



MARITIME SAFETY COMMITTEE
69th session
Agenda item 22

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**REPORT OF THE MARITIME SAFETY COMMITTEE
ON ITS SIXTY-NINTH SESSION**

Section	Page No.
1 INTRODUCTION - ADOPTION OF THE AGENDA	4
2 DECISIONS OF OTHER IMO BODIES, INCLUDING THE OUTCOME OF THE 1997 SOLAS CONFERENCE	9
3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS	12
4 BULK LIQUIDS AND GASES (REPORT OF THE SECOND SESSION OF THE SUB-COMMITTEE)	16
5 SAFETY OF NAVIGATION (REPORT OF THE FORTY-THIRD SESSION OF THE SUB-COMMITTEE)	17
6 FIRE PROTECTION (REPORT OF THE FORTY-SECOND SESSION OF THE SUB-COMMITTEE)	30
7 TRAINING AND WATCHKEEPING (REPORT OF THE TWENTY-NINTH SESSION OF THE SUB-COMMITTEE)	33
8 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY (REPORT OF THE FORTY-FIRST SESSION OF THE SUB-COMMITTEE)	40
9 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (REPORT OF THE THIRD SESSION OF THE SUB-COMMITTEE)	42
10 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE (URGENT MATTERS EMANATING FROM THE THIRD SESSION OF THE SUB-COMMITTEE)	44
11 SHIP DESIGN AND EQUIPMENT (URGENT MATTERS EMANATING FROM THE FORTY-FIRST SESSION OF THE SUB-COMMITTEE)	50
12 TECHNICAL ASSISTANCE SUBPROGRAMME IN MARITIME SAFETY	50

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	Page No	
13	ROLE OF THE HUMAN ELEMENT IN MARITIME CASUALTIES	53
14	FORMAL SAFETY ASSESSMENT	56
15	MATTERS RELATED TO THE INF CODE	60
16	PIRACY AND ARMED ROBBERY AGAINST SHIPS	62
17	IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS	64
18	RELATIONS WITH OTHER ORGANIZATIONS	67
19	APPLICATION OF THE COMMITTEE'S GUIDELINES	68
20	WORK PROGRAMME	70
21	ANY OTHER BUSINESS	82

LIST OF ANNEXES

ANNEX 1	AGENDA FOR THE SIXTY-NINTH SESSION AND LIST OF DOCUMENTS
ANNEX 2	RESOLUTION MSC.69(69) - ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED
ANNEX 3	RESOLUTION MSC.70(69) - ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979
ANNEX 4	PROPOSED AMENDMENTS TO SOLAS CHAPTERS II-1 AND II-2
ANNEX 5	PROPOSED AMENDMENTS TO THE IGC CODE
ANNEX 6	NEW AND AMENDED EXISTING TRAFFIC SEPARATION SCHEMES
ANNEX 7	ROUTEING MEASURES OTHER THAN TRAFFIC SEPARATION SCHEMES
ANNEX 8	RESOLUTION MSC.71(69) - ADOPTION OF AMENDMENTS TO THE GENERAL PROVISIONS ON SHIPS' ROUTEING (RESOLUTION A.572(14) AS AMENDED)
ANNEX 9	RESOLUTION MSC.72(69) - ADOPTION, DESIGNATION AND SUBSTITUTION OF ARCHIPELAGIC SEA LANES
ANNEX 10	RESOLUTION MSC.73(69) - MANDATORY SHIP REPORTING SYSTEMS

ANNEX 11	TERMS OF REFERENCE FOR THE IMO/IHO HARMONIZATION GROUP ON ECDIS (HGE)
ANNEX 12	RESOLUTION MSC.74(69) - ADOPTION OF NEW AND AMENDED PERFORMANCE STANDARDS
ANNEX 13	PROPOSED AMENDMENTS TO SOLAS REGULATIONS II-2/17 AND 18
ANNEX 14	AMENDMENTS TO SECTION B-VIII/2 PART 5 OF THE STCW CODE
ANNEX 15	DRAFT ASSEMBLY RESOLUTION - RECOMMENDATIONS ON TRAINING OF PERSONNEL ON MOBILE OFFSHORE UNITS (MOUs)
ANNEX 16	DRAFT MSC RESOLUTION - ADOPTION OF AMENDMENTS TO THE SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) CODE
ANNEX 17	RESOLUTION MSC.75(69) - ADOPTION OF AMENDMENTS TO THE CODE ON INTACT STABILITY FOR ALL TYPES OF SHIPS COVERED BY IMO INSTRUMENTS (RESOLUTION A.749(18))
ANNEX 18	RESOLUTION MSC.76(69) - EXTENDED APPLICATION OF THE EXPLANATORY NOTES TO THE SOLAS REGULATIONS ON SUBDIVISION AND DAMAGE STABILITY OF CARGO SHIPS OF 100 METRES IN LENGTH AND OVER (RESOLUTION A.684(17))
ANNEX 19	PROPOSED AMENDMENTS TO SOLAS CHAPTER VII TO MAKE THE INF CODE MANDATORY
ANNEX 20	DRAFT REVISED INF CODE
ANNEX 21	RESOLUTION MSC.77(69) - MAINTENANCE OF A CONTINUOUS LISTENING WATCH ON VHF CHANNEL 16 BY SOLAS SHIPS WHILST AT SEA AFTER 1 FEBRUARY 1999 AND INSTALLATION OF VHF DSC FACILITIES ON NON-SOLAS SHIPS
ANNEX 22	WORK PROGRAMMES OF THE SUB-COMMITTEES
ANNEX 23	PROVISIONAL AGENDAS FOR THE FORTHCOMING SESSIONS OF THE SUB-COMMITTEES
ANNEX 24	STATEMENTS BY THE DELEGATIONS OF GREECE, THE RUSSIAN FEDERATION AND TURKEY

1 INTRODUCTION - ADOPTION OF THE AGENDA

1.1 The sixty-ninth session of the Maritime Safety Committee was held from 11 to 20 May 1998 under the chairmanship of Dr. G. Pattofatto (Italy). The Vice-Chairman, Captain B. Watt (South Africa), was also present.

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

ANGOLA	LATVIA
ANTIGUA AND BARBUDA	LIBERIA
ARGENTINA	LIBYAN ARAB JAMAHIRIYA
AUSTRALIA	LITHUANIA
AUSTRIA	LUXEMBOURG
BAHAMAS	MALAYSIA
BANGLADESH	MALTA
BARBADOS	MARSHALL ISLANDS
BELGIUM	MEXICO
BELIZE	NAMIBIA
BRAZIL	NETHERLANDS
BULGARIA	NEW ZEALAND
CANADA	NIGERIA
CHILE	NORWAY
CHINA	PANAMA
COLOMBIA	PERU
COSTA RICA	PHILIPPINES
CÔTE D'IVOIRE	POLAND
CROATIA	PORTUGAL
CUBA	REPUBLIC OF KOREA
CYPRUS	ROMANIA
CZECH REPUBLIC	RUSSIAN FEDERATION
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	SAINT VINCENT AND THE GRENADINES
DENMARK	SAUDI ARABIA
ECUADOR	SINGAPORE
EGYPT	SOUTH AFRICA
ESTONIA	SPAIN
FINLAND	SRI LANKA
FRANCE	SWEDEN
GABON	SWITZERLAND
GEORGIA	SYRIAN ARAB REPUBLIC
GERMANY	THAILAND
GHANA	TRINIDAD AND TOBAGO
GREECE	TUNISIA
HUNGARY	TURKEY
ICELAND	UKRAINE
INDIA	UNITED ARAB EMIRATES
INDONESIA	UNITED KINGDOM
IRELAND	UNITED STATES
ISRAEL	URUGUAY
ITALY	VANUATU
JAMAICA	VENEZUELA
JAPAN	

and the following Associate Members of IMO:

HONG KONG, CHINA

MACAU

1.3 The session was also attended by representatives from the following United Nations and specialized agencies:

UNITED NATIONS

INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

INTERNATIONAL TELECOMMUNICATION UNION (ITU)

by observers from the following intergovernmental organizations:

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)

EUROPEAN COMMISSION (EC)

LEAGUE OF ARAB STATES

ARAB FEDERATION OF SHIPPING (AFS)

INTERNATIONAL MOBILE SATELLITE ORGANIZATION (Inmarsat)

COSPAS-SARSAT

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)

INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)

INTERNATIONAL SHIPPING FEDERATION (ISF)

INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC)

INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)

INTERNATIONAL CHAMBER OF COMMERCE (ICC)

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)

INTERNATIONAL ASSOCIATION OF LIGHTHOUSE AUTHORITIES (IALA)

INTERNATIONAL RADIO-MARITIME COMMITTEE (CIRM)

PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES
(PIANC)

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)

THE BALTIC AND INTERNATIONAL MARITIME COUNCIL (BIMCO)

INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)

INTERNATIONAL CARGO HANDLING CO-ORDINATION ASSOCIATION (ICHCA)

EUROPEAN COUNCIL OF CHEMICAL MANUFACTURERS' FEDERATIONS (CEFIC)

OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)

INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)

FRIENDS OF THE EARTH INTERNATIONAL (FOEI)

INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS (IADC)

INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)

INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)

OIL INDUSTRY INTERNATIONAL EXPLORATION AND PRODUCTION FORUM
(E & P FORUM)

ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)

INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)

SOCIETY OF INTERNATIONAL GAS TANKERS AND TERMINAL OPERATORS
(SIGTTO)

INTERNATIONAL LIFEBOAT FEDERATION (ILF)

INTERNATIONAL ROAD TRANSPORT UNION (IRU)
HAZARDOUS MATERIALS ADVISORY COUNCIL (HMAC)
GREENPEACE INTERNATIONAL
INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)
THE INSTITUTE OF MARINE ENGINEERS (IME)
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (ISMA)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)

1.4 The session was also attended by Mr. M.H. Julian (Australia), Chairman of the Marine Environment Protection Committee (MEPC) and Mr. L.D. Barchue, Sr. (Liberia), Chairman of the Facilitation Committee (FAL). The Chairmen of all sub-committees, except for the Chairman of the BLG Sub-Committee, were also present.

1.5 The Secretary-General welcomed participants and, first of all, referred to important meetings held since the last session of the Committee, in particular the 1997 SOLAS Conference on the safety of bulk carriers and the twentieth Assembly. He mentioned that this year has been declared the International Year of the Ocean and that it also marked the 50th anniversary of IMO, which provided the opportunity to focus attention on the Organization's work throughout the year.

Returning to last year's Conference on bulk carrier safety, he referred to his remarks at the closing ceremony, namely that the successful conclusion of the Conference did not mean the end of the road, as the Conference itself had recognized by asking the Committee to undertake further work on the issue as a matter of urgency.

On the survey conducted by the United Kingdom Government into the loss with all hands of the bulk carrier **Derbyshire** in September 1980, he urged the Committee to give careful consideration to its findings to see what lessons might be learned from that tragic accident.

Referring to the possibility that, in the Committee's search for enhanced bulk carrier safety, it might become evident that amendments might be needed to the Load Line Convention, he addressed the question of the non-entry into force of both the 1988 SOLAS and Load Line Protocols.

He added that this was of particular importance for the Load Line Convention, as none of the amendments which had been adopted since it entered into force in 1968 had come into force because of the lack of a provision in the parent convention for the tacit amendment procedure. The Secretary-General mentioned that, whilst the number of States needed for the Protocol to enter into force had already been met, the world tonnage percentage requirement had not, as there was still a need for a State or States representing approximately 5% of the world tonnage to accept the two Protocols to enable them to enter into force twelve months later. He took this opportunity, therefore, in addition to his previous communications with individual Governments, to urge Contracting Governments to the SOLAS and Load Line Conventions to consider taking expeditious action to bring the two Protocols into force as soon as possible.

The Secretary-General drew the Committee's attention to this year's critical deadlines for implementation of the revised STCW Convention and the ISM Code, the two instruments which he considered represented the most important regulatory achievements in IMO's quest for enhanced safety and environmental protection for over a decade; and on which the Organization would focus its attention this year and would continue to do so in the years to come.

Turning to matters relating to the implementation of the revised STCW Convention, he singled out the decision the Committee would have to make on the timing of consideration by it of his reports, based on

advice received from competent persons, as to those STCW Parties found to give full and complete effect to the provisions of the revised Convention.

Given the serious implications of the matter, he suggested that all involved in the exercise should be extremely careful in each step they took when scrutinizing the information provided by STCW Parties because the ramifications for those not included on the "White list" would be far reaching.

Since the revised STCW Convention placed a great deal of responsibility and trust on the "competent persons", he had written to them individually to stress the importance of their work and to ensure that they were aware of the latest decisions of the Committee and the STW Sub-Committee.

He informed the Committee that, with the additional competent persons nominated for approval at this session, their total would rise to 150. Of these, 109 are English speaking, 26 are French speaking and 15 are Spanish speaking. These numbers should be related to the total membership of the STCW Convention, which currently stood at 130 Parties and that, of these, 96 worked in English, 21 worked in French and 13 worked in Spanish. The Secretary-General took the opportunity to express his thanks to all those administrations which had responded positively by identifying competent persons to assist in an important work which was expected to increase significantly by the end of the year.

He added that he had contacted a number of countries, which had either large fleets or a significant number of seafarers and maritime training institutions, and had offered to assist them in better understanding the new requirements and how to go about implementing them. IMO had already provided assistance to 23 countries, was currently working with 7 others and was prepared to provide further assistance if requested.

Turning to the ISM Code, he referred to his Note MSC 69/17/2 and added that, in order to provide the Assembly at its twentieth session and the Committee at this session with authoritative information on the status of progress being made in the implementation of the Code, he had twice sought information from Member States representing significant percentages of the world fleet. The first survey indicated that approximately 70% of ships required to comply by the first implementation date would meet the target; while the second polling had increased this percentage to 78%.

Based on the forecasts made by the Governments contacted, it was expected that the overwhelming majority of ships under their flags would comply by 1 July. He was therefore optimistic that the world average would show even further improvement; and this would be good news for everyone involved with ship safety - except for those owners who failed to comply, who could expect to face tough times as their ships were likely to be barred from the world's major ports and be deprived of insurance cover.

Referring to the crucial role people have to play in any endeavour relating to safe shipping operations, he stressed the importance of the Committee's work on the human element and formal safety assessment.

Turning to the outcome of NAV 43, he invited the Committee's attention to two important topics:

- the proposals calling for the adoption of a number of designated sea lanes in the archipelagic waters of Indonesia; and
- the proposed amendments to the IMO Rules and Recommendations on Navigation through the Strait of Istanbul, the Strait of Çanakkale and the Marmara Sea.

With respect to the former, he considered NAV 43 had responded successfully to the MSC's instructions to develop a mechanism for considering archipelagic sea lanes proposals which could be used as a basis for preparing relevant recommendations.

On the latter issue, the Secretary-General stated that his main concern was that the relevant IMO Rules and Recommendations on navigation through the areas concerned responded adequately to the actual needs of safe navigation through them.

He welcomed the information provided by Turkey on action being taken to improve the situation in the two straits and the Sea of Marmara and urged all those involved to co-operate, within the spirit of resolution A.859(20), in the search for a viable solution which would enhance the safety of navigation.

On the Committee's revisiting of the issue of the officer of the navigational watch acting as the sole lookout in periods of darkness, the Secretary-General recommended that all possible aspects of it should be considered in an effort to achieve the optimum solution.

He then stressed the importance of the Committee's work on adoption of Amendment 29 to the IMDG Code; restructuring the IMDG Code; and review of the INF Code and the High-Speed Craft Code.

The Secretary-General reported on recent activities aiming at completion of the global SAR plan, namely the Conference on SAR and the GMDSS for Mediterranean and Black Sea countries, which took place in Valencia, Spain, in September 1998 and a similar Conference for Indian Ocean countries, which would take place in Fremantle, Australia, in September of this year. The first Conference was financed by the Governments of France, Greece, the Netherlands, Norway, Spain and the United Kingdom and the Commission of the European Communities, Inmarsat and the ICFTU/ITF to whom he expressed his appreciation. He also expressed appreciation to the Governments of Australia, Canada, the Netherlands, Norway, the United Kingdom and the United States as well as Inmarsat and ICFTU/ITF for financially supporting the Fremantle Conference, while he paid special tribute to the two host countries, Spain and Australia.

With the conclusion of the Fremantle Conference, all the necessary work to put in place a Global SAR Plan would have been completed **four** months before the final implementation date of the GMDSS and the Secretary-General considered this a milestone in IMO's history of achievements and an important event in the celebrations of IMO's 50th anniversary.

Having emphasized the importance of the amendments to the 1979 SAR Convention and the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual the Committee would be invited to adopt at this session, he stressed that the emphasis on the Organization's work should be shifted from the development of new regulations to the wide and effective implementation of those already adopted.

The Secretary-General then turned to piracy and armed robbery against ships which continued to cause grave concern with more than 1,207 such acts having been reported to IMO since statistics started being compiled in 1984.

Having reported on consultations with Ambassadors and High Commissioners in London of countries in whose waters piracy and armed robbery had most frequently been reported, he informed the Committee of action to be taken in the near future consisting of:

- experts visiting a selected number of countries to assist in the implementation of IMO's relevant guidelines; and
- regional seminars being organized to assist Governments in the countries concerned to enhance their capability for preventing and suppressing piracy and armed robbery against ships in their waters.

The Secretary-General thanked the Governments of Australia, Denmark, Greece, the Netherlands, Norway, Panama, the United Kingdom and the United States and Inmarsat, ICS/ISF, OCIMF, INTERTANKO and ICFTU/ITF for providing experts and financial support necessary for the implementation of the project.

Having placed due emphasis on the proper implementation of existing IMO standards through technical co-operation, he underlined that technical co-operation was fundamental for the implementation of the standards developed by the Committee.

The Secretary-General concluded his remarks by stressing the importance of strict compliance with the revised Guidelines on the organization and method of work of the Committees and their subsidiary bodies; and closed his speech by underlining the significance of the Committee's achievements over the years, which he trusted would be continued at the current session.

1.6 In responding to the Secretary-General's remarks, the Chairman stated that the Secretary-General's advice and requests would be given every consideration in the Committee's deliberations. Referring to the Secretary-General's statement that the emphasis of the Organization's work should be placed on the wide and effective implementation of regulations already adopted rather than on the development of new regulations, the Chairman responded that the Committee would make a valuable contribution to the achievement of this urgent objective through its deliberations, in particular when considering its work programme in areas on which attention should be focused in the future. The Chairman stressed the need for strict compliance with the revised Guidelines on the organization and method of work of the Committees and their subsidiary bodies. This would greatly assist the Committee in achieving any set objectives.

1.7 The Committee adopted the agenda (MSC 69/1) and a provisional timetable for guidance during the session (MSC 69/1/1, annex, as amended). The agenda for the sixty-ninth session, with a list of documents considered under each agenda item, is set out in annex 1.

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

2 DECISIONS OF OTHER IMO BODIES, INCLUDING THE OUTCOME OF THE 1997 SOLAS CONFERENCE

Outcome of the twentieth session of the Assembly

2.1 The Committee noted information on the outcome of the twentieth session of the Assembly (MSC 69/2) and dealt with the Assembly's specific requests for action (MSC 69/2, paragraph 20) under sections 10, 17, 20 and 21.

Outcome of the 1997 Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974

2.2 The Committee noted information on the outcome of the 1997 SOLAS Conference (MSC 69/2/1) convened at the IMO Headquarters on 24, 27 and 28 November 1997 to consider and adopt amendments to the 1974 SOLAS Convention, as amended, and resolution A.744(18) aimed at enhancing the safety of bulk carriers, and expressed appreciation to the President and other officers of the Conference for their contribution to its success.

2.3 With reference to Conference resolution 6 (Interpretation of the definition of "bulk carrier" as given in SOLAS chapter IX), the delegations of Canada, Liberia and the United States informed the Committee of their decision to withdraw the reservation thereto they had made during the Conference (SOLAS/CONF.4/RD/2, paragraph 8).

2.4 The Committee decided to deal with the specific requests of the Conference for the MSC to undertake, i.e. the development of standards to facilitate the implementation of the requirements adopted by the Conference (MSC 69/2/1, paragraph 5) as well as with comments and proposals submitted on the outcome of the Conference by the United Kingdom (MSC 69/2/1/Add.1), Japan (MSC 69/2/1/Add.2), the Republic of Korea (MSC 69/2/1/Add.3) and BIMCO (MSC 69/2/1/Add.4), under item 20 (Work programme) in the context of the work programmes of the relevant sub-committees.

Other aspects of bulk carrier safety

2.5 The Committee, in considering document MSC 69/2/1/Add.5 submitted by the United Kingdom containing a summary on the loss of the double hull bulk carrier **Derbyshire** in September 1980 and including an outline of the conclusions on the findings of surveys of the ship's wreckage, drawn by assessors employed by the United Kingdom and the Commission of the European Communities, and their recommendations, agreed that:

- .1 priority matters, i.e. protection of the ship's fore end from green water and reserve buoyancy and strength of hatch covers, be dealt with by the Committee itself under a separate agenda item of MSC 70. A working group would be established to that effect at MSC 70;
- .2 the other issues identified in the United Kingdom's submission should also be referred to the working group to determine priority and further course of action (see also paragraph 20.3); and
- .3 the United Kingdom submit to MSC 70:
 - .3.1 a document containing proposals for technical recommendations concerning the priority issues referred to in subparagraph .1 above; and
 - .3.2 a document proposing, on the basis of the recommendations contained in the assessors' report, possible new items for inclusion in the work programmes of the appropriate sub-committees with pertinent explanations.

2.6 The Committee invited IACS to provide MSC 70 with any relevant technical study on the subject they may be able to conclude to assist the Committee in its deliberations; and welcomed IACS's positive response to this.

Outcome of the seventy-eighth session of the Council

2.7 The Committee noted the information provided in document MSC 69/2/2.

Outcome of the fortieth and forty-first sessions of the Marine Environment Protection Committee

2.8 The Committee noted the information provided in documents MSC 69/2/3 and MSC 69/2/3/Add.1 and decided to deal with the issue of oil tanker pitting, referred to in paragraph 13 of document MSC 69/2/3, under item 20 (Work programme).

2.9 The Chairman of the MEPC advised the Committee of the work being done by the MEPC in reviewing the Guidelines for the designation of special areas and the identification of particularly sensitive sea areas (resolution A.720(17)). MEPC 41 agreed that environment, ship safety and navigational aspects should not be considered in isolation from each other. Consequently, the approved terms of reference for the correspondence group (MEPC 40/21, annex 7) had included the need to consult other IMO bodies in the review; and the MEPC Chairman invited MSC Members to contribute to the review of those Guidelines.

Furthermore, in emphasizing the importance of completing the safety requirements in relation to the treatment of ballast water, the Chairman of the MEPC indicated that MEPC 41 had requested the DE and SLF Sub-Committees to consider this matter at their forthcoming sessions in 1999 and stressed that timing was critical as it had been proposed, subject to approval by the Council, that a Conference be held in the year 2000 to consider a new legal instrument to make the treatment of harmful aquatic organisms in ballast water mandatory.

Outcome of the 1997 Conference of Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)

2.10 The Committee noted information on the outcome of the 1997 MARPOL Conference (MSC 69/2/4), convened at the IMO Headquarters over the period from 15 to 26 September 1997, in conjunction with MEPC 40, to consider and adopt a Protocol to amend MARPOL 73/78 by adding a new Annex VI on Regulations on prevention of air pollution from ships.

2.11 With regard to the specific request in Conference resolution 7 - Restriction on the use of perfluorocarbons on board ships, the Committee decided to deal with it under item 20 (Work programme).

Outcome of the forty-fourth session of the Technical Co-operation Committee

2.12 The Committee noted the information provided in document MSC 69/2/5 and dealt with technical co-operation matters under item 12.

Outcome of the twenty-fifth session of the Facilitation Committee and the concurrent session of the Working Group on Ship/Port Interface

2.13 The Committee, having agreed to deal with the issues referred to in document MSC 69/2/6, paragraph 27, subitems 1 to 3, 11, 12 and 15 under the relevant items, took action on the remaining issues in that document as indicated in paragraphs 2.14 to 2.22 below.

Dangerous goods manifest

2.14 The Committee noted the FAL Committee's action on the dangerous goods manifest.

Harmonized certificate format

2.15 The Committee, having noted that FAL 25 agreed to undertake work to standardize and harmonize ship's certificates using, *inter alia*, those appended to the 1988 Protocols to the SOLAS and Load Line Conventions, as was proposed by the sub-regional FAL seminar held in Tehran in October 1996, agreed with the FAL Committee's views on a harmonized certificate format and instructed the Secretariat to inform the FAL Committee and MEPC of its views on the matter.

SPI Working Group work method

2.16 The Committee noted the FAL Committee's view on the SPI Working Group work method.

Preparedness and response to chemical accidents

2.17 The Committee endorsed the inclusion of "APELL" in the Recommendations on the Safe Transport of Dangerous Cargoes and related Activities in Port Areas as a supplement.

Communication between maritime administrations and ports/terminals

2.18 The Committee noted the FAL Committee's action on communication between maritime administrations and ports/terminals.

Tug assistance

2.19 The Committee endorsed the SPI Working Group's action on the matter of tug assistance.

Work programme of the SPI Working Group

2.20 The Committee approved, as far as safety-related items were concerned, the SPI Working Group's work programme.

Information leaflet

2.21 The Committee endorsed the SPI Working Group's action on the information leaflet for terminal operators in solid bulk cargo operations.

Model courses for use by terminal operators

2.22 The Committee endorsed the SPI Working Group's action on model courses for use by terminal operators.

Outcome of the seventy-sixth session of the Legal Committee

2.23 The Committee noted the information provided in document MSC 69/2/7.

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

3.1 Contracting Governments to the 1974 SOLAS Convention were invited to participate in the consideration and adoption of proposed amendments to the 1974 SOLAS Convention, as amended. Contracting Governments constituting more than one third of the total of Contracting Governments to the SOLAS Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with article VIII(b)(iii) and (iv) of that Convention.

3.2 Parties to the 1979 SAR Convention were also invited to participate in the consideration and adoption of proposed amendments to the 1979 SAR Convention. Parties constituting more than one third of the total of Parties to the SAR Convention were present during the consideration and adoption of the

said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article III(2)(a) of that Convention.

3.3 With respect to the proposed amendments to SOLAS, the Committee recalled that:

- .1 those to SOLAS chapter II-1 had been developed by SLF 40 and DE 40 and were approved by MSC 68;
- .2 those to SOLAS chapter IV had been developed by COMSAR 2 and were approved by MSC 68; and
- .3 those to SOLAS chapters VI and VII had been developed by DSC 2 and were also approved by MSC 68.

3.4 In accordance with article VIII(b)(i) of the SOLAS Convention, the above proposed amendments to the SOLAS Convention were circulated by the Secretary-General to all IMO Member Governments and all Contracting Governments to the 1974 SOLAS Convention by circular letter No.1992 of 1 September 1997.

3.5 With respect to the proposed amendments to the SAR Convention, the Committee recalled that such amendments had been developed by COMSAR 2 and were approved by MSC 68.

3.6 In accordance with article III(2)(a) of the SAR Convention, the proposed amendments to the SAR Convention were circulated by the Secretary-General to all IMO Member Governments and all Parties to the 1979 SAR Convention by circular letter No.1993 of 1 September 1997.

PROPOSED AMENDMENTS TO THE SOLAS CONVENTION (MSC 69/3 and MSC 69/WP.2, annex 1)

Proposed amendments to chapter II-1

Regulation II-1/14 - Construction and initial testing of watertight bulkheads, etc., in passenger ships and cargo ships

3.7 The Committee, noting that no comments had been submitted on the proposed amendments, confirmed their contents, subject to editorial improvements, if any.

Proposed amendments to chapter IV

Regulation IV/1 - Application

Regulation IV/2 - Terms and definitions

Regulation IV/5-1 - Global Maritime Distress and Safety System identities

Regulation IV/13 - Source of energy

Regulation IV/15 - Maintenance requirements

Regulation IV/18 - Position-updating (new regulation)

3.8 The Committee, noting that no comments had been submitted on the proposed amendments, confirmed their contents, subject to editorial improvements, if any.

3.9 The Committee, recalling that the FSI Sub-Committee had been requested to review the 17-month testing interval specified in SOLAS chapter III in order to harmonize that interval with the harmonized system of survey and certification (MSC 68/23, paragraph 20.30), agreed to request that Sub-Committee to consider this matter also in respect of SOLAS chapter IV.

Proposed amendments to chapter VI

Regulation VI/5 - Stowage and securing

3.10 The Committee, noting that no comments had been submitted on the proposed amendments, confirmed their contents, subject to editorial improvements, if any.

Proposed amendments to chapter VII

Regulation VII/6 - Stowage and securing

3.11 The Committee, noting that under the 1994 amendments to SOLAS, paragraph 6 had been inadvertently added to regulation VII/5 instead of VII/6, requested the drafting group to rectify this error; and also agreed to amend the existing title "Stowage requirements" of regulation VII/6 to read "Stowage and securing".

Date of entry into force of the proposed amendments to SOLAS

3.12 The Committee, recalling the decision, at its fifty-ninth session (MSC 59/33, paragraph 26.2), on planning of amendments to maritime safety instruments, namely that there should normally be a four-year interval between entry into force of successive sets of amendments to safety-related conventions and codes, determined that the proposed amendments to SOLAS chapters II-1 and IV should enter into force on 1 July 2002. Noting that MSC 68 had not decided on a specific date for the entry into force of the proposed amendments to SOLAS chapters VI and VII, the Committee determined that such amendments should also enter into force on 1 July 2002.

PROPOSED AMENDMENTS TO THE SAR CONVENTION (MSC 69/3/1 and MSC 69/WP.2, annex 2)

3.13 The Committee noted that, in accordance with the instructions of MSC 68, COMSAR 3 considered comments and proposals by Member Governments with respect to the proposed amendments and prepared additional amendments which it requested the Committee to consider when adopting the new text of the Annex to the SAR Convention.

