



MARITIME SAFETY COMMITTEE
75th session
Agenda item 24

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

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1 INTRODUCTION – ADOPTION OF THE AGENDA

General

1.1 The seventy-fifth session of the Maritime Safety Committee was held from 15 to 24 May 2002 under the chairmanship of Mr. T. Allan (United Kingdom). The Vice-Chairman, Admiral F.S.A.H El Kady (Egypt), was also present.

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

ALGERIA	INDIA
ANTIGUA AND BARBUDA	INDONESIA
ARGENTINA	IRAN (ISLAMIC REPUBLIC OF)
AUSTRALIA	IRELAND
AZERBAIJAN	ISRAEL
BAHAMAS	ITALY
BAHRAIN	JAMAICA
BANGLADESH	JAPAN
BELGIUM	KENYA
BELIZE	KUWAIT
BRAZIL	LATVIA
BRUNEI DARUSSALAM	LEBANON
BULGARIA	LIBERIA
CAMBODIA	LITHUANIA
CANADA	LUXEMBOURG
CAPE VERDE	MALAYSIA
CHILE	MALTA
CHINA	MARSHALL ISLANDS
COLOMBIA	MEXICO
CÔTE D'IVOIRE	MOROCCO
CROATIA	NAMIBIA
CUBA	NETHERLANDS
CYPRUS	NEW ZEALAND
CZECH REPUBLIC	NIGERIA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	NORWAY
DENMARK	PAKISTAN
DOMINICA	PANAMA
ECUADOR	PAPUA NEW GUINEA
EGYPT	PERU
ESTONIA	PHILIPPINES
ETHIOPIA	POLAND
FINLAND	PORTUGAL
FRANCE	REPUBLIC OF KOREA
GABON	ROMANIA
GERMANY	RUSSIAN FEDERATION
GHANA	SAINT VINCENT AND THE GRENADINES
GREECE	SAUDI ARABIA
GUATEMALA	SEYCHELLES
HONDURAS	SIERRA LEONE
HUNGARY	SINGAPORE
ICELAND	SLOVENIA

SOUTH AFRICA
SPAIN
SWEDEN
SWITZERLAND
SYRIAN ARAB REPUBLIC
TRINIDAD AND TOBAGO
TUNISIA
TURKEY

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

and the following Associate Member of IMO:

HONG KONG, CHINA

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

UNITED NATIONS
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(UNHCR)
INTERNATIONAL LABOUR ORGANISATION (ILO)
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)
INTERNATIONAL TELECOMMUNICATIONS UNION (ITU)

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

WORLD CUSTOMS ORGANIZATION (WCO)
INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
EUROPEAN COMMISSION (EC)
ARAB FEDERATION OF SHIPPING (AFS)
COSPAS-SARSAT
PORT MANAGEMENT ASSOCIATION OF EASTERN AND SOUTHERN AFRICA
(PMAESA)
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 LTD (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 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)
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS (IICL)
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS (IADC)
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)
SOCIETY OF INTERNATIONAL GAS TANKERS AND TERMINAL OPERATORS
(SIGTTO)
INTERNATIONAL LIFEBOAT FEDERATION (ILF)
INTERNATIONAL ROAD TRANSPORT UNION (IRU)
GREENPEACE INTERNATIONAL
INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
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)
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)

1.5 The session was also attended by Captain M.U. Ahmed (Bangladesh), Chairman of the Technical Co-operation Committee (TCC) and Mr. C. Abela (Malta), Vice-Chairman of the Facilitation Committee (FAL). The Chairmen of all sub-committees, except for the Chairmen of the COMSAR and FSI Sub-Committees, were also present.

Secretary-General's opening address

1.6 In welcoming participants, the Secretary-General referred to the many important developments which had occurred since the Committee's last session one year ago, most notably to last September's terrorist attacks in New York and Washington. He emphasized that IMO's response had been swift, firm and decisive so that shipping would not be allowed to become a soft target for international terrorism. He observed that arguments, such as the non-existence of an internationally accepted definition of terrorism and IMO's apolitical character, had been brushed aside and an action plan had been put in place almost immediately after the tragic events.

He then added that the chain of actions which followed had been spearheaded by his proposal to the Assembly to adopt a draft resolution calling for the review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of

ships, which had been unanimously adopted without any changes at the first and only reading in plenary.

He viewed that decision as one of critical importance because, with the plenary of the Assembly having adopted the resolution early in the proceedings, the Technical Committee of the Assembly had been able to work out a recommendation to the plenary on a series of actions which would result in the convening of a Diplomatic Conference of SOLAS Contracting Governments in December of this year. The plenary had unanimously agreed to this and so, two and a half months after September 11, IMO was on the path to amending its most important Convention for the purpose of enhancing maritime security.

To prepare for the Conference, a tremendous amount of work was required and the Secretary-General, while acknowledging the long hours, commitment and dedication displayed by the entire membership in its determination to protect the industry against any perpetrators of acts of terrorism, paid particular tribute to:

- Mr. Frank Wall of the United Kingdom, Chairman of the ISWG;
- Mr. Bud Streeter of Canada, Chairman of the ISWG's working group; and
- Mr. Nicholas Charalambous of Cyprus, Chairman of the drafting group,

whose extraordinary contributions before and during last February's intersessional working group meeting deserved specific recognition. He also recognized the Chairman's contribution, along with that of the Secretariat and thanked the United States for providing the funds for the February meeting. He had every confidence that, at this session, the Committee would put together the foundations for a successful Conference in December and, to this end, he pledged the entire staff's support and, in particular, that of the Maritime Safety Division and the Conference Division.

The Secretary-General then turned to the safety of large passenger ships and bulk carriers reiterating the importance which he attached to the successful outcome of the Committee's endeavours to address them both. With respect to large passenger ship safety, he stressed that the Organization as a whole, the industry and, above all, the travelling public expected, and deserved, high standards of safety in all aspects pertaining to both existing and new passenger ships. He mentioned the approval by MSC 74 of a guiding philosophy, strategic goals and objectives to provide a structured and focused way for dealing with the safety matters of these "floating cities"; and the finalization, by the Sub-Committee on Fire Protection, of draft Interim Guidelines on evacuation analysis for new and existing passenger ships which were before the Committee for approval. Having expressed the hope that the outcome of the correspondence group, established at MSC 74, would assist the Committee to make further progress, he remarked that the approach to large passenger ship safety was probably the most significant test case in the implementation of IMO's proactive policy and he was confident that the end result would justify both the policy and its supporters.

He then referred to bulk carrier safety, a priority item on IMO's agenda for over ten years. During that period of time considerable improvements had been introduced which had had a positive impact on the safety of this important type of ships. This had been recognized by INTERCARGO in its latest casualty report which had recognized that, while the average age of the bulk carriers that sink was rising, the number of ships, lives and amount of tonnage being lost was falling. The Secretary-General welcomed INTERCARGO's recognition that all the rule-making that had gone on in the recent years seemed to be having a demonstrably positive effect. However, he could see no point in denying that the work had not yet been finalized.

With this in mind, last March he had invited some industry representatives to an informal meeting to exchange views on the current state of affairs, discuss measures under development and consider possible additional steps that should be taken to stem the continuing loss of bulk carriers and the seafarers who work on them. At the meeting, he had reiterated the plea which he had made during DE 45, that all Parties concerned, Governments, industry and technical organizations, should work in unison, not in an isolated manner, to bring the issue of bulk carrier safety to a positive conclusion as soon as possible. He was therefore encouraged to note that the meeting's unanimous view was that the approach taken by the Committee was the right path to follow, that is, distinguishing, in general terms, between measures applicable to existing bulk carriers and those to apply to future bulkers while taking into account the results of formal safety assessment studies. And, furthermore, that, to bring this work to a successful conclusion, the meeting had urged all parties concerned to act together under the auspices of IMO.

The Secretary-General then referred to action to implement the revised STCW Convention, in particular the process to enable the Committee to continue its work relating to STCW Parties found to be giving full and complete effect to the provisions of the Convention, which would secure them a place on the so-called "White list". So far, of 139 current STCW Parties, 102 had been included on the "white list", and he hoped that more would be successfully cleared so that the Convention might be effectively implemented by all its Parties.

He then turned to the request of the STW Sub-Committee to the Committee to endorse its decision to issue a circular advising port State control officers and recognized organizations on action to be taken in cases where not all seafarers carried certificates and endorsements meeting STCW '95 requirements after 1 February 2002 – in other words, to provide a six-month period of grace beyond the Convention deadline. The Secretary-General could understand the reasons behind the Sub-Committee's initiative to provide a pragmatic response to the anticipated problems, notwithstanding the fact that the obligations of STCW Parties remained unchanged. However, like the Sub-Committee itself, he was concerned and regretted the fact that seafarers had been reportedly unable to obtain certificates and/or the necessary endorsements required by the Convention before the end of the transitional period laid down in the Convention. He had also noted the Sub-Committee's statement that the action it had taken was an exceptional measure which should not establish a precedent and he sincerely hoped that all parties concerned were utilizing the extended period prudently and effectively so that, when the 31st of July came, there would be no further problems.

Referring to the implementation of the ISM Code, the Secretary-General said that, last September, he had welcomed the publication of the results of a study carried out by the Swedish Club confirming that shipowners implementing the ISM Code could expect to achieve a reduction in hull claims of 30% or higher, together with a similar improvement in the incidence of P&I claims. The Code's positive effect on operational standards could also be demonstrated by the reduction of accidents and incidents following its initial implementation on 1 July 1998, as reported by companies and the encouraging results reported by port State control authorities with respect to phase 1 ships. This was undoubtedly good news; however, with an estimated 13,000 ships requiring certification by the upcoming deadline date of 1 July this year, there was no room for complacency and, therefore, as early as on 3 January of this year, he had consulted the MSC and MEPC Chairmen and issued a joint MSC/MEPC circular inviting Member Governments to take urgent action, in co-operation with shipowners, ship operators and managers and recognized organizations, to ensure that all shipping companies and ships liable to the second implementation date received ISM certification in good time. He hoped this had been done and that the 1st of July date would be honoured and the process would contribute substantially to safer shipping and cleaner oceans.

Turning to resolution A.920(22) on Review of safety measures and procedures for the treatment of persons rescued at sea, he referred to his proposal to the Assembly that the membership should deal with issues which had come to the fore in the aftermath of incidents involving persons rescued at sea and/or asylum seekers, refugees and stowaways. Some of those incidents had put in question the thoroughness of IMO's legislation and the degree of preparedness of the maritime community to satisfactorily deal with them. His main concern was that, unless the matter was examined in all its aspects and appropriate action was taken, there might be a negative impact on the integrity of the search and rescue system which the Organization had put in place globally to the benefit of those found in distress at sea.

In parallel with his submission to the Assembly, he had launched an initiative involving competent United Nations specialized agencies and programmes for the purpose of establishing a common approach so that future incidents would be addressed in a co-ordinated, consistent and efficient manner. This was progressing well. In the meantime, the FAL Committee and the COMSAR Sub-Committee had initiated work on the issue and he hoped that the Committee would also make progress on it which would enable him to submit a substantive report to the next Assembly as requested by resolution A.920(22).

Emphasizing the importance of self-assessment forms as an important tool to assess a flag State's performance and identify any existing gaps in knowledge, expertise and resources as well as a statement of intent and commitment from flag States that they really cared about the quality of their fleets, he observed that, out of IMO's 162 Members, only 46 had so far submitted their SAFs. He therefore urged all those States which had not yet done so, to comply with the request of the Assembly and submit the forms as soon as possible.

Piracy and armed robbery activities continue to put at risk the lives of seafarers and passengers on board ships resulting in the issue being now addressed at various fora around the world, including the United Nations General Assembly, which has repeatedly recommended that Governments should turn to IMO as the competent international organization to tackle the problem. While welcoming the news that, between March 2001 and March 2002, there had been a 21% decrease in the reported acts of piracy and armed robbery over the corresponding figures for 2000, he considered that it was tragic that, over the same period, seventeen crew members had been killed, forty-two had been wounded and five had been reported missing.

Since MSC 74, the Secretariat had completed the last two evaluation and assessment missions in the second phase of the anti-piracy project with the holding of regional meetings in Guayaquil in September 2001 and Accra in March 2002; and the Secretary-General repeated IMO's preparedness to provide technical assistance to any country which requested it.

From among the other important items on the Committee's agenda, he then singled out:

- the adoption of amendments to SOLAS to make parts of the IMDG Code mandatory; and the adoption of the Code in its mandatory form;
- the consideration of the recommendations of the NAV Sub-Committee pertaining to places of refuge;
- the feedback from industry organizations on the conclusions and recommendations of the IMO/Industry Meeting on multiple inspections; and
- the updating of information concerning the impending review of the sub-committee structure.

The Secretary-General then turned to the importance and significance of the session, emphasizing that the eyes of the world maritime community would be again on the Committee during the whole session and its decisions would be closely scrutinized by all those with an interest in maritime safety and the marine environment. This time the element of “security” figured very prominently on the Committee’s agenda and IMO ought once again to demonstrate its ability to cope with situations such as those created by the 11 September attacks. With the usual common sense prevailing in the Committee’s deliberations and its determination to tackle, in a co-operative manner, all safety issues efficiently and effectively, he was confident that it would, once again, provide quality results.

He had closely followed all the events since MSC 74, including the Intersessional Working Group on Maritime Security and the recent meetings of the MEPC and the Legal Committee and was personally aware of the tremendous effort that had to be made. He was therefore very appreciative of the work of the Committee Chairman, sub-committee Chairmen and other officials as well as of the dedicated IMO staff. The Secretary-General concluded his opening remarks by expressing his confidence that the excellent preparatory work done would contribute in great measure to the success of the meeting.

Chairman’s remarks

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

Adoption of the agenda and related matters

1.8 The Committee adopted the agenda (MSC 75/1/Rev.1) and a provisional timetable for guidance during the session (MSC 75/1/1, annex, as amended). The agenda for the seventy-fifth session, with a list of documents considered under each agenda item, is set out in annex 1.

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

Credentials

1.10 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 EIGHTY-SIXTH REGULAR AND TWENTY-FIRST EXTRAORDINARY SESSIONS OF THE COUNCIL

2.1 The Committee noted the information provided in documents MSC 75/2 and Add.1.

OUTCOME OF THE EIGHTY-THIRD AND EIGHTY-FOURTH SESSIONS OF THE LEGAL COMMITTEE

2.2 The Committee agreed to consider paragraphs 10 and 15 of document MSC 75/2/1 (Secretariat) under agenda item 19 (Relations with other organizations).

2.3 The Committee agreed to consider paragraphs 12 to 30 of document MSC 75/2/1/Add.1 (Secretariat) under agenda item 6 (Safety of navigation) and paragraphs 39 to 44 under agenda item 18 (Piracy and armed robbery against ships).

2.4 The Committee noted the information provided in document MSC 75/2/1/Add.1 relating to the provision of financial security; the draft Convention on Wreck Removal; monitoring implementation of the HNS Convention; and revision of the SUA treaties.

OUTCOME OF THE TWENTY-SECOND SESSION OF THE ASSEMBLY AND RELATED MATTERS

Outcome of A 22

2.5 The Committee noted the information provided in document MSC 75/2/2 (Secretariat) on the outcome of the twenty-second session of the Assembly in respect of the consideration of the reports and recommendations of the Committee and other matters pertaining to its work during the past biennium and, in particular, noted:

- .1 the Assembly's request to Governments, international organizations and the industry to intensify their efforts to prevent and suppress acts of piracy and armed robbery against ships;
- .2 the Assembly's request to the Chairmen of Committees of the Organization to consider, in liaison, the period covered by the work programmes and long-term work plans of their Committees respectively; the reporting on work completed during the two-year period under review; and the format of future long-term work plans of their Committees with a view to achieving consistency in such reporting. Having been informed that the Council had included, in its agenda for the eighty-eighth session, a new item on "Guidelines on preparation of the long-term work plan", the Committee further noted that its Chairman, in pursuance of the Assembly's request and in order to initiate consideration of the matter, had communicated with all Committee Chairmen, inviting them to provide comments and proposals on whether the documents to be prepared on the long-term work plan and on the report on progress made should take the format used by the MSC; or, alternatively, whether the existing format used by a particular Committee should continue to be used. This would enable all the Chairmen to report to their respective Committees seeking their approval before instructing the Secretariat to act accordingly;
- .3 resolution A.909(22) on *Policy making in IMO – Setting the Organization's policies and objectives*, whereby the Assembly had endorsed the decision taken by the Council to encourage the development of an open and transparent system of setting the broad policies of the Organization within the Council for approval by the Assembly; and had agreed with the Council on certain measures in this context; and
- .4 that Committee 2 (the Technical Committee) of the Assembly, referring, with appreciation, to the considerable amount of work accomplished by the MSC, the MEPC, the FAL Committee and the Sub-Committees, with the assistance of the Secretariat, over the past biennium (see document A 22/23/1), had invited delegations to give the document the widest possible publicity in recognition of the achievements of the Organization during that period.

Safety measures and procedures for the treatment of persons rescued at sea

2.6 The Committee agreed to deal with the issue of the treatment of persons rescued at sea (resolution A.920(22)), together with documents MSC 75/2/2/Add.1 (Secretariat) and MSC 75/2/2/Add.2 (Norway) on the subject, under agenda item 11 (Radiocommunications and search and rescue) in conjunction with documents MSC 75/11/1 (France) and MSC 75/11/2 (Germany).

Prevention and suppression of acts of terrorism against shipping

2.7 The Committee noted that the aforementioned issue, on which the Assembly, in the context of resolution A.924(22), had requested it to take specific actions, was to be considered under a separate agenda item (see item 17 on "Prevention and suppression of acts of terrorism against shipping").

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

General

2.8 The Committee noted the information provided in documents MSC 75/2/3 and MSC 75/2/3/Add.1 (Secretariat) and took action as indicated hereunder.

Measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships

2.9 The Committee noted that the response by the FAL Committee and the concurrent session of the SPI Working Group to the requests of the Assembly in resolution A.924(22) (MSC 75/ISWG/3) had been dealt with by the Intersessional Working Group on Maritime Security.

Safety measures and procedures for the treatment of persons rescued at sea

2.10 The Committee agreed to consider the outcome of consideration by the FAL Committee of the Assembly's requests in resolution A.920(22) (MSC 75/2/2/Add.1) under agenda item 11 (Radiocommunications and search and rescue).

Harmonization of ships' certificates

2.11 The Committee noted that the FAL Committee had considered the report of the correspondence group (FAL 29/10/Rev.1) and the view of IACS (FAL 29/10/1), highlighting practical difficulties in combining certificates. The FAL Committee could not reach a unanimous decision on whether to continue the work and requested the MSC and MEPC to consider the pros and cons (paragraph 6 of document MSC 75/2/3) and advise it on the issue.

2.12 The United Kingdom, in an attempt to avoid at least some of the difficulties encountered, suggested improvements to the proposed combined certificates, as indicated in paragraphs 4, 7, 8, 9 and 10 of their document MSC 75/2/3/Add.1 and invited the Committee to seek necessary resources and firm support from Member Governments and international organizations to continue the work.

2.13 The Committee, recognizing that there would be little practical benefits from this exercise, agreed not to pursue the issue for the time being, leaving it to be revisited should any form of suitable technology be developed in the future enabling certificate merger. The Secretariat was instructed to inform the FAL Committee and the MEPC accordingly.

Ship/Port Interface (SPI) Working Group

2.14 The Committee recalled that MSC 73 (MSC 73/21, paragraph 2.39), in considering the SPI Working Group's work programme, had requested the Chairmen of the MSC, the MEPC and the FAL Committee to consider the need to re-examine the group's future work and its work method and submit a proposal to the next sessions of the MSC, MEPC and the FAL Committee.

2.15 The Committee noted that FAL 29 had considered the issue in the context of the strategic review of the FAL Convention and the work of the FAL Committee (FAL 29/7).

2.16 In considering the issue, the Committee's attention was drawn to the background of the establishment of the SPI Working Group and its current work and work method (FAL 29/7, paragraphs 13 to 20 reproduced as annex 1 to document MSC 75/2/3), in particular the views of the FAL Committee relating to the work of the group, as reflected in the last paragraph of annex 1 to document MSC 75/2/3, namely that "over the past few years, the work programme of SPI had become very restrictive and uninspiring for delegations to participate at its meetings. This negative development could be attributed to a number of reasons. Firstly, some national delegations to the MSC and MEPC continue to hold reservations on the usefulness of the work of the SPI, particularly with regard to ports, an area which falls outside the remit of the classic maritime administration; the ports being either privately operated or regulated by different national statutory provisions and agency of government. Secondly, most delegations to the MSC and MEPC are not privy to the first-hand debate in the SPI Working Group; thus, the intent of proposals emanating from the group may not be well understood and appreciated".

2.17 In this context, the delegation of the Bahamas, supported by other delegations, expressed the view that the work programme of the SPI Working Group should follow the same criteria as that of other working groups, that is, that it should consist of items properly proposed by Member Governments through the main Committees and passed by the Committees to the SPI Working Group.

2.18 The Committee's attention was further drawn to the FAL Committee's position and action on the work and work methods of the SPI Working Group, as indicated in paragraphs 8 to 10 of document MSC 75/2/3.

2.19 The Chairman recalled the view he had expressed at FAL 29 (MSC 75/2/3, paragraph 12), when he requested delegations to relay to their colleagues at home, who attend meetings of the MSC and MEPC, their strong support for the work of the SPI Working Group.

2.20 The Committee agreed that, since decisions on the SPI Working Group were expected to be made following consideration of the outcome of the meeting of the MSC, the MEPC, the TC and FAL Committees Chairmen and the Sub-Committee Chairmen, when reviewing the sub-committee structure (scheduled to take place immediately after C 88), it would be premature to make decisions on the issue at this session.

2.21 The Committee further noted that the ongoing work on maritime security had injected a new dimension in the importance and significance of the SPI Working Group, which should be seriously considered before any decisions on its future were made.

2.22 The Committee, therefore, requested the Secretariat to prepare a comprehensive discussion paper on the work of the SPI Working Group for consideration by MEPC 48 and MSC 76.

Availability of adequate tug assistance

2.23 The Committee noted that the FAL Committee, noting that MSC 73 (MSC 73/21, paragraph 2.29) and MEPC 46 had concurred with its view and action on the issue of availability of adequate tug assistance on the understanding that a circular to be developed should be a joint MSC/MEPC/FAL circular, highlighting the key elements of the Nautical Institute's publication entitled "Tug Use in Ports – a Practical Guide", had referred the matter to the SPI Working Group for consideration.

2.24 In considering the draft MSC/MEPC/FAL circular on Availability of tug assistance, prepared by the SPI Working Group during FAL 29 (MSC 75/2/Add.2, annex), a number of delegations expressed concern over the lack of the complete text of the publication referred therein, in the French and Spanish languages. In this context, the Committee, acknowledging the need for the annex to the circular to be available in French and Spanish as well and having noted reservations by the delegations of France and Japan, requested the SPI Working Group to reconsider the contents and status of the draft circular and report to MSC 77. The Secretariat was instructed to inform the MEPC and FAL Committee accordingly.

Manual on loading and unloading of solid bulk cargoes for terminal representatives

2.25 The Committee noted that DSC 6 could not, due to time constraints, produce a fully developed document and had requested the SPI Working Group to comment on the outline of the aforementioned Manual (DSC 6/WP.5, annex) and to contribute to its work, which should be reported to MSC 75 for further guidance.

2.26 The Committee noted the SPI Working Group's view and action on the development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives, as reflected in paragraphs 5 and 6 of document MSC 75/2/3/Add.2, and agreed to consider the issue under agenda item 7 (see paragraph 7.18).

Guidelines for the training of port marine personnel

2.27 The Committee noted that the FAL Committee, noting that MSC 73 (MSC 73/21, paragraph 2.36) had agreed that the SPI Working Group should not develop the aforementioned Guidelines but identify the areas where there was a need for the training of port marine personnel; substantiate the need for such a work in detail; and specify the IMO bodies or international organizations which might be capable to contribute to the development of such guidelines and further noting the revision by MSC 73 of the terms of reference for the correspondence group, had considered the report of that group (FAL 29/12/2) and requested the SPI Working Group to revisit the instructions of the MSC and submit a report to MSC 75 for consideration.

2.28 The Committee, in considering the report of the group on the issue (MSC 75/2/3/Add.2, paragraphs 7 to 17), noted the group's views and action on the development of Guidelines for the training of port marine personnel (MSC 75/2/3, paragraphs 8, 11, 15 and 17) and its proposal to restrict the item to "Development of guidance for minimum training and education requirements for mooring services personnel", with a target completion date of 2004. In this context, the

Committee instructed the group to reconsider the matter and provide MSC 77 with a justification for the work in accordance with the Guidelines on the organization and method of work (MSC/Circ.931 as amended).

SPI Working Group's work programme

2.29 The Committee considered the proposed work programme of the SPI Working Group (MSC 75/2/3, annex 2) and, having agreed that:

- .1 item 2 (Availability of tug assistance) should remain in the work programme of the SPI Working Group, with the square brackets around the figure "2003" removed; and
- .2 in item 3 (Development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives), the brackets around the figures "2003" should be removed,

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

OUTCOME OF THE FORTY-SEVENTH SESSION OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE

2.30 The Committee noted the information provided by the Secretariat (MSC 75/2/4) on the outcome of MEPC 47 and, having agreed that the information provided would be taken into account, as appropriate, under relevant agenda items, decided that the action requested of the Committee in paragraphs 8 and 14 of document MSC 75/2/4 relating to the effective date for the introduction of protective measures in marine areas should be considered under agenda item 6 (Safety of navigation) (see also paragraphs 6.8 and 6.9).

OUTCOME OF THE FIFTIETH SESSION OF THE TECHNICAL CO-OPERATION COMMITTEE

2.31 The Committee noted the information on the outcome of TC 50 provided in document MSC 75/2/5.

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:

- .1 to chapters II-1, IV, V, VI and VII of, and the appendix to the Annex to, the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII thereof; and
- .2 to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18), as amended), in accordance with the provisions of article VIII and regulation XI/2 of the 1974 SOLAS Convention.

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

3.2 Parties to the 1988 SOLAS Protocol were invited to participate in the consideration and adoption of proposed amendments to the appendix to the Annex to the Protocol. Parties constituting more than one third of the total of Parties to the 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.

3.3 The Committee was also invited to consider and adopt proposed draft Technical provisions for means of access for inspections, with the aim of making them mandatory in the context of the adoption of the draft revised SOLAS regulation II-1/12-2.

3.4 The proposed amendments to SOLAS chapters II-1, IV, V, VI and VII and to the appendix to the Annex to the Convention, together with the proposed amendments to resolution A.744(18), were circulated by the Secretary-General in accordance with SOLAS article VIII(b)(i) to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by circular letters No.2325 dated 29 June 2001 and No.2338 dated 30 August 2001.

3.5 The proposed amendments to the 1988 SOLAS Protocol were circulated by the Secretary-General in accordance with SOLAS article VIII(b)(i) and article VI(c) of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1988 SOLAS Protocol by circular letter No.2326/Rev.1 dated 11 July 2001.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1

Regulation 12-2 – Access to spaces in the cargo area of oil tankers

3.6 The Committee recalled that the proposed amendments to SOLAS regulation II-1/12-2 (MSC 75/3, annex) had been developed by the DE Sub-Committee and approved by MSC 74, pending further consideration, by DE 45, of some remaining details and finalization of the associated Technical provisions for means of access for inspections. The Committee noted that DE 45 had prepared modifications to the proposed amendments to SOLAS regulation II-1/12-2, set out in annex 6 to the report of DE 45 (DE 45/27).

3.7 The Committee, recognizing the complexity of the consideration of the Technical provisions, considered a proposal to defer, to MSC 76, the adoption of the proposed amendments to regulation II-1/12-2 and the draft Technical provisions (to enable submissions to be made to that session of the Committee for further consideration and finalization of unresolved issues related to those Technical provisions) and document MSC 75/12/3 (INTERTANKO), supporting the proposal, and agreed to further consider the proposed amendments to regulation II-1/12-2 and the associated Technical provisions for means of access for inspections at MSC 76, with a view to adoption.

PROPOSED AMENDMENTS TO SOLAS CHAPTER IV

3.8 The Committee recalled that the proposed amendments to chapter IV (MSC 75/3, annex) had been developed by the COMSAR Sub-Committee and approved by MSC 74.

