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MARITIME SAFETY COMMITTEE
71st session
Agenda item 23

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

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1 INTRODUCTION

1.1 The seventy-first session of the Maritime Safety Committee was held from 19 to 28 May 1999 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:

| | |
|------------------------------------------|-------------------------------------|
| ALGERIA | LIBERIA |
| ANGOLA | LIBYAN ARAB JAMAHIRIYA |
| ANTIGUA AND BARBUDA | LITHUANIA |
| ARGENTINA | LUXEMBOURG |
| AUSTRALIA | MALAYSIA |
| BAHAMAS | MALTA |
| BAHRAIN | MARSHALL ISLANDS |
| BANGLADESH | MEXICO |
| BARBADOS | MOROCCO |
| BELGIUM | NAMIBIA |
| BELIZE | NETHERLANDS |
| BRAZIL | NEW ZEALAND |
| BULGARIA | NIGERIA |
| CANADA | NORWAY |
| CHILE | PAKISTAN |
| CHINA | PANAMA |
| COLOMBIA | PERU |
| CONGO | 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 | SLOVENIA |
| ESTONIA | SOUTH AFRICA |
| FINLAND | SPAIN |
| FRANCE | SRI LANKA |
| GERMANY | SUDAN |
| GHANA | SURINAME |
| GREECE | SWEDEN |
| HONDURAS | SWITZERLAND |
| HUNGARY | THAILAND |
| ICELAND | TRINIDAD AND TOBAGO |
| INDIA | TUNISIA |
| INDONESIA | TURKEY |
| IRELAND | UKRAINE |
| ISRAEL | UNITED KINGDOM |
| ITALY | UNITED STATES |
| JAMAICA | URUGUAY |
| JAPAN | VANUATU |
| LATVIA | VENEZUELA |

and the following Associate Members of IMO:

HONG KONG, CHINA

MACAU

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

EUROPEAN COMMISSION (EC)
LEAGUE OF ARAB STATES
ARAB FEDERATION OF SHIPPING (AFS)
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)
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 UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL CHAMBER OF COMMERCE (ICC)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND
LIGHTHOUSE AUTHORITIES (IALA)
INTERNATIONAL RADIO-MARITIME COMMITTEE (CIRM)
PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES
(PIANC)
THE BALTIC AND INTERNATIONAL MARITIME COUNCIL (BIMCO)
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
INTERNATIONAL CARGO HANDLING CO-ORDINATION ASSOCIATION (ICHCA)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
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)
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)
INTERNATIONAL SAILING FEDERATION (ISAF)

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 Chairmen of the BLG and DE Sub-Committees, were also present.

1.5 In welcoming participants, the Secretary-General first emphasized the importance of agenda items 3 (making the INF Code mandatory) and 4 (enhancing further the safety of bulk carriers) stating that, while the carriage of irradiated nuclear fuel and other substances falling under the INF Code had the potential for severe consequences if not properly regulated and safely accomplished, the need to halt the losses of bulk carriers and, more importantly, the unacceptable loss of those who man them, made it imperative that no effort was spared to improve further the safety of those ships because the world economy and the Earth's people depended so much on the cargoes they carry.

He then referred to the recent accession to both the 1988 SOLAS and Load Line Protocols by the Governments of Malta and the Bahamas, which made it possible for the two instruments to enter into force on 3 February 2000. He explained that, while the 1988 SOLAS Protocol is important because it introduces the harmonized system of survey and certification with all the benefits it has for Administrations, operators and crews, the Load Line Protocol is crucial to quickly bringing into force any amendments the Committee would decide to make to its parent Convention to improve bulk carrier safety, because it introduces the tacit amendment procedure.

The Secretary-General singled out the draft Assembly resolution on Self-assessment of flag State performance and the drawing up of criteria against which such performance might be assessed as the most important results of FSI 7. He observed that, although the starting points of the representatives of flag and port States seemed to differ at that session of the Sub-Committee, it soon became apparent that they shared the same aims in that they both had concern for enhanced safety and environmental protection. With this in mind, he was confident that the Committee would improve the drafts of the two documents and pass to MEPC 43 a good product which it could finalize for submission to the twenty-first session of the Assembly for adoption.

Turning to the evaluation, during the intersessional period, of the information communicated by STCW Parties, he informed the Committee that, currently, the effort was focused on the assessments being made by the 82 panels established soon after the deadline of 1 August 1998. To staff these 82 panels, all competent persons available had to be utilized and the Secretary-General expressed, once again, appreciation to these experts and the Governments supporting them for their contribution to this new and very important chapter in the history of IMO.

He stressed how very keen he was to ensure that both the competent persons and the Secretariat undertake their tasks as efficiently and effectively as possible and in a manner which would guarantee the integrity of the system and the confidentiality required by the STCW Convention and Code. To achieve this, he appealed to all those involved, including Governments, to respond in a manner commensurate with the provisions of the system and the importance of the whole exercise. Media speculation halfway through the evaluation process served no useful purpose and could only undermine the integrity and credibility of the system. He therefore sincerely hoped that there would be no repetition of confidential details being made public.

Turning to the issuance of MSC/Circ.900 on Fraudulent certificates of competency, he stated that information which had come to light about this type of certificate had been most disturbing and he needed hardly stress the potential hazards and consequences to maritime safety and the marine environment posed by inadequately trained seafarers using fraudulently obtained certificates. He hoped the Committee would consent to the request of the STW Sub-Committee to consider the matter in detail

at its next session. In the meantime, he had been considering how IMO could obtain an impartial, accurate, unbiased and in-depth examination of the problem and believed that this could best be done by utilizing the resources of respected academic institutions, an action he intended to pursue before he came up with any recommendations for the Committee's endorsement.

The Secretary-General, referring to the admiration and concern he had expressed at MSC 70 regarding the new class of post Panamax cruise ships and his hope that the operational safety aspects in possible emergencies involving such mammoth ships had been kept in line with the technical developments, he informed the Committee that he had suggested to FP 43 that it would be prudent for the Sub-Committee to consider whether Guidelines on an evacuation analysis for passenger ships in general, with special emphasis on new large cruise ships, needed to be developed. He was, therefore, extremely pleased that the FP Sub-Committee had unanimously endorsed his suggestion and had asked the Committee to include an appropriate item in its work programme, which he hoped the Committee would agree to.

Turning to the High-Speed Craft Code, the Secretary-General underlined that it was imperative that IMO should provide as soon as possible a set of thoroughly considered updated standards for the safe construction, equipment and operation of high-speed craft.

Referring to the reformatting of the IMDG Code and making the Code, or parts of it, mandatory under the SOLAS Convention and MARPOL Annex III, he considered the harmonization of IMO's regulatory regime on the carriage of dangerous goods by sea with the respective United Nations Recommendations, with the IAEA Regulations and with the regulations of other transport modes, to be of particular importance.

Against the background of statistics showing that fishing vessels continued to suffer the second highest number of casualties after general cargo ships, resulting in considerable loss of life, the slow pace of ratification of the 1993 Torremolinos Protocol was a matter of serious concern and the Secretary-General once again suggested that Governments consider taking early action to accept the Protocol and bring it into force without delay.

Of particular importance among the recommendations of the 1998 Fremantle Conference on SAR and the GMDSS was the proposal calling for the establishment, under the auspices of IMO, of a Global SAR Fund, which the Secretary-General thought the Committee should seriously consider.

With the successful conclusion, in February 1999, of the Singapore regional Seminar and Workshop on Piracy and Armed Robbery against Ships, IMO's anti-piracy project was halfway through its implementation, with the two regions most affected by pirates and armed robbers, namely the South China Sea and the Malacca Strait in the East and Latin America in the West, having already been covered. The Secretary-General was looking forward to seeing the results of the efforts promised, both at the political and technical level, by the Governments involved.

Turning to the annual report on piracy and armed robbery against ships (March 1998 to March 1999), he suggested that the fact that the number of these unlawful acts had dropped in 1998 compared with that for 1997 should leave no room for complacency. On the contrary, he was very concerned that the degree of violence experienced in some of the incidents had increased and that, during the period under review, fifty-one innocent seafarers had lost their lives and thirty-one others had been injured in piratical attacks. Urging the Committee, once again, to support Governments and the industry in any effort required to combat this scourge, he added that, while it was IMO's responsibility to draft and adopt measures to eradicate it, it was up to its Member Governments and the industry to implement them. For the sake of seafarers, he hoped this would be done expeditiously.

As far as technical co-operation was concerned, the Secretary-General stressed that, with the shift in emphasis from the development of new regulations to the implementation of existing ones, the technical assistance IMO was able to provide had definitely become the primary means of helping countries to implement and enforce the safety and anti-pollution standards developed by the Organization.

He then informed the Committee that in his remarks at the opening sessions of all the sub-committees which had met this year, he had repeated the policy statement he had made to the eightieth session of the Council, which the Committee had endorsed at its last session, namely that the areas where Governments and industry should focus their attention in the years to come should be those of shifting emphasis onto people, ensuring the effective implementation of the STCW Convention and the ISM Code, enhancing the safety of bulk carriers, developing a safety culture and environmental conscience in all maritime activities, avoiding unnecessary over-regulation and, instead, strengthening the Organization's technical co-operation programmes and delivery. He hoped that, in the MSC's supervisory role of the sub-committees, the Committee would ensure that this policy was properly implemented.

With respect to the pending review of the Guidelines on organization and method of work, the Secretary-General's view was that the main purpose of the Guidelines was to assist the Committees and sub-committees to increase their efficiency in their quest to achieve their objectives and, therefore, the Committee should use them as a positive means of enhancing safety and environmental protection rather than a rigid instrument which, for reasons of formality and bureaucratic attitude, might hamper progress where progress was due. A balanced approach in the application of the Guidelines was required so that, while ensuring that certain procedures were strictly observed, the Committee's ability to respond in a timely and appropriate manner to real safety and pollution prevention and control needs should not be impaired.

He then mentioned that, in order to provide an additional opportunity to the maritime world to look further into the issue the Year 2000 (Y2K) problem, he had agreed to a request of the United States Coast Guard and the United Kingdom Maritime and Coastguard Agency to hold a meeting at IMO with representatives of non-governmental industry organizations, for the purpose of promoting international awareness and knowledge sharing, identifying and refining preparedness actions and promoting contingency planning. The outcome of the meeting (a Code of Good Practice and key elements of Y2K contingency plans for ships, ports and terminals) had been circulated to all Member Governments and international organizations and had been attached to document MSC 71/INF.5 for the Committee's information and action as appropriate.

The Secretary-General provided updated information on the Seafarers Memorial Trust Fund and the fund-raising campaign he launched last September to implement the scheme and thanked all donors, in particular the Governments of Greece, the Netherlands, Singapore and the United Kingdom for their contributions. He added that, each time the MSC meets, the world maritime community focuses on it expecting that it would justify IMO's very existence and honour the trust which had been placed upon the Organization. The Committee's performance gave him confidence that the determination to succeed, which it had always displayed, coupled with a diligent and realistic approach to the issues before it, would help to successfully tackle the challenges IMO and the shipping community were facing.

The Secretary-General concluded his speech by paying tribute to Dr. Pattofatto, who was chairing the Committee for the last time, for his outstanding contribution to the work of the Organization over many years.

1.6 In responding to the Secretary-General's remarks, the Chairman:

- expressed satisfaction with the pending entry into force of the 1988 SOLAS and LL Protocols;
- stressed the importance of STCW Parties promptly responding to the requests for clarifications on the communicated information;
- associated himself with the Secretary-General's plea to Governments to accept the 1993 Torremolinos Protocol without further delay;
- shared the Secretary-General's concerns on the increased violence experienced in certain piracy and armed robbery incidents reported to the Organization and emphasized the importance of the IMO anti-piracy project currently under execution; and
- expressed gratitude for the support and co-operation he had received from all parties concerned during his chairmanship.

1.7 The Committee adopted the agenda (MSC 71/1) and a provisional timetable for guidance during the session (MSC 71/1/1, annex, as amended). The agenda for the seventy-first session, with a list of documents considered under each agenda item, is set out in annex 1; and the Committee's decisions on the establishment of working and drafting groups are reflected under sections of this report covering corresponding agenda items.

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

OUTCOME OF THE SEVENTY-NINTH SESSION OF THE LEGAL COMMITTEE

2.1 The Committee noted the information provided in document MSC 71/2, in particular the status of the current work of the Legal Committee on the draft Convention on wreck removal.

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 SOLAS Convention, as amended, to make the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (INF Code) mandatory. 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 The Committee was also invited to consider and adopt the draft Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (INF Code).

3.3 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.2091 of 27 October 1998.

3.4 Under this agenda item, the Committee, as decided at MSC 70, also considered the issue of helicopter landing areas (HLAs) on non-ro-ro passenger ships and proposed amendments to SOLAS regulation III/28.2.

PROPOSED AMENDMENTS TO SOLAS CHAPTER VII (CARRIAGE OF DANGEROUS GOODS)

3.5 The Committee recalled that the proposed amendments to SOLAS chapter VII to make the INF Code mandatory, as set out in the annex to document MSC 71/3, had been developed by DSC 3 and were approved by MSC 69.

Part A

3.6 The Committee, noting that no comments had been submitted on the proposed amendments, as far as Part A of SOLAS chapter VII was concerned, confirmed their contents, subject to editorial improvements, if any.

Part D (Special requirements for the carriage of packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes on board ships)

Regulation VII/14: Definitions

Regulation VII/15: Application to ships carrying INF cargo

Regulation VII/16: Requirements for ships carrying INF cargo

3.7 The Committee, noting that no comments had been submitted on the proposed amendments, as far as draft Part D of SOLAS chapter VII was concerned, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments to SOLAS

3.8 The Committee recalled the decision, at its fifty-ninth session (MSC 59/33, paragraphs 26.2 and 26.7), 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; however, observance of this four-year interval was subject to the Organization being able, in exceptional circumstances, to adopt and bring into force new amendments at shorter intervals if, on the basis of experience, it is deemed necessary to do so in order to rectify a mistake or for any other compelling reasons.

3.9 The Committee, recalling further that resolution A.790(19) on the review of the INF Code had requested the MSC and MEPC to continue this review as a matter of urgency and, noting that there was a general desire to make the INF Code mandatory as soon as possible, determined that the proposed amendments to SOLAS chapter VII should enter into force on 1 January 2001.

ADOPTION OF THE INF CODE IN ITS MANDATORY FORM

3.10 Recalling that MSC 69 had approved, with a view to adoption at MSC 71, the draft Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (INF Code), aiming at making it mandatory (DSC 3/15, paragraphs 7.12 and 7.13 and annex 5) and that, in addition, it had instructed DSC 4 to further consider matters relating to the IMDG Code and relevant survey and certification issues and report to MSC 71, the Committee considered the text of the draft INF Code, as further modified by DSC 4 (DSC 4/14, paragraph 6.31), as set out in the annex to document MSC 71/3/2, with a view to adoption.

3.11 The Committee considered a proposal by Cyprus (MSC 71/3/4) to amend the text of the draft revised INF Code with regard to survey and certification but, noting the discussion DSC 4 had had on this issue, did not agree to the proposal, the majority of those delegations who spoke being in favour of leaving the text as it was, in view of the global implementation of the Harmonized System of Survey and Certification on 3 February 2000, which would simplify the matter considerably, and in order not to jeopardize the timely mandatory application of the Code.

3.12 However, the Committee agreed that some of the concerns of Cyprus, in particular the limitation of the period of validity of the International Certificate of Fitness for the Carriage of INF Cargo, could be accommodated by the redrafting of paragraphs 1.3.2 and 1.3.4 of the draft Code. With regard to the proposed work on other issues pertaining to the FSI Sub-Committee, the Committee invited Cyprus to make an appropriate proposal to MSC 72 in accordance with the Guidelines on the organization and method of work.

3.13 The Committee agreed to the insertion of the word "International" in the existing title of the Code, as proposed by the Secretariat.

3.14 Recalling that NAV 44 (NAV 44/14, paragraph 6.1) had recommended that, if appropriate, a reference could be made in the INF Code, to the draft Assembly resolution on Guidelines for voyage planning, which is expected to be finalized at NAV 45 for direct submission to the twenty-first session of the Assembly for adoption, the Committee instructed the Secretariat to include an appropriate footnote in the INF Code after adoption of the aforementioned Guidelines by the Assembly.

3.15 The Committee, noting that no further comments had been submitted on the proposed draft text of the INF Code, confirmed its contents, subject to editorial improvements, if any.

Draft MSC resolution on adoption of the proposed INF Code

3.16 The Committee, recalling its earlier decision on the date of entry into force of the proposed amendments to SOLAS chapter VII to make the INF Code mandatory, 1 January 2001, confirmed the contents of the draft MSC resolution on adoption of the proposed INF Code, subject to editorial improvements, if any.

ESTABLISHMENT OF A DRAFTING GROUP

3.17 After a general discussion in plenary, the Committee established an *ad hoc* drafting group and instructed it to prepare a final text of draft amendments to the SOLAS Convention and INF Code, and the associated MSC resolutions.

HELICOPTER LANDING AREAS (HLAs) ON NON RO-RO PASSENGER SHIPS

3.18 The Committee recalled that, at its seventieth session, in endorsing the conclusion of the FSA Working Group, it had agreed that the amendments to SOLAS regulation III/28.2, adopted by resolution MSC.47(66), should be repealed and that amendments to this effect should be submitted to this session. In this respect, MSC 70 had further noted that any new amendments to give effect to the above decision aiming at restricting the application of the above regulation to ro-ro passenger ships only, as it might be approved at this session for adoption by MSC 72 in May 2000, could not enter into force, even under the accelerated amendment procedure, until some time in November 2001 and that, consequently, an anomalous situation would emerge during the period between 1 July 1999, when existing regulation III/28.2, requiring HLAs on all passenger ships, enters into force and the date when the proposed new amendment, requiring HLAs only on ro-ro passenger ships, would be expected to enter into force. MSC 70 had therefore invited Member Governments to submit comments and proposals to the present session on how the matter should be further pursued.

3.19 The Committee recalled also that, at its seventieth session, it had approved MSC/Circ.895 on Recommendation on helicopter landing areas on ro-ro passenger ships, referred to in the footnote to SOLAS regulation III/28.2, as prepared by DE 40 and further modified by the FSA Working Group to make it applicable exclusively to ro-ro passenger ships. MSC 70 had further agreed to instruct the COMSAR Sub-Committee to amend the IAMSAR Manual in the light of that circular to include HLAs.

3.20 The Committee considered draft amendments to SOLAS regulation III/28.2 proposed by the Bahamas and Panama (MSC 71/3/1) and approved them, with a view to adoption at MSC 72, as set out in annex 2.

3.21 The delegation of Sweden supported by the delegations of Denmark, Finland and Germany, referred to its statement at MSC 70 (MSC 70/23, paragraph 14.16) and reiterated its concern on the hastiness of the Committee's decision, based on the outcome of a trial application of FSA studies on helicopter landing areas, to repeal amendments to SOLAS which had not even entered into force.

3.22 The Committee also considered a draft MSC circular proposed by the United Kingdom (MSC 71/3/3, annex), recommending Contracting Governments to allow non ro-ro passenger ships of 130 m in length and upwards, constructed on or after 1 July 1999, which fail to provide a helicopter landing area, to operate out of their ports; and agreed to its contents in principle, subject to editorial improvements by the drafting group, if any.

ADOPTION OF THE PROPOSED AMENDMENTS TO SOLAS AND THE INF CODE

Report of the drafting group

3.23 Having received the report of the drafting group (MSC 71/WP.11), the Committee took action as indicated hereunder.

Adoption of amendments to the SOLAS Convention

3.24 The expanded Committee, including delegations of 87 SOLAS Contracting Governments, considered the final text of the proposed amendments to chapter VII of the 1974 SOLAS Convention, as amended, as prepared by the drafting group (MSC 71/WP.11, annex 1) and adopted them unanimously by resolution MSC.87(71), as set out in annex 3.

3.25 In adopting resolution MSC.87(71), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the SOLAS Convention, that the adopted amendments to chapter VII should be deemed to have been accepted on 1 July 2000 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2001, in accordance with the provisions of article VIII thereof.

Adoption of the INF Code

3.26 The Committee considered the final text of the draft INF Code in its mandatory form, as prepared by the drafting group (MSC 71/WP.11, annex 2) and adopted it unanimously by resolution MSC.88(71), as set out in annex 4; and instructed the Secretariat to inform MEPC accordingly.

APPROVAL OF AN MSC CIRCULAR ON HLAS

3.27 The Committee approved MSC/Circ.907 on Application of SOLAS regulation III/28.2 concerning helicopter landing areas on non ro-ro passenger ships, as prepared by the drafting group (MSC 71/WP.11, annex 3) and further amended by plenary.

4 BULK CARRIER SAFETY

4.1 The Committee recalled that, at MSC 70, it continued its efforts to further enhance the safety of bulk carriers through an *ad hoc* working group, which was tasked to consider in detail:

- .1 the relevant specific requests of the 1997 SOLAS Conference;
- .2 matters arising from the assessors' report on the survey of the bulk carrier **Derbyshire**; and
- .3 a proposal for an FSA study on bulk carrier safety.

Specific requests of the 1997 SOLAS Conference

4.2 The Committee recalled also that MSC 70, having considered those parts of the aforementioned working group's report dealing with actions which should be taken on the issues specified in the 1997 SOLAS Conference resolutions 6 and 8, adopted resolution MSC.79(70) on Interpretation of the provisions of SOLAS chapter XII. However, the Committee decided that further work needed to be done to:

- .1 identify certain bulk carriers for port State control purposes, with a stated preference for adding the ship type "bulk carrier" to the appropriate list in the relevant SOLAS certificates;
- .2 define bulk carriers of single side skin construction; and
- .3 consider, if justified by the results of the FSA study on bulk carrier safety, safety issues relating to:
 - .3.1 bulk carriers with an insufficient number of holds/transverse watertight bulkheads to satisfy SOLAS regulation XII/4.2;
 - .3.2 bulk carriers of less than 150 m in length;

- .3.3 new bulk carriers of double side skin construction; and
- .3.4 single side skin bulk carriers carrying solid bulk cargoes having a density of less than 1,780 kg/m³.

Matters arising from the assessors' report on the survey of the bulk carrier "Derbyshire"

4.3 The Committee recalled further that MSC 70, having considered those parts of the working group's report dealing with the above matters, instructed the SLF Sub-Committee to further consider, in the context of its revision of technical regulations of the 1966 LL Convention, the following issues:

- .1 strength of hatch covers and coamings;
- .2 freeboard and bow height;
- .3 reserve buoyancy at fore end, including forecastles;
- .4 structural means to reduce loads on hatch covers and forward structure; and
- .5 protection of the crew when access to the fore deck is necessary for the operation of the ship.

Proposal for an FSA study on bulk carrier safety

4.4 The Committee recalled also that MSC 70 endorsed, in general, the United Kingdom's proposal to conduct, through a collaborative effort outside IMO, an FSA study on bulk carrier safety in accordance with the Interim Guidelines for the application of Formal Safety Assessment, so that, without pre-empting or impairing the holistic nature of the FSA process, priority issues, such as those identified in resolution 8 of the 1997 SOLAS Conference and the **Derbyshire** Assessors' report, could be considered on an urgent basis, with a two-year total timeframe. In this connection, MSC 70 further agreed that the issue of life-saving appliances should also be included in the FSA study.

Other matters pending

4.5 The Committee recalled further that MSC 70 agreed to also consider at this session:

- .1 the outcome of DSC 4 on a uniform method of measurement of the density of bulk cargoes, in the context of the solid bulk cargo density declaration required by SOLAS regulation XII/10;
- .2 the results of IACS' hazard identification study, with particular regard to tank sounding systems, bilge alarms, emergency pumping, fore deck hatches, lighting and other considerations on the watertight integrity of the fore end of bulk carriers; and
- .3 the inclusion of heavy break bulk cargoes in SOLAS chapter XII.

4.6 The Committee finally recalled its decision, at MSC 70, to reconvene the Working Group on Bulk Carrier Safety at this session, to review, *inter alia*, the progress made by the SLF Sub-Committee, the information submitted by IACS on their hazard identification study and any progress made on the FSA study on bulk carrier safety.

4.7 The Committee had for its consideration under this agenda item documents submitted by the Secretariat (MSC 71/4) on the outcome of consideration by SLF 42 of the matters listed in paragraph 4.3; Denmark (MSC 71/4/2) on a proposal to include heavy break bulk cargoes in SOLAS chapter XII; Norway (MSC 71/4/3) on a proposal on the interpretation of the term "bulk carrier of single side skin construction"; the United Kingdom (MSC 71/4/4) containing a description of the key findings of a further bulk carrier seakeeping model test programme being carried out in the United Kingdom; and IACS (MSC 71/4/1 and MSC 71/INF.7) containing respectively its interpretation of SOLAS regulation XII/8.3 and a summary of its Hazard Identification on the watertight integrity of the fore end of bulk carriers. The Committee also considered the outcome of DSC 4 relating to a uniform method of measurement of density of bulk cargoes (DSC 4/14, paragraphs 5.37 to 5.39).

Progress report on the collaborative FSA study on bulk carrier safety

4.8 The delegation of the United Kingdom, in presenting an oral report on the progress made since the Committee's last session regarding the collaborative FSA study on bulk carrier safety being conducted outside IMO under their co-ordination, stated that, whilst the Joint FSA/Human Element Working Group had thus far been the appropriate body to develop the FSA methodology, it was for the experts in the field of the particular problem under consideration, i.e. the Working Group on Bulk Carrier Safety, to be involved in the practical application of such a methodology. Therefore, the Committee should be actively involved in guiding, informing and reviewing the further development of this FSA study and instruct the Working Group on Bulk Carrier Safety not simply to "review" any progress made on the study to date, but to also "substantially discuss" the issue with the aim of determining the study's objectives, scope, application and timeframe, which would be used by the outside group of interested members as a basis for its work. Further, the United Kingdom's delegation undertook to submit reports on the progress made by the outside group to subsequent sessions of the Committee.

