



MARITIME SAFETY COMMITTEE  
72nd session  
Agenda item 23

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

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## 1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The seventy-second session of the Maritime Safety Committee was held from 17 to 26 May 2000 under the chairmanship of Mr. T. Allan (United Kingdom). 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
AZERBAIJAN	MALTA
BAHAMAS	MARSHALL ISLANDS
BAHRAIN	MEXICO
BANGLADESH	MOROCCO
BARBADOS	NAMIBIA
BELGIUM	NETHERLANDS
BRAZIL	NEW ZEALAND
BULGARIA	NIGERIA
CANADA	NORWAY
CHILE	PAKISTAN
CHINA	PANAMA
COLOMBIA	PERU
CROATIA	PHILIPPINES
CUBA	POLAND
CYPRUS	PORTUGAL
CZECH REPUBLIC	REPUBLIC OF KOREA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	ROMANIA
DENMARK	RUSSIAN FEDERATION
ECUADOR	SAINT VINCENT AND THE GRENADINES
EGYPT	SAUDI ARABIA
ESTONIA	SINGAPORE
FINLAND	SOUTH AFRICA
FRANCE	SPAIN
GEORGIA	SRI LANKA
GERMANY	SWEDEN
GREECE	SYRIAN ARAB REPUBLIC
HONDURAS	THAILAND
HUNGARY	TRINIDAD AND TOBAGO
ICELAND	TUNISIA
INDIA	TURKEY
INDONESIA	UKRAINE
IRAN (ISLAMIC REPUBLIC OF)	UNITED KINGDOM
IRELAND	UNITED STATES
ISRAEL	URUGUAY
ITALY	VANUATU
JAMAICA	VENEZUELA
JAPAN	

and the following Associate Member of IMO:

HONG KONG, CHINA

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

INTERNATIONAL LABOUR ORGANIZATION (ILO)  
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

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

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)  
EUROPEAN COMMISSION (EC)  
LEAGUE OF ARAB STATES  
ARAB FEDERATION OF SHIPPING (AFS)  
COSPAS-SARSAT  
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)

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)  
INTERNATIONAL NAVIGATION ASSOCIATION (PIANC)  
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)  
THE BALTIC AND INTERNATIONAL MARITIME COUNCIL (BIMCO)  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)  
INTERNATIONAL CARGO HANDLING CO-ORDINATION ASSOCIATION  
(ICHCA)  
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)  
INTERNATIONAL LIFE-SAVING APPLIANCES MANUFACTURERS'  
ASSOCIATION (ILAMA)  
INTERNATIONAL ASSOCIATION OF OIL AND GAS PRODUCERS (OGP)  
ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)  
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)  
INTERNATIONAL GROUP OF P AND I ASSOCIATIONS (P AND I)

INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN)  
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)  
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)  
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)

1.5 The session was also attended by Mr. M.H. Julian (Australia), Chairman of the Marine Environment Protection Committee (MEPC), Mr. L.D. Barchue, Sr. (Liberia), Chairman of the Facilitation Committee (FAL) and Captain M.U. Ahmed (Bangladesh), Chairman of the Technical Co-operation Committee (TCC). The Chairmen of all sub-committees, except for the Chairman of the FSI Sub-Committee, were also present.

1.6 In welcoming participants, the Secretary-General, first of all, referred to the repercussions from the sinking of the tanker **Erika**, off the West Coast of France in December 1999. While all concerned were relieved to learn that all the crew members of the ill-fated tanker had been safely evacuated – an achievement for which he paid tribute to the French SAR authorities and the United Kingdom Royal Navy - the impact the accident had had on the marine environment and the affected French communities and industries was sincerely regretted.

He informed the Committee that he had addressed the issue publicly at the first possible opportunity in January 2000 and since then he had repeated his remarks at almost all the meetings of the sub-committees and the MEPC which took place since, suggesting that it would be wise to refrain from acting hastily. Prudence would suggest that the investigation into the cause of the accident should be accelerated and the results made known as soon as possible so that, if any action was needed to be taken at the regulatory level, it could be introduced into IMO where decisions could be made rapidly after all aspects had been carefully considered. In the meantime, he had appreciated receiving the preliminary report on the casualty prepared by the French authorities.

Following the accident, certain initiatives had been taken by the European Commission and a general framework for action had been suggested to him in a communication from the Ministers of Foreign Affairs and of Transport of France, which was subsequently circulated to Member States. The Secretary-General welcomed the fact that in their communication, the French Ministers had recognized IMO as “the natural forum for discussions and decisions that will create the right conditions for safer and more responsible maritime transport”. And he was very pleased to receive in the week preceding the Committee's session a notification by the Government of France of its intention to submit to the next session of the MEPC proposals to amend the MARPOL Convention.

The Secretary-General then reiterated the firm position he had expressed on various occasions in the past and most recently during A 21, namely that IMO should always and without exception, be regarded as the **only** forum where safety and pollution prevention standards affecting

international shipping should be considered and adopted. He added that he was convinced that regional, let alone unilateral, application to foreign flag ships of national requirements which went beyond IMO standards would be detrimental to international shipping and to the functioning of the Organization itself and should, therefore, be avoided. He was hopeful that the Governments concerned, and indeed the entire Membership of the Organization, would realize the benefits of bringing all safety and environmental issues to IMO. For his part, he wished to reiterate his pledge that IMO's reaction to any proposals to improve the situation would, within the procedures laid down in the relevant IMO instruments, be decisive and rapid. With his associates he had worked out a timeframe in which the matter could be taken forward in the most expeditious manner, including advancing the date of MEPC 46 to bring it as close as possible to MEPC 45.

He then said that a clear demonstration of such speedy reaction was provided in April 2000, when the DE Sub-Committee agreed to important amendments to resolution A.744(18) on the Enhanced programme of inspections during surveys of bulk carriers and oil tankers, which had been proposed by the Government of Japan in the wake of the catastrophic accident involving the tanker **Nakhodka**. Although the agreed amendments had not been scheduled to be submitted to this session of the Committee, they were now before it for approval with a view to adoption by MSC 73, that is only seven months after consideration at sub-committee level.

The Secretary-General concluded his reference to the **Erika** accident by suggesting that, while the investigation report into that accident and any proposal for regulatory measures were still awaited, it ought to be recognized that, as a result of what had happened, the credibility of the safety system had been damaged. And, although, according to statistics, the accident rate of tankers had been declining in recent years and the **Erika** could, therefore, be considered as an exceptional case, the fact should be faced that the safety net which had been developed over the years had failed in that particular case. This ought to be addressed head on, otherwise it would not be possible to restore credibility to the whole system.

The Secretary-General then turned to the awaited report on the outcome of the assessment by the panels of competent persons of the information communicated by the 82 STCW Parties which had met the 1 August 1998 deadline. This would have enabled the Committee to confirm that the information demonstrated that full and complete effect was being given to the provisions of the revised Convention and the Parties concerned would have been identified in the so-called "white list".

When, by 1 March 2000, it was realized that not all of the panels had finalized their work, he consulted the Committee's Chairman and, as had been requested by STW 31, he issued circular letter No.2207 informing all IMO Member Governments that he would not be in a position to submit his report to this session of the Committee. This action was necessary to enable Governments to decide the composition of their delegations accordingly. Since so far only 42 reports out of a total of 82 had been received, the Secretary-General appealed to all those involved in the assessment exercise, mainly Governments and competent persons, to finalize their work expeditiously so that he could report to MSC 73 and bring this phase of the process to a conclusion.

Turning to flag State implementation matters, the Secretary-General said that, in his view, last January the FSI Sub-Committee had had its most successful session since its establishment in the early 1990s, as it was able to build on last year's work on the self-assessment of flag State performance. Following the unanimous adoption of resolution A.881(21), it now fell upon Governments to carry out, at regular intervals and at their discretion, a self-assessment of their capabilities and performance in giving full and complete effect to the various IMO instruments to

which they are party. For this purpose, they might use the Guidelines to assist flag States in the implementation of IMO instruments contained in resolution A.847(20).

While FSI 8 had made progress regarding flag State issues, by clearly defining criteria and performance indicators against which the success of the performance of a flag State might be assessed, it was equally successful when dealing with port State issues. And the Secretary-General was pleased to report that, thanks to the co-operation of regional Governments concerned and with the support and guidance provided by the Secretariat, the globe would soon be covered with Memoranda of Understanding or Regional Agreements on Port State Control. The recent successful conclusion of the administrative arrangements for the Black Sea area and the signing of an MoU in Istanbul in March 2000 meant that the only region remaining to be covered was now the Gulf area.

The Secretary-General suggested that, for many reasons, this session was both crucial and decisive as, among other important issues, the Committee was invited to approve three thoroughly revised instruments, namely:

- SOLAS chapter II-2 on Fire protection, fire detection and fire extinction, together with an associated Code on Fire Safety Systems;
- SOLAS chapter V on Safety of navigation; and
- the High-Speed Craft Code.

All three instruments reflected the culmination of many years of hard work and he expressed the hope that the Committee would approve and adopt them so they would enter into force on 1 July 2002, as planned.

Referring to the new SOLAS chapter II-2, which the Sub-Committee on Fire Protection had so painstakingly prepared to make it clear, concise and user-friendly, he expected that, by setting basic fire safety principles and regulating how to prevent, suppress and escape fires, it would form the backbone of IMO's fire protection requirements for the decade and beyond.

Turning to new SOLAS chapter V, he praised the commendable efforts of the Sub-Committee on Safety of Navigation in preparing it over a seven-year period. Among the novel features incorporated in it was that it required that ships should carry equipment of advanced technology, such as Global positioning systems, Electronic chart and information systems, Automatic identification systems and Voyage data recorders, i.e. pieces of equipment which, once installed on board ships, would make a major contribution to safety at sea as a whole.

As to the revised High-Speed Craft Code, he said that it was a testimony to the dedication and hard work of many sub-committees under the co-ordination of the DE Sub-Committee and the leadership provided by the Committee. Having shown a personal interest in the matter himself, he had repeatedly encouraged the sub-committees involved not to compromise safety as a result of the continuous introduction of state-of-the-art technology and ancillary innovative developments into the new, and generally much larger, high-speed craft. Referring to the loss of life in the accident involving the Norwegian passenger high-speed craft **Sleipner** in November 1999, the Secretary-General said that it should serve as a reminder of the dangers associated with this type of ship and that we should be prepared to consider any proposals based on lessons learned from that tragic accident.



DSC 5 was able to complete draft Amendment 30 to the IMDG Code in its reformatted structure and, acting on recommendations of the Editorial and Technical Group, it had focused on the need not only to improve the user-friendliness and clarity of the Code, but also to ensure that it would continue to remain the authoritative instrument regulating the transport of dangerous goods by sea. In addition to that, the DSC Sub-Committee was able to identify which parts of the IMDG Code should be made mandatory and also to recommend the action needed to ensure the safe transport by sea of calcium hypochlorite, a product which, as a result of numerous incidents, had caused concern to the maritime community.

Turning to matters within the competence of the COMSAR Sub-Committee, he said he had encouraged the convening in Florence, Italy, in October 2000, of a regional Conference on Search and Rescue and the GMDSS. He was convinced that the successful conclusion of the forthcoming meeting would be instrumental in promoting the objectives of the Fremantle Conference of 1998 and, for this reason, he expressed appreciation to the Government of Italy and the Region of Tuscany, in particular, for offering to host and financially support the Conference; and to the Governments of the Netherlands, Norway and the United Kingdom, the European Commission and ITF/ICFTU for their financial contributions.

Acts of piracy and armed robbery against ships continued with more than 300 incidents reported to the Organization in 1999 alone and the Secretary-General observed that the worrying thing was that this large number represented only the tip of the iceberg as an even larger number went unreported for a variety of reasons. And, while the decisive action of the Indian Navy and Coast Guard in the case of the hijacked ship **Alondra Rainbow** and that of the Chinese authorities in the cases of the **Marine Master** and **Siam Xanxai** could only draw appreciation, the fact that during 1999 two crew members had been killed and eleven wounded while nine ships had been hijacked, seven had gone missing and one had been destroyed should be matters of grave concern. At the same time it should strengthen our determination not only to act to prevent and suppress this scourge but also to ensure that the perpetrators of these unlawful acts do not go unpunished. The most commendable initiative of the Japanese Government to convene two high-level Conferences in March and April 2000 in Tokyo was a clear indication of a responsible Government expressing its uneasiness about the security of its ships and crews.

For the part of the Secretariat, with the regional seminar and workshop for Indian Ocean countries held in Mumbai in March 2000, the anti-piracy project sanctioned by the Committee in 1998 had been completed. Unfortunately, this did not also mean the end of the story as much still had to be done to implement the conclusions and recommendations of the missions, seminars and workshops which had been organized. Agenda item 17 would therefore give the Committee the opportunity to consider what needed to be done next to eliminate these unlawful acts.

The Secretary-General then said that, for some time, he had been concerned as to whether the SOLAS and Load Line Conventions duly addressed all the safety aspects of the operation, in particular in emergency situations, of large passenger ships. Also, whether the training requirements of the STCW Convention relating to personnel operating large cruise ships were in need of any review or clarification. Having no reason to doubt the safety of recently built large cruise ships or whether they complied with the most recently adopted SOLAS requirements, he thought, however, that the time had come for the Organization to undertake a global consideration of the safety issues pertaining to large ships. He had recorded his concerns and proposals for action in his Note MSC 72/21 which he intended to introduce in more detail under the work programme agenda item.

In another Note he had submitted to the present session he had expressed concern about the safety of ships not covered by the provisions of IMO conventions and had offered assistance to Member Governments wishing to enhance the safety of these ships.

The need to provide a solution to the problems caused to shipmasters and officers by multiple inspections had prompted the Secretary-General to convene a meeting of industry representatives in February 2000. His main concern was that the large number of inspectors boarding a ship on arrival and during its stay in port might distract the master and officers from important duties often relating to difficult loading and unloading operations. Apart from the safety risk, it might well be the reason for masters and officers not resting sufficiently before resuming their duties on the departure of the ship or when undertaking the first watch thereafter. The outcome of the meeting had been reported in document MSC 72/22/5 and the Secretary-General thanked the industry representatives concerned for their positive and constructive contributions.

The Secretary-General then referred to resolution A.900(21) on Objectives of the Organization in the 2000s, reflecting his vision as to the areas on which IMO should mainly focus its attention during the new decade. In submitting this resolution to A 21 for adoption, he had taken into account the policy statement he had made at all meetings of the MSC and its subsidiary bodies during the last biennium, as expanded to encompass all those important subjects which he envisaged would constitute the main topics of IMO's activities in the years to come. Of all these subjects, on which the Assembly had directed the Committees, under the co-ordination of the Council, to focus attention, he singled out:

- the shifting of emphasis onto people;
- the effective uniform implementation of IMO standards, in particular the revised STCW Convention and the ISM Code;
- the development of a safety culture and environmental conscience; and
- the strengthening of the Organization's technical co-operation programmes and delivery on a priority basis.

He expected that the Committee as a whole would respond successfully to the requests of the Assembly and the Council and would contribute substantially to IMO's concerted efforts for enhancing safety and environmental protection. He considered the Committee's supervision of its subsidiary bodies to ensure that they implement properly the requirements of the resolution an important task to perform.

The Secretary-General concluded his remarks by providing information on the Seafarers Memorial project which was progressing well and in September, during the celebrations of the World Maritime Day, he would announce the winner from the shortlisted artists. He took the opportunity, once again, to thank all donors and, in particular, the ITF and the Governments of Australia, Denmark, Finland, Greece, the Netherlands, Singapore, Sweden and the United Kingdom for their contributions to the Seafarers Memorial Trust Fund.

1.7 In responding to the Secretary-General's remarks, the Chairman assured him that every consideration would be given to his words of welcome and advice by the Committee and its working groups. In underlining the importance of the meeting, he singled out the items which the Committee was expected to approve at this session for circulation of the relevant documents thereof and adoption at MSC 73, namely SOLAS chapters II-2 and V and the revised HSC Code;

the issue of enhancing the safety of large passenger ships; and work related to the implementation of the revised STCW Convention and that of the competent persons.

However, since the repercussions from the sinking of the oil tanker **Erika** were high on the agenda of the maritime world, he would welcome statements on the subject.

### **The *Erika* accident**

1.8 The delegation of France shared the Secretary-General's analysis that the **Erika** accident was evidence of failure of the current safety net and that there was a need for urgent improvement. To that effect, France had submitted documents MSC 72/10/13 and MSC 72/22/7. Furthermore, as announced at MEPC 44, France would submit to MEPC 45 a proposal to amend regulation 13G of MARPOL Annex I. In addition, other proposals would be submitted to the next session of the Committee and to other relevant IMO bodies to cover the remaining aspects of the action outlined in the communication sent to the Secretary-General in February 2000 by the French Ministers of Foreign Affairs and of Transport (circular letter No.2208).

The French delegation understood the Secretary-General's pledge of a rapid IMO answer as covering not only action required of this Committee but also involving all the other competent bodies of the Organization. This would greatly facilitate progress on the matter.

This being so, France could support the Secretary-General's statement, since, as also stated in the French Ministers' communication mentioned above, IMO is the appropriate forum to improve the current situation. The Secretary-General's opening remarks regarding a speedy and efficient response were reassuring and, to such an end, the total determination of the French Government would be evidenced.

Nevertheless, this willingness to act within IMO did not exclude the possibility to discuss and work on the issue in parallel at other fora, such as the IOPC Funds or the European Union, on aspects under their competence or in order to prepare proposals for submission to this Organization.

The French delegation concluded by thanking the Secretary-General for his commitment and understanding.

1.9 The delegation of Portugal said that the entire European Community had been shocked by the serious pollution and environmental damage caused by the sinking of **Erika**. Currently being in the Presidency of the European Union, Portugal wished to stress the Community's commitment to IMO. Because of the global nature of shipping, IMO had to be the appropriate international body to develop technical standards relating to the enhancement of maritime safety and protection of the marine environment. This was fully recognized by the European Community.

Having regard to its legal obligations and the strong public concern expressed after the accident, the European Commission had made relevant proposals to strengthen the existing European legislation and to improve the safety of tankers. These proposals were currently under discussion within the Council of Ministers of the European Union. This did not mean that Portugal, or any of the other EU Member States, would remain passive within IMO. It was in this context that they would fully co-operate and support any initiative within the Organization to bridge the gap between the existing regional and MARPOL regimes. This would be a challenge for the forthcoming MEPC session, which already at this stage and within this Committee deserved all their support.

1.10 The representative of the European Commission stated that, against the background of the strong public concern expressed after the **Erika** accident, both IMO and the European Commission had to assume their responsibilities. In this context, both organizations were bound to assess the effectiveness of their rules. Although the outcome of the official investigation into the accident should not be prejudged, the European Commission shared the Secretary-General's view that the safety net, which had been developed over the years, had failed. Under the European Treaty, the European Commission had legal obligations towards legislation for which it was responsible. It had, therefore, decided to react promptly by making proposals to amend, in fact to strengthen, the relevant existing European legislation. This legislation aims at implementing, in a harmonized manner, the IMO resolutions on port State control and on minimum requirements for classification societies all over the European Community.

When doing this assessment, the existence of divergent regimes for the phasing-out of single hull tankers and, in particular, their consequences on trade patterns could no longer be ignored. Consequently, the Commission had addressed the issue at the European level, the level for which it was competent. However, the European Commission fully concurred with the Secretary-General that IMO is the most appropriate forum where safety and pollution prevention standards affecting international shipping should be considered and adopted.

The European Commission wholeheartedly supported the intentions expressed by the Secretary-General and the French and Portuguese delegations. It welcomed, in particular, the Secretary-General's preparedness to act in a manner that the Organization would quickly and thoroughly respond to initiatives of its Member Governments to amend the MARPOL Convention. Initiatives within IMO to bridge the gap between existing regional rules for the phasing-out of single hull tankers and the worldwide regime, as laid down in regulation 13G of MARPOL Annex I would have the Commission's full support.

The European Commission representative hoped that the Committee would underpin these initiatives and recommend to the MEPC to take appropriate action at its next session in October 2000.

In conclusion, she stressed that the Commission was determined and committed to pursue its efforts to improve the global maritime safety framework. At the same time, however, it was bound to fulfil its duties under the EC Treaty and thus to propose measures for a better, more coherent and non-discriminatory implementation of the international safety rules.

1.11 The delegation of Malta, having thanked and congratulated the Secretary-General for his opening statement, stressed the global character of shipping adding that, because of its intrinsic global nature, its problems are also transported internationally posing certain threats to third parties. Situated in the centre of the Mediterranean Sea astride the major arteries of shipping, Malta is fully conscious and aware of this.

And it was this very global nature of the shipping industry that demanded that its issues were addressed internationally – not unilaterally, not on a regional basis but from and within an international perspective.

And it was for this reason that they fully supported the Secretary-General's statement. The Maltese Government would continue to support measures aimed at further improving the standards of shipping, be they initiated by IMO itself, by its Member Governments, by regional bodies such as the European Commission or by the shipowners themselves.

The Maltese delegation then referred to their statement at FSI 8 and added that the investigation into the accident which they are conducting with the expert assistance of an independent international organization was aimed towards the issue of a first report in a few weeks' time. The report would be made public, although, before doing so, they would make it available to interested parties.

1.12 The delegation of Denmark shared the views expressed by the Secretary-General as regards the need for speedy IMO action following the sad loss of the **Erika** considering that the protection of the marine environment is most effectively secured through internationally agreed regulations. It was therefore obviously in the interest of all Member States that IMO showed both determination and flexibility. It was their understanding that MEPC 45, provided that the right basis was there, could approve possible new measures in October 2000 for adoption at MEPC 46. In this regard, the Danish delegation deeply appreciated that MEPC 46 had been brought forward from June 2001 to April 2001. The delegation of Finland associated itself with the Danish position.

1.13 The delegations of Germany and Italy also supported, in general, the Secretary-General's remarks on the **Erika** accident as well as the statements made by France and the EC.

1.14 The delegation of Japan recalled that as a result of the **Nakhodka** incident, which was very similar to the **Erika** incident, Japan had submitted a series of proposals to enhance oil tanker safety, which were adopted by IMO or were to be considered for adoption at this session of the Committee as urgent matters in exceptional circumstances. The Japanese delegation strongly supported the view of the Secretary-General that IMO should be the forum to discuss matters affecting international shipping and expressed the hope that the **Erika** incident would not be treated as an exception, that the matter would be discussed thoroughly at IMO and satisfactory solutions could be reached expeditiously.

1.15 The delegation of Cyprus concurred with the view of the Secretary-General that IMO is the appropriate forum to discuss, agree and adopt measures in response to the loss of the **Erika** at the international level. Cyprus expressed the view that the provisions of MARPOL 73/78 as amended, as well as the rules of procedure of the Organization, provide the appropriate framework and guarantee that IMO can deal with the matter in a satisfactory and expeditious manner once seasoned and mature proposals are placed before it.

1.16 Following the above statements, the delegations of Norway, Panama, Brazil, Greece, China, the Bahamas, the Republic of Korea, Canada, Nigeria, Sri Lanka, the Russian Federation, Egypt, Vanuatu, Poland, Ukraine, Singapore, the Philippines, Bangladesh and Hong Kong, China supported, in general, the Secretary-General's remarks on the **Erika** accident and, in particular, his statement that IMO should always and without exception be regarded as the only forum where safety and pollution prevention standards affecting international shipping should be considered and adopted; and that regional, let alone unilateral application to foreign flag ships of national or regional requirements which go beyond IMO standards would be detrimental to international shipping and to the functioning of the Organization itself and should, therefore, be avoided.

1.17 Comments which were also made by some of the above mentioned delegations, in addition to expressing sympathy for the impact the accident had had on the marine environment and the affected French communities and industries, included:

- action should be taken after the report on the accident had been completed and in the light of its findings;

- proposals as to the action to be taken should be accompanied by technical justification and an analysis of the implications of any proposed amendments to IMO instruments, including implications to the industry and the legislative and administrative burdens involved;
- the issue should be reported to the Council for it to direct other Committees, more importantly the MEPC, to take appropriate action.

1.18 In his summing up, the Chairman said that there was overwhelming support for the policies and general statement of the Secretary-General as to the manner in which the Organization should deal with issues which came to light in the aftermath of the **Erika** casualty. Those issues should be addressed as a matter of urgency and utmost importance. Any relevant initiatives to enhance tanker safety would therefore be welcomed.

There was unanimous support for the view that IMO should be regarded as the natural and only forum where safety and pollution prevention standards affecting international shipping should be considered and adopted.

As the delegation of Denmark had observed, provided the Members of this Organization so wished, it was in the interest of all that IMO showed both determination and flexibility when situations such as this arose.

He then added that it appeared to be the Committee's unanimous wish that a clear message should be sent to the MEPC underlining that they would have MSC's full support in dealing with all proposals raised in the most urgent and expeditious manner.

As the Secretary-General mentioned, arrangements for next year's programme of meetings had been discussed with the MEPC Chairman and himself and a revised timetable had been agreed within which to take the matter forward; and, if agreement could be reached on proposals that France or any other Member Government might submit, then the MEPC might approve any possible new measures at its next session in October 2000 for adoption at the rescheduled MEPC 46 which is now to take place in April 2001.

The Chairman, having sought and received the Committee's approval of his summing-up, instructed the Secretariat to convey the outcome of the debate to other IMO bodies, in particular the Council and MEPC. He would personally advise the Chairman of the MEPC accordingly.

### **The *Sleipner* accident**

1.19 The delegation of Norway referred to the accident suffered by the Norwegian high-speed craft **Sleipner** which, while cruising at 30-35 knots on a coastal voyage, hit a rock in the western part of Norway in the evening hours of 26 November 1999. The hull was severely damaged and was finally ripped apart. 16 people lost their lives in the ensuing disaster. Following the accident, the Norwegian Maritime Directorate established a working group to look into different aspects that might have been significant in relation to the accident and the consequences, and several new measures had been proposed.

Furthermore, a Commission of Inquiry was set up by the Ministry of Justice to investigate the accident; its report is expected to be finalized within this year.

That delegation provided information on the **Sleipner**, which was a category A high-speed craft of 40 metres in length, designed to carry 356 passengers, with a service speed of 35 knots, and built in compliance with the requirements of the present HSC Code.

The evacuation arrangement consisted of two evacuation stations located aft, one on each side, at the main deck with a relatively low freeboard to the evacuation deck. Both stations were provided with two liferafts.

Immediately after the grounding, high water level alarms indicated ingress of water in **all** hull compartments. The craft lay on the reef for some time before wind and sea forced it adrift. Then the damaged craft drifted for a short time before it sank. The total time between grounding and sinking was approximately 30 to 40 minutes, according to statements from witnesses.

The witness statements have also established that all evacuees had to evacuate directly into the sea and no dry-shod evacuation was possible. Most of the persons rescued had to remain in the sea until they were picked up by assisting vessels or the rescue helicopter.

The starboard evacuation station was unavailable during the whole incident, both when the craft lay on the rock and later when the craft drifted off, because of the craft's position with a list to starboard. This reduced the available life-saving capacity to approximately 77% of the maximum permitted number of persons on board. The two liferafts located at the available evacuation station were released from the bridge, but only one of them inflated.

The underwater video recordings of the wreck have established that the two starboard liferafts are still remaining in their cradles even though the lashings probably had been cut. The one port liferaft that did **not** inflate was found packed in its container on the bottom near the wreck with the painter still attached.

In the view of the Norwegian Administration, this tragic accident has proved the need to reconsider certain aspects of the draft new High-Speed Craft Code prior to its final approval. In particular, it seemed necessary to reconsider the present draft requirements for raking damage, watertight integrity, survival craft embarkation arrangements and evacuation arrangements. The fact that extreme weather conditions and hull damage could require a more rapid evacuation than in the event of a fire, were considered as the most crucial new elements so far in relation to the draft new High-Speed Craft Code. That delegation elaborated further on this issue under agenda item 13 (Ship Design and Equipment).