3.14 The Committee recalled that paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 and 3.1.3 of the existing text of the Annex to the 1979 SAR Convention had not been changed because, according to article III(2)(e) thereof, amendments to these paragraphs could only be effected by means of the explicit amendment procedure.

Proposed amendments to chapter 1 - Terms and definitions

3.15 The Committee, noting that no comments had been submitted on the proposed amendments, confirmed their contents, subject to editorial improvements, if any.

Proposed amendments to chapter 2 - Organization and co-ordination

3.16 The Committee considered the additional proposed amendments to chapter 2 developed by COMSAR 3, together with proposals relating thereto submitted by Greece (MSC 69/3/2) and Japan (MSC 69/3/3) and agreed to incorporate the amendments developed by COMSAR 3. With regard to the proposal by Greece, the Committee decided to instruct COMSAR 4 to consider the proposal for possible inclusion in the IAMSAR Manual.

3.17 The delegation of Turkey objected to the decision of the Committee regarding the proposal by Greece.

Proposed amendments to chapter 3 - Co-operation between States

3.18 In considering the proposed amendments to chapter 3, the Committee took into account the proposals developed by COMSAR 3 and did not agree with the amendments proposed by Japan (MSC 69/3/3).

Proposed amendments to chapter 4 - Operating procedures

3.19 Having considered the proposed amendments to chapter 4 submitted by Japan (MSC 69/3/3), the Committee decided to retain the text proposed by COMSAR 2, subject to any necessary editorial amendments prepared by the drafting group.

Proposed amendments to chapter 5 - Ship reporting systems

3.20 The Committee, noting that no comments had been submitted on the proposed amendments, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments to the SAR Convention

3.21 The Committee agreed with the deemed acceptance and entry into force dates recommended by COMSAR 3 and determined that the proposed amendments to the SAR Convention should be deemed to have been accepted on 1 July 1999 and should enter into force on 1 January 2000.

ESTABLISHMENT OF A DRAFTING GROUP

3.22 After a general discussion in plenary, the Committee established an *ad hoc* drafting group and instructed it to prepare draft MSC resolutions and revised texts of amendments to SOLAS 1974 and SAR 1979 for consideration and adoption.

ADOPTION OF THE PROPOSED AMENDMENTS

Report of the drafting group

3.23 Having received the report of the drafting group (MSC 69/WP.7), the Committee took action as indicated hereunder.

Adoption of amendments to the SOLAS Convention

3.24 The expanded Committee, including delegations of 82 SOLAS Contracting Governments, considered the final text of the proposed amendments to chapters II-1, IV, VI and VII of the 1974 SOLAS Convention, as amended, as prepared by the drafting group (MSC 69/WP.7, annex 1) and adopted them unanimously by resolution MSC.69(69), as set out in annex 2.

3.25 In adopting resolution MSC.69(69), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the SOLAS Convention, that the adopted amendments to chapters II-1, IV, VI and VII should be deemed to have been accepted on 1 January 2002 (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 2002, in accordance with the provisions of article VIII thereof.

Adoption of amendments to the SAR Convention

3.26 The expanded Committee, including delegations of 46 SAR Parties, considered the final text of the proposed amendments to the Annex to the 1979 SAR Convention, as prepared by the drafting group (MSC 69/WP.7, annex 2) and adopted them unanimously by resolution MSC.70(69), as set out in annex 3.

3.27 In adopting resolution MSC.70(69), the expanded Committee determined, in accordance with article III(2)(f) of the SAR Convention, that the amendments referred to above should be deemed to have been accepted on 1 July 1999 (unless, prior to that date, more than one third of the Parties have notified their objections to the amendments) and should enter into force on 1 January 2000, in accordance with the provisions of article III(2)(h) thereof.

4 BULK LIQUIDS AND GASES

REPORT OF THE SECOND SESSION OF THE SUB-COMMITTEE

4.1 The Committee, recalling that, at its sixty-eighth session, it had considered urgent matters emanating from the second session of the Sub-Committee on Bulk Liquids and Gases (BLG), approved, in general, the report of that session of the Sub-Committee (BLG 2/15 and Corr.1) and took action on all remaining matters (MSC 69/4) as indicated hereunder.

Tanker pump-room safety

4.2 The Committee noted that BLG 2 had prepared and sought the Committee's advice on the following two alternative texts of amendments to the SOLAS Convention relating to tanker pump-room safety:

Alternative 1: amendments to only include provisions for emergency lighting in tanker cargo pump-rooms to be applied to tankers constructed on or after the date of entry into force of the amendments (i.e. amendments to SOLAS regulation II-1/43 - Emergency source of electrical power in cargo ships); and

Alternative 2: amendments to include, in addition to the provisions for emergency lighting as reflected in alternative text 1 (i.e. amendments to SOLAS regulation II-1/43 above), provisions included in MSC/Circ.774, (i.e. amendments to SOLAS regulation II-2/63 - Cargo pump-rooms).

4.3 In considering which of the above alternative texts should be pursued for adoption at a future session as part of the 2002 amendments to the SOLAS Convention, several delegations were in favour of alternative 1, but the majority supported alternative 2. Accordingly, the Committee approved the draft amendments in alternative 2, as set out in annex 4, to be applicable to new ships only. While considering whether the scope of application of these amendments should be extended to existing ships, the Committee instructed BLG 3 to consider this matter taking into account the Interim Guidelines for the systematic application of the grandfather clauses (MSC/Circ.765) and the Guidelines on the organization and method of work; and decided to extend the item's target completion date to 1999.

Amendments to the IGC Code

4.4 The Committee approved proposed amendments to the IGC Code, as set out in annex 5, for adoption at a future session under the provisions of the SOLAS Convention, as part of the 2002 amendments to the IGC Code.

4.5 Considering that the aforementioned amendments constitute important safety provisions and pending their formal adoption and subsequent entry into force, the Committee approved MSC/Circ.845 on Proposed amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), recommending SOLAS Contracting Governments to, *inter alia*, implement the proposed amendments on an interim basis.

4.6 In this context, the Committee, recognizing that, at present, besides the IGC Code, there also exist the Code for the construction and equipment of ships carrying liquefied gases in bulk (GC Code) and the Code for existing ships carrying liquified gases in bulk (EGC Code), and also that there would be little value in similarly amending these two Codes, concurred with the Sub-Committee's decision to invite Administrations to also give effect to the above proposed amendments, as appropriate, when applying the GC Code and the EGC Code and agreed to include, in the aforementioned MSC circular, a paragraph to this effect.

Equivalency arrangements for the carriage of styrene monomer

4.7 The Committee considered a draft MSC/MEPC circular on Equivalency arrangements for the carriage of styrene monomer, prepared by BLG 2; and comments thereon by Norway (MSC 69/4/2 and MSC 69/INF.30) proposing that the BLG Sub-Committee be requested to evaluate anew the carriage requirements for this product. In this respect, the Committee noted that MEPC 40 (MSC 69/4/1) had considered the draft MSC/MEPC circular and, agreeing that this was a safety issue which should be considered, first, by the MSC, deferred making a decision on this aspect until advised by the Committee.

4.8 After some discussion, the Committee approved the draft MSC/MEPC circular, as proposed by the Sub-Committee (BLG 2/15, annex 9), subject to MEPC's concurrence. The Secretariat was instructed to inform the MEPC accordingly.

OTHER MATTERS

Outcome of MEPC 40

4.9 The Committee noted the outcome on other matters pertaining to the BLG Sub-Committee which were dealt with by MEPC 40 (MSC 69/4/1) regarding the status report of the revision of MARPOL Annex I; upgrading and downgrading of products in the IBC Code; and equivalent arrangements under MARPOL 73/78, SOLAS and the IBC Code.

5 SAFETY OF NAVIGATION

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

5.1 The Committee approved, in general, the report of the forty-third session of the Sub-Committee on Safety of Navigation (NAV) (NAV 43/15 and MSC 69/5) and took action as indicated hereunder.

Routeing of ships and related matters

5.2 The Committee recalled that the twentieth session of the Assembly, by adopting resolution A.858(20) - Procedure for the adoption and amendment of traffic separation schemes, routeing measures other than traffic separation schemes, including designation and substitution of archipelagic sea lanes, and ship reporting systems, had confirmed that the function of adopting traffic separation schemes, routeing measures other than traffic separation schemes, including designation and substitution of archipelagic sea

lanes, and ship reporting systems, as well as amendments thereto, shall be performed by the Maritime Safety Committee on behalf of the Organization (see also paragraphs 20.41 and 20.42 below).

5.3 The Committee considered a submission by Indonesia, Malaysia and Singapore (MSC 69/5/5) providing the latest status on the outcome of the last phases of the re-survey of critical areas and investigation of dangerous/unconfirmed shoals and wrecks in the Straits of Malacca and Singapore, the upgrading and provision of aids to navigation and the removal of hazards to navigation associated with the wreck of the ship **ICL Vikraman**. The re-survey had confirmed that it was not necessary to make any adjustment to the proposed routeing system. The upgrading of eight existing aids to navigation is under way and the provision of nine new light beacons and one light buoy should be completed by November 1998. The removal of hazards to navigation associated with the wreck of **ICL Vikraman** is expected to be completed before the anticipated implementation date of the revised routeing system.

5.4 The Committee also considered a submission by SIGTTO and INTERTANKO (MSC 69/5/9), proposing an extension of a further seven miles to the north-east of the eastern frontier of the traffic separation scheme in the vicinity of Horsburgh Lighthouse and additional measures and amendments to the proposed new Rules for vessels navigating through the Straits of Malacca and Singapore and the proposed mandatory reporting system therein, which the proponents consider would further enhance the safety of navigation through the straits.

5.5 On behalf of the three littoral States, Singapore informed the Committee that SIGTTO and INTERTANKO had not consulted the coastal States and their proposals had not therefore been considered by the coastal States.

5.6 The Committee decided that document MSC 69/5/9 (SIGTTO and INTERTANKO) should be referred to NAV 44 for consideration.

5.7 In accordance with the provisions of the aforementioned resolution A.858(20), the Committee adopted new and amended existing traffic separation schemes (TSSs) and associated routeing measures, as set out in annex 6, for dissemination by COLREG.2/Circ.44, as follows:

- .1 "At One Fathom Bank" (amended scheme) and the precautionary area "Off Port Klang";
- .2 "Port Klang to Port Dickson" (new scheme) and the precautionary area "Off Port Dickson";
- .3 "Port Dickson to Tanjung Keling" (new scheme) and the precautionary area "Off Malacca/Dumai";
- .4 "Malacca to Iyu Kecil" (new scheme) and the precautionary area "Off Sultan Shoal Lighthouse";
- .5 "In the Singapore Strait" (Main Strait) (amended scheme) and the precautionary area "Off Pulau Sebarok/Pulau Belakang Padang";
- .6 "Singapore Strait (Off St. John's Island)" (new scheme) and the precautionary area "Off St. John's Island/Pulau Sambu";
- .7 "Singapore Strait (Off Changi/Pulau Batam)" (new scheme) and the precautionary area "Off Tanjung Stapa/Pulau Bintan";
- .8 "At Horsburgh Lighthouse Area" (amended scheme);

- .9 "Off the Alphard Banks" (new scheme) and "Off the FA Platform" (new scheme); and
- .10 "Off Cabo de Gata" (new scheme).

Routeing measures other than TSSs

Amendments to the Rules for vessels navigating through the Straits of Malacca and Singapore

5.8 The Committee considered a submission by SIGTTO and INTERTANKO (MSC 69/5/9) proposing amending Rule 8 and Rule 12, including introduction of identifying lights (a flashing red light) for vessels carrying dangerous cargoes and noted that the coastal States had not been consulted in this respect. It therefore decided that consideration of the proposed amendments should be referred to NAV 44.

5.9 In accordance with the provisions of resolution A.858(20), the Committee adopted the amendments to the Rules for vessels navigating through the Straits of Malacca and Singapore, as proposed by the Sub-Committee, set out in annex 7, for dissemination by SN/Circ.198.

5.10 Indonesia, Malaysia and Singapore will implement the adopted rules at 0000 hours UTC on 1 December 1998.

Amendments to the Rules for the Navigation of Laden Tankers around the southern coast of South Africa

5.11 The Committee, in accordance with the provisions of resolution A.858(20), adopted amendments to the Rules for the Navigation of Laden Tankers around the southern coast of South Africa, as proposed by the Sub-Committee, set out in annex 7, for dissemination by SN/Circ.198.

Amendments to the deep-water route "West of the Hebrides"

5.12 The Committee, in accordance with the provisions of resolution A.858(20), adopted an amendment to the deep-water route "West of the Hebrides", as proposed by the Sub-Committee, set out in annex 7, for dissemination by SN/Circ.198.

Routeing measures "In the Strait of Bonifacio"

5.13 The Committee noted the additional information provided by France and Italy (MSC 69/5/7) on the progress of Franco-Italian work on procedures to be used to ensure co-operation between the two centres (La Maddalena, Italian centre and Pertusato, French centre) including additional measures which will further enhance safety through the Strait of Bonifacio and, in accordance with the provisions of resolution A.858(20), adopted the proposed routeing measures "In the Strait of Bonifacio", consisting of the establishment of a two-way route and two precautionary areas, "West" and "East", in the approaches to the "Strait of Bonifacio", as set out in annex 7, for dissemination by SN/Circ.198.

Implementation of adopted routeing measures

5.14 The traffic separation schemes and other routeing measures, set out in annexes 6 and 7, will be implemented at 0000 hours UTC on 1 December 1998.

Amendments to the General Provisions on Ships' Routeing

5.15 With regard to the proposed amendments to the General Provisions on Ships' Routeing, the Committee took into account a submission by ICAO (MSC 69/5/6) expressing concerns over the proposal that a new annex (NAV 43/15, annex 4) be established regarding the adoption, designation and substitution of archipelagic sea lanes as they might affect air routes above archipelagic sea lanes. The Committee also noted that ICAO's main concerns were that the proposed amendments, as presently drafted, provided that "designation and substitution of an archipelagic sea lane by an archipelagic State automatically includes a corresponding air route above the sea lane" and that "such air routes are independent of ICAO-approved air routes". In particular, Sections 3 (Procedures and Responsibilities) and 6 (Use of Archipelagic Sea Lanes and Normal Passage Routes) indicate that the envisaged jurisdiction of IMO would cover all normal passage routes for international navigation as well as for overflight. This causes major concerns to ICAO, which considers that the safety of international air navigation could be compromised.

5.16 The IHO representative outlined the proposed IHO symbology for depiction of archipelagic sea lanes on charts (MSC 69/5/10), which had been developed by the IHO Chart Standardization Committee (CSC), as requested by NAV 43 (NAV 43/15, annex 4, section 7).

5.17 In responding to an intervention by the delegation of the Philippines that other concerned archipelagic States might propose, in the future, amendments to the General Provisions on Ships' Routeing particularly the General Provisions for the adoption, designation and substitution of archipelagic sea lanes for consideration by the Committee, the Chairman stated that the option to propose amendments to the General Provisions would always be open to any State concerned.

5.18 The Committee, taking into account the submissions of ICAO (MSC 69/5/6) and IHO (MSC 69/5/10), revised the draft General Provisions for the adoption, designation and substitution of archipelagic sea lanes, including the draft MSC resolution for the adoption of amendments to the General Provisions on Ships' Routeing.

5.19 The Committee agreed that the General Provisions for the adoption, designation and substitution of archipelagic sea lanes should be incorporated in a new Part H of the IMO publication on Ships' Routeing and requested the Secretariat to act accordingly.

5.20 The Committee adopted, by resolution MSC.71(69), the proposed amendments to the General Provisions on Ships' Routeing, given in annex 8 for dissemination by SN/Circ.199, in accordance with resolution A.572(14), as amended.

5.21 In view of the relevant human element aspects, the Committee agreed that it was important to develop an SN circular for explaining to mariners the operational significance to the navigation of ships when transiting through archipelagic waters where archipelagic sea lanes had been designated. The Committee instructed the NAV Sub-Committee to develop such a circular and invited archipelagic States concerned to participate in this exercise.

Partial designation of archipelagic sea lanes

5.22 The Committee recalled Indonesia's intention expressed at NAV 43 (NAV 43/15, paragraph 3.26) to submit a revised proposal for the designation of certain sea lanes and air routes thereabove through Indonesian archipelagic waters, and considered a submission by Indonesia (MSC 69/5/2) outlining specific proposals relating to this issue.

5.23 In introducing document MSC 69/5/2, the delegation of Indonesia stated that the revised proposal had been prepared in consultation with various interested Governments. Indonesia also confirmed that its proposal is a partial archipelagic sea lanes proposal and that therefore:

- .1 in particular, paragraphs 3.4 and 3.11 of the draft General Provisions for adoption, designation and substitution of archipelagic sea lanes (NAV 43/15, annex 4) will apply; and
- .2 the right of archipelagic sea lanes passage may be exercised, in accordance with paragraph 6.6 of the draft General Provisions for adoption, designation and substitution of archipelagic sea lanes, in all other normal passage routes used for international navigation or overflight and all normal navigational channels lying within such routes, including an east-west route and other associated spurs and connectors, through and over Indonesia's territorial sea and its archipelagic waters.

5.24 Indonesia further confirmed that, as stated at NAV 43 (NAV 43/15, paragraph 3.23), except for internal waters, the right of innocent passage may be exercised, in accordance with paragraph 6.4 of the draft General Provisions for adoption, designation and substitution of archipelagic sea lanes, through Indonesia's territorial sea and its archipelagic waters.

5.25 The Committee was also informed that, based on discussions at NAV 43 and consultations with some delegations and after a more careful study of the safety of navigation and overflight, Indonesia had amended certain co-ordinates of the proposed archipelagic sea lanes. In addition, certain co-ordinates and axis lines in the Natuna Sea would presume enactment of new baseline legislation.

5.26 The representative of Indonesia further informed the Committee that such legislation had been prepared and was awaiting signature by the President. The Committee recommended that Indonesia inform IMO following the enactment of the new baseline legislation.

5.27 After thorough consideration of the proposal by Indonesia (MSC 69/5/2), the Committee agreed with some minor amendments to the description of the proposed partial system of archipelagic sea lanes in Indonesian archipelagic waters.

5.28 The Committee adopted resolution MSC.72(69) on Adoption, designation and substitution of archipelagic sea lanes, containing the proposed partial system of archipelagic sea lanes in Indonesian archipelagic waters, given in annex 9, for dissemination by SN/Circ.200 and instructed the Secretariat to publish the adopted partial system in the new Part H of the IMO publication on Ships' Routeing.

5.29 Indonesia undertook to inform the Organization, in accordance with paragraph 3.13 of the General Provisions for the adoption, designation and substitution of archipelagic sea lanes, of the date on which the partial system would be implemented, which date should not be earlier than six months after the date of designation of the sea lanes by the Government of Indonesia.

5.30 The Philippine delegation expressed appreciation to Indonesia for the comprehensive proposal to designate archipelagic sea lanes and to those countries which had assisted Indonesia in finalizing such a proposal. It noted that the lessons derived from the process taken by IMO to adopt the Indonesian proposal would guide other archipelagic States should they decide to designate their own archipelagic sea lanes in the future. However, the Philippine delegation stressed that the discussions and agreements on the designation of Indonesian archipelagic sea lanes should exclusively apply to the Indonesian archipelagic sea lanes and should not be interpreted as creating a precedent for future applications for the designation of archipelagic sea lanes.

Associated rules and regulations applicable to archipelagic sea lanes

5.31 The Committee, having recalled paragraph .3 of the terms of reference given to NAV 43 when considering the adoption of sea lanes in archipelagic waters (MSC 67/22/Add.1, annex 16) was informed by the delegation of Indonesia that the associated rules and regulations applicable to archipelagic sea lanes in Indonesian archipelagic waters had been developed on the basis of the pertinent articles of UNCLOS but that Indonesia had opted not to submit these rules and regulations to the Organization for consideration.

5.32 The Committee was of the opinion that any associated rules and regulations applicable to archipelagic sea lanes should be consistent with the relevant provisions of UNCLOS.

Rules and recommendations on navigation through the Strait of Istanbul, the Strait of Çanakkale and the Marmara Sea

5.33 The Committee recalled that paragraph 5 of resolution A.827(19) requested the Committee to review, on the basis of submissions from Governments, the operation of the Rules and Recommendations on navigation set out in Annex 2 thereto and the conditions in the Strait of Istanbul, the Strait of Çanakkale and the Marmara Sea; to consider, as appropriate, any suggestions for changes in the said Rules and Recommendations; and to report on these matters to the twentieth session of the Assembly.

5.34 The Committee further recalled that Committee 2 of the twentieth session of the Assembly considered a draft report (A 20/9/Add.1, annex 3) on the review of the operation of the Rules and Recommendations on navigation through and the conditions in the Strait of Istanbul, the Strait of Çanakkale and the Marmara Sea submitted by NAV 43, as authorized by the MSC, pursuant to paragraph 5 of resolution A.827(19). The Assembly eventually adopted resolution A.859(20) on Ships' Routeing, welcoming the wish of all to co-operate on this issue.

5.35 The Chairman asked all parties concerned, and the Committee as a whole, to co-operate within the usual IMO spirit and the spirit of resolution A.859(20).

5.36 The Committee, having noted that, at the twentieth session of the Assembly, the delegation of Turkey had stated that Turkey was carrying out a review of its maritime traffic regulations and that it had intensified its efforts to establish a modern VTS system in the Straits, further noted more recent information submitted by Turkey on the development of Vessel Traffic Services (VTS) for the Strait of Istanbul, the Sea of Marmara and the Strait of Çanakkale (MSC 69/INF.25); on the review of national maritime regulations in the Turkish Straits (MSC 69/INF.26); on the grounding of the tanker **Orange Star** in the Strait of Istanbul (MSC 69/INF.27); and on ship reporting in the Strait of Istanbul, the Strait of Çanakkale and the Sea of Marmara (MSC 69/INF.28).

5.37 In relation to document MSC 69/INF.27, the delegation of Norway pointed out that their ongoing investigation had established that the information provided by Turkey was incorrect and incomplete in certain respects, e.g. a Turkish pilot had been on board the **Orange Star** during the accident, and there was no indication or evidence that there were any problems with the steering engine during the accident. The latter fact was established by Germanischer Lloyd, the vessel's classification society, subsequent to the accident. The INTERTANKO observer associated itself with the statement by Norway.

5.38 The delegation of Turkey stated that it had taken note of the information provided by Norway regarding the grounding of tanker **Orange Star** in the Strait of Istanbul on 17 December 1997 and would forward it to the relevant Turkish authorities. The difference between the initially reported information and that provided by Norway was, in the opinion of the delegation of Turkey, less important than the fact

that the incident took place, regardless of the reason and that the tanker in question, which, at the time, was loaded with 30,500 tonnes of gas oil, ran aground dangerously close to a densely inhabited area of Istanbul and a disaster had been avoided. The delegation of Turkey underlined that a major spill in the Strait of Istanbul would seriously jeopardise not only the safety of navigation and the marine environment but also the safety and welfare of the people of Istanbul.

5.39 In introducing documents MSC 69/INFs. 25 to 28, the delegation of Turkey stated that the nature, volume and frequency of vessel traffic, the increase in the size and tonnage of the vessels, the nature of the cargoes and the 170 major accidents recorded mainly in the Strait of Istanbul over the last decade, had urged Turkey to establish new regulations in the Turkish Straits, which came into force in 1994 together with the traffic separation schemes adopted by the nineteenth session of the IMO Assembly.

The delegation of Turkey recalled that the report submitted to the current session of the Committee had been drafted in the absence of Turkey and without their contribution. It was Turkey's principled decision not to take part in the exercise. The report did not, in their view, reflect the real situation in the Turkish Straits nor did it address properly the safety of navigation or environmental concerns on which Turkey was very keen. For these reasons, Turkey had objected to the contents of that report. However, at the same time, Turkey had reiterated its readiness to co-operate with other countries concerned and the international maritime community as a whole with a view to enhancing safety in the Straits.

During NAV 43 Turkey expressed that taking into consideration three years of experience of implementing its regulations, Turkey would initiate the necessary process and, within a spirit of co-operation, would inform IMO accordingly. That statement had been further confirmed during A 20 and had been welcomed by the majority of participants.

The delegation of Turkey further informed the Committee that Turkey had taken important steps to address some shortcomings. To mention a few, the national maritime traffic regulations had been revised and submitted to the Government for approval on 24 April 1998.

The delegation of Turkey also stated that the amended regulations would enhance the situation as they aimed at addressing most of the concerns expressed during IMO meetings and bilateral consultations. Document MSC 69/INF.26 contained information regarding some of these changes. In addition to the revision of the regulations, Turkey had accelerated the process to establish a modern VTS system in the Turkish Straits.

The delegation of Turkey further informed the Committee that a special group of 40 experts had been established under the name of Turkish Straits Project Office. The terms of reference of that group covered various aspects of maritime safety and the protection of the environment in the Straits. The enhancement of the infrastructure, communication and the refurbishment of the traffic control centre and the traffic control stations would be dealt with by the group. Admiral Erkaya had been appointed Chairman of the group whose establishment clearly reflected the political will of the Turkish Government to address the remaining problems in order to enhance maritime safety.

In short, Turkey had been doing its part and would continue to do so in the future. It expected the users of the Turkish Straits to abide by international and national regulations and to acknowledge the legitimate concerns of the coastal State. Defiance of the TSSs could only lead to potential disasters. Turkey had also found it regrettable that many vessels had not participated in the reporting system (TUBRAP) despite having been strongly recommended to do so in SN/Circ.166. That situation had had negative effects on the flow of maritime traffic in the Straits. It was their conviction that passage through the Straits would be safer and faster if all vessels participated in the reporting system referred to in MSC 69/INF.28.

The delegation of Turkey further stated that the successful implementation of the existing Turkish rules and the safe passage of vessels through the Turkish Straits remained a permanent commitment of Turkey towards the international maritime community and the people of Turkey whose safety of life and property, and the environment were directly affected.

In conclusion, the delegation of Turkey stated that the Turkish national regulations, the traffic separation schemes and associated rules and recommendations had proved to be effective; the number of accidents had been reduced and it was hoped that when a modern VTS system and associated measures were operational in the year 2000, the present system would be further enhanced.

Turkey believed that the amended version of their national regulations supported with the VTS system and operation of the ship reporting system would not only facilitate the smooth functioning of navigation in the Turkish Straits but would also enhance safe navigation, which was the aim and purpose of the Committee.

In the light of what had been said, the delegation of Turkey therefore requested the Committee to take no action on the relevant parts of the NAV 43 report. Instead a new discussion on the issue should start at NAV 44 upon the initiative of Turkey.

5.40 The delegation of the Russian Federation asked the delegation of Turkey to clarify two points:

- .1 whether the future changes of the Turkish national regulations for the Straits are limited to the three changes mentioned in MSC 69/INF.26; and
- .2 whether the announcement by the Turkish authorities at the recent briefing in Ankara on of the willingness of the Turkish side to propose working out a new IMO report on the Straits was to be understood that Turkey would also participate in the working out of new IMO rules and regulations for the Straits. The delegation of the Russian Federation added that it had noted that the IMO Rules and Regulations were not mentioned at all in the introductory statement by the Turkish delegation.

5.41 In presenting document MSC 69/5/12, the ICS observer drew the Committee's attention to the difficulties being experienced by ships using the traffic separation schemes in the Strait of Istanbul and Strait of Çanakkale. ICS pointed out that, although the TSS rules allowed for the temporary suspension of two-way traffic in the Straits, the volume of traffic passing through them meant that this was not always feasible. As a consequence, many ships are compelled to breach the 1972 Collision Regulations due to their not being able to navigate within the appropriate traffic lane, particularly when rounding bends requiring a large alteration of course. ICS accordingly invited the Committee to acknowledge the need for urgent action to resolve the problem by amending the TSS. In putting forward this request, ICS recalled that resolution A.858(20) had recognized the need for an expeditious adoption and amendment of all traffic separation schemes, routing measures and ship reporting systems on an international level. The delegation of Greece expressed the same concerns and supported the position of ICS.

5.42 The delegation of Turkey stated that they had revised the national regulations and that they believed that the traffic separation schemes had proved to be effective in that only 3.7% of the 50,000 vessels, which passed through the Straits in 1997 had experienced delays due to climatic and other conditions. The delegation of Turkey further stated that Turkey would continue to speed up its activities to establish a modern VTS system, after which the conditions in the Straits could be properly assessed.

5.43 The delegation of France welcomed and supported Turkey's initiatives while the delegation of Japan stated that they were encouraged by Turkey's response and the matter should be discussed at NAV 44.

5.44 The delegation of the Bahamas welcomed the work carried out by Turkey and their offer to co-operate in discussions at NAV 44 and recommended that no action should be taken on the NAV 43 report.

5.45 The delegation of the United States was pleased to note the progress Turkey had made with regard to establishment of a modern VTS (MSC 69/INF.25) and with the positive action Turkey had taken to review and amend its 1994 national maritime rules and regulations applicable in the Straits of Istanbul and Çanakkale and the Sea of Marmara. It also noted Turkey's statement that MSC 69/INF.26 contained some of these changes and Turkey's willingness to continue its co-operation with the international community on these and other matters in order to enhance safety of navigation and protection of the marine environment in the Straits. The United States, therefore, agreed that it would be premature for a Ships' Routeing Working Group to discuss this issue further at this session of the Committee and therefore supported the proposal to defer discussion of this matter to NAV 44. They were looking forward to working with Turkey and other interested States on this issue in July 1998.

5.46 The delegation of Malta said that it was pleased to note the progress made by Turkey with regard to developing a modern VTS for the Strait of Istanbul, the Sea of Marmara and the Strait of Çanakkale as well with regard to the review of Turkey's national maritime regulation. It also welcomed the statement by the Turkish delegation to continue co-operating with the international maritime community on the subject matter. Furthermore, it also noted the constructive attitude of the Russian Federation delegation that it was prepared to discuss the issue at NAV 44 with a view to revising the 1994 IMO Rules and Recommendations. The delegation of Malta was pleased to note the positive attitude of all those involved in this issue and urged all delegations directly involved to agree to re-discuss the matter in NAV 44 with a view to adopting international rules acceptable to the international maritime community as a whole.