Regulation 12 - Watches

3.9 The Committee noted that COMSAR 6 (MSC 75/11, paragraph 2.20) had recommended that the existing SOLAS regulation IV/12.3 concerning watchkeeping on VHF channel 16 should not be amended and the originally perceived date of cessation of watchkeeping by SOLAS ships on VHF channel 16 (i.e. 1 February 1999, the final implementation date for the GMDSS) should not be changed to 1 February 2005, as decided when adopting resolution MSC.77(69). After discussion, the Committee agreed with the recommendation of COMSAR 6 and decided not to pursue the proposed amendment to regulation IV/12.3.

3.10 The delegation of the United Kingdom stated that they did not agree with the recommendation of COMSAR 6. In their opinion, the proposal would have the effect of indefinitely extending the cessation of the listening watch on channel 16. As at COMSAR 6, they reiterated their technical reasoning as to why DSC alerting should replace voice alerting on channel 16 as a matter of urgency. From a policy perspective, the United Kingdom considered that a period of nearly seven years was more than adequate for the necessary preparations to be in place. In their opinion, the proposal by COMSAR 6 did not solve the problem, it merely put off the decision. Regardless of the text adopted, the United Kingdom urged all interested parties to work towards the 1 February 2005 date agreed by the Committee in 1998.

3.11 Noting that no further comments had been submitted on the proposed amendments to chapter IV, the Committee confirmed their contents, subject to editorial changes, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER V

3.12 The Committee recalled that the proposed amendments to chapter V (MSC 75/3, annex) had been developed by the COMSAR Sub-Committee and approved by MSC 74.

3.13 Noting that no comments had been submitted on the proposed amendments to chapter V, the Committee confirmed their contents, subject to editorial changes, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTERS VI AND VII

3.14 The Committee recalled that the proposed amendments to SOLAS chapters VI and VII (MSC 75/3, annex) had been developed by the DSC Sub-Committee, following the Committee's decision, at its seventy-third session, to make certain parts of the IMDG Code mandatory. As requested by the Contracting Governments to the 1974 SOLAS Convention present at DSC 6, the Secretary-General had circulated the said amendments for consideration by the Committee with a view to adoption at this session.

3.15 Noting that no comments had been submitted on the proposed amendments to chapters VI and VII, the Committee confirmed their contents, subject to editorial changes, if any.

PROPOSED AMENDMENTS TO THE APPENDIX TO THE ANNEX TO THE CONVENTION

3.16 The Committee recalled that the proposed amendments to the appendix to the Annex to the 1974 SOLAS Convention (MSC 75/3, annex) had been developed by the COMSAR Sub-Committee and approved by MSC 74.

3.17 Noting that no comments had been submitted on the proposed amendments to the appendix to the Annex to the Convention, the Committee confirmed their contents, subject to editorial changes, if any.

DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

3.18 The Committee recalled its decision at MSC 59 (MSC 59/33, paragraphs 26.2 and 26.7) when it had agreed on a four-year interval between bringing successive amendments to safety-related conventions and codes into force. However, it had, at the time, also decided that 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 was deemed necessary to do so in order to rectify a mistake or for any other compelling reasons.

3.19 The Committee thus agreed that the amendments to SOLAS, the 1988 SOLAS Protocol and the mandatory guidelines proposed for adoption at the current session should be deemed to have been accepted on 1 July 2003 and should enter into force on 1 January 2004, i.e. earlier than the date (i.e. 1 July 2006) the next set of amendments to SOLAS are due to enter into force.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1988 SOLAS PROTOCOL

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

3.20 The Committee recalled that the proposed amendments to the appendix to the Annex to the 1988 SOLAS Protocol (MSC 75/3/1) had been developed by the COMSAR Sub-Committee and approved by MSC 74.

3.21 Noting that no comments had been submitted on the proposed amendments to the appendix to the Annex to the 1988 SOLAS Protocol, the Committee confirmed their contents, subject to editorial changes, if any.

CONSIDERATION OF PROPOSED AMENDMENTS TO OTHER MANDATORY INSTRUMENTS

PROPOSED AMENDMENTS TO RESOLUTION A.744(18)

3.22 The Committee recalled that the proposed amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A. 744(18), as amended) (MSC 75/3/2, annex) had been developed by the DE Sub-Committee and approved by MSC 74.

3.23 The Committee considered document MSC 75/3/3 (IACS), bringing to the attention of the Committee an inadvertent error in the proposed amendments to resolution A.744(18) concerning the time frame during which thickness measurements are to be taken and recommending, in order to be consistent with other sections of the same resolution which allow thickness measurements to be carried out within the window of the intermediate and renewal surveys (e.g. paragraph 2.1.2 of Annex A to the resolution), that paragraph 7.1.3 in both Annex A and Annex B to resolution

A.744(18) should be deleted and the subsequent paragraph paragraph 7.1.4 should be re-numbered as 7.1.3. The Committee agreed to the proposal by IACS to delete paragraph 7.1.3 in both Annex A and Annex B to the resolution.

3.24 The Committee agreed with a proposal by the delegation of Norway to replace the words "substantial corrosion" in paragraph 1.3.2 of Annex B of the resolution by the words "significant corrosion" to make them consistent with those in paragraph 1.3.2 of Annex A.

3.25 Noting that no further comments had been submitted on the proposed amendments to resolution A.744(18), the Committee confirmed their contents, subject to editorial changes, if any.

ESTABLISHMENT OF A DRAFTING GROUP

3.26 Following a general discussion in plenary, the Committee established an *ad hoc* drafting group to prepare the final texts of the draft amendments to the 1974 SOLAS Convention, the 1988 SOLAS Protocol and resolution A.744(18), together with the associated draft MSC resolutions, for consideration and adoption by the Committee.

ADOPTION OF AMENDMENTS TO THE 1974 SOLAS CONVENTION, THE 1988 SOLAS PROTOCOL AND MANDATORY RESOLUTION A.744(18)

Report of the drafting group

3.27 Having received the report of the drafting group (MSC 75/WP.17 and Corrs.1 and 2), the Committee took action as indicated hereunder.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION, THE 1988 SOLAS PROTOCOL AND RESOLUTION A.744(18)

Amendments to the 1974 SOLAS Convention

3.28 The expanded Committee, including delegations of 97 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to SOLAS chapters IV, V, VI and VII and to the appendix to the Annex to the Convention (MSC 75/3, annex) prepared by the drafting group (MSC 75/WP.17 and Corr.2) and adopted the amendments unanimously by resolution MSC.123(75), as set out in annex 2.

3.29 In adopting resolution MSC.123(75), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to SOLAS chapters IV, V, VI and VII and the appendix to the Annex to the Convention should be deemed to have been accepted on 1 July 2003 (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 2004, in accordance with the provisions of article VIII thereof.

Amendments to the 1988 SOLAS Protocol

3.30 The expanded Committee, including delegations of 51 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 (MSC 75/3/1, annex) prepared by the drafting group

(MSC 75/WP.17) and adopted the amendments unanimously by resolution MSC.124(75), as set out in annex 3.

3.31 In adopting resolution MSC.124(75), 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 2003 (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 2004, in accordance with the provisions of SOLAS article VIII and article VI of the 1988 SOLAS Protocol.

Amendments to resolution A.744(18)

3.32 The expanded Committee, including delegations of 97 Contracting Governments to the 1974 SOLAS Convention, considered the final text of proposed amendments to resolution A.744(18) (MSC 75/3/2, annex) prepared by the drafting group (MSC 75/WP.17) and adopted the amendments unanimously by resolution MSC.125(75), as set out in annex 4.

3.33 In adopting resolution MSC.125(75), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to resolution A.744(18) should be deemed to have been accepted on 1 July 2003 (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 2004, in accordance with the provisions of article VIII thereof.

INSTRUCTIONS TO THE SECRETARIAT

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

OTHER MATTERS

North Atlantic Ice Patrol

3.35 The Committee noted information provided by Belgium, Canada, Denmark, Finland, France, Germany, Greece, Italy, Japan, the Netherlands, Norway, Panama, Poland, Spain, Sweden, the United Kingdom and the United States (MSC 75/INF.3), as Parties to the 1956 Agreement regarding the Financial Support for the North Atlantic Ice Patrol, to the effect that:

- .1 the Agreement should terminate on the date the Rules for the Management, Operation and Financing of the North Atlantic Ice Patrol enter into force (i.e. 1 July 2002); and
- .2 they were deemed to be contributing Governments under the aforementioned Rules as from the date of their entry into force.

3.36 The delegation of the United Kingdom drew attention to the fact that the North Atlantic Ice Patrol (NAIP) has been recognized by the Organization as playing an important role in enhancing maritime safety. They thanked the United States Government for agreeing to absorb the costs of those States whose ships use the NAIP but at present do not contribute to the financing of the service. The United Kingdom delegation invited flag States, whose ships make use of the service, to join the sponsoring Governments in contributing to its running costs.

4 LARGE PASSENGER SHIP SAFETY

GENERAL

4.1 The Committee recalled the establishment by MSC 74 of a Correspondence Group on Large Passenger Ship Safety to work intersessionally, under the co-ordination of the United States, on the basis of approved terms of reference (as set out in paragraph 4.18 of document MSC 74/24) and to submit a report to the present session of the Committee.

4.2 Having noted information, provided by the Secretariat, on the work on large passenger ship safety carried out at MSC 74, as further highlighted by the chairman of the MSC 74 Working Group on Large Passenger Ship Safety and information on relevant work carried out by NAV 47, SLF 44, STW 33 and FP 46 (MSC 75/4) and by COMSAR 6 and DE 45 (MSC 75/4/Add.1), the Committee discussed the report of the correspondence group (MSC 75/4/1) and the comments and proposals on the subject submitted to the session by Germany (MSC 75/4/3 and MSC 75/4/4), Norway (MSC 75/4/2), the Netherlands (MSC 75/INF.14), the United Kingdom (MSC 75/4/5 and MSC 75/INF.17) and RINA (MSC 75/INF.36).

4.3 In the course of the discussions, the Committee considered whether a definition of “large passenger ships” should be developed at this stage and agreed that the need for working criteria should be considered by the working group with a view to providing appropriate guidance to sub-committees assigned work on this matter.

4.4 The Committee also considered issues regarding the Committee’s method of work on the item, in particular whether a limited formal safety assessment (FSA) study should be conducted and whether there was a need for determining an acceptable level of risk, and reiterated its view that analytical tools, such as formal safety assessment, the human element analysing process, cost/benefit analysis, risk assessment and other methods, should be left to the discretion of the bodies assigned specific work on large passenger ship safety and was of the opinion that, at this stage, a substantial change in the Committee’s method of work would be disruptive to the work of the subsidiary bodies concerned.

4.5 Notwithstanding the above view, the Committee decided that the working group should further consider the aforementioned issues in the course of its work with a view to ensuring that the instructions to the relevant sub-committees are clear and make recommendations to the Committee, as appropriate.

4.6 The Committee considered documents MSC 75/4/5 and MSC 75/INF.17 (United Kingdom) on the use of directional sound as an aid to passenger evacuation, proposing that consideration be given to developing appropriate SOLAS amendments addressing the use of directional sound and preparation of a relevant MSC circular to promulgate them in the meantime. After general discussion, the Committee instructed the working group to consider the aforementioned documents and advise it as appropriate. The Committee, having agreed to refer the documents to the FP Sub-Committee as well, further decided to include a relevant high

priority item in the FP Sub-Committee's work programme and the provisional agenda for FP 47 (see also paragraphs 4.25 and 22.19).

ESTABLISHMENT OF THE WORKING GROUP ON LARGE PASSENGER SHIP SAFETY

4.7 Following general discussions, the Committee established the working group and instructed it to proceed in accordance with the following terms of reference:

- .1 to finalize the strategic goals, objectives and identified areas of concern, taking into account documents MSC 75/4/1 (United States), MSC 75/4/2 (Norway), MSC 75/4/3 and MSC 75/4/4 (Germany); MSC 75/INF.14 (Netherlands) and MSC 75/INF.36 (RINA);
- .2 to consider the need for working criteria for the term "large passenger ships" which can be used by the sub-committees carrying out work on this matter;
- .3 to consider further, taking into account comments and proposals made in plenary, the Committee's method of work to ensure maximum clarity in the instructions given to the sub-committees assigned work on large passenger ship safety;
- .4 to deal with matters related to the use of directional sound as an aid to passenger evacuation, taking into account documents MSC 75/4/5 and MSC 75/INF.17 (United Kingdom), comments by FP 46 and those made in plenary and advise the Committee as appropriate; and
- .5 to develop an updated draft work plan indicating work which should be done by the Committee itself and which should be assigned to the sub-committees to deal with the issues identified in such a work plan.

Report of the working group

4.8 Having received the report of the working group (MSC 75/WP.12), the Committee approved it in general and took action as outlined in the following paragraphs.

STRATEGIC GOALS, OBJECTIVES AND AREAS OF CONSIDERATION

Strategic goals and objectives

4.9 The Committee, noting that a "goal" should clearly define the changes required to move the Committee toward its guiding philosophy and that the objectives should clearly explain how the strategic goals will be achieved, approved the finalized strategic goals and objectives set out in annex 1 to document MSC 75/WP.12.

Areas of consideration

4.10 The Committee also approved the areas for consideration set out in annex 2 to document MSC 75/WP.12 and noted the group's view that the sub-committees assigned work on this issue should use the information contained in the aforementioned annex as additional guidance to clarify the intent of assigned objectives and tasks.

Need for working criteria

4.11 In considering the need for working criteria for the term “large passenger ships”, the Committee endorsed the group’s view that it would be inappropriate to develop such criteria, in general, since the parameters involved would vary amongst the sub-committees depending on their specific responsibilities.

4.12 Therefore, the Committee agreed that the expert sub-committees should develop relevant parameters, as necessary, for application purposes for any proposed recommendations. Such parameters may include, but are not limited to, ship length, tonnage, number of persons, design parameters, etc.

METHOD OF WORK

4.13 The Committee agreed that the structure adopted at MSC 74 (e.g. guiding philosophy, strategic goals and objectives) did not need to be altered. However, to ensure maximum clarity in the instructions to the sub-committees assigned work on large passenger ship safety, the Committee prepared additional guidance, taking into account the outcomes of NAV 46, SLF 44, STW 33, FP 46, COMSAR 6 and DE 45, as indicated hereunder.

Outcome of FP 46

4.14 The Committee considered the outcome of FP 46 in conjunction with the tasks assigned in the work plan and noted that the FP Sub-Committee had established a Correspondence Group on Large Passenger Ship Safety and instructed it to consider the outcome of MSC 75.

4.15 In this regard, the Committee, noting that the aforementioned correspondence group’s terms of reference did not place enough emphasis on crowd management and fire prevention measures, among other areas, agreed to add the following additional instructions to the correspondence group’s terms of reference:

- .1 to consider the issue of fire prevention, taking into account relevant IMO conventions, codes and guidelines, and make recommendations as appropriate;
- .2 to consider the issue of in-port evacuation, taking into account best cruise industry practices, and make recommendations as appropriate;
- .3 to consider the issue of crowd management, taking into account the demographics of passengers and best cruise industry practices, and make recommendations as appropriate;
- .4 to review the SOLAS requirements for main vertical zones with a view towards developing performance-based requirements which would not inhibit the use of new technologies and concepts; and
- .5 to consider the use of directional sound as an aid to evacuation, taking into account comments from FP 46 and MSC 75 and documents MSC 75/4/5 and MSC 75/INF.17, and provide recommendations to FP 47.

4.16 To further facilitate consideration of this high priority issue by the FP Correspondence Group on Large Passenger Ship Safety, the Committee agreed to relax the deadline for submission of the group’s report, to FP 47, to 6 December 2002. Consequently, Members were

invited to submit comments on the correspondence group's report by 10 January 2003, i.e., 4 weeks in advance of the opening of the forty-seventh session of the FP Sub-Committee.

Outcome of DE 45

4.17 The Committee considered the outcome of DE 45 in conjunction with the tasks assigned in the work plan and noted that the DE Sub-Committee had established a Correspondence Group on Large Passenger Ship Safety.

4.18 The Committee, noting that the terms of reference of the aforementioned group did not place enough emphasis on developing a regulatory framework to permit alternative designs and arrangements and improved survivability measures so that, in the event of a casualty, persons can stay safely on board as the ship proceeds to port, agreed to add the following additional instructions to the correspondence group's terms of reference:

- .1 to develop a regulatory framework to permit alternative designs and arrangements, similar to SOLAS regulation II-2/17 and MSC/Circ.1002, for SOLAS chapters II-1 and III;
- .2 to consider whether the design criteria for lifeboats may need to be modified taking into account passenger ship operations in remote sea areas, the distance such ships may be from SAR services and facilities (including other ships), environmental conditions (both climatic and internally within the lifeboat) and passenger demographics that persons may have to endure if not rescued in a reasonable period of time;
- .3 to consider whether the exemption for short international voyages, as defined by SOLAS regulation III/3.22, should still be applicable for large passenger ships and their areas of operation, and to make recommendations as appropriate;
- .4 to identify essential systems and equipment such as propulsion, electrical supply, auxiliary machinery and pumps, with a view to developing a definition for the term "essential equipment" and consider functional reliability of such equipment and whether redundancy or alternative arrangements may be necessary;
- .5 to consider the issue of improved survivability measures, taking into account best industry practices such as machinery space redundancy, and to make recommendations as appropriate;
- .6 to consider whether the SOLAS regulatory criteria for maximum occupancy of lifeboats (e.g. 150 persons) could be modified without reducing safety taking into consideration the advances in lifeboat design and technology and to make recommendations as appropriate; and
- .7 to consider, for the systems and equipment covered under SOLAS chapters II-1 and III, the relevance of various parameters related to large passenger ships (e.g. area of operation, tonnage, etc.) and develop such parameters for the application of any proposed recommendations.

4.19 To further facilitate consideration of this high priority issue by the DE Correspondence Group on Large Passenger Ship Safety, the Committee agreed to relax the deadline for

submission of the group's report, to DE 46, to 3 January 2003. Consequently, Members were invited to submit comments on the correspondence group's report by 7 February 2003, i.e., 4 weeks in advance of the opening of the forty-sixth session of the DE Sub-Committee.

Outcome of COMSAR 6

4.20 In considering the outcome of COMSAR 6 in conjunction with the tasks assigned in the work plan, the Committee, noting that the COMSAR Sub-Committee had established a Correspondence Group on Large Passenger Ship Safety and that the group assigned several new tasks in the updated work plan on the adequacy of SAR services and the evaluation of communication equipment and practices affecting SAR services, agreed to add the following additional instructions to the correspondence group's terms of reference:

- .1 to identify and evaluate the adequacy of SAR services to rescue large numbers of persons from a large passenger ship, in particular to consider the ability and capability of ships to handle large number of persons from large passenger ships; the capacity of SAR facilities, other than commercial ships, to handle a large number of persons from large passenger ships (size of rescue facility, rate of transfer, etc.); and the availability of SAR services by geographic region, specifically addressing time estimates to get adequate SAR on scene with and without commercial ship assistance; and
- .2 to identify and evaluate the communications equipment and practices affecting SAR operations, specifically addressing contingency planning; communication and locating capability between survival craft and SAR services; ship reporting where regionally required distress alert routing; and the compatibility between SAR resources (i.e., aircraft, ship, survival craft, etc.).

4.21 To further facilitate consideration of this high priority issue by the COMSAR Correspondence Group on Large Passenger Ship Safety, the Committee agreed to relax the deadline for submission of the group's report to 8 November 2002. Consequently, Members were invited to submit comments on the correspondence group's report by 13 December 2002, i.e., 4 weeks in advance of the opening of the seventh session of the COMSAR Sub-Committee.

Additional guidance for the Sub-Committees

4.22 Having noted the group's consideration on matters related to the outcomes of the Sub-Committees, the Committee agreed to forward the additional guidance set out in annex 3 to document MSC 75/WP.12 to the COMSAR, DE, FP, NAV, SLF and STW Sub-Committees for information purposes.

UPDATED WORK PLAN

4.23 With respect to the work to be accomplished, the Committee approved the updated work plan, as set out in annex 4 to document MSC 75/WP.12, and forwarded it to the COMSAR, DE, FP, NAV, SLF and STW Sub-Committees for action as appropriate.

4.24 The Committee instructed the Secretariat to convey document MSC 75/WP.12, to the relevant sub-committees for background purposes and further instructed the relevant sub-committees to keep the Committee informed of their progress on matters assigned.

USE OF DIRECTIONAL SOUND FOR EVACUATION PURPOSES

4.25 The Committee noted with appreciation that the delegation of the United Kingdom gave a detailed presentation on the use of directional sound as an equivalent to low-location lighting, as addressed in documents MSC 75/4/5 and MSC 75/INF.17, and agreed to convey the group's views, as contained in paragraphs 43 and 44 of document MSC 75/WP.12, to FP 47. In the context of the FP Sub-Committee considering document MSC 75/4/5 (see paragraphs 4.6 and 22.19), the Committee also agreed to instruct FP 47 to consider the actions requested in the document.

OTHER MATTERS

Cruise ship safety forum

4.26 The Committee noted with appreciation that the ICCL observer gave an informal presentation on best industry practices and that a copy of the handouts provided during the informal presentation can be downloaded from the ICCL website (www.iccl.org).

Fire aboard the "Princess of Scandinavia"

4.27 The Committee noted with appreciation information provided by the delegation of Denmark about a serious fire on board the ro-ro passenger ship **Princess of Scandinavia** while on a voyage between the United Kingdom and Norway. The Committee was informed that 884 persons had been on board and that the fire had broken out in a space adjacent to the main engine room and had spread into the ship's funnel, where a second fire had developed. The cause of the fire was not known and an investigation was in progress.

4.28 The Committee noted with interest that one of the main reasons for the successful outcome of the fire-fighting efforts for which tribute was paid to the United Kingdom Coastguard Centre in Aberdeen, was because the ship had been equipped with a fixed water-based local application fire-extinguishing system, of a similar type, which will become mandatory, for existing ships, as part of the revised SOLAS chapter II-2 on 1 October 2005. The other important reason was the professional way in which the crew fought the fire with determination and persistence, showing that the contingency plans on board the ship were working.

4.29 The Committee noted the view expressed by several delegations, in regard to any proposed definition for "large passenger ships", that, in the context of the potential SAR effort required, with 884 persons on board, even the **Princess of Scandinavia** could be regarded as a "large" passenger ship.

5 BULK CARRIER SAFETY

GENERAL

5.1 The Committee recalled that, in considering this item, MSC 74 had addressed matters arising from reports concerning the bulk carrier **Derbyshire** together with FSA studies on bulk carrier safety and agreed, in principle, that a working group on bulk carrier safety should be established at the present session to progress the matter further.

5.2 Following a general introduction into the work on bulk carrier safety carried out by MSC 74 and SLF 44 (MSC 75/5) and COMSAR 6 and DE 45 (MSC 75/5/Add.1), the Committee recalled the action it took on both the above issues at the last session and noted the outcome of

consideration of matters related to bulk carrier safety by DE 45, in particular that concerning mandatory level monitoring systems and independent pumping systems. The outcome of consideration of these matters by SLF 44 and COMSAR 6 is reported under agenda items 8 and 11 respectively.

MATTERS ARISING FROM REPORTS CONCERNING THE BULK CARRIER “DERBYSHIRE”

5.3 Although the outcome of DE 45 on this subject was to be reported to MSC 76, as this item had not been earmarked by MSC 74 as an urgent matter to be considered by the current session of the Committee, the Committee, in order to expedite the process and bearing in mind that MSC 76 would face a very considerable volume of work on bulk carrier safety, agreed to deal with the issue of mandatory level monitoring systems and independent pumping systems this time.

5.4 Subsequently, the Committee considered the proposed new draft SOLAS regulations XII/12 on Hold, ballast and dry space water ingress alarms and XII/13 on Availability of pumping systems, as developed by DE 45 (MSC 75/5/Add.1, annex), with the purpose of deciding whether such alarms and systems should be fitted on bulk carriers and, if so, the adequacy of the proposed new regulations.

5.5 Having decided to accept the proposed new regulations in principle, the Committee agreed to refer the draft requirements to the working group for detailed consideration (see paragraphs 5.14 to 5.18).

5.6 Also under this heading, the Committee considered a document submitted by the United Kingdom (MSC 75/5/3), reporting on results to date of the model tests undertaken following the Re-opened Formal Investigation into the loss of the m.v. **Derbyshire**, and noted information provided by IACS (MSC 75/INF.18) on the status, progress and anticipated completion of their work to revise UR S21, which was originally submitted under agenda item 8. Both documents were then referred to the working group for detailed consideration.

5.7 In the context of the revision of the 1988 LL Protocol, the delegation of the United Kingdom advised that it would contribute further to SLF 45 and, noting the anticipated completion of the work by IACS in revising UR S21, invited the Committee to request Members to include in their delegations to MSC 76 experts on load lines matters, in order to ensure that the revised text of the Protocol would be ready for approval at that session.

FSA STUDIES ON BULK CARRIER SAFETY

5.8 In considering this subject, the Committee had before it documents submitted by:

- .1 the United Kingdom (MSC 75/5/1), reviewing the progress made on the international collaborative FSA study on bulk carrier safety;
- .2 Japan (MSC 75/5/2 and MSC 75/INF.6), presenting the final recommendations for decision-making drawn from the Japanese FSA study on bulk carrier safety. During the session, the delegation of Japan made presentations on FSA study on bulk carrier safety which provided information and additional explanations to the documents submitted by Japan in this regard;
- .3 France (MSC 75/5/5 and MSC 75/INF.22), presenting the development and analysis of risk contribution trees for potential loss of hull integrity of bulk

carriers (Work Package 11 of the International Collaborative FSA study on bulk carrier safety);

- .4 ICFTU (MSC 75/5/4), addressing the need for the urgent implementation of previously made recommendations to enhance bulk carrier safety, in particular the provision of an early warning of flooding of forward spaces and the installation of a fast, efficient and safe means of evacuation; and
- .5 IACS (MSC 75/INF.23), bringing to the attention of the Committee the actions taken by the Association to improve the safety regime for bulk carriers.

5.9 In presenting document MSC 75/5/1, the delegation of the United Kingdom, having advised the Committee that the outcome of the collaborative FSA study's International Steering Board meeting to take place on 18 and 19 May 2002 would be presented orally to the working group, requested the Committee to instruct the group to take the information into account in its deliberations, as appropriate.

5.10 As per the previous subject, the Committee agreed to refer the above documents to the working group for detailed consideration.

STATISTICS ON BULK CARRIER CASUALTIES

5.11 The Committee noted with appreciation a submission by INTERCARGO (MSC 75/INF.9), attaching their annual bulk carrier casualty report covering last year and the previous ten years (1992 to 2001). Having noted the main features of the report, the Committee, in the light of the Secretary-General's remarks in his opening speech, observed that, although the report acknowledges that "a lot has been done to improve the safety of bulk carriers in recent years and a great deal continues to be done by both IMO and IACS", the work had not been finalized yet and more needed to be done to halt the accidents involving bulk carriers and the loss of seafarers who work on them.

RECONVENING OF THE WORKING GROUP ON BULK CARRIER SAFETY

5.12 As decided at MSC 74, the Committee reconvened the Working Group on Bulk Carrier Safety with the following terms of reference:

With regard to the matters arising from reports concerning the bulk carrier "Derbyshire":

- .1 to consider the proposed new SOLAS regulations XII/12 and XII/13 developed by the DE Sub-Committee (MSC 75/5/Add.1, annex), taking into account the information provided in document MSC 75/INF.18 and comments thereon made in plenary, with a view to preparing a draft text for consideration by the Committee for approval at this session or, if need be, for further review by SLF 45 prior to final consideration and adoption by MSC 76; and
- .2 to consider in detail document MSC 75/5/3, in particular whether to endorse the proposal to update the hatch cover design environmental load criteria in the 1966 LL Convention, with a view to referring the issue to the SLF Sub-Committee for further consideration;

With regard to the FSA studies on bulk carrier safety:

- .3 to consider documents MSC 75/5/1, MSC 75/5/2, MSC 75/5/4, MSC 75/5/5, MSC 75/INF.6, MSC 75/INF.22 and MSC 75/INF.23 with the aim, in particular, to start debating:
 - .3.1 the preliminary issues raised in document MSC 75/5/1, and the oral report expected from the International Steering Board Meeting on the preliminary conclusions of the collaborative FSA study on bulk carrier safety, pending the preparation of a final report to be submitted to MSC 76;
 - .3.2 the final recommendations for decision-making presented in document MSC 75/5/2; and
 - .3.3 the proposals contained in documents MSC 75/5/4 and MSC 75/5/5, bearing in mind the proposal to require the fitting of high-level alarms and level monitoring systems on bulk carriers (refer also to subparagraph .1 above).