### **MoU on Port State Control in the Gulf area**

1.20 The delegation of the Islamic Republic of Iran welcomed IMO's efforts to globalize the port State control system and expressed their Government's readiness to host a meeting to prepare a Memorandum of Understanding for the Persian Gulf area and to partially support it financially.

### **Enhancing the safety of large passenger ships**

1.21 The ICCL observer firmly supported the Secretary-General's initiative to submit document MSC 72/21 and welcomed the opportunity this would provide for a review, on a holistic basis, of the safety of large passenger ships. He pledged his Council's full participation in the debate and ensuing work.

1.22 The Committee adopted the agenda (MSC 72/1) and a provisional timetable for guidance during the session (MSC 72/1/1, annex, as amended). The agenda for the seventy-second 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 the corresponding agenda items.

### **Credentials**

1.23 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 twenty-first session of the Assembly**

2.1 The Committee noted (MSC 72/2) information on the outcome of A 21, in particular the Assembly's instructions to the Secretariat regarding the procedure to be followed concerning future submissions to the Assembly of draft resolutions prepared jointly by the MSC and MEPC; the Assembly's recommendation to Governments for appropriate action with regard to the interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea as contained in MSC/Circ.896; and its request that future Assembly documents on the Organization's long-term work plan should contain information on progress made with respect to subjects established on that plan and a synopsis on proposals for new long-term work plan items.

2.2 Its attention having been particularly drawn to resolution A.900(21) - Objectives of the Organization in the 2000s, the Committee decided to deal with it under agenda item 21 (Work programme) (see paragraph 21.9.4 below).

### **OUTCOME OF THE EIGHTY-SECOND SESSION OF THE COUNCIL**

2.3 The Committee noted the information provided in document MSC 72/2/1.

### **OUTCOME OF THE FORTY-THIRD AND FORTY-FOURTH SESSIONS OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE**

2.4 The Committee noted the information provided in documents MSC 72/2/2 and MSC 72/2/2/Add.1 and agreed to take action on specific issues brought to its attention as follows:

- .1 the outcome of the seventh session of the Commission on Sustainable Development (CSD), under agenda item 7 (see paragraphs 7.42 to 7.47);
- .2 matters related to BLG 4, under agenda item 8 (see paragraph 8.6);
- .3 the polar code, under agenda item 13 (see paragraph 13.26);
- .4 applications for consultative status, under agenda item 19 (see section 19);
- .5 application of the Committee's Guidelines and management of workload, under agenda item 20 (see section 20);



- .6 the work programme, under agenda item 21 (see paragraphs 21.12 to 21.14, 21.24 to 21.31 and 21.60); and
- .7 the recycling of ships, under agenda item 22 (see paragraph 22.1).

**OUTCOME OF THE CONFERENCE ON INTERNATIONAL CO-OPERATION ON PREPAREDNESS AND RESPONSE TO POLLUTION INCIDENTS BY HAZARDOUS AND NOXIOUS SUBSTANCES (OPRC-HNS CONFERENCE)**

2.5 The Committee noted the information provided in document MSC 72/2/5.

**OUTCOME OF THE TWENTY-SEVENTH SESSION OF THE FACILITATION COMMITTEE AND THE CONCURRENT SESSION OF THE WORKING GROUP ON SHIP/PORT INTERFACE**

2.6 The Committee noted the information provided in document MSC 72/2/3 and took action as indicated hereunder.

**Harmonization of ships' certificates**

2.7 The Committee, in considering the FAL Committee's view and action on harmonization of ships' certificates, noted that MEPC 44 (MSC 72/2/2/Add.1, paragraphs 5 and 6):

- .1 agreed that the FAL Committee should continue considering the issue of harmonization of certificates, including certificates required under MARPOL 73/78 and associated codes, from the perspective of reducing red tape;
- .2 however, drew the attention of the FAL Committee to some problems in their intended grouping of certificates that, as these certificates are regulated by the relevant conventions and codes separately and are binding on different Parties to different instruments, any combination of the certificates regulated by separate instruments might cause legal problems;
- .3 commented, in addition, that relevant conventions and codes would need to be amended if the certificates were to be simplified or combined; and
- .4 therefore, concluded that the practicability of such an exercise would need to be carefully examined by the FAL Committee.

2.8 The Committee agreed that the FAL Committee should continue considering the issue of harmonization of ships' certificates, with careful examination of the practicability of such an exercise, as pointed out by MEPC 44.

**List of certificates carried on board ships**

2.9 The Committee, noting that MEPC 44 had approved the draft FAL/MSC/MEPC circular on the Revised list of certificates and documents required to be carried on board ships (MSC 72/2/2/Add.1, paragraph 7) and having observed that the list was not for port State control purposes, endorsed it (MSC 72/2/3, annex 2), as amended to identify which certificates and documents are mandatory and those which are not mandatory, and instructed the Secretariat to issue it as FAL/Circ.90 - MSC/Circ.946 - MEPC/Circ.368.

### **Model courses on cargo handling in port areas**

2.10 The Committee endorsed the FAL Committee's decision on model courses on cargo handling in port areas and included an item on "Assessment of the model course on safe and secure packing of cargo transport units" in the SPI Working Group's work programme.

### **Implementation of IMO instruments and training requirements for cargo-related matters**

2.11 The Committee endorsed the FAL Committee's action in deleting the item on "Implementation of IMO instruments and training requirements for cargo-related matters" from the SPI Working Group's work programme.

### **Information leaflet for operators at loading and unloading solid bulk cargo terminals**

2.12 The Committee instructed the Working Group on Bulk Carrier Safety to advise it on whether it should endorse the draft FAL/MSC circular on Safety at solid bulk cargo terminals (MSC 72/2/3, annex 3) and whether reference should be made therein to the Code of Practice for the Safe Loading and Unloading of Bulk Carriers (BLU Code) (see paragraph 4.16 below).

2.13 The Committee further instructed the Working Group on Bulk Carrier Safety to advise it on the FAL Committee's view concerning the development of a manual on loading and unloading of solid bulk cargoes for use by terminal representatives, as an alternative to developing a model course and the inclusion of a corresponding item in the SPI Working Group's work programme (see paragraph 4.17 below).

### **Training and education of port marine personnel**

2.14 The Committee, in considering the FAL Committee's view that there was a need for recommended minimum standards for training and education of port marine personnel, noted that MEPC 44 (MSC 72/2/2/Add.1, paragraph 8) had not concurred with the FAL Committee's intended action to develop guidelines on such minimum standards.

2.15 The Committee, having considered the issue at some length, concurred with the FAL Committee's view on the necessity of such guidelines and instructed the SPI Working Group to consider the matter in detail and submit a more definite proposal to the next session of the Committee; it also invited Member Governments to provide guidance directly to the working group. The possibility of involving the STW Sub-Committee and international organizations such as UNCTAD, ILO and IAPH should be explored.

### **Work programme of the SPI Working Group**

2.16 The Committee, in considering the SPI Working Group's work programme (MSC 72/2/3, annex 4), noted that MEPC 44 (MSC 72/2/2/Add.1, paragraph 9) had not approved the inclusion therein of an item on "Development of guidelines for the training of port marine personnel" and had invited the Committee to concur with this decision.

2.17 Recalling its decision on this issue (see paragraph 2.15 above), the Committee agreed to include an item on "Development of guidelines for the training of port marine personnel" in the work programme of the SPI Working Group, and approved, as far as safety-related items are concerned, the SPI Working Group's work programme (MSC 72/2/3, annex 4).

2.18 The Committee further agreed that the future work of the SPI Working Group and its work method needed to be re-examined at a future session of the Committee, and invited Member Governments to submit relevant comments and proposals.

#### **Availability of tug assistance**

2.19 In noting the information provided in document MSC 72/2/3/Add.1, the Committee considered how the SPI Working Group should proceed on the issue of availability of tug assistance, especially regarding the usefulness of the development of a compendium on assessment methods for adequate tug assistance in ports.

2.20 The Committee agreed that, before proceeding with any work on such a compendium, the SPI Working Group should study, in detail, the Nautical Institute's publication entitled "Tug use in ports - a Practical Guide", as well as any comments and proposals submitted by Member Governments and international organizations, and provide its advice to the Committee for consideration and appropriate action.

#### **OUTCOME OF THE EIGHTIETH AND EIGHTY-FIRST SESSIONS OF THE LEGAL COMMITTEE**

2.21 The Committee noted the information provided in documents MSC 72/2/4 and Add.1, in particular the status of the current work of the Legal Committee on the draft Convention on wreck removal and on the monitoring and implementation of the HNS Convention.

2.22 Having been advised by the delegation of the Bahamas of an ambiguity in the proposed definition of "wreck" in the current draft of the aforementioned Convention, the Committee instructed the Secretariat to keep it informed of future developments on this issue, in particular if there was any technical input which might be required thereon by the Legal Committee.

#### **PROPOSED AMENDMENTS TO RESOLUTION A.746(18)**

2.23 The Committee decided to consider document MSC 72/2/6 (IACS) under agenda item 7 (see paragraphs 7.48 to 7.50 below).

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

3.2 The Committee was also invited to consider and adopt proposed draft Rules for the management, operation and financing of the North Atlantic Ice Patrol, associated with the proposed amendments to SOLAS chapter V.

3.3 Parties to the 1988 SOLAS Protocol were also invited to participate in the consideration and adoption of proposed amendments to that Protocol. Parties constituting more than one third of the total of Parties to the 1988 SOLAS Protocol were present during the consideration and

adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article VIII(b)(iii) and (iv) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol.

3.4 With respect to the proposed amendments to the 1974 SOLAS Convention, the Committee recalled that:

- .1 those to SOLAS chapter III had been developed and approved by MSC 71;
- .2 those to SOLAS chapter V had been developed by NAV 44 and were approved by MSC 70.

3.5 In accordance with SOLAS article VIII(b)(i), the above proposed amendments to the 1974 SOLAS Convention were circulated by the Secretary-General to all IMO Members and all Contracting Governments to the Convention by circular letter No. 2108 of 11 January 1999 and Corr.1 of 5 February 1999 and by circular letter No. 2160 of 31 August 1999.

3.6 With respect to the proposed amendments to the 1988 SOLAS Protocol, the Committee recalled that they had been developed by the MSC Working Group on Bulk Carrier Safety and were approved by MSC 71.

3.7 In accordance with SOLAS article VIII(b)(i) and article VI of the 1988 SOLAS Protocol, the proposed amendments to the 1988 SOLAS Protocol were circulated by the Secretary-General to all IMO Members and all Parties to the Protocol by circular letter No. 2151 of 31 August 1999.

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

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

#### **Regulation III/28.2 – Helicopter landing and pick-up areas**

3.8 The Committee, noting that no comments had been submitted on the proposed amendments (MSC 72/3, annex 1 to annex 1), confirmed their contents, subject to editorial changes, if any.

3.9 The delegation of Sweden reiterated the position they had expressed at MSC 70 and MSC 71 with regard to the amendments when they had stated that, as the FSA study on which the decision leading to the development of the proposed amendments to the Convention had been made was not, in all respects, correct, their assessment was that that decision was wrong from a safety viewpoint and, therefore, from a principle point of view, adoption of such amendments would not reflect well on the Organization. The delegations of Denmark, Finland, France and Germany and the ICFTU observer associated themselves with the Swedish statement.

### ***PROPOSED AMENDMENTS TO THE APPENDIX TO THE ANNEX TO THE CONVENTION***

#### **Forms of the Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate**

3.10 The Committee noted that SOLAS regulation I/15(b) provided that Contracting Governments thereto should issue certificates based on “the models given in the appendix to the present regulations”. It does not refer “to this regulation” or “to chapter I”. Further, the appendix to the Annex to the Convention containing forms of certificates is set out at the end of

the official text of SOLAS, following all the chapters, and not at the end of chapter I. In view of these facts, the Committee concluded that the 1974 SOLAS Conference did not intend that changes to SOLAS certificates were so fundamental in nature that they should be amended only by the time-consuming explicit procedure. The IMO Legal Office concurred with this interpretation. Subsequently, notwithstanding the Committee's previous view (MSC 71/23, paragraph 4.13), the Contracting Governments present at the session concurred with that opinion and agreed that the relevant 1974 SOLAS Convention safety certificates could be amended to include the reference to "bulk carrier" under the section "Type of ship", similar to the amendments to the 1988 SOLAS Protocol (see paragraph 3.14 below), applying the tacit amendment procedure specified in SOLAS article VIII.

#### ***PROPOSED AMENDMENTS TO CHAPTER V***

##### **Regulation V/6 – Ice Patrol: Management and cost**

3.11 Having considered proposed amendments to SOLAS regulation V/6, as contained in annex 2 to annex 1 to document MSC 72/3, information provided by the United States in document MSC 72/3/Add.1 and further modifications to the proposed draft amendments to SOLAS regulation V/6 and the associated draft Rules for the management, operation and financing of the North Atlantic Ice Patrol, orally proposed by the United States' delegation, the Committee reconsidered the issue in the context of the draft revised SOLAS chapter V under agenda item 10 (see paragraphs 10.47 to 10.49 below).

##### **Date of entry into force of the proposed amendments to the 1974 SOLAS Convention**

3.12 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.

3.13 The Committee further recalled that, when approving the proposed amendments with a view to adoption, MSC 71 also approved circular MSC/Circ.907 on Application of SOLAS regulation III/28.2 to non ro-ro passenger ships and envisaged that the proposed amendments would enter into force on 1 January 2002. The Committee thus determined that the proposed amendments to SOLAS regulation III/28.2 should be deemed to have been accepted on 1 July 2001 and should enter into force on 1 January 2002. The Committee further determined that the amendments to the appendix to the Annex to the Convention should also be deemed to have been accepted on 1 July 2001 and should enter into force on 1 January 2002.

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

##### ***PROPOSED AMENDMENTS TO THE APPENDIX TO THE ANNEX TO THE 1988 SOLAS PROTOCOL***

##### **Forms of the Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and Cargo Ship Safety Certificate**

3.14 The Committee, noting that no comments had been submitted on the proposed amendments (document MSC 72/3/1), confirmed their contents, subject to editorial changes if any.

3.15 In this context the Committee urged Contracting Governments to the 1974 SOLAS Convention which are not Parties to the 1988 SOLAS Protocol to implement resolution A.883(21) on Global and uniform implementation of the harmonized system of survey and certification (HSSC) and issue certificates in the forms prescribed by the 1988 SOLAS Protocol, as modified in accordance with Annex 2 to that resolution.

#### **Date of entry into force of the proposed amendments to the 1988 SOLAS Protocol**

3.16 Noting that MSC 71 had not decided on a specific date for the entry into force of the proposed amendments to the 1988 SOLAS Protocol, the Committee determined that such amendments should be deemed to have been accepted on 1 July 2001 and should enter into force on 1 January 2002.

#### **FINAL DRAFT OF THE PROPOSED AMENDMENTS**

3.17 After a general discussion in plenary, the Committee instructed the Secretariat to prepare the final draft text of the proposed amendments to the 1974 SOLAS Convention and the 1988 SOLAS Protocol, together with the necessary draft MSC resolutions, for consideration and adoption.

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

3.18 Having received documents MSC 72/WP.4 and Corr.1 containing the draft MSC resolutions and the final draft text of the proposed amendments, as prepared by the Secretariat, the Committee took action as indicated hereunder.

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

3.19 The expanded Committee, including delegations of 81 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapter III of, and the appendix to the Annex to, the 1974 SOLAS Convention, as amended (given in annex 1 to document MSC 72/WP.4 and the annex to document MSC 72/WP.4/Corr.1) and adopted them unanimously by resolution MSC.91(72), as set out in annex 2.

3.20 In adopting resolution MSC.91(72), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to chapter III of, and the appendix to the Annex to, the 1974 SOLAS Convention should be deemed to have been accepted on 1 July 2001 (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 2002, in accordance with the provisions of article VIII thereof.

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

3.21 The expanded Committee, including delegations of 34 Parties to the 1988 SOLAS Protocol, considered the final text of the proposed amendments to the appendix to the Annex to the 1988 SOLAS Protocol (given in annex 2 to document MSC 72/W.4) and adopted them unanimously by resolution MSC.92(72), as set out in annex 3.

3.22 In adopting resolution MSC.92(72), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol, that the adopted amendments to the appendix to the Annex to the 1988 SOLAS Protocol should be deemed to have been accepted on 1 July 2001 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol) and should enter into force on 1 January 2002, in accordance with the provisions of article VIII of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol.

#### **4 BULK CARRIER SAFETY**

4.1 The Committee recalled that MSC 71 dealt with this item, with the assistance of an *ad hoc* working group, under three separate headings, i.e. matters related to SOLAS; matters arising from the assessors' report on the survey of the bulk carrier **Derbyshire**; and the FSA study on bulk carrier safety.

##### **Matters related to SOLAS**

4.2 The Committee recalled also that MSC 71 approved proposed amendments to the 1988 SOLAS Protocol, 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, for adoption at this session (see section 3). Since, at that time, MSC 71 was of the view that the same amendments could not be effected to the corresponding forms of certificates laid down in the appendix to the Annex to the 1974 SOLAS Convention by means of the tacit amendment procedure, it referred to the draft Assembly resolution on Global and uniform implementation of the harmonized system of survey and certification (HSSC), subsequently adopted by the Assembly as resolution A.883(21), whereby States which are Contracting Governments to the 1974 SOLAS Convention but not Parties to the 1988 SOLAS Protocol may issue certificates in the forms prescribed by the 1988 SOLAS Protocol, as modified in accordance with Annex 2 to that resolution (see also paragraph 3.10 above).

4.3 The Committee recalled further that MSC 71 agreed to the interpretations of the term "bulk carrier of single side skin construction" and of SOLAS regulation XII/8.3 regarding the triangles to be permanently affixed to the sides of certain bulk carriers, and adopted them by resolution MSC.89(71). MSC 71 also approved MSC/Circ.908 on a Uniform method of measurement of the density of bulk cargoes, to be footnoted at the end of SOLAS regulation XII/10.2; and 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.

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

4.4 The Committee recalled also that MSC 71, having reviewed the progress made by SLF 42 on matters arising from the assessors' report on the survey of the bulk carrier **Derbyshire**, agreed that the SLF Sub-Committee's standing mandate on these matters would not need to be modified.

##### **FSA study on bulk carrier safety**

4.5 The Committee recalled finally that MSC 71, having received an interactive presentation by the delegation of the United Kingdom on the FSA study on bulk carrier safety under elaboration through a collaborative effort outside IMO under the co-ordination of the United Kingdom, agreed to a 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 for further action.

### **Consideration of documents submitted**

4.6 The Committee had for its consideration under this agenda item documents submitted by the Secretariat (MSC 72/4), providing background information on the work on bulk carrier safety carried out by the Committee; the United Kingdom (MSC 72/4/1, MSC 72/4/1/Add.1 and MSC 72/INF.22) presenting the results of seakeeping tests on models of bulk carriers to determine green sea loads on hatch covers and deck wetness, (MSC 72/4/3 and MSC 72/INF.18) describing the progress to date on the FSA study on bulk carrier safety, being undertaken by an outside group of interested Members and organizations; Japan (MSC 72/INF.7 and MSC 72/INF.8) attaching respectively an interim report of the FSA study on bulk carrier safety being carried out by Japan and an interim report of the part of the FSA study on HAZID (HAZard IDentification); IACS (MSC 72/4/2, MSC 72/INF.4 and MSC 72/INF.21) respectively commenting on document MSC 72/4/1, attaching IACS' Hazard identification on the watertight integrity of the fore end of bulk carriers and containing IACS Interpretation of SOLAS regulation XII/9.3; INTERCARGO (MSC 72/INF.2) providing bulk carrier casualty statistics for 1998 (as well as similar statistics for 1999 made available during the session); and ISO (MSC 72/INF.14) attaching copies of new ISO Standards for bulk carriers, ISO 15401 and ISO 15402.

4.7 The Committee noted that DE 43, having agreed to proposed amendments to Annex B (covering oil tankers) to resolution A.744(18) on Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (see paragraphs 13.20 and 13.25 below), suggested that the proposed amendments be conveyed to the Working Group on Bulk Carrier Safety in case there are lessons to be learned which could be used in the group's own endeavours to enhance the safety of bulk carriers, bearing in mind that resolution A.744(18) also applies to this ship type, and agreed with the suggestion.

4.8 The Committee recalled its previous decisions (see paragraphs 2.12 and 2.13 above), to seek the advice of the Working Group on Bulk Carrier Safety with respect to the action requested by the FAL Committee regarding the draft FAL/MSC circular on Safety at solid bulk cargo terminals and the development of a manual on loading and unloading of solid bulk cargoes for use by terminal representatives.

### **Working Group on Bulk Carrier Safety**

4.9 As decided at MSC 71, the Committee reconvened the Working Group on Bulk Carrier Safety, with the following terms of reference:

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

- .1 to consider, in general, documents MSC 72/4/1, MSC 72/4/1/Add.1, MSC 72/INF.22 and MSC 72/4/2, together with any comments and proposals made in plenary, and provide comments and advice which may help the SLF Sub-Committee in the context of its work on the revision of the 1966 LL Convention, in particular with respect to hatch cover strength;



**With regard to the FSA study on bulk carrier safety:**

- .2 to consider documents MSC 72/4/3 and MSC 72/INF.18, referring, if necessary, to documents MSC 72/INF.4, MSC 72/INF.7 and MSC 72/INF.8, and the hazard list provided by the United Kingdom, with a view to discussing and establishing the ranking of the hazard consequences and determining which of the hazards should be considered further in the FSA study;

**With regard to the proposed amendments to resolution A.744(18):**

- .3 to examine the proposed amendments to Annex B to resolution A.744(18) prepared by DE 43 (annex 8 to document DE 43/18, as attached to document MSC 72/13/1/Add.1) with a view to advising the Committee whether similar amendments should be made to Annex A (covering bulk carriers) to resolution A.744(18) on Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers;

**With regard to matters emanating from FAL 27:**

- .4 to advise the Committee on whether it should endorse the draft FAL/MSC circular on Safety at solid bulk cargo terminals, set out in annex 3 to document MSC 72/2/3, and whether reference should be made therein to the Code of Practice for the Safe Loading and Unloading of Bulk Carriers (BLU Code); and
- .5 to advise the Committee on whether it should concur with the FAL Committee's view on the development of a manual on loading and unloading of solid bulk cargoes for use by terminal representatives, as an alternative to developing a model course, and include a corresponding item in the SPI Working Group's work programme (paragraphs 16 and 17 of document MSC 72/2/3).

**Outcome of the working group**

4.10 Having received the report of the working group (MSC 72/WP.9), the Committee approved it in general and took action as reflected in the ensuing paragraphs.

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

4.11 The Committee noted the working group's deliberations on matters arising from the assessors' report on the survey of the bulk carrier **Derbyshire**, as reflected in paragraphs 4 to 10 of its report (MSC 72/WP.9) and instructed SLF 43 to further review the documents submitted on the subject to this session (MSC 72/4/1, MSC 72/4/1/Add.1, MSC 72/4/2 and MSC 72/INF.22) in the light of the above discussions, together with further comments thereon to be submitted to SLF 43 by IACS and possibly also by interested parties.

**FSA studies on bulk carrier safety**

4.12 The Committee noted the progress made with regard to the FSA study on bulk carrier safety being carried out through a collaborative effort outside IMO under the co-ordination of the United Kingdom (MSC 72/4/3 and MSC 72/INF.18); an independent FSA study on bulk carrier safety being conducted by Japan (MSC 72/INF.7 and MSC 72/INF.8); and the results of a Hazard Identification study on watertight integrity of the fore end of bulk carriers carried out by IACS

(MSC 72/INF.4), as indicated in paragraphs 11 to 16 of the working group's report (MSC 72/WP.9).

4.13 With respect to the ranking of the hazard consequences referred to in paragraph 4.9.2 above, the Committee noted that the hazard list was incomplete as two further Hazard Identification lists were received by the Co-ordinator of the collaborative effort in the days immediately prior to MSC 72 and, therefore, the ranking exercise could not be carried out during the current session's time frame. Instead, the results would be submitted formally to MSC 73 for information.

4.14 The delegations of the United Kingdom\* and Japan\*\* offered to provide information on their respective efforts on request.

#### **Proposed amendments to resolution A.744(18)**

4.15 Having examined the proposed amendments to Annex B to resolution A.744(18) on Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers, prepared by the DE Sub-Committee (DE 43/18, annex 8), with the aim of establishing whether similar amendments should be made to Annex A to the same resolution regarding bulk carriers, the Committee considered that, at present, there was not sufficient evidence of compelling need to do so. Instead, the exercise should be kept in abeyance until the results of the various FSA studies on bulk carrier safety currently underway are available and a clear indication as to whether to proceed with the amendments is obtained.

#### **Matters emanating from FAL 27**

4.16 The Committee agreed to amendments to the draft FAL/MSC circular on Safety at solid bulk cargo terminals, prepared by FAL 27 (MSC 72/2/3, annex 3), as proposed by the working group in order to bring attention to the relevant provisions of the BLU Code (annex to MSC 72/WP.9), and approved FAL/Circ.91/MSC/Circ.947 on Safe loading and unloading of bulk carriers: ship/terminal interface (Requirements for terminal operators).

4.17 On the issue referred to in paragraph 4.9.5 above, the Committee agreed that a manual on loading and unloading of solid bulk cargoes for use by terminal representatives is better suited than a model course, and that it should be developed by the DSC Sub-Committee with the co-operation of the SPI Working Group (see also paragraph 2.13).

### **5 IMPLEMENTATION OF THE REVISED STCW CONVENTION**

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

5.1 The Committee recalled that, at its sixty-ninth session (MSC 69/22, paragraph 7.11), it had instructed the Secretariat to keep it informed of progress being made in preparation of the reports pursuant to STCW regulation I/7, paragraph 2, and that subsequent meetings of the Committee had received progress reports, as had the STW Sub-Committee and the Assembly at its twenty-first session.

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\* The FSA collaborative project may be contacted by e-mail to [bulk\\_carrier\\_fsa@mcga.gov.uk](mailto:bulk_carrier_fsa@mcga.gov.uk), and information can be found on the project website at <http://www.fsa.mcga.gov.uk>.

\*\* The Japanese FSA project may be contacted by e-mail to [yoshida@rime.gr.jp](mailto:yoshida@rime.gr.jp).

5.2 The Committee also recalled that MSC 69 (MSC 69/22, paragraph 7.10) decided that the Secretary-General's report should only be submitted to the Committee after all the information communicated by 82 STCW Parties received by 1 August 1998 had been evaluated.

5.3 The Committee further recalled that MSC 71, having noted a progress report on the evaluation of information which had been communicated by STCW Parties before 1 August 1998, agreed, in order to allow as much time as possible for completion of the panels' work and to enable the Secretary-General to report to this session of the Committee, to relax to 1 March 2000 the deadline for the submission of the Secretary-General's report to the present session of the Committee.

5.4 The Committee noted information provided by the Secretariat (MSC 72/5) that the STW Sub-Committee, at its thirty-first session, had also noted a progress report on the evaluation of information communicated and, in response to a request for clarification, the Secretariat had advised that every effort would be made to provide timely advice to Member Governments in the event that the evaluation exercise had not been completed in time for the Secretary-General to submit his report as planned, to enable the composition of delegations to this session to be adjusted accordingly.

5.5 When, by 1 March 2000, it became clear that insufficient progress had been made with the evaluation of information by panels or the provision of information and clarifications by all of the 82 STCW Parties to enable the work to be completed in time for the Secretary-General to report to this session as originally planned, the Secretariat, following consultations with the Committee Chairman, issued circular letter No.2207 advising Member Governments that it was unlikely that a working group on STCW matters would be established during this session of the Committee as had been tentatively proposed and Member Governments might, therefore, wish to adjust the composition of their delegations to this session accordingly.

5.6 The Committee noted an oral report provided by the Secretariat on progress made since the issuance of document MSC 72/5 which indicated that, as of 15 May 2000, 42 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, 32 panels were considering clarifications that had been provided by the respective Parties and, therefore, clarifications were awaited from 8 Parties.