5.47 The delegation of the United Kingdom recognized the need to ensure freedom of navigation while also responding to the legitimate safety and environmental concerns of Turkey. It welcomed the commitment of the Turkish delegation to start discussions of all aspects of the problems in the Straits at NAV 44. On the basis of that undertaking, it could agree to the proposal that the Committee should not address the report of NAV 43 at this session. It did not agree with the imposition of unrealistic deadlines; the essential requirement was that constructive debate takes place to address, and resolve, the problems faced.

5.48 The delegation of the Russian Federation suggested that, since the Turkish delegation had not yet confirmed that it would participate in the discussion of the IMO Rules and Recommendations at NAV 44, the Committee should not take a decision at that stage to defer the discussion on the NAV 43 report until NAV 44.

However, after clarification by the Chairman that the discussion at NAV 44 should cover all aspects of safety of navigation **including** the IMO Rules and Recommendations, the delegation of the Russian Federation stated their agreement with the Chairman's interpretation and could then support the proposal to defer the matter to NAV 44.

5.49 The Chairman summed up the discussion as follows:

"The Committee has noted the statement of the Turkish delegation that the Turkish national regulations are being revised and a VTS is to be established and that Turkey is prepared to co-operate in working out a new report on safety of navigation in the Straits and the Marmara Sea.

The Committee, therefore, decides to take no action on the relevant parts of the NAV 43 report at this session.

Instead, the Committee decides that work to prepare a new report, covering all aspects of safety and environmental protection, including the review of the IMO Rules and Recommendations on Navigation through the Strait of Istanbul, Strait of Çannakale and the Sea of Marmara, starts at NAV 44 with the co-operation of Turkey."

5.50 Having sought and received the Committee's endorsement of the aforementioned course of action, the Chairman concluded: "It is so decided."

5.51 He then congratulated all parties concerned in co-operating towards reaching unanimity in the decision made; stressed the technical character of the exercise and, as the Secretary-General had repeatedly underlined, emphasized IMO's responsibility to ensure that the IMO Rules and Recommendations covered adequately the needs of safe navigation and environmental protection through the areas concerned.

He welcomed, in particular, Turkey's willingness to co-operate in the new effort to start at NAV 44 and added that this was very important in view of the special role Turkey, as the only coastal State, would have to play in the NAV Sub-Committee's work to address all aspects of safety of navigation and environmental protection, including the review of the relevant IMO Rules and Recommendations, and Turkey's instrumental role to implement them thereafter.

5.52 Following the above decisions, the Committee:

- .1 instructed the Secretariat to issue, as soon as possible, the necessary NAV 44 document to convey the above decisions to the Sub-Committee for information and action, as appropriate;
- .2 taking into account the close proximity between its current session and NAV 44, agreed to a relaxed deadline of 19 June 1998 for the submission of documents to NAV 44 on the issue; and
- .3 invited Members to brief their colleagues, who intend to participate at NAV 44, on the above developments for their appropriate preparation.

5.53 Further statements on the matter made by the delegations of Greece, the Russian Federation and Turkey are reproduced in annex 24.

Convening of a Working Group on Ships' Routeing

5.54 Having decided on the Straits issue as reported above, the Committee (taking into account the recommendation of the Sub-Committee (NAV 43/15, paragraph 3.26) that the Working Group on Ships' Routeing be convened at the present session to consider a revised proposal by Indonesia on partial designation of archipelagic sea lanes) established such a working group and instructed the group, taking account of any decisions of, and comments and proposals made in, plenary and relevant requests made by the Assembly to:

- .1 consider all documents submitted relating to the adoption of archipelagic sea lanes and proposed amendments to the General Provisions of Ships' Routeing; and prepare, for

consideration and approval by plenary, proposed archipelagic sea lanes based on Indonesia's proposals as well as amendments to the General Provisions on Ships' Routeing agreed by NAV 43 (NAV 43/15, annex 4);

- .2 consider document MSC 67/22/Add.1, annex 16 and advise the Committee on any associated rules and regulations applicable to archipelagic sea lanes as may be submitted by archipelagic States concerned;
- .3 consider all documents submitted regarding routeing of ships, ship reporting and related matters for the Straits of Malacca and Singapore and the Strait of Bonifacio; and finalize all relevant routeing measures and recommendations for consideration and approval by plenary; and
- .4 take into account the role of the human element in all aspects of the items considered.

5.55 Having received the report of the working group (MSC 69/WP.6), the Committee took action as reported in various paragraphs of this section.

Progress report to the twentieth Assembly on the adoption, designation and substitution of archipelagic sea lanes

5.56 The Committee noted the progress report submitted to the twentieth session of the Assembly on the adoption, designation and substitution of archipelagic sea lanes.

Mandatory ship reporting systems

Mandatory ship reporting system "In the Straits of Malacca and Singapore"

5.57 The Committee considered a submission by Indonesia, Malaysia and Singapore (MSC 69/5/1) proposing amendments to further improve the communication capability and streamline the monitoring system for the purpose of enhancing the safety of navigation in the Malacca and Singapore Straits; and noted that the enhancements introduced by Singapore did not change the concept and procedures of the original proposal endorsed by NAV 43; and only involve slight amendments.

5.58 Following discussion, the Committee adopted, by resolution MSC.73(69) and in accordance with the provisions of resolution A.858(20), the proposed mandatory ship reporting system "In the Straits of Malacca and Singapore", as set out in annex 10, for dissemination by SN/Circ.201.

5.59 As indicated by the delegations of Indonesia, Malaysia and Singapore the aforementioned mandatory ship reporting system will be implemented at 0000 hours UTC on 1 December 1998.

Mandatory ship reporting system "In the Strait of Bonifacio"

5.60 The Committee, noting that there were no amendments proposed to the mandatory reporting system "In the Strait of Bonifacio", adopted, by resolution MSC.73(69) and in accordance with the provisions of resolution A.858(20), the proposed mandatory ship reporting system "In the Strait of Bonifacio", as set out in annex 10, for dissemination by SN/Circ.201.

5.61 The aforementioned mandatory ship reporting system will be implemented at 0000 hours UTC on 1 December 1998.

Reporting recommendation for the Minches

5.62 The Committee endorsed the Sub-Committee's action in circulating SN/Circ.196 on Reporting recommendation for the Minches.

Mandatory route for tankers from North Hinder to the German Bight and vice versa

5.63 The Committee noted that the Sub-Committee had concurred with the United Kingdom's interpretation of sub-paragraph (iv) of the annex to SN/Circ.184 regarding the "application and use of the route", and endorsed the Sub-Committee's action in circulating a corrigendum to SN/Circ.184 regarding this interpretation.

Development of measures complementary to the INF Code

5.64 The Committee noted the progress report on development of measures complementary to the INF Code forwarded to MEPC 40 for inclusion in the relevant report submitted to the twentieth session of the Assembly; and also noted that MEPC 40 forwarded the report to the twentieth session of the Assembly which took note of it.

World-Wide Radionavigation System

5.65 The Committee noted the amendments which NAV 43 proposed to the twentieth session of the Assembly on the draft Assembly resolution on Maritime policy for a future Global Navigation Satellite System (GNSS); and that these had been incorporated in resolution A.860(20) - Maritime Policy for a future Global Navigation Satellite System (GNSS), eventually adopted by the Assembly.

Terms of reference for the IMO/IHO Harmonization Group on ECDIS (HGE)

5.66 The Committee endorsed the Terms of Reference for the IMO/IHO Harmonization Group on ECDIS (HGE), given in annex 11, as approved by the Sub-Committee.

Performance standards

5.67 The Committee's decisions on proposals for new and amended performance standards for navigational equipment are reflected in paragraphs 5.74 to 5.81.

Revision of SN/Circ.161

5.68 The Committee endorsed the Sub-Committee's action in revising SN/Circ.161 on SART detection.

ITU matters

5.69 The Committee endorsed the Sub-Committee's action in conveying IMO's positions on protection of the radionavigation-satellite service bands, AIS transponders and the agenda for WRC-99 to the Secretary-General of ITU together with a request that they be brought to the attention of WRC-97 for consideration (NAV 43/15, annexes 22 and 23).

5.70 The Committee endorsed the Sub-Committee's action in submitting a liaison statement to ITU's Study Group 8, Working Party 8B or other Working Parties of Study Group 8, as appropriate, on the identification of frequency assignments to support automatic ship identification transponders and vessel traffic services (NAV 43/15, annex 24).

OTHER MATTERS

Revision of SOLAS chapter V

5.71 The Committee considered document MSC 69/5/3 (Italy) suggesting that the text of the proposed SOLAS regulations V/2, V/20 and V/25, as presently drafted, would:

- .1 undermine the Administration's capability of fulfilling its responsibility on safety of navigation, thus being an unnecessary and dangerous exception to the safety principles applied to other navigational equipment; and
- .2 create a series of implementation problems, from the legal point of view, to those Member States having antitrust laws.

5.72 With respect to the Italian proposal, the IHO representative stated that, although IHO was sympathetic to the concerns expressed by Italy, IHO Member States were seriously concerned over the implications of the proposal.

The representative of IHO added hydrographic products were not the same as other maritime and navigational aids in that individual interpretation was possible at all stages, during survey, data management, compilation and maintenance of the product; and IHO was only interested in the mariner receiving a product which did not necessarily have to show a profit and that the service-provider was willing and able to accept the responsibility and if necessary the liability for his product. The performance standards for ECDIS would have to be amended as a result of this proposal. In accordance with IMO resolution A.817(19), IHO ought to be consulted on any proposed amendments to the performance standards for ECDIS, a procedure which had not been followed in this particular case.

The representative of IHO brought to the Committee's attention the decision of the third conference of the Hydrographic Commission of the Caribbean Sea and Gulf of Mexico held in Fort de France, ile de Martinique (France) from 20 to 24 April 1998 expressing opposition to the Italian proposal and inviting the IHB to request IMO that the matter be referred to IHO for consideration.

5.73 The Committee, noting that operative paragraph 4 of resolution A.817(19) had requested the Committee to ensure any proposed amendments to this resolution are agreed with IHO prior to adoption; and that Italy had already submitted their proposal directly to NAV 44 (NAV 44/5/10), invited IHO to consider the issue and submit comments, if any, as early as possible to NAV 45 (under its agenda item on "Revision of SOLAS chapter V") for the Sub-Committee to take them into account in its revision of chapter V.

New and amended performance standards

5.74 CIRM (MSC 69/5/4) pointed out that a discrepancy exists between the text of the draft performance standard and the requirements of three equipments listed in the draft SOLAS regulation V/20, namely, a 9 GHz radar or other means, an electronic plotting aid or other means and an automatic identification system (AIS). These three equipments all require a transmission of a common reference of true (not magnetic) heading. The magnetic compass required by paragraph 1.4.1 of draft regulation V/20 would not necessarily be capable of providing the common reference of true heading and, moreover, it is not clear whether the draft performance standards for the electromagnetic compass (EMC) would also be applicable to a Transmitting Magnetic Compass (TMC), which could be carried in compliance with draft regulation V/20. If not, then separate performance standards for the TMC might be necessary. CIRM also recommended that the matter should be referred to NAV 44 and the work programme of the Sub-Committee be amended accordingly.

5.75 In view of CIRM's comments, the Committee decided not to approve the draft new Performance Standards for Marine Electromagnetic Compasses and, instead, instructed NAV 44 to consider document MSC 69/5/4, review, as necessary, the draft performance standards and also consider whether separate performance standards for Transmitting Magnetic Compasses were necessary.

5.76 The Committee, acting on a proposal by the delegation of Japan, decided to delete paragraph 7 of the draft performance standards for track control systems.

5.77 The Committee considered a submission by ICS (MSC 69/5/8) expressing concern on the way the operational requirement for Automatic Identification Systems (AIS), as outlined in the draft performance standards, seemed to have moved away, from the simple identification device originally envisaged, into a complex multi-mode, multi-frequency and multi-message device. Accordingly, ICS had sought clarification of a number of points specified in their submission.

5.78 Japan (MSC 69/5/11) expressing concern over the requirement of minimum resolution of the ship's position for AISs and the dynamic information provided by same, suggested suitable amendments to the draft performance standards for AIS to take care of these concerns.

5.79 The Committee noted the concerns expressed by ICS (MSC 69/5/8) and Japan (MSC 69/5/11) relating to the proposed performance standards for a Universal Automatic Identification System (AIS), but as these were not shared by the majority of the delegations who spoke, decided not to endorse them.

5.80 Having decided as reflected in paragraphs 5.75, 5.76 and 5.79 above, the Committee adopted, in accordance with the provisions of resolution A.825(19) - Procedure for adoption and amendment of performance standards for radio and navigational equipment, resolution MSC.74(69), as set out in annex 12, containing recommendations on new performance standards for:

- .1 Shipborne Combined GPS/GLONASS Receiver Equipment;
- .2 Track Control Systems; and
- .3 Universal Automatic Identification System (AIS).

5.81 The Committee also approved amendments to the performance standards for Echo-Sounding Equipment adopted by resolution A.224(VII), which are also annexed to the aforementioned MSC resolution.

Environmental impacts caused by high-speed ferries

5.82 The Committee, recalling that at MSC 68, Denmark had submitted information contained in a report on "Technical investigations of wake wash from fast ferries", noted new information provided by Denmark (MSC 69/INF.29) on the environmental impact caused by high-speed ferries.

6 FIRE PROTECTION

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

6.1 The Committee approved, in general, the report of the forty-second session of the Sub-Committee on Fire Protection (FP) (FP 42/16 and Add.1 and MSC 69/6) and took action as indicated hereunder.

Clarification of SOLAS chapter II-2 table 26.2

6.2 The Committee noted the Sub-Committee's opinion on an editorial error in SOLAS chapter II-2 table 26.2 and instructed the Secretariat to initiate the relevant procès-verbale of rectification.

Engine-room layout, design and arrangement

6.3 The Committee noted that, as instructed by MSC 68, the Sub-Committee developed fire safety requirements for inclusion in the Guidelines for engine-room layout, design and arrangement, following which the Secretariat issued MSC/Circ.834 on Guidelines for engine-room layout, design and arrangement.

Prohibition of the use of asbestos on board ships

6.4 The Committee requested DE 42 to consider the findings and decisions of FP 43 on the issue of prohibition of the use of asbestos on board ships and, noting the proximity between DE 42 and FP 43, when this matter is expected to be finalized, authorized the Secretariat to convey them to DE 42.

Operation of fire doors along the escape routes

6.5 With regard to the proposal of the Panel of Experts on Ro-Ro Ferry Safety for a new SOLAS regulation II-2/30-1 on operation of fire doors along the escape routes (MSC 66/2/2/Add.1), the Committee, noting the Sub-Committee's view that requiring fire doors to close against a severe list up to 20° would be counter-productive for safety and that fire and flooding need not be considered simultaneously, decided that the matter should not be pursued further.

Emergency escape arrangements on passenger ships

6.6 The Committee approved MSC/Circ.846 on Guidelines on human element considerations for the design and management of emergency escape arrangements on passenger ships.

Interpretations of SOLAS chapter II-2

6.7 The Committee approved MSC/Circ.847 on Interpretations of vague expressions and other vague wording in SOLAS chapter II-2, proposed by the Sub-Committee, as further modified in plenary, to harmonize the text of the interpretation of SOLAS regulation II-2/45.3.1 with that of regulation II-2/28.3.1.1.1.

6.8 When considering approval of the aforementioned MSC circular, the Committee considered a proposal by Japan (MSC 69/6/3) that the whole text of the elaborated interpretations of SOLAS regulation II-2/41-2 on Requirements for passenger ships carrying more than 36 passengers constructed before 1 October 1994, be deleted from the MSC circular. Bearing in mind the recommendatory status of interpretations and that the purpose of the circular is to assist Administrations in the implementation of the relevant IMO regulations and, therefore, being of the opinion that it is for the Administration concerned to decide, in each particular case, whether to apply either its national interpretations or interpretations developed by the Organization or not to apply them at all, the Committee agreed to maintain the text of the circular as proposed by the Sub-Committee. However, in order to avoid possible port State control problems, the Committee decided to include, in paragraph 2 of the cover page of the circular, a text to the effect that the interpretations should be applied to fire protection construction, installation, arrangements and equipment to be installed on board ships on or after the date on which the circular had been approved.

Amendments to SOLAS regulation II-2/7

6.9 In responding to the Sub-Committee's request for advice as to whether, in view of resolution 2 of the 1995 SOLAS Conference on Ro-Ro Ferry Safety, the proposed new paragraph 7 of SOLAS regulation II-7 (which requires machinery spaces of category A of certain type ships to be protected by the fixed water-based or equivalent local application fire-suppression system) should be applied to existing passenger ships as well, the Committee agreed to defer consideration of this matter to MSC 71 by which time the draft paragraph would have been finalized by the Sub-Committee.

6.10 Noting that the draft new paragraph 7 of regulation II-2/7 and the draft Guidelines for the approval of a water-based local application of fixed fire-extinguishing systems were under consideration by a FP Sub-Committee's correspondence group, the Committee agreed that the possible application of that paragraph to existing ships should also be considered by that group, which should take into account the Interim Guidelines for the systematic application of the grandfather clauses (MSC/Circ.765) and the Guidelines on the organization and method of work. The Secretariat was instructed to inform the co-ordinator of the correspondence group accordingly.

Clarification of MSC/Circ.776 requirements

6.11 The Committee approved MSC/Circ.848 on Revised guidelines for the approval of equivalent fixed gas fire-extinguishing systems, as referred to in chapter II-2 of SOLAS 74, for machinery spaces and cargo pump-rooms (to supersede MSC/Circ.776).

Emergency escape breathing devices

6.12 The Committee approved, in principle, proposed amendments to SOLAS regulations II-2/17 and 18 (to include carriage requirements for emergency escape breathing devices (EEBDs)), as set out in annex 13, with a view to incorporating them in future amendments to SOLAS chapter II-2.

6.13 Subsequently, the Committee approved MSC/Circ.849 on Guidelines on the performance, location, use and care of emergency escape breathing devices (EEBDs), referred to in the aforementioned amendments.

Maintenance and inspection of fire protection systems and appliances

6.14 The Committee approved MSC/Circ.850 on Guidelines on maintenance and inspection of fire protection systems and appliances, developed by the Sub-Committee in the context of its work on the role of the human element relating to operational readiness and fire-fighting capability, as further modified in plenary in respect of the period of inspections of control valves of fixed fire-fighting systems.

Revision of the HSC Code

6.15 The Committee, noting the Sub-Committee's intention to finalize its work on the revision of the HSC Code at FP 43, approved the holding of an intersessional meeting of the Working Group of Revision of Fire Safety Aspects of the HSC Code in the week before FP 43. Bearing in mind the close proximity between FP 43 and DE 42 (co-ordinator of the work on the revision of the HSC Code), the Committee authorized that the outcome of this work at FP 43 be conveyed to DE 42.

Engine-room oil fuel systems

6.16 The Committee approved MSC/Circ.861 on Guidelines on engine-room oil fuel systems, having noted that DE 41 had considered (MSC 69/11, paragraph 3) the draft MSC circular and agreed with the work done by the FP Sub-Committee.

OTHER MATTERS

Proposals for amendments to SOLAS regulation II-2/15

6.17 The Committee considered documents MSC 69/6/1 and MSC 69/6/2 (United Kingdom) proposing amendments to SOLAS regulation II-2/15 for inclusion in the comprehensive review of SOLAS chapter II-2, noting that FP 42 had agreed that any amendments not included in the relevant document (i.e. annex 1 to document FP 41/WP.3) should first be approved by the Committee for such an inclusion and that the proposed amendments had not been contained in that annex.

6.18 After some discussion, the Committee, noting that the proposal in document MSC 69/6/1 presented a new issue and should be dealt with in accordance with the Guidelines on the organization and method of work, decided not to take it any further at this stage. With regard to the proposal in document MSC 69/6/2, the Committee took action as reflected in paragraph 20.22.

7 TRAINING AND WATCHKEEPING

REPORT OF THE TWENTY-NINTH SESSION OF THE SUB-COMMITTEE

7.1 The Committee approved, in general, the report of the twenty-ninth session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 29/14 and Add. 1 and MSC 69/7) and took action as indicated hereunder.

Restricted Operator's Certificate model course

7.2 The Committee endorsed the validation of the Restricted Operator's Certificate (ROC) model course and instructed the Secretariat to publish the course as soon as practicable. In this context and in response to an intervention by the delegation of the Russian Federation, the Committee confirmed that "validation" should not be construed as "approval".

Operational use of ECDIS

7.3 The Committee agreed that IMO develops a model course on the operational use of electronic chart display and information systems (ECDIS).

Drug use and alcohol abuse

7.4 The Committee adopted amendments to Section B-VIII/2, part 5 of the STCW Code on drug use and alcohol abuse, as given in annex 14, for dissemination by means of an STCW.6 circular (see also paragraph 7.22).

Simulator training

7.5 The Committee invited Governments to update the information on the availability of simulator training contained in MSC/Circ.633 and MSC/Circ.721. The Committee expressed appreciation to those

Governments which had recently provided relevant information and requested the Secretariat to circulate the updated information available by means of MSC/Circ.852.

Training in maritime safety and emergency preparedness for MOU personnel

7.6 The Committee approved a draft Assembly resolution on Recommendations on training of personnel on mobile offshore units (MOUs), given in annex 15, for submission to the twenty-first session of the Assembly for adoption.

Application of the STCW Convention to MOUs

7.7 Taking into account the views of the Sub-Committee (STW 29/14, paragraphs 6.11 and 6.12) and documents MSC 69/7/4 (Vanuatu) and MSC 69/7/5 (IADC), the Committee referred the issue to the working group for consideration (see also paragraph 7.40 below).

Timing of consideration of the Secretary-General's report

7.8 The Committee recalled that, at its sixty-eighth session, it had approved Procedures regarding the communication of information in accordance with article IV and regulation I/7 of the STCW Convention and section A-I/7 of the STCW Code, including the format of the report to be submitted by the Secretary-General pursuant to paragraph 9, section A-I/7 of the STCW Code, given in MSC/Circ.796, but had not taken a decision on the timing of submission of that report to the Committee.

7.9 Noting the considerable discussion in the STW Sub-Committee and document MSC 69/7/6 (Fiji), the Committee noted that if the date is fixed, it may be that some Parties that have met their obligation to communicate information by 1 August 1998 may not have their information assessed in time for the Secretary-General to report to MSC 71. The most likely causes of such delays are the need for the competent persons to seek clarifications from a Party and the possibility of the need for meeting(s) before the competent persons can reach a decision.

7.10 Following some discussion, the Committee agreed that the Secretary-General's report to the Committee should only be submitted when all the information communicated by Parties received by 1 August 1998 had been evaluated by the competent persons (see also paragraphs 7.44 to 7.46 below).

7.11 Agreeing to a proposal by the delegation of Liberia, the Committee instructed the Secretariat to inform MSC 70 on progress being made in the preparation of the reports pursuant to STCW regulation I/7, paragraph 2.

7.12 The Committee, having reminded STCW Parties that the information required by regulation I/7 should be communicated by 1 August 1998, urged them to submit their reports, preferably in one of the Organization's working languages, as soon as possible to allow for a smooth and orderly assessment of the information communicated.

Assessment of seafarers' competence

7.13 The Committee approved MSC/Circ.853 on Guidance on shipboard assessments of proficiency.

Invoking section A-I/7, paragraph 11 of the STCW Code

7.14 The Committee endorsed the Sub-Committee's action in issuing STCW.7/Circ.5 on Clarification of certain issues relating to the STCW Convention.

Guidance on the communication of information

7.15 The Committee endorsed the Sub-Committee's action in issuing STCW.7/Circ.6 on the Availability of a guidance document, to assist STCW Parties in the preparation of the communication of information.

Pilotage training issues

7.16 The Committee noted the Sub-Committee's consideration of pilot training issues and endorsed its instruction to the Secretariat to convey relevant parts of the Sub-Committee's report and the associated proposals to the NAV Sub-Committee for consideration of the operational requirements.

Follow-up action to the 1995 STCW Conference

7.17 The Committee endorsed the Sub-Committee's decisions regarding the list of follow-up actions to the 1995 STCW Conference.

Follow-up action to the 1995 STCW-F Conference

7.18 The Committee noted the ongoing work of the Joint FAO/ILO/IMO Working Group on revision of the Document for Guidance on Fishermen's Training and Certification and on the resolutions adopted by the 1995 STCW-F Conference. The Committee dealt with other issues arising from the work of the aforementioned joint group as reported in paragraphs 7.27 to 7.29 below.

Comprehensive review of resolution A.481(XII) - Principles of safe manning

7.19 The Committee noted the Sub-Committee's consideration of resolution A.481(XII) - Principles of safe manning, and endorsed its instructions to the Secretariat to bring the outcome of its considerations to the attention of the NAV Sub-Committee.

Approval of draft amendments to the STCW Code

7.20 The Committee approved proposed draft amendments to tables A-II/1 and A-II/2 of the STCW Code and the associated MSC resolution, as set out in annex 16, for adoption at the Committee's seventieth session; and instructed the Secretariat to circulate the draft amendments to all Member of the Organization, all STCW Parties and the Director-General of ILO, as required by article XII of the STCW Convention.

Article VIII of the STCW Convention - Dispensations

7.21 The Committee agreed to the discontinuation of the submission of NIL returns when making submissions on dispensations under the provisions of article VIII of the STCW Convention.

Part B of the STCW Code

7.22 The Committee adopted the proposed re-numbering of sections B-V/3, V/4 and V/5, Part B of the STCW Code for dissemination by means of an STCW.6 circular and agreed to the re-numbering taking effect on 1 January 1999, i.e. the date of entry into force of the proposed amendments to Part A of the Code.

HSC Code

7.23 The Committee noted the outcome of the Sub-Committee's consideration of the revision of the HSC Code and endorsed its instruction to the Secretariat to convey the proposed draft text of paragraphs 18.4 and 18.6 thereof to the DE Sub-Committee for appropriate action.

OTHER MATTERS

Clarification of issues raised by the Bahamas

7.24 The Committee considered a report by the STW Sub-Committee's Chairman (MSC 69/7/Add.1) on the discussions at STW 29 on issues raised by the Bahamas in their document STW 29/7/3 and agreed that suitable guidance on these issues should be developed by the working group for consideration by the Committee and subsequent promulgation to STCW Parties.

List of competent persons

7.25 The Committee recalled that, at its sixty-eighth session, it approved the competent persons listed in MSC/Circ.797. The Committee agreed that the working group be requested to consider the additional nominations of competent persons listed in documents MSC 69/7/1 and Adds.1 and 2 and MSC 69/WP.4 and advise the Committee accordingly.

7.26 The Committee recalled the information provided by the Secretary-General at his opening speech on the numbers of competent persons thus far made available and asked for additional nominations to be made as soon as possible - particularly French and Spanish-speaking competent persons, to enable the smooth and efficient assessment of information communicated by STCW Parties.

Fishermen's Training and Certification

7.27 The Committee recalled that, at its sixty-seventh session, it included the item "Follow-up action to the 1995 STCW-F Convention" with a subitem "Revision of the FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification" in the STW Sub-Committee's work programme.

7.28 It also recalled that FAO had prepared a draft revision of the FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification, based upon the functional competence approach used in the STCW Code with regard to safety aspects and the new FAO Code of conduct for responsible fisheries with regard to fishing aspects; and that a Joint Working Group composed of two representatives of each from FAO and IMO and four representatives (two employer and two worker representatives) from ILO, met concurrently with STW 29, with Iceland and the Republic of Korea representing IMO.

7.29 In considering the report of the working group (MSC 69/7/2), the Committee noted the progress made at its first session in the revision of the Document for Guidance on Fishermen's Training and Certification and approved, subject to FAO and ILO concurrence, the convening of a second intersessional meeting during the week before STW 30 (i.e. from 18 to 22 January 1999), for the finalization of the group's work.

ILO Convention 180

7.30 The Committee recalled that, at its sixty-eighth session, it agreed to the establishment of a Joint IMO/ILO Working Group to meet intersessionally to give effect to articles 5 and 8 of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180).

7.31 The Committee approved, in general, the report of the Joint IMO/ILO Working Group (MSC 69/7/3) and noted the preparation of guidelines for the development of tables of seafarers' shipboard working arrangements and the formats of records of seafarers' hours of work or hours of rest; the model format for a table of shipboard working arrangements; and the model format for records of hours of work or hours of rest of seafarers.

7.32 The Committee requested the Secretariat, in conjunction with ILO, to jointly publish the guidelines and model formats and to keep both under review.

Convening of the working group

Terms of reference

7.33 After preliminary discussions in plenary on STCW matters, as reported in previous paragraphs, the Committee established a working group and instructed it, taking into account comments and proposals made in plenary, to:

- .1 clarify the issues originally raised by the Bahamas and reported by the Chairman of the STW Sub-Committee in document MSC 69/7/Add.1; and to prepare a draft MSC circular providing clarifications and guidance for approval by the Committee;
- .2 advise the Committee on the nominated competent persons for approval;
- .3 consider the proposals on the application of the STCW Convention to mobile offshore units (MOUs) made by Vanuatu (MSC 69/7/4) and IADC (MSC 69/7/5) and to prepare a draft MSC circular for consideration of the Committee and consider whether it is necessary to instruct the STW Sub-Committee to include standards of competence for maritime crews on MOUs in the STCW Convention and STCW Code; and
- .4 take into account the experience gained by the first panel of competent persons.

Outcome of the working group's work

7.34 Having received the working group's report (MSC 69/WP.9), the Committee took action as reflected in the ensuing paragraphs.