5.13 Having received the report of the working group (MSC 75/WP.19), the Committee approved it in general and took action as reflected in the ensuing paragraphs.

MATTERS ARISING FROM REPORTS CONCERNING THE BULK CARRIER “DERBYSHIRE”**Proposed new SOLAS regulations XII/12 and 13**

5.14 The Committee considered first the draft text of new regulations XII/12 on Hold, ballast and dry space water ingress alarms and XII/13 on Availability of pumping systems, proposed by the working group in annex 1 to its report (document MSC 75/WP.19).

5.15 The Committee noted that some delegations in the working group did not consider that there is a sufficiently compelling need to apply the provisions of proposed draft regulation XII/12.1.1 to bulk carriers of double side skin construction, as the results of current FSA studies and those conducted prior to the 1997 SOLAS Conference have shown that double hull bulk carriers are safer than single hull bulk carriers and, therefore, need not be subjected to the additional safety measure applicable to the latter.

5.16 After debating the application aspects of the proposed new regulations and having taken into account the associated results of the various FSA studies, the Committee agreed that the new regulations should apply to all bulk carriers as defined in regulation IX/1.6 of 500 GT and above, both new and existing, of single or double side skin construction, according to the schedule provided in each of the two draft regulations. With regard to the dates of application proposed in draft regulation XII/12.3, the delegation of the United Kingdom, supported by most of the delegations who spoke, reaffirmed its belief that water ingress alarms should be fitted in the shortest possible timescale to provide early warning of the need for evacuation.

5.17 The delegation of Japan expressed serious concern that the effectiveness of water level detectors for cargo holds should be considered more carefully because of the possibility of false alerts which may be triggered by significant amounts of rain water contained in bulk cargo. It also reported that Japan was investigating the amount of bilge water measured in ships in service and would make a submission to MSC 76 for consideration by the Committee. Further, it expressed the view that the effectiveness of this system as a risk control option (RCO) depended

much on which of the RCOs are to be combined with it, for example, improvements in maintaining watertight integrity of the side structure, reinforcement of cargo hatch covers and other RCOs which can reduce the possibility of water ingress into cargo holds; and, therefore, tentatively agreed with the proposed draft SOLAS regulations XII/12 and XII/13, provided that the technical aspects of the draft proposal were given further consideration at MSC 76.

5.18 In conclusion, the Committee approved the text of draft SOLAS regulations XII/12 and XII/13, as set out in annex 5, for adoption at MSC 76, bearing in mind that the date of application of these regulations needs to be further addressed at MSC 76 when adopting the new regulations and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII.

Hatch cover design environmental load criteria

5.19 Having considered document MSC 75/5/3 (United Kingdom), reporting on results to date of the model tests initiated following the Re-opened Formal Investigation into the loss of the m.v. **Derbyshire**, the Committee endorsed the proposal to update the hatch cover design environmental load criteria in the current revision of the 1988 Load Line Protocol according to the recommendations in the above document and referred the matter to SLF 45 for appropriate action, taking into account, in particular, the findings of the report concerning horizontal loads.

5.20 In that connection, the IACS observer, referring to IACS' on-going work on updating the requirements of UR S21 (MSC 75/INF.23), informed the Committee that the definitive results of the review exercise would not be ready until September 2002, but that they would provide SLF 45 with any preliminary data available at the time.

5.21 The delegation of Japan pointed to some discrepancies regarding the probability of hatch cover failure between the findings reported in document MSC 75/5/3 and their own research, and recommended that the related results of the FSA studies should be taken into account before a decision is made on this issue. Also, that delegation was of the view that criteria developed with bulk carriers in mind might not be applicable to slender ship types, such as containerships.

FSA STUDIES ON BULK CARRIER SAFETY

General discussion

5.22 The Committee considered all the documents submitted to the session relating to FSA studies on bulk carrier safety, together with the reports of already finalized FSA studies submitted to MSC 74 (MSC 74/5/4 and MSC 74/5/5) and an oral report and supporting handouts on the results of the International Project Steering Board meeting held on 18 May 2002, presenting the outcome of the cost-effectiveness assessment emanating from the international collaborative FSA study.

5.23 In dealing with this task, the Committee was conscious that:

- .1 some of the recommendations under review, in particular the outcome from the international collaborative FSA study, were still tentative, pending a final report to be submitted to MSC 76;
- .2 while some of the recommended measures could be applied independently, the consequences of applying some of them in conjunction with, or as alternative to, other measures should also be studied;

- .3 the implementation of resolution A.744(18), as amended, and SOLAS chapter XII had been taken into account in some of the recommended risk control measures; and
- .4 although a few of the recommendations emanating from the IACS study had not been documented in their FSA reports, the IACS observer stated that a final report would be submitted to MSC 76 for consideration.

5.24 The Committee agreed to extract from all the studies the recommendations for decision-making which could be perceived as being sufficiently justified for further consideration and to include in this identification exercise the aforementioned results of the cost-effectiveness assessment emanating from the international collaborative FSA study. The identification exercise was complicated by the lack of a common basis for comparison. Thus, while some studies used the net cost of averting a fatality (NCAF) as a criterion for selection, others used the gross cost of averting a fatality (GCAF) arguing that the stakeholders should be taken out of the equation (in some cases, the benefits of a particular risk control measure are not enjoyed by the stakeholder that bears the cost of implementing the measure in the first place).

5.25 The Committee agreed to combine both criteria, assigning a positive criterion (+) to values of NCAF and GCAF, as appropriate, below \$3 million and a negative criterion (-) above that figure, with some qualifications to cater for borderline cases. The selection also differentiated between new and existing ships and according to the three main ship sizes considered in the studies (handysize, Panamax and capesize).

5.26 The Committee noted the results of the identification exercise presented in annex 2 to the group's report (MSC 75/WP.19) in tabular form. Table 1 contains the selected preliminary recommendations for decision-making concerning new ships (i.e., ships to be constructed on or after the date of entry into force of the requirements that will be developed on the basis of the recommendations in question) and table 2 contains the results relating to existing ships. Both tables show the degree of agreement with the criteria mentioned in paragraph 5.25 and contain a key to the abbreviations used in each case for explanatory purposes.

Preliminary list of recommendations for decision-making

5.27 The Committee approved the preliminary listed recommendations for decision-making enumerated below, which correspond to the headings in the above-mentioned tables 1 and 2 and are not listed in any particular order. The recommendations will be considered in more depth at MSC 76 on the basis of the information contained in the tables and the reports of the FSA studies referred to therein, together with any further results to be presented and relevant comments as may be submitted by Members and international organizations to that session of the Committee.

Hull envelope

- .1 Double hull (B5): Double side-skin construction.
- .2 Improved coating (B7): Controls and/or performance standards for protective coatings in relation to compatibility with cargoes.
- .3 Steel repair standards (B10): Tighter controls on grades of steel and welding rods used for in-service repairs. Suggestion to establish internationally recognized colour-code for steel primer coatings.

- .4 Additional corrosion margin of hold frames (Japan RCO16): Corrosion margins of hold frames are to be sufficient to compensate a possible loss of fillet welding and face/web plate thickness during the ship's life taking various types of corruptions identified in the historical casualty record into account.
- .5 Forecastle (IACS): Superstructure at fore end.
- .6 Bulwark/Breakwater (A8): Structures designed to reduce the impact of green sea loads away from vulnerable hatches and foredeck equipment.
- .7 Ballast system capacity (C11): Redesign of ballast systems to incorporate pumping capacities that enable the ship to maintain hull stress at permissible levels taking account of the loading rates possible in terminals.
- .8 Protection of foredeck fittings (A46): Reposition vents and foredeck fittings close to bulwarks to provide protection from mountainous seas, extending existing bulwarks where necessary.
- .9 Hold frames equivalent UR S12 (IACS): Hold frames of existing bulk carriers that do not comply with UR S12 should be strengthened equivalent to UR S12.
- .10 Coating of internal side skin (Japan RCO51): Corrosion progress control of hold frames by coating, with regular maintenance and repainting when it deteriorates to a poor condition.
- .11 Corrosion control of hold frames (Japan RCO52): Hold frames should be replaced earlier than is current practice, using reduced diminution allowances for existing frames.

Closing appliances

- .12 Hatch cover equivalent to UR S21 (IACS): Replacement or reinforcement of hatch covers forward of 0.25L of existing bulk carriers to be equivalent to UR S21.
- .13 Fore deck fittings (IACS): Strength of stud pipes for air and vent pipes to be sufficient to withstand horizontal forces of green sea loading. Closing devices and strength of small hatches to be sufficient to withstand vertical and horizontal green sea loading in accordance with standards being developed by IACS.
- .14 Redesign/reinforcement of hatch cover (A3): Redesign of hatch covers and securing mechanisms to withstand both vertical and horizontal loads.
- .15 Hatch cover/Access closed indication (A20): Positive indication system enabling status of hatch covers and/or accesses to be monitored from a permanently manned space.

Evacuation

- .16 Water ingress alarm (A50): Provision of early warning system detecting water ingress into cargo holds and dry spaces forward with visual and audible alarms in permanently manned space.

- .17 Immersion suits (NORWAY/ICFTU): Personal immersion suits for all personnel on board.
- .18 Free-fall lifeboat (with a float-free mode) (E1) (NORWAY/ICFTU): Single free-fall survival craft with float-free capability enabling rapid evacuation of crew from ship.

Operational

- .19 Terminal interface improvement (A16/C8/C10): Improvement of ship/shore communications, training of stevedores and terminal operators and better control of loading capabilities.
- .20 Risk based ESP targeting (A25): Targeting of inspections towards areas of established high risk.
- .21 PSC training (A24): Provision of specialised training for port State control inspectors in bulk carrier design and operation with particular emphasis on areas of vulnerability.
- .22 Weather routing (A26): Standardised minimum requirements for weather routing that are compliant with SOLAS passage planning requirements and load line zones.
- .23 Improved loading/stability information (C13): Provision of detailed, comprehensive and user-friendly information covering stability and stress characteristics of the ship's hull.
- .24 Mandatory BC Code (B8): Make the BC Code mandatory and incorporate a bulk carrier endorsement for officers' qualifications.

Other recommendations

- .25 Early implementation of SOLAS chapter XII using 10 years instead of 15 years for existing ships (IACS).

5.28 The Committee decided to re-establish the working group at MSC 76 in order to continue debating this matter with the aim of developing a final list of recommendations for decision-making on the basis of the documentation referred to in paragraph 5.27.

6 SAFETY OF NAVIGATION

REPORT OF NAV 47

6.1 The Committee approved, in general, the report of the forty-seventh session of the Sub-Committee on Safety of Navigation (NAV) (NAV 47/13 and MSC 75/6) and took action as indicated hereunder.

ROUTING OF SHIPS AND RELATED MATTERS

Adoption of new Traffic Separation Schemes (TSSs)

6.2 In accordance with resolution A.858(20), the Committee adopted new traffic separation schemes, including the associated routing measures, "Off the Mediterranean coast of Egypt", as set out in annex 6, for dissemination by COLREG.2/Circ.51.

Amendments to existing Traffic Separation Schemes (TSSs)

6.3 The Committee considered a submission by France (MSC 75/6/4) proposing an amendment to paragraph 2(h) of the description of the amended traffic separation scheme "Off Ushant" to cater for coastal traffic of ships sailing between ports situated between Cape de la Hague and Cape Finisterre and passenger ships operating regular schedules between ports in the western Channel and the north coast of Spain which also use the Ushant traffic separation scheme. In the new traffic separation scheme, the ships specified above would have to merge with traffic in the separation zone, especially when sailing from south to north, and would have to cross traffic in the north.

6.4 The Committee, noting that the French proposal would entail no substantial change to the routing amendments proposed (only an amendment to the guidance text), endorsed it.

6.5 In accordance with resolution A.858(20), the Committee adopted amendments to:

- .1 the existing traffic separation scheme "South of Gedser", including the associated routing measures;
- .2 the existing traffic separation schemes "Off Ushant", including the associated routing measures, as amended by the French proposal contained in document MSC 75/6/4;
- .3 the existing traffic separation schemes, including the associated routing measures, in the "Approaches to Los Angeles - Long Beach";
- .4 the existing traffic separation schemes, including the associated routing measures, in the "Strait of Juan De Fuca and its Approaches", in "Puget Sound and its Approaches" and in "Haro Strait, Boundary Pass and in the Strait of Georgia"; and
- .5 the existing ships' routing system in the East part of the Gulf of Finland,

as set out in annex 6, for dissemination by COLREG.2/Circ.51.

6.6 The delegation of Sweden, whilst supporting the routing measures "South of Gedser" and in the "Gulf of Finland", informed the Committee of the ongoing Swedish hydrographic survey in the Southern Baltic, explaining that one of the reasons for the routing measures introduced was the recently started export of oil from the Russian Federation. Loaded tankers with a draught of 15 m would pass through the Swedish economic zone, when the normal route passing the TSS "South of Gotland" does not allow such a draught. Sweden had already informed the Russian Federation authorities about these facts proposing an alternative route, 6 nautical miles wide south of Hoburgs Bank and between Mid sea Banks in the Southern Baltic Sea. A first draft survey had been done for this proposed route and a more thorough survey

fulfilling the IHO standard S-44 would be finalized towards the end of 2002. Sweden would inform the NAV Sub-Committee when the survey is completed including the exact positions of the contemplated route.

Routeing measures other than TSSs

6.7 In accordance with resolution A.858(20), the Committee adopted routeing measures, other than traffic separation schemes, as follows:

- .1 three new mandatory no anchoring areas in the Tortugas Ecological Reserve and the Tortugas Bank in the Florida Keys;
- .2 an amended northernmost area to be avoided off the Florida coast;
- .3 an area to be avoided around the Malpelo Island ;
- .4 an amended area to be avoided off the Washington coast;
- .5 a two-way route in the Strait of Juan de Fuca;
- .6 a precautionary area around the Terra Nova Floating Production Storage and Offloading Vessel (FPSO); and
- .7 an amended wording with respect to the two existing areas to be avoided in the region of the Shetland Islands,

as set out in annex 7, for dissemination by SN/Circ.220.

6.8 The Committee also noted that MEPC 47 had adopted marine areas around:

- .1 the aforementioned three mandatory no anchoring areas in the Tortugas Ecological Reserve and the Tortugas Bank in the Florida Keys;
- .2 the amended northernmost area to be avoided off the Florida coast; and
- .3 the area to be avoided around the Malpelo Island,

as particularly sensitive sea areas (PSSAs).

Implementation of the adopted routeing measures

6.9 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 6.2 and 6.5, respectively (and in annex 6); and the routeing measures other than traffic separation schemes referred to in paragraph 6.6 (and annex 7), should be implemented at 0000 hours UTC on 1 December 2002; and noted that the amended ships' routeing system in the East part of the Gulf of Finland had been implemented by the Russian Federation on 1 November 2001, as an interim measure; that the amended TSS "South of Gedser" had been implemented by Denmark and Germany on 6 January 2002 (SN/Circ.218 of 18 July 2001 refers); and noted that the amended TSS "Off Ushant" would be implemented by France at 0000 hours UTC on 1 May 2003.

Mandatory ship reporting systems

6.10 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.126(75), the proposed mandatory ship reporting system "In Greenland Waters", as set out in annex 8, for dissemination by SN/Circ.221.

6.11 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.127(75), the amendment to the existing mandatory ship reporting system "Off Ushant"; as set out in annex 9, for dissemination by SN/Circ.221.

6.12 The Committee decided that the aforementioned new mandatory ship reporting system "In Greenland Waters" should be implemented at 0000 hours UTC on 1 December 2002 and noted that the amendment to the existing mandatory ship reporting system "Off Ushant" would be implemented by France at 0000 hours UTC on 1 May 2003.

PRESENTATION AND DISPLAY OF AIS TARGET INFORMATION

6.13 The Committee endorsed the action of the Sub-Committee in circulating SN/Circ.217 on Interim Guidelines for the presentation and display of AIS target information.

ONBOARD OPERATIONAL USE OF SHIPBORNE AUTOMATIC IDENTIFICATION SYSTEMS (AIS)

6.14 The Committee noted that the Sub-Committee had agreed to the draft Guidelines for the onboard operational use of shipborne automatic identification systems (AIS), together with an associated draft Assembly resolution, for submission to the twenty-second session of the Assembly for adoption, as had been authorized by MSC 73. It further noted that the Assembly had subsequently adopted the Guidelines by resolution A.917(22).

6.15 The Committee was informed that IMO, in co-operation with IALA, was organizing a seminar on AIS to take place at the Organization's Headquarters on 15 and 16 July 2002, i.e., immediately after NAV 48 (see circular letter No. 2377 of 30 April 2002).

RECORDING OF EVENTS RELATED TO NAVIGATION

6.16 The Committee noted that the Sub-Committee had agreed to the draft Guidelines for the recording of events related to navigation, together with an associated draft Assembly resolution, for submission to the twenty-second session of the Assembly for adoption, as had been authorized by MSC 73. It further noted that the Assembly had subsequently adopted the Guidelines by resolution A.916(22).

VDR OWNERSHIP AND RECOVERY

6.17 The Committee approved MSC/Circ.1024 on Guidelines on voyage data recorder (VDR) ownership and recovery, including the modifications agreed by FSI 10 (MSC 75/13, paragraphs 10 and 11 and annex 2) (see also paragraph 13.7) and by plenary to paragraph 5 of annex 2 to document MSC 75/13 to require that VDR information should be provided to the shipowner at an early stage in all circumstances, as proposed by the delegation of Cyprus and supported by other delegations.

TRAINING AND CERTIFICATION OF MARITIME PILOTS AND REVISION OF RESOLUTION A.485(XII)

6.18 The Committee noted that the Sub-Committee had agreed to a draft revised Annex 2 (Recommendation on operational procedures for maritime pilots other than deep-sea pilots) to resolution A.485(XII); which was subsequently forwarded to STW 33 to enable that Sub-Committee to complete its work on the subject (see also paragraphs 9.3 to 9.6).

REVIEW OF RESOLUTION A.815(19)

6.19 The Committee approved a draft Assembly resolution on World-wide radionavigation system, set out in annex 10, for submission to the twenty-third session of the Assembly for adoption, to supersede resolutions A.529(13) and A.815(19).

NEW AND AMENDED PERFORMANCE STANDARDS FOR NAVIGATIONAL EQUIPMENT

6.20 In accordance with the provisions of resolution A.886(21) - Procedure for the adoption of, and amendments to, performance standards and technical specifications, the Committee adopted resolution MSC.128(75) on Performance standards for a bridge navigational watch alarm system (BNWAS), set out in annex 11.

6.21 The Committee endorsed the action of the Sub-Committee to include the agreed footnote relating to the value of the repeatability of the settle point error into resolution MSC.116(73), as part of the IMO publication entitled "Performance standards for shipborne radiocommunications and navigation equipment".

ITU MATTERS

6.22 The Committee endorsed the action of the Sub-Committee in submitting a liaison statement to ITU-R Working Party 8B.

PLACES OF REFUGE

6.23 The Committee, having noting the outcome of the recent consideration of this issue by the Legal Committee (MSC 75/2/1/Add.1, paragraphs 12 to 30), approved the terms of reference for work on places of refuge (NAV 47/13, annex 18) and referred the relevant part of document MSC 75/2/1/Add.1 to NAV 48 for detailed consideration.

6.24 The Committee endorsed that, for the time being, only the COMSAR Sub-Committee should be invited to provide initial input on the places of refuge issue; and noted that the MEPC had been informed about progress accordingly.

6.25 The Committee approved, in principle, the proposed general framework concerning future work on places of refuge (NAV 47/13, annex 19).

SHIPS OPERATING IN ARCTIC ICE-COVERED WATERS

6.26 The Committee noted that the Sub-Committee had reviewed chapters 12 and 13 of the draft Guidelines for ships operating in Arctic ice-covered waters, which had subsequently been forwarded to DE 45 for any further action required thereon.

CONFLICTING ACTIONS IN COLLISION AVOIDANCE

6.27 The Committee noted that the Sub-Committee had approved a note for the STW Sub-Committee providing information on conflicting actions in collision avoidance, to enable STW 33 to develop appropriate guidance (see also paragraph 9.13).

AMENDMENT OF THE PROVISIONS ON NAVIGATION BRIDGE VISIBILITY IN SOLAS 74

6.28 The Committee noted the requirements on navigation bridge visibility contained in SOLAS regulation V/22 which is due to enter into force on 1 July 2002.

6.29 The Committee had for its consideration a proposal by Norway and IACS (MSC 75/6/1), suggesting that consideration be given to amending the definition of "length" in SOLAS chapter V, so that it could be determined with certainty at the design stage; and also that, as navigation bridge visibility is of particular importance in relation to collision avoidance, an appropriate and simple solution would be to introduce the definition of "length overall (LOA)", as used in COLREG 1972 (Rule 3(j)), and dealt with the matter under agenda item 22 (Work programme) in conjunction with document MSC 75/22/5(see paragraph 22.36).

PRESENTATION OF NAVIGATIONAL INFORMATION, OPERATIONAL MATTERS AND INTEGRATED BRIDGE SYSTEMS (IBS)

6.30 The Committee noted that NAV 47 had agreed that there was a need to discuss, as a matter of urgency, the question of the presentation of navigational information across different displays on the bridge in the context of operational requirements as well as the integration of such information. Therefore, and as an immediate measure, NAV 47 prepared SN/Circ.217 on Interim guidelines for the presentation and display of AIS target information, to allow manufacturers to timely develop the relevant equipment and functions and to allow mariners to acquaint themselves with the use of integrated information from the first date of AIS implementation. Furthermore, NAV 47 invited IEC to develop a standard for the presentation of navigational information, being of the opinion that this standard should harmonize the following:

- .1 display and interaction of objects;
- .2 multifunction displays;
- .3 co-location, merging, processing, fusion of graphical information; and
- .4 indication of quantity, status, integrity and accuracy of information.

6.31 The Committee considered documents by Denmark, Germany, the Netherlands and Sweden (MSC 75/6/2) and IHO and IALA (MSC 75/6/5), expressing concern over the uncoordinated display of some essential navigational information in current bridge equipment, including lack of appropriate symbology, and proposing that, for harmonization purposes of the information presentation in a consistent manner on the bridge, the IMO/IHO harmonization group on ECDIS (HGE) should be tasked to consider presentation aspects, review studies which address aspects of display systems and advise IMO as to whether they are compatible with the overall system concept of ECDIS.

6.32 There was some discussion on the matter and the Committee noted that there was almost equal support for the aforementioned proposals and the views of other delegations supporting the on-going work of the IEC Working Group 13 (Displays for the presentation of navigation-related

information) tasked by NAV 47. The Committee, accordingly, decided to refer documents MSC 75/6/2 and MSC 75/6/5 to NAV 48 for consideration under its agenda item 4 on "Integrated bridge systems (IBS) operational matters" to clarify the relevant operational and technical issues involved, including a review of the progress made by IEC, and report to MSC 76.

INTRODUCING AND MAINTAINING AIS BINARY MESSAGES

6.33 The Committee noted that NAV 47 had agreed that there was a need to discuss, as a matter of urgency, the question of the presentation of navigational information across different displays on the bridge in the context of operational requirements as well as the integration of information provided by navigational aids (e.g. AIS, ECDIS, gyro-compass, etc.).

6.34 The Committee further noted that the United States (MSC 75/ISWG/5/7) had, in the course of deliberation of maritime security issues, proposed shortening the introduction period for AIS from 2008 to 2004. At the same time, the United States had proposed that a new AIS message could be introduced in the case a ship being hijacked by terrorists or pirates. With AIS offering a functionality of tailor made telegrams (such as for an alarm to notify authorities and other ships of the danger), the United States expressed the view that the system provided an excellent means to alert all ships in the vicinity of the one experiencing a problem. As work on the issue had to be done immediately, the matter should be put on the agenda of NAV 48.

6.35 The Committee considered document MSC 75/6/3 in which Germany is proposing that the AIS, whilst being primarily a means for positive identification and tracking of vessels (e.g. by transmitting and receiving static, dynamic and voyage-related data of ships as well as short safety-related messages), could provide the beneficial feature of binary messages as a means for safety-related automatic information exchange. These messages (also called "AIS telegrams") would be dedicated to generic and specific applications and may be broadcast on an international (of general interest) or national/regional/local, public or private, basis. Germany further proposed that a new AIS message could be introduced to serve ships being hijacked by terrorists or pirates to inform others of their predicament; and because work on the issue had to be done immediately, the matter should be put on the agenda of NAV 48.

6.36 There was considerable support for the German proposal and the Committee, having agreed that it was necessary to consider carefully the procedure for introducing and maintaining AIS binary messages, further agreed to refer the German proposal (MSC 75/6/3) to NAV 48 for review under its agenda item 18 on "Any other business" and advise MSC 76 accordingly. The Maritime Security Working Group was also informed of this decision.

NORTH ATLANTIC RIGHT WHALES

6.37 The Committee noted with interest information provided by Sweden (MSC 75/INF.2) on the North Atlantic right whales and in the light of the third operative paragraph of the IWC resolution 2000-8, reproduced in the annex to MSC 75/INF.2, which encourages the United States and Canada, as well as other countries whose ships transit through northern right whale habitat, to continue and expand educational programmes to help mariners actively avoid collisions with right whales, decided to refer this resolution to the STW Sub-Committee for information.

MARINE ELECTRONIC HIGHWAY PROJECT

6.38 The Committee noted with interest the information provided by the Secretariat (MSC 75/INF.4) on the Marine electronic highway project.

PERFORMANCE AND MONITORING OF A DGNSS SERVICE IN THE FREQUENCY BAND 283.5-325 KHZ

6.39 The Committee noted with interest the information provided by IALA (MSC 75/INF.7) relating to the Recommendation on the Performance and monitoring of a Differential Global Navigation Satellite System (DGNSS) service in the frequency band 283.5-325 kHz.

IALA GUIDELINES ON UNIVERSAL SHIPBORNE AUTOMATIC IDENTIFICATION SYSTEM (AIS)

6.40 The Committee noted with interest the information provided by IALA (MSC 75/INF.8) on its Guidelines on Universal Shipborne Automatic Identification System (AIS), which are available at the IALA website.

7 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

REPORT OF THE SIXTH SESSION OF THE SUB-COMMITTEE

General

7.1 The Committee approved, in general, the report of the sixth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 6/15 and Add.1 to 3 and MSC 75/7) and took action as indicated hereunder.

MSC/MEPC circular on Design suggestions for ballast water and sediment management options

7.2 The Committee noted the Sub-Committee's recommendations to MEPC 47 on the draft MSC/MEPC circular on Design suggestions for ballast water and sediment management options, which, following approval by MSC 74, was subsequently approved by MEPC 47 (MEPC 47/20, paragraph 2.58) for dissemination as MSC/Circ.1021 – MEPC/Circ.389.

The IMDG Code in its mandatory form

7.3 The Committee recalled that, at its seventy-third session (MSC 73/21, paragraphs 7.11, 7.14 and 7.17), it had decided, in principle, to make the IMDG Code mandatory and had instructed the Secretariat to prepare a document providing the various options open to the Committee on the procedure to be followed in order to ensure the entry into force date of the mandatory IMDG Code on 1 January 2004; as well as to the procedure to be followed for the adoption of future amendments to the Code, which should be in accordance with the provisions of SOLAS article VIII, for consideration by DSC 6 and submission of suitable recommendations to the present session of the Committee, together with necessary amendments to SOLAS and the appropriately prepared draft new IMDG Code.

7.4 The Committee noted draft Amendment 31-02 (MSC 75/INF.5) to the existing IMDG Code (as agreed to by DSC 6 and finalized by the Editorial and Technical (E&T) Group), which had been incorporated in the consolidated text of the draft new IMDG Code (to be made mandatory under the 1974 SOLAS Convention, as explained in paragraph 7.3 above) set out in the annex to document DSC 6/15/Add.1.

7.5 The Committee noted information provided by the Secretariat that, following adoption of the mandatory IMDG Code, the Code would be available, in English, as a publication in October

2002; it further noted that every effort was being made by the Secretariat to have the Code available, as a publication, in French and Spanish before the end of the year, that is before the Code's voluntary application date of 1 January 2003.

7.6 The Committee's attention having been drawn to the consolidated text of the draft new International Maritime Dangerous Goods (IMDG) Code (2000 edition), set out in the annex to document DSC 6/15/Add.1, the Committee adopted the new IMDG Code by resolution MSC.122(75), as set out in annex 12 (see also paragraph 7.31).

7.7 In adopting the aforementioned IMDG Code, the Committee authorized the Secretariat, when preparing the authentic and certified texts thereof, to effect any editorial corrections that may be identified.