5.7 The Committee also noted that, if the Secretary-General is to make his report to MSC 73 in November/December 2000, the work of the remaining panels evaluating the information of Parties which had communicated information by 1 August 1998 should be completed by 14 August 2000 (i.e. 13 weeks prior to the opening of MSC 73 on 27 November 2000 **plus** two more weeks for the Secretary-General to prepare his report) in order for the Secretariat to meet the Committee's deadline for the submission of bulky documents.

5.8 The Committee recalled that the STCW Convention was the first IMO instrument in which the Organization had been given a role in monitoring implementation and, for that reason, a successful outcome to this work was important both for the implementation of the revised STCW Convention and the efficient and effective response of the Organization to such an important task. The Committee commended the Secretary-General and the Secretariat for the work done, to date, to facilitate progress with that work. As Governments and the shipping industry are keen to see publication of the so-called "white list", the Committee agreed that it was important to take steps to bring the matter to a conclusion.

5.9 In recognizing the significance of the Secretary-General's report in the effective implementation of the Convention by STCW Parties and the shipping industry, the Committee considered it important that every effort should be made to enable MSC 73 to take the action contemplated by STCW regulation I/7, paragraph 3. This was particularly important for those Governments wishing to conclude agreements under the provisions of STCW regulation I/10 and for those which are required to issue large numbers of endorsements to seafarers before 1 February 2002.

5.10 The delegation of the Islamic Republic of Iran recalled that its Administration had delayed communicating its information until it was complete, rather than forwarding incomplete information and, noting the information provided by the Secretariat that 42 panels had already completed their reports, proposed that work should now commence on the evaluation of the information communicated by those Parties who had missed the 1 August 1998 deadline. The Committee agreed with the proposal and instructed the Secretariat to initiate work on the assessment of the information communicated by the 13 STCW Parties which had done so after 1 August 1998.

5.11 The delegation of the Russian Federation, supported by some other delegations, drew attention to the fact that, in some instances, a large number of clarifications had been requested by competent persons and the extended time taken to evaluate information might be due, in part, to the fact that the technical and economic factors reflected in national legislation were not readily understood by competent persons.

5.12 The delegation of Liberia, supported by other delegations, expressed the view that, in the event that the evaluation of the information communicated by the 82 Parties which had met the 1 August 1998 deadline was not complete by the deadline for the submission of the Secretary-General's report to MSC 73, that report should only be distributed for consideration by MSC 73 after the Committee had considered and agreed, at MSC 73, with a detailed submission by the Secretary-General, excluding the names of the Parties concerned, on the status of the evaluation of the information communicated by those Parties.

5.13 In considering the consequences of setting a deadline for the submission of the Secretary-General's report to MSC 73, the delegation of Liberia, supported by many other delegations, expressed the view that, if the Secretary-General was unable to submit his report to the Committee on a certain Party, due to a panel of competent persons failing to take action in a timely manner, that STCW Party would be unfairly penalised, even though it had submitted information in accordance with the provisions of the Convention and had provided clarifications in response to requests from panels of competent persons.

5.14 In considering how best to ensure that the Secretary-General would be able to make the deadline for submission of his report to MSC 73, the delegation of Vanuatu, supported by a number of other delegations, expressed the view that panel chairmen should be instructed to complete their own evaluations and to seek their panel members views on that evaluation and, in the absence of any opposing views, should submit their own report to the Secretary-General. The delegation of Panama proposed the secondment of staff to allow competent persons to dedicate themselves to their evaluation work to speed the process to a conclusion.

5.15 After extensive discussion, the Committee agreed that every effort should be made by all parties involved in the process (panels, Governments and the Secretariat) to bring the evaluation work on the 82 Parties which had met the 1 August 1998 deadline, to a conclusion at MSC 73. Many delegations supported the issuance of an MSC circular strongly urging Member Governments Parties to the STCW Convention and the competent persons to fulfil their

respective responsibilities without delay and also providing the Secretary-General with guidance on the action to be taken in the interim period. The United Kingdom delegation, also supporting the issue of an MSC circular, drew the Committee's attention to the fact that the Committee was, in effect, writing to itself and, therefore, all Member Governments Parties to the STCW Convention should ensure that they took the necessary action contained in the circular on their return home.

5.16 The Secretariat reminded the Committee of the procedures governing the whole exercise as laid down in STCW regulation I/7, the relevant part of the STCW Code and MSC/Circ.796/Rev.1 on Procedures regarding the consideration of information communicated in accordance with article IV and regulation I/7 of the STCW Convention and section A-I/7 of the STCW Code.

5.17 Having noted the overwhelming support for the issuance of an MSC circular, as proposed in paragraph 7 of document MSC 72/5 (Secretariat), the Chairman undertook to submit appropriate text incorporating his own proposals, taking into account the above and other comments made, for the Committee's consideration.

5.18 The Committee also invited the Secretary-General to notify the Parties whose competent persons' panels have been provided with sufficient information to enable them to complete their evaluations. The Secretary-General also undertook to notify those Parties who had nominated competent persons, through letters to the Heads of delegation attending the session, of their panel chairmen who had yet to complete their work, urging them to expedite the finalization of their reports.

5.19 Having received the Chairman's Note (MSC 72/WP.12), the Committee agreed that, in the event that one or more panels were unable to complete their work by 1 October 2000, and in order to avoid unfair treatment of any Party and also to provide every opportunity for the Secretary-General to make his report to MSC 73, the following actions should be taken by the Secretary-General:

- .1 to notify, by 1 October 2000, those Parties whose panels have failed to complete their evaluations in order to permit those Parties to consider possible courses of action;
- .2 to submit a status report to MSC 73 by 16 October 2000 on the progress made by the panels of competent persons in evaluating the information communicated by Parties in advance of the 1 August 1998 deadline, indicating the reasons why the panel(s) were not able to complete their work; and
- .3 to be prepared at MSC 73 to distribute the report called for by STCW regulation I/7, paragraph 2, based on the reports of all those evaluations received at IMO by 24 November 2000, in the event that the Committee determines that all reasonable efforts had been made to complete the work.

5.20 The delegation of Brazil, although noting that there was a general desire for the Secretary-General to report to MSC 73, was of the opinion that, even if the Secretary-General's report was made to MSC 74, this would not be too late.

5.21 The delegation of the Islamic Republic of Iran was of the opinion that, in the event that the Secretary-General was able to make his report pursuant to STCW regulation I/7, paragraph 2 at MSC 73, the Secretary-General should also make his report on those Parties which had

communicated information after 1 August 1998, if those evaluations were completed in time. The same delegation reserved its position on this issue and stated that the STCW Convention is already complicated and the decision made by the Committee to separate the 82 Parties that met the deadline from the 13 Parties that did not would add to the complications, in particular, to its understanding by port State control officers.

5.22 Having received a revised draft MSC circular (MSC 72/WP.12/Rev.1), the Committee approved MSC/Circ.948 on Preparation of reports pursuant to STCW regulation I/7, paragraph 2 and instructed the Secretariat to disseminate it to Member Governments as soon as practicable.

## **6 TRAINING AND WATCHKEEPING**

### **REPORT OF THE THIRTY-FIRST SESSION OF THE SUB-COMMITTEE**

#### **General**

6.1 The Committee approved, in general, the report of the thirty-first session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 31/17 and MSC 72/6) and took action as indicated hereunder.

#### **Validation of model courses**

6.2 The Committee noted the validation of seven IMO model courses, which had been subject to review and updating as well as the validation of six IMO model courses, which were either new or had been subject to major revision, as listed at the annex to document STW 31/3; and instructed the Secretariat to publish them as soon as practicable. The Committee also received information on the status of model courses under agenda item 14 (Technical assistance subprogramme in maritime safety) (see paragraph 14.8 below).

6.3 The Committee endorsed the Sub-Committee's decision to review the current procedures and guidance used in the development and updating of model courses and to amend the item in its work programme accordingly (see also paragraph 21.57 below).

#### **Follow-up action to the 1995 STCW Conference**

6.4 The Committee adopted amendments to part B of the STCW Code aiming at consolidating the guidance previously issued as clarifications in STCW.7 circulars, for dissemination by means of STCW.6/Circ.5.

6.5 The Committee approved MSC/Circ.949 on MSC circulars superseded by the 1995 amendments to the 1978 STCW Convention; and also approved a draft Assembly resolution on Assembly resolutions superseded by the 1995 amendments to the 1978 STCW Convention, set out in annex 4, for submission to the twenty-second session of the Assembly for adoption.

6.6 The Committee noted the provisional draft guidance on the preparation and review of independent evaluations required by STCW regulation I/8 and section A-I/7 of the STCW Code and approved MSC/Circ.950 on Guidance on arrangements between Parties to allow for the recognition of certificates under STCW regulation I/10.

### **Unlawful practices associated with certificates of competency**

6.7 The Committee noted a progress report on the research into unlawful practices associated with certificates of competency as updated by the Secretariat on recent developments, as follows:

- .1 Over the period January to May 2000, the research team had collected data from seafarers, employers, unions and officials in national Administrations. The team had also made visits to Administrations in Northern Europe and major labour-supplying countries in South and South East Asia.
- .2 Preliminary analysis of the data collected so far had indicated that the problem of unlawful practices associated with certificates of competency was more serious than had been anticipated. Most commonly, these practices related to watchkeeping certificates involving junior officers in both deck and engine departments. Among ancillary certificates, Basic Safety Training, Oil Tanker Familiarisation, Survival Craft and GMDSS GOC had been commonly found to be obtained through unlawful means.
- .3 Approximately half of the seafarers interviewed from the labour-supplying countries in the South and South East Asia region had reported first-hand experience or knowledge of unlawful practices associated with certificates among officers and crew with whom they had sailed. Established malpractice between manning agents and training institutes had been reported, although the team had also obtained evidence of collusion by officials in the issuing of genuine certificates through unlawful means.
- .4 The next phase of the research project would involve visits to major flag States and labour-supplying countries in Eastern and Southern Europe, Latin America, the Mediterranean region and South East Asia.

### **National administrations responsible for implementing the STCW Convention**

6.8 The Committee endorsed the Sub-Committee's decision to instruct the Secretariat to update circular STCW 95/Circ.1 on National administrations responsible for implementing the STCW Convention and instructed the Secretariat to standardize the titles used in the circular. The Committee endorsed the Sub-Committee's decision to explore the feasibility of including in the IMO website information on e-mail addresses of Administrations responsible for providing information on certificates and noted that the IMO public website is currently being re-designed and consideration is being given to including an area dedicated to STCW information, including e-mail addresses.

### **FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel**

6.9 The Committee approved (STW 31/17, annex 8 and MSC 72/6/2, annex) proposed amendments to the draft FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel agreed by the Sub-Committee; approved the revised Document for Guidance; and instructed the Secretariat to publish it, in conjunction with FAO and ILO, as soon as practicable.

## **Officers in charge of an engineering watch and engineering watchkeeping provisions**

6.10 The Committee approved MSC/Circ.951 on Officers in charge of an engineering watch and engineering watchkeeping provisions.

### **Casualty analysis**

6.11 The Committee endorsed the Sub-Committee's decision to request the FSI Sub-Committee, when identifying factors for consideration by the STW Sub-Committee, to provide examples so that the Sub-Committee is made aware of the lessons to be learned.

## **IALA standards for training and certification of vessel traffic service (VTS) personnel**

6.12 The Committee approved MSC/Circ.952 on IALA standards for training and certification of vessel traffic service (VTS) personnel and noted information provided by the IALA observer that three IALA model courses had been published.

### **Medical standards for seafarers**

6.13 The observer from ICFTU recalled that STW 31 had expressed concern that WHO had declined to attend the Sub-Committee meeting and sought information on any subsequent developments. The Secretariat informed the Committee that the Secretary-General had contacted the Director-General of WHO, expressing concern about this matter, and had received an assurance that, in future, WHO would be represented at meetings dealing with the occupational health of seafarers.

## **OTHER MATTERS**

### **List of competent persons**

6.14 The Committee recalled that a list of those competent persons approved at its seventy-first session had been circulated as MSC/Circ.797/Rev.3.

6.15 The Committee approved new nominated competent persons, as listed in documents MSC 72/6/1 and Add.1 and MSC 72/WP.11 and instructed the Secretariat to revise MSC/Circ.797/Rev.3 accordingly, for dissemination by means of MSC/Circ.797/Rev.4.

## **7 FLAG STATE IMPLEMENTATION**

### **REPORT OF THE SEVENTH SESSION OF THE SUB-COMMITTEE**

#### **General**

7.1 The Committee, recalling that at its seventy-first session it had considered urgent matters emanating from the seventh session of the Sub-Committee on Flag State Implementation (FSI), approved, in general, the report of that session of the Sub-Committee (FSI 7/14) and took action on all remaining matters (MSC 72/7) as indicated hereunder.

#### **Criteria for the self-assessment of flag State performance**

7.2 The Committee noted the progress made in the development of criteria for the self-assessment of flag State performance.



### **Service intervals of life-saving appliances and radiocommunication equipment**

7.3 The Committee, noting the decision of the Sub-Committee to refer the issue of service intervals of life-saving appliances and radiocommunication equipment to the DE Sub-Committee for consideration and advice, dealt with the issue under the actions requested by FSI 8 (see paragraphs 7.30 to 7.33 below).

### **Deficiency lists**

7.4 The Committee, noting MEPC's concurrent action, endorsed the decision of the Sub-Committee to circulate in the future deficiency lists annually in the form of FSI circulars to cover all deficiencies reported in any preceding calendar year.

### **Harmonized reporting procedures**

7.5 The Committee endorsed the issuance of a revision of circular MSC/Circ.827-MEPC/Circ.333 on Harmonized reporting procedures and instructed the Secretariat to disseminate it by means of MSC/Circ.953 - MEPC/Circ.372 on Revised harmonized reporting procedures.

### **Implications arising when a vessel loses the right to fly the flag of a State**

7.6 The Committee noted the outcome of the Sub-Committee's consideration of implications arising when a vessel loses the right to fly the flag of a State. The delegation of Cyprus expressed concern on the lack of progress in the matter and hoped that FSI 9 would be able to conclude the issue.

## **REPORT OF THE EIGHTH SESSION OF THE SUB-COMMITTEE**

### **General**

7.7 The Committee approved, in general, the report of the eighth session of the Sub-Committee (FSI 8/19 and MSC 72/7/1) and took action as indicated hereunder.

### **Self-assessment of flag State performance**

7.8 The Committee considered the request of the Sub-Committee for instructions on the use of the Self-Assessment Form (SAF) database to be maintained by the Secretariat, and for an interpretation of operative paragraph 5 of resolution A.881(21) on Self-assessment of flag State performance, which, *inter alia*, "invites Governments to submit, on a voluntary basis, to the Organization a copy of their self-assessment report in order to enable the establishment of a database which would assist the Organization in its efforts to achieve consistent and effective implementation of IMO instruments".

7.9 The Committee noted in this regard that a relevant database had been presented by the United States Coast Guard at FSI 8 and is now available for use by Member Governments and the Secretariat.

7.10 The Committee was advised that MEPC 44, being informed that there would be written submissions on the matter to the present session of the Committee, decided to defer consideration

of the matter to MEPC 45, when the outcome of this session would be available. However, the Committee noted that there had been no submissions made on the subject to this session.

7.11 Commenting on the use of the submitted self-assessment forms (SAFs), the delegation of Finland proposed that the information contained therein be analysed by the Secretariat and that the findings be reported to the Committee. In order to maintain confidentiality, they proposed that only general conclusions should be reported without the names of submitting countries or numbers of reports analysed being given.

7.12 The delegation of Cyprus expressed the opinion that any database is as good as the data that contains and that depends on the methodology used to complete the SAF. In addition, the delegation of Cyprus was of the view that, if any reasonable conclusions would be drawn by such a database, a reasonable number of SAFs, compare to the size of the membership of the Organization must be submitted.

7.13 The delegation of Liberia wondered whether it would be wise for the Committee to consider the required number of SAF submissions *vis-à-vis* the membership of the Organization and suggested that the Committee decide on the expected outcome of the analysis before embarking on such a process. To be able to do this, they were of the opinion that the database in question needed to be examined in detail to determine what information could be obtained from it.

7.14 The delegation of the United Kingdom, supported by the delegations of Australia and the Bahamas, while agreeing with the use of the information in the database, proposed deferring consideration of the matter to MSC 73 to enable the Committee to further consider how to ensure that accurate conclusions are drawn from the analysis.

7.15 The delegation of the United States offered to provide MSC 73 with more details of the database presented to FSI 8 to enable the Committee to direct the Sub-Committee appropriately. In view of the short interval between MSC 73 and FSI 9, the United States was invited to submit their input simultaneously to FSI 9.

7.16 The Committee approved an MSC/MEPC circular on Self-assessment of flag State performance: criteria and performance indicators, noting that the circular had already been approved by MEPC 44, and instructed the Secretariat to disseminate it as MSC/Circ.954 - MEPC/Circ.373.

7.17 The Committee considered whether the Annex to resolution A.881(21) should be updated for the purpose of including criteria and performance indicators, in view of operative paragraph 7 of the resolution, which, *inter alia*, requests “the MSC and MEPC to keep the Guidance under continuous review and update it in the light of their work on the matter”.

7.18 After some discussion, the Committee decided to request FSI 9 to develop relevant amendments to resolution A.881(21) under the Sub-Committee’s agenda item on “Self-assessment of flag State performance” and to prepare a draft text of amendments for approval by MSC 74 and MEPC 46, for submission to the twenty-second session of the Assembly for adoption.

7.19 The Committee then considered whether guidelines should be developed to assist Governments when applying the criteria and performance indicators. In this regard, it considered a submission by Cyprus (MSC 72/7/6) containing a proposal for the development of such guidelines, possibly to be annexed to the circular referred to in paragraph 7.16 above.

7.20 Some delegations were of the opinion that additional guidelines to assist Governments when applying the criteria and performance indicators were not necessary because the SAF is detailed enough. Others were of the view that such guidelines were necessary to ensure that information is submitted to the Organization in a uniform manner.

7.21 Because of time constraints, the Committee instructed FSI 9 to consider the submission by Cyprus (MSC 72/7/6) and, if it considers that guidelines are needed to assist Governments when applying the criteria and performance indicators, to develop such guidelines on the basis of the proposals therein.

### **Illegal, unregulated and unreported (IUU) fishing**

7.22 The Committee considered whether to include IUU fishing issues in the Sub-Committee's work programme and, if so, the formation of an *ad hoc* joint FAO/IMO working group.

7.23 In this regard, the Committee was informed that MEPC 44, in considering the matter (MSC 72/7/7), had agreed that IMO should, as requested by the UN General Assembly and the Commission on Sustainable Development (CSD), provide assistance to FAO in dealing with IUU fishing in respect of safety of, and prevention of marine pollution from, fishing vessels and other related issues. MEPC 44, recalling also that there was an agreement of co-operation between IMO and FAO on matters of mutual interest (resolution A.103(IV)), agreed to the establishment of the proposed joint FAO/IMO working group, subject to further consideration, including the preparation of draft terms of reference, by this session of the Committee.

7.24 FAO (MSC 72/7/4) provided information on fisheries and maritime issues related to IUU fishing and proposed further co-operation between FAO and IMO on this issue through the establishment of a joint *ad hoc* working group, for which they proposed draft terms of reference (MSC 72/7/4, annex), as suggested by FSI 8. FAO supported the inclusion of an item on IUU fishing and related matters in the work programme of the FSI Sub-Committee. In introducing document MSC 72/7/4, the representative of FAO referred to an Expert Consultation meeting on IUU fishing organized by FAO and the Government of Australia in Sydney from 15 to 19 May 2000 with financial support from the Governments of Australia and Canada.

7.25 Following discussion, the Committee agreed to the establishment of a joint FAO/IMO *ad hoc* Working Group on IUU Fishing and Related Matters, with the following terms of reference:

Taking into account the documentation prepared for, and the results of, the Expert Consultation referred to above and further taking into account the respective competence, mandate and experience of FAO and IMO, the *ad hoc* joint working group should:

- .1 prepare a checklist of the necessary elements for effective flag State control over fishing vessels. This checklist should provide further guidance on how the issues involved in IUU fishing could be incorporated into the FSI Sub-Committee's work programme as well as the work programme of FAO. The checklist should relate to:
  - .1.1 maritime safety;
  - .1.2 prevention of marine pollution;

- .1.3 minimum agreed standards in relation to the safety of the crew, health and work on board fishing vessels, as addressed by ILO; and
- .1.4 determining the position of fishing vessels at sea and for the reporting of catch data and how these may be incorporated in mechanisms for flag State control;
- .2 drawing on the relevant experience of IMO and FAO, review measures that may be taken by a port State in relation to the technical and administrative procedures for the inspection of foreign flag fishing vessels, including their fishing gear and catch and:
  - .2.1 establish a list of criteria for such inspections and make proposals on how the inspections may be carried out in relation to the respective competence of fisheries and maritime Administrations;
  - .2.2 provide a draft of the qualifications and experience required of inspectors/surveyors for the various inspections envisaged; and
  - .2.3 make recommendations on how best a harmonized system for the inspection of foreign flag fishing vessels might be applied on a regional and/or subregional basis by port States;
- .3 pay particular attention to the requirements for vessels entitled to fly the flag of a State operating in waters under the jurisdiction of that State, on the high seas and in waters of a State other than those of the flag State and the need to combat IUU fishing. Reference should be made to the provisions of the FAO Compliance Agreement, the UN Fish Stocks Agreement and measures taken by regional fishery management organizations and arrangements that addressed port State and flag State control; and
- .4 in relation to conditions of work and service in the fishing industry, call, if necessary, upon the advice of ILO. The co-operation of other relevant agencies may also be sought on particular aspects, within their competence, which might affect efforts to combat IUU fishing.

7.26 Taking into account resolution A.103(IV) on Agreement between FAO and IMO, the Committee agreed that IMO should be represented at the *ad hoc* joint working group by the Governments of Argentina, Canada, China, Denmark, Liberia, Panama, the Republic of Korea and Turkey and instructed the Secretariat to co-operate with the FAO Secretariat to ensure that the composition of the joint working group ensured representation of all geographical regions of the world with an interest in the subject matter. The Committee noted that participation of the IMO Members in the work of the joint working group would not entail financial implications to the Organization. The FAO representative informed the Committee that the first intersessional meeting of the *ad hoc* joint working group was scheduled to take place in Rome from 9 to 11 October 2000 and its report would be submitted to the Director-General of FAO and the Secretary-General of IMO for conveyance to the relevant bodies of the two Organizations. The Committee agreed to consider the outcome of the *ad hoc* joint working group at MSC 74, following its consideration and advice by FSI 9 under its new agenda item on "Illegal, unregulated and unreported (IUU) fishing and related matters" (see paragraphs 21.28 and 21.30 below).

### **Annual list of very serious and serious casualties of fishing vessels**

7.27 The Committee endorsed the Sub-Committee's instruction to the Secretariat to annually issue an FSI circular containing a list of very serious and serious casualties of fishing vessels of more than 100 gross tonnage or of more than 24 metres in length and relevant statistics.

### **Information on casualties**

7.28 The Committee endorsed the Sub-Committee's instruction to the Secretariat to issue regular FSI circulars containing information on casualties, collected and prepared by the Secretariat and updated on a regular basis on the IMO Bulletin Board System/Secure Internet.

### **Harmonized reporting procedures**

7.29 The Committee approved amendments to the text of MSC/Circ.827 - MEPC/Circ.333 - Harmonized reporting procedures, regarding the terms "seaworthy" and "unseaworthy", as set out in annex 5 to the report of FSI 8 (FSI 8/19), and instructed the Secretariat to include the amendments in the revision of the circular referred to in paragraph 7.5.

### **Service intervals of life-saving appliances and radiocommunication equipment**

7.30 The Committee noted the recommendation of the Sub-Committee that the issue raised by the Republic of Korea in the context of the work programme item on "Service intervals of life-saving appliances and radiocommunication equipment" be resolved at this session.

7.31 The Committee also noted that DE 43, having discussed the matter briefly and having noted that the decision of FSI 8 to refer the issue directly to MSC 72 revoked the earlier decision of FSI 7 to refer the issue to the DE Sub-Committee for advice (see paragraph 7.3 above), had agreed that the matter should be resolved at the present session of the Committee (DE 43/18, paragraph 17.12).

7.32 The Republic of Korea and Japan (MSC 72/7/3) invited the Committee to consider and approve a draft MSC circular aimed at eliminating the conflict of regulations in two instruments, i.e. the relevant regulations of chapters III and IV of SOLAS 74, as amended, and the 1988 SOLAS Protocol introducing the harmonized system of survey and certification (HSSC) regarding servicing intervals of life-saving appliances and radiocommunication equipment.

7.33 Taking into account that the 1988 SOLAS Protocol already entered into force in February 2000, the Committee approved a draft circular on Servicing of life-saving appliances and radio equipment under the HSSC, annexed to document MSC 72/7/3, after amending the text by inserting the words "in exceptional circumstances" at the end of the first sentence of the second paragraph, for dissemination by means of MSC/Circ.955 on Servicing of life-saving appliances and radiocommunication equipment under the harmonized system of survey and certification (HSSC).

7.34 The delegations of Japan and the Republic of Korea were of the opinion that it was necessary to amend the 1974 SOLAS Convention to harmonize the provisions of the Convention with the survey and certification requirements of the 1988 SOLAS Protocol.

### **Responsibilities of Governments and measures to encourage flag State compliance**

7.35 The Committee recalled that, at its seventy-first session, some delegations queried the usefulness of the retention of the item on 'Responsibilities of Governments and measures to encourage flag State compliance' in the Sub-Committee's work programme as they found it to be

too general in scope. Following discussion, the Committee had instructed the Sub-Committee to consider the matter at FSI 8 and to report on the outcome to this session of the Committee.

7.36 The Committee agreed with the Sub-Committee's recommendation that the item be retained in the Sub-Committee's work programme and provisional agenda for FSI 9.

### **Guidelines for unscheduled inspections of ro-ro passenger ships**

7.37 The Committee approved MSC/Circ.956 on Guidelines for unscheduled inspections of ro-ro passenger ships by flag States.

### **Amendments to the SOLAS Cargo Ship Safety Equipment Certificate and Record of Equipment (Form E)**

7.38 The Committee considered the Sub-Committee's recommendation that the Secretary-General be authorized to effect the rectification of the errors identified in document MSC 70/22/2 (concerning consequential amendments to SOLAS for the Cargo Ship Safety Equipment Certificate and Record of Equipment (Form E)) by means of a *procès-verbal* of rectification.

7.39 Cyprus (MSC 72/7/8) did not agree with the proposed procedure of using a *procès-verbal* of rectification and, instead, proposed the amendment procedure contained in the 1988 SOLAS Protocol.

7.40 The Committee concurred with the recommendation of the FSI Sub-Committee to effect a rectification of the errors identified by Australia in their document MSC 70/22/2 regarding consequential amendments to SOLAS for the Cargo Ship Safety Equipment Certificate and Record of Equipment (Form E) by executing a *procès-verbal* of rectification. As a result of the comments of Cyprus, in their paper, the Committee identified additional consequential corrections for the 1988 SOLAS Protocol for which the same *procès-verbal* is required, i.e. the Cargo Ship Safety Equipment Certificate and the Cargo Ship Safety Certificate, together with the associated Record of Equipment Forms E, C and P as necessary, in order to amend certain references to regulations following the entry into force of amendments to SOLAS chapter III and the adoption of the LSA Code. Subsequently, the Committee authorized the Secretary-General to effect the rectification of the errors identified.

### **Work programme and provisional agenda for FSI 9**

7.41 The proposed revised work programme of the Sub-Committee and the provisional agenda for FSI 9 are dealt with under agenda item 21 (Work programme).