4.9 The delegation of Japan informed the Committee that a separate FSA study on bulk carrier safety would be carried out in Japan and that participation in the current collaborative effort would nevertheless be maintained. Several delegations, in welcoming Japan's initiative, expressed the view that a comparison of the findings from the two separate FSA studies would enable the Committee to evaluate the results with a higher degree of confidence.

Establishment of the working group

4.10 As decided at MSC 70, the Committee re-established the Working Group on Bulk Carrier Safety with the following terms of reference:

With regard to matters related to SOLAS chapter XII:

- .1 to prepare draft amendments to the forms of Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and Cargo Ship Safety Certificate adding the term "bulk carrier" to the list under the heading "Type of ship";
- .2 to consider further the definition of bulk carriers of single side skin construction, taking into account the outcome of discussion of this issue at MSC 70 and the interpretations contained in document MSC 71/4/3;
- .3 to consider the draft MSC circular on a Uniform method of measurement of the density of bulk cargoes, as prepared by DSC 4, including the insertion, in a future consolidated edition of the SOLAS Convention, of a footnote under SOLAS regulation XII/10, referring to the said MSC circular;

- .4 to consider the proposal to include heavy break bulk cargoes within the scope of application of SOLAS chapter XII, as contained in document MSC 71/4/2;
- .5 to consider IACS' interpretation of SOLAS regulation XII/8.3 regarding the triangles to be permanently affixed to the sides of certain bulk carriers and, if dissemination of such interpretation is deemed appropriate, to prepare a draft covering MSC circular;

With regard to matters arising from the assessors' report on the survey of the bulk carrier "Derbyshire":

- .6 to review the progress made by the SLF Sub-Committee on bulk carrier safety matters, as reported in document MSC 71/4, and advise the Committee of any changes which should be made to the Sub-Committee's standing mandate on this issue;

With regard to the FSA study on bulk carrier safety:

- .7 to consider documents MSC 70/4/Add.1 and MSC 70/INF.14 with a view to determining:
 - .7.1 the FSA project objectives;
 - .7.2 the scope and application of the study, including a definition of a bulk carrier to be used in the study, the types of risk to be addressed and the accident categories to be considered;
 - .7.3 the mechanisms for carrying out the individual stages of the FSA study; and
 - .7.4 a timetable of actions for the work to be undertaken intersessionally and reported to the Committee; and
- .8 to review the information provided in document MSC 71/INF.7 and advise plenary whether it should be taken into consideration in the context of the the FSA study on bulk carrier safety.

Outcome of the working group

4.11 Having received the report of the working group (MSC 71/WP.3), the Committee approved it, in general, and took action as reflected in the ensuing paragraphs.

MATTERS RELATED TO SOLAS

Amendments to the forms of certificates

4.12 The Committee, conscious of the fact that the forthcoming entry into force of the 1988 SOLAS Protocol on 3 February 2000 would make it possible, under article VI thereof, to amend the forms of certificates contained in the appendix to the Annex to the Protocol by the tacit amendment procedure, approved the proposed amendments to the Protocol set out in annex 5, whereby the ship type "bulk carrier" would be explicitly identified in the forms of the Cargo Ship Safety Construction Certificate, the Cargo Ship Safety Equipment Certificate and the Cargo Ship Safety Certificate, with a view to their future adoption, as appropriate.

4.13 In this connection, recognizing that the same amendments could not be made to the corresponding forms of certificates laid down in the appendix to the Annex to the 1974 SOLAS Convention by the tacit amendment procedure and that some confusion might emerge until all Contracting Governments to the SOLAS Convention became Parties to the 1988 SOLAS Protocol, the Committee referred to the draft Assembly resolution on the Global and uniform implementation of the harmonized system of survey and certification (HSSC) (see annex 14), whereby the Assembly, if the said resolution is adopted, will agree that States which are Contracting Governments to the 1974 SOLAS Convention but not Parties to the 1988 SOLAS Protocol may issue certificates in the form prescribed by the 1988 SOLAS Protocol as modified in accordance with annex 2 to that resolution.

Interpretation of the provisions of SOLAS chapter XII

4.14 The Committee agreed to the interpretation of the term "bulk carrier of single side skin construction" proposed by Norway (MSC 71/4/3), with some modifications in the application dates to allow for those ships which may have been already ordered, as well as to IACS' interpretation of SOLAS regulation XII/8.3 regarding the triangles to be permanently affixed to the sides of certain bulk carriers, also with some modifications, and adopted them by resolution MSC.89(71), as set out in annex 6. Regarding the latter interpretation, the Committee invited IACS to amend their own interpretation in line with the text contained in annex 2 to the above MSC resolution.

Measurement of the density of bulk cargoes

4.15 The Committee reviewed a draft MSC circular attaching a performance specification for the measurement of the density of bulk cargoes, as prepared by DSC 4 (DSC 4/14, paragraphs 5.37 to 5.39 and annex 5) and, with the proposed deletion of paragraph 1.3 of the annex thereof, agreed to its contents for the purpose of assisting the accredited testing organization referred to in SOLAS regulation XII/10 - Solid bulk cargo density declaration, when verifying the density of solid bulk cargo if declared to be within the range 1,250 kg/m³ to 1,780 kg/m³. In this connection, the delegation of Cyprus did not support the deletion of paragraph 1.3 of the proposed uniform method of measurement and pointed out that there was a need to establish and agree a method if the objective is the consistent and effective implementation of SOLAS chapter XII. Subsequently, the Committee approved MSC/Circ.908 on a Uniform method of measurement of the density of bulk cargoes and instructed the Secretariat to insert the following footnote at the end of regulation XII/10.2 when the next consolidated edition of the SOLAS Convention is prepared:

"In verifying the density of solid bulk cargoes, reference may be made to MSC/Circ.908 on a Uniform method of measurement of the density of bulk cargoes."

4.16 Recognizing that the above footnote would not be part of the Convention itself, the Committee agreed that the contents of the MSC circular should be attached to the Code of Safe Practice for Solid Bulk Cargoes (BC Code) at an appropriate opportunity and instructed the DSC Sub-Committee accordingly. Some delegations noted that the MSC circular should not prevent accredited testing organizations from using their own methods of density measurement. The delegation of Cyprus expressed the view that the Record of density measurement annexed to the aforementioned MSC circular cannot be considered or construed as the cargo density declaration by the shipper envisaged in SOLAS regulation XII/10.1, and that, at least at this stage, reference should be made to paragraph 1.10 - "Representative test sample" and Appendix D - "Laboratory test procedures, associated apparatus and standards" of the BC Code.

Heavy break bulk cargoes

4.17 Having considered a proposal by Denmark (MSC 71/4/2) to include heavy break bulk cargoes within the scope of application of SOLAS chapter XII, the Committee was of the view that it would be premature to start the procedure to amend chapter XII before it had entered into force and that, in any case, any contemplated amendments should be considered in a holistic rather than piecemeal way. Recognizing, however, that the matter merited careful attention, the Committee agreed to refer the proposal to the outside group which is conducting an FSA study on bulk carrier safety in order that the issue is addressed appropriately within the study.

MATTERS ARISING FROM THE ASSESSORS' REPORT ON THE SURVEY OF THE "DERBYSHIRE"

4.18 The Committee reviewed the progress made by SLF 42 on the matters arising from the assessors' report on the survey of the **Derbyshire** (MSC 71/4) together with the information provided by the United Kingdom on the key findings of a bulk carrier seakeeping model test programme which was currently being carried out and on an additional proposed research programme (MSC 71/4/4) and, noting with appreciation the information provided by the United Kingdom, agreed that the SLF Sub-Committee's standing mandate on these matters would not need to be modified.

FSA STUDY ON BULK CARRIER SAFETY

4.19 The Committee received with appreciation an interactive presentation by the delegation of the United Kingdom covering the aspects outlined in paragraph 4.10.7 above relating to the FSA study on bulk carrier safety being undertaken currently through a collaborative effort outside IMO under the co-ordination of the United Kingdom. Some of these aspects were discussed in depth and, after a thorough exchange of views, the Committee agreed that the framework setting out the project objectives, the scope and application of the study (which would also include life-saving appliances, ballast water exchange at sea and main machinery configuration), the mechanisms for carrying out the individual stages of the study and a timetable of further actions, as contained in annex 4 to MSC 71/WP.3, represented a solid base on which to assemble the rest of the study, but that agreement on the framework should not be taken to mean a blanket approval of the whole exercise.

4.20 Having briefly considered the hazard identification on the watertight integrity of the fore end of bulk carriers submitted by IACS (MSC 71/INF.7), the Committee noted with appreciation the information provided and, agreeing that such information could be a valuable input to the FSA study, referred it to the outside group on FSA of bulk carriers, through its co-ordinator, for appropriate action.

5 FIRE PROTECTION

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 Fire Protection (FP) (FP 43/18 and MSC 71/5) and took action as indicated hereunder.

Interim Guidelines for a simplified evacuation analysis of ro-ro passenger ships

5.2 The Committee approved MSC/Circ.909 on Interim Guidelines for a simplified evacuation analysis of ro-ro passenger ships, noting that the Sub-Committee had recognized the need for further work to be carried out in the fields of evacuation analysis in terms of collection of data and experiments.

Strength of "B" class bulkheads

5.3 The Committee approved MSC/Circ.910 on Strength of ro-ro passenger ship "B" class bulkheads to which handrails are attached.

Fixed fire detection and alarm systems on cargo ships constructed before 1 September 1984

5.4 Having recalled that, at its sixty-sixth session, it had instructed the Sub-Committee to consider a proposal by the United Kingdom (MSC 66/6/1) to retroactively fit cargo ships constructed before 1 September 1984 with fixed fire detection and alarm systems in accommodation and service spaces to reduce the safety gap between new and existing ships, the Committee noted the proposed new SOLAS regulation II-2/52-1 on fixed fire detection and fire alarm systems on ships constructed before 1 September 1984, as contained in annex 5 to document FP 43/18, which would be incorporated in the draft revised SOLAS chapter II-2.

Prohibition of the installation of asbestos on board new ships

5.5 The Committee noted the proposed prohibition of installation of asbestos on board new ships and, in particular, the Sub-Committee's opinion that such a requirement should be placed in part A-1 of SOLAS chapter II-1.

5.6 The delegation of the Russian Federation, opposing the Sub-Committee's decision, reserved its position with regard to the prohibition of the use of chrysotile asbestos. It considered that the decision regarding the prohibition of the use of asbestos on board ships should be based on the results of scientific and medical investigations proving that the damage connected with asbestos use is greater than the use of other materials replacing it. Such a decision should also be based on relevant decisions of other competent international organizations such as the World Health Organization (WHO) and the International Labour Organization (ILO). The Russian delegation invited submission to FP 44, where a more detailed consideration would take place, of documents substantiating, on medico-biological grounds, the influence of chrysotile asbestos and its substitutes on health and the environment.

5.7 The United Kingdom delegation informed the Committee that the WHO had already conducted a detailed scientific analysis regarding chrysotile asbestos. In 1998, the International Programme on Chemical Safety published environmental Health Criterion 203 regarding this material - which is generally accepted to be the least hazardous of the various types of asbestos. They further informed the Committee that the relevant report had concluded that there was no safe dose (or threshold) for this type of asbestos and that any exposure to this type of asbestos would be detrimental to human health.

5.8 The Committee, noting the above comments, invited Member Governments to submit comments to FP 44 and DE 43, as appropriate, where the matter would be further considered.

Revision of the HSC Code

5.9 The Committee noted the draft amendments to chapters 4 and 7 of the HSC Code (FP 43/18, annex 6) and that the Sub-Committee had referred them to the DE Sub-Committee for co-ordination purposes.

Interpretations of the fire protection-related provisions of the HSC Code

5.10 The Committee noted that the draft circular prepared by FP 43 (FP 43/18, annex 7) contained interpretations of both the existing provisions of the HSC Code and the draft amendments to chapters 4 and 7 thereto (forwarded to DE 42 for co-ordination purposes to become part of the revised HSC Code). The Committee, noting that DE 42 had not finalized the draft amendments to the HSC Code, decided to hold in abeyance the interpretations relating to the above draft amendments until the revised HSC Code is approved. Accordingly, the Committee approved MSC/Circ.911 on Interpretations of the fire protection-related provisions of the HSC Code, containing only interpretations relating to the existing provisions of the HSC Code.

Interpretations of the Standards for fixed sprinkler systems for high-speed craft

5.11 The Committee approved MSC/Circ.912 on Interpretations of the Standards for fixed sprinkler systems for high-speed craft.

Fixed water-based local application fire-suppression systems

5.12 The Committee approved the proposed new paragraph 7 of SOLAS regulation II-2/7 as set out in annex 9 to FP 43/18, which requires category A machinery spaces on passenger and cargo ships to be protected by a fixed water-based local application fire-suppression systems, for incorporation in the draft revised SOLAS chapter II-2.

5.13 The Committee, in considering, as requested by the Sub-Committee, whether the aforementioned fixed local fire-extinguishing systems for machinery spaces should be applied to existing passenger ships, noted that several delegations at FP 43 were of the opinion that the proposed new paragraph 7 of SOLAS regulation II-2/7 should apply to existing passenger ships as well, whilst several other delegations were of the opinion that it should only apply to new passenger ships. Following discussion, the Committee, decided to extend the application of the proposed new paragraph 7 of SOLAS regulation II-2/7 to existing passenger ships as well; and agreed to the three-year implementation period of the provisions of the aforementioned paragraph 7, as proposed by the Sub-Committee.

5.14 The Committee approved MSC/Circ.913 on Guidelines for the approval of fixed water-based local application fire-fighting systems for use in category A machinery spaces.

Fixed fire-fighting systems for special category spaces

5.15 The Committee approved MSC/Circ.914 on Guidelines for the approval of alternative fixed water-based fire-fighting systems for special category spaces.

Unified interpretations of SOLAS chapter II-2

5.16 The Committee endorsed the Sub-Committee's action to issue a corrigendum to MSC/Circ.847 on Unified interpretations of SOLAS chapter II-2 (MSC/Circ.847/Corr.1).

Standard for qualifying marine materials for high-speed craft

5.17 The Committee adopted resolution MSC.90(71) on Adoption of amendments to the Standard for qualifying marine materials for high-speed craft as fire-restricting materials (resolution MSC.40(64)), as set out in annex 7.

Proposed amendments to the FTP Code

5.18 The Committee noted that the proposed amendments to the Fire Test Procedures (FTP) Code are linked to the draft amendments to the HSC Code which have been forwarded to the DE Sub-Committee, for co-ordination purposes as part of the revision of the HSC Code and, having agreed that the adoption of the FTP Code amendments should coincide with the adoption of the revised HSC Code, approved the proposed amendments to the FTP Code, as set out in annex 8, for subsequent adoption at a future session, and decided that the entry into force date should be the same as the date of entry into force of the revised HSC Code.

Unified interpretations of SOLAS regulations II-2/23, 30 and 42

5.19 The Committee approved MSC/Circ.915 on Unified interpretations of vague expressions and other vague wording of SOLAS chapter II-2, containing interpretations of SOLAS regulations II-2/23, 30 and 42.

Unified interpretations of the FTP Code

5.20 The Committee approved MSC/Circ.916 on Unified interpretations of the Fire Test Procedures (FTP) Code and the fire test procedures referred to therein.

Fire safety construction in accommodation areas

5.21 The Committee approved MSC/Circ.917 on Guidelines on fire safety construction in accommodation areas.

Draft Code on polar navigation

5.22 The Committee noted that a number of delegations at FP 43 raised concerns that the scope and application of the Polar Code were unclear and needed to be further clarified by the Committee. The Committee agreed to discuss this matter in more detail under agenda item 9 (Ship design and equipment) in conjunction with document MSC 71/20/11 (see paragraphs 9.13 to 9.17).

Fires and explosions related to hot work

5.23 The Committee noted the Sub-Committee's view on fire casualty analyses prepared by FSI 6, in particular that the issues regarding fires and explosions related to hot work be further considered by the joint MSC/MEPC Working Group on the Human Element; as well as the Sub-Committee's opinion that appropriate guidelines, such as those developed by ISGOTT, already exist addressing hot work safety. The Committee referred the matter to the Joint MSC/MEPC Working Group on HE and FSA for further consideration (see paragraphs 13.9, 13.11.5 and 13.23).

Prohibition of the use of PFCs in shipboard fire-extinguishing systems

5.24 The Committee noted the outcome of the Sub-Committee's consideration of the issue on prohibition of the use of perfluorocarbons (PFCs) in shipboard fire-extinguishing systems and that the majority of the Sub-Committee had supported the view that there was no essential use for PFCs in shipboard fire-extinguishing systems. The Committee also noted that this matter would be further considered at FP 44 given that some members had expressed concern that it was premature to reach a decision in this respect at this stage as more information and data was necessary to evaluate the essential use of PFCs.

Intersessional meeting of the working group

5.25 The Committee, having considered the Sub-Committee's request to hold an intersessional meeting of the Working Group on Comprehensive Review of SOLAS Chapter II-2, the week prior to FP 44, for the purpose of finalizing the work on the comprehensive revision of SOLAS chapter II-2 at FP 44, approved the holding of such intersessional meeting.

Information on halon banking and reception facilities

5.26 The Committee endorsed the Sub-Committee's action with respect to the issuance of FP/Circ.17 on Information regarding halon banking and reception facilities.

OTHER MATTERS

Safe evacuation and rescue of the passengers of a fire-stricken passenger ship

5.27 The delegation of the Bahamas informed the Committee that the Bahamian-registered passenger ship *Sun Vista* had caught fire in the Malacca Straits on 21 May 1999 and that all 1,104 passengers and crew had been successfully evacuated in the ship's lifeboats and liferafts without loss of life or serious injury. Subsequently they were taken to Penang in rescue craft in an operation which had been co-ordinated by the Malaysia Search and Rescue Services. The vessel later sank approximately 50 miles from Penang. The Bahamas Maritime Authority had immediately instructed two teams of investigators led by their senior investigator from London to begin an investigation into the cause of the incident, in which investigations the Malaysia Maritime Authorities and the owners of the vessel were fully co-operating. The report of the investigation would be published and submitted to the Organization in due course. The delegation of the Bahamas commended the Malaysia Search and Rescue Services for the efficient manner in which they had responded to the request for assistance and in bringing the passengers and crew safely to Penang.

6 TRAINING AND WATCHKEEPING

REPORT OF THE THIRTIETH SESSION OF THE SUB-COMMITTEE

6.1 The Committee approved, in general, the report of the thirtieth session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 30/13 and MSC 71/6) and took action as indicated hereunder.

Validation of ECDIS and other model courses

6.2 The Committee noted the validation of the IMO model course on operational use of electronic chart display and information systems (ECDIS), as well as the validation of the nine IMO model courses listed in the annex to document STW 30/3. The Committee received information on progress made in the review of model courses under agenda item 12 (Technical assistance subprogramme in maritime safety) (see paragraph 12.7).

Follow-up action to the 1995 STCW Conference

6.3 The Committee endorsed the Sub-Committee's decision that more work remained to be done with respect to Assembly resolutions and MSC circulars superseded by the 1995 STCW amendments and its instruction to the Secretariat to prepare a consolidated document for consideration at STW 31.

Fraudulent certificates of competency

6.4 The Committee noted the finalised text of MSC/Circ.900 on Fraudulent certificates of competency; and took further action on this issue as reported in paragraphs 6.31 to 6.37.

National authorities responsible for issuing certificates of competency

6.5 The Committee endorsed the Sub-Committee's decision to instruct the Secretariat to revise and update STW/Circ.29 on National authorities responsible for issuing certificates of competency and to promulgate the revised circular as soon as practicable, noting that the revised circular had been issued as STCW 95/Circ.1.

Guidance for competent persons

6.6 The Committee approved STCW.7/Circ.9 on Guidance for competent persons evaluating information communicated by Parties on the implementation of the STCW Convention and STCW Code amendments, which entered into force after 1 August 1998.

Guidance for port State control officers

6.7 When the Committee was considering a proposed draft MSC circular on Guidance for port State control officers in respect of certificates of competency issued under the provisions of the STCW Convention, the delegation of Japan expressed objection to paragraph 2.2 thereof stating that articles II and VI of the 1978 STCW Convention clearly prescribe that certificates shall be issued, and endorsements made, by the Administration, i.e. the Government of the flag State as defined in article II and, consequently, the acceptance of certificates by other Governments without issuing certificates and endorsement by the Government of the flag State would be in contravention of the Convention. The delegation of Japan reserved the right to exercise port State control in accordance with the above interpretation.

6.8 The Committee did not share this view recalling that the 1995 amendments to the STCW Convention had introduced provisions for the recognition of certificates in regulation I/10. Accordingly, under the provisions of regulation I/15, port State control inspectors should not require, until 1 February 2002, flag State endorsements in recognition of certificates issued by another Party under the provisions of the STCW Convention in force prior to 1 February 1997 and taking into account the guidance contained in STCW.7/Circ.1. Following this, the Committee approved MSC/Circ.918 on Guidance for port State control officers in respect of certificates of competency issued under the provisions of the STCW Convention.

Follow-up to the 1995 STCW-F Conference

6.9 The Committee considered matters arising under this item when considering the report of the Joint FAO/ILO/IMO Working Group on Fishermen's Training (see paragraphs 6.18 to 6.22).

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

6.10 The Committee approved a draft Assembly resolution on Principles of safe manning, as set out in annex 9, for submission to the twenty-first session of the Assembly for adoption.

6.11 The delegation of China, whilst supporting the draft Assembly resolution, expressed the view that the development of standard manning levels should be added to the Sub-Committee's work programme to ensure uniform manning levels on ships of the same type and size. However, the Committee's view was that it would be premature to consider further work on this issue until experience had been gained in the use of the principles of safe manning in the revised resolution.

Code on polar navigation

6.12 The Committee noted the Sub-Committee's consideration of the draft Code on polar navigation and endorsed its decision to convey its comments to the DE Sub-Committee and to keep this item in its work programme for further consideration, in accordance with the Code's revised scope and application as decided under section 9 (see paragraphs 9.13 to 9.17 and 20.58).

Medical standards for seafarers

6.13 The Committee endorsed the Sub-Committee's decision to make reference to the ILO/WHO Guidelines for conducting pre-sea and periodic medical fitness examinations for seafarers, in section B-I/9 of the STCW Code.

6.14 The Committee also endorsed the Sub-Committee's decision to develop physical standards for entry-level and other seafarers and prepare appropriate text for inclusion in Part B of the STCW Code and its instruction to the Secretariat to invite representatives from ILO and WHO to STW 31.

Draft regulations on ballast water management

6.15 The Committee endorsed the Sub-Committee's request to prepare, subject to the development of a new instrument by the MEPC, appropriate amendments to the STCW Convention on training in ballast water management.

Draft guidelines for damage control plans

6.16 The Committee, when considering the Sub-Committee's recommendation that the draft Guidelines for damage control plans be referred to the NAV Sub-Committee for comments, recalled that SLF 41 had discussed, in the course of preparation of the draft Guidelines, whether the draft Guidelines should be referred to the STW and NAV Sub-Committees for comments; and had agreed that only STW 30 should be invited to provide comments. Accordingly, SLF 42 had prepared the final draft Guidelines, taking into account other comments by STW 30, which the Committee approved under agenda item 7 (see paragraph 7.6) agreeing that there was, therefore, no need for action on this recommendation of STW 30.

IMDG Code section 28

6.17 The Committee endorsed the Sub-Committee's decision to convey to the DSC Sub-Committee a revised text on training requirements for inclusion in section 28 of the IMDG Code (see also paragraph 8.25).

OTHER MATTERS

FISHERMEN'S TRAINING AND CERTIFICATION

6.18 The Committee recalled that FAO had prepared a draft revision of the FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification and that a Joint FAO/ILO/IMO Working Group (composed of two representatives each from FAO and IMO and four representatives (two employers and two worker representatives) from ILO), had met concurrently with STW 29 (12 to 16 January 1998) with Iceland and the Republic of Korea representing IMO.

6.19 The Committee, having received the report of the Joint Working Group (MSC 71/6/2 and MSC 71/INF.3) on its second session (18 to 22 January 1999), approved it, in general, and took action as indicated hereunder.

New title of the Document for Guidance

6.20 The Committee agreed the group's recommendation for amending the title of the Document for Guidance to "FAO/ILO/IMO Document for Guidance on the Training and Certification of Fishing Vessel Personnel".

Review of STCW-F requirements

6.21 The Committee noted the group's recommendation that the Committee considers a review of the STCW-F requirements concerning celestial navigation and the need for inclusion of a mandatory requirement for officers in charge of an engineering watch on fishing vessels powered by main propulsion machinery of 750 kW or more; and agreed to refer these issues to the STW Sub-Committee for consideration and review under its existing work programme item on "Follow-up to the 1995 STCW-F Conference".

Revised Document for Guidance

6.22 The Committee noted the revised Document for Guidance on Fishermen's Training and Certification (MSC 71/INF.3) and agreed to consider it further at MSC 72 after it has been considered by STW 31. It also agreed that the revised Document, under its new title, should be published jointly with FAO and ILO. To this effect, the Committee requested the Secretariat to enter into consultations with the Secretariats of the two other Organizations, as appropriate.

