragraph 9.6);
- .2 note the approval of the priority themes for the ITCP covering the 2014-2015 biennium and take action as appropriate (paragraph 14.9 and annex 33); and
- .3 note the outcome on matters related to capacity-building for the implementation of new measures (paragraphs 15.1 to 15.10).

22.5 The Facilitation Committee at its thirty-eighth session, is invited to note that MSC 91 concurred with the decision of MEPC 64 to further clarify the meaning of "originals" to be carried on board ships, taking into account the ongoing work of the FAL Committee on electronic access to certificates and documents, and any related work being undertaken within the Organization (paragraph 10.7).

22.6 The Sub-Committee on Radiocommunications and Search and Rescue (COMSAR), at its seventeenth session, is invited to note the outcome of the decisions taken on the actions requested of COMSAR 16 (Section 9).

22.7 The Sub-Committee on Flag State Implementation (FSI), at its twenty-first session, is invited to note the outcome of the decisions taken on the actions requested of FSI 20 (section 10) and, in particular to:

- .1 note that the Ad Hoc Working Group on the Consideration of the issue of the scope of application of amendments to SOLAS and related codes and guidelines in a holistic manner will meet during FSI 21 and report directly to MSC 92 (paragraphs 3.33 to 3.35);
- .2 consider the draft Assembly resolution on notification and circulation through GISIS of information related to mandatory reporting requirements, as set out in the annex to document FSI 20/3/1, and advise the Committees accordingly (paragraph 10.4);
- .3 note that interested Member States were invited to submit proposals on draft guidelines on communication of information under IMO instruments to a future session, in particular on domestic legislation, including the frequency of such reporting and the language in which information should be provided (paragraph 10.5);
- .4 examine the difficulties encountered by Member States in complying with the various mandatory reporting requirements, while taking into account the establishment of the Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR), with a view to avoiding any duplication of work (paragraph 10.6);
- .5 further clarify the meaning of "originals" to be carried on board ships, taking into account the ongoing work of the FAL Committee on electronic access to certificates and documents, and any related work being undertaken within the Organization (paragraph 10.7);
- .6 initiate revisions to FAL.2/Circ.123-MEPC.1/Circ.769-MSC.1/Circ.1409, as may be necessary, and note that the Secretariat was requested to prepare a note containing those requirements, which may result in the revision of the above circular and/or amendment to appendix 12 of the Procedures for PSC (resolution A.1052(27)), as appropriate (paragraph 10.8);
- .7 prepare a detailed strategy for the development of the non-mandatory instrument on safety standards for non-convention ships and a clearer identification of the envisaged output, which should initially be limited to common regulations and those that are specific to non-convention passenger ships, for consideration at MSC 92 for inclusion in the High-level Action Plan for the next biennium (paragraph 10.13);
- .8 note that the Secretariat was requested to release a version of the certified true copy of amendments to a convention on IMODOCS, in track changes, and to establish a time limit for the circulation of the certified true copies, preferably at the time of adoption, taking into account the views expressed by the Legal Office (paragraph 10.15);

- .9 develop, at FSI 21, a new non-mandatory instrument in the form of a draft Assembly resolution, solely containing the annexes to the current non-mandatory Code for the implementation of mandatory IMO instruments, to be reviewed in the future in the same way as the annexes to the non-mandatory Code have been updated regularly since its initial adoption (paragraph 10.30);
- .10 note the decisions taken regarding the draft IMO Instruments Implementation Code (III Code) and take action as appropriate (paragraphs 10.19 to 10.30 and annex 16);
- .11 note the relevant decisions taken regarding the draft Code for recognized organizations (RO Code) and take action as appropriate (paragraphs 10.31 to 10.36 and annex 19);
- .12 consider document STW 43/10/5 in conjunction with its work on matters related to the List of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments (MSC.1/Circ.1371) (paragraph 11.13); and
- .13 taking into account the view of the FSA Experts Group that establishing casualty databases, which are accessible and contain detailed root causes, and that commercially available data should be examined, enhance the GISIS module for this purpose accordingly (paragraph 16.11).