### **OUTCOME OF THE 7TH SESSION OF THE UN COMMISSION ON SUSTAINABLE DEVELOPMENT (CSD 7)**

7.42 The Committee considered document MSC 72/7/2 by Australia, Canada, France, Poland, Portugal, Singapore, the United Kingdom and the European Commission, requesting the acceptance of the invitation by CSD 7 to IMO to develop binding measures to ensure that ships of all flag States meet international rules and standards so as to give full and complete effect to UNCLOS, as well as to the provisions of relevant IMO Conventions. The document invited the Committee to instruct the FSI Sub-Committee to consider the development of such measures in a binding form, determine the form such an instrument should take and how it would relate to applicable international law and relevant IMO instruments.

7.43 In supporting the proposal, a number of delegations expressed the view that the Committee should follow past practice and include the item in its work programme as it is a request from another United Nations body. Those delegations proposed referring the submission to the FSI Sub-Committee to consider, among other things, whether the request by CSD 7 has been met by work already done in the Organization to assist Governments to implement IMO instruments and, if not, whether it can be met by adopting other measures including non-mandatory instruments.

7.44 Other delegations opposed referring the submission to the FSI Sub-Committee because there had been no demonstration of a compelling need to develop new measures as proposed. Those delegations expressed the view that there was no need to develop a new convention to cover provisions contained in other conventions. They were of the opinion that the measures so far taken by the Organization are producing positive results as shown by the falling rate of accidents at sea and detentions in ports and by other indicators.

7.45 In this regard, the Committee noted the discussions at MEPC 44 (MSC 72/2/2) on the subject and that the MEPC had noted that most of the requests by CSD 7 with regard to pollution prevention were under consideration and the MEPC was making progress in dealing with relevant work programme items taking into account the recommendations of CSD 7.

7.46 After a considerable discussion, the Committee, recognizing that the FSI Sub-Committee would need policy guidance and clear instructions from the Committee on the request by CSD 7 agreed, due to shortage of time at this session, to consider the matter further at MSC 73, when a decision would be made as to whether further action would be required in the context of document MSC 72/7/2.

7.47 Members were invited to submit comments and proposals on the issue to MSC 73. The Committee instructed the Secretariat to inform the MEPC of the outcome on the issue.

#### **SURVEY AND CERTIFICATION**

7.48 The Committee considered documents MSC 72/7/5 (Norway) and MSC 72/2/6 (IACS) (see paragraph 2.23 above), proposing amendments to the 1988 SOLAS Protocol and resolution A.746(18) on Survey Guidelines under the harmonized system of survey and certification (HSSC), in order to facilitate alignment of bottom survey requirements with that of resolution A.744(18) on Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (ESP).

7.49 Realizing that document MSC 72/22/7 by France was dealing with the same subject, i.e. inspection of the outside of the ship's bottom of cargo ships under ESP and HSSC during surveys of bulk carriers and oil tankers, the Committee decided to also consider that document at this point.

7.50 The Committee instructed the Sub-Committee to consider the three documents mentioned above at FSI 9 under its agenda item on "Review of resolutions A.744(18) and A.746(18)" and to prepare relevant amendments, if appropriate, to resolutions A.746(18) and A.744(18) and the 1988 SOLAS Protocol.

## **AUSTRALIAN GOVERNMENT INQUIRY INTO SHIP SAFETY**

7.51 The Committee noted information by Australia (MSC 72/INF.20) on those outcomes of a recent Australian Government inquiry into ship safety, entitled *Shipsafe*, relevant to international shipping. The inquiry focussed mainly on aspects of the quality of ships, operational issues, port State control, crew training and competency and crew welfare of ships in Australian waters.

## **SURVEY OF ONE OF THE SISTERSHIPS OF THE TANKER *ERIKA***

7.52 The Committee noted information provided by Liberia (MSC 72/INF.24) on the action taken as a result of the survey of one of the sisterships of the tanker **Erika** and another sistership registered in Liberia.

## **REPORT ON INTERNATIONAL SHIPPING REGULATION**

7.53 The Committee noted information provided by ICFTU (MSC 72/INF.25) on a report by the United Kingdom ship officers union, NUMAST, on international shipping regulation. ICFTU offered to make additional copies of the report available to FSI 9.

# **8 BULK LIQUIDS AND GASES**

## **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 Bulk Liquids and Gases (BLG) (BLG 4/18 and MSC 72/8) and took action as indicated hereunder.

## **Proposed amendments to SOLAS regulation II-2/63**

8.2 The Committee approved modifications to the draft amendments to SOLAS regulation II-2/63 - Cargo pump-rooms, which had been approved by MSC 69 as a new paragraph 3 to that regulation to be applicable to new ships, and further approved these draft amendments to SOLAS regulation II-2/63, as a whole.

8.3 In this context, the Committee considered document MSC 72/8/1 (IACS) proposing an alternative provision to the one provided in the aforementioned draft amendments to SOLAS regulation II-2/63, concerning inter-locking of lighting and ventilation in cargo pump-rooms. Following discussion, the Committee, noting the opinion of BLG 4 on that alternative provision, did not agree to the proposal by IACS.

8.4 Having recalled that MSC 69 had approved the above draft amendments as part of the 2002 amendments to the SOLAS Convention and further that it would consider the draft revised SOLAS chapter II-2 (which is scheduled for entry into force on 1 July 2002) under agenda item 12 (Fire protection), the Committee agreed to consider whether the proposed amendments should be included in the draft revised SOLAS chapter II-2 in conjunction with document MSC 72/12/3 (United Kingdom), under that agenda item (see paragraph 12.9 below).

8.5 The Committee approved the draft amendments to SOLAS regulation II-2/63, as prepared by BLG 4 as a new paragraph 4 to that regulation, extending the application of some provisions of the aforementioned new paragraph 3 of SOLAS regulation II-2/63 to existing ships. Similar to the decision made under paragraph 8.4 above, the Committee agreed to consider whether the draft amendments should be included in the draft revised SOLAS chapter II-2 when considering



the latter and document MSC 72/12/3 (United Kingdom) under agenda item 12 (Fire protection) (see paragraph 12.9 below).

### **Proposed amendments to the IBC, IGC, BCH and GC Codes**

8.6 The Committee approved , with a view to adoption by MSC 73, draft amendments to:

- .1 chapter 15 of the IBC Code regarding the carriage of carbon disulphide;
- .2 the IBC, IGC, BCH and GC Codes resulting from the revision of the Medical First Aid Guide; and
- .3 the IBC, IGC, BCH and GC Codes regarding hose requirements,

noting that the draft amendments to the IBC and BCH Codes had already been approved by MEPC 43 for adoption by MEPC 45. Having agreed that the approved proposed draft amendments (given in annex 5) should be adopted as part of the 2002 amendments to the Codes, the Committee requested the Secretary-General to circulate the draft amendments to the IBC and IGC Codes, in accordance with SOLAS article VIII, and to the BCH and GC Codes, with a view to adoption at MSC 73.

## **9 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE**

### **REPORT OF THE FOURTH SESSION OF THE SUB-COMMITTEE**

#### **General**

9.1 The Committee approved, in general, the report of the fourth session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) (COMSAR 4/14 and MSC 72/9) and took action as indicated hereunder.

#### **Operational and technical co-ordination provisions of Maritime Safety Information (MSI) services**

9.2 The Committee endorsed the Sub-Committee's approval of actions to be taken by the NAVTEX Co-ordinating Panel for the purpose of improving the effectiveness of the NAVTEX services world-wide.

9.3 The Committee endorsed the Sub-Committee's action in issuing COMSAR/Circ.20 on List of NAVAREA Co-ordinators.

9.4 The Committee approved MSC/Circ.957 on Amendments to resolution A.706(17) on the World-Wide Navigational Warning Service, as amended and, in accordance with the amendment procedure prescribed in annex 2 thereto, decided that they should enter into force on 1 January 2002.

9.5 The Committee also approved, as amended, MSC/Circ.958 on Amendments to the NAVTEX Manual and, in accordance with the amendment procedure prescribed in annex 6 to the Manual, decided that they should also enter into force on 1 January 2002.

### **Exemptions from radio requirements**

9.6 Having noted that some regulations of SOLAS chapter IV, such as regulations IV/3.2.3 (Exemptions), IV/7.2, 7.3 and 7.4 (Radio equipment: General) and IV/12.4 (Watches) are no more applicable as of 1 February 1999, the Committee authorized COMSAR 5 to prepare appropriate draft amendments and/or adjustments to chapter IV under its agenda item on "Global Maritime Distress and Safety System" for further consideration by the Committee.

9.7 Taking into account the above, the Committee endorsed the Sub-Committee's action in instructing the Secretariat to prepare draft amendments to SLS.14/Circ.115 on the Issue of Exemption Certificates under the 1974 SOLAS Convention and amendments thereto, for submission to the current session of the Committee for approval.

9.8 Having considered document MSC 72/9/1 prepared by the Secretariat in pursuance of the above instruction, the Committee approved the proposed amendments for circulation as SLS.14/Circ.115/Add.2.

### **Procedure for responding to DSC distress alerts**

9.9 The Committee endorsed the Sub-Committee's action in:

- .1 issuing COMSAR/Circ.21 on Procedure for responding to DSC distress alerts by ships, intended to reduce false distress alerts; and
- .2 instructing the Secretariat to convey COMSAR/Circ.21 and paragraphs 3.42 to 3.50 of document COMSAR 4/14 to the ITU-R Working Party 8B for information and appropriate action.

### **Criteria for the provision of mobile-satellite communications for the GMDSS**

9.10 The Committee noted that, as authorized by MSC 70, the Sub-Committee finalized the draft Assembly resolution on Criteria for the provision of mobile-satellite communication systems for the Global Maritime Distress and Safety System (GMDSS) and submitted it directly to the twenty-first session of the Assembly for adoption; and that the draft resolution was brought to the attention of IMSO. The Committee further noted that the draft resolution was subsequently adopted, with certain amendments, as resolution A.888(21).

### **ITU World-Radiocommunication Conference (WRC)**

9.11 The Committee noted that, as authorized by MSC 69, the Sub-Committee prepared the IMO position on WRC-2000 agenda items concerning maritime matters and instructed the Secretariat to submit it, as adjusted in the light of the outcome of the second session of the Conference Preparatory Meeting (CPM), directly to the ITU Conference for consideration.

9.12 The Committee was advised that the IMO position was eventually submitted to CPM-99 held in November 1999 and issued as document CPM 99-2/33. Subsequently, an adjusted IMO position was conveyed to the Secretary-General of ITU with the request that it be submitted to WRC-2000 scheduled to be held in Istanbul, Turkey, from 8 May to 2 June 2000, for consideration. The IMO position was issued by ITU as "IMO information paper" under symbol CMR 2000/92.

9.13 The Committee was informed that the Steering Committee of the ongoing ITU Conference had, *inter alia*, agreed on a number of principles relating to the handling of information documents and statements submitted by observers and the Conference had been notified that, in accordance with the ITU Convention, observers from the United Nations, regional telecommunication organizations, intergovernmental organizations operating satellite systems, the specialized agencies of the United Nations and international organizations might participate in a conference or a meeting of the Union but only in an advisory capacity. The right to submit proposals to the Conference was exclusively reserved for Member States. However, in line with the practice of ITU and also of the common system as a whole, observers might submit written contributions in the form of information documents only.

9.14 In the light of the aforementioned information, the Committee, considering that, for serious reasons pertaining to maritime safety, there was a need for harmonized international maritime communications standards, which should be internationally recognized and protected:

- .1 urged Member Governments, when developing national positions on maritime communications for discussion at various international fora to ensure that the maritime interests, as developed by IMO, are duly covered and protected;
- .2 instructed the Secretariat to report on the outcome of the 2000 ITU Conference to MSC 73;
- .3 invited the Legal Committee to comment and advise on the information provided in paragraph 9.13 above and any additional relevant information emanating from the ongoing ITU Conference;
- .4 invited the Secretary-General, taking into account the advice provided, to act as appropriate; and
- .5 recommended Member Governments and the Secretariat to actively participate in the work of ITU Study Groups, Working Parties and regional telecommunication organizations dealing with maritime communications.

9.15 The Committee endorsed the Sub-Committee's action in:

- .1 inviting ICAO to co-operate with the Organization in addressing how changes made at WRC-97 might be amended at a future WRC; and
- .2 instructing the Secretariat to take appropriate action as required.

9.16 The Committee was informed that the Secretary-General had communicated with the Secretary-General of ICAO stressing the need for, and importance of, protecting safety-related services, such as maritime and aeronautical radiocommunications, radionavigation, COSPAS-SARSAT and other relevant issues, and inviting ICAO's co-operation on these matters.

### **Carriage requirements for Volume III of the IAMSAR Manual on board ships**

9.17 Having noted that the twenty-first session of the Assembly adopted resolution A.894(21) on International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual in which it recommends Governments to ensure that all ships entitled to fly the flag of their countries carry on board a copy of Volume III of the IAMSAR Manual, the Committee authorized COMSAR 5 to consider, under its agenda item on "Matters concerning search and rescue, including those

related to the 1979 SAR Conference and the introduction of the GMDSS", the implications of, and, if necessary, prepare amendments to the SOLAS Convention for the purpose of, making the carriage of Volume III on board ships mandatory.

### **Approval of circulars relating to SAR matters**

9.18 The Committee approved circulars, as follows:

- .1 COMSAR/Circ.22 – Guidance on data fields for SAR databases;
- .2 COMSAR/Circ.23 – Guidance on Central Alerting Posts (CAPs);
- .3 MSC/Circ.959 – Interim procedures for an MRCC on receipt of distress alerts;  
and
- .4 MSC/Circ.960 – Medical assistance at sea.

### **Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR Procedures**

9.19 The Committee noted the Sub-Committee's view on the terms of reference and composition of the Joint IMO/ICAO Working Group (JWG) on Harmonization of Aeronautical and Maritime SAR Procedures, in particular that the Sub-Committee had agreed that the group's existing terms of reference adequately reflected its tasks and also that its continuation was justified by the amount of work still to be done.

9.20 With respect to the composition of the JWG, the Sub-Committee had noted that, according to the rules of ICAO, a study group of experts would usually consist of approximately 5 to 6 experts with high expertise/experience and no additional observers were invited to sessions of such groups. The number of eight members each from IMO and ICAO had already exceeded that usual practice and should not be increased. However, noting that observers from IMO Member Governments had been invited to previous sessions of the JWG and recognizing the danger of losing the required continuity in expertise and experience in case a rotating membership system was introduced, the Sub-Committee had agreed to keep the composition of the JWG as it was. Participation of maritime observers should, however, be encouraged and their active participation in, and comments and proposals to, sessions of the JWG should be facilitated. Co-ordination meetings before JWG sessions could also be held.

9.21 The Committee was informed orally that the seventh session of the JWG was held in Bergen/Tromsø, Norway, from 2 to 7 April 2000 and its report would be submitted to COMSAR 5 for consideration.

### **Outcome of the 1998 Fremantle SAR/GMDSS Conference – Proposed establishment of an International SAR Fund**

9.22 The Committee recalled that MSC 71, being informed that the full report of the Indian Ocean Conference on Maritime SAR and the GMDSS, held in Fremantle, Australia, in September 1998, had been submitted to COMSAR 4 for consideration, had noted Conference resolution No.5 (Establishment of an International SAR Fund) inviting the Organization, in co-operation with the aviation and maritime communities and for the purpose of assisting countries, in particular developing countries, to fulfil their obligations under the SAR and SOLAS Conventions, to consider establishing an International SAR Fund. MSC 71 agreed that

COMSAR 4 should fully analyse the technical aspects of the proposal and report to the present session of the Committee.

9.23 The Committee endorsed the Sub-Committee's identification of East and West Africa and parts of Asia and the Pacific, Central and South America and the Mediterranean regions as being the areas mainly lacking SAR and GMDSS facilities and agreed that, in considering any remedial action needed to be taken, priority should be given to the African regions.

9.24 The Committee also endorsed, with respect to the technical aspects of the aforementioned resolution of the Fremantle Conference, the suggested 5-step approach (paragraph 8.28 of COMSAR 4/14) and agreed to carry out a study/assessment/analysis of the matter before any further action is taken thereon.

9.25 The Committee was informed that, pursuant to an offer by the Italian Government to host a SAR/GMDSS Conference and with financial assistance so far provided by the Governments of Italy, the Netherlands, Norway, the United Kingdom, the European Commission and the International Transport Workers' Federation (ITF), a regional IMO Conference on Maritime SAR and the GMDSS has been scheduled to take place in Florence, Italy, from 16 to 20 October 2000 (circular letter No.2178), where the above matters would be further considered. The Committee instructed the Secretariat to report the outcome of the Conference to COMSAR 5 for consideration and appropriate action, including advising MSC 74 as to what, if any, action should be taken next. The Committee expressed appreciation to the Government of Italy for offering to host the Conference and to the aforementioned Governments and organizations for their financial support.

#### **Clarification of SOLAS regulation V/15(c)**

9.26 The Committee noted that, during considerable discussion at COMSAR 4, on the application of SAR co-operation plans for cruise ships:

- .1 the delegation of France had proposed that SOLAS regulation V/15(c) should apply to cruise ships on certain itineraries; and
- .2 the ICCL observer had acknowledged the usefulness of a plan of co-operation between cruise ships and local SAR services for ships which operate frequently in a given geographical area. ICCL emphasized that, in their view, MSC/Circ.864 had been developed for passenger ships on short sea routes, i.e. fixed routes and not for cruise ships transiting multiple SAR regions and that much of the issue had already been covered by the IAMSAR Manual and the ships' ISM Code documentation.

9.27 Recalling that SOLAS regulation V/15(c) requiring that:

"(c) Passenger ships to which chapter I applies, trading on fixed routes, shall have on board a plan for co-operation with appropriate search and rescue services in event of an emergency. The plan shall be developed in co-operation between the ship and the search and rescue services and be approved by the Administration. The plan shall include provisions for periodic exercises to be undertaken as agreed by the passenger ship and the search and rescue services concerned to test its effectiveness",

is in force since 1 July 1997, the Committee considered document MSC 72/9/2 (United Kingdom) addressing the issue and, after considerable discussion, agreed, in principle, that

regulation V/15(c) should apply to all passenger ships to which SOLAS chapter I applies operating through various SAR regions and, to this effect, it should be appropriately amended.

9.28 Having, in principle, agreed as above, the Committee also agreed that the best way to do so would be at MSC 73 when the revised SOLAS chapter V would be considered for adoption. Accordingly, it invited the United Kingdom and any other interested parties to submit proposals clarifying the issue and providing appropriate amendments to the draft regulation. The delegation of the United Kingdom agreed to do so.

9.29 Having agreed on the proposed application of the regulation, the Committee instructed COMSAR 5, taking into account document MSC 72/9/2, to consider a practical system for the preparation of SAR co-operation plans for passenger ships which routinely pass through multiple SAR regions.

### **Revision of SAR.7/Circ.1(1999)**

9.30 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to issue SAR.7/Circ.2 (1999) containing a list of IMO documents and publications which should be available at Maritime Rescue Co-ordination Centres, thus revoking SAR.7/Circ.1(1998).

### **Implementation of the Provisional Global SAR Plan**

9.31 The Committee noted that COMSAR 4 had considered a proposal by the United States (COMSAR 4/8/1) on an optional tacit acceptance procedure to facilitate completion of the Provisional Global SAR Plan. This procedure, which would be an option to the formal SAR agreements, could facilitate acceptance by Member Governments of the provisional plan and would make such acceptance valid, subject to non-objection by neighbouring countries concerned within six months after circulation to Parties. Pertinent provisions of the SAR Convention (paragraphs 2.1.3 to 2.1.6) provide for such alternative means for completing the Provisional Global SAR Plan, and should be encouraged. The Committee further noted that the Sub-Committee, having noted that ICAO had followed a similar procedure when amending its regional plans, considering them to have been accepted by countries concerned if no objection was received within 3 months following dissemination, had agreed to invite the Committee, subject to its agreement to implement the tacit acceptance procedure, to request the Secretary-General to circulate the provisional SAR plan to offer Member Governments the opportunity to tacitly accept the relevant provisional arrangements in the IMO SAR Plan.

9.32 The Committee further noted that, at COMSAR 4, the delegation of Turkey had stated that it could go along with the views of the majority on the understanding that the proposal to implement a tacit acceptance procedure to facilitate the acceptance by States of the Provisional SAR Plan should in no way prejudice or circumvent the core articles of the Annex to the Hamburg SAR Convention, namely Articles 2.1.4 and 2.1.5, in which it is stipulated that each search and rescue region shall be established by an agreement among Parties concerned. The delegation of Turkey reiterated the position it had expressed at COMSAR 4.

9.33 The Committee, having considered the above, and, taking into account the opinion expressed by several delegations, did not agree that an optional tacit acceptance procedure, similar to that used by ICAO, should be recommended for use by SAR Convention Parties to facilitate completion of the global SAR plan where necessary; and instructed COMSAR 5 to consider the matter further and submit proposals to MSC 74 for consideration and action as appropriate.

9.34 Being informed that to this day, only 14 SAR.6 circulars had been issued on notification of agreements in accordance with paragraph 2.1.4 of chapter 2 of the Annex to the SAR Convention, the Committee reiterated its invitation to SAR Convention Parties to notify the Secretary-General of agreements they have concluded on the establishment of search and rescue regions in accordance with the above provisions.

#### **OTHER MATTERS**

#### **COSPAS-SARSAT**

9.35 The Committee noted information provided by the COSPAS-SARSAT Secretariat (MSC 72/INF.12) on recent development in the COSPAS-SARSAT satellite system for search and rescue.

#### **International Mobile Satellite Organization (IMSO)**

9.36 The Committee noted document MSC 72/INF.15 (IMSO) providing information on the performance of Inmarsat Ltd. concerning its obligations for the provision of maritime services relating to the GMDSS, under the supervision of IMSO. The information covers the period since the privatization of Inmarsat on 15 April to 31 December 1999. It assesses that, during that period, Inmarsat Ltd. has continued to provide a sufficient quality of service to meet its obligations under the GMDSS.

9.37 Referring to paragraph 4.6 of document MSC 72/INF.15, the ICFTU observer expressed concern about possible delays in the restoration of full GMDSS services were a prime satellite to fail. ICFTU invited IMSO to provide details on the further information and clarifications they obtained from Inmarsat to COMSAR 5, for consideration.

#### **Chile's SAR region**

9.38 The delegation of Chile stated that, during the past years, its Maritime Search and Rescue Service had intervened on numerous occasions to assist persons and ships in distress within its extensive area of responsibility assigned to it by the SAR Convention. During the last decade, hundreds of lives had been saved as a consequence. Some of these emergencies had been caused by unseaworthy vessels manned by people seeking to attract international attention to certain issues which they considered to be important. The necessary efforts to safeguard the lives of those and salvage their fragile vessels had been considerable and the cost very substantial.

It was for these reasons and with a view to regulating the safety of navigation of such vessels in international waters, that the Government of Chile would submit to COMSAR 5 proposals to enhance the safety of such vessels and to safeguard the persons who sail on them; and to ensure, as far as possible, that the costs incurred, as a consequence of rescuing the crews of such vessels, may be recovered through appropriate insurance.

## **10 SAFETY OF NAVIGATION**

### **REPORT OF THE FORTY-FIFTH SESSION OF THE SUB-COMMITTEE**

#### **General**

10.1 The Committee approved, in general, the report of the forty-fifth session of the Sub-Committee on Safety of Navigation (NAV) (NAV 45/14 and Add.1 and MSC 72/10) and took action as indicated hereunder.

## **Routeing of ships and related matters**

### **Amendments to existing traffic separation schemes (TSSs)**

10.2 The Committee, in accordance with resolution A.858(20), adopted amended TSSs, including associated routeing measures, in the approaches to Iquique and Punta Arenas, as set out in annex 6, for dissemination by COLREG.2/Circ.48.

### **Adoption of new traffic separation schemes (TSSs)**

10.3 The Committee, in accordance with resolution A.858(20), adopted new TSSs, including associated routeing measures, as follows:

- .1 along the Peruvian coast:
  - 1.1 Landfall and approaches to Paita Bay;
  - 1.2 Approaches to Puerto Callao;
  - 1.3 Landfall and approaches to Puerto San Martin; and
  - 1.4 Landfall and approaches to Puerto Ilo; and
- .2 in the waters Off the Chengshan Jiao Promontory (together with an associated routeing system and a mandatory ship reporting system (see paragraphs 10.10 and 10.11)),

as set out in annex 6, for dissemination by COLREG.2/Circ.48.

### **Routeing measures other than TSSs**

10.4 The Committee, in accordance with the provisions of resolution A.858(20):

- .1 adopted proposed new recommended tracks for navigation of certain ships off the coast of California, taking into account a submission (MSC 72/10/4) by the United States, providing verified geographic positions as determined by the National Oceanic and Atmospheric Administration (NOAA);
- .2 agreed to the abolition of the of the "Areas to be avoided" around the EC1 and EC3 lighted buoys; and
- .3 adopted the proposed Area to be avoided at the approaches to the ports of Matanzas and Cardenas, as endorsed by the Marine Environment Protection Committee at its forty-fourth session,

as set out in annex 7, for dissemination by SN/Circ.211.

### **Implementation of the adopted routeing measures**

10.5 The amendments to the existing and new traffic separation schemes referred to in paragraphs 10.2 and 10.3, respectively and annex 6; and the routeing measures other than traffic



separation schemes referred to in paragraphs 10.4.1, 10.4.2 and 10.4.3, respectively and annex 7 will be implemented at 0000 hours UTC on 1 December 2000.

### **Identification and protection of special areas and particularly sensitive sea areas**

10.6 The Committee noted that NAV 45 had endorsed the draft Assembly resolution on Identification and protection of special areas and particularly sensitive sea areas (which had been prepared by MEPC 43), which was subsequently adopted, with minor editorial modifications, by the twenty-first session of the Assembly as resolution A.885(21).

### **Optimization of coastal ship-to-shore communications in mandatory ship reporting systems**

10.7 The Committee noted, that with regard to the proposal by Spain (MSC 71/20/12) on coastal ship-to-shore communications in mandatory ship reporting systems, the Sub-Committee had recommended that the matter be referred to IALA for consideration, and further had suggested that Spain be invited to conduct trials of prototype tests and present their results to the Committee.

10.8 The observer from IALA stated that the matter was being studied by IALA and that the Committee would be informed on the outcome in due course.

10.9 The Committee agreed to await the outcome of the consideration of the matter by IALA and the submission by Spain of any prototype test results.

### **Mandatory ship reporting system "Off the Chengshan Jiao Promontory"**

10.10 The Committee considered the Sub-Committee's proposal calling for the adoption of a mandatory ship reporting system "Off the Chengshan Jiao Promontory " based on a submission by China (NAV 45/3/3) aiming at supporting maritime traffic safety, search and rescue operations and responses to emergency situations, including the threat of pollution.

10.11 In accordance with the provisions of resolution A.858(20), the Committee, by resolution MSC.93(72), adopted the proposed mandatory ship reporting system "Off the Chengshan Jiao Promontory", as set out in annex 8, for dissemination by SN/Circ.212.

10.12 The aforementioned mandatory ship reporting system will be implemented at 0000 hours UTC on 1 December 2000.

### **Guidelines on voyage planning**

10.13 The Committee noted that, as authorized by MSC 71, NAV 45 submitted the finalized draft text of the Assembly resolution on Guidelines on voyage planning, directly to the twenty-first session of the Assembly, which subsequently adopted, with certain modifications, as resolution A.893(21).

### **Revision of SOLAS chapter V**

10.14 The Committee considered the revised SOLAS chapter V prepared, in final draft form, by NAV 45 for approval by the current session of the Committee and adoption, as amendments to the SOLAS Convention, by MSC 73 so that it may enter into force on 1 July 2002. The draft revised text had been circulated as annex 6 to the NAV 45 report (NAV 45/14/Add.1).

10.15 Based on submissions by Chile (MSC 72/10/5), Japan (MSC 72/10/1 and MSC 72/10/2), the Republic of Korea (MSC 72/10/6 and MSC 72/10/7), the United Kingdom (MSC 72/10/15), the United States (MSC 72/10/3), CIRM (MSC 72/10/10), ICS (MSC 72/10/11), IEC (MSC 72/INF.19), IHO (MSC 72/10/14) and INTERTANKO (MSC 72/10/8 and MSC 72/10/9), the Committee, in considering the draft revised chapter V on a regulation-by-regulation basis, took decisions as reflected in the ensuing paragraphs before instructing a drafting group to finalize the draft text.