IMPLEMENTATION OF THE REVISED STCW CONVENTION

Preparation of reports pursuant to STCW regulation I/7, paragraph 2

6.23 The Committee recalled the Secretary-General's opening remarks that attention should be drawn to the need for the communication of information process and the work of the competent persons to be undertaken as efficiently and effectively as possible and in a manner which would guarantee the integrity of the system and the confidentiality required by the STCW Convention and Code.

6.24 In endorsing the Secretary-General's comments, the Committee observed that any reports giving details on the process in respect of individual countries could only harm the integrity and confidentiality of the process and of those involved, and should be avoided.

6.25 The Committee noted a progress report (MSC 71/6/1) on the evaluation of information which had been communicated by STCW Parties before 1 August 1998 as well as an oral update provided by the Secretariat, which indicated that, as of 21 May 1999, a further 13 Parties had communicated information, 15 panels of competent persons had completed their work and reported to the Secretary-General; 40 panels had completed their initial evaluations and clarifications had been requested from the Parties concerned; and, of those, 20 panels were considering clarifications that had been provided by the respective Parties.

6.26 The Committee noted that, in the two months since document MSC 71/6/1 had been prepared, only limited progress had been made, either by panels of competent persons completing their evaluations or by Parties in providing clarifications. It further noted that, if the Secretary-General is to make his report to MSC 72 in May 2000, the work of the 82 panels evaluating the information of those Parties, which had communicated information by 1 August 1998, should be completed by 15 January 2000 in order for the Secretariat to meet the deadline for the submission, to that session of the Committee, of bulky documents or documents requiring action or decision.

6.27 In considering the deadline for the submission of the Secretary-General's report to MSC 72, the Committee recalled that, at its sixty-ninth session, it had decided (MSC 69/22, paragraph 7.10) that this report should only be submitted after all the information communicated by Parties received by 1 August 1998 had been evaluated and, noting the progress made to date, there was a possibility that some of the panels may not complete their work in time for the Secretary-General to report to MSC 72. In order to allow as much time as possible for completion of the panels' work, the Committee therefore agreed to relax to 1 March 2000 the deadline for the submission of the Secretary-General's report to MSC 72.

6.28 The Committee invited Member Governments Parties to the STCW Convention to respond to requests for clarifications without undue delay and to ensure that the competent persons they have nominated are given every opportunity and are prompted to complete their evaluations in a timely manner. From its part, the Secretariat undertook to facilitate communications and the forwarding of information wherever possible.

List of competent persons

6.29 The Committee recalled that a list of competent persons, including those approved at its seventieth session, had been circulated as MSC/Circ.797/Rev.2.

6.30 The Committee approved additional competent persons nominated after MSC 70, as listed in document MSC 71/6/1/Add.1 and MSC 71/WP.9 and instructed the Secretariat to revise MSC/Circ.797/Rev.2 accordingly, for circulation by means of MSC/Circ.797/Rev.3.

Fraudulent certificates of competency

6.31 The Committee, recalling that, at MSC 70, it had been informed of fraudulent certificates of competency, or authentic certificates issued on the basis of forged foreign certificates, which had been found during port State control inspections and that an *ad hoc* drafting group had prepared a draft MSC circular on Fraudulent certificates of competency, noted that STW 30 had, as requested, finalized the draft MSC circular, which had been issued as MSC/Circ.900.

6.32 Cyprus, Greece and the United Kingdom (MSC 71/6/3) expressed the view that the proliferation of forged certificates and the way some Parties to the STCW Convention issue certificates, undermined the objectives and goals the STCW Parties had agreed to pursue through the 1995 amendments and

increased the risk of losing more lives at sea and causing more pollution of the marine environment. They therefore proposed the adoption of an Assembly resolution urging Member Governments to include details of the underlying certificate when issuing endorsements on the basis of certificates or endorsements issued by another Party.

6.33 Cyprus (MSC 71/6/4) drew the Committee's attention to 32 instances where fraudulent certificates, or authentic certificates issued on the basis of fraudulent certificates, had been confiscated by the Maritime Authorities of Cyprus over a 14-month period.

6.34 Commenting on document MSC 71/6/4, the delegation of Liberia stated that that document did not indicate the specific circumstances surrounding each of the listed certificates. This left the reader to assume two possible scenarios being relevant to Liberia: firstly, that some of the certificates were fake or forged and, secondly and more importantly, that the Liberian Administration was negligent in not verifying the authenticity of the original certificate and the competency of the individual prior to issuing its own certificate of competency to the individual.

Fortunately, the latter was not the case and the Cypriot Authorities had decided not to present this fact. All of the Liberian certificates listed in document MSC 71/6/4 were fake or forged and this could in no way be attributable to Liberia's Licensing System but to the criminal acts of the forgers. To Liberia's credit, these fake or forged certificates could be easily identified and, in cases of doubt, the Liberian Administration could verify the authenticity of a certificate from its computer records and paper files which are held in archives for such purposes.

Liberia had reviewed document MSC 71/6/4 in regard to the fraudulent certificates submitted by Cyprus and had concluded that they were accurate in that, for each instance reported involving fraudulent Liberian certificates, the Cypriot Authorities had contacted Liberia's Licensing Division for verification of the Liberian license and in each case it had been confirmed that the certificates had never been issued by Liberia. Some of the fraudulent certificates in question were of an extremely crude format; others were in the format of the Liberian certificates which had been issued ten years ago and which are no longer issued presently; and others were in the present format of the Liberian certificates but counterfeit.

In each instance, the Liberian authorities were able to verify the fraudulent nature of the documents concerned through their computer records. They also have actual paper files of valid licenses issued by means of which they were able to compare a copy of the true license issued to the suspected document. In each instance where forged Liberian licenses had been detected, they have and would continue to pursue a full investigation of forged documents, including confiscating the forged document if possible, as well as obtaining details of how it had been obtained, in order to stop future instances of similar forged documents being used.

6.35 In response, the delegation of Cyprus indicated that it was neither their intention nor their wish to cause any offence to the reputation of Liberia or Liberia's Seafarers Licensing System. In fact, it was because of the efficiency of the Liberian Seafarers Licensing System and due to their prompt response that Cyprus was able to identify the certificates listed in document MSC 70/6/4 as fraudulent.

The delegation of Cyprus stressed that the vast majority of the cases indicated in their submission related to certificates found on non-Cypriot ships during port State control inspections.

The list had been submitted to the Committee as an indication of the magnitude of the problem and with no other specific intent in mind.

The delegation of Cyprus expressed their sadness as to why Liberia opted to react on the matter in such a way when no such reaction had been witnessed, during STW 30, when a similar document containing a list including a reference to Liberia had been submitted.

As a result of the comments of Liberia, Cyprus had reached the conclusion that the structure of document MSC 71/6/4 might, in the eyes of Liberia, have been an unfortunate one but, clearly, the intent of Cyprus was not to cause any embarrassment to Liberia and it should not be construed as any propaganda of any sort whatsoever against Liberia.

The delegation of Cyprus noted that the statement of the delegation of Liberia had brought another angle to the issue under discussion, namely that of the counterfeit certificates and indicated that, subject to the agreement of the Committee, this should be taken into account in the revision of the proposed Assembly resolution on the matter.

Having heard the comments of the delegation of Liberia on the matter, the delegation of Cyprus expressed the hope that Liberia would continue to co-operate with Cyprus on the fight against these sort of practices and that Liberia should be able, hopefully, to support the proposed Assembly resolution on the matter in its revised form.

6.36 In the same vein, the Committee also noted with concern information provided by the delegation of Vanuatu on the availability of counterfeit certificates for purchase in Honduras and welcomed the full co-operation being given by the Honduran Administration to eradicate this source of fraudulent certificates.

6.37 The Committee approved a draft Assembly resolution on Unlawful practices associated with certificates of competency or endorsements, based on the text proposed by Cyprus, Greece and the United Kingdom in document MSC 71/6/3 and modified in document MSC 71/WP.10, as set out in annex 10, for submission to the twenty-first session of the Assembly for adoption.

Research project

6.38 The Secretariat reported that a research study would, subject to the availability of funds, be undertaken to establish the nature and extent of unlawful practices associated with certificates of competency and, in particular, to:

- .1 determine and categorise the major unlawful practices associated with certificates of competency (e.g. forged, issued on the basis of deception such as on the basis of fraudulent information and documentary evidence, stolen, etc.);
- .2 provide best estimates of the number of forged certificates and endorsements in the various categories held by masters, deck officers, chief engineers, engineering officers, deck ratings and engine ratings, and make an estimate of the trend in each category and a forecast of future trends;
- .3 identify the main sources of unlawful practices (e.g. individuals, manning agents, shipowners and operators, organised crime, etc.);
- .4 identify the main geographical areas where the practices occur (e.g. labour supply countries, maritime nations, developed and developing countries, etc.);

- .5 identify the social, economic and regulatory pressures which affect the nature and extent of unlawful practices under question; and
- .6 identify the frequency and extent to which certificates of competency are checked by employers, issuing States and port States.

6.39 In order to assess the scope of the project, a pilot study of approximately three-month duration has initially been proposed, which would be limited to:

- .1 a literature review, including IMO documents;
- .2 contacts with a limited number of training institutions, flag States, port States and representative bodies to seek preliminary information on the size and scope of the problem; and
- .3 a review of the project's objectives in the light of this study.

6.40 The Committee welcomed this initiative and instructed the Secretariat to submit the results of the research project, if materialized, to STW 31 for consideration and action as appropriate. It also encouraged Member Governments and international organizations concerned to financially support the project; and welcomed offers of financial contributions pledged by the delegations of Cyprus and the United Kingdom.

7 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

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

7.1 The Committee approved, in general, the report of the forty-second session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 42/18 and MSC 71/7) and took action as indicated hereunder.

Bulk carrier safety-related matters

7.2 The Committee, recalling its decision, at MSC 70, to refer certain documents addressing the issue of bulk carrier safety to the Sub-Committee for consideration in the context of the latter's revision of the technical regulations of the 1966 LL Convention, reviewed the outcome of SLF 42's consideration of the issues addressed, noting the progress made in the consideration of bulk carrier safety-related matters (see also paragraph 4.18).

Revision of the HSC Code

7.3 The Committee noted that the Sub-Committee, in the course of its work on the revision of stability and load line aspects of the HSC Code, prepared draft amendments to chapter 2 of, and annexes 6 and 7 to, the HSC Code for further consideration by the DE Sub-Committee.

7.4 In this context, the Committee noted the view of the Sub-Committee on the possible extension, to 2000, of the work on the revision of the HSC Code for the DE and SLF Sub-Committees, as well as arrangements for the *ad hoc* SLF Sub-Committee's correspondence group established to validate criteria relating to raking damage specified in the draft amendments to the HSC Code, and on the holding of an intersessional meeting of the working group, if needed, to consider the outcome of the correspondence group. Having further noted that DE 42, when considering the arrangements for further work on the

revision of the HSC Code, suggested a procedure for approval, adoption and entry into force of amendments to SOLAS chapter X and the revised HSC Code, the Committee agreed to decide on the extension of the work on this item for the DE and SLF Sub-Committees, as well as the holding of the proposed intersessional meeting of the working group under agenda item 9 (Ship design and equipment) (see also paragraphs 9.2 to 9.4 and 20.53, 20.54 and 20.62.4).

7.5 The Committee briefly discussed document MSC 71/7/1, in which Australia had suggested that the Committee should further consider issues pertaining to the proposed requirements for the bottom raking damage, application of the HSC Code, the possible need for structural and conceptual design changes to meet the proposed bottom raking damage requirements and clarification of the application of SOLAS to craft/ships which meet the speed/volume and distance from refuge requirements of chapter 1 of the HSC Code. Australia also suggested that the principle that the level of safety equivalent to that provided by SOLAS and other international conventions could be achieved through operation on restricted voyages under restricted operational weather conditions and with approved maintenance and supervision schedule should not be overlooked when finalizing amendments to the HSC Code. The Committee's decision on the Australian proposal is outlined in paragraph 9.4.2 below.

Guidelines for damage control plans

7.6 Noting the Sub-Committee's decision not to include in the Guidelines, at this stage, a provision for damage consequence diagrams, as further work on it was needed, the Committee approved MSC/Circ.919 on Guidelines for damage control plans, as prepared by the Sub-Committee (SLF 42/18, annex 3) and further modified by plenary, to include in paragraph 3 of the circular a reference to "companies" and to replace, in paragraph 2.2 of the draft Guidelines, the words "language or languages of the ship's officers" by the words "working language of the ship" and, in paragraph 7.1, the words "safety centre" by the words "control station".

Revision of the fishing vessel Safety Code and Voluntary Guidelines

7.7 The Committee noted the progress made on the revision of the fishing vessel Safety Code and Voluntary Guidelines and that the Sub-Committee, in order to progress the work further, had established a correspondence group to mainly identify the provisions of the 1993 Torremolinos Protocol which might be incorporated in the Code and Guidelines and to prepare recommendations on how to proceed with the revision of these instruments by other Sub-Committees; and further noted that ILO and FAO had been informed accordingly.

Model loading and stability booklet

7.8 The Committee approved MSC/Circ.920 on a Model loading and stability manual.

Unified interpretations of the 1966 LL Convention

7.9 The Committee approved LL.3/Circ.130 on Unified interpretations of the 1966 LL Convention.

Safety aspects of ballast water management

7.10 The Committee noted that the Sub-Committee, in the course of its consideration of the ballast water management safety aspects, which the SLF and DE Sub-Committees had been instructed by MSC 70 and MEPC 42 to consider, had agreed to modifications to, and comments on, the draft regulations for the control and management of ships' ballast water and sediments to minimize the transfer

of harmful aquatic organisms and pathogens and on the draft Code on ballast water management, both under preparation by the MEPC; and that it had advised MEPC 43 on other related matters.

7.11 The delegation of Liberia commended the Sub-Committee's work on ballast water exchange at sea, as reflected in document SLF 42/18. In their opinion, the Sub-Committee had reached an important conclusion (see paragraph 14.4 of the Sub-Committee's report (SLF 42/18)) and they strongly recommended that the content of that paragraph should be fully endorsed by the Committee; and also that the foreseeable restraint on the successful ballast water exchange at sea, such as reliance on critical computer analysis and the possibility of exceeding the operational limits with regard to the ship's stability and strength and the need to consider alternative methods as well should be brought to the attention of the MEPC as a recommendation of this Committee.

7.12 The outcome of the Committee's consideration of SLF 42 and DE 42's work on the matter is outlined in paragraphs 9.6 to 9.12 below.

8 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

REPORT OF THE FOURTH SESSION OF THE SUB-COMMITTEE

8.1 The Committee approved, in general, the report of the fourth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 4/14 and MSC 71/8) and took action as indicated hereunder.

Dangerous Goods Manifest

8.2 The Committee noted the Sub-Committee's endorsement of the Dangerous Goods Manifest (FAL Form 8).

Revision of the format of the IMDG Code

8.3 The Committee noted the Sub-Committee's actions on the reformatting of the IMDG Code and, in particular, on the revision of class 7, the Dangerous Goods List (DGL), the revised harmonized portable tank requirements and the packing instructions.

Revision of the Emergency Schedules (EmS)

8.4 The Committee noted the progress made by the Sub-Committee on the revision of the Emergency Schedules (EmS) and, emphasizing the need for seafarers with expertise in fighting fires and spillages on board ships to participate in the EmS Working Group, instructed the FP Sub-Committee to consider the fire extinguishing provisions of the new draft schedules and to advise the Sub-Committee accordingly.

Tainting as a criterion for marine pollutants

8.5 The Committee, recalling that although MEPC 41 had agreed, in principle, to delete the "tainting" criterion from the Guidelines for the identification of harmful substances in packaged form, noted that the issue of "tainting" had been raised again at MEPC 42 when that Committee was considering the draft text of amendments to the Appendix to MARPOL Annex III. At that session, the MEPC had agreed that, before making a final decision on the proposed amendments, it should seek technical advice from the Sub-Committee with regard to the pros and cons of the proposed deletion. In this respect, the Committee

also noted the Sub-Committee's recommendation to MEPC 43 that tainting should be deleted as a criterion for marine pollutants.

Matters relating to the BC Code

8.6 The Committee approved the proposed amendments to the BC Code (annex 2 to document DSC 4/14) and their dissemination as MSC/Circ.921.

8.7 The Committee noted the Sub-Committee's action on the review of the BC Code and endorsed the establishment of correspondence groups on the Evaluation of liquefaction potential of solid bulk materials and on the Revision of the format of the BC Code, respectively.

Solid bulk cargo density declaration

8.8 The Committee dealt with the issue of the implementation of SOLAS regulation XII/10 - Solid bulk cargo density declaration under section 4 (see paragraphs 4.7, 4.10.3, 4.15 and 4.16).

Ventilation requirements in closed ro-ro spaces

8.9 The Committee endorsed the Sub-Committee's action on the ventilation requirements in closed ro-ro spaces in the IMDG Code.

Mandatory application of the IMDG Code

8.10 The Committee, recalling that DSC 3 (DSC 3/15, paragraph 6.10) had considered the question of amendments to SOLAS chapters VI and VII and MARPOL Annex III to make the IMDG Code mandatory, noted the outcome of the Sub-Committee's consideration of the issue of how SOLAS chapters VI and VII and MARPOL Annex III should be amended to make the IMDG Code mandatory; and considered the resulting proposed draft amendments to SOLAS chapter VII with a view to approval at this session and circulation and adoption, at a future session, in accordance with article VIII of the Convention.

8.11 The Committee noted that DSC 4, after an extensive consideration of the issue and in order to enable DSC 5 to make an informed decision on it, had agreed to a two-track approach, namely to instruct:

- .1 a drafting group to prepare appropriate draft amendments to SOLAS chapter VII and MARPOL Annex III as far as possible for consideration by MSC 71 and MEPC 43 for approval and eventual adoption (DSC 4/14, annexes 6 and 7) [by MSC 72 and MEPC 44] following appropriate recommendations by DSC 5 as to when and which parts of the IMDG Code should be made mandatory; and
- .2 the E&T Group to continue work on the reformatting of the IMDG Code, taking into account its future mandatory application; and to provide DSC 5 with the full text of the reformatted Code, together with an advice as to which parts thereof should be made mandatory.

8.12 The Committee was informed that, while considering the issue of the possible amendment procedures for a mandatory IMDG Code in order to ensure expeditious implementation of future amendments to the Code, DSC 4 had agreed that a proposal by the Chairman of the relevant working group aiming at reducing the time periods specified in SOLAS article VIII(b)(i) and (vi)(bb) from 'six

months' and 'one year' to 'three months' and 'six months' respectively, involved legal and policy issues, which had to be considered by the Committee.

8.13 In tackling the issue, the Committee, first of all, recalled the discussion it had at its sixty-seventh session and the decision of ECOSOC (MSC 67/21/2) not to accept the Committee's proposal calling for an increase in the periodicity of making amendments to the United Nations' regulations from every two to every four years. The Committee's attention was drawn to the fact that, should it decide to make the IMDG Code mandatory [and if the MEPC decided the same with respect to MARPOL Annex III], it would be very difficult, if not impossible, to have successive amendments to the Code adopted under the provisions of SOLAS [and MARPOL] entering into force within the two-year periodicity cycle mentioned above, given the periods of time required for the Sub-Committee to prepare them, the MSC [and MEPC] to approve them at the first opportunity, and the two Committees to adopt them at their first session following the approval session, before such amendments come into force at least 18 months later (in the case of SOLAS) or 15 months later (in the case of MARPOL).

8.14 In its introduction of the issue, the Secretariat suggested that, before moving on to consider the legal issues involved, the Committee might wish to consider whether the Organization should adjust its system concerning adoption and entry into force of amendments to a mandatory IMDG Code to the UN two-year periodicity cycle; or whether it would be wiser for the Committee not to make a decision at this stage but defer it to an appropriate time after the reformatting of the Code had been completed. To assist the Committee in this exercise, the Secretariat had proposed (MSC 71/WP.2) three possible options:

- Option 1, suggesting that part A of SOLAS chapter VII should only refer to the IMDG Code "as may be amended by the Organization", with the amendment procedure (following the pattern of SOLAS article VIII regarding amendments adopted by the expanded MSC) laid down in the Code itself;
- Option 2, suggesting that part A of SOLAS chapter VII should only refer to the IMDG Code "as amended"; and
- Option 3 (based on the proposal of the Chairman of the working group at DSC 4 (see paragraph 8.12 above)), suggesting that part A of SOLAS chapter VII should contain both a reference to the IMDG Code "as may be amended by the Organization" and a separate regulation laying down the amendment procedure prescribed under Option 1.

8.15 The delegation of the United States, in thanking the Secretariat for the information provided, stressed that, for the Committee to be able to make an informed decision on the issue, it needed all the necessary information. A major missing part in this particular decision-making process, however, was the final text of the reformatted IMDG Code and the Sub-Committee's advice as to which parts thereof should be made mandatory. For these reasons, the United States delegation suggested that the Committee should, at this session, collect as much of the information needed as possible, including the requested legal advice, which would enable Member Governments to duly consider the matter intersessionally and reconsider the issue at MSC 72 in the light of any further developments between now and then and after delegations have received appropriate advice from their national legal and treaty offices. At that stage, the reformatted IMDG Code would be available, together with the Sub-Committee's recommendations as to which parts thereof should be made mandatory. This proposal of the United States delegation received wide support.

8.16 The delegation of the Bahamas, supported by several other delegations, was of the view that there was no compelling need to make the IMDG Code mandatory and that the probable time-lag between updating national regulations and the IMDG Code could make the situation worse. Should the

Committee decide to make the Code mandatory, the delegation of the Bahamas suggested that only the sections dealing with stowage and segregation should be included. This suggestion also received support.

8.17 The Chairman of the E&T Group was of the view that the decision to make the IMDG Code mandatory was irrelevant to the frequency of amendments to it as it was possible, while following the procedure stipulated in SOLAS Article VIII, to have the amendments incorporated in it in about two and a half years after adoption.

8.18 In this respect, the Committee considered document MSC 71/8/1 by Cyprus addressing various legal aspects and questions resulting from the proposed text of the amendments to Part A of Chapter VII of SOLAS 74, as amended, through which the IMDG Code would become a mandatory instrument under SOLAS 74 chapter VII. The views expressed by Cyprus were supported by a number of delegations.

8.19 At the request of the Committee, the Director, Legal Affairs and External Relations Division, advised that, when comparing the above three options, Option 2 was the preferred one because there was precedent for this in the HNS Convention, as, after considerable debate in the Legal Committee, it was agreed that this formulation would enable HNS to be defined, for example, by the IMDG Code, as amended, from time to time according to existing practice and procedures for amendments to the Code. The revision and amendment procedures, set out in Article 47 of the HNS Convention, needed not be activated, therefore, in order to amend the list of HNS covered by that Convention. This option was, therefore, considered to be the most straightforward and, moreover, did not create any problems concerning the inter-relationship between SOLAS and MARPOL.

With respect to Option 3, she stressed that:

- .1 for any amendments to SOLAS, article VIII was to be applied, both for the Convention and the Annex, the latter being an integral part thereof;
- .2 to introduce a new amendment procedure in a chapter of the Annex, which was to apply only to that chapter, appeared to be an attempt to circumvent the amendment procedure in article VIII; and
- .3 this was particularly the case, as the proposed amendment procedure substantially mirrored, but was not precisely equivalent to article VIII, which raised a substantive question of treaty law, as States, in becoming Parties to SOLAS, did so on the basis of any amendments being adopted in accordance with article VIII.

Another problem with this option was the inter-relationship between SOLAS and MARPOL, given the fact that the proposed amendment procedure would apply only to SOLAS Contracting Governments.

As to Option 1, the concern was essentially on the same basis as that expressed in relation to Option 3. More specifically, it was difficult to accept that it would be legally valid for the IMDG Code to specify (as is done in paragraph 1.1.2 of the annex to Option 1) a procedure for its amendments which would be binding for Parties to SOLAS or MARPOL. Even if the proposed amendment procedures were included in the IMDG Code and purport to refer only to amendments to that Code, the fact was that they would be incorporated in chapter VII of SOLAS and their purpose was to make provisions of the Code mandatory under SOLAS (and MARPOL). This, again, raised the issue of conflicting with the article VIII amendment procedure of SOLAS. Another concern in this option was the inter-relationship of the two different Conventions (SOLAS and MARPOL) and the different Parties thereto. In this regard, the drafting of the proposed amendment procedure should be examined further.

The Director, Legal Affairs and External Relations Division, pointed out that the clearest way to solve this problem was (Option 4) to amend article VIII of the SOLAS Convention itself to introduce a different amendment procedure for amendments to the Code.

8.20 The Japanese delegation, while agreeing that an amendment to article VIII of the SOLAS Convention (and article 16 of MARPOL 73/78) would be the most logical option from the legal point of view, expressed serious doubts about its practicability as, in their view and in the light of experience thus far gained, it would take a long time for it to enter into force, if ever. The Japanese delegation further stated that the explanation of the Director, Legal Division on Option 2 was construed to mean that a mandatory IMDG Code could continue to be amended in accordance with the Rules of procedure of the MSC.

8.21 In his summing up, the Chairman suggested that the Committee go along with the proposal of the United States delegation that, before the matter could be pursued further and a final decision could be taken as to the mandatory status of the Code and the amendment procedure to be followed, it was necessary that the complete text of the reformatted IMDG Code be finalized and the Sub-Committee's advice as to which parts thereof should become mandatory be available. It was so decided.