Clarification of provisions of the STCW Convention and STCW Code

7.35 With regard to the issues reported in document MSC 69/7/Add.1, the Committee agreed to the conclusions of the group as follows:

- .1 training carried out under the STCW Convention which does not lead to the issue of an appropriate certificate, and on which information provided by a Party is found by the Maritime Safety Committee to give full and complete effect to the Convention in accordance with regulation I/7, paragraph 2, may be accepted by other Parties to the Convention as meeting the relevant training requirements thereof;
- .2 watch rating certificates issued by a Party identified under regulation I/7 to be giving the appropriate provisions of the revised Convention full and complete effect may be accepted by other Parties without endorsement or the issue of a flag State watch rating certificate. It was recognized that flag States may wish to exceed Convention requirements in respect of watch ratings on board ships entitled to fly their flag;

- .3 in view of the requirement for Parties to communicate information on the outcome of periodical independent evaluations of the quality standards systems required under regulation I/8, which are also subject to assessment by competent persons, there is a continuing role for competent persons and the so-called "White list" would be a dynamic document and should therefore be subject to updating in accordance with the provisions of the Convention. It was noted that, at the time of the Secretary-General's report to the Committee, certain provisions of the Convention may not be applicable to a Party. If, however, a Party subsequently implements any of these provisions, then any additional information communicated thereon by the Party in accordance with regulation I/7 would be required to be considered by competent persons in order to assist the Secretary-General to make a further report to the Committee; and
- .4 in the context of the definition of 'approved' in regulation I/1, only Parties can approve training in accordance with the provisions of the Convention. However, the Committee recognized that both the STCW Convention and the ISM Code address on-board training and agreed that verification of procedures and documentation of on-board training programmes may be undertaken in connection with the ISM verification process.

7.36 Some delegations pointed out that neither the STCW Convention nor the STCW Code contained provisions for the re-assessment of Parties already included in the "White list".

7.37 Noting that previous clarifications, recommendations, guidance and other information on the clarification of the STCW Convention and Code have been issued under the STCW.7 series of circulars, the Committee approved STCW.7/Circ.7 on Clarification of regulations I/6 and I/7 of the STCW Convention.

7.38 The Committee agreed that, in due course, to avoid the proliferation of sources of guidance, the STW Sub-Committee should consolidate the clarifications contained in the STCW.7 series of circulars and prepare appropriate amendments to Part B of the STCW Code.

Application of the STCW Convention and STCW Code to personnel on MOUs

7.39 The Committee, noting the invitation contained in 1995 STCW Conference resolution 10, agreed that approval of the draft Assembly resolution, given in annex 15, completed its consideration of the development of provisions covering the training and certification of maritime personnel on mobile offshore units and therefore there was, at present, no need to include standards of competence for maritime personnel on MOUs in the STCW Convention or in any other relevant instrument.

7.40 The Committee considered proposals for clarification of the application of the STCW Convention to MOUs submitted by Vanuatu (MSC 69/7/4) and IADC (MSC 69/7/5) and, as suggested by the group, approved STCW.7/Circ.8 on Application of the provisions of the 1978 STCW Convention to mobile offshore units (MOUs).

Competent persons

7.41 The Committee considered the lists of competent persons nominated by STCW Parties contained in documents MSC 69/7/1 and Adds.1 and 2 and MSC 69/WP.4 and approved the lists of competent persons nominated, in accordance with paragraph 5 of section A-I/7 of the STCW Code. The Committee instructed the Secretariat to prepare a revised MSC/Circ.797 for the information of Parties.

Method of work of the competent persons

7.42 Taking into account the experience gained by the first panel of competent persons, the Committee agreed to the following amendments to MSC/Circ.796:

- .1 to number the reference column in the comparison table (appendix 1 to the annex of MSC/Circ.796) to correspond with the numbering of the index of materials contained in the annex to STCW.7/Circ.4;
- .2 to shade the cells in the comparison table column titled "Monitoring and compliance measures" in respect of article IV(1)(a),(b) and (c) and section A-I/7, paragraph 2.1, to indicate that completion of these cells is not applicable;
- .3 to add a footnote to the comparison table in respect of section A-I/7, paragraphs 3.1, 3.2, 3.3 and 4 to read: "The information required under paragraphs 3.1, 3.2 and 3.3 and the report of the independent evaluation at intervals of not exceeding 5 years, required under paragraph 4, may not be available at the time of the initial submission"; and
- .4 to add a new paragraph 13*bis* in the annex to MSC/Circ.796 to read: "Competent persons should not request clarification or additional information on measures implemented by a Party that are in excess of STCW Convention requirements",

and instructed the Secretariat to prepare a revision of MSC/Circ.796 for the information of Parties.

7.43 The Committee noted concerns expressed that different panels of competent persons might apply varying interpretations of the provisions of the STCW Convention and STCW Code when considering the information communicated by Parties. In this regard, the Committee found that sharing the experience gained by the first panel of competent persons was valuable and therefore considered that the sharing of experiences of future panels would help to promote a uniform approach. The Committee therefore urged competent persons to make use of any available opportunity to share experiences. It is anticipated that an informal meeting will be held on the first day of the Committee's seventieth session (7 December 1998). Member Governments are urged to make their competent persons available during the seventieth session of the Committee.

7.44 In response to concerns expressed by the delegation of Denmark, the Committee noted that the timing of the Secretary-General's reports to the Committee might cause problems for those Parties wishing to use the so-called "White list" in order to recognize certificates issued by, or under the authority of, another Party.

7.45 The Committee also expressed concern about the possibility of the Secretary-General's report to the Committee being unduly delayed in respect of those Parties that have communicated information by 1 August 1998, which have been found to be giving the Convention full and complete effect, by requests from a panel of competent persons for further clarification and information in respect of one Party whose information, although communicated by 1 August 1998, has not been fully evaluated by the competent persons.

7.46 The Committee therefore agreed that there was an urgent need for clarification of the procedures related to the work of the panels of competent persons and any relevant issues; and invited Member Governments to submit comments and proposals for consideration at its seventieth session.

8 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

Report of the forty-first session of the Sub-Committee

8.1 The Committee approved, in general, the report of the forty-first session of the Sub-Committee on Stability, Load Lines and on Fishing Vessels Safety (SLF) (SLF 41/18 and MSC 69/8) and took action as indicated hereunder.

Amendments to the Intact Stability Code

8.2 The Committee adopted resolution MSC.75(69) on Adoption of amendments to the Code on Intact Stability for All Types of Ships Covered by IMO Instruments (resolution A.749(18)), as set out in annex 17.

Explanatory notes to subdivision and damage stability requirements

8.3 In order to ensure uniform application of the subdivision and damage stability requirements for cargo ships of 80 metres in length and upwards but not exceeding 100 metres in length, adopted as part of the SOLAS amendments which are due to enter into force on 1 July 1998, the Committee adopted resolution MSC.76(69) on Extended application of the Explanatory Notes to the SOLAS regulations on subdivision and damage stability of cargo ships of 100 metres in length and over (resolution A.684(17)), as set out in annex 18, extending the application of the Explanatory Notes contained in resolution A.684(17) to the aforementioned requirements.

Revision of SOLAS chapter II-1 parts A, B and B-1

8.4 The Committee noted that the Sub-Committee, in order to proceed with its work on development of the revised SOLAS chapter II-1 parts A, B and B-1, had agreed, in principle, to a draft outline thereof.

8.5 In this context, the Committee considered document MSC 69/8/1 by Japan requesting confirmation that the damage stability requirements for cargo ships in the revised SOLAS chapter II-1 should maintain the same A/R value as those in existing SOLAS chapter II-1 part B-1 for different types and sizes of cargo ships. Having recalled that this matter was one of the issues under consideration by the Sub-Committee in the course of its work on preparation of the revised SOLAS chapter II-1 parts A, B and B-1 with some delegations supporting the Japanese view, the Committee noted the position of Japan on the matter and referred document MSC 69/8/1 to the Sub-Committee for consideration.

Revision of the fishing vessel safety Code and voluntary Guidelines

8.6 Having noted the Sub-Committee's decision to discuss, at SLF 42, how the revision of the fishing vessel safety Code and voluntary Guidelines should be pursued, the Committee urged Member Governments to take the necessary steps to bring the 1993 Torremolinos Protocol in force.

8.7 In this context, the delegation of Japan reiterated its observation at SLF 41 that the main purpose of the revision of the Code was to provide guidance to those States which had not developed regional or national standards. Therefore, the revised Code should not affect the status of any regional standard already developed in accordance with article 3(5) of the 1993 Torremolinos Protocol.

Guidelines for shipboard loading and stability computer programs

8.8 The Committee approved MSC/Circ.854 on Guidelines for shipboard loading and stability computer programs, and instructed the Secretariat to annex these Guidelines to the Guidelines for the on-board use and application of computers, currently under consideration by the NAV Sub-Committee, after the latter has been finalized and approved by the Committee for circulation.

Draft Guidelines for damage control plans

8.9 The Committee noted the progress made by the Sub-Committee on the preparation of the draft Guidelines for damage control plans and, as requested by SLF 41, instructed STW 30 to provide comments regarding relevant training requirements and any other issues the STW Sub-Committee may deem appropriate in the context of the Guidelines. Having noted that STW 30 is scheduled to meet shortly before SLF 42, the Committee instructed the Secretariat to convey the outcome of STW 30 on the draft Guidelines to SLF 42 to enable the Sub-Committee to finalize the draft Guidelines thereat.

8.10 In dealing with the draft Guidelines, the Committee considered document MSC 69/8/1 by Japan proposing that the various implications of the introduction of the damage consequence diagrams should be studied and the Guidelines finalized without awaiting the completion of the work on the damage consequence diagrams; and that the draft Guidelines be conveyed to NAV 45 for comments. After consideration, the Committee agreed to refer document MSC 69/8/1 to SLF 42 and STW 30 for consideration of the Japanese proposals.

Revision of stability and load line aspects of the HSC Code

8.11 The Committee noted the Sub-Committee's decision to complete its work on the revision of stability and load line aspects of the HSC Code at SLF 42 and, bearing in mind the close proximity between SLF 42 and DE 42 (co-ordinator of the work on the subject), instructed the Secretariat to convey the outcome of the Sub-Committee's work at SLF 42 to DE 42.

One-compartment standard passenger ships carrying 400 persons or more

8.12 The Committee noted that, as instructed by MSC 68, the Sub-Committee had considered the application of new SOLAS regulation II-1/8-3 on Special requirements for passenger ships, other than ro-ro passenger ships, carrying 400 persons or more, to existing ships, taking into account the implications of such an application and the relevant provisions of resolutions A.500(XII) and A.777(18). The Committee, having noted the outcome of this consideration and that there had been no further proposals justifying, as required by the aforementioned resolutions, the need to apply the provisions of new SOLAS regulation II-1/8-3 to existing ships, endorsed the Sub-Committee's decision that no further action should be taken on the matter.

Interpretation of the position of the forward perpendicular

8.13 The Committee approved MSC/Circ.855 on Interpretation of the forward perpendicular for the purpose of SOLAS regulation II-1/10.

9 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

REPORT OF THE THIRD SESSION OF THE SUB-COMMITTEE

9.1 The Committee approved, in general, the report of the third session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 3/15 and Add.1 and MSC 69/9) and took action as indicated hereunder.

Multimodal Dangerous Goods Declaration

9.2 The Committee endorsed the Sub-Committee's view on the Multimodal Dangerous Goods Declaration (FAL Form 7).

Working safety relating to cargo stowage and securing

9.3 The Committee, recalling that the SPI Working Group, through FAL 25, had requested the Committee to provide guidance on working safety matters relating to cargo stowage and securing, endorsed the Sub-Committee's view that no further action was necessary on the issue.

Adoption of Amendment 29 to the IMDG Code

9.4 The Committee adopted Amendment 29 to the IMDG Code, for entry into force on 1 January 1999, with a six month transitional period until 1 July 1999, and dissemination as MSC/Circ.856.

9.5 In considering a proposal from Finland (MSC 69/9/3) to postpone adoption of amendments to the ventilation requirements for packaged dangerous goods, the Committee upheld the inclusion of the text, approved by the DSC Sub-Committee, in Amendment 29 and agreed to include a corresponding item in the work programmes of the DSC and FP Sub-Committees (see paragraphs 20.16 and 20.21 below).

Revision of the Medical First Aid Guide (MFAG)

9.6 The Committee adopted a revised text of the Medical First Aid Guide (MFAG) for circulation as MSC/Circ.857.

Revision of the format of the IMDG Code

9.7 The Committee noted the Sub-Committee's action on the reformatting of the IMDG Code and, in particular, its decisions on the development of packing instructions and the harmonization of portable tank requirements.

9.8 In this context, the Committee considered a proposal by Greece (MSC 69/9/4) calling for a review of the transport of packaged dangerous goods by passenger ships. Considering that the proposal had not complied with the Guidelines on the organization and method of work, the Committee invited Greece to resubmit it to MSC 70 providing the required information.

9.9 The Committee noted that Finland (MSC 69/INF.24) was currently carrying out a formal safety assessment on the carriage of packaged dangerous goods by passenger ships on voyages between Finland and Germany and that the results would be reported to the Committee in due course.

9.10 In this context, the Committee agreed to relax to 18 December 1998 the deadline for the submission of the E&T Group's report of that session to DSC 4 due to the proximity of these two meetings.

Mandatory application of the IMDG Code

9.11 The Committee noted the Sub-Committee's consideration of the issue of contemplated amendments to SOLAS chapters VI and VII to make the IMDG Code mandatory.

9.12 In this respect, the Committee, considering a submission by Japan (MSC 69/9/2) proposing that, when making the IMDG Code mandatory, a dangerous goods inspection scheme should be introduced to ensure compliance with the provisions of the Code, agreed not to pursue the Japanese proposal any further.

9.13 The Committee further considered document MSC 69/9/5 in which Japan had highlighted the difficulties in applying the provisions of SOLAS article VIII to future amendments to the mandatory IMDG Code, which might result in delays in implementing such amendments and cause discrepancies with the requirements in other modes of transport; and requested DSC 4 to consider the issue, as part of its work on making the IMDG Code mandatory, in order to find possible measures for ensuring expeditious implementation of future amendments to the Code.

Matters relating to the INF Code

9.14 The Committee approved the proposed amendments to SOLAS chapter VII to make the INF Code mandatory and the draft revised text of the Code, with a view to adoption, following MEPC's concurrence, by MSC 71, as amended and set out in annexes 19 and 20 respectively. The Committee recognizing that the IMDG Code would be made mandatory through the current wording of subparagraph 1.2.2 of the revised INF Code for INF cargoes, agreed to replace the word "shall" by "should" and, furthermore, that subparagraphs 1.1.1.3, 1.1.1.7 and 1.2.2 and new SOLAS draft regulation VII/14.2 should be reviewed when the IMDG Code becomes mandatory. DSC 4 was instructed to further consider matters relating to the IMDG Code and to survey and certification and resolve these issues before MSC 71 when the Committee will be invited to adopt the final text of the relevant SOLAS amendments and the revised INF Code.

Document of Compliance

9.15 The Committee, in considering the draft MSC circular (DSC 3/15, annex 7), agreed to insert, in paragraph 1 thereof, a phrase "except classes 6.2 and 7" after "regulation VII/12" and approved MSC/Circ.858 on the Document of Compliance with SOLAS regulation II-2/54, as amended.

Container inspection programmes

9.16 The Committee approved MSC/Circ.859 on Inspection programmes for Cargo Transport Units (CTUs) carrying dangerous goods.

Development of multimodal training requirements

9.17 In noting the progress made on the development of an instrument for multimodal training requirements, the Committee recalled that the SPI Working Group had, through FAL 25, invited the Committee to:

- .1 endorse its action on implementation of IMO instruments and training requirements for cargo-related matters; and
- .2 concur with the view on the matter of expanding the scope of training provisions in the IMO Port Recommendations.

9.18 In this respect, the Committee endorsed the Sub-Committee's action on the inclusion of training requirements in the IMDG Code (as a new section 28) and instructed STW 30 to consider the proposed draft text of section 28 of the IMDG Code and to convey its findings directly to DSC 4.

Guidelines for the approval of offshore containers

9.19 The Committee approved MSC/Circ.860 on the revised Guidelines for the approval of offshore containers handled in open seas.

Appendix A of the BC Code

9.20 The Committee endorsed the Sub-Committee's action on the proposed amendments to Appendix A of the BC Code.

Matters relating to the BC Code

9.21 The Committee endorsed the Sub-Committee's action on the ventilation requirements for dangerous solid bulk cargoes and noted the Sub-Committee's action on the implementation of SOLAS regulation XII/10 - Solid bulk cargo density declaration.

OTHER MATTERS

Outcome of the fortieth and forty-first sessions of the Marine Environment Protection Committee

9.22 The Committee noted (MSC 69/9/6) that, in accordance with the request of MEPC 40 that the DSC Sub-Committee report its activities, particularly in relation to marine pollutants, to the MEPC as well as the MSC, the decision taken by DSC 3 with respect to tainting had been considered and approved, in principle, by MEPC 41.

9.23 In this respect, the Committee instructed the E&T Group, at its session in September 1998, to prepare, for DSC 4, a list of all those substances which would no longer be considered as marine pollutants if "tainting" is deleted from the criteria of Annex III to MARPOL 73/78, pending finalization of the issue by MEPC 42 in November 1998.

10 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

Urgent matters emanating from the third session of the Sub-Committee

10.1 The Committee considered urgent matters referred to it emanating from the third session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) (COMSAR 3/14 and Add.1 and MSC 69/10) and took action as indicated hereunder.

Watchkeeping on VHF channel 16 after 1 February 1999

10.2 The Committee recalled that MSC 68, having considered SOLAS regulation IV/12.3, decided, in principle, that SOLAS ships should continue to maintain a continuous listening watch on VHF channel 16

after 1 February 1999 and instructed COMSAR 3 to prepare a draft MSC resolution on this recommending a final date for the cessation of mandatory watchkeeping.

10.3 The Committee considered a draft MSC resolution on Maintenance of a continuous listening watch on VHF channel 16 by SOLAS ships whilst at sea after 1 February 1999 and installation of VHF DSC facilities on non-SOLAS ships and adopted it as resolution MSC.77(69), set out in annex 21, agreeing that this mandatory watchkeeping should be ceased on 1 February 2005.

Measures to reduce the number of false distress alerts

10.4 The Committee approved MSC/Circ.861 on Measures to reduce the number of false distress alerts.

Endorsement of COMSAR circulars

10.5 The Committee endorsed the Sub-Committee's action in issuing the following circulars:

- .1 COMSAR/Circ.13 on Shore-to-ship communications during distress situations;
- .2 COMSAR/Circ.14 on List of NAVAREA Co-ordinators;
- .3 COMSAR/Circ.15 on the Revised Joint IMO/IHO/WMO Manual on Maritime Safety Information (MSI);
- .4 COMSAR/Circ.16 on Guidelines on the configuration of the reserve source or sources of energy used to supply radio installations on GMDSS ships;
- .5 COMSAR/Circ.17 on Recommendation on the use of GMDSS equipment for non-safety communications;
- .6 COMSAR/Circ.18 on Guidance on recommended minimum communication needs of maritime rescue co-ordination centres (MRCCs); and
- .7 COMSAR/Circ.19 on How an authorized MRCC can initiate shore-to-ship communications via Inmarsat-A, Inmarsat-B or Inmarsat-C systems using the distress priority (Priority 3).

ITU-R Study Group 8 matters

10.6 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to submit to ITU-R Working Parties 8B and 8D liaison statements on:

- .1 efficiency in the use of the band 156 - 174 MHz;
- .2 the appropriate modifications to Recommendations ITU-R.493 and ITU-R.541 with respect to DSC distress alert relays by ships; and
- .3 interference to the COSPAS-SARSAT system.

Maritime Safety Information (MSI) services

10.7 The Committee noted that all NAVAREAs/METAREAs would be covered by the International SafetyNET service broadcasts by June 1998 and expressed satisfaction with this important development, which would contribute to enhanced safety at sea.

Clarification of GMDSS equipment performance standards

10.8 The Committee approved MSC/Circ.862 on Clarification of certain requirements in IMO performance standards for GMDSS equipment.

Proposed amendments to resolution A.746(18)

10.9 The Committee noted that the Sub-Committee had proposed draft amendments to resolution A.746(18) on Survey guidelines under the harmonized system of survey and certification (COMSAR 3/14/Add.1, annex 11) and, taking into account that this resolution was under review by the FSI Sub-Committee, instructed FSI 6 to consider the proposed amendments concerning the yearly inspection of 406 MHz satellite EPIRBs on board ships, as required by new SOLAS regulation IV/15.9 and report to MSC 70 accordingly.

ITU World Radiocommunication Conference (WRC) matters

10.10 The Committee approved an IMO statement commenting on the outcome of WRC-97, in particular with regard to the generic use by the mobile-satellite service of the bands 1525 - 1559 MHz and 1626.5 - 1660.5 MHz (COMSAR 3/14/Add.1, annex 12), for submission to the 1998 ITU Plenipotentiary Conference (PP-98) (which will be held in Minneapolis, United States, from 12 October to 6 November 1998).

10.11 The Committee instructed the Secretariat to convey COMSAR 3/14/Add.1, annex 12 to the Secretary-General of ITU with a request that the IMO statement be brought to the attention of PP-98 for consideration.

10.12 The Committee endorsed the Sub-Committee's action in establishing a correspondence group to consider in detail the outcome of WRC-97 (annexes to document COMSAR 3/6) for consideration by COMSAR 4.

10.13 The Committee, taking into account the close proximity between COMSAR 4 (July 1999) and WRC-99 (October 1999) and that there will be no MSC meeting in between, authorized the Sub-Committee to prepare an IMO position on maritime-mobile service matters included in the agenda for the Conference and submit it directly to WRC-99 for consideration.

Restructuring of Inmarsat

10.14 The Committee, recalling that the Assembly, at its twentieth session, authorized COMSAR 3 to consider any additional information it might receive emanating from Inmarsat meetings and to finalize and submit, directly to the twelfth session of the Inmarsat Assembly in April 1998, the IMO position on Inmarsat's restructuring proposals, based on the relevant IMO position agreed to by MSC 66, as reflected in paragraph 40 of document A 20/9, noted the Sub-Committee's action in developing such a position and submitting it to the Inmarsat Assembly, as authorized.

10.15 The Committee also noted (MSC 69/10/2) information provided by Inmarsat on the outcome of the seventy-first session on the Inmarsat Council (which took place before the twelfth session of the Inmarsat Assembly) relating to the Inmarsat restructuring process.

10.16 The Inmarsat observer informed the Committee of the outcome of the twelfth session of the Inmarsat Assembly, which was held in London from 20 to 24 April 1998. He advised the Committee that, the Inmarsat Assembly had taken account of the IMO submission stating IMO's position on the restructuring.

The Assembly had approved amendments to the Inmarsat Convention and Operating Agreement to establish the new Inmarsat structure, as described at meetings of the COMSAR Sub-Committee and the MSC. Under the new structure, the whole of the Inmarsat business would be carried on in future by a national law company, subject to ongoing regulatory oversight by the Intergovernmental Organization (IGO) of the performance of certain public service obligations by the Company under a Public Services Agreement.

The Assembly's decision was subject to affirmative approval, by the Inmarsat Council, of certain commercial documentation and legal conditions precedent to the transfer of the business to the Company and the Inmarsat Council was expected to give that approval at its seventy-fourth session in November 1998.

The Inmarsat Assembly will hold an extraordinary session in September 1998, to consider implementing the amendment provisionally, so as to enable the transition to the new structure to take effect as from 1 January 1999, or another date in the first quarter of 1999.

The Inmarsat Assembly had also approved a draft Public Services Agreement, which provides for:

- an obligation by the Company to continue to provide its existing GMDSS services;
- ongoing consultations by the Company through the IGO with IMO on any proposed relevant changes to the SOLAS Convention or to the Company's GMDSS services;
- the Company to continue to take account of IMO's standards and recommendations;
- legal enforcement action by the IGO of the Company's obligations, if necessary; and
- the right of the Company to terminate the Agreement only upon three year's notice or the entry into force of amendments to the SOLAS Convention to permit other systems to satisfy GMDSS requirements or IMO's determination that other operators are satisfying GMDSS requirements, whichever is later.

The IGO would also hold a special share in the Company enabling it to veto any changes in the Company's Articles of Association which would change the Company's obligations to provide GMDSS services under the Agreement.

In establishing the Secretariat of the IGO, consideration would be given to IMO's view that its staff should include maritime technical expertise.

Inmarsat believed that the restructuring arrangements, as described, would now satisfy IMO's concerns, as conveyed to Inmarsat.

Negotiations were taking place with COSPAS-SARSAT to continue to provide facilities for its staff and secretariat.

Inmarsat would now propose consultations with IGO regarding the adaptation of the existing Agreement of Co-operation to the new arrangements.

10.17 The Committee noted the information provided and requested the Secretariat to report developments to MSC 70.

Prevention of harmful interference to 406 MHz EPIRBs and in the 406 MHz frequency band

10.18 The Committee approved MSC/Circ.863 on Recommendation on prevention of harmful interference to 406 MHz EPIRBs operating with the COSPAS-SARSAT system.

10.19 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to bring MSC/Circ.863 to the attention of the Director of the ITU Radiocommunication Bureau and request the ITU-BR to develop emission standards such that emissions in the 406 - 406.1 MHz band are consistent with, and do not exceed, the requirements set forth in Recommendation ITU-R SM.1051.

Joint ICAO/IMO SAR (IAMSAR) Manual

10.20 The Committee, having noted document MSC 69/10/1 (ICS) providing a view on the use of the urgency signal (PAN PAN) for broadcasting "man overboard" messages, approved the IAMSAR Manual (COMSAR 3/9/6 and addenda), as amended by the Sub-Committee (COMSAR 3/14/Add.1, annex 16) and further modified in plenary; and instructed COMSAR 4 to consider document MSC 69/10/1 (ICS) and, if appropriate, to prepare amendments to ITU Simplified Radio Regulations and the International Code of Signals.

10.21 The Committee also instructed the Secretariat to amend, if necessary, the Manual before publishing to reflect the amendments to the 1979 SAR Convention, adopted under section 3.

10.22 The delegations of Chile, Cuba, Mexico and Venezuela, supported by other Spanish speaking delegations, pointed out that the Spanish version of the draft IAMSAR Manual considered by COMSAR 3 had been received by them just recently. Therefore, they reserved their right to comment on the Spanish version.

Harmonization of Aeronautical and Maritime SAR

10.23 The Committee approved the convening of the sixth meeting of the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR to be hosted by Canada tentatively in Victoria, British Columbia, Canada, from 5 to 9 October 1998.

10.24 The Committee authorized COMSAR 4 to carry out a review study of the composition and terms of reference of the Joint ICAO/IMO Working Group and advise the Committee accordingly.

10.25 The Committee endorsed the Sub-Committee's action in issuing SAR.7/Circ.1 (1998) on the List of IMO documents and publications, which should be available for use by maritime rescue co-ordination centres.

Other SAR matters

10.26 The Committee approved MSC/Circ.864 on Guidelines for preparing plans for co-operation between search and rescue services and passenger ships on fixed routes (in accordance with SOLAS regulation V/15(c)).

10.27 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to bring the draft MSC circular on Alerting of search and rescue authorities (COMSAR 3/1/4/Add.1, annex 19) to the attention of NAV 44 for consideration and report to MSC 70 accordingly.

10.28 The Committee instructed the DE Sub-Committee to consider improvements of thermal protection in certain sea areas, having due regard to the efficiency of search and rescue and the effect of hypothermia.

10.29 The Committee noted the Sub-Committee's view that, for operational SAR purposes, it would be useful that all passenger ships should have a helicopter landing area in accordance with SOLAS regulation III/28.

10.30 The Committee's action on the Sub-Committee's requests concerning adoption of proposed amendments to the 1979 SAR Convention and the associated MSC resolution (actions 2.22 and 2.23 of document MSC 69/10) is reported under section 3 of this report.

OTHER MATTERS

SAR incidents reported by Greece in the Aegean Sea

10.31 The Committee noted information provided by Greece (MSC 69/INF.22) on incidents which had taken place within the Greek SRR.

10.32 The delegation of Turkey objected to paragraph 10.31, in which "Greece's SRR" was mentioned, for the following reasons. The positions of the two incidents, which allegedly took place next to Skyros Island, were not clear. The authorities of Greece could not determine the location of the two reported incidents. It was, therefore, not clear whether SAR services had been provided in Greek territorial waters or in high seas. As to the high seas, two unilaterally declared SAR regions exist in the Aegean Sea, pending the delimitation of SAR regions by agreements between Turkey and Greece. The unilaterally declared SAR regions by Turkey and Greece in the Aegean Sea overlap. The overlapping situation is reflected in the relevant IMO documents. Therefore, in the opinion of the delegation of Turkey, it would not be appropriate for IMO to use a language which could be construed as sympathizing with the views and position of one party only on such a delicate issue with a political dimension.

Operational plan of Inmarsat

10.33 The Inmarsat observer informed the Committee about some changes soon to be made to the Inmarsat constellation of satellites. Since the launch of the Inmarsat-2 satellites in the early 1990s, Inmarsat had generally maintained a spare satellite in space alongside each of the four operational satellites. Since the successful launch and bringing into service of five new Inmarsat-3 spacecraft, a total of nine operational satellites were in space. The four spare Inmarsat-2 satellites were co-located with the four prime Inmarsat-3 satellites. The fifth Inmarsat-3 satellite had been located over Africa and was available to spare any of the operational Inmarsat-3 satellites if required.

However, recent studies had shown that this was not the most efficient configuration of the constellation, either for business purposes or for fully robust sparing of the maritime distress and safety services and that,

as a result, Inmarsat would be moving some of the spare satellites to new orbital locations. These moves were expected to happen over a period of some months beginning in the first quarter of 1999.

The Inmarsat observer assured the Committee that Inmarsat intended to maintain the existing coverage; the current four operational satellite footprints on which much of the GMDSS service is based would remain unchanged. The coverage from the spare satellites would be different, but this coverage would provide a fully robust spare satellite capability. In addition, technical measures were being taken within the Inmarsat ground network to ensure that these changes would have no operational effect on Rescue Co-ordination Centres or SafetyNET information providers.

The Inmarsat observer further stated that Inmarsat regarded it as vitally important that IMO received authoritative information on changes such as those proposed at the earliest possible moment, and for that reason this information was brought to the attention of the Committee at this early stage.