10.16 The Chairman suggested that the following were important issues meriting discussion in plenary:

- .1 scope of application of the revised SOLAS chapter V (regulation 1);
- .2 use of the term "official" in relation to nautical charts and publications (in various regulations);
- .3 carriage requirements for automatic ship identification systems (AIS) (regulation 19);
- .4 carriage requirements for voyage data recorders (VDRs) (regulation 20);
- .5 retention of draft regulation V/6 - Ice patrol service, management and cost (North Atlantic Ice Patrol) (see paragraph 3.11 above).
- .6 safe navigation and avoidance of dangerous situations (regulation 34); and
- .7 the resolution of bracketed text on issues of substance.

### **Scope of application of the revised SOLAS chapter V (Regulation 1)**

10.17 The Committee considered a submission by the United States (MSC 72/10/3) proposing to retain the words in the second set of the square brackets and delete the words "ships of war" in the first set of square brackets. The United States supported this expanded wording as it is now the more appropriate formula for expressing an exemption based on the internationally recognized principle of sovereign immunity. This wording not only reflects the language used in numerous international instruments, including the United Nations Law of the Sea Convention, but also reflects customary State practice and has, therefore, become the commonly accepted basis for interpreting and applying the current wording of SOLAS regulation V/1 ("Ships of war").

10.18 The Committee agreed with the United States proposal; and further agreed with a proposal by the delegation of Germany to move in paragraph 1 of regulation 1 the words: "; however, such ships are encouraged to "from paragraph 3 of draft regulations 10 (Ships' routing) and 11 (Ship reporting systems).

10.19 The Committee decided to remove the square brackets around the words "fishing vessels" of paragraph 4.3.

**Use of the term "official" in relation to nautical charts and publications (Regulation 2)**

10.20 The Committee agreed to an IHO proposal (MSC 72/10/14) conveying an agreed text which removes the need to use the term "official" on the first line of regulation 2.2 and suggesting the insertion of the word "officially" between the words "issued" and "by" on the second line. Similar changes should then be made in regulations 9.2.2, 19.1.2.4 and 27.

**Carriage requirement of automatic ship identification systems (AIS) (Regulation 19, paragraph 1.5)**

10.21 The Committee considered proposals by Japan (MSC 72/10/2), the United States (MSC 72/10/3), the United Kingdom (MSC 72/10/15), INTERTANKO (MSC 72/10/8), ICS (MSC 72/10/11) and IEC (MSC 72/INF.19).

10.22 Japan (MSC 72/10/2) was of the opinion that it would be very difficult to equip all existing tankers with AIS within a year after the date of entry into force of the revised SOLAS chapter V. Therefore, Japan proposed that the implementation date for AIS on tankers of all sizes should be spread over until their date of the first drydocking after 1 July 2003, for the following reasons:

- .1 the demand for AIS would be too much in 2003, when all tankers would be required to be fitted with AIS in accordance with draft regulation V/19.1.5.1. According to their calculations, as many as 1,000 existing tankers would have to be equipped with the AIS during 2003; and
- .2 the functions and performance of AIS have not yet been fully developed, e.g. information of AIS on the display monitor is still being discussed in IEC; and marine equipment companies have not yet started manufacturing AIS, because of the absence of definitive global specifications on the indication of information on AIS.

With regard to the installation of AIS on tankers, Japan stated that the relevant work should be carried out in dry docks, because of the prohibition, according to local regulations, to carry out hot work while tankers are in port. Therefore, a 3-year period of grace should be allowed to fit AIS on tankers.

10.23 The CIRM observer informed the Committee that no hot work was required to fit AIS equipment.

10.24 The United States (MSC 72/10/3) was in favour of requiring certain categories of ships to be fitted with AIS, in accordance with the phase-in schedule, under regulation V/19, paragraph 1.5. Although it could support earlier dates of implementation, it would accept the compromise agreement reached after negotiations at NAV 45.

10.25 INTERTANKO (MSC 72/10/8) was in favour of changing the implementation date for existing tankers from 1 July 2003 to the next safety equipment survey date after 1 July 2003.

10.26 ICS (MSC 72/10/11) supported the mandatory carriage of AIS, as proposed in the draft amendments, but stressed the need for coastal States to implement AIS shore installations to enable ships to fulfil their reporting obligations using AIS, stressing also the importance of developing Guidelines on AIS operational matters as early as possible.

10.27 IEC (MSC 72/INF.19) informed the Committee that a test standard was under preparation for AIS based on the requirements of resolution MSC.74(69) – Performance standards for an universal automatic identification system and was due to be published in December 2001.

10.28 The delegation of Brazil drew the Committee's attention to the reservation it had made at NAV 45 (NAV 45/14, paragraph 5.22) with regard to the proposed amendments to regulation 19, paragraph 1.5 relating to carriage of AIS by ships on domestic voyages in low density traffic areas and informed the Committee of their intention to submit proposals to MSC 73 to exempt such ships from this requirement if the Administration considers this to be unreasonable. For the time being Brazil retained their reservation on the issue.

10.29 The delegation of Sweden referred to the information provided by Germany and Sweden to MSC 70 (MSC 70/INF.16) and to NAV 45 (NAV 45/INF.8) on the results of the trials (with AIS and ECDIS in the project "Baltic Ferry Guidance and Information System (BAFEGIS)") for the enhancement of the ferry safety between Malmö/Trelleborg in Sweden and Warnemünde/Travemünde in Germany. The test results had indicated a considerable enhancement of safety of the participating ferries and owing to the relatively long range of the system, the VTS centres in the ferry ports were for the first time able to monitor the vessels on their entire route between Sweden and Germany.

10.30 There was significant discussion over the words "through the water" in draft regulation 19.1.4.4. The delegation of the Bahamas favoured retention while the delegation of Finland, supported by the delegation of Germany, favoured deletion. The delegation of the United States noted that the relevant standards are contained in resolutions A.824(19), A.823(19) and MSC.64(69) all three clearly indicating that speed through the water was the appropriate measurement to use in manoeuvring trials, course and speed determination, etc. Resolution A.824(19) revealed significant limitations on the accuracy of speed measurements when vessels were operating in shallow water. In deep waters, both pitot-tube logs and doppler logs could yield speed measurements through the water with the required accuracy. In shallow water areas, neither device would yield satisfactory speed measurements for collision avoidance calculations. The words "through the water" could therefore be retained in draft regulation 19.1.4.4, and elsewhere as appropriate, without precluding the acceptance of doppler logs to meet SOLAS chapter V equipment requirements.

10.31 The Committee consequently agreed to retain the words "through the water" in the draft regulation.

10.32 The Committee, having discussed the issue at length, agreed to accept the compromise agreement reached at NAV 45 (NAV 45/14, paragraphs 5.12 to 5.14). However, with regard to existing tankers of all sizes (paragraph 1.5.1.2.1 of draft regulation 19), it agreed to change the implementation schedule to not later than the first safety of equipment survey after 1 July 2003.

10.33 The delegation of Japan was of the opinion that the implementation date should be not later than the first annual survey for safety equipment. However, there was no consensus on the issue, and the Committee decided to keep the text in square brackets for review at MSC 73.

### **Carriage requirements for voyage data recorders (VDRs) (Regulation 20)**

10.34 The Committee considered proposals by Japan (MSC 72/10/1 and MSC 72/10/2), the United States (MSC 72/10/3), the United Kingdom (MSC 72/10/15), INTERTANKO (MSC 72/10/9) and IEC (MSC 72/INF.19).

10.35 Japan (MSC 72/10/2) was of the opinion that it would be excessive to apply carriage requirements for VDRs to all types of ships including existing ships and, hence, such requirements should be applied to new passenger ships, including ro-ro passenger ships, only. With regard to other types of ships, careful consideration should be given to whether there was a compelling need to do so, taking into account parameters such as cost effectiveness, frequency and significance of ship accidents, etc.

10.36 The United States (MSC 72/10/3) proposed removal of the brackets and retention of the classes of ships listed in paragraphs 1.4 to 1.7 of draft regulation V/20, as proposed by the NAV Sub-Committee. In addition, the United States recommended accelerating the schedule of the phase-in dates for ships to be equipped with voyage data recorders which were proposed by the NAV Sub-Committee.

10.37 The United Kingdom (MSC 72/10/15) identified specific areas of safety at sea which would benefit as a result of the introduction of VDRs.

10.38 INTERTANKO (MSC 72/10/9), expressing doubts as to the benefits of retrofitting of VDRs on tankers, proposed that existing tankers should be exempted from carrying them. However, as the fitting of VDRs on new ships would not be particularly difficult, INTERTANKO could see no need for a gradual phase-in period for new buildings.

10.39 ICS (MSC 72/10/11) supported the mandatory carriage of VDRs on new and existing passenger and ro-ro passenger ships as proposed in the draft amendments. ICS also supported the fitting of VDRs to new cargo ships. Due to the high costs and considerable technical and practical difficulties, ICS believed that it would be inappropriate and unreasonable to extend the requirements to existing cargo ships.

10.40 The delegation of the United Kingdom highlighted that in paragraph 3 of draft regulation V/21 there was already a provision for Administrations to exempt existing ships, except ro-ro passenger ships, being fitted with a VDR where it can be demonstrated that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable.

10.41 IEC (MSC 72/INF.19) informed the Committee that a test standard had been prepared for VDRs based on the requirements of resolution A.861(20) on Performance standards for shipborne voyage data recorders and was due to be published as IEC 61996 in April 2000.

10.42 There was an extensive exchange of views on the carriage requirements for voyage data recorders. Some delegations supported the Japanese proposal, whilst others supported the proposals of the United States and the United Kingdom.

10.43 The delegation of Panama supported the INTERTANKO proposal as the most realistic one as coming from the industry.

10.44 In summarizing the debate, the Chairman proposed that there was general agreement that VDRs be fitted to all new ships and to existing passenger ships including ro-ro passenger ships. There was no consensus, however, on the application of this requirement to existing cargo ships, so delegations were invited to present papers on this subject to MSC 73. The application to existing ships would remain in square brackets.

**Safe navigation and avoidance of dangerous situations (Regulation 34)**

10.45 The Committee considered proposals by the United States (MSC 72/10/3) and ICS (MSC 72/10/11) relating to a proposed regulation dealing with voyage planning. The United States was of the opinion that there should be a provision in SOLAS chapter V on voyage planning, as careful planning for a voyage was a fundamental element in providing for safety of navigation and prevention of damage to the marine environment, while ICS could see no need for such a regulation following the adoption by A 21 of resolution A.893(21) on Guidelines for voyage planning.

10.46 The Committee endorsed the United States' proposal and amended the draft regulation 34 as proposed.

**Ice patrol service, management and cost (Regulation V/6)**

10.47 The Committee, recalling its initial consideration of the proposed draft amendments to regulation V/6 on Ice Patrol Service and the associated draft Rules for the management, operation and financing of the Ice Patrol under agenda item 3 (MSC 72/3, annexes 1 and 2 and MSC 72/3/Add.1) and its decision to return to the matter, when the amended proposal by the United States, as introduced in plenary, was available (MSC 72/WP.6/Add.1), agreed to consider the new proposal under this agenda item, as it related to the revision of SOLAS chapter V.

10.48 In discussing its amended proposal, the delegation of the United States invited the Committee to:

- .1 authorize the United States to apply the amended Rules commencing with billings to the Contributing Governments commencing with the 1997 ice season or as soon thereafter as possible; and
- .2 reaffirm its decision at its seventieth session (MSC 70/23, paragraph 11.61) that the ice patrol financing system is unique and should not be a precedent for charging ships navigating in international waters for services provided by coastal States.

10.49 Noting the reasoning behind the proposal for the amended Rules for the Ice Patrol Services, as outlined by the United States mainly stemming from the need to ensure their effective practical implementation, the Committee, recognizing the importance and benefits for the safety of navigation rendered by the Service, agreed, since this issue had considerable treaty implications as far as the Contracting Parties to the 1956 Agreement regarding Financial Support for the North Atlantic Ice Patrol were concerned and, therefore, needed further legal consideration at the national level:

- .1 not to adopt the proposed draft amendments to SOLAS chapter V at this session;
- .2 to defer the matter to MSC 73 for further consideration;
- .3 to instruct the drafting group to insert the proposed new text, with any editorial improvements, in the draft revised chapter V and keep it in square brackets for the Committee to decide when considering the whole chapter, for adoption at MSC 73; and

- .4 to invite Member Governments to submit comments and proposals thereon to that session of the Committee.

### **Pending square brackets in several draft regulations**

10.50 The Committee also considered and decided on text left in square brackets in several draft regulations (e.g. regulations 1, 3, 9, 15, 19 and 20) and instructed the drafting group to take this into account when editorially revising the draft text of revised SOLAS chapter V as given in NAV 45/14/Add.1.

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

10.51 Following detailed discussion of the above and other related issues, the Committee decided to establish a drafting group to prepare the final draft of the revised text of SOLAS chapter V, using documents NAV 45/14/Add.1 and MSC 72/WP.6 as the basic text and taking into account of any decisions of, and comments and proposals made in, plenary.

### **Report of the drafting group**

10.52 Having received the report of the drafting group (MSC 72/WP.6/Add.2), the Committee approved the draft text of revised SOLAS chapter V, as amended, set out in annex 9, and requested the Secretary-General to circulate it, in accordance with SOLAS article VIII, with a view to consideration and adoption at MSC 73.

10.53 The delegations of Chile and Ecuador expressed reservation at the revised text of regulation 2 stating that it could only support the original text submitted by IHO (MSC 72/10/14).

10.54 The delegation of Peru reserved its position on the approved wording of draft regulation V/2.2 regarding the definition of "nautical charts" and "nautical publications" and also on the definition of the same terms provided by IHO (MSC 72/10/14).

10.55 There was some considerable discussion on draft regulation 20 - Voyage data recorders, and some delegations were of the opinion that the text, as proposed in document NAV 45/14/Add.1 with regard to existing cargo ships, should be included in the revised text of the regulation in square brackets. However, the Committee decided to retain the text as drafted in MSC 72/WP.6/Add.2 which does not include requirements to fit VDR on existing ships, and invited delegations which had concerns on this issue to submit proposals to MSC 73. The delegation of the United States reserved their position on the decision regarding existing ships. The delegations of Japan and the Russian Federation reserved their position on the mandatory carriage of VDR for new cargo ships.

### **Navigational systems and equipment**

10.56 The Committee approved the proposed amendments to the appendix to the Annex to the 1974 SOLAS Convention and to the appendix to the Annex to the 1988 SOLAS Protocol regarding the list of details of navigational systems and equipment, as prepared by the drafting group, set out in annexes 10 and 11 respectively, and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII and 1988 SOLAS Protocol article VI, as appropriate, with a view to consideration and adoption at MSC 73.

### **Chart datums and the accuracy of positions on charts**

10.57 The Committee approved SN/Circ.213 on Guidance on chart datums and the accuracy of positions on charts.

### **New and amended Performance Standards for navigational equipment**

10.58 The Committee adopted, in accordance with the provisions of resolution A.886(21) - Procedure for adoption and amendment to performance standards and technical specifications:

- .1 resolution MSC.94(72) on Performance Standards for night vision equipment for high-speed craft, as set out in annex 12;
- .2 resolution MSC.95(72) on Performance Standards for daylight signalling lamps, as set out in annex 13; and
- .3 resolution MSC.96(72) on Adoption of amendments to the Performance Standards for devices to indicate speed and distance, resolution A.824(19), as set out in annex 14.

10.59 The delegation of the Bahamas expressed concern that the wording in paragraph 1.1 of the Annex to resolution MSC.96(72) referred to in paragraph 10.58.3 above on a minimum requirement for information to be provided on the distance run and the forward speed of the ship was both incorrect and inconsistent with that already agreed in paragraph 1.4.4 of regulation 19 of the draft revised chapter V. Since the Committee did not agree to a proposed minor drafting change, the delegation of the Bahamas reserved its position and expressed its intention to raise the matter again.

### **Training and certification of maritime pilots and revision of resolution A.485(XII)**

10.60 The Committee noted the Sub-Committee's agreement to a draft revised text of annex 2 - Recommendation on operational procedures for maritime pilots other than deep-sea pilots, to resolution A.485(XII) and its instruction to the Secretariat to convey it to STW 31 .

10.61 The Committee also noted that at STW 31, ICS, BIMCO, INTERCARGO, INTERTANKO, IFSMA, ISF, OCIMF and SIGTTO proposed amendments to Annex 2 to resolution A.485(XII) (STW 31/4/1). STW 31, noting that the proposed amendments were related to operational requirements, considered it more appropriate to refer that joint submission to NAV 46 for consideration and advice, to enable STW 32 to complete its work on the revision of resolution A.485(XII).

10.62 Having considered the view of STW 31, the Committee instructed the Sub-Committee to reconsider the issue at its forty-sixth session under its agenda item on "Any other business" and to convey the outcome of its consideration to STW 32.

### **Safety of passenger submersible craft**

10.63 The Committee noted the Sub-Committee's approval of section 2.4.5 of the draft Guidelines for the design, construction and operation of passenger submersible craft and its instruction to the Secretariat to convey it to DE 43.



10.64 The Committee further noted that DE 43 reviewed the Guidelines and, noting that the modifications made to the navigation provisions might necessitate expert sanctioning, agreed to invite NAV 46 to concur with the action taken regarding paragraph 2.4.6.4 of the said draft Guidelines, and to inform MSC 73 accordingly, with a view to consideration and final approval at that session.

## **OTHER MATTERS**

### **Guidelines on Automatic Identification System (AIS) operational matters**

10.65 The Committee noted that NAV 45 had agreed that, for the introduction of the mandatory carriage requirements of AIS, it was essential to develop a draft Assembly resolution on guidelines for the operation of shipborne AIS, for adoption by the twenty-second session of the Assembly. Accordingly, NAV 45 decided to request the Committee to include a corresponding item in its work programme.

10.66 In this context, the Committee considered a proposal by ICS (MSC 72/10/12) and INTERTANKO (MSC 72/10/8), which, strongly supporting the view that guidelines needed to be issued by IMO, had prepared such draft guidelines accordingly for consideration by the Committee and by NAV 46 (NAV 46/10).

10.67 ICS was of the opinion that:

- .1 the Guidelines should be restricted to shipborne operational matters only;
- .2 the AIS hardware configuration on which the Guidelines were to focus should be that which the majority of ships would be likely to initially fit to satisfy the new SOLAS chapter V carriage requirements;
- .3 a ship fitted with operational AIS equipment may be relieved from making manual reports to the appropriate authorities ashore, in areas where IMO-mandatory ship reporting systems exist;
- .4 while AIS might assist the officer of the watch (OOW) in making collision avoidance decisions and, indeed, ships might, under certain circumstances, be detected by AIS alone, the COLREGs must be complied with at all times;
- .5 the OOW should take particular care when attempting to match AIS target information with what has been observed from the ship, either visually or by radar;
- .6 the OOW should also be aware that ships may be broadcasting information from ship sensors that only satisfy the performance standards required of them by SOLAS chapter V and certain information on ship's course and speed over the ground, etc. may not be available for transmission; and
- .7 if the master believes that the continual operation of AIS might compromise the safety of his ship, he might switch the AIS off at any time.

10.68 The Committee agreed to instruct NAV 46 to consider documents MSC 72/10/8 and MSC 72/10/12 together with document NAV 46/10 in the context of its agenda item on "Guidelines on automatic identification system (AIS) operational matters".

### **Mandatory ship reporting system Off Les Casquets and the adjacent coastal area**

10.69 The Committee considered a proposal by France (MSC 72/10/13), submitted in the wake of the tanker **Erika** accident off the French coast in December 1999, on measures to reduce the likelihood of similar accidents occurring around its coasts and to strengthen safety of navigation, effectiveness of maritime traffic and environmental protection.

10.70 France was of the opinion that:

- .1 the safety of navigation would be improved by the introduction of a mandatory ship reporting system in the traffic separation scheme Off Les Casquets and the adjacent coastal area for ships over 300 gross tonnage, in accordance with the provisions of SOLAS regulation V/8.1; and
- .2 the proposed new mandatory reporting system would supplement the already existing mandatory ship reporting systems in place at Ushant (1996) and in Pas de Calais (1999).

10.71 The Committee decided to request the Sub-Committee to consider the French proposal (MSC 72/10/13) together with the more detailed relevant joint submission by France and the United Kingdom to NAV 46 (NAV 46/3/4) in the context of its agenda item on "Routeing of ships, ship reporting and related matters".

### **VDR operational matters including recovery after an accident**

10.72 The Committee was informed that at NAV 45, ICS (NAV 45/5/1) had sought guidance from the Sub-Committee as to who would legally own the data logged by a VDR and what would be the extent of obligations placed on the ship to recover its VDR after an incident and, in particular, after an incident that resulted in the ship sinking. ICS (MSC 72/10/11) had noted the guidance provided by the United States (NAV 45/14, paragraphs, 5.32 and 5.33) but requested further guidance from the Committee.

10.73 Having considered the issue briefly, the Committee decided to:

- .1 instruct the Secretariat to seek the advice of IMO's Legal Office on this issue; and
- .2 refer the relevant part of document MSC 72/10/11, together with the legal advice received, to NAV 46 for consideration under its agenda item on "Any other business" and provision of further guidance.

### **English version of the German inland waterway rules**

10.74 The delegation of Germany informed the Committee about the English version of the new amended traffic regulations for sea-going ships in German inland waterways including the Kiel Canal. These regulations are supplementing the 1972 Collision Regulations.

Taking into account that about two third of all vessels navigating in the German waterways are under foreign flags and in many cases the navigating officers on German vessels are foreign seafarers, Germany had decided to publish an English version of these regulations, so that any person in command of a vessel or any other person responsible for safety of navigation could

comply with the German provisions. Copies of the aforementioned publication were made available to delegations attending the session.

### **Archipelagic sea lanes**

10.75 The delegation of Indonesia drew the Committee's attention to the adoption, by MSC 69 in 1998, of the Indonesian proposal concerning the three Archipelagic Sea Lanes through its archipelagic waters (SN/Circ.202).

That decision had obliged Indonesia to prepare a national legislation on the designation of the three adopted sea lanes, including the rules and regulations with regard to the rights and obligations of ships and aircraft in the said archipelagic sea lanes, six months after the adoption of the said national legislation. Accordingly, in 1999, the Government of Indonesia finalized a draft of national regulation concerning the designated archipelagic sea lanes as well as rules and regulations for the said passages.

However, certain recent internal issues have affected the national implementation of IMO's adopted Indonesian archipelagic sea lanes. This situation has, in particular, affected one of the three archipelagic sea lanes, namely sea lanes III-A and III-B, which will cut through the newly independent State of East Timor. Therefore, the Indonesian Government was of the view that there was a need to further review the aforementioned specifically designated sea lanes.

The Indonesian delegation further informed the Committee that Indonesia had prepared an alternative proposal on this issue and expressed the hope that the Committee would, upon receipt, extend all necessary assistance in reviewing the archipelagic sea lane III, so that the process of implementing it could be accelerated.

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

### **REPORT OF THE FIFTH SESSION OF THE SUB-COMMITTEE**

#### **General**

11.1 The Committee approved, in general, the report of the fifth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 5/13 and Add.1 and MSC 72/11) and took action as indicated hereunder.

#### **Partially weatherproof hatchway covers on board containerhips**

11.2 The Committee requested the SLF Sub-Committee not to conclude its consideration of the issue of transport of dangerous goods in cargo holds with partially weatherproof hatchway covers until the Sub-Committee has made an appropriate decision on this issue.

#### **Applicability of SOLAS to high-speed craft**

11.3 The Committee noted the Sub-Committee's confirmation of the applicability of SOLAS chapters VI and VII to high-speed craft.

### **Adoption of Amendment 30 to the IMDG Code**

11.4 The Committee adopted Amendment 30 to the IMDG Code (DSC 5/13/Add.1, as amended), for entry into force on 1 January 2001, with a twelve-month transitional period until 31 December 2001, and dissemination as MSC/Circ.961.

### **Mandatory application of the IMDG Code**

11.5 The Committee recalled that MSC 71, after a lengthy discussion on the possible mandatory status of the IMDG Code and on various options of a suitable amendment procedure, decided (MSC 71/23, paragraph 8.21) that, before a final decision could be taken as to the mandatory status of the IMDG Code and the amendment procedure to be followed, it would be 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.

11.6 The Committee recalled further that MSC 71 (MSC 71/23, paragraph 8.23) 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 to advise MSC 72 accordingly.

11.7 The Committee noted that, as proposed by the E&T Group, DSC 5 (DSC 5/13, paragraph 3.93) recommended that all parts of the Code, except for those listed below (DSC 5/13, paragraph 3.80), should be mandatory:

- .1 chapter 1.3 (Training);
- .2 chapter 2.1 (Explosives - Notes 1 to 4);
- .3 2.3.3 of chapter 2.3 (Determination of flashpoint);
- .4 chapter 3.2 (Columns 15 and 17 of the Dangerous Goods List);
- .5 chapter 3.5 (Transport Schedules);
- .6 5.4.5 of chapter 5.4 (Multimodal dangerous goods form); and
- .7 chapter 7.3 (Special provisions in the event of an incident and fire precautions involving dangerous goods).

11.8 The Committee, recognizing that the issue of the mandatory application of the IMDG Code would necessitate an in-depth consideration and, consequently, considerable time, agreed, owing to time constraints at this session, to defer the consideration of this issue, together with documents MSC 72/11/1 (Netherlands) and MSC 72/11/3 and MSC 72/11/4 (Cyprus), to the next session.

11.9 Following this decision, the Committee requested the Secretariat to make any necessary changes to the text of Amendment 30 to reflect the recommendatory nature of the Code.

11.10 The Committee was informed by the IFSMA observer that the 26th IFSMA Annual General Assembly had adopted a resolution on the new reformatted IMDG Code urging Administrations to make training and/or re-training for all those concerned with dangerous goods transport operations mandatory at the national level. This resolution also expressed the hope that

the new computerized version of the reformatted IMDG Code would provide for accessing all references to special provisions and instructions, and also for references within such provisions and instructions, in order to simplify and facilitate the use of the new IMDG Code.

### **Revision of the Emergency Schedules (EmS)**

11.11 The Committee endorsed the establishment of the DSC Sub-Committee's correspondence group on the revision of the Emergency Schedules.

### **Matters relating to the BC Code**

11.12 The Committee adopted proposed amendments to the BC Code (annex 4 to document DSC 5/13) and approved their dissemination as MSC/Circ.962.

11.13 The Committee endorsed the Sub-Committee's action on the revision of the format of the BC Code.

11.14 The Committee endorsed the re-establishment of the DSC Sub-Committee's correspondence groups on the evaluation of the liquefaction potential of solid bulk cargoes and on the review of the BC Code.

### **Safety aspects of ballast water management - Cargo-related matters**

11.15 The Committee endorsed the Sub-Committee's action on the issue of cargo-related safety aspects of ballast water management.

### **Cargo stowage and securing**

11.16 The Committee noted the outcome of the Sub-Committee's consideration of the issue of cargo stowage and securing.

### **Proposed amendments to the Cargo Stowage and Securing (CSS) Code**

11.17 The Committee, having considered document MSC 72/11/2 submitted by Germany identifying a number of inconsistencies in the proposed amendments of the CSS Code (annex 7 to document DSC 5/13), which might mislead or even intimidate potential users of the Code, agreed to refer the German document to the Sub-Committee instructing it to further consider the proposed amendments to the CSS Code in its light and advise the Committee at its next session.

### **Safe transport of calcium hypochlorite**

11.18 The Committee noted the outcome of the Sub-Committee's consideration of the issue of calcium hypochlorite and approved MSC/Circ.963 on Transport of calcium hypochlorite.

11.19 The IUMI observer expressed appreciation to the Sub-Committee and the Committee for taking prompt action on this issue, which would greatly contribute to the safer transport of calcium hypochlorite.