8.22 Following further discussion, the Committee recognized that, further to the options referred to above, there might be other relevant options such as:

- .1 follow the accelerated amendment procedure adopted for the IBC Code (MSC 55/2/1, annex 2 and MEPC 25/20, annex 7), which, *inter alia*, provide to commence formal action for amendments by tasking the relevant sub-committee to prepare a set of proposed amendments for circulation, in accordance with SOLAS article VIII(b)(i) and MARPOL article 16(2)(a), as applicable, for formal adoption by the MSC or MEPC respectively and entry into force in accordance with SOLAS article VIII(b)(vii)(2) and MARPOL article 16(2)(g);
- .2 follow the proposal of the Chairman of the Working Group of the DSC Sub-Committee (DSC 4/14, paragraph 6.25, as referred to in paragraph 8.12 above); or
- .3 retain the recommendatory nature of the IMDG Code.

8.23 Following the above decisions, the Committee instructed the Sub-Committee to proceed with the reformatting of the IMDG Code, including the identification of those parts of the Code which, in its opinion, should be made mandatory and those which should remain recommendatory in nature; and advise MSC 72 accordingly.

Matters relating to the INF Code

8.24 The Committee considered matters related to the INF Code under agenda item 3 (see paragraphs 3.1 to 3.17 and 3.23 to 3.26).

Development of multimodal training requirements

8.25 The Committee endorsed the Sub-Committee's action on the inclusion of training requirements in the IMDG Code in the context of multimodal training requirements for shore-based personnel.

8.26 The Committee, noting that some Member States require companies engaged in the transport of dangerous goods to appoint a dangerous goods' safety adviser, who must be in possession of an appropriate certificate issued by the competent authority of the country concerned, considered the proposal for such an adviser and agreed that the need for such an adviser should be considered by the Sub-Committee under the auspices of the "designated person" in the ISM Code and not the IMDG Code.

9 SHIP DESIGN AND EQUIPMENT

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

9.1 The Committee considered urgent matters referred to it emanating from the forty-second session of the Sub-Committee on Ship Design and Equipment (DE) (DE 42/15 and MSC 71/9) and took action as indicated hereunder.

Status, application and entry into force of the revised HSC Code

9.2 The Committee concurred with the views of FP 43, SLF 42 and DE 42 that the best way to introduce the HSC Code in its revised form would be by developing a new edition of the Code applicable to new high-speed craft and, at the same time, amending SOLAS chapter X so as to refer to the new Code for new craft and to the existing Code for existing craft, with the verbal form "shall" replacing the recommendatory "should" in the new Code.

9.3 The Committee concurred also with the Sub-Committee's opinion that, provided there was consistency, application provisions could be included in both SOLAS chapter X and the HSC Code.

9.4 The Committee considered the proposed procedure for approval, adoption and entry into force of amendments to SOLAS chapter X and the new HSC Code and decided as follows:

- .1 DSC 5 in February 2000, DE 43 in April 2000 and the intersessional SLF working group meeting concurrently with DE 43 (see paragraphs 9.4.2 and 20.62.4) should propose final additions and adjustments to the draft of the new HSC Code. COMSAR 4 in July 1999 and NAV 45 in September 1999 should also contribute, as appropriate;
- .2 the outcome of the SLF correspondence group, which has been tasked by SLF 42 with validating the criteria relating to raking damage specified in the draft amendments to the HSC Code, should be considered in the first place by the aforementioned intersessional SLF working group and then conveyed, through DE 43, to MSC 72. The outcome of the intersessional working group will, however, be subject to final consideration by SLF 43 in September 2000, following which MSC 73 in November-December 2000 will be advised on the final criteria to be taken into account in its further work on the subject. In this context, following the discussion of document MSC 71/7/1 by Australia and recognizing the importance of addressing raking damage issues raised therein at this stage, the Committee decided that these issues should also be considered by the correspondence group established by SLF 42. Noting the offer by the delegation of Australia to forward to the correspondence group a document outlining, as decided by the Committee, only raking damage issues specified in document MSC 71/7/1, the Committee agreed to modify the correspondence group's terms of reference set out in paragraph 5.21.2 of document SLF 42/18, as follows:

- .2 to consider the practicalities of design and construction requirements, as they apply to paragraph 2.6.8.2.1.2 of annex 2, including consideration of both existing and developed designs of the craft and, if the figure 35% of the length L is found to be inappropriate, to propose a suitable alternative percentage";
- .3 the text of the draft amendments to SOLAS chapter X and of the draft new edition of the HSC Code so developed should be referred to MSC 72 (in May 2000) for consideration and approval, following which the draft amendments to SOLAS should be circulated in accordance with SOLAS article VIII;
- .4 MSC 73 (in December 2000) will be invited to consider the draft amendments to SOLAS chapter X and the new HSC Code with a view to adoption; and
- .5 at the time of the adoption, MSC 73 will be invited to determine that both the amendments to SOLAS chapter X and the new HSC Code enter into force simultaneously on 1 July 2002, i.e. six months after the deemed acceptance date of the amendments to SOLAS chapter X (i.e. 1 January 2002), in accordance with SOLAS article VIII(b)(vi)(bb).

Thermal protective lifejackets

9.5 The Committee approved MSC/Circ.922 on Recommendations on performance standards and tests for thermal protective lifejackets (TP-lifejackets).

Safety aspects of ballast water management

9.6 In reviewing the Sub-Committee's work on the safety aspects of ballast water management, in particular the proposed amendments to the draft Ballast Water Management Code (DE 42/15, paragraphs 11.16 to 11.20 and annex 10), done jointly with SLF 42, which were deemed to address all the possible consequences and potential hazards identified by IACS in document MEPC 41/9/2, the Committee, having taken note of the Liberian statement under section 7 (see paragraph 7.11), debated the issue as summarized in the ensuing paragraphs.

9.7 Several delegations, in expressing serious concern about the safety aspects of water ballast exchange at sea, emphasized the need to develop an environmental standard which any ballast water on board would have to meet on arrival at a port and also to consider thoroughly any possible alternatives such as water treatment, before proceeding with any mandatory requirements for water ballast management methods which, in any case, may not ensure the full elimination of all the unwanted organisms and pathogens.

9.8 Other delegations, contending that all the hitherto proposed methods of water ballast exchange at sea had some misgivings, either related to stability, strength or efficiency in eliminating unwanted organisms, proposed to conduct a risk assessment of water ballast management operations in a holistic manner, so that all aspects of such operations would be taken into account. In this connection, the IACS observer informed the Committee that IACS was considering to conduct such a risk assessment and that, being conscious of the importance of the matter, the exercise would be given due priority.

9.9 Several other delegations, while recognizing the safety implications of ballast water exchange at sea, maintained that an acceptable level of safety could be achieved by applying the necessary control and safety management procedures (contained in the Ballast Water Management Code), as was the case in other potentially hazardous ship operations, such as loading/unloading and ballasting in port; and the

delegation of Brazil, referring to the dilution method, reiterated its views on the issue drawing the Committee's attention to their statement at DE 42 (DE 42/15, paragraph 11.6).

9.10 Subsequently, the Committee agreed to endorse the work done on this issue by the SLF and DE Sub-Committees, as reported respectively in documents SLF 42/18, section 14 and DE 42/15, section 11 and annex 10, and to refer it, together with the outcome of the consideration of the subject reflected in the previous paragraphs, to MEPC 43 for consideration and appropriate action, with the view that the matter might be referred back to the aforementioned Sub-Committees for further consideration when the proposed regulations and Ballast Water Management Code are further developed, and instructed the Secretariat accordingly.

9.11 The Committee, recalling operative paragraph 4 of resolution A.868(20) on Guidelines for the control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens and MSC/Circ.865 inviting Member Governments to submit information relevant to paragraph 12.2 of the aforementioned Guidelines for evaluation purposes, decided to keep this item in the work programmes of the DE and SLF Sub-Committees (with possible involvement of other sub-committees as appropriate) until further developments indicated otherwise and reiterated its invitation to Member Governments to provide the information referred to in MSC/Circ.865.

9.12 In the context of cargo securing requirements (DE 42/11/2, paragraph 9.6.3), the Committee requested the DSC Sub-Committee to provide advice on whether the safety of cargo securing arrangements could be addressed in the Cargo Securing Manual, as proposed by IACS in document MEPC 41/9/2.

Code on polar navigation

9.13 In dealing with the scope and application of the proposed Code on polar navigation as requested by the Sub-Committee and other sub-committees concerned, the Committee considered a draft framework for the development of the Code, prepared by the Sub-Committee, together with related proposals submitted by the United States (MSC 71/20/11) and other proposals introduced orally, as summarized hereunder.

9.14 In introducing document MSC 71/20/11, the delegation of the United States, supported by a large majority of the delegations who spoke, while recognizing the need to protect polar waters and safeguard the lives of the travellers in those waters, expressed concern at the proposed Code as currently drafted. Firstly, the arbitrary application of the provisions north of 60°N and south of 60°S failed to recognize those locations within these areas which are ice-free. The draft Code also failed to distinguish between the conditions and nature of shipping in the Arctic and those in Antarctica, which is unique in its geography and governance. Further, there were conflicts between the draft Code and the Antarctic Treaty and UN Law of the Sea Convention, such as the requirement to give prior notification to the coastal State when entering its EEZ. The draft Code was too detailed in some areas and contained a number of clauses which implied mandatory application. Therefore, instead of the proposed Code, IMO should, as a first step, develop guidelines to be disseminated under cover of an MSC circular, and then reconsider, in the light of experience gained with their application, whether such a status should be altered.

9.15 The delegation of Canada, supported by several other delegations, expressed support for the draft Code, which reflected years of work and discussion and the hard-won consensus of many Member Governments. In its view, all the technical and other concerns raised in document MSC 71/20/11 had been or could be addressed by the DE correspondence group and all the sub-committees involved using a holistic approach, whereby such bodies would consider not only the design and equipment aspects but

also the operational and human element issues. Referring to the perceived conflicts with other international treaties, it stated that, while the Antarctic waters were protected by the Antarctic Treaty regime and its Protocols, there was a need to provide harmonized technical standards for ships working or transiting all polar waters.

9.16 The Committee, having also debated other related issues (such as the application of the code to ships under 500 gross tonnage, fishing vessels and barges, and the possibility of dividing the code into distinct parts applying to the two polar regions separately), agreed, based on the proposals contained in document MSC 71/20/11 as amplified by the United States' delegation, to the following framework to be used by the correspondence group and the sub-committees involved as a basis for further work on this issue:

- .1 recommendatory guidelines should be developed only for SOLAS 74 ships operating in ice-covered waters, for dissemination under cover of an MSC circular, unless the DE Sub-Committee agrees that a different format would be more appropriate and the Committee so agrees;
- .2 the application of the guidelines in areas north of 60°N should be resolved so that ice-free waters in those areas are not covered;
- .3 Antarctic waters are to be excluded from the application of the guidelines, unless Antarctic Treaty members decide otherwise;
- .4 each sub-committee involved should conduct a thorough review of the parts of the guidelines falling under its purview to determine what value is being added by establishing the various proposed requirements, whether the issues in the guidelines are addressed elsewhere, and the implications of such requirements;
- .5 any provisions in the current guidelines, which are inconsistent with international law, including the provision for prior notification, should be removed;
- .6 any clauses that appear to indicate that they are mandatory should be redrafted in such a way that their recommendatory nature is clearly demonstrated;
- .7 only provisions additional to existing SOLAS requirements taking account of the climatic conditions of ice-covered waters should be included and the need for such additional provisions should be clearly demonstrated;
- .8 whether or not barges should be included in the guidelines was a matter to be discussed; and
- .9 any survey and certification provisions, which might be different to the corresponding SOLAS requirements, should also be discussed.

9.17 The Committee instructed the DE (co-ordinator), BLG, FP, COMSAR, NAV, SLF and STW Sub-Committees to conduct their work on this issue in accordance with the approved framework with immediate effect, and invited the MEPC to concur with this course of action. It also requested the Secretariat to convey its decisions on the issue to the aforementioned sub-committees and to the correspondence group established by DE 41 for appropriate action.

10 FLAG STATE IMPLEMENTATION

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

10.1 The Committee considered urgent matters referred to it emanating from the seventh session of the Sub-Committee on Flag State Implementation (FSI) (FSI 7/14 and MSC 71/10) and took action as indicated hereunder.

Self-assessment of flag State performance

10.2 The Committee approved, subject to MEPC's concurrent decision, a draft Assembly resolution on Self-assessment of flag State performance, set out in annex 11, for submission to the twenty-first session of the Assembly for adoption.

Availability of data on casualties and deficiencies in electronic format

10.3 The Committee endorsed the Sub-Committee's proposal that data on casualties and deficiencies should be made available in an electronic format on the IMO Secure Internet, noting that the data would be accessible to Member Governments only via login and password and would not be open to the general public.

Guidelines on investigation of human factors in marine casualties and incidents

10.4 The Committee approved the list of amendments to the draft Guidelines on investigation of human factors in marine casualties and incidents (MSC 71/10, annex 2) and endorsed the Sub-Committee's recommendation that the Guidelines be attached to the Code for the Investigation of Marine Casualties and Incidents (resolution A.849(20)).

10.5 The Committee instructed the Secretariat to prepare the Guidelines in the form of an annex to be appended to the above referred Code and the relevant draft Assembly resolution on amendments to the Code (MSC 71/WP.13), and subsequently approved, subject to MEPC's concurrent decision, the draft Assembly resolution on Amendments to the Code for the Investigation of Marine Casualties and Incidents (resolution A.849(20)), as set out in annex 12, for submission to the twenty-first session of the Assembly for adoption.

Procedures for port State control (resolution A.787(19))

10.6 The Committee considered proposed amendments to resolution A.787(19) on Procedures for port State control (MSC 71/10, annex 3), taking into account proposals for further modifications submitted by Vanuatu (MSC 71/10/2) and Cyprus (MSC 71/10/3, paragraphs 1 to 3.4) supported by several delegations.

10.7 After considerable discussion, which centred on the question of the need for the establishment of "clear grounds" prior to a more detailed PSC inspection and on whether the proposed amendments to paragraph 2.2.3 of the draft resolution (MSC 71/10, annex 3, as modified by the delegation of the United Kingdom, supported by a considerable number of other delegations) were in violation of the provisions of SOLAS regulation I/19, the Committee agreed with a proposal by the delegation of Vanuatu that the Legal Office should be asked to advise on the issue.

10.8 The Committee heard the opinion of the Director of the Legal Affairs and External Relations Division on whether the proposed addition to paragraph 2.2.3 of resolution A.787(19), as proposed by

the relevant working group at FSI 7 (MSC 71/10) and modified by a proposal by the United Kingdom supported by several delegations, was in conformity with SOLAS regulation I/19 vis-a-vis the arguments put forward against the said amendment by Vanuatu (MSC 71/10/2) and Cyprus (MSC 71/10/3). In the Director's view, that regulation does not stipulate how PSCOs should go about ascertaining whether clear grounds exist, as it merely states that there shall be clear grounds, and that therefore the inspection cannot be employed to establish such clear grounds. Consequently, the introduction of such an amendment to the resolution would go beyond the requirements of SOLAS regulation I/19, which stipulates that the control exercised by the PSCO must be directed towards verifying the validity of certificates issued under SOLAS regulations I/12 and I/13 and would therefore violate its provisions. It was her view, however, that if, by whatever means, PSCOs have strong objective reasons to suspect that the condition of the ship does not correspond with the certificates, they clearly have the right under paragraph (c) of regulation I/19 to detain the ship until the necessary repairs are carried out. To ascertain more precisely what remedial action is necessary, the PSCO might, at that stage, have to carry out a more detailed inspection.

10.9 In the ensuing discussion, a number of delegations stated their views with regard to compliance with conventions in general and on the establishment of clear grounds in particular. The delegation of the United Kingdom, while recognizing the difficulties in interpreting the convention and in view of the advice given by the Director, Legal Affairs and External Relations Division, proposed that the original text, as given in resolution A.787(17), be retained without modifications. The majority of the delegations who spoke thereafter supported this proposal.

10.10 The delegations of Germany and Denmark indicated that they did not concur with the opinion given by the Director, Legal Affairs and External Relations Division on the provisions of SOLAS regulation I/19.

10.11 The delegation of Belgium stated that they had noted with great interest the legal opinion referred to above, which, however, they could not share since it had been based on an interpretation of what was to be understood by verifying the validity of certificates in SOLAS regulation I/19. In their opinion, the term "valid" included also the extent to which the real situation on board corresponded to the particulars of the certificate. The verification of the validity of the certificates, therefore, included the assessment of the overall condition of the ship, its equipment, machinery spaces and accommodation. With this reasoning in mind, the delegation of Belgium supported the proposal by the United Kingdom that the original text of paragraph 2.2.3 be retained.

10.12 Several delegations remarked that, when exercising port State control, an examination of certificates only was not sufficient since the certificates sometimes do not reflect the true condition of a sub-standard ship. Conversely, other delegations added that, in many cases, the certificates of detained ships are in good order.

10.13 The delegation of the Bahamas, supported by the delegation of Panama, expressed concern that some States were making national regulations which contravened their obligations as Parties to IMO conventions. In their view, Parties which wished to take actions which were contrary to conventions should propose appropriate amendments within the Organization.

10.14 The delegation of Japan pointed out that the proposed amendments to resolution A.787(19) in document MSC 71/10, annex 3, reflected the current practice of port State control exercised in large parts of the world, which, in the opinion of that delegation, was in conformity with the provisions of relevant instruments.

10.15 The delegation of Cyprus pointed out that knowing and tolerating a practice was quite distinct from institutionalizing it in an Assembly resolution without effecting the necessary changes to the relevant treaties. The delegations of the Russian Federation and Vanuatu associated themselves with the position of the delegation of Cyprus.

10.16 The Committee, after extensive consideration, agreed with the United Kingdom's proposal to retain the original text of paragraph 2.2.3 of resolution A.787(19), as originally proposed by Vanuatu (MSC 71/10/2, paragraph 7) and Cyprus (paragraph 3.4 of document MSC 71/10/3), with the addition of a second sentence on the examination of Tonnage Certificates.

10.17 With regard to amendment No. 12 (MSC 71/10, annex 3), proposing to include a new section 3.7 (Guidelines for port State control related to the ISM Code) in resolution A.787(19), the Committee instructed the Joint MSC/MEPC Working Group on the Human Element and Formal Safety Assessment to consider an additional insertion (paragraph 3.7.1*bis*) proposed in submissions by Liberia and IACS (MSC 70/9/2) and BIMCO (MSC 70/6/4).

10.18 In considering the relevant part of the report of the working group, the Committee agreed with the proposed amendment to paragraph 3.7.1*bis* (MSC 71/WP.15, paragraph 21), for inclusion in the draft Assembly resolution.

10.19 Having introduced certain further modifications to the proposed amendments, the Committee approved, subject to MEPC's concurrent decision, the draft Assembly resolution on Amendments to the Procedures for port State control (resolution A.787(19)), as set out in annex 13, for submission to the twenty-first session of the Assembly for adoption. It also agreed with the recommendation of the Sub-Committee that a revised composite text of resolution A.787(19) should be prepared by the Secretariat and a relevant new publication of same issued.

SUBMISSION BY FAO

10.20 The Committee noted that FSI 7, in the context of the discussion on its agenda item on "Implications arising when a vessel loses the right to fly the flag of a State", had been orally informed about a submission by FAO (expressing concern regarding recent reported increases in illegal, unreported and unregulated fishing and the adverse effects of such fishing on the international management and conservation measures of the living marine resources on the high seas), which had been received too late to be issued as a session document for FSI 7 and was therefore submitted to this session of the Committee (MSC 71/10/1) for consideration.

10.21 Commenting on document MSC 71/10/1, the delegation of Liberia stated that they had great difficulties to consider the submission since FAO had decided to use in it certain terminology for which it had provided no definition of certain terms used nor had it given a list of the Member States it had so classified. Their view was that, in this regard, the submission should be returned to FAO advising it that such terminology was divisive and should not be used in submissions for consideration by IMO. The delegation of the Bahamas also criticized the use by FAO of derogatory remarks about Member Governments and shared Liberia's suggestion that the submission in question should be referred to FAO.

10.22 Various other delegations supported these views, in particular with regard to the use of incorrect maritime terminology and the lack of proper references in the FAO submission. It was also pointed out that many of the issues raised in document MSC 71/10/1 were outside IMO's scope and the terms of reference of the Committee. Several delegations pointed out that the issues raised by FAO fell outside the scope of the FSI current agenda item on "Implications arising when a vessel loses the right to fly the flag of a State", for which FAO's original submission was intended and that FAO should be advised

accordingly; and, furthermore, that any subsequent submission by FAO should contain a specific connection with safety matters under the purview of IMO. However, there was general agreement that matters relating to safety of life at sea and those on the FSI Sub-Committee's agenda merited discussion by the Organization.

10.23 Other delegations pointed out that the submission by FAO was at the direction of 126 Ministers (representing among others the Governments of all members of the Committee that had participated in the debate). Those Ministers had adopted the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries at their Ministerial Meeting on Fisheries on 11 March 1999. The members of FAO were seeking the assistance of the Organization because the issues related to reflagging of fishing vessels and ship registration were, in their view, relevant to flag State implementation of IMO Conventions and Articles 91 and 94 of the United Nations Convention on the Law of the Sea.

10.24 The Committee took note of the comments made and instructed the Secretariat to bring them to the attention of FAO in order that they are taken into account in any submission that Organization might wish to make; and also to advise FAO that, if their new submission addressed a new item, it should be in accordance with the Guidelines on the organization and method of work.

OUTCOME OF THE SEVENTH SESSION OF THE UN COMMISSION ON SUSTAINABLE DEVELOPMENT

10.25 The Secretariat informed the Committee of the outcome of the seventh session of the UN Commission on Sustainable Development (CSD), which, *inter alia*, had invited IMO to develop, as a matter of urgency, measures, of a binding form, where IMO Members consider it appropriate, to ensure that ships of all flag States meet international rules and standards so as to give full and complete effect to UNCLOS (especially Article 91 on Nationality of ships), as well as to provisions of other relevant conventions. In this context, the Commission had emphasized the importance of further development of effective port State control arrangements. The Committee noted that a relevant document (MEPC 43/9/3) would be discussed at MEPC 43, which is expected to convey CSD's request to the Committee and other IMO bodies as appropriate.

11 BULK LIQUIDS AND GASES

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

11.1 The Committee considered urgent matters referred to it emanating from the fourth session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 4/18 and MSC 71/11) and took action as indicated hereunder.

Application of cargo-tank venting requirements to combined chemical/oil tankers

11.2 The Committee recalled that, at MSC 70, it had approved draft amendments to the IBC and BCH Codes relating to cargo-tank venting systems and, noting the view of the Sub-Committee regarding application of the amendments to combined chemical/oil tankers, had instructed it to develop an appropriate interpretation covering any points of application and retrofitting scheme(s) thereof in respect of combined chemical/oil tankers. Having considered the outcome of BLG 4 on the matter, the Committee approved, subject to MEPC concurrent decision, a draft MSC/MEPC circular on Application of cargo-tank venting requirements to combined chemical/oil tankers, set out in annex 2 to document BLG 4/18 (modified to delete, in paragraph 3 of the draft circular, the words "and 59.2"), and instructed the Secretariat to inform the MEPC accordingly.

Harmonized system of survey and certification

11.3 The Committee noted that the 1988 SOLAS and Load Line Protocols (1988 Protocols) were due to enter into force on 3 February 2000 resulting in the harmonized system of survey and certification (HSSC) taking effect as from that date with respect to ships entitled to fly the flag of States Parties to the 1988 Protocols and that amendments to MARPOL Annexes I and II and to the IBC, IGC and BCH Codes, which introduce the HSSC in those instruments, would also enter into force on 3 February 2000 with respect to Parties to MARPOL 73/78 (for MARPOL Annexes I and II and the IBC and BCH Codes) and with respect to Contracting Governments to the 1974 SOLAS Convention (for the IBC and IGC Codes), irrespective of whether they were also Parties to the 1988 Protocols.

11.4 The Committee, being concerned that the enforcement of two systems of survey and certification (namely, existing and harmonized) for different types of ships dependent on whether States where the ships were registered were Parties to the 1988 Protocols or not might cause confusion when port State control duties were being exercised, considered it highly desirable for all States to apply a single and uniform system of survey and certification with respect to the SOLAS, LL and MARPOL Conventions and associated mandatory codes, irrespective of whether they were Parties to the 1988 Protocols. To that effect, the Committee agreed, as suggested by BLG 4 (BLG 4/18, paragraph 6.11 and annex 5), that the above objective could be achieved by the adoption of an Assembly resolution recommending Governments not Parties to the 1988 Protocols to implement the HSSC as a system equivalent to the survey and certification system in force for such Governments.

11.5 The Committee noted that, in accordance with the relevant articles of the 1988 SOLAS and LL Protocols and the relevant regulation of the amendments to MARPOL adopted by resolution MEPC.39(29), existing certificates (which may have different dates of expiry) should remain valid until they expire. In view of this, the Committee considered, as requested by the Sub-Committee, the issue of procedures to be followed for the change-over from the existing system to the harmonized system of survey and certification identifying the expiry date of certificates under the SOLAS, LL and MARPOL Conventions in relation to which the HSSC should commence, as well as specifying the extent of the survey to be carried out under the HSSC in respect of certificates, which have not expired, issued to ships where surveys were carried out recently.

11.6 Following discussion, the Committee considered the respective proposal (MSC 71/WP.12) and approved, subject to MEPC's concurrent decision, a draft Assembly resolution on Global and uniform implementation of the harmonized system of survey and certification (HSSC), set out in annex 14, for submission to the twenty-first session of the Assembly for adoption, so that the HSSC could be implemented from 3 February 2000 as a global system of survey and certification.