In conclusion, the Inmarsat observer repeated the key fact that the proposed changes would not have an adverse effect on maritime distress, safety or general communications.

11 SHIP DESIGN AND EQUIPMENT

Urgent matters emanating from the forty-first session of the Sub-Committee

11.1 The Committee considered urgent matters referred to it emanating from the forty-first session of the Sub-Committee on Ship Design and Equipment (DE) (DE 41/17 and Add.1 and MSC 69/11) and took action as indicated hereunder.

Guidelines on engine-room oil fuel systems

11.2 The Committee noted that DE 41 had agreed with the work done by FP 42 on a draft MSC circular on Guidelines on engine-room oil fuel systems (see also paragraph 6.16).

Application of FSA to high-speed craft

11.3 The Committee noted the outcome on, and recommendation with regard to, the FSA high-speed craft studies (DE 41/17, paragraphs 5.8 to 5.11) and took action as reported in paragraphs 14.7, 14.8, 14.11.4 and 14.12 to 14.18 below.

12 TECHNICAL ASSISTANCE SUBPROGRAMME IN MARITIME SAFETY

Technical co-operation work plan for maritime safety

12.1 The Committee, having approved, at previous sessions, a Technical Co-operation Sub-Programme for Maritime Safety for the period 1996 to 2000 and an associated work plan (based on information on resources and needs, as communicated by Governments responding to the questionnaires contained in FSI/Circ.1 and FSI/Circ.2, needs assessment and other fact-finding missions, and information from experience gained by the Secretariat when dealing with technical co-operation activities), for incorporation in the Organization's Integrated Technical Co-operation Programme (ITCP), received reports by the Secretariat (MSC 69/12 and MSC 69/INF.11) on safety-related projects that had been approved, or were being considered, for implementation during 1997 and 1998.

12.2 The Committee noted that detailed information on the projects referred to above was contained in a relevant database maintained by the Secretariat and was informed that, while documents MSC 69/12 and

MSC 69/INF.11 present only a compact form of this database, detailed information can be supplied by the Secretariat on request.

12.3 The Committee also noted information provided by the Director of the Technical Co-operation Division concerning the status of the operation of the Technical Co-operation Fund (TC Fund). Particular attention was drawn to the fact that the approved Technical Co-operation Committee programme for 1996/1997 had included support for some 23 projects related to maritime safety and that it was anticipated that the amount of new funds for the current biennium would total approximately £2.8 million; a considerable proportion of which would be expended on projects related to maritime safety for the developing of regions and at the global level.

12.4 The Committee recalled the Secretary-General's remarks at his opening speech that the emphasis in the Organization's current activities should be shifted from the development of new standards to the implementation of existing ones and that technical co-operation was fundamental to the implementation of the standards the Committee develops.

Technical co-operation as a means to promote the acceptance and implementation of IMO instruments

12.5 The Committee noted (paragraph 1.16 of document MSC 69/20/9/Add. 1) the Assembly's request, in the context of resolution A.873(20) - Technical co-operation as a means of promoting the acceptance and implementation of IMO instruments, that the Committee should "consider and adopt, in co-operation with the Technical Co-operation Committee, measures commensurate with appropriate technical assistance for the promotion of the ratification and implementation of IMO instruments".

12.6 The Committee recalled:

- .1 the Secretary-General's opening remarks to the effect that expeditious action should be taken to enable the early entry into force of the 1988 SOLAS and LL Protocols; and
- .2 the Organization's activities to assist Governments in the implementation of:
 - the SAR Convention and the GMDSS (by means of a series of regional seminars/workshops and Conferences);
 - the revised STCW Convention (10 regional seminars/workshops);
 - the ISM Code (5 regional seminars);
 - the IMO measures to prevent and suppress terrorism at sea (3 regional seminars);
 - the IMO Guidelines to prevent and suppress piracy and armed robbery against ships (4 contemplated regional seminars); and
 - port State control (by means of a series of regional meetings)

12.7 The Committee noted statements by a number of delegations expressing appreciation for the technical co-operation received from the Organization in the field of maritime safety and further noted their request for continuing co-operation within the Integrated Technical Co-operation Programme, in particular to assist them in their efforts towards effective implementation of the IMO standards on a regional basis.

12.8 The delegation of Chile, supported by several other delegations from Latin America expressed concern at the discontinuance of the post of Regional Co-ordinator for Latin America, which was based at Santiago, Chile. They stated that the post had contributed greatly to achieving IMO's technical co-operation objectives in the region and, although it was recognized that the post was discontinued for funding reasons, there was nevertheless hope that it could be reinstated. The new proposed system for such co-operation, however, is not expected to reach the level of co-ordination achieved by the regional office. The Director of the Technical Co-operation Division confirmed that the region had benefitted from this post over some twenty odd years and that it had been supported by UNDP, SIDA and IMO. Although it had not proved possible to obtain the necessary funding for its continuance, this did not mean that there was any diminution of project activity in the region and, in this connection, the Secretariat had proposed to implement technical co-operation projects directly through regional institutions in Latin America (ROCRAM, ROCRAM-CA). He also pointed out that the new regional presence pilot scheme included all developing regions and, although the Council and Technical Co-operation Committee had indicated that preference should be given to Africa, this did not rule out the establishment of regional presence in other regions, including Latin America.

12.9 The Secretary-General, having remarked that technical co-operation was fundamental to the work of the Organization as the proper implementation of the standards developed by the Committee would not be possible without technical co-operation activities, added that although the problem of financing continued to exist, however, there would be no diminution in regional technical assistance. Within the constraints of available funding, such assistance would continue to be provided not only in Latin America but in all other regions of the world. He finally called on delegations to brief their Governments accordingly for any appropriate relevant action.

12.10 The Committee urged Governments, which had not yet done so, to consider ratifying safety-related Conventions giving priority to the 1988 SOLAS and LL Protocols and the 1979 SAR Convention and requested the Secretariat to continue its efforts to secure appropriate technical assistance for the promotion of the ratification and implementation of IMO instruments.

IMO model course programme

12.11 The Committee, having noted document MSC 69/12/1/Rev.1, providing an update on IMO model course production and revision, instructed the Secretariat to follow up the IMO model course project and report developments to MSC 70.

Technical co-operation priorities for the biennium 2000-2001

12.12 The Director of the Technical Co-operation Division informed the Committee of the preparation of a document (TC 45/9) on technical co-operation policies and strategies for 2000-2001 which sets out the basis for development of a long-term technical co-operation strategy based on the premise of a tripartite partnership between developing countries, resource-providers, and IMO. The draft strategy suggests a more pro-active role in the main Committees, such as the MSC, in establishing thematic priorities for the ITCP.

12.13 To assist the Technical Co-operation Committee (TCC), which, at its forty-fifth session in June 1998, is expected to consider the aforementioned strategy, the Committee, taking account of its agreed work programme and long-term plan, recommended the following safety-related priorities:

- .1 fostering the effective implementation of Conventions with particular emphasis on the revised STCW Convention and the ISM Code;

- .2 strengthening maritime Administrations in respect of examination and certification responsibilities relating to the revised STCW Convention and the ISM Code;
- .3 establishing and/or further strengthening maritime Administrations to enable them to meet their responsibilities as flag and port States; and
- .4 supporting maritime training institutions and fellowship programmes.

12.14 The Committee instructed the Secretariat to inform TC 45 accordingly.

13 ROLE OF THE HUMAN ELEMENT IN MARITIME CASUALTIES

General

13.1 The Committee noted that operative paragraph 4 of resolution A.850(20) - Human element vision, principles and goals for the Organization, requests the Committee to take into account the vision, principles and goals referred to in the annex thereto when considering proposals for new or revised instruments or procedures relating to safety of life at sea.

Joint session of HE and FSA groups during MSC 68

13.2 The Committee, recalling that, at its sixty-eighth session, it received an interim report on the outcome of the joint session of the Joint MSC/MEPC Working Groups on the Human Element (HE) and on Formal Safety Assessment (FSA), which had met during the session, and took action on a number of urgent issues (see section 13 of document MSC 68/23), approved, in general, the joint groups' report with regard to human element matters and took action as indicated hereunder.

Proposed draft amendments to SOLAS chapter IX and the ISM Code

13.3 The Committee, having considered proposals by Denmark (MSC 69/13/4) and IACS (MSC 69/13/5/Add.1), referred the proposed draft amendments to SOLAS chapter IX and the ISM Code to the Joint MSC/MEPC Working Group on Human Element for further consideration.

13.4 The Committee did not agree with the group's recommendation that the approval of the draft text of the amendments should be pursued in time for consideration and adoption by MSC 70 in December 1998. Instead, it decided that the draft amendments should be developed, approved and adopted in time for them to enter into force on 1 July 2002.

IMO human element activities

13.5 The Committee noted the summary progress report on IMO Human Element activities and progress made thereon.

13.6 The Committee also noted the group's decision to develop an MSC/MEPC circular containing the Human Element Analysing Process (HEAP) flow chart and its associated explanatory notes (paragraph 13.20 below).

13.7 The Committee further noted the group's intention with regard to a general debate on fatigue.

Recommendations by NUMAST

13.8 With respect to the recommendations contained in a NUMAST report on Survey of hours of work (see paragraph 13.28 of document MSC 68/23), the Committee instructed the STW Sub-Committee, in the context of its work on resolution A.481(XII), to consider any issues relating to minimum safe manning levels; consider also the need for further research to uncover more evidence of the scale of fatigue; and further consider training of masters and officers in recognizing and dealing with the effects of fatigue. The Committee further instructed the STW Sub-Committee to consider training related to fatigue and prepare relevant instructions to ship crew members other than masters and officers (MSC 69/13, paragraph 29).

13.9 The Committee instructed the FSI Sub-Committee to consider if port State control authorities should develop and implement procedures for assessing whether seafarers on ships they inspect are subject to excessive working hours; and also if accident investigators should routinely check the working hours of seafarers on ships involved in maritime casualties and assess whether fatigue and overwork has contributed to incidents.

Intersessional correspondence group

13.10 The Committee, recalling its decision at MSC 68 to establish a correspondence group under the co-ordination of the United States and with the United Kingdom acting as focal point for FSA, to work intersessionally and under agreed terms of reference (MSC 68/23, paragraph 13.3.3), noted the information provided in the group's report on the outcome of its intersessional work (MSC 69/14) relating to human element matters and referred it to the Joint Working Group on the Human Element for consideration and advice.

Second session of the Joint ILO/IMO *ad hoc* Working Group on Investigation of Human Factors in Maritime Casualties

13.11 The Committee approved, in general, the report of the second session of the Joint ILO/IMO *ad hoc* Working Group on Investigation of Human Factors in Maritime Casualties (MSC 69/13/1) and, noting the outcome of the group's discussion on the draft Guidelines on investigation of human factors in marine casualties and incidents, took further action as indicated hereunder.

13.12 The Committee noted the draft Assembly resolution prepared by the group (MSC 69/13/1, HFWG 2, annex 4) for the adoption of the Guidelines and the group's concurrence with the recommendation by FSI 5 that the Guidelines, once adopted by the Assembly, should be appended to the Code for the Investigation of Marine Casualties and Incidents (resolution A.849(20)).

13.13 After consideration, however, the Committee concluded that the draft Guidelines needed further work prior to finalization, including the review of appendix 2 thereof and therefore referred them to the FSI Sub-Committee for consideration. Recognizing that there were practical difficulties for the matter to be dealt with at FSI 6 owing to the short intermediate period, the Committee instructed the Sub-Committee to review the guidelines at FSI 7 with a view to approval at MSC 71, when a decision as to whether the Guidelines should be prepared in the form of an Assembly resolution for adoption by the twenty-first session of the Assembly to be appended to the above referred Code, or in any other form, would be taken.

Other matters

13.14 The Committee noted the Master Pilot Information Exchange forms developed by BIMCO, IAPH, ICFTU, ICS, IFSMA, IMPA, INTERCARGO, INTERTANKO, the International Group of P&I Associations, ISMA, OCIMF and SIGTTO (MSC 69/13/2) and also noted that the forms would be used by ships and pilotage organizations where appropriate.

13.15 After some discussion, the United Kingdom withdrew their proposal (MSC 69/13/3) that additional guidelines relating to companies operating multi-flagged fleets be issued.

13.16 The Committee noted the view expressed by IACS (MSC 69/13/5) on action that should be taken when major non-conformities or serious deficiencies presenting a threat to safety or harm to the marine environment are revealed by an ISM auditor.

13.17 The Committee noted the results of an investigation into near misses carried out by Japan (MSC 69/INF. 16).

Convening of the Joint MSC/MEPC Working Group on the Human Element in a joint session with the Joint MSC/MEPC Working Group on Formal Safety Assessment

Terms of reference

13.18 After a preliminary consideration of the submitted documents, the Committee reconvened the Joint MSC/MEPC Working Group on the Human Element in a joint session with the Joint MSC/MEPC Working Group on Formal Safety Assessment and instructed it, with regard to human element matters and taking into account comments and proposals made in plenary:

- .1 to further consider the proposed draft amendments to SOLAS chapter IX and the ISM Code in the context of including relevant provisions relating to periods of validity of certificates, interim certification and the forms of certificates (MSC 68/23, paragraph 13.21);
- .2 to consider the issue of fatigue and fatigue-related incidents in the shipping industry, taking into account any related studies or research documents and the recommendation by NUMAST (MSC 68/INF.9), ICFTU (MSC 69/INF.10), Australia (MSC 69/INF.15) and Japan (MSC 69/INF.16), and advise the Committee as appropriate;
- .3 to consider document MSC 69/14, in particular paragraphs 3, 5, 6 and 7 and annexes 1 and 2, and advise the Committee as appropriate;
- .4 to recommend, if judged necessary, intersessional work by a correspondence group and the co-ordinator and draft terms of reference;
- .5 to recommend whether the future activities of the Joint Working Groups on the Human Element and on Formal Safety Assessment would best be carried out independently or jointly. If it is recommended that its future work should be carried out independently, the joint groups should advise the Committee on how co-operation between the two joint groups could be enhanced with a view to optimizing the two Committees' decision-making process; and
- .6 to present an interim report on progress made and action the Committee should take at this session.

13.19 Having received an interim report of the Joint MSC/MEPC Working Groups on the Human Element and on Formal Safety Assessment at their joint session (MSC 69/WP.10), supported by an oral status report, and noting that the groups' report would be submitted to MSC 70 and MEPC 42, the Committee took action with regard to human element matters as indicated hereunder.

Interim Guidelines for the application of HEAP to the IMO rule-making process

13.20 The Committee approved a draft MSC/MEPC circular on Interim guidelines for the application of human element analysing process (HEAP) to the IMO rule-making process, as given in MSC 69/WP.10, annex 1, subject to concurrence by the MEPC. The Secretariat was instructed to inform the MEPC accordingly.

Future activities of the Joint Working Groups

13.21 The Committee's considerations and decisions on the future activities of the group are reflected in paragraph 14.19.

14 FORMAL SAFETY ASSESSMENT

General

14.1 The Committee recalled that MSC 68, having received an interim report on the outcome of the joint session of the Joint MSC/MEPC Working Groups on the Human Element (HE) and on Formal Safety Assessment (FSA), which had met during that session, took action on a number of urgent issues as recorded in paragraphs 13.30 to 13.34 of document MSC 68/23 and decided to consider the remaining issues at this session (see paragraph 14.3).

14.2 In this respect, the Committee noted that MEPC 40 had taken action on the issues referred to the two Committees by the joint group as follows:

- .1 approved the Interim Guidelines and the Standard Reporting Format for reporting trial application of the Interim Guidelines, which were disseminated by means of MSC/Circ.829 and MEPC/Circ.335;
- .2 concurred with the MSC decision to approve the work of an intersessional correspondence group and its terms of reference;
- .3 concurred with the MSC decision that the two working groups meet jointly again during MSC 69, and the groups' considerations with regard to the future of both Human Element and Formal Safety Assessment Working Groups;
- .4 approved the group's recommendation to expand the FSA Interim Guidelines in order to clarify the incorporation of HE and to consider the mechanism by which they could be used within the IMO rule-making process. In this context, it was agreed that the FSA working group should also consider the incorporation of the Precautionary Approach into the application of FSA, though it was suggested that FSA was a reflection of the scientific application of this very concept; and
- .5 approved those aspects of the report of the two joint working groups on their joint session during MSC 68 related to FSA.

Outcome of the joint session of the HE and FSA Working Groups at MSC 68

14.3 The Committee considered, from the FSA viewpoint, the report of the joint session of the HE and FSA Working Groups at MSC 68 (MSC 69/13) and, having approved, in general, the report of the two joint working groups on their joint session, noted the group's recommendation for the need to expand the FSA

Interim Guidelines to clarify the incorporation of Human Element and to consider the mechanism by which the guidelines could be used within the IMO rule-making process and concurred with the decision of MEPC 40 on the recommendation (see paragraph 14.2.4 above) that the FSA group should also consider the incorporation of the Precautionary Approach into the application of FSA.

Report of the Correspondence Group on the Human Element and on FSA

14.4 The Committee recalled its decision at MSC 68 to establish a correspondence group under the co-ordination of the United States and with the United Kingdom acting as focal point for FSA, to work interessionally under agreed terms of reference and, having considered those parts of the report (MSC 69/14) of the correspondence group relating to the FSA, took note of the action requested of the Committee and instructed the joint session (see paragraph 14.11 below) to deal accordingly and advise the Committee as appropriate.

Trial and practical application of FSA to the work of the Committee

14.5 The Committee had for its consideration documents submitted by:

- .1 Germany (MSC 69/14/1) containing the final report (Part III) on Novel emergency propulsion and steering devices for oil tankers analysed with the FSA method;
- .2 IACS (MSC 69/14/2 and Add.1) containing, respectively, a study on the applicability of the interim guidelines to the particular subject of cargo tank venting, purging and gas freeing and a basic glossary of FSA terms;
- .3 the United Kingdom (MSC 69/14/3 and MSC 69/14/5) containing proposals for practical application of FSA to the work of the Committee; and
- .4 Finland (MSC 69/INF.24) on trial application of the FSA to the transportation of dangerous goods on passenger/ro-ro cargo ships.

14.6 Following a general discussion, the Committee noted the contents of the documents referred to above and further noted the view of the delegation of Greece, supported by other delegations, that any group of experts established to validate FSA studies should be a group either of the Committees or of an appropriate sub-committee and should work under the instructions of that IMO body; and, having recalled that it had decided, when considering item 13, that the Joint Working Group on the Human Element should meet at a joint session with the Joint Working Group on Formal Safety Assessment during the whole session, referred the documents to the joint session for consideration.

Review of FSA studies

FSA study on high-speed craft

14.7 The Committee briefly discussed documents MSC 69/14/4 and MSC 69/INF.4 (United Kingdom) regarding trial application of the FSA methodology on high-speed catamaran ferries and referred them to the joint group for consideration.

14.8 In this context, the Committee noted that DE 41 considered, as instructed by MSC 68, FSA studies by the United Kingdom and Sweden and, recognizing the potential significance of the FSA results for the safety of high-speed craft, supported the proposal that an independent review of the FSA studies submitted by the United Kingdom and Sweden be undertaken and proposed that the Committee decide on the best

course of action, bearing in mind the desirability of involving relevant experts including high-speed craft and human element experts, in the review. DE 41 further recommended terms of reference of a group (MSC 69/11, paragraph 6) should such a group be established to review the FSA studies.

FSA study on helicopter landing areas on passenger ships

14.9 The Committee briefly discussed documents MSC 69/14/6 (ICCL) and MSC 69/14/7 and MSC 69/INF.31 (Italy) and, having noted that COMSAR 3 considered (see paragraph 10.29 above) that, for operational SAR purposes, all passenger ships should have a helicopter landing area in accordance with SOLAS regulation III/28, whilst DE 41, being unable to reach consensus on the matter, invited MSC 70 to provide clear instruction on how to proceed with the issue, referred the aforementioned documents to the joint group for consideration.

14.10 The delegation of Japan was not in favour of amending regulation III/28 which had not yet taken effect, because such frequent amendments might question IMO's credibility.

Reconvening of the Joint Working Group on FSA in a joint session with the Joint Working Group on the Human Element

Terms of reference

14.11 Having recalled its decision, when considering item 13, that the Joint Working Group on the Human Element should meet in a joint session with the Joint Working Group on Formal Safety Assessment during the whole session (see paragraph 13.18 above), the Committee instructed the joint session, with regard to Formal Safety Assessment matters and taking into account comments and proposals made in plenary:

- .1 to consider the need to expand the FSA Interim Guidelines, taking into account documents MSC 69/14 (paragraph 4), MSC 69/14/1, MSC 69/14/2 and Add.1, MSC 69/14/4 and MSC 69/INF.14; and advise the Committee accordingly;
- .2 to consider paragraphs 4 to 6 of document MSC 69/14, in particular with regard to further action needed on the use of FSA within the IMO rule-making process; and advise the Committee as appropriate;
- .3 to consider documents MSC 69/14/3 and MSC 69/14/5; and advise the Committee, as appropriate, on action proposed in paragraphs 13 and 14 of document MSC 69/14/3;
- .4 to consider whether an *ad hoc* working group on review of FSA studies should be established to validate the FSA study on high-speed craft reported in documents DE 41/INF.7 and DE 41/INF.11 and, if so, to review, if necessary, the terms of reference outlined in document MSC 69/11, paragraph 6;
- .5 to consider documents MSC 69/14/6, MSC 69/14/7 and MSC 69/INF.31 and advise the Committee as to whether the aforementioned *ad hoc* working group on review of FSA studies should be instructed to validate the FSA studies on helicopter landing areas reported in documents COMSAR 3/9/13/Add.1 and MSC 69/INF.31 and, if so, expand the above-mentioned proposed terms of reference to cover this matter; and
- .6 to present an interim report on progress made and action the Committee should take at this session.

Outcome of the joint session

14.12 Having received an interim report of the Joint MSC/MEPC Working Groups on the Human Element and on Formal Safety Assessment at their joint session (MSC 69/WP.10), supported by an oral status report, and noting that the groups' report would be submitted to MSC 70 and MEPC 42, the Committee took action with regard to FSA matters as indicated hereunder.

Establishment of an intersessional correspondence group

14.13 The Committee agreed to establish, under the co-ordination of the United Kingdom*, an Intersessional Correspondence Group on Trial Application of Formal Safety Assessment, to review the FSA studies on helicopter landing area (HLA) on board non ro-ro passenger ships (SOLAS regulation III/28.2 refers) carried out by Norway and ICCL (MSC 69/14/6, DE 41/INF.2 and COMSAR 3/9/13/Add.1) and by Italy (MSC 69/14/7 and MSC 69/INF.31).

14.14 The following terms of reference for the correspondence group for the above objective were agreed:

- .1 to evaluate the methodology applied and verify that it is in accordance with the Interim Guidelines adopted by the Organization;
- .2 to evaluate the appropriateness of scenarios applied, assumptions made and limitations of the study with regard to the significance of the findings;
- .3 to evaluate that the risks estimated from the most critical scenarios have been addressed in an appropriate manner; and
- .4 to develop recommendations for actions to be considered by the Committee at its seventieth session based on the results of the review.

14.15 The Committee further agreed that the correspondence group should continue to work after having reported to MSC 70, under the co-ordination of Italy.**

14.16 The objective of the correspondence group in its further work would be to review the FSA study carried out on high-speed catamaran ferries by the United Kingdom (MSC 69/14/4, MSC 69/INF.14, DE 41/5/6 and DE 41/INF.7) as an example of an FSA trial application.

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14.17 The following terms of reference for the above objective were agreed:

- .1 to evaluate the trial application in order to consider further and improve the Interim Guidelines on FSA and in particular:
 - .1 to provide a better understanding of the regulatory impact diagram and its use within the FSA process;
 - .2 to consider the extent of the use of expert views/judgements in the FSA application;
- .2 to consider the risk control options presented in the study and to recommend what action, if any, should be taken in the light of conclusions of the review; and
- .3 to report to the seventy-first session of the Committee.

Working group at MSC 70

14.18 The Committee, having agreed to establish, at MSC 70, the Working Group on Trial Application of Formal Safety Assessment (FSA), invited Members, when forming their delegation to MSC 70, to take into account the need for various areas of competence in the working group, *inter alia*, search and rescue, design, construction and equipment, helicopter operations, passenger ship operations, human element and FSA. The Committee also invited ICAO to participate in this work.

Future activities of the joint working groups

14.19 After careful consideration of the advisability or otherwise of merging the two working groups and although realizing that ideally separate groups would be preferable, the Committee decided to combine the two Joint MSC/MEPC Working Groups on the Human Element and on Formal Safety Assessment into one Joint MSC/MEPC Working Group on the Human Element and Formal Safety Assessment and to convene this group at MSC 71, subject to further consideration by MSC 70. However, the Committee agreed to keep the present items concerning the Role of the Human Element and Formal Safety Assessment as separate items on its agenda and to establish priorities for both items, when assigning the terms of reference to the new Joint MSC/MEPC Working Group.

15 MATTERS RELATED TO THE INF CODE

15.1 The Committee recalled that, at its sixty-eighth session (MSC 68/23, paragraphs 15.14, 15.15, 15.17 and 15.21), it:

- generally endorsed proposed draft Assembly resolutions on Amendments to the INF Code and the Adoption of the shipboard emergency guidelines;
- approved the draft progress report, to the twentieth session of the Assembly, on the review of the INF Code, subject to contributions by NAV 43 and completion and endorsement by MEPC 40;
- decided that the INF Code, as set out in resolution A.748(18) together with the draft amendments submitted to the twentieth session of the Assembly for adoption, should be made mandatory; and

- instructed the DSC Sub-Committee to prepare appropriate amendments to SOLAS chapter VII drawing the Sub-Committee's attention that change of text and updating of the INF Code in its mandatory status would be needed; and that an appropriate draft text of the INF Code should also be proposed, for consideration and approval by the Committee at this session.

15.2 The Committee recalled further that the issue of the mandatory application of the INF Code was considered under section 9 (Report of the DSC Sub-Committee)

15.3 Pursuant to the Assembly's instructions, the Committee considered document A 20/9/3 by Ireland which proposed adoption by the Assembly of a resolution which would:

- .1 recognize the concerns of coastal States in relation to the movement, near their shores, of vessels carrying INF materials;
- .2 recognize also the need to maintain freedom of navigation and to protect the marine environment, in general and the coastal environment, in particular; and
- .3 exhort IMO Member States to facilitate the development of bilaterally agreed systems for communicating information on such voyages.

15.4 The Committee noted that the Assembly, at its twentieth session, considered, through its Committee 2, the issues raised by Ireland but could not resolve them. Agreeing that it was premature to consider the proposed draft resolution, the Assembly recommended both the MSC and MEPC to further consider the issue of "prior notification".

15.5 Having discussed the matter, the Committee, having noted arguments that a "prior notification" requirement might result in contravention of UNCLOS and the Convention on Protection of Nuclear Material, it might lead to an undesired precedent for the transportation of other dangerous goods and notification might lead to interference by terrorists, agreed not to pursue the issue further at present.

15.6 The Committee furthermore noted:

- the approval, by the twentieth session of the Assembly, of the progress report on the review of the INF Code and the adoption of amendments to that Code and of the shipboard emergency guidelines;
- the Assembly's request to the MSC and MEPC, in consultation with IAEA and UNEP, to complete the work pursuant to resolution A.790(19) as a matter of urgency and to consider possible improvements to the amended Code based, *inter alia*, on experience gained in its use, which is being addressed by the current activities of the Committee, the MEPC and the DSC and NAV Sub-Committees; and
- the actions taken by MEPC 40 and MEPC 41 on this matter, in particular the establishment of an informal inter-agency group comprising, *inter alia*, IMO, IAEA and UNEP, to conduct a literature study on specific hazards associated with the maritime transport of flasks, and the consequences of severe accident scenarios.

15.7 In the context of decisions taken by MEPC 41 (MSC 69/15/2) with respect to the implementation of the OPRC Convention and related matters, the Committee noted that MEPC 41 agreed that, at present, there was no need to:

- .1 include in the INF Code any additional specific requirements for shore-based INF emergency response plans; and
- .2 further discuss that shipboard emergency plans should be made available to coastal States concerned.

16 PIRACY AND ARMED ROBBERY AGAINST SHIPS

16.1 The Committee noted (MSC 69/16) that, in accordance with the Committee's instructions, the Secretariat had issued monthly reports of incidents of piracy and armed robbery against ships reported to it (latest MSC/Circ.844 of 30 April 1998), quarterly analysis of those incidents (latest MSC/Circ.843 of 31 March 1998) and a summary report of incidents which occurred in 1997 (MSC/Circ.840 of 13 March 1998).

16.2 The Committee also noted that the number of incidents of piracy and armed robbery against ships which occurred in 1997, as reported to the Organization, was 252, an increase of 24 over the figure of 1996; whilst the total number of such unlawful acts reported since 1984 amounted to 1,207. Most of the attacks were reported to have occurred in territorial waters while the ships were at anchor or berthed and in many cases violence was used against the crew. The areas most affected by pirates and armed robbers continued to be the same, i.e. the South China Sea, Strait of Malacca, Indian Ocean, East and West Africa and South America. This points to the fact that, apart from a temporary decline in the unlawful acts under review immediately after the IMO missions to the Malacca Strait area in 1993 and the South China Sea area in 1995, the phenomenon continued to appear to be of an endemic character.

16.3 The Committee expressed, once again, deep concern for the continuing increase in acts of piracy and armed robbery against ships which, on the basis of statistics kept by the Organization, continues unabated in virtually the same areas of the world; and discussed action which should be taken to halt these acts, which, apart from endangering the safety of life at sea may become detrimental to the marine environment as well. In this respect, the Committee recalled that at its sixty-eighth session (MSC 68/23, paragraphs 16.5 and 16.6), noting that the situation with respect to piracy and armed robbery against ships had deteriorated in some parts of the world, it requested the Secretary-General to enter into consultations, at Ambassadorial level, with the Governments of countries in whose waters acts of piracy or armed robbery against ships had most frequently been reported and if, as a result of such consultations, the Governments concerned indicated a willingness to co-operate with IMO experts, authorized him to organize missions to these countries in a further effort to sensitize them to the need to prevent and suppress such acts. In addition, the Committee instructed the Secretariat to seek the necessary funds to organize, in co-operation with Governments in the regions most affected, seminars to explain the problem of piracy and armed robbery and the Organization's recommendations on how to deal with them.