Review of the Medical First Aid Guide (MFAG)

7.8 The Committee endorsed the Sub-Committee's action on the review of the Medical First Aid Guide for use in accidents involving dangerous goods (MFAG), namely that DSC 6, noting that WHO was in the process of revising the International Medical Guide for Ships (IMGS) and that it would be appropriate to refer the revised MFAG to WHO for comments as to the accuracy and adequacy of its provisions, instructed the Secretariat to liaise with the Secretariat of WHO and report the outcome of such consultations to DSC 7. The Secretariat had acted as requested and WHO's response was awaited.

Revised EmS Guide

7.9 The Committee considered the draft revised Emergency response procedures for ships carrying dangerous goods (EmS Guide) (DSC 6/15/Add.2), as amended, noting that the relevant provisions of the consolidated Guide had been incorporated in the adopted mandatory IMDG Code and approved the revised EmS Guide for dissemination by means of MSC/Circ.1025.

Cargo-related safety aspects of ballast water management

7.10 The Committee noted that DSC 6 deferred the consideration of the issue of cargo-related safety aspects of ballast water management to DSC 7, due to lack of sufficient data and information available. The Committee instructed DSC 7 to finalize the issue in time for consideration at a Ballast Water Conference.

Amendments to Annex 13 of the CSS Code

7.11 The Committee approved proposed amendments to the Code of Safe Practice for Cargo Stowage and Securing (CSS Code) for dissemination by means of MSC/Circ.1026.

Incident reports involving dangerous goods

7.12 The Committee recalled that MSC 70 (MSC 70/23, paragraph 9.17) had agreed to include, in the work programmes of the BLG, DSC, NAV, COMSAR, DE and STW Sub-Committees, a continuous item on "Casualty analysis", with the FSI Sub-Committee as co-ordinator.

7.13 The Committee noted that, at DSC 6, some delegations had been of the view that incident reports involving dangerous goods should be submitted to the FSI Sub-Committee Working Group on Casualties and Investigations for detailed consideration, whilst others had been of the

view that since these reports highlighted concerns associated with the transport of dangerous goods, they should be considered by the Sub-Committee which has the expertise to deal with them.

7.14 The Committee, having considered the issue at some length, decided to revisit the matter at MSC 76.

Implementation of the IMDG Code by shore-side parties

7.15 The Committee recalled that, following a proposal by ICHCA (MSC 72/18/2) on the implementation of the provisions of the IMDG Code by shore-side parties, MSC 73 had requested the Secretary-General to communicate with the Director-General of ILO informing him of the Committee's decision concerning the mandatory application of the Code and, in this context, explore possible avenues for future co-operation between the two organizations. MSC 73 instructed DSC 6 to consider ICHCA's document and advise MSC 75 accordingly.

7.16 The Committee noted that DSC 6, noting the willingness of ILO to co-operate with IMO in this context, had suggested that the technical services of the two Organizations discuss the modalities of such a co-operation and further noted that, at DSC 6, the ILO observer recommended that an IMO/ILO working group be set up to explore the best way to ensure implementation of the relevant instruments, their enforcement and the training of shore-side personnel.

7.17 The Committee endorsed the above view of the Sub-Committee and proposed action on implementation of the IMDG Code by shore-side parties and, having considered the possibility of the aforementioned joint working group being tasked with maritime security matters as well, instructed the Secretariat to continue its consultations with ILO and report their outcome to DSC 7 for the latter to advise MSC 76 accordingly.

Development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives

7.18 The Committee, recalling that it had noted the outcome of the SPI Working Group on the issue when considering the report of the group (MSC 75/2/3/Add.2) under agenda item 2 (see paragraph 2.26), instructed DSC 7 to continue to develop the Manual, taking into account any input from the SPI Working Group.

Arrangements to ensure the entry into force of the mandatory IMDG Code on 1 January 2004

7.19 The Committee, recalling its previous discussion and decisions on the IMDG Code (see paragraph 7.3), noted that Contracting Governments to SOLAS present at DSC 6, noting that MSC 73 (MSC 73/21, paragraphs 7.11 and 7.14) had agreed that the entry into force date of the SOLAS amendments making the IMDG Code mandatory should be 1 January 2004 and bearing in mind that, under the circumstances, this date would be the earliest possible for the Code to become mandatory and noting further the six-month requirement of SOLAS article VIII for circulation of draft amendments prior to their adoption, had requested the Secretary-General to circulate the draft amendments to SOLAS chapters VI and VII on making the IMDG Code mandatory in accordance with SOLAS article VIII(b)(i) for consideration, with a view to adoption, at MSC 75, as considered under agenda item 3 (see paragraphs 3.14, 3.15, 3.28 and 3.29).

Voluntary application of future amendments to the mandatory IMDG Code

7.20 The Committee noted that DSC 6, noting that, by following the recommended procedure referred to in paragraph 7.36 and effective 1 January 2004 onwards, amendments to the new IMDG Code would enter into force on 1 January of every even year, that is, one year later than amendments adopted to other instruments governing the transport of dangerous goods by other modes, which enter into force on 1 January every odd year and in order to address this delay and facilitate the multimodal transport of dangerous goods, had recommended to the Committee that, at the time of adoption of the amendments and in order for SOLAS Contracting Governments to have an option to apply the amendments earlier, the Committee would include, in the MSC resolution on adoption of the amendments, an operative paragraph inviting such Governments to apply the adopted amendments on a voluntary basis pending their official entry into force. The Committee endorsed the Sub-Committee's recommendation.

Sequence of actions necessary to make the IMDG Code mandatory and adopt future amendments to the Code

7.21 The Committee agreed with the proposed sequence of actions necessary to make the IMDG Code mandatory and adopt future amendments thereto (DSC 6/15, annex 6).

Reflecting the recommendatory parts of the IMDG Code within it in its mandatory form

7.22 The Committee recalled that MSC 73 (MSC 73/21, paragraph 7.15) had considered the issue of which parts of the Code should be made mandatory and which should continue to be recommendatory and had agreed, as recommended by DSC 5 (DSC 5/13, paragraph 3.80), that the following provisions of the Code should remain recommendatory in the mandatory Code:

- .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 provision in the event of an incident and fire precautions involving dangerous goods).

7.23 The Committee endorsed the DSC Sub-Committee's proposal that, from the legal point of view, the whole of the IMDG Code should be mandatory and provisions of recommendatory nature should be so editorially expressed in the Code (e.g. using the word "should" instead of "shall") as to clarify their status; and noted that, to that effect, it had instructed the Secretariat to make necessary changes to the Code, prior to its submission to MSC 75. DSC 6 further agreed to insert a paragraph in the Code to explicitly reflect these provisions of the Code which continue to be recommendatory in the mandatory IMDG Code.

7.24 The Committee endorsed the proposal and action taken by DSC 6.

Making the IMDG Code mandatory under MARPOL Annex III

7.25 The Committee noted that DSC 6 had recommended to the MEPC that there was no need to introduce any consequential changes to Annex III of MARPOL as a result of the revision of SOLAS chapter VII, except updating the reference to the IMDG Code in the footnote to regulation 1, and that MEPC 47 (MEPC 47/20, paragraph 10.2.2.3) had endorsed the recommendation of DSC 6.

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

7.26 The Committee took action on this issue under agenda item 3 (see paragraphs 3.14, 3.15, 3.28 and 3.39).

7.27 The Committee noted that, at DSC 6, Germany (DSC 6/3/4), noting that, when the IMDG Code became mandatory, the possibilities of granting exemptions or allowing equivalents would be limited only to those cases referred to in the Code, had proposed that, in order to take into account progress in science and technology, the competent authorities should be able to grant exemptions or allow equivalents in particular cases which are not dealt with in the Code, provided that such derogations are equally effective and no less safe. DSC 6 had agreed, in principle, with the proposal and invited Germany to submit a more definitive proposal to DSC 7 for consideration.

7.28 Germany (MSC 75/7/1), recognizing that any new proposals to DSC 7 to incorporate in the new IMDG Code detailed provisions for granting exemptions or allowing equivalents will not have taken effect when the new IMDG Code enters into force on 1 January 2004, therefore, because of the time restraints, proposed to add, in the draft amendments to SOLAS chapter VII, a new provision to this effect (MSC 75/7/1, paragraph 6).

7.29 In considering the matter, many delegations, while agreeing in principle with the concern raised by Germany, expressed the view that appropriate provisions should be included in the IMDG Code rather than in SOLAS chapter VII.

7.30 Having considered the matter at some length, the Committee decided to refer the German proposal (MSC 75/7/1) to DSC 7 for detailed consideration and thereafter advice to MSC 76. Member Governments were invited to submit comments and proposals thereon to DSC 7.

MSC resolution on adoption of the mandatory IMDG Code

7.31 The Committee, having considered the draft MSC resolution on Adoption of the new IMDG Code, set out in annex 8 to document DSC 6/15 and having agreed to add in the resolution the statements to the effect that:

- .1 Contracting Governments to SOLAS may apply the new IMDG Code in whole or in part on a voluntary basis as from 1 January 2003;
- .2 the IMDG Code adopted by the present resolution supersedes the IMDG Code referred to in resolution A.716 (17); and
- .3 the new IMDG Code will take effect on 1 January 2004,

referred the draft resolution to the drafting group established under item 3, to prepare an appropriate final text thereof. Having received the report of the drafting group (MSC 75/WP.17,

annex 4), the Committee adopted resolution MSC.122(75) on Adoption of the International Maritime Dangerous Goods (IMDG) Code, set out in annex 12.

7.32 Bearing in mind that the time limits for the mandatory application of the IMDG Code were very close to one another, one delegation recommended that support be given to putting into action appropriate technical assistance measures to enable the Code to be implemented within the fixed time limits.

Consequential amendments to SOLAS chapter II-2

7.33 The Committee approved proposed draft consequential amendments to SOLAS chapter II-2 as prepared by DSC 6 and further modified by FP 46 see also paragraph 10.13, set out in annex 13, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 76.

Revised MSC/Circ.642

7.34 The Committee approved MSC/Circ.1027 on Carriage of dangerous goods - Document of Compliance, with the special requirements for ships carrying dangerous goods under the provisions of SOLAS regulation II-2/19, to supersede MSC/Circ.642.

Amendments to the INF Code

7.35 The Committee approved the proposed amendments to the INF Code, consequential to the SOLAS chapter VII amendments, set out in annex 14 and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 76.

Procedure for the adoption of future amendments to the IMDG Code

7.36 The Committee approved the proposed procedure for the adoption of future amendments to the IMDG Code, including the proposed general authorization for circulation of the proposed amendments (DSC 6/15, paragraph 11.34), which provides for the following:

- .1 amendments to the mandatory IMDG Code should be adopted at two-year intervals so that they may enter into force on the 1st January of even years, e.g. 1 January 2006, 1 January 2008 and so on;
- .2 the DSC Sub-Committee, at a session which takes place in an odd year, prepares and agrees to proposed amendments developed on the basis of the amendments approved by the UN Committee of Experts on the Transport of Dangerous Goods and those proposed by Member Governments;
- .3 the proposed amendments to the IMDG Code, so agreed by the DSC Sub-Committee, are circulated by the Secretary-General to all IMO Members and Contracting Governments to SOLAS in accordance with SOLAS article VIII(b)(i) for consideration and adoption by the expanded MSC at its first session thereafter;
- .4 proposed amendments, as may be adopted by the expanded MSC in accordance with SOLAS article VIII(vi)(2)(bb), will enter into force 18 months later, i.e. on the 1st January of even years;

- .5 one year prior to the date of entry into force of new amendments, Governments are invited to apply them on a voluntary basis. During that period, the carriage of dangerous goods in compliance with either the IMDG Code in force or the Code incorporating the new amendments should be acceptable; and
- .6 the MSC resolution on adoption of new amendments to the IMDG Code should include, in an operative paragraph, a clause on the above-mentioned treatment of the amended Code.

CSC circular on Material characteristics of CSC safety approval plates

7.37 The Committee approved CSC/Circ.123 on Material characteristics of CSC safety approval plates.

Amendments to Recommendations relating to the CSC Convention (CSC/Circ.100)

7.38 The Committee approved CSC/Circ.124 on Amendments to the Recommendations on harmonized interpretation and implementation of the CSC Convention (CSC/Circ.100).

Future sessions of the Editorial and Technical (E&T) Group

7.39 The Committee noted that DSC 6, noting that the UN Committee of Experts on the Transport of Dangerous Goods (UNCOE) would, at its December 2002 meeting, adopt amendments to the UN Recommendations on the Transport of Dangerous Goods, which would serve as a basis for amendments to the new IMDG Code and would be submitted to DSC 8 in 2003 for consideration, with a view to adoption at MSC 78 in 2004, had agreed that it was appropriate to have two E&T Group meetings in 2003, each of one week duration, one before and one after DSC 8, to prepare and finalize, respectively, draft amendments to the IMDG Code.

7.40 The Committee concurred with the Sub-Committee's view on future meetings of the E&T Group and authorized two one-week meetings of the group in 2003 (see paragraph 22.51.3).

Container serious structural deficiencies

7.41 The Committee decided to consider documents MSC 75/7/2 (Spain) and MSC 75/7/3 (IICL) under agenda item 22 (Work programme) (see also paragraph 22.15).

8 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

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

General

8.1 The Committee approved, in general, the report of the forty-fourth session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 44/18 and MSC 75/8) and took action as indicated hereunder.

Oil tanker safety and environmental matters

8.2 Regarding the outcome of consideration of oil tanker safety and environmental matters, the Committee concurred with the Sub-Committee's course of action in that interested Member Governments should submit specific proposals to the Committee in accordance with the

Guidelines on the organization and method of work and that Member Governments had been invited to proceed accordingly, noting that MSC 74 had already concurred with similar action taken by FP 45, BLG 6 and DE 44.

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

8.3 The Committee noted the progress made in the development of revised SOLAS chapter II-1 parts A, B and B-1 regarding, in particular, minor damage, margin line/bulkhead deck, watertight/weathertight openings and safe access for the crew; and that further progress was expected to be made intersessionally by a correspondence group.

Amendments to Annex B to the 1988 Load Line Protocol

8.4 The Committee noted the progress made in the revision of technical regulations of the 1966 LL Convention (which is expected to culminate in amendments to Annex B to the 1988 LL Protocol) regarding, in particular, bow height formula, reserve buoyancy, bulk carrier safety and safe access for the crew; and that further progress is expected to be made intersessionally by a correspondence group so that the item is concluded at SLF 45 (refer also to section 5).

Application of load line requirements to high-speed craft

8.5 The Committee approved MSC/Circ.1028 on Application of the International Convention on Load Lines, 1966 and the 1988 Protocol relating thereto to high-speed craft, which revises and supersedes MSC/Circ.652.

Revision of the fishing vessel Safety Code and Voluntary Guidelines

8.6 The Committee noted the progress made in the revision of the fishing vessel Safety Code and Voluntary Guidelines and, in particular, that the Sub-Committee had agreed, in principle, to the texts of the draft revised Safety Code and Voluntary Guidelines it had developed and that they would be referred to the relevant sub-committees for appropriate action.

Damage consequence diagrams

8.7 The Committee concurred with the Sub-Committee's majority view that the preparation of damage consequence diagrams should be left to individual Administrations to decide, taking into account the Guidelines for damage control plans (MSC/Circ.919), noting, however, that the concept of guidelines for damage consequence diagrams, if developed, would be useful for the conduct of drills and for training purposes.

High-speed craft model tests

8.8 The Committee approved MSC/Circ.1029 on Interim Guidelines for the conduct of high-speed craft model tests and agreed that the item should be reinstated in the Sub-Committee's work programme after four or five sessions to review the Interim Guidelines in the light of experience, without the need for the Sub-Committee to justify such a reinstatement. In this connection, the Committee noted that the Sub-Committee, in agreeing to the draft Interim Guidelines, had regard to the following recommendations:

- .1 the Interim Guidelines should be applied with a view to verification and further development in the light of experience, and these should be revisited after a period

of time not exceeding four years following the date of entry into force of the 2000 HSC Code;

- .2 comparative model tests should be conducted and the results of such tests should be submitted to the Organization, so as to validate and further refine the Interim Guidelines; and
- .3 Member Governments should undertake to seek comments on, and evaluation of, the Interim Guidelines from the International Towing Tank Conference (ITTC) and, subsequently, collect information from the ITTC, in particular the results of their experience, and submit it to the Organization for consideration with a view to improving the Interim Guidelines. In this connection the Committee noted that the ITTC had established a world-wide sub-committee of experts to assist IMO in this matter.

Ships operating in Arctic ice-covered waters

8.9 The Committee noted the outcome of consideration of the relevant parts of the draft Guidelines for ships operating in Arctic ice-covered waters, which were referred to the DE Sub-Committee for appropriate action, and that, subsequently, DE 45 had considered and reviewed the said parts and incorporated them into the final draft consolidated text of the Guidelines to be considered by MSC 76 for approval.

Partially weathertight hatch covers

8.10 The Committee concurred with the Sub-Committee's decision to invite Member Governments when authorizing organizations, whether or not members of IACS, to act on their behalf when dealing with partially weathertight hatch covers on existing containerships, to apply the provisions of IACS Unified Interpretation LL64 until the relevant IMO Guidelines are finalized.

Amendments to the 2000 HSC Code

8.11 The Committee approved proposed amendments to the 2000 HSC Code developed by the Sub-Committee, set out in annex 15, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 79 in December 2004, in time for them to enter into force with the next set of SOLAS amendments in 2006.

8.12 With respect to the draft amendments presented by Norway in document MSC 73/3/22, proposing additional damage stability requirements regarding the extent of damage, and the supporting stability calculations shown in document SLF 44/INF.5 (also by Norway), the Committee noted that the Sub-Committee, recognizing that these issues had been extensively discussed during past sessions; that the correspondence group had concluded that the proposals were not practicable; and that no new evidence had been provided to justify a change of opinion, had not agreed to the proposed amendments to paragraphs 2.13.2 and 2.6.8.2.1 of chapter 2 of the 2000 HSC Code.

Large passenger ship safety

8.13 The Committee noted the progress made within the context of large passenger ship safety, in particular that work thereon would continue on objective 1, task 4 (which applies to both

existing and future ships and refers to the recommendation to relate the designed survivability of the ship to the availability of SAR functions and the ship's area of operation) and task 8 (which applies to future ships only and refers to the recommendation to combine the structural performance of the ship after damage with the survivability criteria), through the Sub-Committee's correspondence group on subdivision and damage stability (see also paragraphs 4.2, 4.9 to 4.13 and 4.20 to 4.22).

Initial tests of watertight doors

8.14 The Committee approved proposed amendments to SOLAS regulation II-1/18 regarding initial tests of watertight doors in passenger and cargo ships, set out in annex 16, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 79 in December 2004, in time for them to enter into force with the next set of SOLAS amendments in 2006.

OTHER MATTERS

Revision of IACS UR S21

8.15 The Committee recalled that document MSC 75/INF.18 (IACS), submitted under this agenda item and reporting on the status, progress and anticipated completion of the revision of IACS Unified Requirement S21 – Evaluation of Scantlings of Hatch Covers of Bulk Carrier Cargo Holds, had been dealt with under agenda item 5 (Bulk carrier safety) (see paragraph 5.6).

9 TRAINING AND WATCHKEEPING

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

General

9.1 The Committee approved, in general, the report of the thirty-third session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 33/17 and MSC 75/9) and took action as indicated hereunder.

Validation of model courses

9.2 The Committee noted the validation of three IMO model courses, as given in the annex to document STW 33/3; and instructed the Secretariat to publish them as soon as practicable. Under agenda item 14 (Technical assistance subprogramme in maritime safety), the Committee received information on the status of model courses, including progress with translation into French and Spanish (see paragraph 14.3).

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

9.3 The Committee approved a draft Assembly resolution on Recommendations on training and certification and operational procedures for maritime pilots other than deep-sea pilots, set out in annex 17, for submission to the twenty-third session of the Assembly for adoption, to supersede resolution A.485(XII).

9.4 The ICS observer, in the collective statement on behalf of ICS, OCIMF and INTERTANKO, expressed disappointment that it had not been possible to resolve all issues in the revision of the resolution, in particular the master's obligation to complete berth-to-berth

passage planning in accordance with resolution A.893(21), which ICS considered had not been addressed through the inclusion of complementary obligations on pilotage authorities. The delegation of the Bahamas expressed support for the statement made by ICS.

9.5 The ICS observer reported that a dialogue had been established between the industry and IMPA and, to this end, the industry was co-operating on the development of practical guidelines which, when finalized, would lead to the publication of recommended best practice for use by both ships and pilots. Any guidelines developed in this respect would be submitted to the Organization in due course.

9.6 The IMPA observer welcomed completion of the revision of resolution A.485(XII) and the compromises that had been made when no single view had prevailed. IMPA expressed its commitment to on-going discussions with the shipping industry, within IMO, based on the revised resolution, to ensure safe operations and on-going mutual benefit.

Communication of additional information

9.7 The Committee endorsed the Sub-Committee's decision that the Secretary-General need not solicit the views of competent persons on additional information communicated under the provisions of STCW article IV and regulation I/7 in respect of:

- .1 specimen copies of safe manning documents issued to ships where seafarers hold alternative certificates issued under STCW regulation VII/1; or
- .2 reports providing additional information summarizing the measures taken to ensure compliance with STCW regulation I/10, in cases where the Secretary-General has already made a report to the Committee on those measures.

9.8 In the case of reports providing information summarizing the measures taken by STCW Parties to ensure compliance with STCW regulation I/10 (see paragraph 9.7.2), the Committee instructed the Secretariat to prepare, for the Committee's approval at subsequent sessions, draft MSC circulars, as necessary, identifying recognition arrangements established by Parties.

Updating the list of confirmed STCW Parties (the so-called 'white list')

9.9 The Committee noted the Sub-Committee's consideration of a proposal to review and update the list of confirmed STCW Parties at five-yearly intervals and the views expressed by Denmark (MSC 75/9/3) reiterating the view it had expressed at MSC 74 (MSC 74/24, paragraph 7.7) that, for the concept of a 'white list' to have any meaning, a completely new list should be adopted at fixed intervals. Denmark therefore proposed to include a subitem on "Refreshing the list of confirmed STCW Parties" in the Sub-Committee's work programme item on "Follow-up action to the 1995 STCW Conference" to clarify the existing procedures (MSC/Circ.796/Rev.1 and MSC/Circ.997).

9.10 Many delegations supported the view expressed by Denmark that a new so-called 'white list' should be adopted at fixed intervals. A number of delegations supported the view expressed by the delegation of Cyprus that more practical experience in the use of the 'white list' should be gained before considering a revision of the list. Other delegations proposed that any revision of the 'white list' should be undertaken at 5-yearly intervals in conjunction with the reports of independent evaluations required by section A-I/8 of the STCW Code.

9.11 The Committee agreed that a 5-yearly cycle of updates of the 'white list' should be adopted and instructed the Sub-Committee to prepare the procedures necessary for regular updating of the list and to consider whether it was necessary for the STCW Convention or STCW Code to be amended to adopt these procedures. The Committee also agreed that the work should be completed within two sessions of the Sub-Committee.

GMDSS GOC and ROC certificates

9.12 The Committee noted the Sub-Committee's decision that an amendment to the STCW Code to make examinations mandatory for renewal or endorsement of GMDSS certificates was unnecessary.

Guidance on conflicting actions in collision avoidance

9.13 The Committee noted the outcome of the Sub-Committee's consideration of the development of guidance for maritime training institutes on the importance of paying proper attention in the training of officers of the navigational watch to the matter of conflicting actions in collision avoidance; and instructed the Secretariat to advise the NAV Sub-Committee of the outcome of its deliberations.

End of STCW transitional provisions

9.14 The Committee noted the issues identified by the Sub-Committee related to the end, on 1 February 2002, of the transitional provisions laid down in STCW regulation I/15 (STW 33/17, paragraphs 5.45 to 5.48) and, having recalled the Secretary-General's remarks in his opening speech, endorsed the Sub-Committee's action in issuing STCW.7/Circ.12 on Advice to port State control officers and recognized organizations on action to be taken in cases where not all seafarers are found to carry certificates and endorsements meeting STCW 95 requirements after 1 February 2002; as well as the Sub-Committee's instruction to the Secretariat to issue it immediately.

9.15 The delegation of Japan recalled the disappointment it had expressed at STW 33 at the Sub-Committee's decision to issue an STCW circular allowing relaxation from full compliance with the revised STCW requirements until 31 July 2002, i.e., 6 months from the 1 February 2002 implementation date. Japan advised the Committee that the Paris and Tokyo MoUs on port State control had followed the advice in the STCW circular and had issued warnings to companies and seafarers in cases where seafarers were found not to comply with the revised Convention provisions. The delegation of Japan also informed the Committee of the results of a concentrated inspection campaign undertaken by the Paris MoU, the results of which had indicated that approximately 35% of the ships inspected had deficiencies related to seafarers' certification.

9.16 In noting the information provided, the Committee urged all concerned to make every effort to ensure that serving seafarers hold certificates and documentary evidence meeting the revised Convention requirements in order to avoid major problems during port State control inspections after 31 July 2002.

9.17 The Committee also recalled that STW 33 (STW 33/17, paragraph 5.48) had noted that major ISM non-conformities could be raised against a ship and the company in cases where seafarers did not hold the necessary certification in accordance with statutory requirements, which could lead to the detention of the ship, and that the Sub-Committee had recommended that Administrations should issue necessary instructions to recognized organizations to avoid the withdrawal of ISM certificates in such cases.

Certificates issued under STCW chapter VI

9.18 The Committee approved MSC/Circ.1030 on Guidance for port State control officers on issues related to certificates of competency.

Unlawful practices associated with certificates of competency

9.19 The Committee noted the outcome of the Sub-Committee's consideration of the research report on unlawful practices associated with certificates of competency and endorsements; approved the list of actions to be taken by the Sub-Committee and the Secretariat (STW 33/17, annex 4); and endorsed the Sub-Committee's invitation to the FSI Sub-Committee to consider, when analysing casualty investigation reports, whether fraudulent certificates had been involved.

9.20 France (MSC 75/INF.24) provided information on the introduction of an STCW certificate management database in France, which can be accessed through the internet to provide information on certificate validity and authenticity.

9.21 The Committee noted that, on the basis of information provided by STCW Parties, the Secretariat had compiled a list of Administrations responsible for regulating the STCW Convention and providing verification of validity and authenticity of certificates. The latest list is in the annex to STCW 95/Circ.1/Rev.3 issued on 2 March 2002. Contact information contained in the list is constantly updated by the Secretariat and the most up-to-date information is posted on the IMO website forming also the basis of a certificate verification facility available on the website.

9.22 The Committee endorsed the Sub-Committee's decision to instruct the Secretariat to convey the outcome of the Working Group on Unlawful Practices associated with Certificates of Competency and Endorsements to the MSC intersessional Working Group on Maritime Security (ISWG) (MSC 75/ISWG/3/1), noting that the ISWG had considered the outcome of STW 33 under the relevant agenda items (i.e., items on ship security officers and seafarer identification and background check).

Casualty analysis

9.23 The Committee noted the outcome of the Sub-Committee's consideration of two casualty investigation reports and endorsed its instruction to the Secretariat to convey its decisions to the FSI and DE Sub-Committees.

Guidelines for ships operating in Arctic ice-covered waters

9.24 The Committee noted the Sub-Committee's concerns over the inclusion of requirements for training in the use of shotguns or hunting rifles in the draft Guidelines for ships operating in Arctic ice-covered waters in the light of the Organization's advice, in the context of piracy and armed robbery, that commercial ships should not carry firearms (see also paragraph 12.6).

9.25 The Committee noted the outcome of the Sub-Committee's consideration of those parts of the draft Guidelines for ships operating in Arctic ice-covered waters falling under its purview; and endorsed the Sub-Committee's instruction to the Secretariat to convey its comments to the DE Sub-Committee.

Large passenger ship safety

9.26 The Committee endorsed the Sub-Committee's decision to instruct the Secretariat to convey the results of the gap analysis undertaken by the United States (STW 33/11) to the DE Sub-Committee for consideration.

Revision of the fishing vessel Safety Code and Voluntary Guidelines

9.27 The Committee noted the outcome of the Sub-Committee's consideration of those parts of the fishing vessel Safety Code and Voluntary Guidelines falling under its purview; and instructed the Secretariat to convey the Sub-Committee's comments to the SLF Sub-Committee.

Issues to be considered when integrating computer-based technologies into training and assessment of seafarers

9.28 The Committee approved STCW.7/Circ.13 on Issues to be considered when integrating computer-based technologies into training and assessment of seafarers.