Mandatory status of the GC Code

11.7 The Committee noted that the Sub-Committee, having considered whether the Gas Carrier (GC) Code should be made mandatory under the SOLAS Convention, had recommended against doing so, firstly because a compelling need to that effect had not been sufficiently demonstrated and, secondly, because existing gas carriers engaged in international voyages are reportedly complying with the provisions of the Code and are issued with the required certificate of fitness. Therefore, making the Code mandatory would only change a "*de facto*" situation into a "*de jure*" one without enhancing meaningfully the safety of those ships. The Committee, noting that the Sub-Committee had also recognized that the mandatory status of the GC Code, although not resulting in excessive cost to industry, would create an unavoidable burden to Administrations, which would have to introduce changes in their national legislation, agreed that the matter should not be pursued further.

Intersessional meeting of the ESPH Working Group

11.8 The Committee approved that the ESPH Working Group should hold an intersessional meeting during the year 2000 to make progress in its heavy task.

Next session of the Sub-Committee

11.9 The Committee noted that the Sub-Committee, noting that the target completion date of 2002 for the revision of MARPOL Annex II was dependent on the GESAMP EHS Working Group being able to re-evaluate products in the IBC Code within three years and that the suggested work method of the group to finalize this work would require an additional funding to carry out the necessary work, requested MEPC 43 to consider how these additional funds could be secured either by recommending to the Council a necessary increase in the proposed budget for the next biennium or by adjusting other low priority or importance needs in the framework of the proposed budget for the next biennium. The Committee further noted that the Sub-Committee, recognizing that the agenda for BLG 5 might not comprise urgent high priority items, had suggested, among other measures, that the Sub-Committee's fifth session, presently allocated for 2000, might instead be held in 2001 (which would allow the relevant saving in the current biennium to be allocated to the GESAMP EHS Working Group to complete its work on hazard profiles).

12 TECHNICAL ASSISTANCE SUBPROGRAMME IN MARITIME SAFETY

12.1 The Committee recalled that, following the approval, at previous sessions of the Committee, of the Technical Co-operation Sub-programme for Maritime Safety for the period 1996 - 2000, for incorporation in the Organization's Integrated Technical Co-operation Programme (ITCP), it had noted, at its seventieth session, information provided by the Secretariat on ongoing and new safety and training-related technical co-operation projects.

12.2 The Committee also recalled that the Secretary-General, in his opening remarks, had reiterated the shifting of emphasis from the development of new regulations to the implementation of existing ones as a key component of the policy statement he had made to the Council last year, which was later endorsed by the Committee.

12.3 The Committee further recalled that, at its seventieth session, it had noted that approximately US\$12 million, out of a total budget of US\$16.7 million for the activities included in the ITCP, had been budgeted for maritime safety-related activities. The Committee observed that these budgets were targets and that the level of implementation of the respective projects depended upon actual funds secured from various sources, such as the TC Fund, donor countries and other entities.

12.4 The Committee noted the establishment by the Technical Co-operation Committee, at its forty-sixth session in November 1998, of a Working Group on Long-term Funding and Resource Mobilization Strategy with terms of reference as explained in document MSC 71/12.

12.5 The Committee also noted document MSC 71/12 providing information on the status of both ongoing maritime safety and training-related technical co-operation projects being currently executed by the Maritime Safety Division, as well as information on new projects being developed. The Committee further noted an oral report on new technical co-operation initiatives with regard to port State control in Western and Central Africa and training on ro-ro safety and port State control in the Baltic Republics (Estonia, Latvia and Lithuania) and flag State implementation and port State control in the Black Sea and that detailed information on each of the projects listed in the annex to document MSC 71/12, as well as on new projects (including support to regional port State control agreements,

enhancement of safety of navigation on Lake Victoria and upgrading of the South Pacific Maritime Code), was contained in a relevant database maintained by the Secretariat and could be supplied on request.

12.6 The delegation of the United Kingdom, while expressing support for IMO's technical co-operation programme and welcoming its focus on safety and training related issues, reiterated a suggestion already put forward to the Technical Co-operation Committee, at its forty-sixth session, that IMO's technical co-operation projects should include measurable success criteria verifiers.

IMO model course programme

12.7 The Committee noted document MSC 71/12/1 (Secretariat), providing an update on IMO model course production and revision. The Committee further noted, in an oral report provided by the Secretariat on the status of the model course production since the above document had been issued, that the revised Tanker familiarization course and two courses dealing with training on passenger ships and ro-ro passenger ships were currently being considered by the STW Sub-Committee validation panel. The Committee instructed the Secretariat to follow up the project and report developments to MSC 72.

13 ROLE OF THE HUMAN ELEMENT

Outcome of the intersessional Correspondence Group on Fatigue

13.1 The Committee recalled that, at its seventieth session (MSC 70/23, paragraph 13.4), while considering the report of the Joint MSC/MEPC Working Group on HE and FSA, it had agreed to establish an intersessional Correspondence Group on Fatigue, co-ordinated by United States, with the following terms of reference:

- .1 to review the definitions of the term "fatigue" used within the Organization with the aim of obtaining a consistent, practical and meaningful definition;
- .2 to develop advice and recommendations with the aim of attaining consistent compliance with the "rest" requirements of the revised STCW Convention;
- .3 to consider annex 1 to document MSC 70/13 and review how the concepts contained therein applied to the issue of "fatigue" and its effect on maritime safety;
- .4 to develop strategies allowing the development of a safety culture by addressing the issue of "fatigue"; and
- .5 to report to the seventy-first session of the Committee.

13.2 The Committee, having considered the report of the correspondence group (MSC 71/13), referred it to the Joint MSC/MEPC Working Group on HE and FSA for consideration.

Occupational exposure to toxic chemicals carried at sea

13.3 The Committee recalled that, at its seventieth session (MSC 70/23, paragraphs 13.7 to 13.10), it noted the problem of occupational exposures of seafarers to toxic chemicals and noxious substances, raised by Australia (MSC 70/13/1) in the context of the role of the human element and, having noted Australia's intention to submit, to the present session, a document clarifying points mentioned in the course of the discussion of its above submission and also defining the scope of the project referred to

in that document, decided that the matter be considered in detail by the Joint MSC/MEPC Working Group on HE and FSA at this session.

13.4 The Committee discussed, in general, document MSC 71/13/1 in which Australia drew the Committee's attention to the problem of toxic exposure to seafarers from chemicals carried by sea in bulk and, noting that the subject of occupational health does not fall wholly within its competence and that special expertise and knowledge regarding health and medical issues might be required and provided by ILO and WHO if it were to address the matter properly, referred the matter to the Joint MSC/MEPC Working Group on HE and FSA for detailed consideration. In this context, the Committee agreed that document MSC 71/22/7 (Canada) on shipboard environment contamination should also be considered by the joint group (see paragraphs 13.16 and 22.49).

Investigation into near misses

13.5 The Committee discussed, in general, document MSC 71/INF.8 presented by Japan on investigation into near misses emanating from operations on ship's navigation bridges and referred it to the Joint MSC/MEPC Working Group on HE and FSA for information.

Amendments to SOLAS chapter IX and the ISM Code

13.6 The Committee recalled that, at its seventieth session (MSC 70/23, paragraphs 6.4 to 6.6), it considered submissions by Denmark (MSC 70/6/1) and Germany (MSC 70/6/2) containing proposed amendments to chapter IX of SOLAS and the ISM Code. The Committee also recalled that most of the proposals made by Denmark had either already been agreed by the Committee and had been circulated as MSC/Circ.693 or had been taken from the text of resolution A.788(19) - Guidelines on implementation of the ISM Code by Administrations. Accordingly, the Committee had agreed, in principle, to amendments to the Code proposed by Denmark and consequent amendments to SOLAS chapter IX.

13.7 The Committee further recalled that MSC 70 agreed that the one new proposal, on verifications required by the Code to be carried out in accordance with guidelines developed by the Organization, in the Danish submission and the revised structure for the ISM Code suggested by Germany and any points of detail or drafting should be addressed by the Joint MSC/MEPC Working Group on HE and FSA scheduled to meet at this session.

13.8 The Committee, following its decision at its seventieth session, instructed the joint group to consider the proposals made by Denmark and Germany and to prepare appropriate amendments to SOLAS chapter IX and the ISM Code. The group was also instructed to consider the submissions by Liberia and IACS (MSC 70/9/2) and BIMCO (MSC 70/6/4) and advise plenary accordingly.

Casualty analysis

13.9 The Committee noted that, in its report which was considered under agenda item 5 (see paragraph 5.20), FP 43 had invited it to note its view on fire casualty analysis, prepared by FSI 6 (FSI 6/6/3 and FSI 6/12, paragraph 6.23) and, in particular, that the issues regarding fires and explosions related to hot work be further considered by the Joint MSC/MEPC Working Group on the HE and FSA; and, accordingly, it referred the matter to the joint group for consideration.

Investigation of serious tanker accidents and lessons learnt

13.10 The Committee noted the information contained in document MSC 70/INF.13 on investigation of serious tanker accidents and lessons learnt, submitted by IACS and referred it to the Joint MSC/MEPC

Working Group on HE and FSA to take the information into account in the context of its work on the subject of human element.

Reconvening of the Joint MSC/MEPC Working Group on HE and FSA

13.11 As previously decided, the Committee established the Joint MSC/MEPC Working Group on HE and FSA with the following terms of reference relating to the human element:

- .1 to review the report of the Correspondence Group on Fatigue (MSC 71/13);
- .2 to consider the problem of toxic exposure to seafarers from chemicals carried in bulk (MSC 71/13/1 (Australia) and MSC 71/22/7 (Canada)) and advise plenary accordingly;
- .3 to consider the proposals made by Denmark and Germany for amendments to SOLAS chapter IX and the ISM Code and prepare necessary amendments for consideration by plenary;
- .4 to consider the submissions by Liberia and IACS (MSC 70/9/2) and BIMCO (MSC 70/6/4) and advise plenary accordingly;
- .5 to deal with casualty analysis matters referred to it by FP 43; and
- .6 to advise on the submission made by Japan (MSC 71/INF.8).

Report of the joint working group

13.12 Having received the report of the group (MSC 71/WP.15 and Add.1), the Committee considered it from the human element viewpoint and took action as outlined in the following paragraphs.

Review of the report of the Correspondence Group on Fatigue

13.13 The Committee agreed with the definition of the term "fatigue" as contained in the list of common human element terms in MSC/Circ.813/MEPC/Circ.330 and that efforts should be directed towards the implementation of existing rest requirements contained in the revised STCW Convention and other relevant instruments rather than developing new instruments. Accordingly, the Committee also agreed that the intersessional correspondence group should continue its work under the co-ordination of the United States* with the following terms of reference:

- .1 to develop a document to give practical guidance to all parties who may affect the fatigue issue and enforce the implementation of relevant instruments, taking into consideration:

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- .1 existing regulations, i.e. STCW Convention, concerning the minimum rest periods, ILO 180 providing requirements for maximum work or minimum rest hours, included in the Guidelines for the Development of Tables of Seafarer's Shipboard Working Arrangements and Formats of Records for Seafarer's Hours of Work and Hours of Rest, and in the draft revised Assembly resolution on Principles of safe manning;
 - .2 results of investigations presented to the Organization, including document MSC 69/INF.10 (ICFTU), a Guide of Investigating for Fatigue by Canada, document MSC 68/INF.9 (ICFTU) (NUMAST report on fatigue);
 - .3 any relevant national work/rest rule requirements;
 - .4 the HEAP flowchart; and
 - .5 the guidance material given in the appendix to annex 1 to document MSC 71/WP.15 prepared by the Joint MSC/MEPC Working Group on the Human Element and Formal Safety Assessment.
- .2 to submit its report to MSC 72.

13.14 The Committee also noted the draft performance standards of ergonomic criteria for bridge equipment and layout developed by the NAV intersessional correspondence group thereon co-ordinated by Germany, and recognised them to be an important step to be taken into account for future developments.

Problem of exposure of seafarers to toxic chemicals carried in bulk

13.15 Australia (MSC 71/13/1) expressed its view that there is a lack of simple and clear guidance to crew about occupational exposure to toxic chemicals carried and there was a need for a set of standards for presentation of health and safety criteria. The Committee noted that the BLG Sub-Committee had an item on this issue in respect of oil tankers on its work programme and agreed to extend the item to cover also occupational exposure to bulk liquid cargoes carried in tankers of other types and instructed the BLG Sub-Committee accordingly. The Committee also agreed that experts in the field, including those from ILO and WHO, should be invited to participate in this work.

13.16 Canada (MSC 71/22/7) expressed concern about the shipboard environmental contamination caused by the release of mercury from ship control systems containing that medium. The Committee agreed to refer the issue to the DSC Sub-Committee for consideration in relation to the Medical First Aid Guide (MFAG).

Draft amendments to SOLAS chapter IX and the ISM Code

13.17 The Committee recognised that the Guidelines to Administrations in resolution A.788(19) had been widely accepted as the basis for ISM Code certification and accordingly, noted proposed amendments of SOLAS chapter IX and the ISM Code prepared by the joint group, as given in annex 2 to document MSC 71/WP.15.

13.18 The Committee did not agree to establish a correspondence group, but, considering the importance of the matter, it urged Member Governments to study the proposed amendments carefully and, taking into account the Committee's previous decision to keep amendments to mandatory instruments to the bare minimum, to further elaborate the text for approval at MSC 72 with a view to adopting the amendments at MSC 73.

Port State Control and interpretation of the ISM Code

13.19 The Committee considered the submission by BIMCO (MSC 70/6/4) relating to interpretations of the ISM Code and noted the opinion of the Legal Office that there is no need to have an authenticated nor certified copy of the company's Document of Compliance (DOC) on board. The Committee agreed that there was an urgent need to clarify the matter. Having considered the respective proposal (MSC 71/WP.17), the Committee approved, subject to MEPC's concurrent decision, the draft MSC/MEPC circular on Clarification related to the implementation of the ISM Code.

13.20 The delegations of the United Kingdom and Cyprus and the observer from the European Commission stated that they would prefer to have an authenticated copy on board and that an amendment to the ISM Code to that effect would be appropriate to clarify the issue.

13.21 With regard to the submission made by Liberia and IACS (MSC 70/9/2), the Committee recalled that this issue had been considered under agenda item 10 (see paragraphs 10.17 and 10.18).

Investigation of serious tanker accidents and lessons learnt

13.22 The Committee noted the information provided by INTERTANKO in document MSC 70/INF.13 and agreed to refer it to FSI 8 for information.

Casualty analysis matters referred to by FP 43

13.23 The Committee agreed with the views of the FP Sub-Committee that appropriate safety guidelines such as ISGOTT, already adequately addressed welding safety on board ship.

Investigation into near miss incidents

13.24 The Committee noted the information provided by Japan in document MSC 71/INF.8 and agreed, as advised by the group, to refer it to NAV 45 for information.

14 FORMAL SAFETY ASSESSMENT

General

14.1 The Committee recalled that, at MSC 69, it had established a correspondence group on trial application of FSA under the co-ordination of Italy to review the FSA studies carried out on high-speed catamaran ferries as an example of an FSA trial application and submit a report to MSC 71. Following discussion on the subject at MSC 70, the Committee had agreed to revised terms of reference for that group as follows:

With the objectives of reviewing 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) and also on high-speed craft by Sweden (MSC 70/INF.15) as examples of FSA trial applications; improving the FSA Interim Guidelines; and providing guidelines for practical application of FSA, the correspondence group should:

- .1 evaluate the trial applications in order to consider further and improve the Interim Guidelines on FSA and, in particular:
 - .1 provide a better understanding of the regulatory impact diagram and its use within the FSA process; and

- .2 consider the extent of the use of expert views/judgements in the FSA application;
- .2 consider the risk control options presented in the studies and recommend what action, if any, should be taken in the light of considerations of the review;
- .3 consider aspects referred to in paragraph 22 of document MSC 69/22, i.e. aspects relating to risk acceptance criteria, regulatory impact diagrams and apparent inconsistencies in the FSA methodology, also with a view to improving the FSA Interim Guidelines;
- .4 review and propose improvements to the preliminary draft Guidelines for practical application of FSA to the IMO rule-making process (annex 3 to document MSC 70/13); and
- .5 report to the present session of the Committee.

Outcome of the Correspondence Group on Trial Application of FSA to high-speed craft

14.2 The Committee, having considered in general the report of the correspondence group (MSC 71/14), bearing in mind that it would be considered in detail by the Joint MSC/MEPC Working Group on HE and FSA established under agenda item 13, took action as requested of it in paragraph 20 of document MSC 71/14, as follows:

- .1 noted the group's consideration of the final seven-risk control options proposed by the United Kingdom in their FSA trial application, which are relevant to the methodology used but do not enter into the merit of their relevance for future decision-making (paragraph 17 of, and annex 2 to, document MSC 71/14);
- .2 noted that the risk control options proposed by the Joint Nordic Project on Safety Assessment of HSC Operations (MSC 70/INF.15) are mainly related to human element and operational measures (paragraph 18 of document MSC 71/14) and agreed, as proposed by the group, that the matter should be further discussed by the Joint MSC/MEPC Working Group on HE and FSA in the context of its work on the implementation of the ISM Code; and
- .3 noted the proposed improvements to the FSA Interim Guidelines (paragraph 19 of document MSC 71/14) and agreed, as recommended by the group, that the proposed improvements be considered by the Joint MSC/MEPC Working Group on HE and FSA.

14.3 In the context of the above paragraph 14.2.2, the Committee briefly discussed document MSC 71/14/2 (Sweden) commenting on the report of the group in the light of the results of the Joint Nordic Project, the main objective of which was to establish procedures for uniform safety assessment of high-speed craft operations between Nordic countries; and agreed to refer the document to the aforementioned joint group for detailed consideration in the context of paragraphs 18 and 20.2 of the report of the correspondence group.

Human reliability analysis (HRA) within Formal Safety Assessment

14.4 The Committee discussed, in general, document MSC 71/14/1 (IACS), containing draft Guidance on human reliability analysis (HRA) within FSA and suggesting that:

- .1 the draft Guidance be incorporated into the Interim Guidelines on the application of FSA; and
- .2 Member Governments and organizations use the proposed draft Guidance when carrying out trial applications of FSA,

and referred it to the Joint MSC/MEPC Working Group on HE and FSA for consideration.

Terms of reference of the Joint MSC/MEPC Working Group on the Human Element and Formal Safety Assessment, relating to FSA

14.5 The Committee instructed the Joint MSC/MEPC Working Group on HE and FSA established under agenda item 13, to review, taking into account comments and proposals made in plenary, the report of the correspondence group (MSC 71/14) together with documents MSC 71/14/1 (IACS) and MSC 71/14/2 (Sweden) and, in particular, to:

- .1 consider further the risk control options proposed by the Joint Nordic Project on Safety Assessment of HSC Operations (MSC 70/INF.15) in the context of its work on the implementation of the ISM Code (paragraph 18 of document MSC 71/14) and in the light of the comments provided in document MSC 71/14/2;
- .2 prepare draft amendments to the Interim Guidelines for practical application of FSA to the IMO rule-making process (MSC/Circ.829/MEPC/Circ.335) on the basis of the improvements proposed by the correspondence group in paragraph 19 of document MSC 71/14; and
- .3 consider incorporating the draft Guidance on human reliability analysis (HRA) into the Interim Guidelines on the application of FSA and, if agreed, prepare relevant amendments to the Interim Guidelines to be included in the set of the draft amendments referred to in subparagraph .2 above.

Report of the working group

14.6 Having received the report of the joint working group (MSC 71/WP.15 and Add.1), the Committee considered it from the FSA viewpoint and took action as outlined in the following paragraphs.

Improvements to the FSA Interim Guidelines

14.7 The Committee noted that the group had discussed the following matters concerning the FSA Interim Guidelines, with the view to developing amendments to the Interim Guidelines:

- .1 use of the regulatory impact diagram;
- .2 use of expert views/judgements; and
- .3 determination of risk acceptance criteria / levels,

and had taken also into consideration the draft guidelines for practical application of FSA to the IMO rule-making process, set out in annex 5 to document MSC 71/WP.15/Add.1, having agreed that the guidelines should become an appendix to the FSA Interim Guidelines.

14.8 With regard to the regulatory impact diagram, the Committee noted that the group had agreed that the description of such diagram in paragraph 5.3 of the FSA Interim Guidelines is insufficient to explain the purpose and practical implementation of this tool. In particular, while concern was expressed about the usefulness of this tool compared to other more classic techniques, such as fault and event tree analyses, there was an opinion that the regulatory impact diagram can be useful to appreciate the influence of rules and regulations on the occurrence and severity of accidents, particularly when statistical data are lacking. Therefore, the Committee agreed to the recommendation of the group, that the regulatory impact diagram contained in annex 6 to document MSC 71/WP.15/Add.1 should be used as a reference for further discussion on the matter at MSC 72 and possible future amendments to the FSA Interim Guidelines.

14.9 There was a general agreement that expert views and judgements are an essential part of the FSA methodology, for instance, needed for the tasks of gathering information and data (paragraph 3.4.1 of the FSA Interim Guidelines), identifying and ranking the hazards (paragraphs 4.2.1 and 4.4.1 of the Guidelines) and assessing the risks involved (paragraph 5.1.3 of the Guidelines).

14.10 The Committee noted that the group, having agreed that some criteria should be established on the level and range of expertise required to carry out an FSA study as a function of the problem to be considered, developed, for the purposes of having a detailed discussion on this matter at MSC 72, a preliminary guidance note, given in annex 7 to document MSC 71/WP.15/Add.1, being of the opinion that such a document could be incorporated into the FSA Interim Guidelines, when amended.

14.11 Having considered that there was a need for a standardized training package for the application of the FSA with a view to ensuring a uniform basic understanding by all experts and parties concerned, the Committee agreed to the group's recommendation to include this item in the future work programme of the joint group.

Risk acceptance criteria

14.12 The Committee noted the group's opinion that it was premature to establish absolute risk acceptance levels at this stage and that there was a need to develop a clear definition of risk acceptance criteria which may be included, in future, in the FSA Interim Guidelines. These criteria should take into account the trial applications of the Interim Guidelines and experience gained in other industries. The Committee, therefore, invited Member Governments and interested organizations to provide useful information on the matter for discussion at MSC 72.

Risk control options

14.13 With regard to the risk control options proposed by the United Kingdom (MSC 71/14, annex 2) and Sweden (MSC 71/14/2), the Committee noted that the group considered that the risk control options identified by these trial applications would be useful for developing a comprehensive FSA study on high-speed craft, if such a study is decided to be undertaken in the future, by the Committees.

Human reliability analysis

14.14 The Committee noted that the group, following a preliminary discussion of the draft Guidance on human reliability analysis (HRA) within formal safety assessment, set out in annex 8 to document MSC 71/WP.15/Add.1, had agreed to further consider the draft Guidance at MSC 72 with a view to incorporating it, as an appendix, into the FSA Interim Guidelines.

15 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Statistical information

15.1 The Committee noted (MSC 71/15) that, in accordance with the Committee's instructions, the Secretariat had, since MSC 70, issued monthly reports on incidents of piracy and armed robbery against ships submitted by Governments and international organizations (latest MSC/Circ.906 of 30 April 1999), quarterly analyses of those incidents (latest MSC/Circ. 905 of 31 March 1999) and the yearly summary for 1998 (MSC/Circ. 903).

15.2 The Committee also noted that the total number of incidents reported to the Organization, since it started compiling statistics on these unlawful acts in 1984, had amounted to 1,455 by the end of April 1999 and, although their number had dropped in 1998 by 17% compared with that for 1997, it noted with particular concern that, during the period under review, 51 crew members had reportedly been killed and another 31 had been wounded. The areas most affected by pirates and armed robbers continued to be the same, i.e. the Far East, in particular the South China Sea and the Malacca Strait, South America and the Caribbean, the Indian Ocean and West and East Africa. The Committee, although welcoming, as an encouraging trend, the aforementioned drop in piratical attacks reported, was particularly apprehensive to note the degree of violence experienced escalating and, therefore, invited, once again, all Governments and the industry to intensify their efforts to eradicate these unlawful acts.

15.3 The Committee noted information provided by IMB/ICC (MSC 71/15/5) on reports of three violent incidents of piracy in 1998, highlighting the need for law enforcement agencies to treat piracy as a serious offence and prosecute the perpetrators of these unlawful acts.

15.4 The delegation of China, commenting on document MSC 71/15/5, informed the Committee of the actions taken by the Government of China in relation to the incidents mentioned in that document and stated that China had always attached great importance to maintaining maritime security and had been consistently active and determined in combating piracy and armed robbery against ships. China strongly condemned all types of criminal acts at sea and had, within the full limits of its laws, dealt heavy blows to such acts. China, while investigating acts of piracy and armed robbery against ships, had discovered that the criminals were well organized and that their crimes were transnational. In the opinion of the delegation of China, actions against such transnational and organized crimes required strong joint efforts at the regional and international levels.

15.5 Following considerable discussion on a proposal by Venezuela (MSC 71/15/6), supported by several delegations, that the established format of the annex to the reports on acts of piracy and armed robbery against ships issued by the Organization should be modified in such a way that acts of piracy can be clearly distinguished from acts of armed robbery, the Committee, recalling the sequence of events which had led to its decision on the present format and recognizing that there might be certain practical difficulties in the implementation of the Venezuelan proposal, agreed it should be further considered by the drafting group proposed to be established in document MSC 71/15/4.

15.6 The Committee expressed appreciation to the Governments of India and Venezuela for providing information (MSC 71/15/Add.1 and MSC 71/15/6 respectively) on the action 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.

Implementation of the anti-piracy project

15.7 The Committee recalled that, at its seventieth session (MSC 70/23, paragraphs 15.8 to 15.11), it had received a preliminary report on the October 1998 mission of experts to the South East Asian

region as well as preliminary reports on the mission of experts to Brazil and on the regional seminar and workshop held in Brasilia in October 1998 for Latin American and Wider Caribbean countries; and had instructed the Secretariat to submit the reports on the above activities to the present session together with a report on the regional seminar and workshop it was planning to hold in Singapore in February 1999.