## **INTERNATIONAL SYMPOSIUM ON THE TRANSPORT OF DANGEROUS GOODS 14**

11.20 The Committee noted information provided by South Africa (MSC 72/INF.16) on the fourteenth International Symposium on the Transport of Dangerous Goods, which is scheduled to take place in Durban, South Africa, from 3 to 5 September 2001.

## **12 FIRE PROTECTION**

### **REPORT OF THE FORTY-FOURTH SESSION OF THE SUB-COMMITTEE**

#### **General**

12.1 The Committee approved, in general, the report of the forty-fourth session of the Sub-Committee on Fire Protection (FP) (FP 44/19 and Add.1 and MSC 72/12) and took action as indicated hereunder.

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

12.2 The Committee endorsed the Sub-Committee's decision to delete from the draft revised SOLAS chapter II-2 the provisions which require retrofitting of fixed fire detection and fire alarm systems on cargo ships constructed before 1 September 1984.

#### **Revision of SOLAS chapter II-2**

12.3 The Committee considered the draft revised SOLAS chapter II-2 (FP 44/19/Add.1) for approval at this session and subsequent adoption by MSC 73 in connection with other issues referred to it by the Sub-Committee and took action as indicated hereunder.

12.4 In considering regulations 15 and 16 of the draft revised chapter II-2 regarding the language required for training manuals and operational booklets, in particular whether the language for such documents should be the working language of the ship or the official language of the Administration, the Committee endorsed the Sub-Committee's view that such documents should be written in the working language of the ship and that this was consistent with the ISM Code.

12.5 Having debated the application of regulation 14 - Operational readiness and maintenance; regulation 15 - Instructions, onboard training and drills; and regulation 16 - Operations, of the draft revised chapter II-2 and whether these regulations should be made applicable to all ships, and having noted the operational nature of these regulations, the Committee decided that, for the purpose of consistency, both new and existing ships should meet the same operational requirements.

12.6 Notwithstanding the above discussion, the Committee, noting that regulation 16.3.2.2 of the draft revised chapter II-2 contained structural requirements, decided to exclude this requirement from being applied to all ships.

12.7 The Committee noted that draft Guidelines on alternative design and arrangements for fire safety were referenced in regulation 17 of the draft revised chapter II-2 and that the Sub-Committee, in order to expedite their development, had established a correspondence group with a view to finalizing these draft Guidelines at FP 45 for adoption by the Committee in time before the entry into force of the revised chapter.

12.8 In the course of the consideration of the draft revised chapter II-2, the Committee, having considered documents submitted by Japan (MSC 72/12/2) and the United Kingdom (MSC 72/12/3) on proposals and editorial corrections pertaining to the draft revised chapter II-2 and the draft Fire Safety System Code (FSS Code), agreed to establish a drafting group, to consider these proposals as well as the various comments made by delegations and decisions reached by the Committee and propose appropriate modifications to the draft revised chapter II-2 and the FSS Code for the Committee to decide as appropriate.

12.9 With regard to the proposal by the United Kingdom (MSC 72/12/3, paragraph 4) that the draft revised chapter II-2 should also include the draft amendments to the existing SOLAS regulation II-2/63 proposed by BLG 4 and approved by the Committee (see paragraphs 8.3 and 8.4 above), the Committee, after some discussion, agreed that these amendments should be incorporated in the draft revised chapter II-2 and requested the drafting group referred to in paragraph 12.8 above to deal with the matter.

12.10 Having considered the drafting group's recommendations (MSC 72/WP.14) regarding proposed modifications to the draft revised chapter II-2, the Committee, after further discussion thereof, approved the draft revised chapter II-2, as set out in annex 15, for submission to MSC 73 for adoption. The Secretary-General was requested to circulate the aforementioned proposed amendments in accordance with SOLAS article VIII.

12.11 The delegation of Japan expressed the opinion that some fire safety provisions in the draft revised SOLAS chapter II-2 for existing ships should not apply until the first survey after 1 July 2002, and this opinion received support from several delegations. However, because the proposal was deemed to entail a substantial change to the draft revised SOLAS chapter II-2 and was made verbally, the Committee did not address it. Therefore, the delegation of Japan informed the Committee that it would submit a paper to MSC 73 on this matter.

### **Fire Safety System (FSS) Code**

12.12 The Committee also approved the draft FSS Code, as further modified (MSC 72/WP.14), set out in annex 16, for adoption by MSC 73 in conjunction with the adoption of the draft revised SOLAS chapter II-2.

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

12.13 The Committee approved MSC/Circ.964 on Unified interpretations of the FTP Code and the fire test procedures referred to in the Code.

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

12.14 The Committee approved MSC/Circ.965 on Unified interpretations of vague expressions and other vague wording of SOLAS chapter II-2, containing interpretations of SOLAS regulations II-2/34 and 49.

### **Low-expansion foam concentrates for fixed fire-extinguishing systems**

12.15 The Committee endorsed the Sub-Committee's action to issue a corrigendum to MSC/Circ.582 on Guidelines for the performance and testing criteria and surveys of low-expansion foam concentrates for fixed fire-extinguishing systems.

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

12.16 The Committee considered the outcome of the Sub-Committee's deliberations on the prohibition of the use of perfluorocarbons (PFCs) in shipboard fire-extinguishing systems and, having endorsed the Sub-Committee's view that there are no essential uses of PFCs in shipboard fire-extinguishing systems, approved the proposed regulation 10.4.1.3 of the draft revised SOLAS chapter II-2, prohibiting the use of PFCs in new shipboard fire-extinguishing systems. In view of the above decision, the Committee, noting that a similar draft amendment was also proposed for the existing SOLAS regulation II-2/5, agreed that there was no need to amend that regulation since the date of enforcement of such an amendment would be the same as for the revised chapter. The MEPC was invited to concur with this action.

### **Prohibition of the installation of asbestos on board new ships**

12.17 The Committee noted that documents FP 44/11 (France) and FP 44/11/1 (IACS) on the use of asbestos on board ships had been forwarded to DE 43 for consideration and that this matter would be dealt with under agenda item 13 (Ship design and equipment) (see paragraphs 13.6, 13.7 and 13.17 to 13.19 below).

### **Fire safety construction in accommodation areas**

12.18 The Committee endorsed the Sub-Committee's action to issue a corrigendum to MSC/Circ.917 on Guidelines on fire safety construction in accommodation areas.

### **EVACUATION ANALYSIS OF PASSENGER SHIPS AND HIGH-SPEED PASSENGER CRAFT**

12.19 The Committee considered a report submitted by Australia (MSC 72/12/1) on research to assess the motor ability of passengers during the evacuation of ferries and passenger ships and instructed the Secretariat to convey the aforementioned document to the Correspondence Group on Evacuation Analysis for Passenger Ships and High-Speed Passenger Craft, established by FP 44, for consideration as appropriate.

### **OTHER MATTERS**

12.20 In considering the drafting group's recommendations (MSC 72/WP.14) regarding the proposals on oil tank penetrations and fire hose diameters, as contained in document MSC 72/12/3 (United Kingdom), the Committee agreed to refer these matters to the Sub-Committee for further consideration.

## **13 SHIP DESIGN AND EQUIPMENT**

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

#### **General**

13.1 The Committee, recalling that at its seventy-first session it had considered urgent matters emanating from the forty-second session of the Sub-Committee on Ship Design and Equipment (DE), approved, in general, the report of that session of the Sub-Committee (DE 42/15) and took action on all remaining matters (MSC 72/13) as indicated hereunder.



### **LSA evaluation and test report forms**

13.2 The Committee noted the progress made on the development of life-saving appliance evaluation and test report forms and, in particular, the Sub-Committee's view that, at first, the forms should be issued under cover of an MSC circular to supplement resolution MSC.81(70) and, subsequently and after sufficient experience has been gained over several years, that the forms could replace the said resolution altogether.

### **Interpretation of the HSC Code**

13.3 The Committee approved the draft interpretations of section 7.8.6 and paragraph 7.8.6.1 of the HSC Code with a view to their incorporation in the MSC circular on Interpretations of the HSC Code prepared by the FP Sub-Committee. However, noting that MSC 71 had already approved MSC/Circ.911 on Interpretations of the fire protection-related provisions of the HSC Code, the Committee instructed the Secretariat to issue an addendum to MSC/Circ.911 attaching the approved interpretations of section 7.8.6 and paragraph 7.8.6.1 of the HSC Code.

### **Proposed amendments to SOLAS regulation II-1/3-4**

13.4 The Committee approved (see annex 17) draft amendments to SOLAS regulation II-1/3-4 on Emergency towing arrangements for tankers, proposed by the Sub-Committee, as modified on the basis of proposals by Japan (MSC 72/13/3) and the Netherlands (MSC 72/13/4) and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption by MSC 73. Consequently, the Committee agreed that the related Guidelines on emergency towing arrangements for tankers (resolution MSC.35(63)) should be amended accordingly (see paragraph 21.46 below).

### **IACS Unified Interpretation**

13.5 The Committee approved MSC/Circ.966 on IACS Unified Interpretation of "prototype test".

### **Asbestos-related matters**

13.6 The Committee, in considering the draft new SOLAS regulation II-1/3-5 on New installation of materials containing asbestos, proposed by DE 42, noted that FP 44, having considered document FP 44/11/1 (IACS) addressing the need for clarification of various expressions used in the draft regulation prepared by DE 42, had agreed in principle with IACS' concerns and, noting that the issues raised were not within the purview of the FP Sub-Committee, forwarded IACS's document to DE 43 to advise the Committee as appropriate when the latter would consider the draft regulation for approval. Consequently, the Committee agreed to consider this issue further when dealing with urgent matters emanating from DE 43 (see paragraphs 13.17 to 13.19 below).

13.7 The Committee, having considered whether a global research into the potential dangers involved in the handling of materials containing asbestos on board ships should be undertaken and also whether the World Health Organization should be invited to advise before a decision was taken, generally agreed that there was sufficient data available on the subject from various sources and, therefore, there was no need to take such action. Subsequently, the Committee agreed that the Sub-Committee should proceed, through its correspondence group, with the development of draft Guidelines for dealing with asbestos and with equipment and materials containing asbestos on board ships in service, as scheduled by DE 43.

## **WIG craft**

13.8 The Committee noted the progress made in the development of requirements for wing-in-ground (WIG) craft.

## **Guidelines under MARPOL Annex VI**

13.9 The Committee noted the work done on the Guidelines under MARPOL Annex VI on prevention of air pollution from ships, which had already been reported to MEPC 43.

## **URGENT MATTERS EMANATING FROM THE FORTY-THIRD SESSION OF THE SUB-COMMITTEE**

### **General**

13.10 The Committee considered urgent matters referred to it emanating from the forty-third session of the Sub-Committee (DE 43/18 and MSC 72/13/1 and Add.1) and took action as indicated hereunder.

### **Approval of the 2000 HSC Code**

13.11 The delegation of Norway expressed the opinion that IMO has an obligation to learn from the tragic accident in November 1999 involving the high-speed craft **Sleipner** when 16 people were killed (see paragraph 1.19 above), *prior* to finalizing the 2000 High-Speed Craft Code. However, it was not the intention of Norway to delay the adoption of the revised Code. Norway would submit proposals to SLF 43, and MSC 73 prior to adoption of the 2000 HSC Code. All the proposals are directly related to the **Sleipner** accident and address the following different subjects: watertight integrity of the superstructure; requirements on raking damage; evacuation arrangements and survival craft embarkation arrangements. In the opinion of the delegation of Norway, it is absolutely necessary to include stricter requirements in the Code in these 4 areas prior to adoption of the new HSC Code. These changes are crucial for the safety of passengers travelling on high-speed craft, and will also contribute to restoring the public confidence in this type of transport system. The delegation of Norway urged all delegations to consider the proposals to be submitted by Norway carefully and with an open mind prior to the final adoption of the new Code at MSC 73.

13.12 The Committee approved, subject to further contributions by NAV 46 and SLF 43, the draft International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code) and the associated draft MSC resolution on adoption of the Code by MSC 73, as set out in annex 18. In this connection, the Committee noted that the intersessional meeting of the SLF Working Group on Stability and Load Line Aspects of the HSC Code, held concurrently with DE 43, had prepared modifications to the draft 2000 HSC Code which were, as instructed by MSC 71, conveyed to this session of the Committee by incorporating the group's findings in the draft HSC Code but in square brackets to indicate that they will still be subject to final consideration by SLF 43 (11 to 15 September 2000) before adoption of the draft 2000 HSC Code by MSC 73.

13.13 With respect to the issues raised regarding the use of the Spanish language for the purpose of certification under the Code, the Committee noted that an appropriate modification to the relevant provisions of the draft Code had been made. The Committee further noted that a related document (MSC 72/21/11) submitted by Argentina, Brazil, Chile, Colombia, Cuba, Ecuador, Honduras, Mexico, Panama, Peru, Spain, Uruguay and Venezuela would be discussed under agenda item 21 (Work programme) (see paragraph 21.26 below).

13.14 Noting the outcome of the discussion concerning the inclusion of requirements for VDR in the draft 2000 HSC Code, the Committee requested NAV 46 to develop, as part of the final revision of chapter 13 of the 2000 HSC Code, carriage requirements for VDR for inclusion in that Code, in line with the corresponding provisions of the approved draft revised SOLAS chapter V, which would apply only to new passenger high-speed craft and cargo high-speed craft of a certain size, for submission to MSC 73. The NAV Sub-Committee was further requested to consider the application size threshold for new cargo high-speed craft.

13.15 Regarding existing high-speed craft, the Committee also requested NAV 46 to develop amendments to chapter 13 of the 1994 HSC Code to require the carriage of VDR on board passenger high-speed craft to which that Code applies, and convey them to DE 44 for further development and submission to MSC 74 for approval.

### **Proposed amendments to SOLAS chapter X**

13.16 The Committee approved proposed draft amendments to SOLAS chapter X, as set out in annex 19, with a view to adoption by MSC 73, and requested NAV 46 to make proposals to MSC 73 for adjustment of the references to regulation V/12 contained in the draft amendments. The Committee requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII.

### **Revised draft new SOLAS regulation II-1/3-5**

13.17 The Committee approved the revised draft SOLAS regulation II-1/3-5 on New installation of materials containing asbestos, in lieu of the draft text proposed by DE 42 (see paragraph 13.6 above), as set out in annex 20, with a view to adoption by MSC 73 and requested the Secretary-General to circulate it in accordance with SOLAS article VIII.

13.18 The delegation of Japan reiterated its statement to DE 43, which was supported by other delegations, that the use of asbestos materials on board ships should be prohibited with no exception, but agreed to accept in this occasion the compromise solution offered by the revised draft regulation II-1/3-5.

13.19 The observer of the European Commission advised the Committee that the use of asbestos on new ships would be entirely prohibited in the European Union from 1 January 2005, as laid down in Commission Directive 1999/77/EC of 26 July 1999.

### **Amendments to resolution A.744(18)**

13.20 The Committee approved the proposed amendments to Annex B (covering oil tankers) to resolution A.744(18) on Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers, as set out in annex 21, with a view to adoption by MSC 73 and requested the Secretary-General to circulate them in accordance with SOLAS article VIII.

13.21 In this connection, the Committee, having considered the draft MSC resolution on Recommendation on compliance with the requirements of paragraph 2.2.1.1 of annex 12 to Annex B to resolution A.744(18), agreed to the text set out in annex 22, for adoption by MSC 73, following adoption of the aforementioned amendments to resolution A.744(18).

13.22 The Committee, having considered a submission by France (MSC 72/22/7) proposing that the inspection of the outside of the ship's bottom during dry-dock surveys of oil tankers and bulk

carriers of 15 years of age and above should be made mandatory, and that the relevant sections of resolutions A.744(18) and A.746(18) should be amended accordingly, approved the draft amendments to Annexes A and B to resolution A.744(18), as set out in annex 23, for adoption by MSC 73. The Committee dealt with the proposed amendments to resolution A.746(18) under agenda item 7 (see paragraphs 7.48 to 7.50 above).

13.23 The observer of ICS, supported by various delegations, expressed the view that, due to the sudden introduction of the amendments referred to in paragraph 13.22 above, the 18 months intervening period between the date of their adoption (November/December 2000) and the expected date of entry into force (1 July 2002) may not be sufficient for Administrations and industry to implement fully the provisions thereof. In this connection, the delegation of Japan pointed to the possibility of determining an implementation date which would allow for the amendments to take effect some time after their entry-into-force date, as it was the case, for example, with MARPOL regulation I/13G. This and other possibilities could be explored at MSC 73 at the time of adoption of the subject amendments.

13.24 The Committee instructed the Secretariat to communicate the above decisions to the MEPC, for information and action as appropriate.

13.25 The Committee recalled its earlier decision to convey the draft amendments to Annex B to resolution A.744(18) to the Working Group on Bulk Carrier Safety established at the beginning of the session, for appropriate action (see paragraphs 4.7, 4.9.3 and 4.15 above).

#### **OUTCOME OF THE XXIII ANTARCTIC TREATY CONSULTATIVE MEETING**

13.26 The Committee noted information provided by the Secretariat (MSC 72/13/2) on a communication from the Government of Peru, on the outcome of the XXIII Antarctic Treaty Consultative Meeting, held in Lima, from 24 May to 7 June 1999, pertaining to Decision 2 thereof, as indicated hereunder.

Basically, the Consultative Meeting, having noted the outcome of MSC 71 regarding the development of recommendatory guidelines for ships operating in ice-covered waters and the Committee's decision to exclude Antarctica from the application of the guidelines unless decided otherwise by the Antarctic Treaty Parties, decided, *inter alia*, to:

- .1 give priority to the development of guidelines for Antarctic shipping and related activities pursuant to Article 10 of Annex IV to the Protocol;
- .2 seek subsequent adoption of these guidelines by the International Maritime Organization (IMO) as a means of extending their applicability to IMO Members which are not Antarctic Treaty Consultative Parties; and
- .3 convene a Meeting of Experts with the aim of developing draft guidelines for Antarctic shipping and related activities in accordance with agreed terms of reference.

The Consultative Meeting invited experts from Parties and organizations linked to the Antarctic Treaty and also from other international bodies, including IMO, to attend the aforementioned Meeting of Experts which eventually was held at the IMO Headquarters, as organized by the United Kingdom Government, from 17 to 19 April 2000, with the purpose of making progress in the preparation of draft guidelines for Antarctic shipping and related activities on the basis of Decision 2(1999) of ATCM XXIII.

The Meeting of Experts identified six main parts within the draft guidelines on which work was required and decided to set up working groups to deal with three parts, at this stage, and prepare broad indications on the subitems to be further developed. The working groups were tasked to identify specific hazards and appropriate measures. The question of vessels with large numbers of persons on board was raised in the working group dealing with SAR issues, ship-based air operations and incident reporting, investigation and analysis. The Meeting finally decided to defer consideration of those parts of the draft guidelines for Antarctic shipping which could benefit from the finalization of the Guidelines for ships operating in Arctic ice-covered waters. The proposals made during the Meeting will be considered at ATCM XXIV.

#### **14 TECHNICAL ASSISTANCE SUBPROGRAMME IN MARITIME SAFETY**

14.1 The Committee recalled that, at previous sessions, it had approved and thereafter kept revising as appropriate the Technical Co-operation Subprogramme for Maritime Safety for the period 1996-2000, for inclusion in the Organization's Integrated Technical Co-operation Programme (ITCP).

14.2 The Committee also recalled that the Technical Co-operation Committee had established a Working Group on Long-term Funding and Resource Mobilization Strategy.

14.3 The Committee noted information provided by the Secretariat (MSC 72/14) on the status of funding for technical co-operation activities and on both ongoing maritime safety and training-related technical co-operation projects currently under execution by the IMO Maritime Safety Division, as well as information on new projects under development.

14.4 The Committee further noted information provided orally on new technical co-operation initiatives with regard to the enhancement of maritime safety on Lake Victoria and on the support which had been provided to regional port State control agreements. Detailed updated information on each of the projects listed in the annex to document MSC 72/14 is contained in a relevant database maintained by the Secretariat and could be provided on request.

14.5 The Committee further noted that, with regard to funding for technical co-operation activities, 40% of the total required had been secured since the Committee's last session. The Committee welcomed information that, following the Council's approval, at its eighty-second session, of both a modest and realistic ITCP and a financial contribution of £3 million (approximately £2 million of which had been allocated to maritime safety activities), delivery of the ITCP was expected to be strengthened considerably.

14.6 The delegations of Barbados, Jamaica and Tunisia expressed appreciation for the technical assistance they had received from the Organization.

14.7 The Committee noted the information on technical assistance projects provided by the Secretariat and instructed it to proceed with their implementation and to report developments to MSC 73.

#### **IMO model course programme**

14.8 The Committee noted document MSC 72/14/1 (Secretariat), providing an update on IMO model course production and revision. The Committee instructed the Secretariat to follow-up the IMO model course project and to report developments to MSC 73.

## **Casualties of ships not covered by the provisions of international conventions**

14.9 The Committee noted with appreciation document MSC 72/14/2 by the Secretary-General expressing concern over the continuing loss of life resulting from maritime casualties involving ships not covered by international conventions, either because of their size or because they were engaged exclusively on domestic voyages. In view of IMO's global mandate for the safety of shipping and the protection of the marine environment, the Secretary-General had, whenever possible, offered the Organization's assistance to Governments in respect of non convention-sized ships. Examples were the assistance provided to Governments of the countries bordering Lake Victoria for the improvement of maritime safety on the Lake; the assistance to the Government of Haiti for the development of its maritime safety administration; and the development of small ship regulations for the Asian and Caribbean regions. The Secretary-General informed the Committee that he would continue to consider favourably any requests for assistance for the improvement of maritime safety even for non-convention ships and fishing vessels and encouraged Member Governments needing such assistance to forward their requests. To enable the Secretariat to respond to such requests, the Secretary-General invited those Member Governments, other donors and the international shipping industry at large in a position to do so, to assist both financially and in-kind to these efforts.

14.10 The Committee endorsed the Secretary-General's encouragement and invitation mentioned above and invited all parties concerned to act accordingly.

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

### **Outcome of the intersessional Correspondence Group on Fatigue**

15.1 The Committee recalled that, at its seventy first session, it agreed (MSC 71/23, paragraph 13.13) that the Correspondence Group on Fatigue should continue its work intersessionally, under the co-ordination of the United States, on the basis of agreed terms of reference as contained in paragraph 13.13 of the report of MSC 71 (MSC 71/23).

15.2 The Committee, having considered, in general, the report of the Correspondence Group (MSC 72/15), referred it to the Joint MSC/MEPC Working Group on Human Element (HE) and Formal Safety Assessment (FSA) for detailed consideration.

### **Amendments to SOLAS chapter IX and the ISM Code**

15.3 The Committee recalled that MSC 71 had recognized that the Guidelines on implementation of the ISM Code by Administrations (resolution A.788(19)) had been widely accepted as the basis for ISM Code certification and had, accordingly, noted the proposed amendments of SOLAS chapter IX and the ISM Code prepared by the Joint MSC/MEPC Working Group, as given in annex 2 to document MSC 71/WP.15.

15.4 The Committee also recalled that MSC 71 had 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, agreed to further elaborate the text for approval at this session with a view to adopting the proposed amendments at MSC 73.

15.5 The Committee, having considered the comments and proposals made by Denmark, Poland and Norway (MSC 72/15/1), expressed general support for these proposals as the amendments constituted the minimum necessary at this time. The delegation of the Republic of

Korea, supported by other delegations, drew attention to the need for safety management certificate (SMC) intermediate audits to be aligned with the harmonized system of survey and certification. The Committee did not, however, agree that, at present, SMC audits should be undertaken annually and instructed the joint group to consider the aforementioned proposals and to prepare appropriate draft amendments to SOLAS chapter IX and the ISM Code for approval by the Committee.

15.6 The Committee, noting that the amendments proposed by Chile (MSC 72/15/3) included proposals for annual audits, decided not to consider these proposals further at this stage.

### **Role of the human element**

15.7 The Committee recalled that the Joint MSC/MEPC Working Group on the Role of the Human Element (HE) in Maritime Casualties was established in 1991 by the Committee at its fifty-ninth session and the Marine Environment Protection Committee at its thirty-first session; and recognized that a significant amount of work had, since then, been accomplished by the Organization in addressing human element issues.

15.8 The Committee discussed, in general, documents MSC 72/15/2 and MSC 72/INF.9 submitted by the United States and Japan respectively and referred them to the joint group for consideration.

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

15.9 As decided by MSC 71, the Committee reconvened the Joint MSC/MEPC Working Group on HE and FSA with the following terms of reference relating to the human element:

#### **Consideration of fatigue issues**

- .1 to review the report of the Correspondence Group on Fatigue (MSC 72/15) and make recommendations in respect of those issues identified in the report as requiring further consideration, including the need for the correspondence group to continue its work intersessionally;

#### **Amendments to SOLAS chapter IX and the ISM Code**

- .2 to consider the proposals made to this session by Denmark, Poland and Norway (MSC 72/15/1) and, bearing in mind that amendments should be kept to the bare minimum, to prepare draft amendments to SOLAS chapter IX and the ISM Code for approval by the Committee; and

#### **Human element activities**

- .3 to review the human element activities carried out by the Organization and, on the basis of document MSC 72/15/2 (United States), to make appropriate recommendations for consideration by the Committee; and
- .4 to note the information submitted by Japan in document MSC 72/INF.9 and, if appropriate, recommend to the Committee accordingly.

## **Report of the joint working group**

15.10 Having received the report of the joint group (MSC 72/WP.7 and Add.1), the Committee considered it from the human element viewpoint and took action as outlined in the following paragraphs.

## **Amendments to SOLAS chapter IX and the ISM Code**

15.11 The Committee approved draft amendments to the ISM Code and consequential amendments to SOLAS chapter IX as amended, set out in annexes 24 and 25 respectively and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII, with a view to consideration and adoption at MSC 73.

15.12 In this context, the delegation of the United Kingdom drew the Committee's attention to the importance of good communication between Administrations in the event that the withdrawal of a DOC by one Administration affects the validity of SMCs issued by another Administration.

15.13 The Committee noted the concerns raised by the delegation of the Russian Federation regarding the new forms of certificates proposed in the draft amendments which may be different from the existing certificates and their concerns about the validity of those certificates that have already been issued. The Committee agreed that Contracting Governments should advise both flag and port State control officers to accept the existing certificates issued in accordance with resolution A.788(19) until they expire.

## **Review of the report of the intersessional Correspondence Group on Fatigue**

15.14 The Committee, noting the outcome of consideration by the joint group of the report of the intersessional Correspondence Group on Fatigue (MSC 72/15), agreed that the correspondence group\* should continue its work in accordance with the following new terms of reference:

- .1 to continue the development of practical guidance on fatigue to all relevant parties, taking into account the following:
  - .1 each module should be self-contained;
  - .2 module 1 should contain general information on, and fundamental aspects of, the subject of fatigue;
  - .3 the title of module 2 should be changed to "Fatigue and the rating";
  - .4 existing module 8 should be used as an appendix and not be numbered separately, in order to facilitate the addition of new modules as they are developed;

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- .5 two new modules pertaining to maritime pilots and tugboat personnel should be developed; and
- .6 references to mandatory instruments should be highlighted in an appropriate manner;
- .2 to develop case studies and examples for each module as appropriate which should be highlighted in an appropriate manner;
- .3 to make proposals on the best use of the information contained in the modules and ensure that the information is presented in an "user-friendly" format; and
- .4 to submit its report, containing the draft guidance, to the Committee at its seventy-fourth session.

15.15 The Committee also agreed that the dissemination of the guidance as an MSC/MEPC circular should be as wide-ranging as possible and should be considered by the Committees at MSC 74 (see also paragraph 16.15 below).

### **Human element activities**

15.16 The Committee noted the summary of ongoing human element activities in IMO and agreed that the information should be updated on a regular basis. The Committee instructed the sub-committees to apply the Human Element Analysing Process (HEAP) given in MSC/Circ.878/MEPC/Circ.346 as a matter of priority in their work and also requested the sub-committees to provide information on experience gained during application of the HEAP process with a view to further improving of the process. The Committee also noted the proposed work plan on human element-related activities as set out in annex 6 to MSC 72/WP.7.