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

General

9.29 The Committee recalled that MSC 69 had instructed the Secretariat (MSC 69/22, paragraph 7.11) to keep it informed of progress being made in preparation of the reports pursuant to STCW regulation I/7, paragraph 2 and that, at subsequent sessions, the Committee had received an update with respect to the information communicated by the 82 Parties that had met the 1 August 1998 deadline and those Parties whose information had been received after the said deadline.

9.30 The Committee also recalled that MSC 73 had agreed to deal with the Secretary-General's reports in plenary due to the limits on the number of working groups (MSC 73/21, paragraph 18.38).

Progress report

9.31 The Committee noted progress made on the evaluation of information communicated by STCW Parties as at 12 March 2002 (MSC 75/9/1), and further noted that, at the end of last year's first extraordinary session of the Committee, the so-called "white list", consisted of 71 Parties confirmed by MSC 73; 23 Parties confirmed by MSC 74; and 8 Parties confirmed by the extraordinary session, giving a total of 102 Parties, out of a total of 139 current STCW Parties, as promulgated by MSC/Circ.1018.

9.32 The Committee also noted that, since the progress report at 12 March 2002, the situation was that the evaluation of the original 82 Parties which had met the 1 August 1998 deadline had been completed. Of the fourteen Parties whose reports had been communicated after 1 August 1998, nine panels of competent persons had completed their initial evaluation and the relevant Parties had been requested to provide clarifications and, of those, one panel was considering clarifications provided by the respective Party and clarifications were still awaited from eight. Evaluation continued with respect to remaining Parties.

Secretary-General's report to the Committee

9.33 In introducing his report (MSC 75/WP.2), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation 1/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the same regulation and circulated as MSC/Circ.797, as revised from time to time. As required by MSC/Circ.796/Rev.1, the report for each Party comprised:

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

The Secretary-General then invited the Committee to consider the reports attached to document MSC 75/WP.2 for the purpose of confirming that the information provided by the STCW Parties concerned confirmed that full and complete effect was being given to the provisions of the revised STCW Convention.

9.34 As was the case with the Secretary-General's report to MSC 74 and the Committee's first extraordinary session, the Committee agreed to take each Party report individually in order to:

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

9.35 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of the STCW Parties included in the Secretary-General's reports and instructed the Secretariat to prepare a draft MSC circular (along the lines of those approved previously: MSC/ Circs.978, 996 and 1018) attaching a list of Parties so far found to be giving the STCW Convention full and complete effect, including those confirmed by MSC 75.

9.36 Having considered the draft of an *ad hoc* MSC circular (MSC 75/WP.3), the Committee approved MSC/Circ.1031 on Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, confirmed by the Maritime Safety Committee to have communicated information which demonstrates that full and complete effect is given to the relevant provisions of the Convention, listing all of the STCW Parties so far confirmed.

APPROVAL OF COMPETENT PERSONS

9.37 The Committee approved additional competent persons nominated by Governments (MSC 75/9/2, annex and MSC 75/WP.4) and instructed the Secretariat to update MSC/Circ.797/Rev.6 accordingly and issue the updated circular as MSC/Circ.797/Rev.7.

OTHER ISSUES

Reference to amendments in the title of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

9.38 The Bahamas (MSC 75/9/5), having expressed the view that the use of the term “STCW 95” to mean the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended was not consistent with the existing practice at IMO and was causing confusion, therefore proposed standardization of the title of the Convention.

9.39 The Committee agreed that the use of the term “STCW 95” to mean the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, had led to some confusion, as had the title of certificates and endorsements in section A-I/2 of the STCW Code where the reference was to the Convention “as amended in 1995”, whereas the Convention had also been amended subsequently in 1997 and 1998.

9.40 The Committee agreed to refer the issue to STW 34 for consideration and preparation of any necessary amendments to the STCW Convention or the STCW Code to clarify the issue. In order to address the difficulties reportedly arising due to requests by port State control officers for certificates and endorsements bearing references to “STCW 95”, the Committee considered a draft MSC circular (MSC 75/WP.13) and approved MSC/Circ.1032 on Guidance for port State control officers on references to STCW 95 in certificates, endorsements and documentary evidence.

9.41 The Committee also instructed the Secretariat to remove references to “STCW 95” in the published version of the Convention when printing its next edition.

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

9.42 In considering proposals by Brazil (MSC 75/9/4) to develop revised procedures to simplify and expedite the international process of recognition of certificates under STCW regulation I/10, the Committee noted that the procedures to be undertaken by STCW Parties in order to recognize certificates by endorsement were somewhat bureaucratic and that simplification of the procedures might facilitate the process as difficulties were being experienced by Parties in concluding the necessary undertakings prior to recognizing certificates.

9.43 The Committee agreed to refer document MSC 75/9/4 to STW 34 for consideration of the proposals made by Brazil to facilitate the process (MSC 75/9/4, paragraph 11); and instructed STW 34 to review the STCW Convention provisions related to the recognition of certificates and advise the Committee whether any clarification or amendment of the current provisions was necessary.

10 FIRE PROTECTION

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

General

10.1 The Committee approved, in general, the report of the forty-sixth session of the Sub-Committee on Fire Protection (FP) (FP 46/16 and MSC 75/10) and took action as indicated hereunder.

Evacuation analyses for new and existing passenger ships

10.2 The Committee considered a submission by Germany, Sweden, the United Kingdom and ICCL (MSC 75/10/1), containing a proposed preamble for incorporation into the draft Interim Guidelines for evacuation analyses for new and existing passenger ships, as prepared by FP 46, and decided to include the draft preamble in the aforementioned Interim Guidelines. Having agreed to editorial modifications to the proposed Interim Guidelines (MSC 75/WP.9), the Committee approved MSC/Circ.1033 on Interim Guidelines for evacuation analyses for new and existing passenger ships.

Smoke control and ventilation on new passenger ships

10.3 The Committee approved MSC/Circ.1034 on Guidelines for smoke control and ventilation systems for internal assembly stations and atriums on new passenger ships.

Use and installation of detectors equivalent to smoke detectors

10.4 The Committee approved MSC/Circ.1035 on Guidelines for the use and installation of detectors equivalent to smoke detectors.

Unified interpretations of the FTP Code

10.5 The Committee approved MSC/Circ.1036 on Unified interpretations of the International Code for Application of Fire Test Procedures (FTP Code) and fire test procedures referred to in the Code, having agreed to 24 May 2002 as an application date of the interpretations.

Correction of errors in the revised SOLAS chapter II-2

10.6 Having agreed to the correction of errors in the revised SOLAS chapter II-2, adopted by resolution MSC.99(73), as contained in annex 6 to document FP 46/16, the Committee instructed the Secretariat to initiate the required procès verbale of rectification.

Unified interpretations of the revised SOLAS chapter II-2

10.7 In considering the draft unified interpretations of the revised SOLAS chapter II-2, the Committee discussed modifications to the draft unified interpretation of SOLAS regulation II-2/13.3.4 regarding emergency escape breathing devices, as proposed by Sweden (MSC 75/10/2), and, having agreed not to approve, at this session, the proposed unified interpretation of regulation II-2/13.3.4 but to refer document MSC 75/10/2 to FP 47 for consideration, approved MSC/Circ.1036 on Unified interpretations of the revised SOLAS chapter II-2.

Guidelines for ships operating in Arctic ice-covered waters

10.8 The Committee noted that the Sub-Committee had finalized its review of the fire safety provisions contained in the draft Guidelines for ships operating in Arctic ice-covered waters and had forwarded its recommendations to the DE Sub-Committee for co-ordination purposes.

Analysis of fire casualty records

10.9 The Committee noted the Sub-Committee's consideration of the analysis of fire casualty records and, in particular, its recommendations to the FSI Sub-Committee to consider the draft Interactive process between the FSI Sub-Committee and other sub-committees to identify maritime safety and marine pollution issues, as prepared by FP 46, and the lessons learned from hot work casualties for consideration and action, as appropriate; and its recommendation to the STW Sub-Committee to consider seafarers' training issues in regard to the lessons learned from hot work casualties.

Revision of resolution A.654(16)

10.10 Having noted that the Sub-Committee, in considering how to incorporate standard ISO 17631:2002 on Shipboard plans for fire protection, life-saving appliances and means of escape, within the regulatory framework, had agreed, as an interim measure, to prepare a draft MSC circular on Preparation of shipboard fire control plans, so that it may be used on a voluntary basis in anticipation of the pending revision of resolution A.654(16), the Committee, particularly, noted the Sub-Committee's recommendations to:

- .1 the DE Sub-Committee to consider taking similar actions with regard to the use of the graphical symbols contained in standard ISO 17631:2002 as they relate to life-saving appliances and arrangements, as required by SOLAS chapter III; and
- .2 the STW Sub-Committee to consider the training implications that may arise by the application of standard ISO 17631:2002, taking into consideration that seafarers should be familiar with the new symbols,

and decided to deal with the aforementioned draft MSC circular under agenda item 12 (Ship design and equipment), when considering urgent matters emanating from DE 45 (see paragraph 12.20).

Guidelines for marine portable fire extinguishers

10.11 The Committee approved the proposed draft Assembly resolution on Improved Guidelines for marine portable fire extinguishers, set out in annex 18, for submission to the twenty-third session of the Assembly for adoption.

Large passenger ship safety

10.12 The Committee, having noted that the outcome of the Sub-Committee's consideration of matters relating to large passenger ship safety had been dealt with under agenda item 4 (Large passenger ship safety) when documents MSC 75/4 and MSC 75/4/Add.1, containing the summary of the outcome on the issue of the Sub-Committees concerned, had been considered (see paragraphs 4.9 to 4.15 and 4.20 to 4.23), agreed that no further action was needed under this agenda item.

Draft amendments to the revised SOLAS chapter II-2

10.13 The Committee noted the Sub-Committee's consideration of the draft amendments to the revised SOLAS chapter II-2 prepared by DSC 6 and, having recalled that it had approved the draft amendments under agenda item 7 (Dangerous goods, solid cargoes and containers) when considering matters emanating from DSC 6 (see paragraph 7.33), additionally agreed to replace the word "closed" by the word "enclosed" in footnote 16 to SOLAS regulation II-2/19 given in annex 11 to document FP 46/16.

LOCATION FOR TERMINATION OF LUBRICATING OIL TANK AIR PIPES

10.14 The Committee considered a submission by IACS (MSC 75/10/3) expressing concern that the revised SOLAS chapter II-2 prohibits lubricating oil tank air pipes from terminating within the machinery spaces and requires such air pipes to terminate on the open deck on new ships (keels laid on or after 1 July 2002), whereas the existing SOLAS chapter II-2 has permitted such air pipes to terminate within the machinery spaces. In this context, the Committee noted the opinion of IACS that past practice (as also per IACS UR F35) should continue to be accepted pending further consideration by the FP Sub-Committee.

10.15 Having debated the above IACS opinion, the Committee agreed to forward document MSC 75/10/3 to FP 46 for further consideration and appropriate action under the agenda item on "Any other business".

11 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

REPORT OF THE SIXTH SESSION OF THE SUB-COMMITTEE

GENERAL

11.1 The Committee approved, in general, the report of the sixth session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) (COMSAR 6/22 and MSC 75/11) and took action as indicated hereunder.

RADIOCOMMUNICATION MATTERS

Amendments to the International SafetyNET Manual

11.2 The Committee, noting the request of some delegations at COMSAR 6 that they needed time to review the proposed amendments to the International SafetyNET Manual (given in annex 2 to document COMSAR 6/22), agreed to consider, for approval, the relevant draft MSC circular, at MSC 76.

Guidelines for general radiocommunications

11.3 The Committee approved MSC/Circ.1038 on Guidelines for general radiocommunications, providing guidance to Governments on criteria for general radiocommunications to meet GMDSS requirements in areas where no such communications exist.

Proper use of VHF channels at sea

11.4 The Committee approved a draft Assembly resolution on Proper use of VHF channels at sea, set out in annex 19, for submission, subject to any comments/amendments provided by the NAV and/or STW Sub-Committees, to the twenty-third session of the Assembly for adoption, to revoke resolution A.474(XII).

ITU MATTERS**IMO liaison statement to the ITU Working Party 8B**

11.5 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to convey a liaison statement concerning amendments to Recommendation ITU-R M.493-10 to the ITU WP.8B meeting which was scheduled to be held from 1 to 7 May 2002.

ITU World Radiocommunication Conference matters

11.6 The Committee approved the IMO position on the World Radiocommunication Conference 2003 (WRC-03) agenda items on matters concerning maritime services, as given in annex 20, for submission first to the Conference Preparatory Meeting (CPM-02) (to be held in Geneva, Switzerland, in November 2002) and subsequently to WRC-03 (scheduled to meet in Caracas, Venezuela, in June/July 2003).

11.7 The Committee instructed the Secretariat to convey the IMO position to CPM-02 and report the outcome to COMSAR 7, which could, if necessary, amend/adjust the IMO position for submission to WRC-03.

11.8 The Committee recalled that MSC 74 had instructed the Secretariat to study the legal implications involved in collaboration with ITU and to prepare a draft IMO position on the status of observers from United Nations specialized agencies, for consideration and endorsement by COMSAR 6 and approval by MSC 75.

11.9 The Committee approved the IMO statement on IMO's participation in future ITU World Radiocommunication Conferences, including circular letter No.2383, inviting Maritime Administrations to support and defend the IMO views, individually or collectively, during such conferences, as given in annex 21, for submission to the relevant ITU Plenipotentiary Conference scheduled to be held in September/October 2002 (PPC-2002).

11.10 The Secretariat was instructed to convey the above IMO statement to PPC-2002 and inform MSC 76 of the decisions taken.

11.11 The Committee adopted resolution MSC.129(75) on Maritime safety and safety-related radiocommunications, set out in annex 22.

OTHER RADIOCOMMUNICATION MATTERS**Footnotes in resolutions A.804(19) and A.806(19)**

11.12 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to insert the agreed footnotes into the appropriate Annexes to resolutions A.804(19) and A.806(19) regarding performance standards for shipborne radiocommunication and navigational equipment.

The agreed footnotes would bring the performance standards in conformity with the ITU Radio Regulations in force.

Inmarsat Fleet F 77 ship earth stations

11.13 The Committee adopted resolution MSC.130(75) on Performance standards for Inmarsat ship earth stations capable of two-way communications, set out in annex 23, containing performance standards for Inmarsat Fleet F 77 ship earth stations meeting the relevant requirements of resolution A.888(21) on Criteria for the provision of mobile-satellite communication systems in the GMDSS.

11.14 The Committee concurred with the Sub-Committee's view that Inmarsat Fleet F 77 communication terminals should be used on GMDSS ships and by MRCCs.

Satellite EPIRBs

11.15 In endorsing the proposals of the Sub-Committee, the Committee approved:

- .1 MSC/Circ.1039 on Guidelines for shore-based maintenance of satellite EPIRBs; and
- .2 MSC/Circ.1040 on Guidelines on annual testing of 406 MHz satellite EPIRBs.

False alert issues

11.16 The Committee noted the Sub-Committee's decision to extend the work of the correspondence group on false alerts to 2003, subject to the Committee's decision on extending likewise the target completion date of the high priority item "Emergency radiocommunications: false alerts and interference" to 2003 (see paragraph 22.32).

11.17 Having considered document MSC 75/11/6 (Secretariat), the Committee approved COMSAR/Circ.29 on Guidance for the voluntary use of standardized questionnaires and formats for reporting false alerts in collecting data on false alerts, prepared by the Secretariat in compliance with the Sub-Committee's instruction.

SAR MATTERS

Ninth meeting of the ICAO/IMO Joint Working Group

11.18 The Committee approved the convening of the ninth session of the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR, to take place in Hong Kong, China, from 30 September to 4 October 2002 (see also paragraph 22.51.2).

11.19 The Committee endorsed the Sub-Committee's action in inviting the joint working group to consider the questions raised by the delegation of Cyprus, supported by the delegation of the Bahamas, on the rotation of the permanent membership of that group and the meeting venues, which should include, e.g. on an alternate basis, the Organization's Headquarters, giving the permanent missions located in London the possibility to participate as observers at no cost to their delegations, taking into account the discussion at, and decision of, MSC 72 (MSC 72/23, paragraph 9.20) on the same issue, and report thereon to COMSAR 7.

Matters related to MSC/Circ.1000

11.20 The Committee recalled that MSC 74 had:

- .1 approved MSC/Circ.1000 on Guidelines for the preparation of plans for co-operation between search and rescue services and passenger ships (in accordance with SOLAS regulation V/7.3); and
- .2 instructed COMSAR 6 to prepare minimum requirements for SAR data providers, as a matter of urgency.

11.21 The Committee approved MSC/Circ.1041 on Guidelines for ship operators and search and rescue (SAR) services on minimum requirements for SAR data providers holding SAR co-operation plans in accordance with SOLAS regulation V/7.3 and MSC/Circ.1000 and the provision of up-to-date plans at all times.

11.22 The Committee noted the Sub-Committee's view that there was no need for establishing reporting requirements for passenger ships in addition to those contained in MSC/Circ.1000.

Emergency medical kit/bag

11.23 The Committee approved MSC/Circ.1042 on List of contents of the Emergency medical kit/bag, and medical consideration for its use on ro-ro passenger ships not normally carrying a medical doctor.

11.24 The Committee noted the establishment by the Sub-Committee of a correspondence group to assess responsibility and liability in relation to issues associated with the use of the Emergency medical kit/bag, subject to the Committee's decision to include a high priority subitem on "Medical assistance in SAR services" in the Sub-Committee's work programme (see paragraph 22.29).

11.25 Having considered document MSC 75/11/3 (France, Germany and Sweden), the Committee, endorsing the proposal contained therein, instructed COMSAR 7 to identify passenger ships, other than ro-ro passenger ships, which could also benefit from being equipped with the medical first-aid kit; and to prepare an appropriate draft MSC circular for approval at MSC 77.

Watchkeeping on VHF channel 16 by SOLAS ships

11.26 The Committee recalled that MSC 74 had instructed COMSAR 6 to consider document MSC 74/9/5 (Denmark and Netherlands), proposing that SOLAS regulation IV/12.3 be amended for consistency with resolution MSC.77(69), and to advise MSC 75 if there was a need to determine a date of cessation of watchkeeping by SOLAS ships on VHF channel 16 other than 1 February 2005.

11.27 The Committee endorsed the Sub-Committee's recommendation that the existing SOLAS regulation IV/12.3 concerning watchkeeping on VHF channel 16 should not be changed; and recalled that it had dealt with the matter under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see paragraphs 3.9 and 3.10).

11.28 Taking into account its decisions as reflected in paragraph 3.9, the Committee adopted resolution MSC.131(75) on Maintenance of a continuous listening watch on VHF channel 16 by

SOLAS ships whilst at sea and installation of VHF DSC facilities on non-SOLAS ships, set out in annex 24, revoking resolution MSC.77(69).

Places of refuge

11.29 The Committee instructed NAV 48 to take account of MSC/Circ.892 on Alerting of SAR Authorities, when discussing places of refuge matters; and to inform COMSAR 7 accordingly.

Passenger ship safety issues

11.30 Being informed that Hong Kong, China had reported to COMSAR 6 on lessons learned from a SAR exercise conducted on board a passenger ship, highlighting a number of recommendations resulting from that exercise, the Committee instructed:

- .1 the DE Sub-Committee to consider that the transportation safety lock mechanism of the escape chute, if not removed, might delay its opening and noted that DE 45 had given preliminary consideration to the matter and had instructed its Correspondence Group on Large Passenger Ship Safety to make appropriate recommendations to DE 46; and
- .2 the STW Sub-Committee to consider the recommendation that a ship's crew assigned to carry injured persons to a rescue helicopter should be safety conscious and trained when working in the vicinity of the helicopter.

Matters related to bulk carrier safety

11.31 The Committee approved MSC/Circ.1043 on Guidance on ships' daily reporting of their positions to their companies.

11.32 The delegation of the United Kingdom, with the support of some other delegations, suggested that daily reporting by ships of their position to their companies should be compulsory and such requirements could be incorporated into the on-board safety management system; and also that the COMSAR Sub-Committee or other appropriate sub-committees, could be instructed to consider the proposal.

11.33 A number of delegations, while agreeing to the introduction of a mandatory daily reporting, pointed out that it should not increase the paper work on board ships and not be a case for ships' detentions.

11.34 Taking into account that mandatory reporting of ships' position formed part of maritime security overall, the Committee agreed to consider the matter further at MSC 76 having regard to the appropriate submissions to the Committee and the Diplomatic Conference on Maritime Security.

Adoption of amendments to the IAMSAR Manual

11.35 The Committee noted that the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR, at its eighth session held in Montreal, Canada, from 20 to 24 August 2001, had prepared draft amendments to the IAMSAR Manual which were subsequently endorsed by COMSAR 6.

11.36 Following an intervention by the delegation of Greece, supported by the delegation of Cyprus, reiterating the reservation they had registered at COMSAR 6 with respect to the amendments concerning aeronautical advice to MRCCs (section 1) as had been modified by COMSAR 6, and with the concurring statement of the COMSAR Sub-Committee Vice-Chairman and Chairman of the COMSAR SAR Working Group, the Committee referred that particular section to the joint working group for clarification and advice to COMSAR 7.

11.37 In accordance with the procedures prescribed in the Annex to resolution A.894(21) and, being advised that ICAO had already approved the proposed draft amendments, the Committee adopted the remaining of the proposed amendments to the IAMSAR Manual, i.e., all the amendments save for section 1, for dissemination by means of MSC/Circ.1044, having decided that the adopted amendments should enter into force on 1 July 2003.

Long-range AIS interface

11.38 The Committee, taking account of its decisions concerning maritime security issues, concurred with COMSAR 6 and instructed the Secretariat to request ITU WP.8B and, through IMSO, Inmarsat Ltd. to:

- .1 study the feasibility of providing long-range tracking with Inmarsat-C polling or using the data output available from AIS equipment; and
- .2 make necessary technical changes to MF/HF and Inmarsat equipment standards such that the relevant AIS data may be available to any appropriate national authority, including SAR authorities, using GMDSS communication equipment.

Means of ship alerting

11.39 The Committee was advised that COMSAR 6 had agreed to the following changes to MSC/Circ.623/Rev.2 on Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships:

- .1 to delete, from paragraph 29, the sentence “The appropriate RCC should acknowledge receipt and attempt to establish communications”; and
- .2 to insert a new paragraph 29*bis* to read:

“The ship may be able to send a covert piracy alert to an RCC. However, as pirates may be on board the ship and within audible range of the communication equipment, when the RCC sends an acknowledgement of receipt and attempts to establish communication, they could be alerted to the fact that a piracy alert has been transmitted. This knowledge may serve to further endanger the lives of the crew on board the ship. RCCs and others should, therefore, be aware of the danger of unwillingly alerting the pirates that a distress alert or other communication has been transmitted by the ship.”

11.40 The Committee, taking into account paragraphs 3 and 6.2 of document MSC 75/11/5 (Germany), approved the above proposed changes, as modified in line with the proposal by Germany, and instructed the Secretariat to issue MSC/Circ.623/Rev.3 accordingly.

Forms of Nuclear Ship Safety Certificates

11.41 With regard to the Sub-Committee's request to authorize COMSAR 7 to review the Form of Nuclear Passenger Ship Safety Certificate and the Form of Nuclear Cargo Ship Safety Certificate, the Committee decided to deal with the matter under agenda item 22 (Work programme) in line with document MSC 75/22/7 (Russian Federation) (see also paragraph 22.6).

REVIEW OF SAFETY MEASURES AND PROCEDURES FOR THE TREATMENT OF PERSONS RESCUED AT SEA

11.42 The Committee recalled that, under agenda item 2 (Decisions of other IMO bodies), it had agreed to consider the aforementioned issue under this agenda item.

11.43 The Committee also recalled the adoption by the twenty-second session of the Assembly of resolution A.920(22) on Review of safety measures and procedures for the treatment of persons rescued at sea, and noted that, in pursuance of the Assembly's request in operative paragraph 5 of the resolution, the Secretary-General was to submit a report, on progress made in the interim, to the twenty-third session of the Assembly.

11.44 In considering the matter, the Committee was advised that, although document MSC 75/2/2/Add.1 referred only to IMO instruments, the Secretariat had included, in the list of relevant instruments, the Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against transnational organized crime, since it was directly related to MSC/Circ.896/Rev.1 (Interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea).

11.45 The Committee noted (MSC 75/2/2, paragraph 21) that the Secretary-General had brought the issue of persons rescued at sea to the attention of a number of competent United Nations specialized agencies and programmes pointing out the need for a co-ordinated approach to all attendant aspects at the United Nations inter-agency level. Further to proposing a review of the relevant legislation adopted by the competent United Nations agencies and programmes, the Secretary-General had also proposed the establishment of a co-ordinating mechanism (possibly in the form of an inter-agency co-ordinating panel to be activated when the circumstances so dictate) to ensure that the response of the United Nations in any future emergency could be co-ordinated in a consistent manner. It noted, in particular, that, following consultations initiated by the Secretariat, in pursuance of the request of the Assembly in operative paragraph 4 of resolution A.920(22), a meeting was being organized between representatives of the United Nations Division for Ocean Affairs and the Law of the Sea, the Office of the United Nations High Commissioner for Refugees (UNHCR), the UN Office for Drug Control and Crime Prevention (ODCCP), the Office of the UN High Commissioner for Human Rights (UNCHR), the International Organization for Migration (IOM) and the IMO Secretariat, to take place at the UNHCR Headquarters on 2 and 3 July 2002 to consider and agree on how to take their task forward. Further developments on the initiative would be reported to the Committee in due course and will be included in the Secretary-General's interim report to A 23.

11.46 The Committee also noted that, pursuant to the instruction of MSC/ES.1 (MSC/ES.1/4, paragraph 3.8), COMSAR 6 had given preliminary consideration to the issue through its SAR Working Group, as reported in document COMSAR 6/22, paragraphs 8.58 to 8.79, which, *inter alia*, had suggested that there might be a need for an intersessional SAR meeting (paragraph 8.76.5).

11.47 The Committee considered document MSC 75/2/2/Add.2 (Norway), giving a summary of reviews carried out so far in response to resolution A.920(22) and inviting it to instruct the Sub-Committee to review, with priority, the provisions of the SOLAS and SAR Conventions in accordance with that resolution; and to consider also the need for amending the FAL and SALVAGE Conventions as well at a lower priority, with terms of reference set out in paragraph 3 of the Norwegian document.

11.48 France (MSC 75/11/1) proposed a methodology for, and proposals to the substance of, the requested review.

11.49 Germany (MSC 75/11/2) commented on the outcome of COMSAR 6 on this issue, identified gaps in instruments other than the SOLAS and SAR Conventions and proposed terms of reference for an intersessional SAR meeting.

11.50 The UN observer (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs) referred to article 98 of the United Nations Convention on the Law of the Sea (UNCLOS), which gives expression to the general tradition and practice of all seafarers and of all maritime law regarding the rendering of assistance to persons or ships in distress at sea; and requires both flag States and coastal States to act in order to enforce the duty of assistance. UNCLOS imposes a duty on every flag State to require the master of a ship flying its flag, insofar as he can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in distress, if informed of their need of assistance, insofar as such action may reasonably be expected of him.

The obligation of the flag State to render assistance to persons in distress at sea applies not only to the high seas, but is a requirement for all flag States in all maritime zones. It applies in the exclusive economic zone by virtue of article 58, paragraph 2, of UNCLOS and also in the territorial sea of a coastal State (article 18).

The obligations of the coastal State to render assistance to persons in distress at sea are contained in article 98, paragraph 2, of UNCLOS, which requires coastal States to promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea, and where circumstances so require, by way of mutual regional arrangements co-operate with neighbouring States for this purpose. The details of any search and rescue obligations are set out in the International Convention on Maritime Search and Rescue (SAR).

During the debate in the United Nations General Assembly at its 56th session in November 2001 on the agenda item on "Oceans and the law of the sea", a number of delegations expressed concern over the growing number of persons found in distress at sea and suggested a possible debate on these issues should be held at a future session of the United Nations Open-ended Informal Consultative Process, with emphasis on identifying issues where international co-operation and co-ordination should be enhanced.

The Division for Ocean Affairs and the Law of the Sea was pleased to co-operate with IMO and other organizations in the inter-agency group, underscoring that they considered it of vital importance to ensure that persons who are rescued can be disembarked at a place of safety.

11.51 The UNHCR observer pointed out that UNHCR's competence in relation to rescue at sea matters was set out in their background note which had been included in annex 14 to document COMSAR 6/22. In accordance with its mandate, UNHCR is ready to co-operate with, and assist, the international community to uphold the integrity of the search and rescue regime.