15.8 The Committee noted that the main problem areas (not necessarily applicable to all countries visited or represented at the seminars and workshops), as identified during discussions, were:

- .1 the economic situation currently prevailing in the regions concerned;
- .2 certain resource constraints on law enforcement agencies;
- .3 lack of communication and co-operation between the various agencies involved;
- .4 the response time after an incident has been reported to the coastal State concerned by affected ships;
- .5 general problems of incident reporting, e.g. alerting the nearest coastal State as well as other ships in the area of a ship under attack or threat of attack;
- .6 timely and proper investigation into reported incidents;
- .7 prosecution of pirates and armed robbers when apprehended; and
- .8 lack of regional co-operation.

15.9 The Committee noted the conclusions of the October 1998 mission of experts to the South East Asian region (MSC 71/15/2, paragraphs 54 to 56) as well as the recommendations made in paragraphs 57 to 61 thereof, namely that:

- .1 on communication and co-operation between various agencies and the response time after an incident has been reported to the coastal State:
 - .1 an incident command system, incorporating existing mechanisms for dealing with other maritime security matters, should be adopted; and
 - .2 procedures for rapidly relaying alerts should be developed or reviewed;
- .2 on investigation into reported incidents and prosecution of pirates and armed robbers when caught:
 - .1 the responsibility and legal authority to carry out post-attack investigations should be firmly established;
 - .2 personnel trained in standard investigative techniques and familiar with the legal requirements of the courts in their countries should be available;
 - .3 information on offenders should also be sought in existing criminal records; and
 - .4 a system for disseminating potentially useful information should be in place;

- .3 on alerting by ships under attack or threat of attack and alerting of other ships in the area to the incident:
 - .1 other ships in the area should be immediately alerted upon receipt of an alert or a post-attack report; and
 - .2 harmonized procedures and guidelines on communication means for alerting other ships in the area should be developed by IMO, including the review of the standard attack alert message (MSC/Circ. 623, appendix 1);
- .4 on further development of regional co-operation:
 - .1 a regional agreement to facilitate co-ordinated response at the tactical as well as the operational level should be concluded between the countries concerned; and
- .5 on "hot pursuit":
 - .1 existing agreements should be reviewed to ensure that they contain specific provisions allowing for the extension of hot pursuit.

15.10 The Committee further noted the conclusions and recommendations of the October 1998 mission of experts to Brazil (MSC 71/15/3, annex 1, paragraphs 32 to 42), in particular:

- .1 information provided on the drug-related aspect of some of the attacks on ships in the ports (in this respect the Committee noted that, during the IMO FAL seminars and workshops planned in Latin America for 1999, the agencies involved will be invited to consider ways of integrating anti-drug enforcement with anti-piracy efforts in the region); and
- .2 recommended specific measures by ships while in ports or navigating in areas where the threat of piracy and armed robbery is known to exist, such as:
 - .1 good illumination of the deck and shipside;
 - .2 establishment of communications for outside support;
 - .3 control of the access to the cargo area and living quarters;
 - .4 keeping port-holes closed in ports;
 - .5 not leaving valuables exposed;
 - .6 keeping gangways raised at anchorages and in port, leaving only the dockside gangway down;
 - .7 in case of attack, sounding the alarm and establishing radio contact with the nearest coast radio station;
 - .8 keeping the workmen under the control of the officer on watch; and
 - .9 communicating to the Police any incident of attack or attempted illegal boarding of the ship in port or at anchor.

15.11 The delegation of Indonesia stated that the Government of Indonesia was very concerned about the security and safety of ships and also about marine environmental protection and was therefore committed to fighting all kinds of maritime crime, including acts of piracy and armed robbery against ships in Indonesian waters and that it would fully support any kind of effort to prevent and suppress such acts. It informed the Committee that routine patrol operations were carried out by the Indonesian authorities and that the results were satisfactory. In February 1999 the leader and several members of a syndicate of pirates and armed robbers had been arrested and were in the process of being prosecuted. The syndicate was found to be internationally organized with networks in several countries. Evidence was found that the leader was not an Indonesian citizen. The syndicate had been behind attacks on many ships and, so as to be undetected by the authorities in the region, they illegally changed the names of the ships as well as their documents. They then recruited new crews through a crewing agent, several members of which were Indonesian citizens, none of these new crews having realised the nature of their operations.

15.12 The delegation of France stated that, while France was not under a serious threat of piracy and armed robbery against ships, one of its overseas departments (French Guyana) was in an area of the world where the phenomenon existed. Furthermore, acts of piracy and armed robbery against ships might take place elsewhere without warning. For these reasons, the French Government wanted to be vigilant about the phenomenon and had taken appropriate steps for its agencies to deal with such acts, including the nomination of a unique point of contact for IMO-related questions on the issue.

15.13 The delegation of Japan, referring to resolution 2 (Appropriate punishment for the crime of piracy and armed robbery against ships) of the Brasilia and Singapore seminars and workshops, believed that, before the Committee invited the Legal Committee to consider, as a matter of urgency, an international Code for the investigation of acts of piracy and armed robbery against ships, the Committee should clarify overall effective countermeasures to the issue and identify specific legal points for the Legal Committee to work on. The delegation of Japan shared the concern of other delegations over the increasing degree of violence and, based on the fact that most of the attacks worldwide had been reported to have occurred in territorial waters, it considered that the most important countermeasure was an immediate and appropriate action by coastal States, which, in addition, should report the incidents to IMO as soon as possible. The delegation of Japan stressed that shipping companies, shipowners and shipmasters should report the incidents to coastal States and rescue co-ordination centres as an important first step to tackle these unlawful acts effectively.

15.14 The Committee, having noted that both the Brasilia and Singapore regional seminars and workshops had made recommendations for amending MSC/Circs. 622 and 623, including a draft regional agreement (MSC 71/15/3, annexes 4 and 5 and MSC 71/15/4, annexes 3, 4 and 5) in order to update and make both guidelines applicable world-wide, established a drafting group to revise the two circulars, taking into account the recommendations of the two meetings and comments and proposals made in plenary and, in particular, to:

- .1 take into account, when revising MSC/Circs.622 and 623, the proposal of the United Kingdom on possible means of familiarizing police and military personnel involved in investigating unlawful acts with the layout of various ship types ;
- .2 consider the proposal by Venezuela (MSC 71/15/6) on the format of the annex to the reports on acts of piracy and armed robbery against ships, taking into account the practical difficulties mentioned by the Secretariat; and

- .3 consider resolution 2 of both the Brasilia and Singapore seminars and workshops (MSC 71/15/3, annex 6 to annex 2 and MSC 71/15/4, annex 7 to annex, respectively), taking into account the Japanese comments concerning the need to identify specific legal points for consideration by the Legal Committee.

15.15 The Committee reiterated its appreciation to the Government of Brazil for hosting the Brasilia regional seminar and workshop for Latin American and Wider Caribbean countries and expressed appreciation to the Government of Singapore for hosting the regional seminar and workshop for South East Asian countries.

15.16 The Committee further expressed appreciation to the Governments and organizations, which had financially supported the missions and the regional seminars and workshops and to the Governments and organizations, which had provided experts to support them and had covered their participation cost.

ISF/ICS Publication "Pirates and armed robbers - A Master's Guide"

15.17 The Committee noted, with appreciation, the recently issued third edition of the above Guide, copies of which were distributed to delegates and observers during the session.

Report of the drafting group

15.18 Having received the report of the drafting group (MSC 71/WP.6), the Committee approved the group's recommendations on revised texts of MSC/Circs.622 and 623 and instructed the Secretariat to issue the revised circular as soon as possible (MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.1). The Committee agreed to insert the UNCLOS definition of piracy at the bottom of appendix 4 of MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.1.

15.19 The Committee noted that the group, having considered the proposal by Venezuela that the format presently used for disseminating reports on piracy and armed robbery against ships received by the Organization should be amended to distinguish piracy from armed robbery cases, expressed the opinion that it would be difficult for shipmasters to accurately determine which State has jurisdiction over areas concerned; and, therefore, agreed that it would be sufficient for flag States and organizations in consultative status to report the positions of the incidents as accurately as possible and not be obliged to indicate whether the positions were inside or outside the areas of jurisdiction of coastal States, except where they could accurately determine this. The Committee agreed to this and, in order to further clarify the position to assist users of the circular, instructed the Secretariat to include in future circulars as a footnote the UNCLOS definition of piracy.

15.20 With regard to resolution 2 of the Brasilia and Singapore seminars and workshops, which requested the Committee to bring it to the attention of the Legal Committee to consider developing, as a matter of urgency, an international Code for the investigation of piracy and armed robbery against ships and recommending an appropriate punishment for the crime, the Committee was of the opinion that the sort of instrument envisaged was one which would be based on practical lessons learnt from the series of seminars and missions conducted by IMO and so could be adequately handled by the Committee.

15.21 The Committee therefore decided to establish a correspondence group, under the co-ordination of the United Kingdom*, with the following terms of reference:

- .1 taking into account appropriate inputs from the seminars and workshops on piracy and armed robbery against ships organized by IMO and any other available material (e.g. the report of the IMO Working Group on the Malacca Strait Area, the 1988 SUA Convention and MSC/Circs.443 and 622/Rev.1), to prepare a preliminary draft text of an instrument for the investigation and prosecution of the crime of piracy and armed robbery against ships; and
- .2 to submit its preliminary draft for consideration by MSC 72.

The Committee agreed that the title and recommended use of the new instrument would be decided based on its contents.

16 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Acceptance of conventions

16.1 The Committee noted information on the status of acceptance, as at 1 March 1999, of safety-related conventions, protocols and amendments thereto (documents MSC 71/16 and MSC 71/INF.4 which updated information contained in documents MSC 70/16 and MSC 70/INF.9) and was advised orally by the Secretariat of additional acceptances notified after the aforementioned date.

Uniform wording for referencing IMO instruments

16.2 The Committee recalled that, at MSC 69, it had considered the revised draft Guidelines on methods for making reference to IMO instruments in IMO conventions and other mandatory instruments, which had been prepared by the delegation of Japan with the concurrence of other delegations participating in an *ad hoc* group established by the Committee at that session (MSC 69/WP.14). However, recognizing that further discussion was required, MSC 69 had agreed to defer consideration of the revised draft Guidelines to MSC 70 which, owing to lack of time, decided to consider the draft Guidelines and comments thereon submitted to MSC 70 at this session.

16.3 The Committee considered the aforementioned revised draft Guidelines (MSC 71/16/1), as modified by the Secretariat to include therein paragraphs 19 to 21 on referencing standards developed by industry organizations such as IACS, IEC, ISO, etc., together with other editorial changes (MSC 71/16/3), together with submissions by:

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- .1 China (MSC 70/16/3 and MSC 70/INF.25) proposing a draft MSC resolution on procedures for adopting and amending performance standards and technical specifications referred to in footnotes of various IMO conventions;
- .2 IACS (MSC 71/16/2) proposing that, in paragraph 13 of the draft Guidelines, the expression "six months" (relating to a period between the adoption and entry into force of amendments to performance standards) should be "18 months" and the paragraph be expanded to include the development of new performance standards; and
- .3 Cyprus (MSC 71/16/4) proposing deletion, from the draft Guidelines, of paragraph 5 on accelerated amendment procedure in exceptional cases, being concerned that if, when referring to SOLAS article VIII, different periods for acceptance and entry into force of amendments are used, the amendment procedure specified in article VIII would be bypassed, which is not acceptable to Cyprus.

16.4 In the context of the above proposal by Cyprus, the Committee, having agreed to the deletion of paragraph 5 of the draft Guidelines, decided that the action taken should be without prejudice to its discussion, under agenda item 8 (see paragraphs 8.10 to 8.23), on the amendment procedure for the IMDG Code, if made mandatory under the SOLAS Convention.

16.5 With regard to China's proposal calling for a draft MSC resolution, the Committee, having agreed that paragraph 13 of the draft Guidelines was sufficient for the purpose of the Guidelines, decided that there was no need for such a resolution. However, the Committee, having recalled resolution A.825(19) - Procedures for adoption and amendment of performance standards for radio and navigational equipment, agreed that a new Assembly resolution should be developed resolving that the function of adopting any performance standards, as well as amendments to such standards falling under the purview of the Committee, should be performed by the Maritime Safety Committee on behalf of the Organization. When adopting such a generally-worded resolution, the Assembly should be invited to revoke resolution A.825(19). The Committee also agreed to invite MEPC to consider preparing a similar Assembly resolution in respect of performance standards under that Committee's purview.

16.6 Having considered the proposed draft Assembly resolution (MSC 71/WP.16, annex 1), the Committee, notwithstanding the decision in paragraph 16.5 above, decided that the draft resolution should also deal with performance standards and specifications concerning marine pollution prevention and control and, subsequently, approved, subject to MEPC's concurrent decision, the draft Assembly resolution on Procedure for adoption of, and amendment to, performance standards and technical specifications, modified as appropriate, set out in annex 15. The Secretariat was instructed to inform MEPC 43 accordingly.

16.7 Following consideration of the revised draft Guidelines and having agreed to some modifications (MSC 71/WP.16, annex 2), the Committee approved the draft Guidelines on methods for making reference to IMO and other instruments in IMO conventions and other mandatory instruments, as set out in annex 16, for dissemination by means of an appropriate circular. The MEPC was invited to consider the draft Guidelines and, if satisfied, approve them so that they may be issued as a joint MSC/MEPC circular.

16.8 In addition, the Committee instructed the Secretariat to bring the matter to the attention of the Legal and Facilitation Committees so that, if there is interest from their part, the Guidelines may eventually be annexed to an appropriate Assembly resolution covering all relevant IMO instruments.

Cross-reference of regulations in, and between, IMO instruments

16.9 The Committee considered document MSC 70/16/2 (Republic of Korea) addressing the problem of cross-reference of regulations within the same instruments and between various instruments caused by changing of regulation and paragraph numbers following the adoption of amendments thereto. It also considered document MSC 70/22/2 (Australia) proposing a draft MSC circular annexing references in the Cargo Ship Safety Equipment Certificate and its attached Record of Equipment (Form E), due to changes brought about by the entry into force, on 1 July 1998, of the new SOLAS chapter III.

16.10 Having discussed, in general, the problem raised by the Republic of Korea, the Committee noted that there had been a general understanding and the existing practice that, when Administrations change their legislation introducing new amendments to IMO instruments, they also take care of updating their existing legislation in line with any new requirements. The Committee also noted that there are a number of IMO instruments, such as the Code of Safety for Special Purpose Ships, where references are made to certain SOLAS requirements which were later modified by subsequent SOLAS amendments. Therefore, the Committee, with a view to improving, in the future, the situation regarding cross-reference of regulations in, and between, IMO instruments, agreed to:

- .1 request the sub-committees, in the course of preparation of amendments to IMO instruments, to also check the references in the provisions of the instruments concerned which may not be within their purview; and
- .2 invite Member Governments to inform the Secretariat, at an early stage, of any modifications to cross-references they would identify when introducing new amendments in their legislation, in order that necessary rectification could be made by the Secretariat.

16.11 With respect to the proposal by Australia referred to in paragraph 16.9, the Committee agreed to refer document MSC 70/22/2 to FSI 8 for consideration and advice to MSC 72 as appropriate.

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

16.12 The Committee recalled that, in pursuance of the request of the twentieth session of the Assembly, MSC 69 had instructed the Secretariat to:

- .1 structure the list of IMO safety-related requirements and recommendations 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,

and further instructed the Secretariat, prior to acting as requested above, to disseminate the list of such requirements and recommendations by means of MSC/Circ.815.

16.13 The Secretariat informed the Committee that the information contained in MSC/Circ.815 had been successfully transferred into an ACCESS version 2.0 database format. The preparation of an initial database in an ACCESS format has, therefore, been completed. The ACCESS version 2.0 database will also have to be converted into a more recent version of the software (ACCESS 97) and this will be done after the installation of the Windows NT System at IMO. The Secretariat is currently investigating the possible enhancement of the IMO Bulletin Board System (BBS) in order that databases can be queried on-line. The ability to query the database will enable the users of the BBS to extract only the information they require from MSC/Circ.815, as updated or other databases under the purview of the FSI and other Sub-Committees.

16.14 The Committee noted the above information and, having expressed satisfaction with the progress made on the matter, requested the Secretariat to arrange the system in a manner which would allow Member Governments and international organizations concerned to download the entire database so that they would be able to record the status of implementation of IMO instruments by them.

17 UNSAFE PRACTICES ASSOCIATED WITH THE TRAFFICKING OR TRANSPORT OF ILLEGAL MIGRANTS BY SEA

17.1 The Committee recalled that, at its sixty-ninth session (MSC 69/22 paragraph 21.11), it had, subsequent to the adoption by the twentieth session of the Assembly of resolution A.867(20) - Combating unsafe practices associated with the trafficking or transport of migrants by sea, considered and agreed, in principle, to the development of relevant guidelines in order to fulfill the task given to it by the Assembly in that resolution and, at the same time, respond to a relevant proposal made by FAL 25; and established a correspondence group to progress the matter intersessionally and report to MSC 70.

17.2 The Committee further recalled that, at its seventieth session (MSC 70/23, paragraph 17.5), having received the report of the correspondence group, it established a drafting group to:

- .1 finalize the draft MSC circular prepared by the correspondence group, advising Member Governments on interim measures which could be taken before the UN Ad Hoc Committee on the Elaboration of a Convention against Transitional Organized Crime had completed its work on a new instrument aiming at combating the unsafe practices associated with the trafficking or transport of migrants by sea, in full compliance with international law, as a recommendatory instrument, for approval at that session; and
- .2 develop appropriate elements as the IMO contribution to the work of the UN Ad Hoc Committee, taking into account the seriousness and urgency of the matter.

17.3 The Committee had subsequently approved MSC/Circ.896 on Interim Measures for combating unsafe practices associated with the trafficking or transport of migrants by sea, and instructed the Secretariat to bring it to the attention of the UN Ad Hoc Committee referred to above as IMO's contribution to its work, rather than developing separate elements. MSC/Circ.896 was consequently conveyed to the UN Ad Hoc Committee's first session, which took place in Vienna from 19 to 29 January 1999.

17.4 In considering the draft progress report requested by the twentieth session of the Assembly in resolution A.867(20), prepared by the Secretariat (MSC 71/17/1), the Committee noted (MSC 71/17) that the first meeting of the UN Ad Hoc Committee referred to in paragraph 17.3 above, had agreed, in principle, that the relevant provisions of MSC/Circ.896 should be incorporated, as far as possible, in the appropriate chapter for sea transport of the draft protocol being prepared.

17.5 The Committee was informed that, contrary to paragraph 7 of document MSC 71/17, the April/May Vienna meeting of the UN Ad Hoc Committee had not considered the draft protocol and that this would be endeavoured at the UN Ad Hoc Committee's next session scheduled to take place in early July 1999.

17.6 The Committee approved the draft progress report (MSC 71/17/1), in principle; and instructed the Secretariat to:

- .1 supplement it, as necessary, to reflect the outcome of this session as well as the results of the forthcoming UN Ad Hoc Committee meetings; and
- .2 submit it, in due course, to the twenty-first session of the Assembly, in compliance with the request of resolution A.867(20).

17.7 The Secretariat was instructed to continue representing the Organization at the relevant meetings of the UN Ad Hoc Committee and report to the Committee as appropriate.

18 RELATIONS WITH OTHER ORGANIZATIONS

The Committee took no action on this item as no documents had been issued under it.

19 APPLICATION OF THE COMMITTEE'S GUIDELINES

19.1 The Committee recalled that MSC 69, following discussion of the various proposals made (including a joint submission by Argentina, Chile, Colombia, Mexico, Panama and Venezuela (MSC 69/19)), calling for modifications to the Guidelines on the organization and method of work (MSC/Circ.816 and MEPC/Circ.331), requested the Secretariat, in consultation with its Chairman and the Chairman of the MEPC, to submit a document outlining the proposed revised text of the Guidelines for consideration and action by MSC 70 as appropriate. This could not be done at MSC 70 owing to lack of time.

19.2 The Committee considered a joint Note by the Chairmen of the MSC and MEPC (MSC 70/19), containing proposed amendments to the Guidelines prepared on the basis of proposals and comments made at MSC 69 and experience thus far gained in the application of the Guidelines, together with proposals and comments thereon submitted by Cyprus (MSC 71/19/1), Norway (MSC 71/19) and the Secretariat (MSC 71/WP.8). In this context, the Committee noted that MEPC 42, during a preliminary discussion on the management of working and drafting groups, agreed (document MSC 70/19/1) to consider the matter further at MEPC 43, including concerns expressed by the delegation of the Bahamas over the current method of work and the number of working/drafting groups meeting at technical bodies' sessions and taking into account the Committee's consideration of the matter at its present session.

19.3 Following detailed discussions of the proposals submitted, the Committee agreed to a number of modifications to the draft revised Guidelines set out in annex 2 to document MSC 70/19, as explained hereunder.

19.4 As proposed by Cyprus in paragraph 3 of their document MSC 71/19/1, the Committee agreed to include in the Guidelines, after existing paragraph 16, a new paragraph stipulating the acceptance of issues transferred to the Committee by another Committee for specific action (see also paragraph 19.6 of document MSC 69/22).

19.5 Following extensive discussion on a proposal by Norway to replace the existing paragraphs 17.1, 17.2, 18 and 19 of the draft revised Guidelines by a paragraph introducing a concept of added flexibility, in conjunction with a relevant proposal by Cyprus (MSC 71/19) maintaining the view that, as it follows from the provisions of resolution A.777(17), the Committee should adhere strictly to the Guidelines, the Committee agreed to the modified text of the last sentence of paragraph 17.2 of the draft revised Guidelines as follows:

"A certain degree of flexibility might be allowed in the application of this paragraph in exceptional circumstances, in particular in the case of proposed amendments on operational safety matters."

In this context, the Committee did not agree to a proposal that the same text be added at the end of paragraph 17.1 of the Guidelines.

19.6 With regard to paragraph 18 of the draft revised Guidelines, the Committee agreed to add in the first sentence a phrase to the effect that, in case of submission of proposals for new work programme items by non-governmental organizations, such proposals should be co-sponsored by Member Government(s); and deleted the proposed last sentence of the same paragraph regarding submission of new programme item proposals and explanation thereon by subsidiary bodies.

19.7 In discussing the proposed new paragraph 45.1 regarding deadlines for the submission of very bulky documents, the Committee agreed to the proposed text of the paragraph, having decided that under this category would fall documents containing more than 50 pages.

19.8 The Committee discussed the proposals of the Secretariat contained in document MSC 71/WP.8, and agreed to a new paragraph 45.7 dealing with the availability, in the Organization's working languages, of the reports of subsidiary bodies, on the basis of which the Committee(s) are invited to take action, not later than five weeks before the opening of the session; and to a new paragraph 45.8 requiring that basic documents submitted to the Committees by the Secretariat on urgent matters emanating from sessions of subsidiary bodies, which met less than 13 weeks before the Committees' meetings, should annex the text of draft Assembly resolutions, draft MSC circulars etc., on which the Committees will be invited to take action.

19.9 With regard to paragraph 47 of the draft revised Guidelines regarding submission of documents commenting on urgent matters emanating from a subsidiary body's session, which took place less than nine weeks before a Committee's session, the Committee agreed to delete all square brackets in the paragraph and the text within the first square brackets.

19.10 In considering the proposal made by Norway in paragraph 13 of document MSC 71/19 proposing to harmonize the wording and sequence of elements in paragraphs 4.1 to 4.6 of appendix 1 to the Guidelines with appendix 3, the Committee, noting the editorial nature of the proposed modifications, instructed the Secretariat to consider how best to accommodate Norway's proposals.

19.11 Following the above decisions, the Committee approved, subject to MEPC's concurrent decision, the draft revised Guidelines on the organization and method of work, set out in annex 17, for dissemination by means of an appropriate MSC/MEPC circular. The Secretariat was authorized to restructure, if necessary, the Guidelines in a more logical and sequential manner, after they have also been approved by the MEPC.

20 WORK PROGRAMME

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

General

20.1 The Committee recalled that, owing to lack of time and the non-urgent character of work programme item documents submitted to its seventieth session (MSC 70/20/2 (Germany), MSC 70/20/3 (Ireland), MSC 70/20/4 (Finland, Denmark, Norway and Sweden), MSC 70/20/5 and MSC 70/20/6 (Japan), MSC 70/20/7 and MSC 70/20/9 (United Kingdom), MSC 70/20/8 (India), MSC 70/20/10 (United Kingdom and IACS), MSC 70/20/11 (IALA), MSC 70/20/12 (Spain), MSC 70/20/13 (ICFTU), MSC 70/INF.26 (Netherlands) and MSC 70/WP.4 (Chairman)), MSC 70 decided to defer their consideration to this session (MSC 71/20/1).

20.2 Taking into account the recommendations made by the Sub-Committees which met since MSC 70, as reflected in their reports (MSC 71/20 and Adds. 1 and 2); the various proposals submitted to MSC 70 and this session; a preliminary assessment (MSC 70/WP.4 and MSC 71/WP.1) 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)

Publication IEC 92-502: Electrical installations in ships

20.3 The Committee recalled that, following consideration of document MSC 71/20/8 (IEC) in the context of the work programme of the DE Sub-Committee, it had decided to include, in this Sub-Committee's work programme, a low priority item on "Amendments to requirements on electrical installations in the IBC and IGC Codes", with 2 sessions needed to complete the item, requesting the Sub-Committee to exercise extreme care in their deliberations to ensure that any amendments to these instruments developed as a consequence of the IEC proposals would not compromise the level of safety currently afforded by these instruments (see paragraph 20.45).