15.17 The Committee noted the information provided by the United States on establishing an Internet database on studies, research and other information related to the human element and invited Member Governments to supplement this database with more information on studies and investigation analyses from the human element point of view.\*

15.18 The Committee instructed NAV 46 to consider, in detail, the information submitted by Japan (MSC 72/INF.9).

## **16 FORMAL SAFETY ASSESSMENT**

### **General**

16.1 The Committee recalled that MSC 71, in considering the report of the Joint MSC/MEPC Working Group on Human Element (HE) and Formal Safety Assessment (FSA) (MSC 71/WP.15/Add.1), noted that the joint group had discussed the following matters concerning the FSA Interim Guidelines with a view to developing amendments thereto:

- .1 use of the regulatory impact diagram;

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\* <http://www.uscg.mil/humanelements>.

- .2 use of expert views/judgements; and
- .3 determination of risk acceptance criteria/levels.

The joint group 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 these new Guidelines should become an appendix to the FSA Interim Guidelines.

16.2 The Committee further recalled that MSC 71, following discussion of the report of the joint group at that session, also agreed that, at this session, the Committee should further:

- .1 discuss the use of the regulatory impact diagram, using as a reference the regulatory impact diagram given in annex 6 to document MSC 71/WP.15/Add.1;
- .2 consider the issue of experts views and judgement, using the preliminary Guidance note for the use of experts in an FSA trial application, given in annex 7 to document MSC 71/WP.15/Add.1, with a view to incorporating Guidance into the FSA Interim Guidelines;
- .3 discuss risk acceptance criteria aiming at the development of a definition of such criteria, which might, in future, be included in the FSA Interim Guidelines; and
- .4 consider the draft Guidance on human reliability analysis (HRA) within the formal safety assessment, as contained in annex 8 to document MSC 71/WP.15/Add.1, with a view to incorporating it, as an appendix, into the FSA Interim Guidelines.

16.3 The Committee, having briefly discussed the following documents submitted to the session by:

- .1 Norway (MSC 72/16), in the context of the issue of risk acceptance criteria;
- .2 United Kingdom (MSC 72/16/1) on the use of the regulatory impact diagram attaching a summary on how the diagram fits into the FSA process;
- .3 United States (MSC 72/16/2) expressing concerns with regard to the integration of the Guidance into the FSA process and proposing a framework for ensuring that the human element is taken into consideration and that FSA process is used where needed and appropriate; and
- .4 Japan (MSC 72/INF.17) presenting a method for reduction of the number of accident scenarios and an example of the trial calculation of cabin fire risks,

referred them to the Joint MSC/MEPC Working Group on HE and FSA, established under agenda item 15, for detailed consideration.

16.4 The Committee noted with appreciation information provided by Japan (MSC 72/INF.10) on the Seminar on Formal Safety Assessment held in Tokyo on 26 October 1999.

### **Terms of reference of the Joint MSC/MEPC Working Group on HE and FSA, relating to formal safety assessment**

16.5 The Committee instructed the aforementioned Joint MSC/MEPC Working Group on HE and FSA, taking into account comments and proposals made in plenary:

- .1 to further develop amendments to the FSA Interim Guidelines on the basis of the texts contained in annexes 5 to 8 of document MSC 71/WP.15/Add.1 and in the light of relevant decisions of MSC 71 (paragraphs 14.2 to 14.14 of document MSC 71/23) taking into consideration the comments and proposals made in the documents submitted to the session;
- .2 to ascertain the outstanding work to complete this work programme item and the significance and importance of this work in the FSA process as well as in the related work of the Organization; and to advise on an appropriate work plan to carry out the urgent or essential remaining work; and
- .3 to consider the need of a correspondence group to deal with the FSA matters intersessionally and, if so, to prepare draft terms of reference for such a group.

### **Report of the joint working group**

16.6 Having received the report of the joint working group (MSC 72/WP.7), the Committee considered it from the FSA viewpoint and took action as indicated in the following paragraphs.

16.7 The Committee noted that the joint group had agreed to incorporate in the draft revised FSA Guidelines the following:

- .1 guidelines on practical application of FSA to the IMO rule-making process (MSC 71/WP.15/Add.1, annex 5);
- .2 guidance on the use of experts in the FSA application (MSC 71/WP.15/Add.1, annex 7); and
- .3 guidance on the use of human reliability analysis (HRA) within formal safety assessment (MSC 71/WP.15/Add.1, annex 8).

16.8 With regard to the regulatory impact diagrams (RID), the Committee noted that the group had agreed that RID may be used in qualitative terms for assessing the influence of regulations in respect of effective prevention of accidents. However, to be confident about the possible use of this technique, more information on the practical application was needed. In that respect, the joint group amended the draft revised FSA Guidelines by deleting the relevant paragraph and included the use of regulatory impact diagrams (RID) as a new appendix to the guidelines, to be considered as a basis for further discussions.

16.9 The Committee noted the opinion of the joint group that, in the light of continuous FSA applications being developed, further improvements to the FSA Interim Guidelines should be discussed as a matter of priority at the group's next session and that further improvements to the Guidelines should include the integration of the human element into the FSA process; and, as

advised by the joint group, decided to establish an intersessional Correspondence Group on FSA under the co-ordination of Japan\*, with the following terms of reference:

- .1 to develop further improvements to the Interim Guidelines for the application of formal safety assessment (FSA) to the IMO rule-making process (MSC/Circ.829-MEPC/Circ.335), taking into account the proposals set out in document MSC 72/WP.7, annex 7;
- .2 to develop further guidance on the use of regulatory impact diagrams (RID) and provide relevant examples of their application;
- .3 to consider the possible application of risk evaluation criteria, taking into account proposals in document MSC 72/16;
- .4 to consider the integration of the human element into the FSA process;
- .5 to consider any further proposals arising from the trial applications of the FSA Interim Guidelines, *inter alia*, the studies on bulk carrier safety being developed by the International Collaborative Formal Safety Assessment Study co-ordinated by the United Kingdom (MSC 72/INF.18 and MSC 72/4/3) and by Japan; and
- .6 to submit its report to the Committee at its seventy-fourth session.

16.10 The observer from IACS advised that, in response to the need for the standardized training package identified in document MSC 71/WP.15/Add.1 (paragraph 31), IACS had developed an FSA training package for the establishment of a basic understanding of FSA methodology. The Committee welcomed an offer from IACS to make the training package available to MSC 74.

### **Future work programme**

16.11 With regard to the future work programme, the Committee noted that the joint group had identified the following outstanding issues on FSA for consideration at its next session:

- .1 finalisation of the improved draft revised FSA guidelines for their continuous application and the consequent ending of the period of trial applications;
- .2 further integration of the human element and FSA into the IMO decision-making process; and
- .3 development of risk evaluation criteria with regard to maritime safety and the protection of the marine environment.

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16.12 In this context, the Committee, in order to facilitate the development of risk evaluation criteria for the protection of the marine environment, taking into consideration the desirability of their integration in the "precautionary approach", invited Member Governments to include experts on protection of the marine environment in their delegations attending MSC 74.

16.13 As advised by the joint group, the Committee agreed to refer document MSC 72/INF.17 (Japan) regarding the methods for reducing the number of accident scenarios to be considered in FSA studies and relating to evacuation of passengers due to fire and smoke risks in accommodation spaces, to the Working Group on Enhancing the Safety of Large Passenger Ships, for consideration.

### **Work plan**

16.14 The Committee approved the following work plan of the joint group relating to FSA:

- .1 consideration of the outcome of the intersessional correspondence group on FSA with a view to finalizing the improved Guidelines;
- .2 consideration further of the integration of the human element and the FSA into the IMO rule-making process;
- .3 development of risk evaluation criteria with regard to maritime safety and the protection of the marine environment; and
- .4 development of a training package for the establishment of a basic understanding of the FSA process.

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

16.15 In view of the work being undertaken by the two proposed correspondence groups on fatigue and on FSA, respectively and to allow them sufficient time to complete their work, the Committee agreed to reconvene the Joint MSC/MEPC Working Group on HE and FSA at MSC 74 and further agreed not to include the items on "Role of the human element" and "Formal safety assessment" in the agenda for MSC 73 (see also paragraph 21.60 below).

16.16 The Secretariat was instructed to inform the MEPC of the outcome on the issue.

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

### **Statistical information**

17.1 The Committee noted (MSC 72/17) that, in accordance with the Committee's instructions, the Secretariat had, since MSC 71, issued monthly reports on piracy and armed robbery against ships submitted by Governments and international organizations (latest MSC/Circ.945 of 30 April 2000), quarterly analyses of the reported incidents (latest MSC/Circ.944 of 1 April 2000) and the annual summary for 1999 (MSC/Circ.942).

17.2 The Committee also noted that the total number of incidents reported to the Organization, since statistics on these unlawful acts started being compiled in 1984, had amounted to 1,758 by the end of April 2000. Although the Committee welcomed the information that, over the period under review (April 1999 to March 2000), the number of reported incidents had decreased from

38 to 29 in South America and the Caribbean and from 19 to 16 in East Africa, it was concerned to note that the incidents reported during the same period had increased from 6 to 37 in the Malacca Strait, from 94 to 136 in the South China Sea, from 25 to 51 in the Indian Ocean, from 22 to 36 in West Africa and from 2 to 4 in the Mediterranean Sea over the 1998 figures. In total, there were 309 incidents of piracy and armed robbery against ships reported to the Organization in 1999, which was an increase of 47% over the figure for 1998. The Committee was particularly deeply concerned to be informed that, during the period under review, 2 seafarers had lost their lives and another 11 had been wounded during attacks by pirates and armed robbers; that, in addition, 9 ships had been hijacked, 7 ships had gone missing and 1 ship had been destroyed. Therefore, the Committee once again, invited Governments of flag, port and coastal States and the industry to intensify their efforts to eliminate these unlawful acts.

17.3 The Committee noted a report submitted by IMB/ICC (MSC 72/17/6) on the hijacking of the m.v. **Alondra Rainbow** and its subsequent apprehension by the Indian Navy and Indian Coast Guard; and comments relating to the hijacked ships m.v. **Marine Master** and m.t. **Siam Xanxai**.

17.4 The Committee expressed appreciation to the Government of India for the decisive action taken by the Indian Navy and Indian Coast Guard in apprehending the pirated ship m.v. **Alondra Rainbow**; and to the Government of China for locating the hijacked ships m.v. **Marine Master** and m.t. **Siam Xanxai**. The Committee also expressed appreciation to IMB/ICC for their valuable co-ordination and assistance given, in particular in the successful conclusion of the above-mentioned incidents.

17.5 The Committee further expressed appreciation to the Governments of China and India for providing information (MSC 72/17/Add.1) on the action they had taken with regard to incidents reported to have occurred in their territorial waters; and urged other Governments in similar situations to provide the Organization with the information requested.

17.6 Several delegations commended the IMB for their submission (MSC 72/17/6) and were of the opinion that Member Governments should become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol (1988 SUA Convention and Protocol) and also ensure its effective implementation. In addition, views were expressed that, for tackling the problem of piracy and armed robbery more effectively, international co-operation needed to be enhanced.

17.7 The Indian delegation, referring to the IMB document (MSC 72/17/6), was of the view that appropriate, separate definitions should be developed for "piracy" and "armed robbery" to differentiate between the two kinds of unlawful acts. Several delegations supported the proposal and were of the opinion that these definitions were necessary.

17.8 The Committee noted that the need for a definition for "armed robbery" was also identified by the 2000 Mumbai seminar and workshop which had recommended that this could be developed in the context of the preparation of the draft code/instrument for the investigation and prosecution, as referred to in paragraph 17.12 below.

### **Implementation of the anti-piracy project**

17.9 The Committee recalled that, at its seventy-first session (MSC 71/23, paragraphs 15.7 to 15.16), it had received the complete reports on the mission of experts to the South East Asia region; on the mission to Brazil and on the regional seminar and workshop held in Brasilia in

October 1998 for Latin American and Wider Caribbean countries; and on the Singapore regional seminar and workshop held in February 1999 for South China Sea and Malacca Strait countries.

17.10 The Committee, having received the full report on the October 1999 mission of experts to Abuja, Nigeria, and the regional seminar and workshop on piracy and armed robbery against ships held in Lagos, Nigeria, for West and Central African countries (MSC 72/17/2), reiterated its appreciation to the Government of Nigeria for hosting the meeting. It noted, in particular, resolution No.2 (annex 6 to document MSC 72/17/2) adopted by the Lagos regional seminar and workshop (similar to the one adopted by the 1999 Singapore and 2000 Mumbai seminars and workshops), suggesting that the development of a code of practice/instrument for the investigation and prosecution of acts of piracy and armed robbery against ships should be pursued on a priority basis, so that the Code/instrument and any guidelines accompanying it could be circulated as soon as possible.

17.11 The Committee noted further that the Lagos seminar and workshop had recommended the reviewing and, as appropriate, further developing of the standard message format for piracy attacks and alerts contained in appendix 2 to MSC/Circ.623/Rev.1 (annex 6 to annex 2 to document MSC 72/17/2). Accordingly, the Committee decided to request the COMSAR Sub-Committee to consider that recommendation and report to MSC 74 as appropriate.

17.12 The Committee noted, in general, a preliminary report on the March 2000 regional seminar and workshop on piracy and armed robbery against ships held in Mumbai, India, for Indian Ocean countries (MSC 72/17/3) and was informed that the full report on that meeting will be submitted to MSC 73. It noted, in particular, that four important features, characteristic of the prevailing situation in the Indian Ocean region, were identified:

- .1 the problem of hijacking and disposal of cargo is a new trend in the Indian Ocean region, the incident of the cargo ship **Alondra Rainbow** being a most recent example of this;
- .2 the problem of hijacking and holding the crew hostage for ransom money seems to be unique to the Indian Ocean region;
- .3 the usual *modus operandi* of the Indian Ocean pirates and armed robbers does not differ substantially from that of other regions of the world with most of the attacks in the Indian Ocean region taking place while ships are at berth or at anchor; and
- .4 drug-related piracy might increase in future, unless a concerted effort is promptly undertaken by the countries concerned.

17.13 The Committee expressed appreciation to the Government of India for hosting the Mumbai regional seminar and workshop for Indian Ocean countries.

17.14 The Committee further noted that, with the Mumbai seminar and workshop, the anti-piracy project initiated in 1998 had come to completion; and expressed appreciation to the Governments which hosted the various meetings; the Governments and international organizations which supported the project financially; the lecturers and other experts who assisted; and the Secretariat for organizing and running the various events.

17.15 The delegation of Brazil informed the Committee of various measures they had put in place for tackling the menace of piracy and armed robbery against ships which had borne fruitful results. Among these, they mentioned the introduction of patrols conducted by the maritime

police and added that additional measures were being contemplated. It was their intention to submit proposals to MSC 73 for the revision of MSC/Circs.622/Rev.1 and 623/Rev.1 aiming at ensuring flexibility of communications.

17.16 The delegation of Indonesia informed the Committee that the Indonesian Government was most concerned and deeply committed to combating and suppressing all forms of crime, including piracy and armed robbery against ships in its waters. It outlined the various measures Indonesia had taken in this regard, with operations carried out by the Indonesian Navy, Marine Police and Coast Guards and in co-operation with neighbouring countries.

Indonesia was tackling the issue to the very best of its ability, but the large sea area and coastline involved presented obvious difficulties for the law enforcement agencies. Information on robberies was, however, mostly received late through third parties, which prevented prompt action. Many incidents occurring were foiled by vigilant crew members and often only a small amount of property was taken. There was also an internationally organized syndicate, its leader not being an Indonesian citizen, involved in numerous incidents of crime at sea. Names of ships had been changed, documents forged and new crews had even been recruited not realising the nature of the operation.

The Indonesian delegation invited Member Governments to forward comments and suggestions that could assist Indonesia to better tackle the problem of piracy and armed robbery in its territorial waters.

17.17 The Nigerian delegation updated the Committee on the action being taken by the national authorities to tackle the problem of piracy and armed robbery and stated that it required a little more time to implement a co-ordinated action plan.

17.18 Notwithstanding the completion of the aforementioned project, the Committee recognized that piracy and armed robbery continued to pose a serious threat to navigational safety and environmental protection and, therefore, invited Member Governments and the industry to provide comments and proposals as to what further action should be taken to eliminate the problem.

17.19 The Committee was informed by the Secretariat that, subject to funding, it was considering conducting assessment missions to countries which have participated in the piracy/armed robbery seminars and workshops between 1998 and 2000, to evaluate the follow-up actions taken by the Governments concerned. Such an activity could include advisory services and "tabletop" exercise workshops at the national level. Initial contacts with interested Governments, who contributed funds for the anti-piracy project just completed are being pursued.

### **International Conferences on combating piracy and armed robbery against ships (Tokyo, March and April 2000)**

17.20 The Committee was informed of the organization, by the Government of Japan, of two high-level international conferences on combating piracy and armed robbery, which took place in Tokyo in March and April 2000 and which were attended by representatives of Governments of certain Pacific and Indian Ocean countries and the Secretariat.

17.21 The delegation of Japan informed the Committee that the two conferences had been very successful and had resulted in an exchange of positive views. Japan also provided information on the two basic documents adopted at the two conferences, i.e. the Tokyo Appeal and the Model Action Plan. In concluding, the delegation expressed appreciation to the participating countries



and the IMO Secretariat for their contribution to the success of the meeting, and further reiterated its appeal for strengthening international co-operation in tackling the problem of piracy and armed robbery against ships.

17.22 The Committee welcomed the initiative of the Government of Japan to convene the two Conferences and noted that in the two basic documents adopted as a result (i.e. the Tokyo Appeal and the Model Action Plan) extensive reference had been made to MSC/Circs.622/Rev.1 and 623/Rev.1. The Committee, expressing appreciation to the Government of Japan for its valuable contribution to the endeavours of IMO and the world maritime community to combat piracy and armed robbery globally, also expressed the wish that similar meetings are organized at other piracy-infested regions of the world.

### **Consideration of the report of the correspondence group**

17.23 The Committee received the report of the correspondence group on the preparation of a code of practice/instrument for the investigation and prosecution of the crime of piracy and armed robbery against ships (MSC 72/17/4) containing a preliminary draft text of an instrument for the investigation and prosecution of the crime of piracy and armed robbery against ships. In the context of the report, the Committee took into account the IMB/ICC proposal (MSC 72/17/6) that Member Governments should review their national legislation relating to piracy and related offences.

17.24 Having discussed the draft code/instrument to some extent, the Committee instructed the correspondence group\* to continue its work intersessionally, taking into account the comments made in plenary and to report to MSC 73, when a working/drafting group could be established to finalize the draft instrument for adoption. Interested Member Governments and organizations were requested to provide the correspondence group with comments and/or proposals.

### **Directives for Maritime Rescue Co-ordination Centres (MRCCs)**

17.25 The Committee considered a proposal by France (MSC 72/17/5 and MSC 72/17/5/Rev.1 (English only)) calling for the development of a special MSC circular for Maritime Rescue Co-ordinating Centres (MRCCs), which, in most situations of piracy and armed robbery against ships, are the first point of contact between the ship and coastal authorities concerned following the Master's decision to request assistance.

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17.26 The Committee considered a draft MSC circular as proposed by France and amended in MSC 72/WP.15 and approved MSC/Circ.967 on Directives for Maritime Rescue Co-ordinating Centres (MRCCs).

### **UN General Assembly resolution relating to piracy and armed robbery against ships**

17.27 The Committee considered a document by the Secretariat (MSC 72/19/2) containing resolution 54/31 on Oceans and Law of the Sea, adopted on 18 January 2000 by the United Nations General Assembly at its fifty-fourth session and referring, *inter alia*, to IMO's activities on piracy and armed robbery against ships.

17.28 The Committee noted, in particular, the contents of paragraphs 20, 21, 22 and 23 of the aforementioned resolution, as follows:

- “20. *Calls upon* States to co-operate fully with the International Maritime Organization to combat piracy and armed robbery against ships, including by submitting reports on incidents to that Organization;
21. *Also calls* upon States to implement the International Maritime Organization guidelines on preventing attacks of piracy and armed robbery and to co-operate with the International Maritime Organization correspondence group, established to draw up standard guidelines for Governments in investigating attacks against ships and prosecuting offenders, and with other initiatives of the Organization in this area;
22. *Urges* all States, in particular coastal States in affected regions, to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea, including through regional co-operation, and to investigate or co-operate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice, in accordance with international law;
23. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol, and to ensure its effective implementation”.

### **Phantom ships and the registration process**

17.29 The Committee considered a joint submission by Canada, China, Denmark, the United Kingdom and ICFTU (MSC 72/17/7) proposing the development of an Assembly resolution encouraging flag States to ensure that proper checks are made when registering a ship in order to reduce the number of “phantom” ships and hijackings.

17.30 The Committee noted that the aforementioned Mumbai seminar and workshop, when adopting a resolution on the appropriate punishment for the crime of piracy and armed robbery against ships, invited the Committee to consider the issue of “phantom ships” (i.e. fraudulent registration, certification and identification of ships) in the light of the experience gained from the **Alondra Rainbow** incident.

17.31 There was considerable discussion on the issue of phantom ships and the registration process with a number of delegations proposing that the matter should be brought to the attention of the United Nations General Assembly.

17.32 There was also general agreement that the issue of phantom ships needed to be taken further than the development of the proposed draft Assembly resolution thereon, e.g. to consider engraving the IMO ship registration number in the ships hull, as proposed by the Mumbai seminar; utilizing the EQUASIS system; developing guidance material on this issue, etc. It was agreed that these general ideas should be further discussed at MSC 73, when the Mumbai seminar and workshop report would be considered. Member Governments were invited to submit comments and proposals to that session.

17.33 Whilst acknowledging that the UN General Assembly had called upon States to co-operate fully with IMO to address the piracy/armed robbery issue (MSC 72/19/2, annex, paragraphs 20 and 21), the Committee was of the opinion that there might be additional assistance that could be provided from other bodies within the framework of the United Nations to ensure that seafarers and ships can safely and peacefully engage in international maritime activities. Appreciative of the support given by the UN General Assembly, the Committee, therefore, requested the Secretary-General to bring the growing seriousness of the problem of piracy and armed robbery against ships at sea to the attention of the United Nations for such additional action as it might deem appropriate.

17.34 Having further discussed the issue, the Committee requested the correspondence group on the preparation of the aforementioned code of practice/instrument to consider and advise MSC 73 on the proposed draft Assembly resolution so that, if MSC 73 so decides, a draft resolution may be approved for submission to the twenty-second session of the Assembly for adoption.

**OCIMF Publication “Piracy and Armed Robbery Against Ships – Code of Practice for Countermeasures for Use by Terminal Operators and other Shore Authorities”**

17.35 The Committee noted, with appreciation, the recently issued OCIMF Publication “Piracy and Armed Robbery Against Ships - Code of Practice for Countermeasures for Use by Terminal Operators and other Shore Authorities” (MSC 72/INF.3).

**IFSMA Assembly resolution on piracy and armed robbery against ships**

17.36 The IFSMA observer informed the Committee of the outcome of the twenty-sixth IFSMA Annual General Assembly (19-20 May 2000), which had, *inter alia*, adopted a resolution on piracy and armed robbery against ships calling upon Member Governments of the Organization to take effective steps to tackle the problem. The Committee noted with appreciation the information provided.

**18 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS**

Owing to lack of time, the Committee deferred consideration of this item to MSC 73.

**19 RELATIONS WITH OTHER ORGANIZATIONS**

**Agreement of co-operation with IMSO**

19.1 The Committee was informed (MSC 72/19, paragraph 1) that the Council, at its eighty-second session, approved the terms of the proposed Agreement of Co-operation with the International Mobile Satellite Organization (IMSO), for submission to the twenty-first session of the Assembly, which eventually approved the Agreement.

### **Applications for consultative status**

19.2 The Committee, recalling that MSC 70 had recommended to the Council that consultative status should:

- .1 not be granted to FETSA, since it was viewed as not being truly international and could have access to IMO through other organizations; and
- .2 be granted to IMCA and, provisionally, to WNTI and be restored with respect to IOI, since these organizations were found to meet the requisite criteria and, in particular, because they were assessed to be able to contribute directly to IMO's work and did not seem to have access to IMO through other organizations,

noted the concurrent decisions by C 82 with respect to ICMA, IOI and WNTI and that FETSA had, in the meantime, withdrawn its application (MSC 72/19, paragraphs 3 and 4).

19.3 In considering new applications for consultative status referred to it by the Council (MSC 72/19) in respect of the:

- .1 International Harbour Masters' Association (IHMA); and
- .2 Professional Yachtsmen's Associations (PYA),

the Committee noted relevant decisions taken by FAL 27 and MEPC 44, as set out in document MSC 72/2/2/Add.1.

19.4 The Committee established a group to consider the applications referred to in paragraph 19.3 above and advise the Committee as appropriate. Having received the group's report (MSC 72/WP.8), the Committee, concurring with the relevant decisions of FAL 27 and MEPC 44, recommended to the Council that consultative status should:

- .1 not be granted to PYA, since it was viewed as only being able to marginally contribute to the Committee's work, not being truly international and that it could have access to IMO through other organizations; and
- .2 be granted to IHMA since this organization was found to meet the requisite criteria and, in particular, because it was assessed to be able to contribute directly to IMO's work and did not seem to have access to IMO through other organizations.

### **Review of organizations in consultative status**

19.5 The Committee noted the decision of the Council (MSC 72/19, paragraph 11), taking into account the advice of the Chairmen of the MSC and MEPC (as outlined in paragraphs 8 and 9 of document MSC 72/19) with respect to ILA (to discontinue and to invite reapplication when aligned with IMO policy), ICOMIA (to retain), IMTA (to discontinue) and AWES (to retain provisional status).

### **European Parliament resolution**

19.6 The Committee noted the information provided in document MSC 72/19/1 on the European Parliament resolution on Oil slick off the French coast.

## **United Nations resolutions**

19.7 The Committee considered document MSC 72/19/2 on Security Council resolution 1269, relating to combating terrorism; and UN General Assembly resolution 54/31 on Oceans and the Law of the Sea, relating to piracy and armed robbery against ships.

19.8 The Committee, recalling that it had considered matters relating to piracy and armed robbery against ships under agenda item 17 (Piracy and armed robbery against ships) (see paragraphs 17.27 and 17.28 above), noted the emphasis the Security Council had placed on the importance of enhanced co-ordination among States and international and regional organizations for the purpose of combating terrorism.

## **20 APPLICATION OF THE COMMITTEE'S GUIDELINES**

Owing to lack of time, the Committee deferred consideration of this item to MSC 73.

## **21 WORK PROGRAMME**

### **GENERAL**

#### **Enhancing the safety of large passenger ships**

21.1 The Committee considered a Note by the Secretary-General (MSC 72/21), in which (having provided recent statistical information on the actual fleet of passenger ships of 50,000 gross tonnage and above built between 1961 and 1999, totalling approximately 3.75 million gross tonnage and being capable of carrying 120,200 passengers and 43,100 crew members) he outlined the work currently carried out by sub-committees with regard to safety aspects pertaining to passenger ships and noted that, while this demonstrates the Committee's concern to further enhance the safety of such ships, it demonstrates, at the same time, that so far the issue has been approached on a piecemeal and unco-ordinated basis. The Secretary-General, therefore, considered that the time had come for the Organization to undertake a global consideration of safety issues pertaining to passenger ships, with particular emphasis on large cruise ships and suggested that, as in the case of bulk carrier safety, the Committee might decide to keep the matter under its own auspices, possibly through an ad hoc working group.