UNHCR had worked closely with IMO and the international community during the outflow of Indo-Chinese boat people in the 1980s. In accordance with principles of international solidarity and burden-sharing, UNHCR, together with the international community, had put together arrangements for durable solutions to ensure that these refugees are rescued and disembarked, at least on a temporary basis.

The UNHCR observer mentioned that, at a recent UNHCR-organized roundtable of experts in Lisbon, it had been recognized that determining the character or status of those rescued at sea ought to normally be undertaken on dry land. The State providing for disembarkation would generally be the State whose refugee protection responsibilities were first engaged. However, it might be possible, under burden-sharing arrangements, to transfer the responsibility of determining refugee status to another State or, to an international co-operative framework, involving UNHCR.

Following the Lisbon roundtable, UNHCR was now in the process of seeking more empirical data on the scale and scope of the problem as part of the process of taking this discussion further – notably before UNHCR's Executive Committee and at the inter-agency group. However, discussions in other fora on this important issue would always be welcome.

11.52 A number of delegations and observers, having expressed appreciation for the Secretary-General's initiative, assumed that the inter-agency meeting would be dealing mostly with aspects of the issue, such as refugee and immigrant aspects, which are outside the IMO scope. They therefore, strongly recommended that the Organization should not wait the outcome of the inter-agency meeting and, instead start acting as requested by resolution A.920(22).

11.53 After an extensive exchange of views, during which various proposals were made on how to take the matter forward within the momentum established by, and the provisions of, resolution A.920(22), the Committee endorsed the Chairman's proposals, namely:

- .1 to instruct the Secretariat to take into account the salient points in documents MSC 75/2/2/Add.2 (Norway), MSC 75/11/1 (France) and MSC 75/11/2 (Germany) in the deliberations of the July 2002 meeting in Geneva; and to report on the outcome of that meeting to MSC 76;
- .2 to receive, at MSC 76, the report of a relevant meeting in Sweden to discuss matters within the scope of resolution A.920(22) and the three aforementioned documents;
- .3 to further discuss the issue at MSC 76 on the basis of the reports of the inter-agency meeting and the Swedish initiative and decide, as appropriate, including directing COMSAR 7 on action to be taken in its context, such as:
 - .3.1 to continue the review of the provisions of the SOLAS and SAR Conventions regarding the treatment of persons rescued at sea, based on the requests of resolution A.920(22). The review should be given high priority and should be completed at COMSAR 8. The results to be reported to the Committee should, if appropriate, include specific proposals for amendments to these Conventions;

- .3.2 to consider whether additional guidance should be developed for shipmasters, RCCs, coastal States and other interested parties to ensure that persons rescued at sea are delivered to a place of safety;
- .3.3 to identify other issues raised during its debate and include them in the report to MSC 77 as issues that the Organization should forward to other international organizations that have responsibilities related to this issue; and
- .3.4 to also consider the possible need for, or desirability of, effecting amendments to the FAL and SALVAGE Conventions regarding provisions relating to persons rescued at sea or in distress at sea. This task, which would involve the FAL and LEG Committees respectively, should be given lower priority than the review of the SOLAS and SAR Conventions; and
- .4 to discuss the issue further at MSC 77, taking into account the outcome of COMSAR 7 and any submissions from parties concerned.

11.54 The Committee instructed the Secretariat to inform the FAL and LEG Committees on the outcome of its deliberations on the above matter.

PROPOSED AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL MOBILE SATELLITE ORGANIZATION

11.55 The Committee noted with appreciation the submission by IMSO (MSC 75/11/4) and the efforts being made to continue to meet the evolving demands of maritime mobile-satellite safety communications for the GMDSS.

ADDITIONAL CODES FOR NATURE OF DISTRESS IN THE INMARSAT-E SYSTEM

11.56 Having considered document MSC 75/11/5 (Germany) proposing the inclusion of codes for "Piracy" and "Person overboard" in the Inmarsat-E system and being advised that COMSAR 6 had already noted the proposal by Germany and determined that, until the Committee decided upon the recommended actions to be taken by MRCCs on receipt of a "piracy/terrorist attack" alert, it would be premature to reach a decision in relation to any additional nature of distress codes needed in the Inmarsat EPIRB system, the Committee referred document MSC 75/11/5 to COMSAR 7 for consideration of the relevant parts and advice, as appropriate.

FOLLOW-UP TO THE 2000 FLORENCE SAR CONFERENCE

11.57 The Committee was informed that, as part of step 3 of the 5-step approach proposed by COMSAR 4 and endorsed by MSC 72:

- .1 an assessment mission had been conducted to Kenya, the Seychelles and Tanzania to identify the needs (including financial needs) for establishing the Mombasa regional MRCC and sub-centres in Seychelles and Tanzania; and
- .2 on 3 May 2002 the Governments of Kenya, Seychelles and Tanzania had signed a Multilateral Agreement on Co-ordination of Maritime Search and Rescue Services.

11.58 Having noted the above information, the Committee instructed the Secretariat to continue its activities to implement the recommendations of the Florence Conference; and to report developments to MSC 77.

12 SHIP DESIGN AND EQUIPMENT

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

General

12.1 The Committee, recalling that MSC 74 had considered urgent matters emanating from the forty-fourth session of the Sub-Committee on Ship Design and Equipment (DE), approved, in general, the report of that session of the Sub-Committee (DE 44/19) and took action on all remaining items (MSC 75/12) as indicated hereunder.

Guidelines for maintenance and monitoring of on-board materials containing asbestos

12.2 The Committee approved MSC/Circ.1045 on Guidelines for maintenance and monitoring of on-board materials containing asbestos.

Guidelines for the assessment of thermal protection

12.3 The Committee approved MSC/Circ.1046 on Guidelines for the assessment of thermal protection.

Guidelines for monthly inspection of immersion suits and anti-exposure suits by ships' crews

12.4 The Committee approved MSC/Circ.1047 on Guidelines for monthly inspection of immersion suits and anti-exposure suits by ships' crews.

Guidelines for ships operating in Arctic ice-covered waters

12.5 The Committee noted that the Sub-Committee had agreed, in principle, to the draft MSC/MEPC circular on Guidelines for ships operating in Arctic ice-covered waters, pending relevant inputs from other sub-committees. In this connection, the Committee, as requested by the Sub-Committee, considered whether the sovereign immunity clause contained in paragraph 1.1.5 of the draft Guidelines should be retained or otherwise and, having agreed that the clause should be retained, instructed the Secretariat accordingly.

12.6 In the context of the draft Guidelines, the Committee noted the concerns of STW 33 (see paragraph 9.24) regarding the provisions thereof stating that some crew members should be trained in the use of shotguns or hunting rifles; it did not, however, agree to any changes to the draft Guidelines relevant provisions.

Amendments to the Guidelines on emergency towing arrangements for tankers

12.7 Having considered the proposed amendments to the Guidelines on emergency towing arrangements for tankers (annex 11 to document DE 44/19) and the associated draft MSC resolution prepared by the Secretariat (MSC 75/12/1), the Committee adopted resolution

MSC.132(75) on Amendments to the Guidelines on emergency towing arrangements for tankers (resolution MSC.35(63)), set out in annex 25.

Threshold warnings for automated propulsion systems

12.8 The Committee noted that NAV 45, in the context of the revision of SOLAS chapter V, had invited the DE Sub-Committee to comment on paragraph 3*bis* of the draft regulation V/19, relating to automated propulsion systems controlled by computer systems; and also noted that DE 43 had discussed the proposal and agreed that a text proposed by IACS (DE 43/17/1) was preferable from an engineering viewpoint and that, therefore, the aforementioned paragraph (referred to in paragraph 18.29 of document DE 44/19 as paragraph 6 of the SOLAS regulation II-1/31) would be better placed in SOLAS chapter II-1. The Committee, further noting that NAV 46 had agreed accordingly, approved the proposed amendments to SOLAS regulation II-1/31, concerning threshold warnings for automated propulsion systems, set out in annex 26 and requested the Secretary-General to circulate them in accordance with SOLAS article VIII for consideration with a view to adoption at MSC 76.

Bilge pumping arrangements

12.9 The Committee, having noted that DE 44 had agreed to SLF 43's view that SOLAS regulation II-1/21 on Bilge pumping arrangements should be transferred to part C of SOLAS chapter II-1, since, in their opinion, the requirements of this regulation were only remotely related to structure, stability and subdivision and had more in common with regulations in part C of chapter II-1, instructed the Secretariat to ensure that SOLAS regulation II-1/21 on Bilge pumping arrangements is transferred to part C of SOLAS chapter II-1 in the same future set of amendments in which the revised SOLAS chapter II-1 parts A, B and B-1 would be included.

URGENT MATTERS EMANATING FROM THE FORTY-FIFTH SESSION OF THE SUB-COMMITTEE

General

12.10 The Committee considered urgent matters referred to it emanating from DE 45 (DE 45/27 and MSC 75/12/Add.1) and took action as indicated hereunder.

Maritime security

12.11 The Committee noted the outcome of the Sub-Committee's discussion on maritime security matters, in particular on ship security alarm and ship security equipment, together with the proposed modifications to the draft SOLAS amendments on maritime security and the draft International Code for the Security of Ships and Port Facilities and recalled that it had already discussed the matter under agenda item 17 (Prevention and suppression of acts of terrorism against shipping).

Draft revised SOLAS regulation II-1/12-2

12.12 The Committee recalled that the proposed modifications to the draft revised SOLAS regulation II-1/12-2 approved by MSC 74, as well as document MSC 75/12/3 (INTERTANKO) submitted under this agenda item, had been dealt with under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see paragraphs 3.6 and 3.7).

Technical provisions for means of access for inspections

12.13 The Committee recalled that the draft Technical provisions for means of access for inspections and the associated draft MSC resolution had been dealt with under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see paragraphs 3.6 and 3.7).

Carriage requirements for search and rescue transponders (SARTs) on liferafts of ro-ro passenger ships

12.14 The Committee, having amended the text proposed by DE 45 to require one SART to be carried for every four liferafts, approved the proposed amendments to SOLAS regulation III/26 concerning carriage requirements for search and rescue transponders (SARTs) on liferafts of ro-ro passenger ships, set out in annex 27, having requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 76.

12.15 The delegation of Germany was of the opinion that, in addition to every person on board deserving a place in a liferaft, each such person also deserved the right of such a place being protected by a search and rescue transponder since it could not be excluded that liferafts could go astray in an emergency situation and those not equipped with a transponder could be lost. The delegation of Germany, therefore, could not support any decision other than every liferaft of a ro-ro ship being equipped with a search and rescue transponder.

Performance standards and tests for manually powered reverse osmosis desalinators

12.16 The Committee approved MSC/Circ.1048 on Performance standards and performance tests for manually powered reverse osmosis desalinators.

Accidents with lifeboats

12.17 The Committee approved MSC/Circ.1049 on Accidents with lifeboats.

Effects of heated high-density oil on the ship's structure

12.18 The Committee noted that the Sub-Committee had considered the issue of effects of heated high-density oil on the ship's structure and, having had no comments on the issue, agreed to consider the item further at DE 46 should any information be available then.

Recycling of ships

12.19 The Committee considered document MSC 75/12/4 (Secretariat), summarizing the outcome of MEPC 47 on the recycling of ships issue and noted that DE 45 had briefly considered the draft Guidelines on ship recycling developed by MEPC 47. However, given the close proximity between MEPC 47 and DE 45 (one week), the Sub-Committee had agreed to postpone a proper discussion of the issue to DE 46. The Committee, therefore, agreed, in the meantime, to invite Member Governments to consider contributing to the work of the MEPC Correspondence Group on Ship Recycling.

Shipboard plans for fire protection appliances, life-saving appliances and means of escape

12.20 The Committee approved MSC/Circ.1050 on Shipboard plans for fire protection appliances, life-saving appliances and means of escape, as prepared by FP 46 and modified by the Sub-Committee (see paragraph 10.10).

OTHER MATTERS

Proposed amendments to update the DSC Code and the 1994 HSC Code

12.21 The Committee considered document MSC 75/12/2, whereby Australia was proposing that amendments should be made to the 1994 HSC Code and the DSC Code to align their requirements with those of the 1974 SOLAS Convention and the 2000 HSC Code at the earliest reasonable opportunity, namely as part of the next revision of the 1994 HSC Code scheduled for 2005. Australia further suggested that, in the meantime, an MSC circular should be issued to bring these discrepancies to the attention of owners, flag States, port States, classification societies and others involved in the operation of craft covered by the DSC Code and the 1994 HSC Code.

12.22 Following consideration of the proposal and having considered relevant modifications (MSC 75/WP.16), the Committee, after discussion of the modified draft MSC circular on Proposed amendments to update the DSC Code and the 1994 HSC Code, agreed that there was a need to consider the draft circular further, noting the offer of Australia to submit a revised version of the draft circular to MSC 76, with a view to approval of the draft circular at that session. The Committee further decided to include, in the work programmes of the DE (co-ordinator), COMSAR and NAV Sub-Committees and the provisional agendas for DE 46 and COMSAR 7, a high priority item on "Amendments to the DSC Code and 1994 HSC Code", with a target completion date of 2004, whilst instructing NAV 48 to commence work on the matter.

Remark by the Sub-Committee Chairman

12.23 Acting at the Sub-Committee's request, the Chairman of the Sub-Committee appealed for clearer instructions from the MSC and the MEPC when matters were referred to the Sub-Committee for consideration, which was endorsed by the Committee Chairman.

13 FLAG STATE IMPLEMENTATION

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

General

13.1 The Committee considered urgent matters emanating from the tenth session of the Sub-Committee on Flag State Implementation (FSI) (FSI 10/17 and MSC 75/13) and took action as indicated hereunder.

Continuous Synopsis Record (CSR)

13.2 The Committee noted the Sub-Committee's discussion on the Continuous Synopsis Record (CSR) and the referral to the Committee, in view of the relevance to maritime security, of the outcome of the discussion on the CSR, for consideration and action as appropriate under agenda item 17 (Prevention and suppression of acts of terrorism against shipping) (see paragraphs 17.56, 17.57 and 17.80 to 17.84).

ISM Code-related matters

13.3 The Committee considered a draft MSC/MEPC circular on Procedures concerning observed ISM Code major non-conformities, set out in annex 1 to document MSC 75/13 and, having recognized that the draft circular required some additional text, contained square brackets and needed to address the issue of the condition under which a verification should be conducted after a company's Document of Compliance had been withdrawn on the basis of a major non-conformity not affecting the safety management system of the company's ship, instructed an informal group of experts to finalize the draft text.

13.4 Having considered the proposed amendments to the draft MSC/MEPC circular (MSC 75/WP.15) as further modified in plenary, the Committee approved, subject to MEPC's concurrent decision, the draft MSC/MEPC circular on Procedures concerning observed ISM Code major non-conformities, set out in annex 28.

13.5 The Committee, recalling MSC 74's request for the Sub-Committee to consider whether any further improvements to the Revised Guidelines on implementation of the ISM Code by Administrations should be made in the light of experience so far gained in the implementation of the Code, endorsed the Sub-Committee's recommendations regarding revision of the Revised Guidelines and noted that the matter of amending paragraph 3.3.2 thereof, requested by MSC 74, would be dealt with in the context of such a revision.

Evaluation and analysis of reports on port State control detentions

13.6 The Committee noted the Sub-Committee's consideration of the use of statistics for the evaluation and analysis of reports on port State control detentions and, in particular, the need to identify the purpose and use of statistics for such an evaluation and analysis, and that the matter would be further discussed at FSI 11 on the basis of the report and relevant recommendations of the correspondence group established by the Sub-Committee.

Guidelines on voyage data recorder (VDR) ownership and recovery

13.7 The Committee recalled that it had considered the modifications, proposed by the Sub-Committee, to the draft MSC circular on Guidelines on voyage data recorder (VDR) ownership and recovery, prepared by NAV 47, under agenda item 6 (Safety of navigation) (see paragraph 6.17).

Review of resolution A.744(18)

13.8 The Committee noted that the Sub-Committee, following the MSC 74's instructions to concentrate on administrative aspects of the review of resolution A.744(18) and to finalize the review with a view to transferring all future work on the resolution to the DE Sub-Committee, had prepared a list of proposed amendments thereto to harmonize the terminology relating to the types of surveys in the resolution and the 1988 SOLAS Protocol; and had identified issues of administrative and procedural nature relating to the resolution for referral to the DE Sub-Committee, for further consideration. The Committee further noted that the Sub-Committee, as instructed by MSC 74, had considered the issue of a stricter survey procedure and strengthening the effectiveness of application of the Enhanced Survey Programme (ESP) requirements and had identified areas of concern, also for referral to the DE Sub-Committee and, as appropriate, the STW Sub-Committee, for further consideration.

Amendments to MSC/Circ.1013

13.9 In noting that Norway, when submitting document MSC 75/13/1 proposing amendments to MSC/Circ.1013, had also submitted the same document to the Sub-Committee under the symbol FSI 10/10, the Committee, as requested by the Sub-Committee, approved MSC/Circ.1051 on Interim application of paragraphs 4.6.1.1, 4.6.2.2 and 15.7 of the Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.746(18)), to supersede MSC/Circ.1013.

13.10 The delegation of India did not support the MSC/MEPC circular as they could see no need to amend existing provisions under the 1988 SOLAS Protocol and resolution A.746(18); instead, they suggested that resolution A.744(18) should be amended to align the relevant requirements with those contained in the above-referred provisions.

Illegal, unregulated and unreported (IUU) fishing and related matters

13.11 Having noted the Sub-Committee's view that the entry into force, and thereafter implementation, of the 1993 Torremolinos Protocol and 1995 STCW-F Convention may significantly contribute to the reduction of the loss of fishermen's lives, the Committee endorsed the extension of the work programme item relating to the IUU fishing to include consideration of the implementation of resolution A.925(22) on Entry into force and implementation of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention; and further dealt with it under agenda item 22 (Work programme) (see paragraphs 22.25.3 and 22.27).

Marking of the IMO ship identification number on ships and interpretation of the term "first survey" in SOLAS regulations II-2/1, V/19 and V/20

13.12 The Committee noted the Sub-Committee's decision to refer to the Committee (MSC 75/17/2/Add.2) the outcome of the discussion on the proposals regarding the permanent marking of the IMO ship identification number on the ship's side and on one of the main bulkheads in the machinery space and the recommendation regarding interpretation of the term "first survey" in SOLAS regulations II-2/1, V/19 and V/20, for consideration in the context of agenda item 17 (Prevention and suppression of acts of terrorism against shipping) (see paragraphs 17.17, 17.55 and 17.85).

PROPOSED CHANGE OF THE NAME OF THE SUB-COMMITTEE

13.13 The Committee considered a proposal by the Bahamas (MSC 75/13/2) calling for a change of the name of the Sub-Committee, in order to more closely reflect its terms of reference, to the "Sub-Committee on Implementation of Instruments (IMP)", as it was used in the various preparatory meetings leading to the establishment of the Sub-Committee.

13.14 In the course of the discussion, several delegations, in supporting the proposal by the Bahamas, also identified a number of other issues, including maritime security and provisions of conventions requiring implementation by Parties thereto other than flag States as further justification for the change of the Sub-Committee's name. Several other delegations, however, did not see the need for the proposed change emphasizing that the role and responsibility of flag States should remain the prime focus of the Sub-Committee; they also pointed out that the work of the Sub-Committee had been based on agreed terms of reference and a change of the name would not resolve difficulties encountered, if any, during debates within the Sub-Committee.

13.15 Those who spoke on the issue were almost equally divided for and against the proposed change of the name. In view of this, the Committee agreed:

- .1 to retain the name of the FSI Sub-Committee;
- .2 that the objectives and existing terms of reference of the FSI Sub-Committee should be annexed to an appropriate submission by the Secretariat to FSI 11 to remind the Sub-Committee of its remit and purpose; and
- .3 that the proposed change of the name could be considered in the context of the ongoing review of the sub-committee structure.

INVESTIGATION OF THE COLLISION BETWEEN THE TANKER VIRGO AND THE FISHING VESSEL STARBOUND

13.16 In connection with a collision allegedly involving the tanker **Virgo**, and the fact that some Russian citizens, members of the crew, had been under arrest for almost ten months without any investigation into the case, the delegation of the Russian Federation made the statement, set out in annex 31.

14 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY

Developments concerning safety-related technical co-operation activities

14.1 The Committee noted updated information on safety-related technical co-operation projects currently under execution by the Maritime Safety Division within the Organization's Integrated Technical Co-operation Programme (ITCP) since MSC 74, and on relevant future activities, provided by the Secretariat (MSC 75/14). It also noted that detailed information on each of the projects listed in the annex to document MSC 75/14 was contained in a relevant database maintained by the Secretariat and could be provided on request.

14.2 The Committee requested the Secretariat to continue providing the Committee with updated information on its technical co-operation activities at future sessions.

IMO model course programme

14.3 Having noted an update on IMO model course production and revision provided by the Secretariat (MSC 75/14/1), the Committee instructed the Secretariat to follow-up the IMO model course project and report developments to MSC 76.

15 ROLE OF THE HUMAN ELEMENT

Human element matters

15.1 The Committee recalled the activities of the Joint MSC/MEPC Working Group on Human Element and the actions taken by MSC 74 and, having considered, in general, a proposal by Denmark (MSC 75/15/1) for a review of the progress of the Organization's human element activities agreed to refer it to the Joint MSC/MEPC Working Group on Human Element for detailed consideration and advice.

15.2 The Committee welcomed the information provided by the Netherlands in documents MSC 75/INF.12 and MSC 75/INF.13 and noted their contents.

15.3 The Committee thanked INTERCARGO and the North of England P&I Club for developing the Seafarers Guide to ISM Code (MSC 75/INF.11) and noted its contents.

Fatigue matters

15.4 The Committee, having considered, in general, a proposal by the United States (MSC 75/15/2) calling for the development of mandatory training related to fatigue to be further developed by the STW Sub-Committee, agreed to refer it to the Joint MSC/MEPC Working Group on Human Element for detailed consideration and advice.

Reconvening of the Joint MSC/MEPC Working Group on Human Element

15.5 As decided by MSC 74, the Committee reconvened the Joint MSC/MEPC Working Group on Human Element and instructed it, taking into account comments, proposals and decisions made in plenary:

Human element

- .1 to consider document MSC 75/15/1 and advise the Committee on the future work programme of the joint working group on the matter as appropriate;

Fatigue

- .2 to consider the proposals regarding the development of education and training related to fatigue set out in document MSC 75/15/2 and advise the Committee as appropriate.

Report of the joint working group

15.6 Having received the report of the joint working group (MSC 75/ WP.10), the Committee approved the report in general and took action as outlined in the following paragraphs.

Human element-related matters

15.7 The Committee identified a need for updating the instructions to the sub-committees relating to the human element taking into account the experience gained since the original instructions were issued at MSC 69. The Committee instructed all sub-committees to continue to take into consideration appropriate human element-related matters in the course of their work, particularly when:

- .1 reviewing the adequacy of requirements and recommendations for equipment¹ and operating manuals on board ships, including the simplification and standardization of terminology. In this respect, when developing new or amending existing performance standards, careful consideration should be given to including recommendations on:
 - .1.1 user-friendliness;
 - .1.2 safety of use of the equipment;

¹ For computer-based interactive systems reference may be made to ISO 13407:1999

- .1.3 harmonization of essential safety features of the equipment; and
- .1.4 the need for clear, easily understandable and updated operating and technical manuals and drawings;
- .2 reviewing the adequacy of requirements and recommendations for operational guidelines on board ships, in particular with respect to them being easily understandable;
- .3 continuing the simplification and standardization of symbols and signs used on board ships; and
- .4 identifying words and phrases used in IMO instruments such as “adequate”, “sufficient”, “to the satisfaction of the Administration”, etc. and determine the extent to which they can be more specifically defined.

15.8 The Committee agreed that, in order to promote a maritime safety culture and environmental conscience, within the provision of resolution A.900(21) on Objectives of the Organization in the 2000s, on all ships as well as on shore, so that all aspects of safety, in its broadest sense, are addressed within the shipping industry, it was necessary to revise resolution A.792(19) to include all types of ships, and noted the development by the joint working group of a preliminary draft Assembly resolution for further consideration and finalization at MSC 77, following MEPC’s concurrent action.

15.9 The Committee, while discussing the analysis of casualty reports by the FSI Sub-Committee noted that no casualty reports analyses had been submitted to this session of the Committee for consideration by the group.

15.10 The Committee recalled that at its last session it had approved and issued Guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the IMO rule-making process (MSC/Circ. 1022 – MEPC/Circ.391) and instructed the sub-committees to report on their experience with its application.

15.11 The Committee noted the preliminary list of tools developed and activities carried out by the Organization directly addressing the human element prepared by the joint working group (MSC 75/WP.10, annex 2) and invited Member Governments and international organizations to submit comments and proposals to MSC 77.

15.12 The Committee, noting that due to time constraints, the joint working group had deferred reviewing the human element goals listed in resolution A.850(20), to the next session invited Member Governments and international organizations to submit comments and proposals to MSC 77.

15.13 The Committee agreed that there was a need for the development of a strategic plan for addressing the human element within the Organization, which would include recommended tasks and deadlines and invited Member Governments and international organizations to submit comments and proposals to MSC 77.

15.14 The Committee agreed to keep the item on "Role of the human element" in the agenda for MSC 76 and to reconvene the joint working group during MSC 77, subject to confirmation by MSC 76.

Fatigue-related matters

15.15 The Committee agreed on the need to develop education and training that provides seafarers, shipowners and operators, ship designers, maritime pilots and other relevant parties with proven methods to implement ways of addressing fatigue. The Committee also agreed that training is an indispensable step in order to create awareness and a change in safety culture.

15.16 The Committee, considering the issue of education and training for fatigue prevention, mitigation and management to be very important and of some urgency, instructed the STW Sub-Committee to consider mandatory education and training requirements in this respect for all relevant parties and all types of ships, as appropriate, taking into account MSC/Circ.1014 and the issues identified by the joint working group and listed in annex 3 to document MSC 75/WP.10.

16 FORMAL SAFETY ASSESSMENT

16.1 The Committee, having noted that MEPC 47 had, following MSC 74's concurrent decision, approved MSC/Circ.1023–MEPC/Circ.392 on Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process, recalled that MSC 74 had agreed that, since the development of the FSA Guidelines had been finalized and it was now a matter of their implementation by the Member Governments, it was not necessary to retain the working group on FSA on a permanent basis. However, it decided to retain the subject of FSA on the agenda of the Committees so that a Joint MSC/MEPC Working Group on FSA could be established at future sessions, if necessary.

16.2 The Committee noted:

- .1 document MSC 75/16 (Secretariat), summarizing the outcome of MSC 74 with regard to formal safety assessment;
- .2 document MSC 75/INF.19 (IACS), informing the Committee of FSA training offered by IACS and containing a synopsis of the training course in the annex; and
- .3 document MSC 75/INF.20 (United Kingdom), informing the Committee that the United Kingdom intended to co-ordinate, with other interested Members, a presentation on the practical application of the FSA Guidelines during MSC 76 and inviting delegations interested in assisting with the presentation to contact the United Kingdom delegation.

16.3 Following discussion, the Committee agreed not to include the item in the agenda for MSC 76.

17 PREVENTION AND SUPPRESSION OF ACTS OF TERRORISM AGAINST SHIPPING

GENERAL-BACKGROUND INFORMATION

17.1 The Committee noted that the Assembly, at its twenty-second session, unanimously adopted resolution A.924(22) on Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships, which had been proposed by the Secretary-General in the aftermath of the terrorist attacks in New York and Washington, D.C. on 11 September 2001 and which had previously been unanimously approved by the Council at its twenty-first extraordinary session.

17.2 The Committee further noted that, by means of operative paragraph 1 of resolution A.924(22), the Assembly had requested the Committee, along with the Legal Committee and the Facilitation Committee, to undertake, under the direction of the Council and on a high priority basis, a review to ascertain whether there was a need to update the instruments referred to in the resolution's preambular paragraphs and any other relevant IMO instruments under their scope and/or to adopt other security measures and, in the light of such a review, to take prompt action as appropriate.