Work programme of the Sub-Committee and provisional agenda for BLG 5

20.4 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18. The Secretariat was instructed to inform the MEPC accordingly.

20.5 The Committee approved the provisional agenda for BLG 5, as set out in annex 19 and instructed the Secretariat to inform the MEPC accordingly.

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

Amendments to SOLAS chapters VI and VII to make the IMDG Code mandatory

20.6 The Committee noted that document MSC 70/20/9 (United Kingdom) was withdrawn as its objective was overtaken by events at DSC 4.

20.7 Recalling its discussion under agenda item 8 on proposed amendments to SOLAS chapters VI and VII to make the IMDG Code mandatory, the Committee decided to retain the item in the Sub-Committee's work programme.

Work programme of the Sub-Committee and provisional agenda for DSC 5

20.8 The Sub-Committee's work programme, as approved by the Committee, is set out in annex 18.

20.9 The Committee approved the provisional agenda for DSC 5, as set out in annex 19.

SUB-COMMITTEE ON FIRE PROTECTION (FP)

Fire detection and fire alarm systems on passenger ships

20.10 The Committee, having noted a proposal by FP 43 to delete the item on "Fixed fire detection and fire alarm systems" from the Sub-Committee's work programme, considered documents MSC 71/20/5 and MSC 71/INF.2 (United States) proposing amendments to SOLAS regulations on fire detection and fire alarm systems to include requirements for locally audible smoke alarms and automatic local closure of fire doors and inviting the Committee to instruct the Sub-Committee to consider them under its work programme item on "Fixed fire detection and fire alarm systems" with a view to incorporating them into the draft revised SOLAS chapter II-2.

20.11 The Committee also considered document MSC 71/20/15 (ICCL) commenting on the aforementioned proposal of the United States and inviting the Committee to defer its consideration until a clear justification of the need to amend the relevant SOLAS regulations was provided.

20.12 Following some discussion, the Committee, referring the aforementioned United States' documents to the Sub-Committee for consideration, agreed to retain a high priority item on "Fixed fire detection and fire alarm systems" in the Sub-Committee's work programme, with a target completion date of 2001 and to include the item in the provisional agenda for FP 44.

Work programme of the Sub-Committee and provisional agenda for FP 44

20.13 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

20.14 The Committee approved the provisional agenda for FP 44, as set out in annex 19.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

Work programme item proposed by FSI 7

20.15 Following FSI 7's proposal, the Committee decided to include, in the Sub-Committee's work programme, a new high priority item on "Self-assessment of flag State performance", with a target completion date of 2001.

20.16 With regard to the proposal by the Sub-Committee to delete its work programme and agenda item on "Mandatory reporting procedures on port State control detentions", the Committee decided to retain the item on the Sub-Committee's work programme and to include the item in the provisional agenda for FSI 8 in view of envisaged submissions on the item by Member Governments.

20.17 Some delegations queried the usefulness of the retention of the item on "Responsibilities of Governments and measures to encourage flag State compliance" in the work programme of the Sub-Committee, which they found to be too general in its scope. Following the discussion, the Committee instructed the Sub-Committee to consider this at FSI 8, and to report the outcome to MSC 72.

SOLAS amendments relating to survey and certification

20.18 Having considered document MSC 70/20/8 whereby India was proposing that appropriate amendments to SOLAS article VIII and chapter I be developed to include in chapter I all requirements regarding survey and certification matters contained in various SOLAS chapters and to make the tacit acceptance procedure applicable to the amended chapter I, except for the provisions contained in existing SOLAS regulations I/1 and I/3 to I/6, the Committee decided not to pursue the matter since it was considered to be complicated and time-consuming and because of doubts as to whether the results of the exercise would justify the effort.

Perceived weakness of the SOLAS definition of "new ships"

20.19 The Committee considered document MSC 70/20/10 (United Kingdom and IACS) explaining the means by which some ships have avoided compliance with SOLAS regulations intended for application to future "new ships" and proposing amendments to the relevant SOLAS chapters to include, in the definition of "new ships", a reference to a delivery date for the purpose of stopping the practice of non-compliance with newly adopted SOLAS amendments by having the ship's keel laid prior to the date of entry into force of any relevant amendments; and agreed to include, in the Sub-Committee's work programme, a high priority item on "Revision of the SOLAS expression "ships constructed"", with 2 sessions needed to complete the item.

Work programme of the Sub-Committee and provisional agenda for FSI 8

20.20 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18. The Secretariat was instructed to inform the MEPC accordingly.

20.21 The Committee approved the provisional agenda for FSI 8, as set out in annex 19 and instructed the Secretariat to inform the MEPC accordingly.

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

20.22 The Committee agreed to a new title "Revision of the IAMSAR Manual" for item 6.3 of the Sub-Committee's work programme and also agreed that this should be a continuous item.

Guidelines for GMDSS installations on board SOLAS ships

20.23 The Committee discussed document MSC 70/20/3 (Ireland) proposing to consider developing internationally agreed harmonized guidelines for GMDSS installation and decided to include, in the Sub-Committee's work programme, a low priority item on "Harmonization of GMDSS requirements for radio installations on board SOLAS ships", with 2 sessions needed to complete the item.

IMO Standard Maritime Communication Phrases

20.24 The Committee recalled that MSC 68, following approval of MSC/Circ.794 on Standard Marine Communication Phrases (SMCPs), had invited Member Governments and maritime training institutes

to conduct trials using SMCPs and to report the results of such trials well in advance for consideration by NAV 45, in order that it could, in co-operation with the COMSAR and STW Sub-Committees, finalize the SMCPs. MSC 68 had also considered that, following this, a suitable draft Assembly resolution could be prepared for submission to the twenty-second session of the Assembly for adoption. The Committee, therefore, agreed to instruct COMSAR 4 to include in the provisional agenda for COMSAR 5, an item on "IMO Standard Maritime Communication Phrases".

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

20.25 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18. In the course of the discussions of the Sub-Committee's work programme, the Committee was informed of arrangements to reduce the gap between the meetings of the Sub-Committee between 2000 and 2002, the Sub-Committee having been allocated one session during the forthcoming biennium 2000-2001. Any urgent work necessitated in the interim might be tasked to intersessional meeting(s) of *ad hoc* working group(s).

20.26 The Committee approved the revised provisional agenda for COMSAR 4, as set out in annex 19 and agreed that document MSC 71/22/5 (Denmark) should be considered by COMSAR 4 under its agenda item on "Global Maritime Distress and Safety System (GMDSS)".

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

Bunker fuel in ships' routing

20.27 The Committee considered a proposal by the United Kingdom (MSC 71/20/3) to include, in the Sub-Committee's work programme, a new item concerning the possible extension of the criteria governing existing and new routing and reporting measures to ships which may pose a pollution threat because of their bunker fuel and agreed to refer the document to NAV 45 for preliminary consideration in the context of its agenda item on "Routing of ships, ship reporting and related matters".

Performance standards for bridge watch alarms

20.28 After consideration of document MSC 71/20/4 (United Kingdom) and the relevant part of document MSC 71/20/12 (Spain) which was a resubmission of document MSC 70/20/12, the Committee decided to include, in the Sub-Committee's work programme, a high priority item on "Performance standards for bridge watch alarms", with 2 sessions needed to complete the item. The Committee, in making this decision, agreed that there was no intention to re-open the issue of the Officer of the navigational watch acting as the sole look-out in periods of darkness and also that the work to be carried out would be without prejudice to its future work on fatigue.

Mandatory ship reporting systems - Optimization of coastal ship-to-shore communications

20.29 In considering document MSC 71/20/12 (Spain), the Committee noted that Spain may, in the future, adopt mandatory ship reporting systems within Spain's territorial waters in areas extending 12 nautical miles from the coast such as approaches to ports, areas of high traffic density, hazardous areas for navigation or simply in environmentally sensitive areas.

20.30 The delegation of the United States, supported by the delegation of the Russian Federation, expressed concern over Spain's proposal to establish mandatory ship reporting systems in its territorial sea without first submitting its proposals to IMO for adoption. While the United States delegation recognized that not all ship reporting systems needed to be reviewed by IMO, they believed that SOLAS

regulation V/8-1 was very clear in requiring that any mandatory ship reporting system must first be submitted to IMO for review and adoption.

20.31 The Committee, having further considered a proposal by Spain in document MSC 71/20/12 to develop a system to allow marine traffic control centres to communicate with a ship in cases where an accident is imminent, instructed the Sub-Committee to consider this proposal with a view to advising the Committee on a possible course of action.

Revision of performance standards for speed and distance measuring equipment (SDME)

20.32 The Committee considered document MSC 71/20/10 (IEC) proposing that amendments to resolution A.824(19) - Performance standards for devices to indicate speed and distance be developed, in order that IEC could finalize their relevant standard to be in line with that resolution and decided to include, in the Sub-Committee's work programme, a high priority item on "Revision of performance standards for devices to indicate speed and distance (resolution A.824(19))", with a target completion date of 1999 and also include the item in the provisional agenda for NAV 45.

IMO Standard Maritime Communication Phrases

20.33 The Committee, recalling its discussion on this subject under the work programme of the COMSAR Sub-Committee, instructed NAV 45 to include, in the provisional agenda for NAV 46, an item on "IMO Standard Maritime Communication Phrases".

Work programme of the Sub-Committee and provisional agenda for NAV 45

20.34 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

20.35 The Committee approved the provisional agenda for NAV 45, as set out in annex 19.

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

Work programme item proposed by DE 42

20.36 Following DE 42's proposal, the Committee decided to include, in the Sub-Committee's work programme, a new low priority item on "Improved thermal protection", with a target completion date of 2001.

Emergency propulsion and steering devices for oil tankers

20.37 The Committee did not agree to a proposal by Germany (MSC 70/20/2) to include in the Sub-Committee's work programme a new item concerning emergency propulsion and steering devices for oil tankers taking into account the outcome of the joint session of the Joint MSC/MEPC Working Groups on HE and on FSA (MSC 70/13, paragraphs 19 and 20) on the final report (part IV) on Novel emergency propulsion and steering devices for oil tankers analysed with the FSA method (MSC 69/14/1).

Inclusion of desalinators as normal equipment on lifeboats and liferafts

20.38 After consideration of documents MSC 70/20/5 (Japan) and MSC 70/20/13 (ICFTU) inviting the Committee to reconsider the relevant provisions of the LSA Code in order to require lifeboats and liferafts to be equipped with desalinators, the Committee decided to include, in the Sub-Committee's

work programme, a high priority item on "Use of desalinators on lifeboats and liferafts", with 2 sessions needed to complete the item.

Revision of Interim Standards for ship manoeuvrability (resolution A.751(18))

20.39 Having considered a proposal by Japan (MSC 70/20/6 and MSC 71/20/9) inviting the Committee to undertake a revision of resolution A.751(18) - Interim Standards for ship manoeuvrability, in the light of new information and the results of experience with the present standards and ongoing research and developments, as prescribed in paragraph 1.3 of the Interim Standards, the Committee decided to include, in the Sub-Committee's work programme, a low priority item on "Revision of the Interim Standards for ship manoeuvrability (resolution A.751(18))", with 2 sessions needed to complete the item.

Designated rescue boats

20.40 The Committee considered a proposal by the United Kingdom (MSC 70/20/7) to deal with the proposed amendments to SOLAS chapter III and the LSA Code to require all ships to carry designated rescue boats for the recovery of survivors from the sea and to also improve the arrangements for marshalling liferafts, as supported by the Netherlands (MSC 70/INF.26), which had also suggested to extend the scope of the exercise to the effectiveness and use of rescue boats and lifeboats as well as to training and maintenance aspects and had informed the Committee of the Netherlands's intention to start, in 1999, a research project using the FSA approach. The Committee noted that the Russian Federation (MSC 71/20/6) did not support the proposal.

20.41 While some delegations requested assurances that any new provisions should only apply to new ships, other delegations would have preferred that these proposals had rather been considered as part of a more systematic exercise encompassing all life-saving appliance-related proposals. The ICS observer recommended that the rescue boat recovery operation should not be limited to single-point hoisting in order not to hinder the development of any technological advances in this field. The Committee decided to refer the above documents, together with the related comments, to DE 43 for further review and advice on any action to be taken, under its agenda item on "Any other business".

Accidents in lifeboats

20.42 The Committee noted information provided by Australia (MSC 71/20/7) on serious accidents which had occurred during lifeboat maintenance, inspection and drills, drawing attention to the safety matters involved, and agreed to refer document MSC 71/20/7 to DE 43 for consideration and future advice, as appropriate, under its agenda item on "Any other business".

Code on polar navigation

20.43 The Committee noted that it had dealt with document MSC 71/20/11 (United States) under section 9 (Ship design and equipment) (see paragraphs 9.13 to 9.17). In this context, recalling the outcome of the discussion on the subject, the Committee agreed to a new title of the item "Development of guidelines for ships operating in ice-covered waters".

Publication IEC 92-502: Electrical installations in ships

20.44 In considering document MSC 71/20/8 (IEC), the Committee recalled that, 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, MSC 69 had agreed that work on the subject should be undertaken after the revised IEC publication had been finalized.

20.45 After some discussion of document MSC 71/20/8, in which IEC was informing the Committee of the publication of the aforementioned IEC standard and reflecting on the possible need for modifications to SOLAS and the IBC and IGC Codes, the Committee decided to include, in the Sub-Committee's work programme, a low priority item on "Amendments to SOLAS requirements on electrical installations", with 2 sessions needed to complete the item; and, in the BLG Sub-Committee's work programme, a low priority item on "Amendments to requirements on electrical installations in the IBC and IGC Codes", with 2 sessions needed to complete the item. Further, the Committee requested both Sub-Committees to exercise extreme care in their deliberations to ensure that any amendments to the above instruments developed as a consequence of the IEC proposals would not compromise the level of safety currently afforded by these instruments. At the same time, the IEC was also invited to explore any such possibility and advise the Committee accordingly (see paragraph 20.3).

Amendments to the Revised Recommendation on testing of life-saving appliances (resolution MSC.81(70))

20.46 The Committee considered document MSC 71/20/13 (Germany) proposing further modifications to the recently adopted resolution MSC.81(70) on the Revised Recommendation on testing of life-saving appliances and invited Germany to resubmit the proposal in accordance with the Guidelines on the organization and method of work.

Improved thermal protection

20.47 Having recalled that, upon a proposal by DE 42, it had decided (see paragraph 20.36 above) to include a new low priority item on "Improved thermal protection" in the Sub-Committee's work programme and in the provisional agenda for DE 43, the Committee considered document MSC 71/20/14 (Norway) supporting the inclusion of the above new item in the Sub-Committee's work programme and specifying the scope of work under the item (i.e. to develop systematized guidelines for thermal protection of crew and passengers according to environmental factors and appropriate performance standards for additional thermal protective equipment) and decided to refer document MSC 71/20/14 to DE 43 for consideration and action as appropriate. In this connection, the Committee invited Norway to provide a more precise definition of the regions affected.

Work programme of the Sub-Committee and provisional agenda for DE 43

20.48 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

20.49 The Committee approved the provisional agenda for DE 43, as set out in annex 19.

Items to be considered by MSC 72

20.50 Noting that, due to the close proximity between DE 43 and MSC 72 and in accordance with the relevant provisions of the Guidelines on the organization and method of work, it should consider, at its seventy-second session, only urgent matters emanating from DE 43, the Committee agreed, as advised by DE 42, that the following issues would be urgent matters for consideration by MSC 72:

- .1 revision of the HSC Code, including the draft new edition of the HSC Code and draft consequential amendments to SOLAS chapter X; and
- .2 the Sub-Committee's work programme and provisional agenda for DE 44.

SUB-COMMITTEE ON STABILITY AND LOAD LINES AND ON FISHING VESSELS SAFETY (SLF)**Work programme item proposed by SLF 42**

20.51 Following SLF 42's proposal, the Committee decided to include, in the Sub-Committee's work programme, a new high priority item on "Damage consequence diagrams", with a target completion date of 2001.

Harmonization of damage stability provisions in IMO instruments

20.52 After a brief discussion of a joint proposal by Finland, Denmark, Norway and Sweden (MSC 70/20/4) inviting it to undertake work on bringing the SOLAS chapter II-1 parts B and B-1 concerning subdivision and damage stability (currently under revision) in line with recent research programmes on stability of passenger/ro-ro ships, carried out in North-West European countries, upon completion of the aforementioned ongoing harmonization work, the Committee decided to invite Finland, Denmark, Norway and Sweden to resubmit their proposal in due course in accordance with the Guidelines on the organization and method of work.

Work programme of the Sub-Committee and provisional agenda for SLF 43

20.53 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

20.54 The Committee approved the provisional agenda for SLF 43, as set out in annex 19.

SUB-COMMITTEE ON STANDARDS OF TRAINING AND WATCHKEEPING (STW)**Work programme items proposed by STW 30**

20.55 Following STW 30's proposals, the Committee decided to include the following new items in the Sub-Committee's work programme:

- .1 follow-up action to the 1995 STCW Conference:
 - .1 guidance on the preparation and review of independent evaluations required by STCW regulation I/8 and section A-I/7 of the STCW Code, including possible action by the Committee, with a target completion date of 2001;
 - .2 guidance on arrangements between Parties to implement regulation I/10, with a target completion date of 2000; and
 - .3 guidance on maintenance of records relating to basic training, with a target completion date of 2000;
- .2 unlawful practices associated with certificates of competency, with a target completion date of 2000;
- .3 development of requirements for training in ballast water management, with a target completion date of 2001; and
- .4 development of guidance on training in the use of ECDIS, with a target completion date of 2000.

Standards for training and certification of VTS personnel

20.56 IALA (MSC 70/20/11) informed the Committee about the preparation of IALA Recommendation V-103 on Standards for Training and Certification of VTS Personnel to supplement the guidance given in annex 2 to resolution A.857(20) - Guidelines for vessel traffic services. Having noted additional information provided on progress made in the development of the relevant model courses, the Committee decided to refer document MSC 70/20/11 to STW 31 and instructed it to consider it and advise MSC 72 as appropriate.

Work programme of the Sub-Committee and provisional agenda for STW 31

20.57 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

20.58 In view of the outcome of the discussion on the Code on polar navigation under section 9 (Ship design and equipment), the Committee agreed to include an item on "Development of guidelines for ships operating in ice-covered waters" in the provisional agenda for STW 31.

20.59 The Committee approved the provisional agenda for STW 31, as set out in annex 19.

LONG-TERM WORK PLAN

20.60 The Committee, in considering its objectives and long-term work plan including priorities to items proposed by the Secretariat in consultation with the Chairman (MSC 71/20/2), confirmed the objectives and approved the indicative list of subjects for consideration by the Committee during the period up to 2006, including priorities, as given in annex 20; and, having agreed to:

- .1 split general subject 2 in two parts so that "Promotion and maintenance of a safety culture" should appear as a separate subject; and
- .2 modify specific subject No.7 to read "Safety-related aspects of fishing vessels",

recommended them to the Council for inclusion in the long-term work plan of the Organization, for submission to the twenty-first session of the Assembly.

20.61 In this context, the Committee noted that the list was not exhaustive and the subjects were not listed in any order of priority. However, those subjects marked with an asterisk in the annex to document MSC 71/20/2 may be considered as qualifying for selection as priority subjects. The remaining should be considered as such and work on them should be initiated accordingly after proposals substantiating their importance and urgency have been submitted and endorsed by the Committee or a compelling need to do so has been clearly established and the Committee has agreed that urgent action should be taken on them.

INTERSESSIONAL MEETINGS AND ARRANGEMENTS FOR THE NEXT TWO SESSIONS

Intersessional meetings

20.62 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, taking into account decisions made under various agenda items, approved the following intersessional meetings:

- .1 the Editorial and Technical (E & T) Group to meet from 27 September to 8 October 1999 and during one week in February 2000 following DSC 5;
- .2 the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR Procedures to meet, at its seventh session, in Singapore in January 2000;
- .3 the Working Group on Comprehensive Review of SOLAS Chapter II-2 to meet a week prior to FP 44, i.e. from 14 to 18 February 2000;
- .4 the Working Group on Review of Stability and Load Line Aspects of the HSC Code to meet, concurrently with DE 43, on 10 and 11 April 2000; and
- .5 the Working Group on Evaluation of Safety and Pollution Hazards of Chemicals (ESPH) to meet in 2000.

Substantive items for inclusion in the agendas for MSC 72 and MSC 73

20.63 The Committee agreed on the substantive items to be included in the agendas for its seventy-second and seventy-third sessions (MSC 71/WP.4).

Establishment of working groups during MSC 72

20.64 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 made under various agenda items, agreed, in principle, that working groups on the following topics should be established at the Committee's seventy-second session:

- .1 bulk carrier safety;
- .2 human element / FSA; and
- .3 STCW,

and a drafting group on ISM Code matters might also be established, this to be decided at an appropriate time during MSC 72.

Dates of the next sessions

20.65 The Committee noted that its seventy-second and seventy-third sessions had been tentatively scheduled to take place from 17 to 26 May 2000 and from 27 November to 6 December 2000, respectively.

21 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2000

21.1 The Committee, being informed of its Chairman's decision to relinquish his office at the end of the current year, expressed to Dr. G. Pattofatto its deep appreciation for the outstanding contribution he had made, over many years, to the work of the DE Sub-Committee and this Committee, both of which he had chaired with unique distinction, as well as to the attainment of IMO's objectives in general; and wished him happiness in life and success in all his professional undertakings.

21.2 The Committee unanimously elected Mr. T. Allan (United Kingdom), as Chairman and re-elected Captain B. Watt (South Africa), as Vice-Chairman for 2000.

22 ANY OTHER BUSINESS

MATTERS DEFERRED FROM MSC 70

22.1 The Committee, using document MSC 71/22/1 (Secretariat) containing a list of issues and documents MSC 70 deferred, owing to lack of time, to this session for consideration, dealt with all outstanding matters as indicated in paragraphs 22.2 to 22.13 hereunder.

IACS Quality System Certification Scheme

22.2 The Committee, recalling that it has been involved, through a consultant/observer, in the work of IACS's Quality System Certification Scheme (QSCS) since its inception in 1991, also recalled that, at MSC 69, it noted (MSC 69/21) developments in this IMO/IACS area of co-operation and, having reaffirmed the importance of IMO's participation in both the development of the IACS's scheme and its Advisory Committee, requested the Secretariat to monitor the consultant's activities and report to MSC 70 on any relevant developments. This was done through document MSC 70/22, which could not be considered by MSC 70 owing to lack of time.

22.3 The Committee noted documents MSC 70/22 and MSC 71/22/2 reporting on developments in this area since MSC 69, in particular the consultant/observer's report on his continued participation in the implementation of the scheme, and requested the Secretariat to report to MSC 72 on any further progress made.

Proposed amendment to MSC/Circ.809

22.4 Recalling that MSC 68 had approved MSC/Circ.809 on Recommendation for canopied reversible liferafts, automatically self-righting liferafts and fast rescue boats, including testing, on ro-ro passenger ships, the Committee considered a proposal by ILAMA (MSC 70/22/1) to amend the said Recommendation in order that, when determining the hull length of fast rescue boats, inflated structures or fixed fenders should be included; and instructed the Secretariat to issue an addendum to the above MSC circular reflecting the above decision.

Cargo Ship Safety Equipment Certificate and Record of Equipment (Form E)

22.5 The Committee dealt with document MSC 70/22/2 (Australia) on the consequences certain amendments to SOLAS would have on the Cargo Ship Safety Equipment Certificate and Record of Equipment (Form E) under section 16 (Implementation of instruments and related matters) (see paragraphs 16.9 to 16.11).

Registration of research and development projects

22.6 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.

22.7 The Committee also recalled that, at MSC 69, noting that no information on research and development projects had been received for some considerable time, it decided that the MSC circular containing information on ongoing research and development projects should thereafter be issued annually.

22.8 Having noted the information provided by the United Kingdom in documents MSC 70/INF.5 and MSC 70/INF.6, the Committee further noted that, in accordance with the aforementioned Committee's decision, the information provided in the documents had already been included in MSC/Circ.901 issued on 25 February 1999, and was advised by the delegation of the United Kingdom that the updated information on the projects would be submitted to the Organization for inclusion in the next circular. The Committee invited Member Governments to continue submitting information on research and development projects.

The European Geostationary Navigation Overlay Service (EGNOS)

22.9 The Committee noted with interest the information provided by the European Commission in document MSC 70/INF.10/Rev.1, in particular the intention of the European Commission to propose the European Geostationary Navigation Overlay Service (EGNOS) for recognition as a component of the World-Wide Radionavigation System.

VTS 2000 Symposium

22.10 The Committee noted with interest the information provided by Singapore in document MSC 70/INF.11 on the 9th International Symposium on Vessel Traffic Services (VTS 2000 Symposium) scheduled to take place in Singapore from 18 to 21 January 2000.

Investigation of serious tanker accidents and lessons learnt

22.11 The Committee noted with interest the information provided by INTERTANKO in document MSC 70/INF.13, in particular the study contained therein, recalling that this document had been referred to the Joint MSC/MEPC Working Group on HE and FSA (see paragraph 13.22) and also to FSI 8, for information purposes.

ICS/OCIMF Peril at Sea and Salvage - A Guide for Masters (5th edition)

22.12 The Committee noted with interest the information provided by ICS and OCIMF in document MSC 70/INF.18 about the publication of a new (fifth) edition of the ICS/OCIMF "Peril at Sea and Salvage - A Guide for Masters".