In making the above suggestion, the Secretary-General was anxious to dispel any negative and unsubstantiated perception associated with the safety of the recently built large cruise ships, which he had no reason to doubt in any respect. He was similarly not concerned as to whether such ships complied with the most recently adopted SOLAS requirements applicable to ships of their category, because he was convinced they did. What, however, he thought merited due consideration was whether SOLAS and, to the extent applicable, the Load Line Convention requirements, several of which had been drafted before some of these large ships were built, duly addressed all the safety aspects of their operation, in particular in emergency situations. Also, whether the training requirements of the STCW Convention relating to personnel operating large cruise ships were in need of any review or clarification in the circumstances.

21.2 Following discussion of the Secretary-General's proposal, together with comments and proposals made on the subject by Germany (MSC 72/21/4), the United Kingdom (MSC 72/21/14), IACS (MSC 72/21/9) and ICS (MSC 72/21/15), generally supporting the Secretary-General's views and pointing to some aspects of the issue which, in their view, should also be taken into consideration, the Committee, being appreciative of the Secretary-General's

initiative to propose action which should be taken to further enhance the safety of large passenger ships in a co-ordinated manner, agreed to proceed along the lines suggested by him, namely:

- .1 establishing a working group under its auspices to start work at MSC 73 in accordance with terms of reference agreed to at this session; and
- .2 inviting Member Governments and international organizations concerned to submit comments and proposals to MSC 73 for consideration and action as appropriate.

21.3 The Committee, having agreed to a holistic approach in its endeavours to enhance the safety of large passenger ships, also agreed that the working group should, rather than having an open-ended mandate, be provided with clear terms of reference along which to conduct its work and should undertake, *inter alia*, identification of areas of passenger ship safety of a particular concern, which should be addressed immediately and on which efforts should be concentrated first, as well as those of a long-term nature; and that such specific issues as evacuation, human element and search and rescue should be dealt with on a priority basis.

21.4 In pursuance of the above decision, the Committee established a drafting group which it tasked to prepare draft terms of reference for the Working Group on Enhancing the Safety of Large Passenger Ships, to be established at MSC 73, taking into account the proposals made in the documents submitted to the session and comments/proposals made and decisions taken in plenary.

21.5 The delegation of the United Kingdom informed the Committee of the outcome of the International Conference on Large passenger ships – Looking to the future, held in London, on 15 and 16 May 2000 (MSC 72/21/14, paragraph 6) which, *inter alia*, concluded that cruise ships/ro-ro ships should be considered separately; innovation in design had gone much ahead of today's rules; for the future, more consideration for equivalence to prescriptive rules should be given; more proactive than re-active approach was needed; more modelling should be used for evacuation; risk analysis should take a holistic approach; operation on board, pressure on deck officers and training in crisis management should be emphasised; and IMO should develop the definition of the term "near miss".

21.6 Having received the report of the drafting group (MSC 72/WP.5), the Committee approved terms of reference for the Working Group on Enhancing the Safety of Large Passenger Ships, as follows:

The working group, taking into account documents MSC 72/21 (Secretary-General), MSC 72/21/4 (Germany), MSC 72/21/9 (IACS), MSC 72/21/14 (United Kingdom), MSC 72/21/15 (ICS), MSC 72/12/1 (Australia), FP 44/3/1 (United Kingdom) and MSC 72/INF.17 (Japan), information provided by the United Kingdom on the Conference on large passenger ships, (London, 15-16 May 2000), other related papers and comments and proposals made in plenary, should:

- .1 conduct an overview of the existing situation relating to large passenger ships in the light of current practices, the existing regulatory regime and safety philosophy/approaches;
- .2 identify areas of concern, using a holistic approach and, in particular, taking into account the human element, relating to:

- .1 the ship, including, but not limited to:
  - .1.1 construction and equipment;
  - .1.2 evacuation (external/internal);
  - .1.3 operation and management;
- .2 people, including, but not limited to:
  - .2.1 crew;
  - .2.2 passengers;
  - .2.3 rescue personnel;
  - .2.4 training;
  - .2.5 crisis and crowd management;
- .3 environment, including, but not limited to:
  - .3.1 search and rescue services;
  - .3.2 operation in remote areas;
  - .3.3 weather conditions;
- .3 examine efforts already underway at IMO, within the industry or other organizations with a view to identifying any area which may require further attention and make proposals, as appropriate;
- .4 identify, from a proactive point of view, the potential risks future large passenger ships may face in the coming decade, and any long-term considerations relating to the above; and
- .5 prioritize, with the appropriate reasons thereof, the work to be undertaken and develop a draft work plan for the Committee and its subsidiary bodies,

and, as agreed earlier on, invited Member Governments and international organizations concerned to submit comments and proposals to MSC 73.

### **Collision between *Norwegian Dream* and *Ever Decent***

21.7 In the context of the consideration of this item, the Committee noted that the Secretary-General had received with appreciation, from the Bahamas Maritime Authority, the report of the investigation into the collision between the passenger ship **Norwegian Dream** and the containership **Ever Decent** in the approaches to the Dover Strait on 24 August 1999. The use by the investigating authorities of simulation techniques was quite innovative and the Secretary-General believed that use of technologically advanced methods would help IMO and the maritime community to get to the root of maritime accidents so that the lessons learnt as a result are, to the extent possible, based on accurate facts.

21.8 The delegation of Panama, referring to the joint submission, by the Bahamas and Panama, to NAV 45 of information (NAV 45/3/7) on the above collision and its submission to FP 44, advised the Committee that as a result of FP 44's request for more detailed information on the difficulties encountered in fighting the fire in the container stack after the collision, there had been an unforeseen delay in finalizing the casualty report. The delegation of Panama stated that the report of the investigation into the accident by the appropriate authorities of Panama, flag State of the containership involved in the collision, would be finalized soon.

**Follow-up to A 21**

21.9 Having considered the outcome of the twenty-first session of the Assembly (MSC 72/21/1) and the specific actions the Committee had been requested to take, the Committee noted that:

- .1 in the context of resolutions A.881(21), A.882(21), A.884(21), A.885(21), A.888(21), A.890(21), A.891(21) and A.893(21) adopting various recommendations, performance standards, guidelines and procedures, the Committee had been requested to keep them under review and amend them as appropriate;
- .2 in the context of resolution A.886(21) – *Procedure for the adoption of, and amendments to, performance standards and technical specifications*, by means of which resolution A.825(19) had been revoked, the Committee (and the MEPC) had been authorized to perform, on behalf of the Organization, the function of adopting performance standards and technical specifications as well as amendments thereto;
- .3 in the context of resolution A.879(21) – *Long-term work plan of the Organization (up to 2006)*, the Committee had been requested to keep the list of identified work plan subjects under review, continuing to bear in mind the directives contained in resolutions A.500(XII), A.777(18) and A.900(21) and to report or recommend, as necessary, to the Assembly at its twenty-second session; to ensure that the subjects proposed for future work are those on which significant work could reasonably be envisaged in the foreseeable future; to take into account that proposed items, and especially those involving amendments to existing conventions, should be evaluated by reference to the directives in resolution A.500(XII), and that a “compelling need” must be demonstrated for new or revised standards; and, when reviewing the long-term work plan and in making recommendations for the work programme for subsequent periods, to bear in mind the desirability of not scheduling more than one conference in any one year, save in exceptional circumstances; and
- .4 in the context of resolution A.900(21) – *Objectives of the Organization in the 2000s*, the Committee had been requested, under the co-ordination of the Council, to take measures to, *inter alia*, implement the proactive policy; focus attention on specific issues of IMO activities, in particular, on the implementation of existing IMO standards with special emphasis on the implementation of the revised STCW Convention and the ISM Code; promote efforts to prevent and suppress unlawful acts which threaten the security of ships and safety of those on board; continue observing resolutions A.500(XII) and A.777(18); and fully observe these objectives in carrying out its work and, in its supervision of its subsidiary bodies, to ensure that they implement properly the requirements of this resolution.



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

### **General**

21.10 Taking into account the recommendations made by the Sub-Committees which met since MSC 71, as reflected in their reports (MSC 72/21/1/Add. 1, 2 and 3); the various proposals submitted to this session; a preliminary assessment (MSC 72/WP.1) of proposals for new items made by Member Governments 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.

21.11 The delegation of Cyprus stated that, although the preliminary assessment of new work programme items contained in MSC 72/WP.1 follows the agreed criteria for general acceptance provided in the Guidelines on the organization and method of work, having accepted the proposal for a work programme item on "Large passenger ship safety" without such a preliminary assessment, it would be prepared to accept, for consistency, all the proposed new work programme items contained in the above referred working paper irrespective of whether they follow the agreed criteria for acceptance contained in the Guidelines.

### ***SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)***

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

21.12 The Sub-Committee's work programme, as confirmed by the Committee, is set out in annex 26. The Secretariat was instructed to inform the MEPC accordingly.

21.13 The Committee confirmed the approval of the provisional agenda for BLG 5, as set out in annex 27 and instructed the Secretariat to inform the MEPC accordingly.

#### **Timing of BLG 5**

21.14 The Committee noted that MEPC 43, noting (MSC 72/2/2) that the proposed postponement of BLG 5 to 2001 to secure funds for the work on hazard evaluation would, whilst not solving the problem, prevent other important issues being resolved, decided that BLG 5 should be held in 2000 as originally planned.

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

#### **New work programme item proposed by DSC 5**

21.15 Endorsing a proposal by DSC 5, the Committee decided to include, in the Sub-Committee's work programme, a new high priority item on "Stowage and segregation requirements for freight containers on containerhips with weatherproof hatchway covers", with a target completion date of 2001.

21.16 With regard to the proposed change of the title of the item on "Cargo securing manual" to "Cargo stowage and securing", the Committee agreed to reconsider the issue at MSC 73 and invited Member Governments to submit proposals/comments on this matter.

## **Manual on loading and unloading of solid bulk cargoes for terminal representatives**

21.17 Recalling its decision, under agenda item 4, on the matter emanated from FAL 27 that a manual on loading and unloading of solid bulk cargoes should be developed by the DSC Sub-Committee (co-ordinator), in co-operation with the SPI Working Group (see paragraph 4.17), the Committee agreed to include a new high priority item on "Development of a manual on loading and unloading of solid bulk cargoes for terminal representatives", with a target completion date of 2002, in the Sub-Committee's work programme and a relevant item in the provisional agenda for DSC 6.

### **Work programme of the Sub-Committee and provisional agenda for DSC 6**

21.18 The work programme of the Sub-Committee, as revised and approved by the Committee, is set out in annex 26.

21.19 The Committee approved the provisional agenda for DSC 6, as set out in annex 27, including the new items referred to in paragraphs 21.15 and 21.17 above.

### **Dates of DSC 6**

21.20 The Committee noted that, although DSC 6 had tentatively been scheduled to take place from 5 to 9 February 2001 (DSC 5/13, paragraph 10.10), it was subsequently arranged to be held from 16 to 20 July 2001 to give Governments and the industry more time to consider the outcome of the UN Committee of Experts on the Transport of Dangerous Goods, which regularly meets in December of every even year.

### ***SUB-COMMITTEE ON FIRE PROTECTION (FP)***

#### **New work programme items proposed by FP 44**

21.21 Endorsing proposals by FP 44, the Committee decided to include, in the Sub-Committee's work programme, the following new items:

- .1 guidelines on alternative design and arrangements for fire safety, with a target completion date of 2001; and
- .2 revision of resolution A.602(15), with a target completion date of 2002.

### **Work programme of the Sub-Committee and provisional agenda for FP 45**

21.22 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 26.

21.23 The Committee approved the provisional agenda for FP 45, as set out in annex 27, including the new items referred to in paragraph 21.21 above.

### ***SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)***

#### **Follow-up action to A 21**

21.24 The Committee, having considered the outcome of the twenty-first session of the Assembly (MSC 72/21/1, paragraph 3.2.1), agreed to instruct the Sub-Committee, in the context

of resolution A.881(21) – *Self assessment of flag State performance*, to consider, under its work programme item on “Implementation of IMO instruments: responsibilities of Governments and measures to encourage flag State compliance”, other measures necessary to ensure the effective and consistent global implementation of IMO instruments and, in doing so, to pay particular attention to any special difficulties faced by Governments.

21.25 The Committee noted (MSC 72/2, paragraph 12.2) that the Assembly, in adopting resolution A.882(21) – *Amendments to the Procedures for port State control (resolution A.787(19))*, requested the Committee to initiate, at the earliest opportunity, a procedure for amending the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)). In pursuance of this request, the Committee decided to refer the matter to FSI 9 for consideration and preparation of appropriate draft amendments in the context of its agenda item on “Review of resolutions A.744(18) and A.746(18)” (see paragraph 21.27 below).

#### **Inclusion of the Spanish language in the certificates, registers, manuals and other documents specified in SOLAS 1974**

21.26 Having discussed a joint proposal by Argentina, Brazil, Chile, Colombia, Cuba, Ecuador, Honduras, Mexico, Panama, Peru, Spain, Uruguay and Venezuela (MSC 72/21/11) in which the submitting Governments, having referred to resolution A.354(IX) on Progressive use of Spanish as a working language of the Organization, proposed draft amendments to SOLAS regulations III/8.2 (regarding the muster list and emergency instructions) and VI/7.2 (regarding the safe cargo loading data providing booklet) to require that these documents should be drawn up in the Spanish language as well, the Committee agreed to refer document MSC 72/21/11 to the Sub-Committee for consideration and to include a new high priority item on “Use of the Spanish language in SOLAS certificates, manuals and other documents”, with a target completion date of 2002, in the Sub-Committee’s work programme and a relevant item in the provisional agenda for FSI 9.

#### **Change of the title of the work programme item**

21.27 The Committee agreed to change the title of the work programme “Revision of Survey Guidelines (resolution A.744(18))” to “Review of resolutions A.744(18) and A.746(18)”.

#### **Illegal, unregulated and unreported (IUU) fishing**

21.28 The Committee, having recalled that under agenda item 7 (see paragraph 7.26 above) it agreed to consider at MSC 74 the outcome of the Joint FAO/IMO Working Group on the subject following its consideration and advice by FSI 9, included a new high priority item on “Illegal, unregulated and unreported (IUU) fishing and related matters”, with the target completion date of 2002, in the Sub-Committee’s work programme and a relevant item in the provisional agenda for FSI 9.

#### **Work programme of the Sub-Committee and provisional agenda for FSI 9**

21.29 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 26. The Secretariat was requested to inform the MEPC accordingly.

21.30 The Committee approved the provisional agenda for FSI 9, including the new items referred to in paragraphs 21.26 and 21.28, as set out in annex 27; and instructed the Secretariat to inform the MEPC accordingly.

## Timing of FSI 9

21.31 The Committee further noted that, due to the need to re-arrange the meeting dates of the parents bodies, the Committee and the MEPC, the meeting of the ninth session of the Sub-Committee had now been tentatively scheduled to take place from 19 to 23 February 2001.

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

#### **New work programme item proposed by COMSAR 4 and deletion of existing item**

21.32 Endorsing a proposal by COMSAR 4, the Committee decided to include, in the Sub-Committee's work programme, a new high priority item on "Procedures for responding to DSC alerts", with 2 sessions needed to complete the item. The Committee also decided to delete the existing item on "Safety on passenger submersible craft" from the Sub-Committee's work programme as work on the item had been completed.

#### **Follow-up action to A 21**

21.33 The Committee considered the outcome of the twenty-first session of the Assembly (MSC 72/21/1, paragraphs 3.7.1, 3.7.2 and 3.11.1) relevant to the work of the Sub-Committee and requested the Sub-Committee:

- .1 in the context of resolution A.888(21) – *Criteria for the provision of mobile-satellite communication systems in the Global Maritime Distress and Safety System (GMDSS)*:
  - .1.1 to apply the criteria set out in the annex to the resolution, in particular the procedure set out in section 1 of the annex, when evaluating mobile-satellite systems notified by Governments for possible recognition for use in the GMDSS;
  - .1.2 to consider developing, in connection with any decisions relating to the above, amendments to the provisions of the relevant SOLAS chapter IV regulations; and, to that effect, the Committee included, in the Sub-Committee's work programme, a new high priority item on "Amendments to SOLAS chapter IV pursuant to the criteria set out in resolution A.888(21)", with 3 sessions needed to complete the item; and
  - .1.3 to ensure that, for mobile-satellite communication systems to be recognized by the Organization for use in the GMDSS, they should be compatible with appropriate SOLAS requirements and also that any such recognition should not result in substantial changes having to be made to existing procedures and equipment performance standards. Consequently, the Committee decided to include, in the Sub-Committee's work programme, a new high priority item on "Development of a procedure for recognition of mobile-satellite systems", with 2 sessions needed to complete the item; and
- .2 in the context of resolution A.894(21) – *International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual*, to ensure that, prior to adoption, any proposed amendments to the IAMSAR Manual are agreed with ICAO.

### **Technological watch: developments in maritime radiocommunication systems and technology**

21.34 The Committee considered a proposal by France (document MSC 72/21/2) to include, in the Sub-Committee's work programme, a continuous item under which information on developments in maritime radiocommunication systems and technology can be collected and analysed with a view to assessing the overall situation and taking action as appropriate. Having recalled resolution A.606(15) on Review and evaluation of the GMDSS, by means of which the Committee had been requested to review and evaluate any experience gained with the GMDSS and determine whether there is a need to adjust the system's requirements, the Committee agreed to invite the delegation of France to submit any additional information to MSC 73 for reconsideration together with the proposal submitted to the present session and also to consider submitting simultaneously the same proposal to COMSAR 5 for consideration subject to positive outcome of MSC 73.

### **Bridge-to-bridge communications**

21.35 Having considered document MSC 72/21/3 whereby France has suggested consideration of "bridge-to-bridge communications", one of the functions of the GMDSS, the Committee decided to invite the delegation of France to submit any additional information to MSC 73 for reconsideration together with the proposal submitted to the present session and also to consider submitting simultaneously the same proposal to COMSAR 5 for consideration subject to positive outcome of MSC 73.

### **Revision of NAVTEX receiver performance standards**

21.36 Having considered document MSC 72/21/6 (France) proposing that, in order to ensure that the different versions of equipment offered to users are compatible with the GMDSS, consideration be given to revising the performance standards for narrow-band direct printing telegraph equipment for the reception of navigational and meteorological warnings and urgent information to ships within the NAVTEX service, as set out in resolution A.525(13), the Committee decided to invite the delegation of France to submit any additional information to MSC 73 for reconsideration together with the proposal submitted to the present session and also to consider submitting simultaneously the same proposal to COMSAR 5 for consideration subject to positive outcome of MSC 73.

### **Work programme of the Sub-Committee and provisional agenda for COMSAR 5**

21.37 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 26.

21.38 The Committee approved the provisional agenda for COMSAR 5, as set out in annex 27.

### ***SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)***

### **New work programme items proposed by NAV 45 and retention of existing item**

21.39 Endorsing proposals of NAV 45, the Committee decided to include, in the Sub-Committee's work programme, the following new items:

- .1 guidelines for recording events related to navigation, with a target completion date of 2001; and
- .2 guidelines on automatic identification system (AIS) operational matters, with a target completion date of 2001,

and further, as requested by STW 31, agreed to retain the item on "Training and certification of maritime pilots and revision of resolution A.485(XII)" in the Sub-Committee's work programme, with 1 session needed to complete the item (see paragraph 10.62 above).

### **Review of resolution A.818(19)**

21.40 Having considered document MSC 72/21/5 (Germany) proposing revision of resolution A.818(19) on Performance standards for shipborne Loran-C and Chayka receivers, to define the characteristics of the Loran-C and Chayka receivers internationally in order to provide for the receipt of DGNS information for shipborne use of such signals from Loran-C and Chayka transmitters, the Committee invited Germany to resubmit their proposal to MSC 73, in accordance with the provisions of the Guidelines on the organization and method of work.

### **Mooring fittings and supporting structure**

21.41 Australia and Canada (MSC 72/21/7), supported by Norway (MSC 72/21/12), expressed concern over the failure, in a number of incidents, of ship mooring fittings and/or their associated structure, when manoeuvring with tugs, which had jeopardized the safety of ship, tug, personnel, safe navigation, safe containment of cargo and the marine environment. The submitting Governments, having identified that neither SOLAS nor classification society requirements cover the issue, considered that the hardware aspects of the problem could be adequately addressed by inclusion of appropriate provisions in the SOLAS Convention.

21.42 The Committee, while recognizing the need for appropriate anchoring, mooring and towing equipment requirements, agreed to invite Australia and Canada to resubmit their proposal to MSC 73, in accordance with the provisions of the Guidelines on the organization and method of work.

### **Work programme of the Sub-Committee and provisional agenda for NAV 46**

21.43 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 26.

21.44 The Committee approved the provisional agenda for NAV 46, as set out in annex 27, including the new and retained items referred to in paragraph 21.39.

### ***SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)***

### **Mooring fittings and supporting structure**

21.45 The Committee recalled its decision, when considering documents MSC 72/21/7 (Australia and Canada) and MSC 72/21/12 (Norway) in the context of the work programme of the NAV Sub-Committee, to invite Australia and Canada to re-submit their proposal to MSC 73, in accordance with the provisions of the Guidelines on the organization and method of work.

**Amendments to the Guidelines on emergency towing arrangements for tankers (resolution MSC.35(63))**

21.46 Having recalled that under item 13 it agreed (see paragraph 13.4 above) that the Guidelines should be amended in line with the amendments to SOLAS regulation II-1/3-4 proposed by the Netherlands (MSC 72/13/4), the Committee instructed DE 44 to deal with the matter under its agenda item on “Any other business”.

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

21.47 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 26.

21.48 The Committee approved the provisional agenda for DE 44, as set out in annex 27.

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

**Development of guidelines for the conduct of high-speed craft model tests**

21.49 The Committee considered a proposal by the United Kingdom (MSC 72/21/8) calling for the development of guidelines for the conduct of model tests aiming at determining whether the conditions for invoking exemptions from the requirements for certain inner bow-doors, as incorporated in the 2000 HSC Code, are met. Following discussion, the Committee agreed to include, in the Sub-Committee’s work programme, a new high priority item on “Guidelines for the conduct of high-speed craft model tests”, with a target completion date of 2001 as well as a relevant item in the provisional agenda for SLF 43.

**The HARDER project**

21.50 The Committee considered information provided by Norway and the United Kingdom (MSC 72/21/10) on a research programme entitled “Harmonization of rules and design rationale (HARDER)” aimed at providing a more fundamental and exhaustive approach to the development of the harmonized damage stability requirements (currently under consideration by the Sub-Committee) and proposing that the target completion date of the Sub-Committee’s work programme item on “Development of the revised SOLAS chapter II-1 parts A, B and B-1” be modified accordingly.

21.51 In this context, the Committee noted comments by Japan (MSC 72/21/1) stating that more information on the HARDER project should be provided before consideration is given to the extension of the agreed target completion date for the aforementioned work programme item.

21.52 Following some discussion, the Committee referred document MSC 72/21/10 to SLF 43 for information instructing the Sub-Committee to consider the results of the HARDER project when they are made available. The Committee further agreed that the Sub-Committee should, in the meantime and pending the results of the HARDER project, continue its work on revision of SOLAS chapter II-1 parts A, B and B-1 and advise the Committee on the extension of the target completion date of the item on “Development of the revised SOLAS chapter II-1 parts A, B and B-1”, as appropriate.

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

21.53 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 26.

21.54 The Committee approved the provisional agenda for SLF 43, as set out in annex 27, including the new item referred to in paragraph 21.49 above.

### **Items to be considered by MSC 73**

21.55 Noting that, due to the close proximity between SLF 43 and MSC 73 and in accordance with the provisions of paragraph 44 of the Guidelines on the organization and method of work, it should consider, at its seventy-third session, only urgent matters emanating from SLF 43, the Committee agreed that the following should be considered as urgent items for consideration by MSC 73:

- .1 revision of the HSC Code, including modifications to the draft new edition of the HSC Code (draft 2000 HSC Code);
- .2 revision of the technical regulations of the 1966 LL Convention; and
- .3 the Sub-Committee's work programme and provisional agenda for SLF 44.

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

#### **New work programme item proposed by STW 31**

21.56 Endorsing a proposal by STW 31, the Committee decided to include, in the Sub-Committee's work programme, a new low priority item on "Review of the implementation of STCW chapter VII", with 2 sessions needed to complete the item.

### **Work programme of the Sub-Committee and provisional agenda for STW 32**

21.57 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 26.

21.58 The Committee approved the provisional agenda for STW 32, as set out in annex 27, including the new item referred to in paragraph 21.56 above.

### **INTERSESSIONAL MEETINGS AND ARRANGEMENTS FOR THE NEXT TWO SESSIONS**

#### **Intersessional meetings**

21.59 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 37 of the Guidelines on the organization and method of work; as well as the Committee's decision at MSC 66 that all Sub-Committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justify request for consideration, the Committee, taking into account decisions made under various agenda items, approved the following intersessional meetings:



- .1 the Joint FAO/IMO Working Group on IUU Fishing and Related Matters, to meet from 9 to 11 October 2000; and
- .2 the Editorial and Technical (E & T) Group of the DSC Sub-Committee, to meet from 23 to 27 July 2001 following DSC 6.

### **Substantive items for inclusion in the agendas for MSC 73 and MSC 74**

21.60 The Committee agreed on the substantive items to be included in the agendas for its seventy-third and seventy-fourth sessions set out in document MSC 72/WP.3, as amended to include in the agenda for MSC 73 the items on "Outcome of CSD 7" and "Mandatory application of the IMDG Code" and to delete therefrom the items on the "Role of the human element" and "Formal safety assessment".

### **Establishment of working groups during MSC 73**

21.61 Recalling the provisions of the Guidelines on the organization and method of work concerning the number of groups which may be established at any 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-third session:

- .1 enhancing the safety of large passenger ships;
- .2 bulk carrier safety; and
- .3 STCW matters.

### **Dates of the next two sessions**

21.62 The Committee noted that its seventy-third session had been scheduled to take place from 27 November to 6 December 2000. With regard to its seventy-fourth session, the Committee noted that, originally, MSC 74 had been scheduled to take place from 9 to 18 May 2001; and MEPC 46 from 2 to 6 July 2001, i.e. nine months after MEPC 45. However, in order for the Organization to respond as rapidly as possible to the needs for action in the aftermath of the **Erika** accident, the Secretary-General, having consulted the MEPC Chairman, had decided to bring MEPC 46 as forward as possible, from 2 to 6 April 2001, i.e. six months after MEPC 45. This has necessitated that MSC 74 should be convened later than originally planned so that a reasonable period of time might be allowed between the successive meetings of the two Committees and, therefore, MSC 74 has now been scheduled to meet from 30 May to 8 June 2001.

## **22 ANY OTHER BUSINESS**

### **Deferral of consideration of the documents**

22.1 Having recalled that it had dealt with document MSC 72/22/7 (France) under agenda item 7, the Committee, owing to the lack of time, decided to defer to MSC 73 consideration of other documents submitted under this agenda item.

## **Expressions of appreciation**

22.2 The Committee expressed appreciation to the following Sub-Committee Chairman and Vice-Chairman, delegates, observers and members of the Secretariat, who had recently relinquished their duties, retired or were transferred to other duties, or were about to, 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:

- Rear Admiral A.J. Cancela (Argentina) (on return home);
- Admiral V. Casales (Brazil) (on retirement);
- Captain H. Valkonen (Finland, former Chairman of STW and FSI) (on retirement);
- Mr. F. Escaffre (France) (on transfer to other duties);
- Mr. P. Escherich (Germany, Vice-Chairman of the FSI Sub-Committee) (on return home);
- Dr. J. Witt (Germany) (on retirement, after a 25-year association with IMO);
- Captain D. Kaps (Germany, FP Working Group Chairman) (on retirement);
- Dr. E. Conte (Italy) (on return home);
- Mr. T. Yamada (Japan) (on return home);
- Captain A.S. Bandala-Camarero (Mexico) (on return home);
- Mr. J.R.G. Smith (IACS) (on retirement);
- Mr. R. Oliver (ICCL) (on retirement);
- Mr. O. Khalimonov (Director, Marine Environment Division) (on retirement);
- Mr. M. Nauke (Deputy Director, Office for the London Convention 1972, MED) (on retirement); and
- Mr. R. Kohn (Head, Information Office) (on retirement).

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