16.4 The Committee noted (MSC 69/16/2) that, pursuant to the above instructions, the Secretary-General had entered into consultations with the Ambassadors and High Commissioners in London of countries where piracy and armed robbery have most frequently been reported and, that as a result of these consultations, agreement had been reached for the Organization to send missions of experts to a selected number of countries to further discuss the implementation in those countries of the IMO guidelines for preventing and suppressing piracy and armed robbery against ships (MSC/Circs.622 and 623). The missions are to be followed by regional seminars intended to assist Governments and officials in the countries concerned to enhance their capability for preventing and suppressing such unlawful acts in their waters.

16.5 The Committee further noted that the Secretariat had drawn up a budget for four regional seminars planned to be held, subject to the availability of funds, in Singapore, Rio de Janeiro, Lagos and Aden for selected countries in South East Asia, South and Central America, West Africa and the Indian Ocean regions respectively. It also noted that the Governments of Australia, Denmark, Greece, the Netherlands, Norway, Panama, the United Kingdom and the United States, and Inmarsat, ICS/ISF, OCIMF, INTERTANKO and ICFTU/ITU had so far positively responded to the Secretary-General's request for financial support to implement the project. On the basis of this, the Secretariat was arranging to hold the first of the contemplated regional seminars in Rio de Janeiro tentatively in October 1998; and the second in Singapore in early February 1999.

16.6 The delegation of Brazil informed the Committee that its Government had established a commission to co-ordinate the work of the agencies involved in combatting armed robbery against ships with a view to improving their effectiveness. It confirmed the acceptance by Brazil to host the Rio de Janeiro seminar on the dates to be communicated to the Secretariat as soon as they are decided.

16.7 The delegations of India, Indonesia, Malaysia, the Philippines and Thailand informed the Committee of the measures their Governments had taken to prevent and suppress piracy and armed robbery against ships, including bilateral agreements with neighbouring countries and the intensification of coastal patrols.

16.8 The delegation of Hong Kong, China informed the Committee about the actions its Government had taken with respect to those cases reported to have taken place in the waters of Hong Kong, China and stated that none of the cases which had happened in its waters were classified as piracy under the laws of Hong Kong, China.

16.9 The delegation of Indonesia, supported by the Philippines and other delegations, welcomed the planned missions and seminars. However, it wanted the Terms of Reference for the mission of experts to be carefully considered in order to ensure that the missions achieved the required objectives. It requested that the countries to be visited be given enough advance notice of the dates of the visits to enable adequate arrangements to be made.

16.10 A number of delegations spoke of the difficulty of conducting investigations into incidents reported in their waters because these reports arrive long after the incidents had occurred and, therefore, suggested that shipmasters should be instructed to promptly report incidents to the competent authorities of the coastal States concerned in order that action could be taken in an efficient manner.

16.11 The BIMCO observer, supported by INTERTANKO, was of the opinion that the incidents of piracy and armed robbery against ships are greatly under reported because many masters do not want their ships to be delayed in ports while lengthy investigations are carried out. They asked for assurance to be given by Administrations that investigations will be carried out expeditiously and will not, in any case, delay the progress of the ships' operations. They were of the opinion that this would encourage masters to report all incidents they encounter.

16.12 The ICFTU observer expressed the seafarers' grave concern about the growth and proliferation of piracy and armed robbery against ships and the increasing level of violence. In addition to expressing appreciation to the Secretary-General for the actions he had taken, the ICFTU also thanked the United States for raising the matter at the United Nations General Assembly in November 1997, during the law of the sea debate. It was then suggested that a multi-agency approach would complement the excellent work of IMO, and the ICFTU urged all parties to raise the problem of piracy and armed robbery against ships when the next opportunity presents itself at the United Nations General Assembly.

16.13 The delegations of Australia, Denmark and the United Kingdom expressed support for the efforts of IMO to prevent and suppress piracy and armed robbery against ships, in particular the planned missions to selected countries and the proposed regional seminars. Denmark and the United Kingdom had provided financial support to implement the projects and all three countries were considering contributing experts to participate in both the missions and the seminars.

16.14 In response, the Secretariat explained that it was their intention to liaise with the London representatives of countries to be visited by the missions of experts and to take their opinions into account when finalizing the experts' Terms of Reference.

16.15 The Committee expressed appreciation to the Governments and international organizations referred to above for their financial support to implement the missions and regional seminars and for making available experts to man the missions; and welcomed BIMCO's offer to assist. It also expressed appreciation to the Secretary-General for his efforts and initiatives in this field.

16.16 The Committee urged Governments and international organizations receiving requests for financial or technical support to implement the project the Secretariat has put in place to consider them favourably.

16.17 The Committee recalled that, at its fifty-ninth session (MSC 59/33, paragraph 12) it had instructed the Secretariat to forward to the coastal States concerned reports on piracy and armed robbery reported to have occurred within their territorial waters for comments and advice on any relevant action they had taken in accordance with national and international law.

16.18 The Committee expressed appreciation to the Governments of Brazil, China, India, Indonesia and Hong Kong, China for providing information (MSC 69/16/1) on the actions they had taken with regard to incidents reported to have occurred in their territorial waters and urged other Governments which receive similar reports to provide the Organization with the information requested.

Outcome of the 1997 Bremen Conference on Safety in the Port Environment

16.19 The Committee noted (MSC 69/2/6) a recommendation made by the 4th International Conference on Safety in the Port Environment (Bremen, 14 to 16 April 1997), calling for the establishment of a permanent IMO/BIMCO Working Group to constantly observe piracy and violent attacks against ships and seafarers.

16.20 In this regard, the Committee observed that IMO was already carrying out the recommended activities through the collection from, and dissemination to, its Member Governments and international organizations of reports on piracy and armed robbery against ships and that this would be further followed up with the planned missions of experts to selected countries and the regional seminars aimed at explaining and encouraging the implementation of the IMO guidelines and recommendations for the prevention and suppression of piracy and armed robbery.

16.21 The Committee therefore decided that no additional action is necessary to implement the aforementioned recommendation.

17 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Acceptance of conventions

17.1 The Committee noted information on the status of acceptance, as of 6 February 1998, of safety-related conventions, protocols and amendments thereto (MSC 69/17 and MSC 69/INF.8) and was advised orally by the Secretariat of additional acceptances notified after the above date.

17.2 The Committee noted statements made by the delegations of Denmark, Tunisia and the United Kingdom regarding acceptance by their Governments of various safety-related IMO instruments. It welcomed, in particular, the United Kingdom's information on acceptance of the 1988 LL Protocol, which would bring closer its entry into force date.

17.3 With regard to the application of Article 3 of the 1993 Torremolinos Protocol, the Committee noted information provided by the EC representative relating to the adoption of Council Directive 97/70/EC, which is entirely based upon that Protocol and will apply in the European Community from 1 January 1999.

17.4 The Committee agreed with the observation of the delegation of Japan with regard to the entries in MSC 69/INF.8 and instructed the Secretariat, when preparing the relevant document for the next session, to include only the list of mandatory instruments and amendments thereto.

17.5 The delegation of Japan, referring to the recent case where the certified copies of amendments to mandatory instruments were received by its Government almost four months after the date on which the amendments were deemed to have been accepted, conveyed the serious concern of the Government of Japan on this delay which was not in conformity with the intent of the provisions of article VIII(b)(v) of SOLAS 74. The receipt of certified copies after the acceptance date had prevented them from reviewing whether they had any objections to the amendments prior to their acceptance date. The Government of Japan, therefore, would request the Secretariat to circulate certified copies of amendments as soon as possible but not later than two months before the acceptance date, bearing in mind that resolution 4 of the 1994 SOLAS Conference calls for the circulation of amendments within four months before the acceptance date.

Implementation of codes, recommendations, guidelines, etc.

17.6 The Committee also noted information provided by the Secretariat on the status of implementation, as of 6 February 1998, of safety-related codes, recommendations, guidelines and other non-mandatory instruments presented in a consolidated tabulation based on information provided by Member Governments (MSC 69/17/Add.1 and MSC 69/INF.9). The Committee noted that these two submissions were pursuant to the Committee's decision (MSC 68/24, paragraph 19.5) that the information contained therein should be issued once every two years for the first session of the Committee after each session of the Assembly.

17.7 The Committee's attention having been drawn to the fact that some of the information provided in document MSC 69/INF.9 was out of date, it invited Member Governments to review that information and provide the Secretariat with any necessary amendments.

Implementation of the International Safety Management (ISM) Code

17.8 The Committee noted information on the implementation of the International Safety Management (ISM) Code provided by the Secretary-General in document MSC 69/17/2. The Committee noted in particular that, in response to concerns expressed about progress being made towards effective implementation of the Code and in order to provide the Assembly at its twentieth session with authoritative information, the Secretary-General conducted a survey in July 1997 which indicated that about 70% of the world's fleet would comply by 1 July 1998. The Committee also noted that the Secretary-General took the initiative to submit to the 1997 SOLAS Conference on Bulk carrier safety, which met during the twentieth session of the Assembly, a draft Conference resolution which was unanimously adopted as Conference resolution 9, requesting SOLAS Contracting Governments with a considerable number of bulk carriers under their flags, as well as the recognized organizations and shipping companies concerned, to redouble their efforts to ensure timely and effective implementation of the ISM Code on these ships.

The Secretary-General informed the Committee that his latest survey, in January 1998, had indicated that about 78% of the world's fleet would successfully comply with the requirements of the ISM Code by the due date. He reminded the Committee again that SOLAS regulation IX/2 did not provide for any extension of implementation dates for the introduction of the ISM Code. He therefore suggested that no Government should contemplate extending the implementation date beyond 1 July 1998 as, not only may it find itself contravening the SOLAS Convention but also because ships under its flag would, if not in compliance, suffer all the repercussions of this when in ports of foreign States exercising their right under the provisions of SOLAS. He also reminded the Committee that the deadline for all other categories of ships and mobile offshore drilling units, 1 July 2002, was not far off and that it would be prudent to begin the process of implementation of the requirements as soon as possible in order to ensure effective compliance by the due date.

17.9 The Committee expressed appreciation for the Secretary-General's strenuous efforts to ensure the timely and effective implementation of the ISM Code and, agreeing with the above statement of the Secretary-General, re-affirmed that no extension of the implementation date beyond 1 July 1998 should be contemplated and urged SOLAS Contracting Governments acting as flag State as well as shipping companies and classification societies to expedite compliance as appropriate.

17.10 The Committee also invited SOLAS Contracting Governments acting as port States to take appropriate action to assist, as from 1 July 1998, in the wide and effective implementation of the ISM Code.

17.11 The delegation of China informed the Committee that the Government of China will ensure implementation of the ISM Code:

- by banning any Chinese ship found not to comply fully with the Code on 1 July 1998 from trading internationally; and
- through port State control measures which may lead to detaining or prohibiting the entry into Chinese ports of any foreign ships which do not fully comply by that date.

17.12 The delegation of Liberia welcomed the efforts of the Secretary-General in promoting the implementation of the ISM Code and wanted the Organization, in addition to monitoring the status of implementation of the Code, to establish means of evaluating in due course whether the expected improvements in safety standards as a result of the introduction of the Code were being achieved.

Uniform wording for referencing IMO instruments

17.13 The Committee recalled that, in reviewing, at its sixty-eighth session (MSC 68/23, paragraphs 17.2 and 17.3), the draft Guidelines on methods for making reference to mandatory and non-mandatory IMO instruments, it had agreed to reconsider the issue at this session on the basis of a revised text which the Secretariat was instructed to prepare taking into account the various comments. The Committee generally welcomed the text prepared by the Secretariat (MSC 69/17/1) and, bearing in mind diverging comments made in plenary, invited interested delegations through an *ad hoc* group to revise the text and make appropriate recommendations.

17.14 The Committee considered revised draft Guidelines prepared, in response to the above invitation and with the concurrence of the other delegations participating in the group, by the delegation of Japan (MSC 69/WP.14) but, recognizing that further discussion was required, agreed to defer consideration of the draft Guidelines to its next session. Member Governments were invited to submit, in accordance with paragraph 45.4 of the Guidelines on the organization and methods of work of the Committee, comments based on the above revised draft Guidelines to MSC 70 when the Guidelines will be expected to be finalized.

List of IMO safety-related requirements and recommendations applicable to all ships and certain types of ships

17.15 The Committee considered the proposals (MSC 69/2, paragraph 12) regarding the List of IMO safety-related requirements and recommendations applicable to all ships and certain types of ships the twentieth session of the Assembly requested the Committee to consider.

17.16 The Committee, having noted the Assembly's request of the Committee on the issue, instructed the Secretariat to:

- .1 structure the list so that it groups the instruments according to ship types they are applicable to and, if possible, subdivide it according to the chapters of the relevant conventions; it should also indicate, for each instrument, its legal character, i.e. whether it is a legally binding or recommendatory instrument;
- .2 prepare the list in the form of a small database (i.e. Access);
- .3 place the content of the document on the Internet Website to increase accessibility; and
- .4 complete this work by MSC 71.

17.17 The Committee instructed the Secretariat, prior to acting as requested above, to update the aforementioned list, given in document A 20/9/1 and to disseminate it by means of circular MSC/Circ.815, as decided by MSC 68.

Corrosion prevention of seawater ballast tanks

17.18 The Committee noted information (MSC 69/INF.23) provided by IACS advising that its members will apply its Unified Interpretation SC 122 on "Corrosion prevention of seawater ballast tanks" in association with SOLAS regulation II-1/3-2 as from 1 July 1998.

18 RELATIONS WITH OTHER ORGANIZATIONS

Applications for consultative status

18.1 The Committee, recalling that MSC 67 recommended to Council not to grant consultative status to the International Sailing Federation (ISF, now ISAF); to grant consultative status to the International Parcel Tankers' Association (IPTA); and, in reviewing the consultative status of EUROMOT vis-à-vis the CIMAC application, to maintain EUROMOT in consultative status denying it from CIMAC (considering that the latter would not add significantly to the EUROMOT contributions while being able to have access to IMO through EUROMOT), noted the decision taken by the Council at its seventy-eighth session to grant consultative status to IPTA and to retain it with EUROMOT.

18.2 In considering the application of the European Portable Tank Association (EPTA) for consultative status referred to it by the Council (MSC 69/18) and the additional information supplied by the International Sailing Federation (ISAF) (MSC 69/INF.2), the Committee noted that:

- .1 MEPC 40 decided to recommend to the Council not to grant consultative status to EPTA, neither being truly international nor being in a position to contribute directly to IMO's work and having access to IMO through other organizations; and

- .2 MEPC 41 decided to recommend to the Council that consultative status should be granted to ISAF, since it meets the criteria for the grant of such status and, in particular, is in a position to contribute directly to the work of IMO through application of MARPOL Annex V; and does not have access to IMO through other organizations.

18.3 The Committee established a group to consider:

- .1 the application by EPTA annexed to document MSC 69/18; and
- .2 the additional information supplied by ISAF (MSC 69/INF.2).

18.4 Having received the group's report (MSC 69/WP.8), the Committee, concurring with the decision of MEPC 40, recommended to the Council that consultative status should:

- .1 not be granted to EPTA, since it was viewed as not being truly international nor in a position to contribute directly to the work of IMO and that it could have access to IMO through other organizations; and
- .2 be granted to ISAF, since it meets the criteria for the grant of such status and, in particular, would be able to contribute directly to the Committee's work relating to SOLAS chapters IV and V and the Collision Regulations.

Report on the ISO/TC 8 work programme

18.5 The Committee considered a report by ISO on the ISO/TC 8 work programme as it relates to the work of the Committee and its subsidiary bodies (MSC 69/18/1) and noted a previous submission to MEPC (MEPC 41/INF.15) and comments thereon by IACS (MSC 69/18/2) expressing concern on the possible overlapping of the work of ISO/TC 8 with the work of IACS Member Societies.

18.6 The Committee, noting the requirements of SOLAS regulation II-1/3-1 to the effect that ships shall be designed, constructed and maintained in compliance with the standard mechanical and electrical requirements of a classification society which is recognized by the Administration or with applicable national standards of the Administration which provide an equivalent level of safety; and acknowledging with appreciation the valuable contribution of both organizations to its work programme, welcomed the statements by the representatives of IACS and ISO aimed at enhancing their mutual co-operation in order to avoid confusion between the respective work of IACS Members and ISO in matters concerning structural, mechanical and electrical requirements.

Implications of UNCLOS for IMO

18.7 The Committee noted that the Council, at its nineteenth extraordinary session, considered a study contained in document C/ES.19/19(b)/1, on the implications of the entry into force of the United Nations Conventions on the Law of the Sea (UNCLOS) for IMO and recommended that, in the context of their work, the various IMO bodies keep the study in mind as a reference document.

19 APPLICATION OF THE COMMITTEE'S GUIDELINES

Guidelines on the organization and method of work

19.1 The Committee recalled that MSC 68 and MEPC 40, having reviewed the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies in the light of

experience gained with their application, approved the revised Guidelines, which were eventually disseminated by means of circulars MSC/Circ.816 and MEPC/Circ.331.

19.2 The Committee considered document MSC 69/19 (Argentina, Chile, Colombia, Mexico, Panama and Venezuela) referring to the provisions of paragraph 45.2 of the Guidelines which provides that bulky documents (more than six pages of text) should be received by the Secretariat not later than 12 weeks prior to the opening of any session of the Committees and their subsidiary bodies. The submitting Governments expressed concern that for a very bulky document it will be difficult and at times physically impossible to meet the specified deadline and suggested that the deadline for receiving such bulky documents by the Secretariat should be extended progressively depending on their number of pages.

19.3 In addressing the issue raised in document MSC 69/19, the Committee recognized that, although the very bulky documents which had prompted the submission of the aforementioned joint proposal were isolated cases, paragraph 45.2 of the Guidelines might need to be revised to establish an extended deadline for submission of the very bulky documents (say over 50 pages of text).

19.4 In the process of further discussion on this item, the Committee was advised by the Secretariat that, in the course of application of the revised Guidelines, they had identified a number of provisions of the Guidelines which might need clarification or modifications to achieve a more clear or precise text, such as:

- .1 the expression "requiring action or decision" contained in paragraph 45.2 should be clarified in the context of paragraph 45.3, i.e. whether non bulky documents referred to in paragraph 45.3 should be accepted by the Secretariat, if they require action or decision;
- .2 in order to formally allow for comments (i.e. for the Secretariat to accept documents commenting on urgent matters emanating from a sub-committee meeting held 8 or 12 weeks prior to the Committee's meeting), paragraph 45.4 of the Guidelines could be amended to include after ".2 above" the words to the effect that documents commenting on urgent matters emanating from the sub-committee meeting held less than 8 or 12 weeks referred to in paragraph 44 of the Guidelines should be processed if received by the Secretariat not later than 6 weeks before the Committee's meeting; and
- .3 in the case of paragraph 1.2 of attachment 3 to the Guidelines, the text of the paragraph could be amended to read that Member Governments and international organizations should not, as a rule, submit documents on work programme items, which have not been included in the approved provisional agenda of a particular sub-committee session. However, if such documents are submitted, they should be issued as information documents and should be placed under the "Any other business" agenda item of the session concerned.

19.5 The Committee recalling its discussion under previous sections of this report regarding the issuance of circulars by sub-committees first and their request to the Committee to subsequently endorse the action taken, agreed, in principle, that the Guidelines should be amended to the effect that the sub-committees should not, as a rule, issue circulars which are supposed to be issued only after approval by the Committees. However, this could be permitted in exceptional cases as may be prescribed in the Guidelines.

19.6 The Committee noted that the Legal Committee, at its seventy-seventh session, had agreed to amend its Guidelines to provide that when an issue is transferred to the Committee by another Committee of the Organization for specific action, the Legal Committee, before including the subject in question in its work programme, should decide that the requirements of paragraph 9 of its Guidelines were fully satisfied, even if the issue, in accordance with the criteria of the referring Committee, satisfied the requirements of resolutions A.500(XII) and A.777(18).

19.7 The Committee requested the Secretariat, in consultation with the Chairman and the MEPC Chairman, as appropriate, to submit to MSC 70 a document outlining the proposed revised text of the respective provisions of the Guidelines for consideration and action as appropriate.

Plan covering the activities, priorities and meetings of subsidiary bodies

19.8 The Committee recalled that paragraph 14 of the Guidelines provided that the Committee Chairmen should, at the end of every second year, submit to their respective Committees a joint plan covering the activities, priorities and meetings of their subsidiary bodies over the following two years and noted that its Chairman, in order to comply with this provision, intended to submit a relevant document to MSC 70.

Circulation of documents

19.9 After the introduction of document MSC 69/19, the Director of the Conference Division made a statement providing information in connection with the comments concerning the delay in circulating some documents in Spanish and French and particularly the Spanish version of the IAMSAR Manual. This was due to the fact that, in addition to the usual flow of work, three very bulky documents had been received in early 1998 for processing: the IAMSAR Manual (870 pages), the DE document concerning testing of LSA (527 pages) and Amendment 29 of the IMDG Code. He explained that the additional work had stressed the Conference Division to the maximum throughout the first part of 1998. He expressed regrets and apologies for the inconveniences experienced by the delegations concerned and reiterated the full commitment of the Conference Division for providing the best and most diligent conference servicing to the MSC and all other IMO bodies.

20 WORK PROGRAMME

GENERAL

Follow-up action to the twentieth session of the Assembly

20.1 The Committee noted (MSC 69/20/9) the Assembly's request to keep resolutions A.847(20), A.848(20), A.850(20), A.852(20), A.861(20), A.863(20), A.863(20), A.864(20) and A.866(20) (adopting various codes, recommendations, guidelines and performance standards) under review and amend them as appropriate.

20.2 In the context of resolution A.868(20) - Guidelines for the control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens, which has requested the Committee to include in its workplan the evaluation of information received from interested parties, particularly that relevant to paragraph 12.2 of the Guidelines, with a view to determining the hazards and potential consequences for various existing ship types and operations, the Committee decided:

- .1 to instruct the Secretariat to issue MSC/Circ.865 inviting Member Governments to submit the information relevant to paragraph 12.2 of the Guidelines; and
- .2 to undertake evaluation of the information received at a subsequent session when sufficient data has been obtained to conduct such an evaluation.

Follow-up action to the 1997 SOLAS Conference on bulk carrier safety

20.3 In pursuance of its decision, under section 2 of this report, to deal with this issue under this item, the Committee, following consideration of documents MSC 69/2/1 (Secretariat), MSC 69/2/1/Add.1 (United Kingdom), MSC 69/2/1/Add.2 (Japan), MSC 69/2/1/Add.3 (Republic of Korea), MSC 69/2/1/Add.4 (BIMCO) and MSC 69/10 and Add.1 (IACS), recalled its decision (see paragraphs 2.4 and 2.5 above), to include an item on "Bulk carrier safety" in the agenda for MSC 70, where a working group would be established to deal with the United Kingdom's proposals (MSC 69/2/1/Add.5) and agreed that the group should also consider all the above submissions (except MSC 69/20/10 submitted by IACS) as well as document MSC 69/20/14 (Netherlands) with a view to advising MSC 70 on how to proceed further with the proposals therein, including the determination of priorities and the specific issues which should be referred to the relevant sub-committees for detailed consideration.

20.4 Regarding document MSC 69/20/10 (IACS), proposing to amend, at some appropriate time, SOLAS regulations XII/4.1 and 5 to include a ship's delivery date beyond which compliance with the regulations would be required, similar to MARPOL regulations I/1(6) and 13(F), the Committee, while considering that such an amendment was of a general character and relevant to other SOLAS chapters, agreed that the proposal had not been submitted according to the Guidelines on the organization and method of work, and invited interested Member Governments and organizations to re-submit the proposal in full compliance with the said Guidelines at a future date.

20.5 The Committee noted that, with regard to work on the issue of a uniform method of measurement of the density of bulk cargoes proposed in document MSC 69/2/1/Add.2, DSC 3 had undertaken this work in the context of its work programme item on "Amendments to the BC Code, including evaluation of properties of solid bulk cargoes" and endorsed this action of DSC 3.

Prevention of pollution caused by pitting of bottom plates in oil tankers

20.6 As requested by MEPC 40 (MSC 69/2/3, paragraph 10), the Committee considered documents MEPC 40/20/2 and MEPC 40/INF.19 (Republic of Korea) concerning oil pollution caused by cargo oil leaking through pitting holes in the bottom plates of oil tankers. In the course of the discussion, the Committee noted that there already existed a number of IMO requirements, such as the Guidelines on the enhanced programme of inspections (resolution A.744(18)), as well as recommendations on surveys (i.e. Survey Guidelines (resolution A.746(18)), etc.), proper application of which would address the identified problem. The Committee also noted that surveys for pitting and other defects in the ship's structure were also part of IACS classification societies' survey requirements and, being of the opinion that strict compliance with, and effective implementation of, the existing requirements would prevent holes in the oil tankers plating being formed due to pitting thereof, agreed that no further action was necessary on the matter. The Secretariat was requested to inform the MEPC accordingly.

WORK PROGRAMMES OF THE SUB-COMMITTEES AND PROVISIONAL AGENDAS FOR THEIR FORTHCOMING SESSIONS

General

20.7 Taking into account the recommendations made by the Sub-Committees, as reflected in their reports (MSC 69/20 and Adds.1 and 2); the various submissions received; a preliminary assessment (MSC 69/WP.5) of proposals for new items made by Administrations and organizations undertaken by the Chairman with the assistance of the Secretariat; and decisions taken during the session, the Committee reviewed the work programmes of the sub-committees and the provisional agendas for their forthcoming sessions and took action as indicated hereunder.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)**Outcome of MEPC 41**

20.8 The Committee noted that MEPC 41 (MSC 69/2/3/Add.1) included, in the Sub-Committee's work programme, three new items, i.e.:

- .1 application of MARPOL requirements to Floating Production Storage and Offloading Units (FPSOs) and Floating Storage Units (FSUs), with 3 sessions needed for completion;
- .2 review of MARPOL regulation I/13G on oil tankers, with a target completion date of 1998; and
- .3 hydrostatic balance loading, with a target completion date of 1998.

Publication IEC 92 502: Electrical installations in ships

20.9 Following consideration of a proposal by IEC (MSC 69/20/6) supported by IACS (MSC 69/20/12) to amend the relevant provisions of the SOLAS Convention and the IBC and IGC Codes following the revision of Publication IEC 92-502: Electrical installations in ships, the Committee, having agreed that the work should be undertaken after the revised IEC publication had been finalized, decided not to include a new item in the Sub-Committee's work programme at this stage.

Amendments to the IBC Code paragraphs 10.2.2 and 10.2.3 relating to submerged cargo pump motors

20.10 Having considered document MSC 69/20/8 (Denmark) proposing development of amendments to the IBC Code to ensure the safe and reliable installation of electrically-driven submerged cargo-pump motors in cargo tanks of chemical carriers and product carriers intended for the carriage of cargoes with a flash point not exceeding 60°C as well as for cargoes exceeding 60°C and containing the proposed amendments, the Committee, having noted that the proposed amendments might need to be brought in line with the provisions of the revised Publication IEC 92 502: Electrical installations in ships (see paragraph 20.9 above), invited Denmark to resubmit their proposal in due course.

Revised work programme of the Sub-Committee and provisional agenda for BLG 3

20.11 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 22. The Secretariat was instructed to inform the MEPC accordingly.

20.12 The Committee noted that MEPC 41 (MSC 69/2/3/Add.1) had included two new items, as referred to in paragraphs 20.8.2 and 20.8.3, in the provisional agenda for BLG 3.

20.13 Noting that DE 41 requested it to include an item on "Development of a code on polar navigation" in the provisional agenda for BLG 3, the Committee agreed to instruct BLG 3 to preliminarily consider the issue under its agenda item on "Any other business" and included the item in the provisional agenda for BLG 4.

20.14 The Committee approved the provisional agenda for BLG 3, as set out in annex 23 (see also paragraph 4.3 above) and instructed the Secretariat to inform the MEPC accordingly.

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

Work programme item proposed by DSC 3

20.15 As proposed by DSC 3 (MSC 69/20/Add.1), the Committee, noting the report of DSC 3 (DSC 3/15, paragraph 11.4) and the report of the E&T Group, at its September 1997 session (DSC 3/3, paragraphs 15 to 19), indicating clearly the existing confusion between the terms used in the IMDG Code and BC Code, Appendices B and C, and the resulting compelling need for a revision of the BC Code to align the terminology with that used in the IMDG Code, agreed to include, in the Sub-Committee's work programme, a high priority item on "Review of the BC Code", with a target completion date of 2002.

Ventilation requirements for packaged dangerous goods

20.16 The Committee recalled that, following consideration of a proposal by Finland (MSC 69/9/3) addressing the ventilation requirements for packaged dangerous goods, as proposed by the DSC Sub-Committee for inclusion in the IMDG Code Amendment 29 (see paragraph 9.5 above), it included a high priority item on "Ventilation requirements for packaged dangerous goods (in co-operation with FP)", in the work programme of the Sub-Committee, with a target completion date of 2000.

Matters related to the INF Code

20.17 The Committee, recalling its decision referred to in paragraph 9.14 above, decided to retain the item on "Mandatory application of the INF Code" in the Sub-Committee's work programme, with a target completion date of 1999, and also included the item in the provisional agenda for DSC 4.

Revised work programme of the Sub-Committee and provisional agenda for DSC 4

20.18 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 22.

20.19 Having decided to include an amalgamated item on "Review of the BC Code including evaluation of properties of solid bulk cargoes" and a new item on "Ventilation requirements for packaged dangerous goods" in the provisional agenda proposed by DSC 3, the Committee approved the provisional agenda for DSC 4, as set out in annex 23 (see also paragraphs 9.13 and 20.5 above).