IACS' interpretation of SOLAS regulation II-2/59.1.2.3 on secondary means of venting cargo tanks

22.13 The Committee noted with interest the information provided by IACS in document MSC 70/INF.23 on their Unified Interpretation SC 140 "Secondary Means of Venting Cargo Tanks" with respect to SOLAS regulation II-2/59.1.2.3, which became effective on 1 July 1998.

CURRENT SESSION SUBMISSIONS

Preparation of 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 Çanakkale and the Marmara Sea

22.14 The Committee recalled that work on the preparation of 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 Çanakkale and the Marmara Sea had started at NAV 44 and continued during MSC 70. The latest revised draft is given in annex 12 to the Committee's report at its seventieth session (MSC 70/23/Add.2).

22.15 The Committee recalled also that, at its seventieth session, noting that the ships' routeing working group established at that session, had, with the exception of Turkey, requested it to consider establishing a working group during this session, it had, recognizing the importance of the issue, agreed to that request and invited Member Governments to submit, in time for MSC 71, comments and proposals to enable further progress to be made on the issue at this session.

22.16 The Committee noted the information provided by Turkey (MSC 71/INF.10 and MSC 71/INF.11) on marine biodiversity in, and ecological characteristics and problems of, the straits and sea area concerned.

22.17 The Committee considered documents submitted by:

- .1 IFSMA, IAIN and IMPA (MSC 71/22/8) containing comments and proposals on navigation and safety in the Strait of Istanbul, Strait of Çanakkale and the Marmara Sea; and
- .2 Turkey (MSC 71/22/9) containing comments on the IFSMA, IAIN and IMPA document.

22.18 The delegation of Turkey informed the Committee of their efforts made to establish a modern VTS system, which would further improve safety of navigation in the Turkish Straits; the relocation of some pilotage embarking and disembarking sites; that certain anchorage locations had been moved to more appropriate areas away from the traffic separation scheme; that a new emergency centre had recently been constructed in the Strait of Istanbul; and that a ship salvage station had been established in the Strait of Çanakkale.

22.19 In commenting on document MSC 71/22/8, the delegation of Turkey, in addition to the views expressed in their document MSC 71/22/9, agreed that it was important to reinforce the recommendation that ships navigating through the Turkish Straits engage a pilot; underlined the importance of the reporting system (TUBRAP) in both promoting the safety of navigation and adding to the efficiency of the traffic management system; and expressed the firm conviction, as supported by five years of implementation, that the present system was successful and met the ultimate goal of ensuring safety and the protection of the environment. In this context, the delegation of Turkey expressed its hope that IMO would support Turkey in its pursuit of ensuring the highest practicable standards of safety of navigation in the Straits and that, in this spirit, Turkey would continue to contribute to the discussions in the Working Group on Ships' Routeing, with the understanding as stated in the report of MSC 70.

22.20 The delegation of the United States, acknowledging the merits of the proposals made in document MSC 71/22/8, the comments thereon in document MSC 71/22/9, and the additional information provided by the delegation of Turkey, proposed that the working group to be established should be instructed to finalize the report at this session, taking into account the documents submitted and the additional information provided, examine the pros and cons of the proposals taking into account the level of safety and environmental protection which has been demonstrated under the existing IMO-adopted routeing measure, and provide an analysis of this examination.

22.21 Many delegations supported the United States' proposal and, in doing so, the delegations of Greece and the Russian Federation suggested that the working group should also be instructed to consider other relevant documents on the issue submitted to earlier sessions of the Committee and to the NAV Sub-Committee.

22.22 Following this general discussion and, as decided at MSC 70, the Committee reconvened the Working Group on Ships' Routeing established at MSC 70 and instructed it, taking into account any decisions of, and comments and proposals made in, plenary to:

- .1 finalize the preparation of 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 Çanakkale and the Marmara Sea taking into account the documents submitted to previous and this session and the additional information which was provided during the discussion;
- .2 examine the pros and cons of each of the proposals made by IFSMA, IAIN and IMPA (MSC 71/22/8) and Turkey (MSC 71/22/9), taking into account the level of safety and protection of the marine environment which has been achieved under the existing IMO-adopted system and the implications of applying Rule 9 and/or Rule 10 of the Collision Regulations in the Straits and area concerned;
- .3 present the Committee with an analysis of this examination; and
- .4 take into account the role of the human element in all aspects of the issue under consideration.

22.23 Having received the report of the working group (MSC 71/WP.5), the Committee took action as indicated hereunder.

22.24 The Committee noted that the working group had spent all the available time on the preparation of a table of pros and cons of the proposals submitted in documents MSC 71/22/8 and MSC 71/22/9 and was therefore unable to make further progress in the preparation of 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 Çanakkale and the Marmara Sea. The draft report given in document MSC 70/23/Add.2, annex 12 therefore remains unchanged.

22.25 The Committee further noted that the working group had discussed in passing issues relating to the level of safety and environmental protection in the Strait of Istanbul, the Strait of Çanakkale and the Marmara Sea and was of the opinion that the existing routeing system and the associated rules and recommendations, as adopted by IMO in 1994, had contributed significantly to an increase in safety and a reduction of the risk of collisions.

22.26 Furthermore, the Committee noted that, in discussing the pros and cons of the proposals of IFSMA, IAIN and IMPA (MSC 71/22/8, paragraph 12) and Turkey (MSC 71/22/9) and, after being informed that Turkey was in the process of implementing several improvements to support the system, including efforts to establish a planned Vessel Traffic Service, the working group had been divided on whether it was appropriate to suggest that any change should be introduced to the IMO-adopted routeing system.

22.27 The Committee also noted that the working group was of the opinion that:

- .1 suspension of the two-way traffic was necessary within the context of the present routeing system to prevent large ships from meeting in the narrow, winding parts of the Strait of Istanbul and the Strait of Çanakkale;
- .2 vessels, which are currently not taking advantage of the available pilotage services, should be more strongly encouraged to do so;
- .3 vessels, which are not currently participating in the ship reporting system (TUBRAP), should be more strongly encouraged to do so; and

- .4 Turkey should be encouraged to continue its efforts to establish, as soon as possible, the planned modern Vessel Traffic Service in the Strait of Istanbul, Strait of Çanakkale and the Marmara Sea.

22.28 With regard to the examination of pros and cons of the proposals made by IFSMA, IAIN and IMPA and Turkey, the Committee noted that the working group had agreed that the "reference basis" for identifying the pros and cons would be the level of safety and environmental protection which had been achieved under the existing IMO-adopted system. As the reference basis does not include any economic aspect, the working group had additionally agreed that economic implications would be outside the scope of its examination. The Committee also noted that the working group had agreed that the term "pros" would mean that the proposal would enhance the safety and environmental protection and the term "cons" would mean that the proposal would not enhance the safety and environmental protection in the Strait of Istanbul, Strait of Çanakkale and the Marmara Sea. The Committee further noted that the working group had not, in all cases, had available full technical information and analysis to enable it to reach firm conclusions and to some extent, it relied on subjective opinions to make a judgement on whether a particular proposal would or would not enhance safety or environmental protection.

22.29 The delegations of Greece and Cyprus were of the opinion that the table of pros and cons did not add to any clarity on the matters proposed, as it was based on arbitrary and subjective considerations.

22.30 The Committee noted that on a number of issues the working group was unable to arrive at a consensus. These items had been identified in the appropriate columns of the table given at the annex to document MSC 71/WP.5, which indicates the pros and cons for each proposal considered.

22.31 The Committee also noted that the majority of the working group, having taken into account that:

- .1 the existing IMO-adopted routeing system had been effective;
- .2 Turkey was not contemplating an amendment to the existing IMO-adopted routeing system and the associated Rules and Recommendations;
- .3 the working group, after extensive technical discussion, had not reached any firm conclusion that any change would make a clear and definitive contribution to the safety of navigation in the Straits;
- .4 there was no serious prospect of reaching an agreement on amendment(s) to the existing IMO-adopted routeing system in the near future, as the coastal State presently saw no need for any amendment(s); and
- .5 the agreement of the coastal State was required in accordance with section 3.4 of the General Provisions on Ships' Routeing before IMO could adopt or amend any routeing system,

had expressed the opinion that discussion of this subject should be discontinued and the efforts of interested parties should be concentrated on promoting the full and effective use of the reporting system (TUBRAP) and the pilotage services in the Strait of Istanbul, Strait of Çanakkale and the Marmara Sea; and on implementation, as soon as possible, of a modern Vessel Traffic Service therein.

22.32 The delegations of Cyprus, Greece and the Russian Federation did not agree with the above proposal as it did not concur with the mandate given by the Committee at previous sessions, namely that a review of the Rules and Recommendations in the Strait of Istanbul, Strait of Çanakkale and the Marmara Sea should be undertaken in order to further enhance safety .

22.33 Additionally, the delegation of Greece stated that the Committee, at its sixty-ninth session, decided to take no action on the relevant parts of the NAV 43 report because the coastal State had stated that it was ready to co-operate and that a further report would cover all aspects of safety. Their opinion was that IMO, as the competent international organization, had the responsibility to ensure that the IMO Rules and Recommendations covered adequately the needs of safe navigation and environmental protection through the areas concerned, taking also into account the long-standing fundamental right of free and unhindered transit through the Straits as prescribed by the relevant international instrument and reflected in resolution A.827(19).

The delegation of Greece also stated that it believed that there was no basic, sound and proven technical analysis to support only the discontinuation of the routing system because the frequent suspensions of traffic resulting in violation of Rule 10 of the COLREGs would remain. However, it was prepared to either continue to support the Committee's mandate for the continuation of efforts for a thorough review of the 1994 IMO Rules and Recommendations or to terminate further discussions on the matter, if the Committee considered that the existing Rules and Recommendations adopted in 1994 were fully effective and successful, and covered all aspects of safety and environmental protection in the Straits. In addition, the Committee might wish to consider potential difficulties which might arise in the future if IMO discontinued discussion of the issue. In the latter case, the delegation of Greece considered that the 1994 IMO Rules and Regulations would continue to apply to international shipping as they have been found effective and successful and finally that any proposed improvements would be given appropriate consideration by IMO.

22.34 The delegation of the Russian Federation strongly opposed the suggestion to discontinue the discussion on possible amendments of the routing system in the Straits under consideration contained in paragraph 6.1 of the working group's report (MSC 71/WP.5) due to its prematurity and inconsistency with the group's mandate as defined by the Committee at previous sessions in compliance with paragraph 5 of resolution A.827(19).

That delegation also stated that it was sure that not all efforts had been exhausted. The problem of enhancing the general situation of transit navigation in the Straits still existed and the IMO adopted routing system and related Rules and Regulations needed to be improved. The main aims of such improvements should be to enhance safety of navigation and environmental protection within the Straits area including their approaches without deviations from international law. Today, as it was formulated by the working group experts in 1997, "the frequent suspension of traffic is causing a consequential concentration of vessels drifting and anchoring near the entrances to the Straits, increasing thereby the risk of grounding and collision between vessels concerned". Suspensions are in many cases unreasonable and unjustified limitation of ships' legitimate right of passage. Some changes needed to be done to the routing system because too many ships today were not in a position to remain in the appropriate lane of the existing TSSs, especially in the narrow and winding areas of the Straits.

The delegation of the Russian Federation underlined further that the ship reporting system, which is currently in force, was not the one mentioned in the adopted IMO Rules and Regulations. It requested not only 24, 48 and 72 hours advance reports, but also pre-agreement, in some cases, with the coastal State authorities with beforehand unknown conditions as a prerequisite of exercising the right of passage for some ships. This was not acceptable to the Russian Federation and should be considered by the working group and be in line with SOLAS regulation V/8-1. Unfortunately, proposals by Russia, Greece and Bulgaria which had been submitted at previous sessions, turned out to be beyond the working group's ability to discuss this time, though the necessity to take them into consideration was in its terms of reference.

The delegation of the Russian Federation expressed its satisfaction with the efforts of the working group during recent years which were not in vain even when the coastal State was not attending its meetings. At least, some of the group's recommendations had been taken into consideration in the process of

reviewing its national Regulations. In the light of the above consideration, it was clear for Russia that more needed to be done and, first of all, a modern VTS should be established in the Straits and area concerned.

They finally stated that the working group had not yet fulfilled its aim and should continue its work during NAV 45.

22.35 The delegation of Cyprus associated itself with the statements of Greece and the Russian Federation.

22.36 The delegation of the United States, supported by several other delegations, stated that, in its view, the discussions during this session had been positive and constructive and had focused on safety. The United States particularly called attention to the consensus in the working group on the opinion that the existing IMO-adopted routing system and the associated Rules and Recommendations had "contributed significantly to an increase in safety and a reduction of the risk of collision". The United States delegation stated that it favoured the view that the discussion of all aspects of safety and environmental protection, including the review of the IMO-adopted Rules and Recommendations, should be discontinued, and the efforts of interested parties should be concentrated on promoting full and effective use of the reporting and pilotage services, and implementation as soon as possible of a modern VTS. In this regard, the delegation of the United States suggested that Turkey should be invited to keep the Committee informed of progress made toward the establishment of a modern VTS in the Straits.

22.37 The delegation of Ukraine stated that, as a user of the Black Sea Straits, it was deeply interested and concerned in conducting a modern technical review of the existing safety situation in these Straits. The review of the existing routing system and the associated Rules and Recommendations had contributed significantly to the enhancement of traffic safety and should be further continued on a wide basis. The outcome of such a review would advise the Committee what steps the coastal State should take and what was expected from the users in order to meet the interests of navigational safety. The delegation welcomed the efforts of the working group to achieve this goal.

The delegation of Ukraine further stated that, what was actually needed now, was a greater degree of co-operation between the coastal State and the users and also, that the review of the IMO Rules and Recommendations and the establishment of IMO-adopted routing measures, other than traffic separation schemes, in the narrow and winding parts of the Straits remained on the top of the problem, and further that the discontinuation of the current discussions on this matter did not preclude any firm decision in this regard.

The delegation of Ukraine also stated that, what was clear from the working group's deliberations, was that the present level of effectiveness of the existing routing system did not mean it was technically fully perfect; and it was from this standpoint that Turkey should continue its efforts to establish, as soon as possible, the planned modern Vessel Traffic Service in the Straits. As a State-user of the Straits, Ukraine could not but stress that, in any case, while making technical improvements, sight should not be lost of the freedom of transit and navigation, constituted by international law. They concluded by stating that they favoured conducting a fundamental technical analysis of the proposals made during this session.

22.38 The delegation of Turkey thanked the entire working group for its efforts and commented that the working group had spent a great deal of valuable time reviewing in great detail all aspects of safety and environmental protection in the Turkish Straits and Marmara Sea. Turkey noted that the mandate given by the Committee to the working group had been met and the working group had fulfilled its task.

Turkey called attention to the fact that the working group had concluded that the current system in the Turkish Straits had proven to be effective in enhancing safety of navigation and protection of the environment. And, furthermore, that Turkey, as the coastal State, would continue to be vigilant to further

enhancing safety in the Straits, *inter alia*, by its plan to establish a modern VTS system. In addition, Turkey stated that it had provided extensive information on the latest developments on such matters as the relocation of pilotage embarkation locations, on lights, buoys, etc., and also on environmental issues.

Finally, Turkey joined the opinion of the majority of the working group that discussions on this subject should no longer continue.

Turkey stated that it would continue to provide the Organization with information on the VTS, pilotage and other efforts to enhance safety of navigation and protection of the environment.

22.39 Summing up, the Chairman concluded that the opinion of the majority of the working group that discussion of the subject should be discontinued had been supported by the majority of the delegations which had participated in the plenary debate and, therefore, the Committee agreed to discontinue discussion of all aspects of this subject. Due note was taken of Turkey's intention to continue informing IMO of developments in the establishment of the VTS in the Straits, the provision of pilotage services and further efforts to enhance the safety of navigation and environmental protection. For the time being, the present IMO-adopted routeing system including the associated IMO Rules and Recommendations (resolution A.827(19)) adopted in 1994 will continue to apply as they have proven to be effective and successful. Any future information received concerning the routeing system and Rules and Recommendations will be given appropriate consideration by the Organization.

Outcome of the 1998 Fremantle SAR/GMDSS Conference

22.40 The Committee recalled that, at its seventieth session, having noted information (MSC 70/7/1) on the outcome of the 1998 Fremantle SAR/GMDSS Conference, it expressed eagerness to receive the results of the analysis and evaluation of the conclusions and recommendations of that meeting.

22.41 The Committee, being informed that the full report of the Conference had been submitted to the fourth session of the COMSAR Sub-Committee for consideration, noted Conference resolution No. 5 - Establishment of an International SAR Fund (MSC 71/22/3) inviting the Organization, in co-operation with the aviation and maritime communities and for the purpose of assisting countries, in particular developing countries, to fulfill their obligations under the SAR and SOLAS Conventions, to consider establishing an International SAR Fund for the purpose of:

- .1 establishing and maintaining worldwide an adequate number of operational RCCs to cover the needs of international shipping;
- .2 establishing and maintaining an efficient global communications network for the dissemination of distress alert data and SAR co-ordination communications;
- .3 establishing and maintaining databases for the operational support of the GMDSS, if this is not done on a national basis; and
- .4 supporting the provision of other necessary resources for the effective implementation of the global SAR plan.

22.42 Following discussion on the history of the aforementioned resolution and in view of the financial implications of the proposal, if endorsed, which are still unknown and which would merit serious and in-depth consideration, the Committee, while agreeing that COMSAR 4 should fully analyse the technical aspects of the proposal, did not agree that COMSAR 4 should be authorized to submit its report on the outcome of the Conference directly to Committee 2 (Technical) of the Assembly at its twenty-first session, as suggested in document MSC 71/22/3. Instead, it decided to consider the report of COMSAR 4 itself at MSC 72.

22.43 Noting in this context, that operative paragraph 2 of resolution No. 5, in addition to inviting the Committee, also invited the Technical Co-operation Committee to consider taking appropriate action to facilitate the establishment of the International SAR Fund referred to above, the Committee instructed the Secretariat to bring the outcome of the Committee's, and later on COMSAR 4's, consideration of this item to the attention of TC 47 and TC 48 respectively, for consideration and appropriate action.

22.44 The delegation of Japan stated that they continued to receive many false distress alerts and, while being aware that IMO had made various efforts to reduce their numbers, felt that further efforts were required because of the heavy workload false distress alerts impose on SAR organizations and the threat they pose to the reliability of the GMDSS.

Harmonization of aeronautical and maritime search and rescue procedures

22.45 The Committee, recalling that, at its sixty-ninth session, it had approved the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual, which would supersede the existing IMOSAR and MERSAR Manuals, approved, with a view to revoking the resolutions by which the existing manuals had been adopted or endorsed, a draft Assembly resolution on the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual, prepared by the Secretariat (MSC 71/22/4), given in annex 21, for submission to the twenty-first session of the Assembly for adoption.

22.46 The Committee approved the convening of the seventh session of the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR Procedures, to consider matters related to the IAMSAR Manual, tentatively scheduled to take place in Singapore in January 2000.

GMDSS - General communications in A1 and A2 sea areas

22.47 The Committee dealt with Denmark's submission (MSC 71/22/5) on this item under agenda item 20 (see paragraph 20.26).

World VTS guide

22.48 The Committee considered a proposal by IALA (MSC 71/22/6) to revise MSC/Circ.586 on World VTS Guide to indicate the Internet site where it is available and approved the revised text as MSC/Circ.586/Rev.1.

Shipboard environmental contamination

22.49 The Committee noted information provided by Canada (MSC 71/22/7) on recent environmental testing aboard several Canadian ships, which had resulted in the identification of mercury in excess of the levels prescribed by the Canadian legislation and, in particular, the distribution by the Canadian Administration of a Ship Safety Bulletin providing advice on recommended actions to be taken in case of such contamination (MSC 71/22/7, annex). The Committee recalled that it had agreed to refer the document to the Joint MSC/MEPC Working Group on HE and FSA for consideration in the context of the issue of occupational exposure to toxic chemicals (see paragraphs 13.4, 13.11.2 and 13.16).

Year 2000 problem

22.50 The Committee recalled that, in order to increase awareness of, and assist Administrations and the industry to prepare themselves, including the drawing of contingency plans, to face the Year 2000 problem, it had issued MSC/Circs.804, 868 and 894 approved during its sixty-eighth, sixty-ninth and seventieth sessions respectively.

22.51 The Committee, recalling the Secretary-General's comments in his opening remarks, when he referred to the outcome of the meeting convened in IMO on 3 and 4 March 1999 (namely the preparation of a Code of Good Practice as well as key elements of Y2K contingency plans for ships), noted with appreciation the information provided by the United States (MSC 71/INF.5) and Inmarsat (MSC 71/INF.6) concerning the Year 2000 problem.

22.52 The Committee was informed by the Secretariat of a meeting of international organizations to discuss the Year 2000 Global Co-ordination issues, which was held at ITU, Geneva, on 3 and 4 May 1999 to co-ordinate practical steps in terms of contingency planning in preparation for the millennium transition and strategies for post-date change emergency and disaster response in key sectors including identification of critical cross-border and cross-sector issues and mechanisms for sharing data and assessments between and among international organizations for increasing cross-sector and inter-organizational co-operation.

The Committee was further informed that the meeting had agreed upon the following ten specific action items (including allocation of responsibilities for action):

- .1 examine interdependencies across sectors;
- .2 iterate contingency planning across sectors;
- .3 incorporate cross-sector collaboration in public information materials;
- .4 provide up-to-date sector status information to national Governments;
- .5 create sector toolkits for national co-ordinators;
- .6 promote national transparency;
- .7 organize electricity sector in regions;
- .8 organize and deploy expertise;
- .9 get national co-ordinators to reach out to local and regional sector organizations and associations; and
- .10 promote responsible media coverage of Y2K.

22.53 The Committee expressed appreciation to the United States Coast Guard and the United Kingdom Maritime and Coastguard Agency for their initiative to convene the meeting referred to in document MSC 71/INF.5 and, noting that its outcome had been circulated by means of circular letter No. 2121, endorsed the action taken.

22.54 The Committee was informed by the International Mobile Satellite Organization observer that the statement on its year 2000 project attached to document MSC 71/INF.6 had been issued in an updated version.

22.55 The Committee noted further that the Government of Chile had also provided information on action it had taken in relation to the Year 2000 problem, which had been circulated by means of circular letter No.2122 and expressed appreciation to the Government of Chile for the information provided.

Stability analysis of the m/v "Monarch Of The Seas"

22.56 The Committee noted with interest the information provided by the United States (MSC 71/INF.9) derived from an analysis of the examination of the damaged condition of the large cruise ship **Monarch Of The Seas**, following her grounding in St. Maarten on 15 December 1998.

Manual on operational requirements for seafarers

22.57 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 had subsequently requested the IMO/ICFTU Steering Committee to keep it informed of progress made, noted information provided by the Secretariat verbally, in particular that a contract had been signed with the preferred contractor in August 1998.

22.58 The Committee also noted that the first phase of the work, a review of IMO instruments and the development of a comprehensive index, had been submitted by the contractor to the Steering Committee referred to above, which had agreed the format for the index; and that work was continuing on the compilation of the relevant material for the Manual. The Committee requested the Secretariat to report further developments to MSC 72.

IT changes in the Secretariat

22.59 The Committee was informed that, as part of the continuing efforts aiming at providing the Secretariat with efficient and effective tools for it to discharge its responsibilities and also to provide more efficient means of communication with Member Governments and international organizations as well as to ensure Year 2000 compliance, a number of significant changes to the information technology systems of the Organization were currently being implemented, such as:

- .1 the current word processing software (Word Perfect for Windows 6.0a) would be replaced by the widely used Microsoft Word 97 system. This change would facilitate easier and more efficient exchange of documents between the Secretariat and Member Governments and international organizations;
- .2 Windows NT4 would, in due course, replace the current operating system and the network servers would be upgraded and backup for them would be provided; and
- .3 the electronic mail system was being upgraded to provide more efficient communications, both internally and externally.

Conferences in the Netherlands

22.60 The Committee noted with interest information about a conference on "A decisive dialogue on economic incentives for quality shipping" and another on "Ship scrapping", both organized by the Dutch Ministry of Transport and the Erasmus Forum and scheduled to take place in Amsterdam from 21 to 23 June 1999.

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22.61 The Committee noted that South Africa would be hosting the 14th International symposium on the Transport of Dangerous Goods by Sea and Inland Waterways in South Africa in April 2001.

Expressions of appreciation

22.62 The Committee expressed appreciation to the following Sub-Committee Chairmen and Vice-Chairmen, delegates and observers and members of the Secretariat, who had recently relinquished their duties, retired 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:

- Mr. I.M. Williams (Australia), Chairman of the DE Sub-Committee (on retirement)
- Captain G. Gauw (Netherlands), Chairman of the STW Sub-Committee and Chairman of the Committee of the Whole of the 1995 STCW Conference (on retirement)
- Mr. J. Vonau (Poland), Chairman of the FSI Sub-Committee (on changing job)
- Captain J. McNamara (United States), Chairman of the DSC Sub-Committee (on relinquishing office)
- Captain L.R. Jahnel (Brazil), Vice-Chairman of the FP Sub-Committee and Alternate Permanent Representative of Brazil to IMO (on return home)
- Mr. Qiu Xiaozing (China), Vice Chairman of the DE Sub-Committee
- Mr. G.H. Doornink (Netherlands) (on changing job)
- Mr. Zhang Hongfu (China) (on return home)
- Mr. T. Meyer (INTERTANKO's London representative) (on retirement)
- Mr. R.C. Oldham (OCIMF) (on retirement)
- Mr. A. Adib (Director, Conference Division, Secretariat) (on retirement)
- Mr. J. Rasmussen (Head, Navigation Section, Secretariat) (on return home)

(The annexes will be issued as an addendum to this document)