17.3 The Committee recalled that, at its first extraordinary session (MSC/ES.1 - during A 22), it had been informed that Committee 2 (Technical) of the Assembly, while going through a number of measures proposed by the United States' delegation for consideration, a presentation had been made by the Secretariat of a possible expeditious course of action, including the view that, if amendments to mandatory instruments were considered appropriate to accommodate the United States proposals, AIS matters could be considered within the context of the revised SOLAS chapter V, while the port and ships' security plans issue could not be considered under any other SOLAS chapter. In such a case, it might be appropriate to have the issue dealt with by means of possible amendments to SOLAS chapter XI on Special measures to enhance maritime safety. If that chapter were to be amended, it could incorporate other maritime security measures proposed, in which case it would be appropriate to rename it "Special measures to enhance maritime safety **and security**". The Assembly's Technical Committee had noted that it would be for the current session of the Committee to decide which parts of SOLAS, STCW or other IMO Conventions should be amended.

17.4 MSC/ES.1 had also been informed that Committee 2 had noted that, in order to adopt amendments under SOLAS chapter XI there would, in accordance with resolution 5 of the 1994 SOLAS Conference, be a need to convene a conference of SOLAS Contracting Governments; and that, further to the need for action in accordance with that resolution, Committee 2 had recognized that, in opting for a SOLAS conference, a strong message would be conveyed about the seriousness that IMO was attaching to the issue of maritime security.

17.5 MSC/ES.1 had further been informed that Committee 2 had also agreed that a Conference on Maritime Security could be organized in conjunction with MSC 76 in December 2002, provided the Assembly, as a whole, decided that such a Conference was desirable and such a decision was concurred to by at least one third of SOLAS Contracting Governments attending the Assembly. The Committee also noted that, organizing the proposed Conference in conjunction with an MSC session, would entail no additional financial cost to the Organization.

17.6 MSC/ES.1 had finally been informed that Committee 2 had eventually agreed that the intersessional MSC Working Group on Maritime Security (ISWG), which had already been decided by the plenary of the Assembly on a proposal by the United States' delegation, should meet (against IMO costs, including interpretation costs, covered by the United States) at the Organization's Headquarters from 11 to 15 February 2002 to:

- .1 start work on the review requested in operative paragraph 1 of resolution A.924(22);
- .2 prepare a list of subjects to be further discussed which, according to their nature, should then be forwarded to the MSC and the Legal and FAL Committees for further elaboration;

- .3 consider proposals on maritime security issues submitted by Member Governments and international organizations concerned; and
- .4 prepare a plan and timeframe for further action.

17.7 MSC/ES.1 had noted that Committee 2 had further decided that the outcome of the intersessional working group should be submitted to MSC 75 for follow-up by an *ad hoc* working group; as well as to the Legal and FAL Committees for appropriate action. In this respect, it recalled that MSC 74 had agreed, in principle, that three working groups should be established at MSC 75 (on large passenger ship safety; on bulk carrier safety; and on the human element); and noted that, if a decision was made for a new Working Group on Maritime Security, that, in essence, would require a fourth group, which would go beyond the provisions of the Guidelines on organization and method of work. However, noting the Secretary-General's comments, endorsed by the MSC Chairman, that exceptional circumstances demanded exceptional action and that the special effort the MSC would be asked to make would be worth taking for the sake of both maritime safety and security and the Organization's good name, the Committee had agreed to proceed with the establishment of a fourth Working Group on Maritime Security to meet during the present session for the issue to be considered under a separate agenda item; and had invited Members to include security experts in their delegations to this meeting.

17.8 The Committee noted that, pursuant to operative paragraph 2 of resolution A.924(22), the Secretary-General had communicated with all relevant intergovernmental organizations and non-governmental international organizations in consultative status with IMO, inviting their co-operation in the work decided by the Assembly for the purpose of preventing and suppressing acts of terrorism against shipping; submission of information on standards for transport-related safety and security developed by them; and attendance at IMO meetings addressing maritime security issues. In this context, the Committee was informed by the Secretariat that so far positive responses had been received by nearly all of these organizations, which either attended relevant sessions of the IMO bodies concerned or submitted information on their relevant work to the Organization. Some of the information received had already been circulated in document MSC 75/ISWG/INF.3 or submitted to the Committee's current session.

17.9 The delegation of the United States, referring to the adoption by the most recent Assembly of resolution A.924(22), stressed that, in the short six months since then (November 2001 to May 2002), IMO had demonstrated a firm commitment to enhance maritime security worldwide. The ISWG had made significant progress in developing meaningful requirements to this end. This had been accomplished thanks to the excellent leadership displayed by the Committee Chairman and the Chairman of the ISWG, the untiring assistance of the IMO Secretariat and the excellent co-operation and teamwork provided by all the delegations which participated at the ISWG. The delegation of the United States expressed gratitude to everyone with a contribution to the very important mission at hand and looked forward to continued progress at this meeting.

Around the world and within the United States, all eyes were focussing on what the Committee would achieve during the session to meaningfully enhance and improve maritime security. The United States therefore looked forward to working with everyone in the Committee to prepare substantial, meaningful requirements that would improve maritime security worldwide.

ARRANGEMENTS FOR WORK IN PLENARY AND AT THE WORKING GROUP

17.10 In his introductory remarks the Chairman emphasized:

- .1 the importance of the meeting in the climate created after the 11 September attacks and that, as the Secretary-General had stressed in his opening remarks, the eyes of the maritime community at large were focussed on the Committee and the decisions it would make at this session;
- .2 the unusual high number of submissions on this agenda item (50 regular documents, most of which were substantive, accompanied by 12 information documents, i.e., a total of 62 documents, more than the average total of many sub-committees), which had demonstrated very clearly the tremendous interest the subject of prevention and suppression of acts of terrorism against shipping had generated among Governments and the industry alike; and
- .3 the need to make substantial progress at this session to ensure a successful Diplomatic Conference in December.

17.11 The Committee considered proposals, documents and information provided by Member Governments and intergovernmental organizations and non-governmental international organizations in consultative status as follows: MSC 75/17 and Add.1 (Secretariat); MSC 75/17/1 (ISWG report); MSC 75/17/2 and Adds.1, 2 and 3 (Secretariat/COMSAR 6/DE 45/FSI 10/LEG 84); MSC 75/17/3 (Russian Federation); MSC 75/17/4 (ICS); MSC 75/17/5 (IADC); MSC 75/17/6 (IMB); MSC 75/17/7 (IALA); MSC 75/17/8 (WCO); MSC 75/17/9 (IHMA); MSC 75/17/10 (OECD); MSC 75/17/11 (ILO); MSC 75/17/12 (Belgium, Finland, France, Germany, Ireland, Italy, Portugal, Spain and Sweden); MSC 75/17/13 and MSC 75/17/14 (Nigeria); MSC 75/17/15 (Germany); MSC 75/17/16 (Australia and New Zealand); MSC 75/17/17 and MSC 75/17/18 (Singapore); MSC 75/17/19 (Brazil); MSC 75/17/20 (Japan); MSC 75/17/21 (CIRM); MSC 75/17/22 (OGP); MSC 75/17/23 (ICCL); MSC 75/17/24 (France); MSC 75/17/25 (Marshall Islands, New Zealand, Sweden, United Kingdom, United States, BIMCO and INTERTANKO); MSC 75/17/26 (Marshall Islands); MSC 75/17/27 and Corr.1 (Cyprus and Malta); MSC 75/17/28 to MSC 75/17/36 (United States); MSC 75/17/37 (BIMCO and ICCL); MSC 75/17/38 (ICS, BIMCO, SIGTTO, IPTA, OCIMF and INTERTANKO); MSC 75/17/39 (ICS, BIMCO, SIGTTO, IPTA, OCIMF and WNTI); MSC 75/17/40 and MSC 75/17/41 (ICS, BIMCO, SIGTTO, IPTA and OCIMF); MSC 75/17/42 (IAPH and ICS); MSC 75/17/43 (Turkey) MSC 75/17/44 (Cyprus); MSC 75/17/45 (Cyprus and Malta); MSC 75/INF.10 (ICAO); MSC 75/INF.25 (Marshall Islands); MSC 75/INF.26 (IAPH); MSC 75/INF.27 (Liberia); MSC 75/INF.28 (Singapore); MSC 75/INF.29 (BIMCO); MSC 75/INF.30 (IUMI); MSC 75/INF.31 and 32 (CIRM); and MSC 75/INF.33 to MSC 75/INF.35 (Canada).

17.12 The Committee agreed that, in considering the ISWG report, it would, rather than going through the action list, as set out in paragraphs 8.1 to 8.30 of document MSC 75/17/1, consider and decide on a number of issues **in principle**. Thereafter, it would decide which of them to refer to the Maritime Security Working Group. The issues the Committee decided to deal with, in principle, included:

- .1 AIS matters:
 - .1.1 accelerated implementation;
 - .1.2 interpretation of the term “first survey”; and
 - .1.3 Inmarsat-C polling.

- .2 Framework of security regulations:
 - .2.1 incorporation of all maritime security regulations either:
 - .1 in SOLAS chapter XI, supplemented by parts A and B of the IS Code; or
 - .2 in the ship and company security-related regulations in SOLAS chapter IX and the ISM Code and the port security-related regulations in SOLAS chapter XI and the IS Code;
 - .2.2 Government obligations; and
 - .2.3 levels of threat.
- .3 Application to and treatment of MODUs and platforms.
- .4 Ship security officer (SSO), company security officer (CSO) and port security officer (PSO):
 - .4.1 training requirements in the IS Code; and
 - .4.2 development by the STW Sub-Committee of guidelines on training of SSOs, CSOs and PSOs.
- .5 Port security requirements in SOLAS:
 - .5.1 requirements for port security in SOLAS, supplemented by the IS Code;
 - .5.2 definition of ship/port interface; and
 - .5.3 definition of ship/platform (on site) interface.
- .6 Port vulnerability assessment (PVA) – requirements in SOLAS and the IS Code.
- .7 Seafarers identification:
 - .7.1 ILO Convention No.108; and
 - .7.2 SOLAS chapter XI regulations.
- .8 Container examination:
 - .8.1 co-operation with the International Customs Organization (WCO);
 - .8.2 proposed SOLAS chapter XI regulation on sealing of containers; and
 - .8.3 proposed SOLAS chapter XI regulation or IS Code part A requirement on company security officer (CSO) responsibility for sealing of containers.

- .9 Ship “owner” and “control” of a ship
 - .9.1 outcome of LEG 84 on “ownership” and “control”;
 - .9.2 permanent marking of ships’ identification number; and
 - .9.3 continuous synopsis record (CSR).
- .10 Long-term goal.

17.13 In order to save time for both the Committee and the Maritime Security Working Group (MSWG), the Committee endorsed the Chairman’s proposal that the remainder of the issues to be considered should be referred directly to the working group and all the relevant documents should, if necessary, be introduced there.

ACCELERATED IMPLEMENTATION OF AIS

17.14 The Committee, in considering action points .4 and .5, paragraph 8.1 of document MSC 75/17/1, noted that the issue of the final implementation date for automatic identification systems (AIS) had been discussed at considerable length twice in the ISWG and that annex 1 to document MSC 75/17/1 (MSC 75/ISWG/WP.4) was showing only one date, namely 2004, noting also that the delegations of the Russian Federation, China and Japan were of the opinion that this date had not been finally agreed by the ISWG and should be put in square brackets together with the alternative date of 2006 proposed by them.

17.15 The Committee considered documents addressing the issue (i.e. Russian Federation (MSC 75/17/3), ICS (MSC 75/17/4), the EU countries as specified above (MSC 75/17/12, paragraphs 2.2 (a), (b) and (d)), Brazil (MSC 75/17/19), United States (MSC 75/17/28) and the Secretariat (MSC 75/17/2/Add.2)).

Accelerated implementation

17.16 The Committee agreed to leave the different possible implementation dates for accelerated AIS requirements in square brackets and instructed the MSWG to prepare the appropriate text of a draft amendment to SOLAS regulation V/19.2.4 accordingly; and invited the industry to provide more detailed AIS equipment availability information to the December Conference, at which time NAV 48 will, most probably, have completed its work on the display guidelines, and to leave it to the Conference to make, at that stage, an informed decision on the final implementation date.

Interpretation of the term “first survey”

17.17 The Committee decided to follow the recommendation of FSI 10 on the interpretation of the term “first survey” and to include the initial survey, as that term applies to ships under construction, after the related 2000 SOLAS amendments enter into force. The MSWG was instructed to draft the amendment to SOLAS regulation V/19.2.4 in the way set out in document MSC 75/17/12, paragraph 2.2(b), referring in a footnote to the meaning/definition of the term “first survey”.

Inmarsat-C polling

17.18 The Committee referred the use of Inmarsat-C polling together with the use of a long-range AIS interface to the MSWG for initial consideration of some functional requirements and to the NAV Sub-Committee for detailed consideration and advice on the most appropriate long-range tracking system for maritime security purposes, and whether either system could be incorporated in the regulations at this stage, to MSC 76 and/or the MS Conference.

FRAMEWORK OF SECURITY REGULATIONS

17.19 In considering action points .26 to .28, paragraph 8.1 of document MSC 75/17/1, the Committee discussed the framework of IMO regulations to address maritime security issues, namely the:

- .1 incorporation of all maritime security regulations either:
 - .1 in SOLAS chapter XI, supplemented by parts A and B of the IS Code; or
 - .2 in the ship and company security-related regulations in SOLAS chapter IX and the ISM Code and the port security-related regulations in SOLAS chapter XI and the IS Code;
- .2 Government obligations; and
- .3 levels of threat.

17.20 The Committee considered the relevant parts of documents MSC 75/17/29, paragraphs 7 to 16 and MSC 75/17/30 (United States), MSC 75/17/5 (IADC) and MSC 75/17/20 (Japan).

17.21 The delegation of Japan, supported by other delegations, considered it more facilitating for the implementation of the new ship security requirements if they were included in SOLAS chapter IX and the ISM Code, in particular since they were aligned with the Harmonized Survey and Certification System which already contained relevant appropriate text.

17.22 The Committee appreciated the desirability of harmonizing the new security requirements under elaboration with the ISM Code and SOLAS chapter IX and that this might be endeavoured at a later stage; however, it agreed that, for a number of reasons (*inter alia*, the timeframe and urgency for completion of the work at hand and the advanced stage of phase two implementation of the ISM Code) and taking into account the progress already made in that direction by the ISWG as well as the convenience to have all ship, company and port security requirements under one umbrella, it was preferable to include all maritime security provisions in SOLAS chapter XI.

17.23 Having decided to incorporate all maritime security regulations in SOLAS chapter XI, supplemented by parts A and B of the IS Code, the Committee instructed the MSWG to prepare the draft amendments accordingly. The MSWG was also tasked with the preparation of a Conference resolution to address consideration of what action may be necessary to harmonize the new requirements eventually with the ISM Code provisions as a long-term aim.

Government obligations

17.24 The Committee agreed to the need for requirements on Government obligations in SOLAS chapter XI and decided to leave to the MSWG to consider the relevant provisions on

Government obligations, based on the debate, and to decide which ones should be incorporated in SOLAS chapter XI and/or IS Code.

Levels of threat

17.25 The Committee decided that a threat-level requirement should be included in SOLAS chapter XI and threat-level specifications in the general provisions for parts A and B of the IS Code and instructed the MSWG to prepare draft amendments for incorporation in the appropriate instruments.

APPLICATION TO, AND TREATMENT OF, MODUS AND PLATFORMS

17.26 In considering action point .10, paragraph 8.1 of document MSC 75/17/1, the Committee discussed the applicability of the security provisions on MODUs and fixed and floating platforms on the basis of the relevant parts of documents MSC 75/17/5 (IADC), MSC 75/17/12, paragraph 3.2 (a) to (f) (the EU countries as specified above), MSC 75/17/13 (Nigeria), MSC 75/17/22 (OGP) and MSC 75/17/29, paragraph 5 (United States).

17.27 The Committee decided, in principle, that the new SOLAS regulations should be applicable to MODUs in transit and in port and should not apply to fixed and floating platforms and MODUs on site; and referred the decision to the MSWG to take into account when preparing suitable amendments to SOLAS chapter XI and the IS Code.

SHIP SECURITY OFFICER (SSO), COMPANY SECURITY OFFICER (CSO) AND PORT SECURITY OFFICER (PSO)

17.28 In considering action point .11, paragraph 8.1 of document MSC 75/17/1, the Committee discussed, on the basis of proposals in documents MSC 75/17/12, paragraph 4.2 (the EU countries as specified above), MSC 75/17/17 (Singapore), MSC 75/17/30 (United States) and MSC 75/17/43 (Turkey), whether the requirements for a ship security officer (SSO), company security officer (CSO) and port security officer (PSO) should be incorporated in the SOLAS Convention and the associated mandatory part of the IS Code and where to regulate the training requirements.

Training requirements in the IS Code

17.29 The Committee decided, in principle, on the inclusion of the training requirements for SSOs, CSOs and PSOs in the IS Code; and referred the decision to the MSWG for detailed consideration and incorporation of suitable amendments in the IS Code.

Development by the STW Sub-Committee of guidelines on training of SSOs, CSOs and PSOs

17.30 The Committee instructed the MSWG to consider the necessary instructions to be given to the appropriate sub-committees to develop guidance, such as model courses (in all working languages), etc., supplementing the above training requirements, with a high priority so that the guidance would be available by their entry into force date.

PORT SECURITY REQUIREMENTS IN SOLAS

17.31 In considering action point .12, paragraph 8.1 of document MSC 75/17/1, the Committee discussed whether port security requirements should be incorporated, in principle, in SOLAS

chapter XI and/or the mandatory part of the IS Code, addressing only the ship/port interface (SPI); the identification and definition of the latter; and the need to stipulate which ports the requirements would apply to (e.g. ports frequently visited by ships engaged on international voyages).

17.32 Having considered the relevant parts of documents MSC 75/17/6 (IMB), MSC 75/17/9 (IHMA), MSC 75/17/12, paragraphs 5.1 and 5.2 (the EU countries as specified above), MSC 75/17/24, paragraph 17 (France), MSC 75/17/29 and MSC 75/17/31, annex 1 (United States), the Committee, recognizing the two different philosophies on defining the ship/port interface in the French and United States proposals, agreed to follow, in principle, the one presented in document MSC 75/17/29 (United States) and to preserve the ideas outlined in document MSC 75/17/24 (France) for the guidance to be included in part B of the IS Code.

17.33 In considering the issue of the ship/platform interface, the Committee, having due regard to the relevant provisions of international conventions, such as UNCLOS, and the considerable difference between ports and platforms not only seen from their purpose and operations viewpoints but, more significantly, from the generally displayed high degree of security awareness and control of platforms points of view, agreed that the new SOLAS requirements should not apply to fixed or floating platforms.

17.34 After detailed discussion, the Committee decided, in principle, that:

- .1 requirements for port security should be included in SOLAS chapter XI and the IS Code; and
- .2 in this context, ship/port interface should only cover the direct interface, namely the immediate shore security threat towards the ship and vice-versa including anchorage and the movements of the ship in port. The remainder should be addressed by the Organization in co-operation with ILO and other relevant organizations (e.g. WCO, IAPH, ICHCA, IHMA, etc.). The MSWG was instructed to take forward the philosophy presented in the United States proposal (MSC 75/17/29) taking into account the other relevant proposals submitted, which could be used for further guidance, and to incorporate appropriate requirements into SOLAS chapter XI and the IS Code.

17.35 With regard to the ship/platform interface, the Committee decided that only provisions for the ship *vis-à-vis* the platform interface should be prepared as mandatory requirements. However, in order to close any identified loops and address all security aspects of shipping, some guidance should be developed to ensure effective security interaction between the ship and the platform. The MSWG was instructed to develop both the requirements for the ship and the guidance on the latter issue accordingly.

PORT VULNERABILITY ASSESSMENT (PVA) – REQUIREMENTS IN SOLAS AND THE IS CODE

17.36 In considering action point .14, paragraph 8.1 of document MSC 75/17/1, the Committee discussed the principle of port vulnerability assessment (PVA) and the incorporation of new regulations thereon into SOLAS chapter XI or the mandatory part of the IS Code, on the basis of documents MSC 75/17/9 (IHMA), MSC 75/17/12, paragraphs 5.2 (b) and 6.2 (a) (the EU countries as specified above) and MSC 75/17/35 (United States).

17.37 The Committee discussed at length the issue of application of PVA requirements for "small ports" and, in particular, ports hardly ever or never called at by ships engaged on

international voyages. Although it was recognized that the PVA requirements might not be applicable to all ports of a country, flexibility was considered necessary to close the maritime security loop for those cases when and where a security risk might arise.

17.38 The Committee decided, in principle, to include PVA provisions in SOLAS chapter XI and parts A and B of the IS Code and referred the matter to the MSWG for detailed consideration and preparation of appropriate draft requirements for incorporation into SOLAS chapter XI and the IS Code.

17.39 With regard to the applicability of PVA to small ports, the Committee decided that a flexible approach should be applied and instructed the MSWG to prepare guidance for Member States, aiming at enabling the SSOs and CSOs to communicate with the shore authorities in case a security issue arises.

SEAFARERS' IDENTIFICATION

17.40 When considering action points .15 and .16, paragraph 8.1 of document MSC 75/17/1 while noting the Plan B and Plan A approach by the ISWG on the seafarer' identity document (ID), the Committee was informed that the ILO Governing Body, during its March 2002 session had, in responding to the request of the ISWG (which had been communicated to the ILO Director General by the IMO Secretary-General) agreed to put in motion the necessary mechanism, which would lead to an accelerated procedure for the review of ILO Convention No.108.

17.41 On the basis of documents MSC 75/17/11 (ILO), MSC 75/17/12, paragraph 8.1 (the EU countries as specified above), MSC 75/17/15 (Germany), MSC 75/17/16 (Australia and New Zealand), MSC 75/17/34 (United States), MSC 75/17/38 (6 NGOs) and MSC 75/INF.25 (Marshall Islands) and having noted ILO's positive response to IMO's request to accelerate the review of ILO Convention No.108 including the seafarers' ID, as referred to in paragraph 17.40, the Committee discussed whether the ILO revision process would be sufficient in the context of the requirement for verifiable seafarers' ID; or whether additional action by IMO was required.

17.42 The ILO observer referred to the recommendation made by the ISWG to refer the question of the identification of seafarers to ILO and the subsequent action by the IMO Secretary-General. Pursuant to this, the ILO Director-General requested the 283rd session of the ILO Governing Body (March 2002) to include, in the agenda of the 91st session of the International Labour Conference (June 2003), the issue of amending Convention No.108. The Governing Body had unanimously concurred with that request. It had also approved that adoption of the amendment should be sought by a single discussion at the Conference, instead of the traditional double-discussion, resulting in the new instrument being expected to be adopted in June 2003. It had further approved an accelerated timetable for the preparatory work; requested the Director-General to consult with IMO at all stages of the preparatory work; and approved the attendance of a full tripartite ILO delegation at the Maritime Security Conference. The ILO Director-General had communicated the positive outcome of the Governing Body's consideration of the matter to the IMO Secretary-General.

The ILO Governing Body had also approved a two-day Consultation Meeting on the question of improved seafarers' identification to enable the International Labour Office to prepare a law and practice report as well as a draft instrument and a questionnaire, which is due to be sent to all member States in July 2002. The Consultation Meeting, which was also attended by the IMO Secretariat, took place on 9 and 10 May 2002 and the International Labour Office prepared a Briefing Paper focusing on the key issues to be addressed. The consultations took place in a

positive atmosphere and provided for a full exchange of views of the tripartite constituents on the issues and useful guidance to the International Labour Office for the elaboration of the draft instrument. The issues addressed related to the purpose and, in particular, the advantages of an international identification document for seafarers; the content of the new document in particular, the requirement for positive verifiable identification, including biometric templates; the issuing authority, and the procedures for issuing the new document; the special status of refugees and stateless persons; the facilities to be granted, including the status of the bearer regarding immigration; the form and physical characteristics of the new international seafarers' identification document; and monitoring and control mechanisms. A report thereon would soon be available on the ILO's website.

The ILO observer concluded by reaffirming ILO's commitment and dedication to seeing the issue brought to a successful outcome in June 2003. With the full tripartite co-operation in addressing this exceptional and important matter, it was ILO's view that it would achieve the objective of world-wide acceptance of the new instrument in as short a time as possible. ILO would continue to count on the full support of IMO in this regard. There would, therefore, be no need for a Plan B, as had been envisaged by the ISWG. Plan A had not only been launched, it was proceeding smoothly and was well on its way to succeed; it would, however, need the commitment and support of all Member Governments.

ILO Convention No.108

17.43 The Committee:

- .1 decided that a seafarer's ID should satisfy three main requirements, namely those of a satisfactory working conditions (welfare) document (ILO scope), those of a security document (ILO/IMO scope) and those of a certification document (IMO scope);
- .2 agreed that following the ILO revision process was sufficient in the context of the requirement for verifiable seafarers' ID and to achieve all the three requirements referred to in subparagraph .1;
- .3 instructed the MSWG to consider all relevant documents submitted under this issue and develop a list of requirements for the seafarer's ID for submission to ILO for appropriate action and to prepare a Conference resolution inviting the Committee to take appropriate action on the completion of the ILO revision process, to possibly amend SOLAS chapter XI to incorporate a requirement for a seafarers' identity document (ID).

SOLAS chapter XI regulation

17.44 The Committee decided to delete the square bracketed draft SOLAS regulation on the Seafarers' ID at this stage and leave it to MSC 77 or MSC 78 to take appropriate action as indicated above.

CONTAINER EXAMINATION

General

17.45 In considering action points .21 and 22, paragraph 8.1 of document MSC 75/17/1, the Committee, noting the progress made in the formalization of a co-operation agreement with

WCO, as recommended by the ISWG, discussed, without prejudice to the decisions of the Council thereon, the principle of incorporating, into SOLAS chapter XI, regulations for the sealing of containers and a CSO container sealing responsibility, as proposed by the United States in their document MSC 75/17/32, paragraphs 8 and 9. The submissions of IMB (MSC 75/17/6) and the EU countries specified above (MSC 75/17/12, paragraph 11) were also considered in this context.

17.46 The Committee, recognizing that the sea transport was only a part of the multimodal transport chain, considered whether it was, therefore, sufficient to invite WCO to develop mandatory provisions for closed CTU sealing within that organization's relevant instruments.

17.47 Recognizing further, however, that the sea transport of closed CTUs posed a significant maritime security threat, the Committee agreed that, in order to address all maritime security aspects in its regulatory work, at least the concept of rejection of unsealed closed CTUs needed to be regulated by SOLAS, while other relevant issues needed to be further considered in close co-operation with WCO.

Co-operation with WCO

17.48 The Committee noted the information provided by the Secretariat on the development of an MoU of co-operation between IMO and WCO; concurred with the ISWG recommendation on close co-operation between the two organizations on any multimodal transport security issues of mutual interest; and recommended to the Council to agree to the MoU and authorize the Secretary-General to sign it on behalf of the Organization in due course.

Proposed SOLAS chapter XI regulation on sealing of containers

Proposed SOLAS chapter XI regulation or IS Code part A requirements on company security officer (CSO) responsibility for sealing of containers

17.49 The Committee agreed that there was a need for a mandatory requirement within SOLAS chapter XI to address the "concept" of rejection unsealed closed CTUs, and instructed the MSWG to prepare an appropriate text for SOLAS chapter XI. In the context of addressing this issue the MSWG should also consider any further requirements relating to the securing of containers.

17.50 The Committee also agreed that the issue of sealing of closed CTUs was mainly a matter under the scope of WCO.

17.51 As to the need for a closed CTU sealing requirement, the Committee left it to the MSWG to develop provisions and/or guidance, as may be required, in the context of the above mandatory requirement; and to advise the Committee accordingly.

17.52 The MSWG was further instructed to consider all relevant documents submitted under this issue and to develop a list of issues in the context of the multimodal transport of closed CTU security, which need to be discussed between IMO and WCO pursuant to finalization of the MoU referred to in paragraph 17.48 and to draft a document to be forwarded to WCO by IMO.

“OWNERSHIP” AND “CONTROL” OF THE SHIP**General**

17.53 In considering action points .17, .18 and .30, paragraph 8.1 of document MSC 75/17/1 and annex 4 thereto, the Committee, noting that the ISWG had referred the question on the “ownership” and “control” of the ship to LEG 84 for comments and advice, considered:

- .1 the comments received by LEG 84 on the issue (MSC 75/17/2/Add.3);
- .2 the proposal calling for a permanent marking of the ship’s identification number; and
- .3 the proposal for a continuous synopsis record (CSR),

on the basis of documents MSC 75/17/2/Add.2 and MSC 75/17/2/Add.3 (Secretariat), MSC 75/17/6 (IMB), MSC 75/17/10 (OECD), MSC 75/17/12 paragraph 13 (the EU countries as specified above), MSC 75/17/23 (ICCL), MSC 75/17/25 (Marshall Islands, New Zealand, Sweden, United Kingdom, United States, BIMCO and INTERTANKO), MSC 75/17/26 (Marshall Islands), MSC 75/17/27 (Cyprus and Malta), MSC 75/17/37 (BIMCO and ICCL), MSC 75/17/44 (Cyprus) and MSC 75/INF.35 (Canada).