SUB-COMMITTEE ON FIRE PROTECTION (FP)

Follow-up action to the 1997 MARPOL Conference

20.20 The Committee noted that MEPC 41, in the context of Conference resolution 7 - Restriction on the use of perfluorocarbons on board ships, requesting the MSC and MEPC to consider, as a matter of urgency, any appropriate measures, including an immediate moratorium and adoption of amendments to the relevant instruments, concerning the prohibition of the use of perfluorocarbons (PFCs) in shipboard fire-extinguishing systems, decided (MSC 69/2/3/Add.1, paragraphs 7 and 13 and the annex) to include in the Sub-Committee's work programme a high priority item on "Prohibition of the use of PFCs in shipboard fire-extinguishing systems", with a target completion date of 2000 and invited the Sub-Committee to also consider the safety and environmental aspects of the use of the PFCs on board ships and, in particular, to identify the essential use of PFCs as fire-extinguishing agents, and further invited the Committee to take note of that decision. The Committee concurred with the MEPC 41 decision and endorsed the inclusion of the proposed item in the Sub-Committee's work programme.

Ventilation requirements for packaged dangerous goods

20.21 The Committee recalled its decision (see paragraph 9.5 above) to include, in the Sub-Committee's work programme, a high priority item on "Ventilation requirements for packaged dangerous goods (co-ordinated by DSC)", with a target completion date of 2000.

Engine-room oil fuel systems

20.22 Invited by the delegation of the United Kingdom (MSC 69/6/2) to refer the proposed amendments to SOLAS regulation II-2/15 aiming at reducing the risk of fire from engine-room oil fuel systems to the Correspondence Group on Comprehensive Review of SOLAS Chapter II-2 for consideration, the Committee, being provided with additional information on the matter and after some discussion, decided to instruct FP 43 to consider the United Kingdom's proposal in the context of its agenda item on "Comprehensive review of SOLAS chapter II-2".

Revised work programme of the Sub-Committee and provisional agenda for FP 43

20.23 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 22.

20.24 The Committee concurred with the MEPC 41 decision and included a new item on "Prohibition of the use of PFCs in shipboard fire-extinguishing systems" in the provisional agenda for FP 43. Members were invited to include environment experts in their delegations to FP 43.

20.25 The Committee endorsed the request of DE 41 to include an item on "Development of a code on polar navigation" in the provisional agenda for FP 43.

20.26 With regard to the item on "Ventilation requirements for packaged dangerous goods", the Committee agreed to include it in the provisional agenda for FP 43.

20.27 The Committee approved the provisional agenda for FP 43, as set out in annex 23.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)**Follow-up action to the twentieth session of the Assembly**

20.28 The Committee instructed the Sub-Committee, in the context of resolution A.847(20) - Guidelines to assist flag States in the implementation of IMO instruments, to conduct, with the direct participation of Governments concerned, a comprehensive analysis of difficulties encountered by them in the implementation of IMO instruments, with a view to identifying needs and appropriate solutions (MSC 69/20/9, paragraph 3.2) and included, in the Sub-Committee's work programme item on "Implementation of instruments", a high priority subitem on "Comprehensive analysis of difficulties encountered in the implementation of IMO instruments", with a target completion date of 2000.

Outcome of MEPC 41

20.29 The Committee noted that MEPC 41 (MSC 69/2/3/Add.1) included, in the Sub-Committee's work programme, a low priority item on "Introduction of the HSSC into MARPOL Annex VI on prevention of air pollution from ships", with 2 sessions needed to complete it.

Amendments to resolution A.787(19)

20.30 The Committee, having considered documents MSC 69/20/5 and MSC 69/INF.3 (Japan), containing amendments to resolution A.787(19) - *Procedures for port State control*, proposed by Members of the Tokyo MoU to harmonize the provisions of resolution A.787(19) with those in the Tokyo MoU as well as those of the Paris MoU, referred the documents to the Sub-Committee for consideration in the context of its work programme (and agenda) item on "Port State control: review of resolution A.787(19)".

Emergency towing arrangements : survey and inspection

20.31 Following the introduction of document MSC 69/20/15 (United Kingdom), the Committee recalled that MSC 68, having considered, in detail, the proposal by the United Kingdom on emergency towing arrangements, had tentatively included the relevant subitem in the Sub-Committee's work programme and the provisional agenda for FSI 6 pending further consideration and approval thereof by the Committee at this session (MSC 68/23, paragraphs 20.25 to 20.29).

20.32 After some discussion, the Committee agreed to maintain the subitem on "Surveys of emergency towing arrangements" under the Sub-Committee's work programme item on "Survey and certification" and, further responding to the United Kingdom's request, confirmed that emergency towing arrangements should be surveyed as part of the safety construction surveys and inspected as part of the mandatory annual survey.

20.33 Subsequently, the Committee agreed to refer document MSC 69/20/15 to the Sub-Committee to deal with the United Kingdom proposal to amend resolution A.746(18) accordingly, under the work programme (and agenda) subitem on "Revision of Survey guidelines (resolution A.746(18)) and Guidelines on surveys (resolution A.560(14))".

Revised work programme of the Sub-Committee and provisional agenda for FSI 6

20.34 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 22. The Secretariat was instructed to inform the MEPC accordingly.

20.35 Having included, in the provisional agenda for FSI 6, a new subitem as referred to in paragraph 20.27 above, the Committee approved that provisional agenda as set out in annex 23 (see also paragraphs 3.9, 10.9, 13.9 and 13.13 above) and instructed the Secretariat to inform the MEPC accordingly.

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

Work programme item proposed by COMSAR 3

20.36 The Committee agreed to the proposal by COMSAR 3 to include, in the Sub-Committee's work programme, a low priority item on "Development of criteria for general communications", with 2 sessions needed to complete the item.

Revised work programme of the Sub-Committee and provisional agenda for COMSAR 4

20.37 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 22.

20.38 The Committee approved the provisional agenda for COMSAR 4, as set out in annex 23 (see also paragraphs 3.16, 10.13, 10.20 and 10.24 above).

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

Work programme items proposed by NAV 43

20.39 As proposed by NAV 43, the Committee included, under the Sub-Committee's work programme item on "Performance standards for navigation systems and equipment", a low priority subitem on "Performance standards for sound-reception systems", with a target completion date of 1998.

20.40 The Committee recalled that, as decided under item 5 (see paragraph 5.75 above) with regard to document MSC 69/5/4 (CIRM), the subitem on "Development of new performance standards for electromagnetic compasses" was retained in the Sub-Committee's work programme, with a target completion date of 1998 and also included in the provisional agenda for NAV 44.

Follow-up action to the twentieth session of the Assembly

20.41 The Committee, having recalled (see paragraph 5.2 above) that, in the context of resolution A.858(20) - Procedure for the adoption and amendment of traffic separation schemes, routeing measures other than traffic separation schemes, including designation and substitution of archipelagic sea lanes, and ship reporting systems, it has been authorized by the Assembly to perform, on behalf of the Organization, the function of adopting traffic separation schemes, routeing measures other than traffic separation schemes, including designation and substitution of archipelagic sea lanes, and ship reporting systems, as well as amendments thereto, instructed the Sub-Committee to take, whenever necessary, appropriate preparatory action to enable the Committee to perform the aforementioned function.

20.42 The Committee agreed that, unless it decides otherwise, the amendments the Assembly has authorized it to make in the future will be disseminated by means of COLREG.2 and SN circulars.

20.43 In the context of resolution A.860(20) - Maritime policy for a future Global Navigation Satellite System (GNSS), the Committee instructed the Sub-Committee to keep the policy under review and to prepare a draft report to the twenty-second session of the Assembly, as necessary, for consideration by MSC 74.

Performance standards for searchlights for high-speed craft

20.44 The Committee considered a proposal by Germany (MSC 69/20/3) to develop performance standards for searchlights for high-speed craft, accompanied by draft performance standards and, following discussion and noting the information provided by the ISO observer on progress made in the preparation of their standards, decided not to proceed with the development of the aforementioned performance standards.

Amendments to the 1972 COLREGs

20.45 The Committee noted that NAV 43, having considered documents proposing amendments to the 1972 COLREGs (NAV 43/15, paragraphs 3.38 and 3.39), proposed the inclusion of an item on "Amendments to the COLREGs" in the Sub-Committee's work programme.

20.46 Having discussed, in the context of this proposal, documents MSC 69/20/4 (Japan) and MSC 69/20/11 (Netherlands, IAIN and IFSMA), the Committee included, in the Sub-Committee's work

programme, a high priority item on "Amendments to the COLREGs", with a target completion date of 2000 and referred the above-mentioned documents to the Sub-Committee for consideration. With regard to the proposals made in document MSC 69/20/11, the Committee instructed NAV 44 to deal with the issue pertaining to high-speed craft with priority, and, with regard to conflicting actions in collision avoidance and AIS transponders, to develop specific terms of reference for approval by the Committee.

Training and certification of maritime pilots

20.47 The Committee recalled that, when considering the work programme of the STW Sub-Committee, it had decided to include therein a high priority item on "Training and certification of maritime pilots and revision of resolution A.485(XII) (co-ordinated by STW)" and agreed to the same with respect to the NAV Sub-Committee's work programme, with one session needed to complete the item (see paragraph 20.71 below).

Ergonomic criteria for bridge equipment and layout

20.48 Further to the decisions reported in paragraphs 21.32 and 21.39 above, the Committee instructed the Sub-Committee to take into account the studies referred thereto when considering the work programme item on "Ergonomic criteria for bridge equipment and layout".

Revised work programme of the Sub-Committee and provisional agenda for NAV 44

20.49 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 22.

20.50 As proposed by NAV 43, the Committee included the item on "Amendments to the COLREGs" in the provisional agenda for NAV 44.

20.51 The Committee, having noted that DE 41 had requested it to include the item on "Development of a code on polar navigation" in the provisional agenda for NAV 44, instructed NAV 44 to preliminary discuss the issue under its agenda item on "Any other business" and include it in the provisional agenda for NAV 45.

20.52 The Committee approved the provisional agenda for NAV 44, as set out in annex 23 (see also paragraphs 5.6, 5.8, 5.21, 5.49, 5.75, 7.16, 7.19 and 10.27 above).

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

Follow-up action to the 1997 MARPOL Conference

20.53 The Committee noted that MEPC 41, in the context of follow-up action to the 1997 MARPOL Conference, had decided to include, in the Sub-Committee's work programme, a new item on "Guidelines under MARPOL Annex VI on prevention of air pollution from ships", with a target completion date of 2003, containing five high and low priority items, aiming at the development of five relevant guidelines.

Follow-up action to the twentieth session of the Assembly

20.54 Having noted that MEPC 41 (MSC 69/2/3/Add.1), in the context of its work on harmful organisms in ballast water and on preparation of legally binding provisions on ballast water management in the form of a new annex to MARPOL 73/78, suggested the inclusion, in the Sub-Committee's work programme, of a high priority item on "Safety aspects of ballast water management", with a target completion date of 1999,

the Committee, in the context of the request of the Assembly in resolution A.868(20) - Guidelines on the control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens, to evaluate the safety aspects in relation to ballast water exchange at sea, as well as design objectives for new ships that would facilitate ballast water exchange at sea in a safer manner, instructed the Sub-Committee to consider the matter and decided to include, as suggested by MEPC 41, the aforementioned high priority item on "Safety aspects of ballast water management" in the work programmes of this and SLF Sub-Committees.

20.55 In this respect the Committee noted the observation of the MEPC Chairman that, in the course of the work on the issue, both the Sub-Committees should take into consideration document MEPC 41/9/2 submitted by IACS.

Revised work programme of the Sub-Committee and provisional agenda for DE 42

20.56 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 22.

20.57 The Committee noted that, as agreed by MEPC 41, the following items have been included in the provisional agenda proposed by DE 41:

- .1 guidelines under MARPOL Annex VI on prevention of air pollution from ships; and
- .2 safety aspects of water ballast management.

20.58 The Committee approved the provisional agenda for DE 42, as set out in annex 23 (see also paragraph 10.28 above).

Code on polar navigation

20.59 The Chairman of the MEPC, noting that the DE Sub-Committee had undertaken the development of a code on polar navigation in collaboration with other sub-committees, observed that the MEPC would be expected to deal with the environmental aspects of the code, as specified in the report of the forty-first session of the DE Sub-Committee (DE 41/17, paragraph 10.12 and annex 3).

SUB-COMMITTEE ON STABILITY AND LOAD LINES AND ON FISHING VESSELS SAFETY (SLF)

Work programme items proposed by SLF 41

20.60 Following the proposals by SLF 41, the Committee decided to include the following new items in the Sub-Committee's work programme:

- .1 development of explanatory notes for the harmonized SOLAS chapter II-1 parts A, B and B-1, with 2 sessions needed to complete the item;
- .2 amendments to the DSC Code: damage stability requirements for existing ro-ro passenger craft, with a target completion date of 2000;
- .3 guidance for shipboard stability management, with a target completion date of 2000; and
- .4 interpretations of the 1966 LL Convention, with a target completion date of 1999.

Follow-up action to the twentieth session of the Assembly

20.61 The Committee recalled its decision (see paragraph 20.54 above) to include, in the Sub-Committee's work programme, a high priority item on "Safety aspects of ballast water management", with a target completion date of 1999 (see also paragraph 20.55 above).

Damage control computers in passenger ships

20.62 After discussion of a joint proposal by Finland and Sweden (MSC 69/20/7) calling for the development of amendments to the 1974 SOLAS Convention concerning the provision of damage control computers in passenger ships to bring forth the advantages of computer-based damage control systems versus traditional damage control plans, the Committee referred document MSC 69/20/7 to SLF 42 for consideration in the context of its work programme item on "Development of the revised SOLAS chapter II-1 parts A, B and B-1", instructing the Sub-Committee to co-operate on the issue with the DE Sub-Committee, if necessary.

20.63 Some delegations expressed the view that there was a need to gain practical experience of damage control computers before deciding on any mandatory provision of such systems.

Improved safety of ro-ro passenger ships

20.64 The Committee considered documents MSC 69/20/13 and MSC 69/INF.12, whereby IFSMA (referring to the IFSMA Conference resolution on Improved safety of ro-ro passenger ships, urging IMO to promote discussions, to continue research and to decide upon new designs and construction of ro-ro passenger ships that will lead to elimination of the dangers of instability in damaged condition and are less dependent upon restricted working limits and complicated operational procedures; and further inviting IMO to recommend criteria for the development of readily accessible and user-friendly information concerning the ship's stability in different damaged conditions together with advisory guidance on any recommended control procedures; and further providing a brief summary of the facts regarding the "Glasgow concept") invited the Committee to consider the aforementioned resolution and instruct the SLF and STW Sub-Committees to consider the matter.

20.65 Following some discussion of the submitted documents, the Committee, while recognizing the importance of the issue, requested IFSMA to re-submit its proposal in compliance with the Guidelines on the organization and method of work.

Revised work programme of the Sub-Committee and provisional agenda for SLF 42

20.66 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 22.

20.67 The Committee agreed, as proposed by SLF 41, to include the following items in the provisional agenda for SLF 42:

- .1 amendments to the DSC Code: damage stability requirements for existing ro-ro passenger craft;
- .2 guidance for shipboard stability management; and
- .3 interpretations of the 1966 LL Convention.

20.68 Having recalled its decision regarding the inclusion, in the Sub-Committee's work programme, of the item on "Safety aspects of ballast water management", the Committee included, as suggested by MEPC 41, this item in the provisional agenda for SLF 42.

20.69 The Committee endorsed the proposal by DE 41 and SLF 41 to include an item on "Development of a code on polar navigation" in the provisional agenda for SLF 42.

20.70 The Committee approved the provisional agenda for SLF 42, as set out in annex 23 (see also paragraphs 8.5 and 8.10 above).

SUB-COMMITTEE ON STANDARDS OF TRAINING AND WATCHKEEPING (STW)

Work programme items proposed by STW 29

20.71 The Committee considered a proposal by STW 29 (MSC 69/20) for inclusion, in the Sub-Committee's work programme, of a high priority item on "Training and certification of maritime pilots and revision of resolution A.485(XII)(in co-operation with NAV)", with a target completion date of 2000. It also considered documents MSC 69/20/1 and MSC 69/20/2 (both by IMPA) proposing updating of the Recommendation on minimum standards for training and qualification of maritime pilots other than deep-sea pilots and the Recommendation on operational procedures for maritime pilots other than deep-sea pilots (annexes 1 and 2 to resolution A.485(XII)), and agreed to include the aforementioned item in the work programmes of the STW and NAV Sub-Committees, with the above-mentioned target completion date.

20.72 The Committee also agreed to the proposal by STW 29 to include, in the Sub-Committee's work programme, a high priority item on "Medical standards for seafarers", with a target completion date of 2000.

20.73 As requested by STW 29, the Committee authorized the Sub-Committee to consider the progress report of the joint FAO/ILO/IMO Working Group under the item on "Follow-up action to the 1995 STCW-F Conference".

Revised work programme of the Sub-Committee and provisional agenda for STW 30

20.74 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 22.

20.75 The Committee endorsed the proposal by STW 29 to include the two aforementioned items on "Training and certification of maritime pilots and revision of resolution A.485(XII)" and on "Medical standards for seafarers" and the request of DE 41 to include the item on "Development of a code on polar navigation", in the provisional agenda for STW 30.

20.76 The Committee approved the provisional agenda for STW 30, as set out in annex 23 (see also paragraphs 7.38, 8.9, 8.10, 9.18 and 13.8 above).

APPLICATION OF THE GUIDELINES ON THE ORGANIZATION AND METHOD OF WORK

20.77 Following approval of the work programmes of the sub-committees and provisional agendas for their forthcoming sessions, there was a general discussion on the application of the Guidelines on the organization and method, of work to new work programme items, during which:

- .1 several delegations, being of the opinion that the Guidelines were conceived for the purpose of enhancing the Committees' efficiency and as a tool intended to facilitate rather than limit the consideration of such proposals and should therefore be applied in a flexible manner, suggested that the Guidelines needed to be modified accordingly;
- .2 a number of delegations pointed out that the Guidelines could not always be applied strictly to proposals on amendments to operational requirements or relaxation of existing requirements; and
- .3 some delegations expressed the view that the Guidelines should be able to distinguish between proposals which identified problems for consideration and those which dealt with solutions.

20.78 After discussion, the Committee requested its Chairman, in cooperation with the MEPC Chairman and the Secretariat, to propose, in the context of its task under section 19, relevant amendments to the Guidelines to address these issues.

INTERSESSIONAL MEETINGS AND ARRANGEMENTS FOR THE NEXT TWO SESSIONS

Intersessional meetings

20.79 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 36 of the revised Guidelines on the organization and method of work; and its decision at MSC 66 that all sub-committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justified request for consideration, the Committee approved the following intersessional meetings of:

- .1 the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR, to meet tentatively in Victoria, British Columbia, Canada, from 5 to 9 October 1998;
- .2 the Working Group on Revision of Fire Safety Aspects of the HSC Code, to meet in the week before FP 42 (that is from 4 to 8 January 1999); and
- .3 the Joint FAO/ILO/IMO Working Group on Revision of the Document for Guidance of Fishermen's Training and Certification, to meet in the week before STW 30 (that is from 18 to 22 January 1999), subject to concurrence by FAO and ILO.

Substantive items for inclusion in the agendas for MSC 70 and MSC 71

20.80 The Committee agreed on the substantive items to be included in the agendas for its seventieth and seventy-first sessions (MSC 69/WP.12, as modified to include, *inter alia*, an item on ISM matters).

Establishment of working groups during MSC 70

20.81 Recalling the provisions of the Guidelines on the organization and method of work, concerning the number of groups which may be established at a session, the Committee, taking into account decisions taken under various agenda items, agreed, in principle, that working groups on the following topics should be established at the Committee's seventieth session:

- .1 bulk carrier safety;

- .2 formal safety assessment; and
- .3 a third on either STCW matters or NAV matters, to be decided at the opening of the session.

20.82 One drafting group on STCW Code amendments and a second on Unsafe practices associated with the trafficking or transport of illegal migrants by sea are envisaged to be established on the understanding that decisions on the issue of uniform wording for referencing IMO instruments (MSC 69/WP.14) will be made in plenary.

Duration and dates of the next sessions

20.83 In order to effectively deal with all the items allocated to MSC 70, the Chairman sought the Committee's advice whether to request the Council to agree to two additional days for MSC 70.

20.84 The Committee, for budgetary and logistics reasons, considered that it would not be necessary and therefore noted that its seventieth session would be held, as originally scheduled, from 7 to 11 December 1998; and further noted that its seventy-first session would be held from 19 to 28 May 1999.

LONG-TERM WORK PLAN

20.85 The Committee noted resolution A.846(20) - Long-term work plan of the Organization (up to 2004); the action requested of the Committee as reproduced in paragraph 3.1 of document MSC 69/20/9; and that the Assembly had agreed to assign high priority to items of the MSC's long-term work plan as it had been proposed by the Committee.

21 ANY OTHER BUSINESS

Quality certification of IACS member societies

21.1 The Committee recalled that IACS first invited IMO to participate in its proposed Quality System Certification Scheme (QSCS) at MSC 59 in May 1991 and that the Committee then agreed to appoint an IMO consultant/observer to report on the effectiveness of the scheme. Since then, the Committee receives progress reports prepared by the IMO consultant at each session.

21.2 The Committee also recalled that, at MSC 68, it noted the consultant's progress report for that session (MSC 68/22/1) and that, as in the past, he would:

- .1 assist in the further development and improvement of the IACS QSCS and in any action related to the implementation of resolution A.789(19);
- .2 observe audits of IACS member societies, as might be agreed between IMO and IACS;
- .3 examine any document arising from audits under the scheme; and
- .4 produce a final report for submission to MSC 69.

21.3 The Committee further noted that the role and authority of the recently established IACS Advisory Committee, which was intended to increase the independence of the QSCS, had been defined by IACS at its Council meeting in November 1996 and that, as decided at MSC 66, IMO had ever since participated, as an observer, at the meetings of the Advisory Committee.

21.4 The Committee recalled further that, at MSC 68, having reaffirmed the importance of IMO's participation in both the development of IACS's QSCS and its Advisory Committee, it requested the Secretariat to monitor the consultant's activities and report to MSC 69 on any relevant developments.

21.5 The Committee noted document MSC 69/21 (Secretariat) reporting on developments in the IMO/IACS area of co-operation relating to the IACS Quality System Certification Scheme (QSCS) since MSC 68 and in particular:

- .1 the consultant's report describing the QSCS as a mature scheme which, however, continues to evolve to meet the requirements imposed upon it. In the context of that report the Committee noted that two meetings of the Advisory Committee (whose membership represents various interests of the shipping community) were held in 1997 and a third in February 1998; and
- .2 that the QSCS has been "substantially complete" and that resolutions A.739(18) - Guidelines for the authorization of organizations acting on behalf of the Administration and A.789(19) - Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration, had been brought into the scope of the audit. Nevertheless, in IACS's opinion, there still seemed to be scope for continuing the IMO consultant's participation in the IACS scheme.

21.6 The Committee noted the information provided above and requested the Secretariat to continue to monitor progress and report further developments at MSC 70.

Guidelines for the application of safety standards to pusher tug-barge combinations

21.7 The Committee approved, for dissemination, MSC/Circ.866 on Guidelines for the application of safety standards to pusher tug-barge combinations, the text of which had been prepared by the Secretariat (MSC 69/21/1) on the basis of a draft prepared by DE 39 and comments made thereon by the COMSAR, NAV, SLF and STW Sub-Committees.

Trafficking or transport of migrants by sea

21.8 The Committee noted the outcome of the consideration by FAL 25 of the alien smuggling issue (MSC 69/2/6, paragraphs 4 and 5) whereby the Committee had been invited to consider developing a reporting system on alien smuggling activities and take any other necessary action.

21.9 The Committee noted further the adoption by the twentieth session of the Assembly of resolution A.867(20) on Combating unsafe practices associated with the trafficking or transport of migrants by sea, in particular, operative paragraphs 5 to 8 of that resolution.

21.10 The Committee, in considering document MSC 69/WP.1, which revoked document MSC 69/21/2 (Italy), considered Italy's proposal, as reflected in paragraph 11 of document MSC 69/21/2, inviting:

- .1 the Committee to approve the draft guidelines annexed to their submission and disseminate them by means of an appropriate MSC circular; and
- .2 the Secretary-General to bring the guidelines to the attention of the United Nations and other international organizations concerned, in accordance with operative paragraph 8 of resolution A.867(20).

21.11 Following some discussion, the Committee agreed, in principle, to the development of such guidelines as proposed by Italy, which would also fulfill the task given to the Committee by resolution A.867(20), which, in operative paragraph 6, "directs the appropriate IMO bodies to consider, as necessary, the issue of the trafficking or transport of migrants by sea from the safety of life at sea viewpoint, as well as the development of a reporting system for these practices"; and, at the same time, responding to the similar proposal made by FAL 25 as referred to in paragraph 21.8 above.

21.12 The Committee agreed to establish an informal group to give initial consideration to the proposal by Italy in document MSC 69/WP.1 on draft Guidelines for the prevention and suppression of unsafe practices associated with the trafficking or transport of migrants by sea, in particular how to proceed on this matter, taking into account the comments made thereon in plenary.

21.13 Having received the report of the informal group (MSC 69/WP.13), the Committee:

- .1 noted that preparatory work on the development of an international instrument against illegal trafficking and transporting of migrants, including by sea, would be started by a UN Working Group, established by the UN Commission on Crime Prevention and Criminal Justice, in Buenos Aires mid-August of this year;
- .2 noted that, as far as the IMO expertise on this matter in terms of safety of life at sea was concerned, a contribution from IMO would facilitate the work of the UN Working Group in developing an instrument addressing, in particular, the issue of unsafe practices associated with the illegal migration by sea;
- .3 noted that the group had agreed to limit its work to developing provisional elements on combatting unsafe practices associated with the trafficking or transport of illegal migrants by sea as IMO's contribution to the preparatory work of the UN Working Group;
- .4 noted that the group had agreed that whatever amended text would result from this exercise (MSC 69/WP.13/Add.1, annex), it would not constitute an agreed text (even in principle) of the group, but only an improved version of the previous document which might be used as a basis for future consideration at the national level and discussion at future sessions of the Committee;
- .5 agreed that the issues, which were identified as falling outside the scope of IMO, should be considered by the appropriate UN body, as referred to in paragraphs 11.3, 12, 13, 14, 17 and 20.2 of document MSC 69/WP.13;
- .6 agreed that the working title should be changed to "Combatting unsafe practices associated with the trafficking or transport of illegal migrants by sea."

21.14 Noting the urgency and importance of the matter and recalling operative paragraphs 6 to 8 of resolution A.867(20) - Combatting unsafe practices associated with the trafficking or transport of migrants by sea, the Committee agreed to:

- .1 establish a correspondence group on this issue to work intersessionally under the co-ordination of the United States* to further develop the provisional elements on combatting unsafe practices associated with the trafficking or transport of illegal migrants by sea and to report to MSC 70;
- .2 invite Member Governments to submit any comments on the provisional elements on combatting unsafe practices associated with the trafficking or transport of illegal migrants by sea to the correspondence group at their earliest convenience but not later than 31 August 1998;
- .3 relax the deadline for submission, to MSC 70, of the report of this correspondence group to 2 October 1998;
- .4 instruct the Secretariat to attend the UN Working Group meeting in Buenos Aires in mid-August and to report the outcome of that session to MSC 70; and
- .5 continue the work carried out by the correspondence group at MSC 70.

21.15 The Committee invited Members to bring experts to discuss the matter at MSC 70 and instructed the Secretariat to inform the FAL Committee accordingly.

Officer of the navigational watch acting as the sole look-out in periods of darkness

21.16 The Committee recalled that, at its sixty-fifth session, it considered (MSC 65/25, paragraphs 9.9 to 9.19) a draft MSC circular on Requirements for solo watchkeeping during periods of darkness, prepared by the NAV Sub-Committee at its fortieth session (NAV 40/25, annex 18) to replace MSC/Circ.566 and the amendments thereto proposed by the STW Sub-Committee (MSC 65/9/Add.1); as well as a proposal by Denmark, France, Germany, the Netherlands, Norway and the United Kingdom (MSC 65/9/2) inviting the Committee to approve the draft MSC circular for dissemination to Member Governments.

21.17 The Committee also recalled that, after considerable discussion, MSC 65 decided:

- .1 not to approve the draft MSC circular on Requirements for solo watchkeeping during periods of darkness; and
- .2 trials with the officer of the navigational watch acting as the sole look-out in periods of darkness should be discontinued in the future.

21.18 The Committee also recalled that MSC 65 agreed to decide on how to implement this decision at its sixty-sixth session and instructed the Secretariat to submit a draft MSC circular for this purpose generally stating:

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- .1 the Committee's concern at the impact on safety of navigation if the officer of the navigational watch acted as the sole look-out in periods of darkness and this practice was allowed to continue and proliferate in the future;
- .2 that the Committee revokes MSC/Circ.566; and
- .3 that the Committee recommends that Administrations take measures to ensure that trials with the officer in charge of the navigational watch acting as the sole look-out in periods of darkness should be discontinued in the future.

21.19 The Committee further recalled that, at its sixty-sixth session, the Secretariat, in response to the Committee's request, submitted document MSC 66/7/1 annexing a relevant draft MSC circular. MSC 66 considered submissions by Denmark (MSC 66/7/12 and MSC 66/INF.19), Germany (MSC 66/7/4 and MSC 66/INF.15), Sweden (MSC 66/7/3), the United Kingdom (MSC 66/7/11) and Hong Kong (MSC 66/7/7), which highlighted the excellent safety record of the many ships which had participated in trials with the officer of the navigational watch acting as the sole look-out in periods of darkness and was supported by the comprehensive documentation on risk assessment for such activities. The aforementioned countries then invited the Committee to reconsider its decision that trials should be discontinued. The United States (MSC 66/7/9) proposed that the circular prepared by the Secretariat should be adopted and the trials in question should be discontinued after 31 December 1997. During the extensive discussion which followed the introduction of the above documents, the majority of the Committee expressed concern at the impact on safety of navigation if the practice of the officer in charge of a navigational watch acting as the sole look-out in periods of darkness was allowed to continue and proliferate in the future. However, other delegations expressed the view that the documented results of the trials had so far shown that there was an improvement of safety. In view of the decision at MSC 65, MSC 66 recommended by a majority that Administrations should take measures to ensure that trials with the officer of the navigational watch acting as the sole look-out in periods of darkness were discontinued not later than 31 December 1997. Taking into account statements by the Administrations of Denmark, Germany, the Netherlands, Norway, Sweden, the United Kingdom and Vanuatu, which had authorized such trials, that the trials would be concluded by the end of 1997, the Committee agreed to recommend that those Administrations submit the results of the trials and any recommendations and conclusions regarding these results to MSC 69 for its determination, under regulation I/5 of STCW 1978, or regulation I/13 of STCW 1995, as appropriate.