22.8 The Sub-Committee on Standards of Training and Watchkeeping (STW), at its forty-fourth session, is invited to note the outcome of the decisions taken on the actions requested of STW 43 (section 11) and, in particular to:

- .1 consider, in due course, matters forwarded to the Sub-Committee in regard to the FSA Experts Group's (MSC 91/WP.6) recommendations related to the FSA study on Sea transport of dangerous goods under the relevant agenda items and advise the Committee accordingly (paragraph 16.10.4);
- .2 consider, in due course, matters forwarded to the Sub-Committee in regard to the FSA Experts Group's (MSC 91/WP.6) recommendations related to the FSA study on Crude oil tankers under the relevant agenda items and advise the Committee accordingly (paragraph 16.15.5); and
- .3 note that one unplanned output on colour vision requirements has been included for consideration at STW 44 (paragraph 19.29).

22.9 The Sub-Committee on Safety of Navigation (NAV), at its fifty-ninth session, is invited to note the outcome of the decisions taken on the actions requested of NAV 58 (section 12) and, in particular, to note that two unplanned outputs on the BeiDou satellite navigation system as well as ECDIS matter, have been included for consideration at NAV 59 (section 12 and paragraphs 19.20 and 19.21).

22.10 The Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC), at its eighteenth session, is invited to note the outcome of the decisions taken on the actions requested of DSC 17 and, in particular to consider the matters forwarded to the Sub-Committee in regard to the FSA Experts Group's (MSC 91/WP.6) recommendations related to the FSA study on Sea transport of dangerous goods under the existing agenda item on "Amendments to the IMDG Code and supplements" and advise the Committee accordingly (section 13 and paragraphs 16.10.1 and 16.10.3).

22.11 The Sub-Committee on Fire Protection (FP), at its fifty-sixth session, is instructed to:

- .1 consider the matters forwarded to the Sub-Committee in regard to the FSA Experts Group's (MSC 91/WP.6) recommendations related to the FSA study on Sea transport of dangerous goods under the relevant agenda items and advise the Committee accordingly (paragraphs 16.10.2 and 19.12); and
- .2 consider, in due course, the matters forwarded to the Sub-Committee in regard to the FSA Experts Group's (MSC 91/WP.6) recommendations related to the FSA study on Crude oil tankers and advise the Committee accordingly (paragraphs 16.15.5, 16.15.6, 19.13 and 19.14).

22.12 The Sub-Committee on Ship Design and Equipment (DE), at its fifty-seventh session, is instructed to:

- .1 note that MSC 91 concurred with the decision of MEPC 64 on how to make the Polar Code mandatory, in particular that the structure the draft Polar should have a general part, a part on safety measures and a part on pollution prevention measures and take action accordingly (paragraph 8.6);
- .2 consider the reports on the incidents of the **BBC Atlantic, Star Java, Knud Lauritzen, Sand Falcon** and **Wellservicer**, as well as the analysis and comments made by the FSI Correspondence Group on Casualty Analysis (FSI 20/5), and advise the Committee accordingly (paragraph 10.14);
- .3 consider the draft amendments to the LSA Code and the concerns regarding the application of SOLAS regulation III/1.4.2, together with the proposed draft MSC circular on Guidance for drafting amendments to the LSA Code and take action as appropriate (paragraph 10.18);
- .4 consider, in due course, matters forwarded to the Sub-Committee in regard to the FSA Experts Group's (MSC 91/WP.6) recommendations related to the FSA study on Crude oil tankers under the relevant agenda items and advise the Committee accordingly (paragraphs 16.15.3 and 19.22); and
- .5 further consider document MSC 91/18 under the existing agenda item on "Development of safety objectives and functional requirements of the Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III and advise MSC 92 accordingly (paragraph 18.6).

22.13 The Sub-Committee on Stability and Load Lines and on Fishing Vessel Safety (SLF), at its fifty-fifth session, is instructed to develop a procedure for calculating the number of fishing vessels of each Contracting State of the 2012 Cape Town Agreement (resolution 5), as a matter of high priority under its agenda item on "Any other business", for submission to MSC 92 for approval (paragraph 2.4).

(The annexes will be issued as addenda to this document)