21.20 The Committee also recalled that, at its sixty-sixth session, it had approved MSC/Circ.733 on Officer of the navigational watch acting as the sole look-out in periods of darkness, based on a joint submission by the delegations of Denmark and the United States (MSC 66/WP.16).

21.21 The Committee considered submissions by Denmark (MSC 69/21/6 and MSC 69/INF.7), Germany (MSC 69/21/7 and MSC 69/INF.6), the Netherlands (MSC 69/21/3, MSC 69/21/9, MSC 69/INF.4 and MSC 69/INF.4/Add.1), Sweden (MSC 69/21/8 and MSC 69/INF.13), Vanuatu (MSC 69/21/4) and the United States (MSC 69/21/10).

21.22 In introducing documents MSC 69/21/3, MSC 69/21/9, MSC 69/INF.4 and MSC 69/INF.4/Add.1, the Netherlands delegation stated that solo watchkeeping during the night, conducted in accordance with MSC/Circ.566, had been practised for a number of years in the Netherlands and the results had been as those experienced in Denmark, Germany and Sweden: an excellent safety record (better than the rest of the fleet) with no accidents whatsoever. However, in order to be completely sure that the practice was safe and not a statistical anomaly, they commissioned a study by a human factors' research institute. The actual performance on board, as well as during full-mission simulation, was logged and analysed. The conclusion of the study (MSC 69/21/9 and MSC 69/INF.4/Add.1) was that, when a ship is equipped in accordance with MSC/Circ.566:

- .1 a look-out does **not** add to safety; and
- .2 the navigation performance on an integrated bridge is **higher** than on a conventional one.

The Netherlands' delegation, observing that, while it has been demonstrated that solo watchkeeping is a safe practice when conducted in accordance with MSC/Circ.566, as the case has been in their fleet, and even more so in Denmark, Germany and Sweden, remarked that they had not seen any proof or scientific study to support the view that solo watchkeeping was unsafe.

In their view, solo watchkeeping in shipping was a development that could not be stopped. It was a social and technological development which could also not be stopped. It was the Committee's duty to take decisions on safety grounds and nothing else. The Netherlands delegation would therefore invite those who doubted the safety solo watchkeeping was guaranteeing to come forward with proof to the contrary.

The Netherlands delegation concluded by suggesting that NAV 45 would be a good opportunity to discuss the matter further. Until that had happened, it should be left to the discretion of Administrations concerned to permit solo watchkeeping in periods of darkness on ships sailing in international waters provided they carried the extra equipment needed and were following the established procedures.

21.23 In introducing document MSC 69/21/4, the delegation of Vanuatu stated that their experience coincided with that of the Netherlands. One such vessel flying their flag had operated successfully on ocean voyages from pilot off to pilot on for over nine years without failure of the equipment provided in accordance with MSC/Circ. 566. During this period it had not experienced any incident which gave rise to safety or human element concerns. The vessel had operated with a crew of 19 persons including a master and three deck officers on a three-watch system.

In Vanuatu's view, the combination of the specially designed arrangements and equipment and adequate manning enabled the vessel to operate more efficiently and safely than conventionally manned vessels with the same complement. In particular, the master was always available as a back-up or was automatically called out if the watchkeeper failed to cancel the watch alarm. The latter could not be disconnected in any way by the watchkeeper since it was controlled only from the master's cabin.

Furthermore, the specialized equipment installed also augmented safety during daylight hours. In Vanuatu's view, many accidents which have occurred on conventional vessels would have been avoided by the trial vessels in similar situations. In that delegation's opinion, the interests of safety would be better served by concentrating on the large number of conventionally equipped vessels operating with a single watchkeeper at night instead of attempting to prevent operation with a single officer of the watch at night on vessels fitted with arrangements and equipment which more than compensated for the absence of a look-out.

The delegation of Vanuatu concluded by stating that the trials had been conducted in accordance with the STCW Convention and the Committee's Guidelines and were entirely successful. No contrary evidence had been produced.

21.24 In introducing documents MSC 69/21/6 and MSC 69/INF.7, the delegation of Denmark stated that in document MSC 69/21/6 they had put forward their recommendations and conclusions after having conducted trials with one man bridge operations on certain ships for a number of years. In document MSC 69/INF.7 they had presented a risk analysis performed by the Technical University of Denmark.

During the past decade, Denmark had made great efforts to develop a new watchkeeping concept especially designed for some modern ships with new bridge layout, special equipment, special organization and manned with specially qualified and carefully trained officers. For these ships and under the prescribed

conditions, they had concluded that the special watchkeeping concept was safer than the conventional one. The trial results, as well as the risk analysis, had fully supported this conclusion.

Denmark had been carrying out trials on board a total of 33 ships for more than 7 years. 347 officers had participated in the trials and no casualty had ever occurred during those trials, although almost 5 million miles had been travelled. None of the officers had described the workload as heavy during any watch. This was confirmed by an investigation on the question of fatigue among Danish navigational officers, carried out by the Danish Maritime Occupational Health Service in 1997. 1,171 officers had answered a comprehensive questionnaire and the conclusion was that there was no distinctive difference concerning fatigue or loneliness between officers serving on board the trial ships and officers serving on board ships with traditional watchkeeping.

Denmark firmly believed they had lifted their burden of proof on this matter; which, however, was not the case of those with opposite views. Not only had they followed the trial conditions of IMO, they had gone beyond having amassed a huge amount of trial data all pointing in the same direction. Therefore, it would be very unsatisfactory for them if the Committee should, for reasons obviously other than safety, prevent them from using the watchkeeping concept they had developed .

By means of their document MSC 69/21/6, Denmark was trying to hit a balance by asking the Committee merely to take note of their point of view and thereby not to oppose their way of achieving safe watchkeeping on certain ships on a given set of conditions. Such an outcome would have no influence on the way other countries might choose to perform watchkeeping. And, if a country objected to this watchkeeping concept, they were prepared to instruct Danish ships to act accordingly in the waters of that country.

As to the question whether their watchkeeping system might imply a reduction in manning requirements, the Danish delegation assured this would not be the case since manning requirements could be changed and all ships should be capable of setting a conventional watchkeeping at any time for any length of time.

As to the argument that their watchkeeping concept could not be considered safe because it was not allowed on passenger ships, the Danish delegation counter-argued that on passenger ships there are special tasks to be performed; for example, dealing with passengers intruding on the bridge.

Statistical results of trials conducted on Danish ships are given in annex 1 to document MSC 69/21/6. The trials have been discontinued and the trial ships have been given permanent authorization to operate in accordance with the solo watchkeeping concept on the conditions given in annex 2 to that document.

Denmark was requesting the Committee to take note of the information provided and that no amendment to the STCW Convention was required in this respect. The results of the Danish trials, as well as those carried out by other countries, had clearly shown that safety of navigation was enhanced by their watchkeeping system. Not accepting this would, therefore, be as much as to say that a member country was not allowed to improve the safety of navigation. Furthermore, rejecting their trial results without having looked properly into them and the risk analysis accompanying them would mean that the trial provisions in the STCW Convention should not be respected.

Concerned about the possibility that most of the delegations attending the Committee would not have received their report beforehand, the Danish delegation suggested that, to overcome this problem, the NAV Sub-Committee could be given the task of evaluating the report; and expressed their willingness to cooperate in any procedure which would ensure a serious evaluation of their trial programme and risk analysis. An independent formal safety assessment would also be acceptable.

The Danish delegation concluded by stressing that it was essential for them that a decision opposing their watchkeeping concept was not taken, until the burden of proof had been lifted by those opposing that concept, which should be evaluated on its merits, as far as safety was concerned. This being what the STCW Convention prescribes, they asked the Committee to act accordingly.

21.25 In introducing document MSC 69/21/7, the delegation of Germany stated that the German Government had made enormous efforts to establish whether solo watchkeeping was safe or not.

From the beginning in 1988, a total of 30 ships under the German flag had participated in IMO trial programme in accordance with regulation I/5 of STCW 1978 and fulfilling the requirements of MSC/Circ.566 and the additional German guidelines on solo watchkeeping in periods of darkness. No casualty due to solo watchkeeping during periods of darkness had occurred during the trial phase of ten years.

The participating ships had been built especially for the trial programme to conduct solo watchkeeping within the so-called project "ships of the future" with financial support by the Government with three new main technical developments:

- .1 a new bridge design featuring a one-man workstation at the conning position fulfilling the requirements for a highly-developed man/machine system;
- .2 a one-man workstation, including modern integrated bridge systems and providing all-round bridge visibility for navigation and the prevention of collisions; and
- .3 these technical measures taking full account of the necessary ergonomic standards to ensure optimal conditions with the aim of relieving the officer of the navigational watch of routine work.

The above-mentioned bridge design and equipment enabled the implementation of bridge procedures on the basis of the German guidelines, which took fully into consideration the human element and ensured that:

- solo watchkeeping during periods of darkness was only conducted with at least a three-watch system (one master and three officers);
- the officer of the navigational watch was familiar with the bridge system and solo watchkeeping requirements and procedures prior to commencing solo watchkeeping trials;
- the master was available as a suitable backup to provide immediate and qualified assistance;
- a rating was assigned on stand-by to take over the look-out duties at any time; and
- the officer of the navigational watch was kept alert by a watch alarm system.

The outcome of the trials had proven that watchkeeping with the officer of the navigational watch acting as the sole look-out during periods of darkness under the preconditions, operational and other requirements of IMO, had been safe. There were, in the opinion of those interviewed (with one exception out of 624), no situations endangering safety that would have been due to one-man watchkeeping during periods of darkness.

In order to substantiate by a simulation investigation the first empirical results of the field trials with respect to the human factor and to strain enduring capacity, a simulation study was performed in 1988. The results had shown very clearly the positive effect of the functionally and ergonomically adapted ship control centre by comparison to the conventional navigation bridge and this in spite of the lacking familiarity and a minimum of familiarization time offered to the test persons (namely, 30 minutes).

In order to substantiate the empirical results of the field trials scientifically, a comparative risk assessment study of different scenarios was performed in 1996 with the following outcome: It is evident that the rating as an additional look-out is only relevant at the first hazard level "perception of a change within the sea area being observed". He does not support the officer of the watch effectively in any of the other hazard levels. If the officer of the watch cannot manage any escalating situation by himself, he will require support from someone with at least the same qualification as he has. This is given to him in the best conceivable manner by the most highly motivated experienced backup officer, i.e. the master, who is prepared for such actions and is immediately available. On the first hazard level, the perception level, the ARPA radar equipment, which is mandatory for solo watchkeeping operations, largely compensates for the additional look-out while the technically better equipment of the ship control centre at night offers distinct advantages in comparison to the conventional watch at all other levels.

The result of the comparison between solo watchkeeping in a ship control centre at night and conventional solo watchkeeping on a traditional bridge in daytime is of considerable significance. By reason of the equipment-related safety gain applicable also during daytime for the defined solo watchkeeping, a balance of the risk of the navigational watchkeeping over day and night (24-hour balance) also reveals a distinct safety advantage for this arrangement.

The formal risk assessment (night situation) has shown that:

- the better technical equipment, the use of which is mandatory;
- the ergonomic layout of the bridge equipment, as well as
- the tighter organization with quick availability of a qualified backup officer,

by comparison with the conventional bridge, not only compensate for the absence of the additional rating as look-out but also clearly lead to a lower risk. Therefore, solo watchkeeping in a ship control centre at night under defined conditions is safer than conventional navigational watchkeeping. If solo watchkeeping on a traditional bridge during the day (which is in accordance with STCW and practised world-wide as an "accepted risk) is taken as the reference measure, it has been proven that the risk of solo watchkeeping at night under defined conditions lies below the accepted risk.

Following the positive outcome of:

- the German trial programme from 1988 until 31 December 1997, with respect to 30 ships under the German flag and more than 300,000 watch hours under trial conditions fulfilling not only the requirements of IMO but also the additional national provisions on solo watchkeeping;
- the simulation tests (1988); and
- the risk assessment study (1996),

the German safety authority authorized, on an individual basis in compliance with STCW regulation I/13, that these ships might continue to operate such system indefinitely subject to the requirements laid down in paragraph 8 of STCW regulation I/13, in MSC/Circ.566 as well as in the additional German national provisions on solo watchkeeping in periods of darkness.

As far as recommending action to the Committee was concerned, the view of the German delegation was that the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers should not be amended in respect of solo watchkeeping with the understanding that the provisions of MSC/Circ.566 are observed by all ships authorized to continue operating with solo watchkeeping arrangements.

The rights of those States that are not willing to accept ships operating such watchkeeping arrangements to sail in their territorial waters will be safeguarded through the observance of the operational requirements of the series of the relevant STCW.5 circulars; this includes the right of all Member States to be informed through the Organization.

The delegation of Germany concluded by recommending to the Committee not to discuss, at the present session, the issue of solo watchkeeping as a matter of principle without any detailed analysis of the comprehensive results by the experts. Because there is no need for a hasty decision, a careful assessment of the several submissions by the competent Sub-Committees of NAV and STW should be undertaken and a fair solution should be found which should take into account all aspects of safety, technical developments and the human element as well as the investments made at least with respect to those ships which had participated successfully in the trial programme. They, therefore, suggested that the matter be referred to the NAV and STW Sub-Committees or to independent consultants for a safety risk assessment study within a definitive period of time.

21.26 Introducing documents MSC 69/21/8 and MSC 69/INF.13, the Swedish delegation stated that Sweden had conducted trials with the officer of the navigational watch acting as the sole look-out in periods of darkness; a matter which had been strongly opposed by other countries on grounds which were not clear. The main issue has been if the look-out could be replaced by technical equipment and improved bridge design without decreasing the level of safety. Trials had been carried out on 38 Swedish-flag ships since 1993. During the trials Sweden had imposed a reporting requirement on participating ships and the results of these trials had been reported to MSC 66. No accidents had been reported during those trials.

Sweden, responding to its obligations to the IMO Member States, had evaluated the trials. This had been done through the Swedish independent consultancy firm Mariterm. The aim of the evaluation was to compare the level of safety of a traditional bridge with one officer and a look-out with a bridge equipped according to MSC/Circ.566 with the officer of the navigational watch acting as the sole look-out and, respectively, a bridge equipped according to the requirements of annex 18 to document NAV 40/25.

The evaluation had been done by means of a risk analysis with the overall objective to provide a **rational** foundation for a decision concerning risk. The evaluation had shown that one man acting as sole look-out in periods of darkness on a bridge equipped according to MSC/Circ.566 brings about the same risk as a traditional bridge, while a bridge with one officer acting as sole look-out equipped according to NAV 40/25, annex 18 gives a highly increased level of safety. There was an overall increase of safety and especially as far as hazards involving other ships or objects, detectable by radar, and hazards due to navigational position failures were concerned.

Sweden has, as a consequence of the evaluation and the ships' reports, authorized, on an individual basis, ships to continue to operate the system indefinitely. The authorization is safeguarding the interests of those countries which have declared their objection to the officer of the navigational watch acting as the sole

look-out in their territorial waters. Information on which countries had notified IMO of their objection had been included in each and every authorization. The authorization had had no effect on the manning of ships.

The delegation of Sweden concluded by asking the Committee to take note of their information adding that it was important to them that their evaluation was taken seriously and not discarded off-hand. They were supporting the proposal that the evaluations presented to the Committee were dealt with in substance by the NAV Sub-Committee.

21.27 In introducing document MSC 69/21/10, the United States stated that a designated, properly trained look-out is an asset to the officer in charge of the navigational watch by aiding in the detection of changes in the environment and by promoting a higher state of vigilance on the bridge as an integral part of a properly trained bridge management team. The United States also stated it was concerned that proper safeguards would not be maintained if the solo watchkeeping for 24-hours a day became common practice. Although the trials may have indicated that improvements are possible in the use of new technology and integrated bridge systems, such technology and systems do not eliminate the need for a separate designated look-out in periods of darkness. Although technology is important, people are the key to improvements in safety and environmental protection. Consequently, the United States invited the Committee to determine, under STCW regulation I/13, paragraph 8.4, that no amendment of the STCW Convention was necessary or appropriate, and to issue a circular calling on Administrations which had authorized the continuation of solo watchkeeping in periods of darkness to revoke or cancel such authorizations.

21.28 The delegation of Chile, in supporting document MSC 69/21/10 (United States) and the circular annexed thereto, asserted that, in accordance with its previous statement, Chile does not authorize the passage through its territorial waters of ships with the officer of the navigational watch acting as the sole look-out in periods of darkness and, therefore, requested the delegations of Denmark and Germany to include Chile in the list of countries contained in their respective documents.

21.29 The delegation of Cyprus stated that they approached the matter of solo watchkeeping during periods of darkness from a different aspect. If the Committee wished to ban trials or whatever related to the issue, the relevant provisions of the STCW Convention should be amended. That would be the only way to create a mandatory binding obligation on all Parties to that Convention.

In the opinion of the delegation of Cyprus, adoption of an MSC circular or a decision of the Committee did not constitute an amendment to the STCW Convention within the scope of regulation I/13.8.4 thereof. The delegation of Cyprus stated that, as far as it was concerned, that was a backdoor legislation and that, in principle, it was totally against any attempts of backdoor legislation, especially on matters affecting the treaty rights and obligations of States.

In addition, the delegation of Cyprus noted that decisions of the Committee on the adoption of MSC circulars are taken by the participation of States not all of which are Parties to the specific Convention.

In the opinion of that delegation, as long as the relevant provisions of the STCW Convention were not amended in a mandatory manner or decisions were not taken in line with the provisions of regulation I/13.8 of that Convention, those States which wished to continue trials or to authorise the operation of solo look-out, to the extent this was allowed by the STCW Convention, might do so, as far as this did not affect the rights of the States which have formally objected to such trials.

It was the belief of the delegation of Cyprus that the issue should be settled once and for all. Ships had been built, were under construction or had been ordered. It would be a waste of resources to prolong the uncertainty.

The delegation of Cyprus agreed with the Netherlands that the issue was one of social development which, whether it was liked or not, was bound to become a reality, and stated that it would be better to concentrate the efforts on regulating the issue in a controlled and safe manner rather than postponing the facing of a forthcoming reality.

21.30 During the extensive discussion on this issue which followed the introduction of the documents submitted, the majority of the Committee expressed concern as to the level of safety the solo watchkeeping practice would ensure and supported the United States' proposal that an MSC circular be issued calling upon Administrations concerned to cancel or discontinue any relevant authorizations.

21.31 Summing up, the Chairman:

- .1 referred to MSC/Circ.733 reminding the Committee of its decision at MSC 66, reflected in paragraph 4 thereof, to determine as provided for by paragraph 8.4 of regulation I/13 of the 1978 STCW Convention, having received at this session the results of the trials along with recommendations and conclusions regarding these results as had been submitted by Administrations which had authorized them;
- .2 added that, although the concept of allowing the officer of the navigational watch to act as the sole look-out in periods of darkness was supported by a number of delegations, the substantial majority of the delegations, which had participated in the debate, had spoken in favour of the United States' proposals in their submission MSC 69/21/10 and had supported the issuance of the draft MSC circular attached thereto; and
- .3 based on the outcome of the discussion, as reported above, he invited the Committee to agree as suggested in paragraph 3 of the draft MSC circular (annex to document MSC 69/21/10), as follows:
 - .3.1 determine, pursuant to paragraph 8.4 of regulation I/13 of the STCW Convention, that it was not necessary or appropriate to amend the watchkeeping provisions of the STCW Convention; and
 - .3.2 call upon Administrations, which had authorized ships to participate in trials, or which had authorized ships to continue the practice of solo watchkeeping in periods of darkness indefinitely, to cancel or discontinue such authorizations.

21.32 The Committee, having agreed by majority to the decisions referred to in paragraphs 21.31.3.1 and 21.31.3.2 above and having instructed the Secretariat to issue MSC/Circ.867 to that effect, the Chairman added that, having consulted the Legal Office whether, in reaching a decision as suggested above, the Committee would not be acting in an appropriate manner in introducing (e.g. by means of an MSC circular) legislation not in compliance with the established procedures, he was convinced that the Committee was acting properly.

He then suggested that, having decided to issue the MSC circular proposed by the United States, the Committee might agree that it might be beneficial to navigational safety if the outcome of the studies carried out by Governments, submitted to the current session of the Committee, were to be properly utilized, for example by asking the NAV Sub-Committee to take it into account in any relevant work it was carrying out related to, e.g. integrated bridge systems.

21.33 Responding to a question for information on the legal advice received, the Secretariat read out the following text:

"The issue to be determined by the MSC with regard to STCW regulation 1/13, paragraph 8.4, is whether an amendment to the Convention is appropriate. If the MSC decides that it is appropriate to amend the Convention, then it would further decide whether the operation should be suspended or permitted to continue before the amendment enters into force. The latter decision becomes necessary only if the MSC decides to amend the Convention.

However, if the MSC decides not to amend the Convention but a Party to the Convention presents a proposal to the MSC regarding the trials, the proposal shall be considered in the light of regulation 1/13, paragraph 9. The decision under this paragraph requires a simple majority. The decision of the MSC should be reflected in its report and the Committee may decide to inform its Members of such a decision in an appropriate manner."

21.34 The Netherlands delegation commenting on the decision of the Committee, stated that it was with much disappointment that they took note of the Committee's decision to issue the circular referred to above, as, in their opinion, doing so would be to the detriment of navigational safety. They, therefore, reserved their position towards the Committee's decision in relation to the STCW Convention.

21.35 The delegation of Sweden associated itself with the statement by the Netherlands.

21.36 The delegation of Germany, reacting to the Committee's decision to terminate solo watchkeeping during periods of darkness based on the United States' proposal (MSC 69/21/10), was of the opinion that this decision was not in compliance with STCW regulation I/13, paragraph 8.4, because the requirements of that regulation were not fulfilled. As Germany had authorized a number of ships entitled to fly its flag to continue to operate with the above mentioned system indefinitely, subject to the requirements of STCW regulation I/13, paragraphs 8.1 to 8.4, the decision of MSC to cancel or discontinue such authorizations interfered with the rights of Germany as a Party to the STCW Convention. Therefore, Germany objected to the decision and reserved its rights with the following statement:

"The German Government has, under STCW regulation I/13.8, authorized a number of ships entitled to fly its flag to continue indefinitely to operate with the particular system which had been communicated to IMO. According to STCW regulation I/13.8.4, the operation has been permitted pending a determination by MSC concerning a possible amendment of the Convention and, in particular, concerning the question what happens, before the amendment enters into force.

The wording of STCW regulation I/13.8.4, in legal terms, required that a concrete proposal for the amendment of the STCW Convention to all delegations concerned had been submitted within the necessary time-table and procedures and that MSC had determined with regard to such a proposal or draft within the normal procedure.

The procedure concerning amendments to the STCW Convention is laid down in Article XII thereof. The German delegation does not see that any of the requirements of that article for a determination of the MSC in the context of STCW regulation I/13.8.4 had been fulfilled.

Therefore the previous German authorizations remain - and further authorizations will be able - to be indefinite in the context of STCW regulation I/13.8 pending a possible determination by MSC in the context of STCW regulation I/13.8.4 and article XII of the STCW Convention whenever the procedure of these provisions might be appropriately applied."

As far as the legal opinion of the Secretariat was concerned that STCW regulation I/13, paragraph 9 would be the legal basis for the MSC decision, the German delegation disagreed, stating that "the appropriate determinations" in this paragraph - due to the plural - were related to STCW regulation 13, paragraph 8.4, where two determinations are referred to as preconditions to terminate solo watchkeeping operations:

- .1 as to whether an amendment to the Convention would be appropriate, and, if so;
- .2 whether the operation should be suspended or permitted to continue before the amendment entered into force.

21.37 The delegation of Denmark stated they agreed with the analysis of the legal situation given by the German delegation. Denmark was, therefore, of the opinion that MSC 69 had not taken a decision on this matter as foreseen in the STCW Convention.

In their view no evidence seriously questioning the safety of the trial concept had been brought to the attention of the Committee. They, therefore, regarded the circular as a statement and not a decision based on a technical evaluation of the safety of the trial concept as foreseen in the Convention.

As a consequence, Denmark reserved its rights under the Convention.

21.38 The delegation of Cyprus also reserved its rights under the Convention.

21.39 The Committee agreed to consider the Chairman's proposal contained in paragraph 21.32 when discussing the NAV Sub-Committee's work programme under item 20 (see paragraph 20.48).

Year 2000 problem

21.40 The Committee, recalling that, at its sixty-eighth session, it approved MSC/Circ.804 on Impact of the year 2000 on software systems, considered a submission by the United States (MSC 69/21/5) on the need to amplify and expand MSC/Circ.804 to take account of the wider concerns on the potential failure of information technology systems prior to, on or after 1 January 2000. Problems to the proper functioning of important electronic devices, such as navigation receivers and control systems for the main engine plant of ships, are matters of primary concern.

21.41 The Committee also noted information provided by the United Kingdom (MSC 69/INF.18) concerning guidance which is being developed for a range of problems associated with marine electronic systems regarding the "Year 2000" problem.

21.42 The Committee approved MSC/Circ.868 on Addressing the year 2000 problem, based on the submission by the United States and incorporating the information contained in the Marine Guidance Note provided by the United Kingdom, information provided by ICS on an Internet website and comments made by the delegation of Denmark on the role of manufacturers.

Final report of the Joint Accident Investigation Commission of Estonia, Finland and Sweden into the capsizing of mv Estonia

21.43 Having received an introduction, by the delegation of Estonia, of the Final report of the Joint Accident Investigation Commission of Estonia, Finland and Sweden on the capsizing of the **mv Estonia** (MSC 69/INF.5), the Committee noted the contents of the report and the recommendations of the Commission and thanked Estonia for providing the information.

21.44 The delegation of Sweden informed the Committee of the holding of a Conference on Maritime Safety in Stockholm from 15 to 17 April 1998 in order to review the ten recommendations of the Joint Accident Investigation Commission into the capsizing of the **mv Estonia**. The report of the Conference will be submitted to MSC 70 for consideration.

ICS bridge procedures guide - 3rd edition

21.45 The Committee noted that a new edition of the ICS Bridge Procedures Guide was to be published soon and appreciated that copies thereof would be made available to delegations attending NAV 44.

Thirteenth international symposium on the transport of dangerous goods by sea and inland waterways (ISTDG 13)

21.46 The Committee noted the information provided by the Republic of Korea in document MSC 69/INF.19 on the ongoing preparations for ISTDG 13, which is scheduled to take place in Seoul from 26 to 29 October 1998.

Report on the investigation of the Nakhodka casualty causes

21.47 The Committee had before it a document submitted by Japan (MSC 69/INF.20) providing the report on the investigation of the causes behind the tanker **Nakhodka** casualty and, having expressed appreciation to Japan for the information provided, took note of the report and the briefings of the investigation annexed thereto.

Ship strikes of endangered northern right whales

21.48 The Committee noted the information provided by the United States (MSC 69/INF.21) concerning the critically endangered status of the northern right whales and the threat posed to the species by the international maritime traffic in the North Atlantic. It also noted that documents proposing specific action in this respect had been submitted to NAV 44.

Manual on operational requirements for seafarers

21.49 The Committee, recalling that MSC 67 had expressed support for a project proposed and sponsored by ICFTU on the development of a Manual on operational requirements for seafarers and instructed the IMO/ICFTU Steering Committee to keep the Committee informed of progress made, noted that tenders were invited from eight contractors to undertake the first stage of the project. Three potential contractors were asked to make presentations to the Steering Committee and a final contractor was to be selected by the end of May 1998. This stage of the project is expected to be finalized in ten months.

Registration of research and development projects

21.50 The Committee recalled that MSC 61 instructed the Secretariat to invite Member Governments to provide the Organization with information on ongoing research and development projects and that this was done by means of MSC/Circ.605. It recalled further that MSC 62 approved the format of a summary table of research and development projects and authorized dissemination of information on reported projects by means of MSC circulars on a quarterly basis.

21.51 Noting that no information on research and development project had been received for the last six quarters, the Committee decided that the MSC circular containing information on ongoing research and development projects should henceforth be issued annually.

Expression of condolences

21.52 The Committee was informed with regret of the death of Captain A. Fiore who, as the Head of the Panamanian delegation, had made a valuable contribution to various meetings of IMO for many years; and that the Secretary-General had asked the Panamanian Administration to convey to Captain Fiore's bereaved family and colleagues the Organization's and his personal sincere condolences.

Expressions of appreciation

21.53 The Committee expressed appreciation to the following Sub-Committee Chairmen and Vice-Chairmen and delegates who had recently relinquished their duties, or retired or were to retire soon, or were transferred to other duties, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Captain C.-M. Franzoni (Argentina) (on return home);
- Captain S. Wall (Vice-Chairman of the FP Sub-Committee - on being elected Vice-Chairman of the MEPC);
- Mr. G. Cadet (France) (on impending retirement);
- Mr. C. Hinz (Germany) (on retirement);
- Mr. K. Takiguchi (Japan) (on impending return home);
- Mr. J. Lomonaco (Mexico) (on transfer to other duties);
- Mr. R. Bradley (United Kingdom) (on retirement);
- Mr. E.M. Göransson and Mr. F. Labastida (Secretariat), who had served the Committee on many occasions (on return home and retirement, respectively); and Mrs. M. Fitzgerald (Secretariat), joint Secretary of the DSC Sub-Committee and Secretary of the E & T Working Group (on return home).

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