Outcome of LEG 84 on “ownership” and “control”

17.54 The Committee agreed with the decision of LEG 84, on the way forward on the issue of ownership and control of the ship (definition of company from the ISM Code appropriately amended for maritime security purposes) and, having referred the outcome of LEG 84 (MSC 75/17/2/Add.3, annex) to the MSWG, instructed it to focus on an appropriate SOLAS requirement for inclusion in chapter XI.

Permanent marking of ships’ identification number

17.55 The Committee, reiterating the decision of MSC 74, agreed in principle to the permanent marking of the ship (hull or beam marking and/or incorporation in AIS information) with the IMO identification number and instructed the MSWG to prepare appropriate draft amendments to SOLAS chapter XI based on the FSI 10 recommendation (MSC 75/17/2/Add.2 and FSI 10/16/1) and the proposal by Cyprus and Malta in document MSC 75/17/27.

Continuous synopsis record (CSR)

17.56 The Committee agreed in principle to introduction of a continuous synopsis record (CSR) requirement in SOLAS chapter XI and instructed the MSWG to prepare the appropriate draft SOLAS chapter XI amendments based on the proposal in document MSC 75/17/25.

17.57 The ICFTU observer stressed that beneficial ownership and control were crucial to the issue and had to be addressed. In their view, the criteria set out in document MSC 75/17/2/Add.3 were clearly inadequate, as was shown by the independent legal opinion provided, by the United Kingdom, to the Legal Committee (LEG 84/13/3), which had identified the OECD report "Behind the corporate veil - Using corporate entities for illicit purposes" as a useful starting point. That OECD report stated that "to prevent and combat the misuse of corporate vehicles for illicit purposes, it is essential that the authorities in all jurisdictions have the means to obtain and share, on a timely basis, information on the beneficial ownership and the control of corporate

vehicles established in their jurisdiction". The United Kingdom legal opinion had also stated that a definition similar to that provided in the OECD report would be appropriate for IMO in the context of the measures being considered.

The ICFTU, therefore, believed that IMO could not disregard this essential aspect of maritime security. As Cyprus had identified, in their document MSC 75/17/44, there were dimensions of the issue, one of which included the lawful trade of a vessel for the purpose of generating funds to finance unlawful acts. IMO, therefore, should rise to the challenge and could not fail to do so, as it would enable it to significantly facilitate the implementation, in a maritime context, of other international instruments and, in particular, the International Convention for the Suppression of the Financing of Terrorism, which had entered into force in April 2002. This would be in line with the applicable resolutions of the United Nations Security Council.

Finally, the ICFTU observer drew the Committee's attention to the fact that it had been reported, since the 1990s, that a number of designated terrorist organizations beneficially owned and controlled a number of vessels engaged in international trade.

LONG-TERM GOAL

17.58 In considering action point .25, paragraph 8.1 of document MSC 75/17/1, the Committee discussed the issue of how best to integrate maritime security in the long-term goal and work plan of the Organization and to develop a strategy on maritime security, taking into account document MSC 75/17/18 (Singapore).

17.59 The Chairman, referring to the current work of the MSC and MEPC on the review of the sub-committee structure (which would be further considered under agenda item 20), explained that, within that review, it was expected that the topic of maritime security would be debated by the MSC, MEPC and TCC and FAL Committee and sub-committee Chairmen when they meet, as planned, on 15 June 2002, before the matter is brought for further consideration by the MSC, MEPC and the Council and final approval by the Assembly.

17.60 The Committee supported the proposal by Singapore (MSC 75/17/18) to keep the important maritime security issue on its own agenda at present and to establish a MSWG if and when considered necessary and agreed to return to the matter at MSC 76, when the report of the Chairmen's meeting on the restructuring of the sub-committees was available, which might provide some further recommendations on the way forward.

OTHER MATTERS

17.61 The Committee endorsed a proposal by Cyprus and Malta (MSC 75/17/45) for the development of a Conference resolution on security risks resulting from demonstrations and other activities of activist groups against ships, offshore and port facilities and instructed the MSWG to prepare, in the context of the preparation of other Conference resolutions associated with maritime security for adoption by the December Conference, the appropriate text for such a resolution, based on the above document.

ESTABLISHMENT OF THE MARITIME SECURITY WORKING GROUP (MSWG)

17.62 Following consideration of the above issues, the Committee established the MSWG and instructed it to consider all documents submitted under this agenda item, taking into account the in-principle decisions made in plenary, taking into account the Human Element, as appropriate and, in particular, to prepare:

- .1 draft amendments to SOLAS regulation V/19.2.4;
- .2 draft amendments to SOLAS chapter XI, including a new part B on Special measures to enhance maritime security;
- .3 a draft International Maritime Security (IS Code) Code with a mandatory part A and a recommendatory part B, supplementing new part B of chapter XI;
- .4 the proposed SOLAS chapter XI regulation on security alarm requirements based on that developed by DE 45 (MSC 75/17/2/Add.2);
- .5 relevant draft Conference resolutions, as appropriate;
- .6 revisions of the work plan and timeframe for further work (action .29 and annex 3 of MSC 75/17/1) and the list of instructions to the sub-committee's (actions .1, .3, .6, .7, .8, .13 and .20) in light of the progress made at this session; and
- .7 recommendations on all remaining issues on the work plan and timeframe for further work, as set out in document MSC 75/17/1, annex 3.

ACTION AFTER CONCLUSION OF THE WORKING GROUP'S WORK

17.63 Having received the report of the Maritime Security Working Group (MSC 75/WP.18 and Add.1), the Committee approved it in general and took action as outlined in the ensuing paragraphs.

ACCELERATED AIS IMPLEMENTATION

17.64 The Committee noted and approved for circulation to, and final decision by, the Maritime Security (MS) Conference four alternative texts for amending SOLAS regulation V/19.2.4 as developed by the MSWG, namely:

- .1 the text developed by the ISWG set out in document MSC 75/17/1, annex to annex 1 (MSC 75/ISWG/WP.4, annex);
- .2 the alternative text proposed in document MSC 75/17/12, paragraph 2.2(b), as amended;
- .3 an alternative text based on the proposed implementation date of 2006; and
- .4 an alternative text based on the proposed implementation date of 1 July 2004 (MSC 75/17/28).

SOLAS CHAPTER XI

17.65 The Committee agreed to propose to the Conference to renumber chapter XI as chapter XI-1 entitled "Special measures to enhance maritime safety" and insert new chapter XI-2 entitled "Special measures to enhance maritime security".

SOLAS CHAPTER XI-2 AND PART A OF THE DRAFT INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE (ISPS CODE)

General

17.66 The Committee, endorsing the aforementioned new title of the ISPS Code, noted that, in developing security requirements for ships and MODUs and for port facilities, the MSWG had agreed to delete all references to fixed or floating platforms in the draft ISPS Code, recalling the corresponding decision by the Committee not to apply the new regulations to these facilities, and, in order to close the loop, to address them by means of a draft Conference resolution, encouraging Contracting Governments to apply the security provisions also to these facilities.

Security level

17.67 The Committee noted that the MSWG, in considering SSP provisions in section 10, had agreed on the three security levels proposed in the definitions in the draft ISPS Code paragraph A/2.1.7 to .9. It was recognized that the assessment of the appropriate security level was a matter for national Administrations and the ship and port facility security plans should allow for change of level.

17.68 In doing so, the MSWG agreed to address the need for flexibility in responding to these security levels and when addressing the threat to different ports in different regions and countries of the world.

Ship security plan (SSP)

17.69 In considering the contents of a SSP, the Committee noted that the MSWG had agreed to leave, in square brackets, the paragraphs relating to the security alarm awaiting the outcome of both NAV 48 and the Joint ICAO/IMO Working Group meeting on the issue of “means of raising a security alarm, which may be covert” and how to respond to it from a shore-based facility.

17.70 As to the question of copies of the SSP to be kept by the company, the Committee noted that the MSWG had assumed that companies were expected to follow the established procedures in keeping copies of all ships’ papers/certificates/plans ashore, as already required in respect of other documentation, to prove compliance with the ISM Code requirements.

Ship security assessment

17.71 The Committee noted that the MSWG, noting that the ship security assessment was intended to be conducted by the company or the ship personnel to develop the ship security plan, responding to the level, as advised by the Administration, for each ship or each class of ships as a prerequisite for the development of the SSP, had agreed, in principle to the need for a mandatory provisions in the draft ISPS Code. The detail of such a provision was discussed at length in the MSWG, which agreed to include more generic requirements in part A of the ISPS Code.

Records

17.72 The Committee noted that the MSWG, recognizing the adoption of resolution A.916(22) on Guidelines for the recording of events related to navigation, had agreed in principle to the need for security records to be kept and to a corresponding requirement in part A of the draft

ISPS Code. It should be left to the competent authority of the State concerned to decide whether this should be entered in the ship's log-book or in a separate log-book.

Company security officer (CSO)

17.73 The Committee noted that the MSWG had agreed on the mandatory requirements for the CSO for inclusion in part A of the ISPS Code.

Ship security officer (SSO)

17.74 The Committee noted that the MSWG, in considering the duties and responsibilities of the SSO, agreeing to follow the concept of the mandatory requirements to be as generic as possible and keeping the prescriptive provisions to a minimum with further guidance in part B of the draft ISPS Code, had prepared the draft text for this provision accordingly.

Training and drills

17.75 The Committee noted that, in considering section 13 of part A on training and drills, the MSWG had decided to keep to the above concept of keeping the mandatory provisions as brief and general as possible, retained therefore only the chapeau of paragraphs A/13.1 to .3 and paragraph 13.4 and transferred the necessary detail into part B of the draft ISPS Code. The MSWG had further agreed to retain the concept of the regularity of drills but again decided not to be too prescriptive as to the periodicity referred to in paragraph A/13.4 of the draft Code.

17.76 The delegation of the Philippines stressed that the cost of implementing the proposed ISPC Code including the cost of training should not be borne by seafarers and port personnel as far as the implementation of the Code may affect them in terms of their skills. The Philippines submitted its view on this subject matter to the Chairman of the ISWG, which will be elaborated in a paper for the next meeting of the ISWG in September 2002.

Ship security

17.77 The Committee noted that, in considering the minimum standards for ship security, the MSWG had recognized that the general authority and responsibility of the master had to remain untouched. Words to that effect had been inserted in SOLAS as regulation XI-2/4, as the security implication in this respect became clearer in the further deliberations.

17.78 The Committee noted that the MSWG, having agreed on new ISPS Code paragraphs A/9.1 to 9.7 on ship security requirements, had subsequently developed the port facility security requirements in a corresponding manner for consistency purposes. As to the proposed old draft ISPS Code paragraphs A/9.3 to 9.27, the MSWG had agreed to keep them in abeyance for the time being.

Equivalents

17.79 The Committee noted that the MSWG had agreed, in principle, to the inclusion of equivalents and bilateral/multilateral agreements in the draft ISPS Code and had redrafted the provision in accordance with similar provisions of other IMO instruments (i.e., SOLAS regulation I/5).

Continuous synopsis record (CSR)

17.80 The Committee noted that the MSWG had agreed that all information for inclusion in the CSR required by draft ISPS Code paragraphs A/16.4.1 to .9 would be held by the flag State Administration in any case and it should therefore be that administration's responsibility to update and confirm the CSR. Only in those few cases where and when the information was temporary, within a reasonable period of time, not available to that Administration (i.e., immediately after transfer of flag, class and/or ownership) the company or the master of the ship, as authorized by it, should update the CSR temporarily and refer that information to the flag State as soon as possible.

17.81 The MSWG had recognized the port State control implications of this requirement and agreed that the issue of carrying the CSR on board and the failure of keeping it updated as detention causes needed to be considered and agreed upon at some later stage.

17.82 The Committee noted that, recalling the issue of "ownership" and "control" of the ship, which had been referred to LEG 84, the outcome of which had been reported in document MSC 75/17/2/Add.3 (annex), the MSWG had initially agreed that the three information requirements:

- .1 who appoints the crew;
- .2 who fixes the use of the ship; and
- .3 who signs the charter party on behalf of the owner,

should be incorporated in the CSR requirements. However, this information was not necessarily held by the flag State Administration, as it should be updated continuously by the company or the master of the ship, as authorized by it. There was no need to keep the history of that information, but only the actual currently valid information needed to be recorded. The MSWG had, therefore developed a separate draft SOLAS regulation XI-2/11 on specific responsibilities for companies and had, subsequently, discussed whether both regulations should be transferred to part 1 of SOLAS chapter XI.

17.83 The Committee noted that the MSWG had agreed that a reasonable period of time, three months was mentioned, should be allowed for the flag State Administration for updating the CSR information.

17.84 The IACS observer stated that the issue of control and verification of the continuous synopsis record should not be delegated to recognized organizations, noting that no such exclusion is currently included in the new proposals for SOLAS chapter X1-2, regulation 10, and confirmed that its members as recognized organizations were unable to be accountable for these aspects of the CSR.

Ship identification number

17.85 The Committee noted that a proposal by ICCL to limit this requirement to all cargo ships below 10,000 gross tonnage had not been accepted by the MSWG, which, recalling resolution A.600(15) on IMO ship identification number scheme, had agreed that the practical aspects of the exterior ship marking needed to be given further consideration, in particular, for passenger ships. It had been recognized that the external location of the IMO ship identification

number should allow the marking to be read from both sea and air. The original draft text had been modified as appropriate.

17.86 The delegation of Panama reminded the Committee that a substantial minority of the MSWG had supported the ICCL proposal. Furthermore, in noting that the practical aspects of exterior ship marking needed to be given further consideration, the delegation questioned whether or not such high profile and visible identification would indeed enhance maritime security.

Ship security alarm

17.87 The Committee noted that the MSWG had agreed to modify the draft regulation, keeping only the general concept in the provision, and to transfer the details into the performance standard, to be developed. In considering the draft text of SOLAS regulation XI-1/5, the MSWG had agreed that on a number of issues further action needed to be taken:

- .1 more discussion and a decision on where the alarm should be sent to;
- .2 development of criteria for activating the alarm;
- .3 the exemption in paragraph 1.2 of the draft regulations should be generic and apply to the whole SOLAS chapter XI;
- .4 a definition of ship security alarm should be prepared, if considered necessary;
- .5 a draft performance standard should be prepared and sent to the COMSAR Sub-Committee for finalization;
- .6 consideration should be given to transferring 2.2.4 to the performance standard;
- .7 guidance should be sent to the joint IMO/ICAO working group on the handling of inadvertent activations of the ship security alarm; and
- .8 arrangements of testing and survey implications.

17.88 The Committee noted that, on the issue of shore-based response to a security alarm, the MSWG had recalled that COMSAR 6 had already instructed the Joint IMO/ICAO Working Group to advise the MS Conference accordingly, which would have to consider the matter finally, once that advice was available.

17.89 In view of the short period of time between adoption and entry into force of a ship security alarm requirement and the urgent need for a performance standard thereon, the MSWG had tasked a small group to develop a draft performance standard for submission to COMSAR 7 for finalization together with some explanatory notes of the small group, as set out in document MSC 75/WP.18, annex 6.

17.90 The Committee, noting that COMSAR 7 would meet after the MS Conference, requested Member Governments and international organizations concerned to consider, intersessionally the above draft performance standards and advise their delegations to MSC 76 accordingly, so that the performance standards may be adopted by the Committee at that session and promulgated by means of an MSC circular. The Committee further instructed NAV 48 to start work on the means of raising alarm on ships under terrorist attack on a priority basis, taking into account the

work done by COMSAR 6 and DE 45 (MSC 75/17/2 and Add.1) and the draft SOLAS regulation XI-1/5 developed by the MSWG (MSC 75/WP.18, paragraph 46 and annexes 1 and 6).

Port security

17.91 The Committee noted that the MSWG had agreed on new texts for the definition of "ship/port interface" and "port facility" and had decided not to regulate other ports, which would need to be considered through the port facility security assessment procedure. A Conference resolution had been drafted encouraging prior liaison between ships and non-regulated ports. However, paragraph 5 of draft SOLAS regulation XI-2/6 had been retained in square brackets to allow further discussion.

17.92 The Committee noted that the use of terminology such as "territory" or "jurisdiction" throughout the draft text of chapter XI-2 needed further consideration, having particular regard to law of the sea provisions.

17.93 The Committee noted that, in considering port facility security requirements, the MSWG had agreed to delete a specific requirement on the distribution of the report on the port facility security assessment and to leave it to the relevant Government Administration to decide who should receive that report, to ensure maximum security.

Port facility security assessment (PFSA)

17.94 The Committee noted that, in considering section A/15 of the draft ISPS Code, the MSWG had developed new text for the PFSA provisions. Again, it had been agreed to limit the mandatory requirements to the necessary and transfer the remainder to part B of the draft ISPS Code for guidance. Some essential elements for the PFSA had, therefore, remained in part A of the Code. It had been further agreed that the periodicity intervals for updating and reviewing the PFSA and the PFSP should be similar to those given for the SSP.

Port facility security officer (PFSO)

17.95 The Committee noted that the MSWG, revising the requirements for the PFSO, had agreed, in consistency with its previous decisions, to keep the essential responsibilities of the PFSO in part A and transfer the remainder to part B of the ISPS Code.

Training and drills of the PFSO

17.96 The Committee noted that, in developing the requirements for the training and drills of the PFSO, the MSWG had followed the same concept, consistent with its previous decisions, in keeping the essential provisions in part A and transferring the remainder to part B of the ISPS Code.

Integrity of closed CTUs in multimodal transport

17.97 The Committee noted that the MSWG, in considering the proposals by the United States relating to container sealing; responsibility for rejecting non-sealed containers; non-intrusive containers inspections; and further work relating to the integrity of closed CTUs in multimodal transport to be done by WCO in co-operation with IMO (MSC 75/17/32 and MSC 75/17/33), had noted information provided by the WCO observer on the current work done by that organization in this context (MSC 75/17/8). The WCO observer had further informed the MSWG on the WCO conventions relevant to the maritime security issue, namely the Nairobi Convention (on

exchange of information), which needed revision, and the recently revised Kyoto Convention (on control and customs procedures).

17.98 The Committee noted that, recalling the recommendation of the ISWG that the work on the integrity of closed CTUs in multimodal transport should be best left to the WCO, and that amendments to IMO instruments should only be made once WCO had completed their work, the MSWG had considered how best to move forward on this issue and, in particular, how to ensure that the WCO work is being progressed as fast as possible and, failing that, how to ensure further expeditious action in IMO.

17.99 The WCO observer had advised the MSWG that the WCO Council would meet in June 2002 at which meeting its Secretary-General could initiate projects on the four elements proposed by the United States and could request accelerated action by the WCO Enforcement Committee, to meet in January 2003.

17.100 The Committee noted that work on security for closed CTUs in WCO is progressing since many years in relation to security threats other than terrorism and that the incremental terrorism threat should only be considered as a further, very strong incentive to expedite that process.

17.101 The Committee noted that the MSWG had prepared a draft Conference resolution on enhanced co-operation between Governments and port authorities and port and shipping industries, encouraging the exchange of information/intelligence; promulgation of the development and conclusion of MoUs thereon between above parties, and activities like, e.g. the sea carrier initiative; and close co-operation between IMO and WCO on these matters, which could be considered for adoption at the MS Conference in light of the progress made in the work by WCO.

17.102 The MSWG, noting that the industry could contribute a considerable amount to the integrity of closed CTUs in multimodal transport by reviewing and improving their operational procedures on a voluntary basis, had agreed that the matter needed to be addressed as a matter of urgency by IMO, WCO and, as far as port workers were concerned, also by ILO; that letters to that effect needed to be sent by IMO and ILO to the Secretary-General of WCO, inviting WCO to undertake that work as a matter of urgency; Government representatives should advise their customs colleagues accordingly, to ensure their support in the WCO process; and the proposed draft Conference resolution, indicating what particular elements needed to be progressed with priority, should be developed to ensure appropriate action by IMO upon completion of that process.

17.103 The Committee agreed to review the above developments and decide on further action at MSC 77, upon completion of the Maritime Security Conference.

17.104 The Committee approved the draft Conference resolution for circulation to the MS Conference for adoption and a draft letter to the Secretary-General of the WCO, as prepared by the MSWG and requested the IMO Secretary-General to communicate along those lines with the Secretary-General of the WCO.

Conference resolutions

17.105 The Committee noted that the MSWG had considered briefly the draft Conference resolutions contained in documents MSC 75/WP.7/Add.1 and newly developed during the meeting and had agreed that they needed updating in accordance with the work done and progress made at the current session, including addressing the issues of encouraging States to

consider applying the security requirements to fixed and floating platforms; allowing CSOs and SSOs to communicate with relevant port officials, if and when threat arises, in ports not covered by the new regulations; and other forms of threat, etc.

17.106 The Committee, noting that due to time constraints, the MSWG had not been able to finalize the draft Conference resolutions, but had agreed to the principles they addressed, approved them for circulation to the MS Conference for finalization and adoption, as set out in annex 5 to document MSC 75/WP.18.

17.107 Noting that the MSWG, due to time constraints, was also not able to prepare a draft Conference resolution on aspects of other threats to maritime security, as proposed by Cyprus and Malta in document MSC 75/17/45, the Committee noted that the two delegations would undertake to submit a draft Conference resolution to that effect to the next ISWG meeting for review and to the MS Conference with a view to adoption.

17.108 The delegation of Japan expressed the view that in draft Conference resolution [8] in operative paragraph 1 the word “document” should be replaced by the word “information” in three places. It might consider to make a corresponding submission to the next ISWG meeting.

Instructions to other IMO bodies – Invitation to ILO

17.109 Upon the recommendation of the MSWG, and noting that the Legal and FAL Committees were identified by resolution A.924(22) to participate in the review and would, therefore, be informed of the ongoing work accordingly, the Committee:

- .1 instructed NAV 48 to complete the technical specifications for all AIS related-standards in time for the December Conference;
- .2 instructed NAV 48 to consider the issue of security of the AIS equipment against outside interference, taking into account the work done by DE 45 (MSC 75/17/2/Add.1) in this respect;
- .3 instructed STW 34 to address the issue of training of ship board personnel in the use of AIS equipment;
- .4 instructed the NAV and COMSAR Sub-Committees to start work on a system for long-range tracking and identification, taking into account the functional requirements, developed by the MSWG in this respect (see paragraph 17.105 below and MSC 75/WP.18, annex 8);
- .5 instructed NAV 48 to start work on the means of raising alarm on ships under terrorist attack on a priority basis, taking into account the work done by COMSAR 6 and DE 45 (MSC 75/17/2 and Add.1) and the draft regulation [XI/5] developed by the MSWG (see paragraph 17.85 above and MSC 75/WP.18, annexes 1 and 6);
- .6 to instruct DSC 7 to review the recommendations on the safe transport of dangerous cargoes and related activities in port areas and in the IMO/ILO UN ECE Guidelines for packing of CTUs and the related model course in light of any security measures to be included;

- .7 instructed STW 34 to develop training guidance such as model courses for the SSO, CSO and PFSO; and
- .8 invited ILO, subject to adoption of the corresponding draft conference resolution, to establish a joint ILO/IMO Working Group to undertake more detailed work on comprehensive port security requirements.

17.110 With regard to the instructions to the NAV Sub-Committee relating to AIS issues (see paragraphs 17.109.1 and .2) and noting the clarifications provided on “long range tracking and reporting” contained in MSC 75/WP.18, annex 8, the Committee agreed that this mandate related only to the security aspects of AIS and that work to be undertaken by the NAV Sub-Committee in this respect would be without prejudice to further work on the development of long range multifunctional AIS. In this context, special attention should be given to safety and vessel traffic management functions, as referred to in resolution A.917(22) on Guidelines for the onboard operational use of shipborne automatic identification systems, and in particular under paragraph 48 of the Guidelines.

Survey and certification

17.111 The Committee noted that the MSWG had agreed that the draft ISPS Code should be a stand-alone instrument and, therefore, contain certification requirements together with the appropriate format for a certificate and the procedures for survey and certification, in accordance with the Harmonized System of Survey and Certification, adopted by the Organization. There would, therefore, be no need to amend SOLAS chapter IX or the ISM Code in this context. New provisions for survey and certification had been developed by the MSWG, which needed to be further considered in detail at the national level and at the September ISWG meeting.

17.112 The Norwegian delegation was of the opinion that, since the concept and arrangements for survey and certification, including the introduction of a completely new type of organization - referred to as “recognized security organization” – had not been discussed in depth due to time constraints, all references to “recognized security organization” should be put in square brackets. This should be done to highlight that Member Governments need to consider in depth the practical implications, which may result, if such organizations will have to be recognized by each Government throughout the world, as seems to be implied by the draft provision.

17.113 The delegation of Japan shared the view of the delegation of Norway.

Long-range identification system

17.114 The Committee noted that the MSWG, in considering the functional requirements for a long-range identification system for submission to NAV 48 to enable that Sub-Committee to consider the issue and advise the Maritime Security Conference accordingly, had agreed on a more general approach to the functional requirements, thereby requesting the experts at NAV 48 to advise on the different scenarios with regard to the interrogation intervals, the polling distance and costs of the various options. The agreed draft functional requirements including some notes by the small group which developed them for clarification are given in annex 8 to document MSC 75/WP.18.

17.115 The MSWG had also been made aware (MSC 75/17/7) that AIS may be used by ships under threat for sending an alarm to a shore station. It is possible that this station may be a VTS Centre. This possibility should be taken into account by the NAV and COMSAR Sub-Committees when developing guidelines regarding the means of ship alerting.

Control

17.116 The Committee noted that the MSWG had been informed by the authors that draft SOLAS regulation XI-2/9 on Control attempted to strike an appropriate balance between the need to protect the port facility and to protect the rights of a ship. The reference to SOLAS regulation I/19 sets regulation XI-2/9 apart from port State control. However, there are parallels and it had been tried to use wording that may be familiar to many delegates. For that reason, text such as “when there are clear grounds for believing that a violation has occurred” appears in the draft regulation.

The first paragraph sets out that every ship to which this Chapter applies is subject to control and may be inspected, consistent with international law, by officers duly authorised by a Contracting Government for the purposes of determining compliance. When there are no grounds for believing that a violation has occurred the inspection is limited to checking that the ship is carrying a valid Ship Security Certificate. The reference to the Certificate assumes that such certification will also become a requirement.

Subparagraph 2.1 sets out the first of the triggers for taking control measures when there are clear grounds to believe that a ship is in violation. Those control measures are set out in the last sentence of the second paragraph and may include but are not limited to, the ships delay, detention and other operational restrictions including expulsion from the port or denial of entry into port. For denial of entry reasons the words “intending to conduct a ship port interface” appear in subparagraph 2.1. Although a Contracting Government can only exercise controls within its jurisdiction, a ship may announce its intent to enter a port well in advance and the Contracting Government may wish to warn the ship well before it arrives that it is considering imposing controls because it has grounds for believing that the ship is in violation.

The third paragraph provides the resolution procedure that would be followed. Firstly, to establish whether the ship was in fact in violation and secondly, to try to resolve the violation, hopefully in advance of the ship actually arriving at the port. It is for the Contracting Government to be satisfied that that the violation is resolved, taking into account proposals made by the ship.

When a Contracting Government had decided to impose a control and is no longer just thinking about doing so, it must, as described in the fourth paragraph, inform the Administration, the ship’s company and the Contracting Government in whose port facility the violation has occurred. Hence, the reference is made to the second trigger, subparagraph 2.2, which deals with violations at the ship port interface, either at a port facility previously visited by the ship or while the ship is already at a port facility. It is reasonable for the Contracting Government to inform another Contracting Government in whose jurisdiction the port facility was in violation so as to give the port facility the opportunity to put its house in order. There is also a requirement to inform any other State whose interests might be directly involved, e.g. when a ship-to-ship transfer had occurred.

The third trigger for taking control measures is at subparagraph 2.3 referring to possible violations of security during ship-to-ship transfers. Which, if not addressed, may be a possible gap in the work of the MSWG.

Finally, in the fifth paragraph, there is a reference to the emergencies when a Contracting Government may need to take control measures immediately and only subsequently inform those listed in the fourth paragraph.

17.117 The Committee further noted that the authors of the draft regulation XI-2/9 were aware that it was addressing a delicate issue and any draft amendments would need to be carefully considered and perhaps might not be easily dealt with in the Committee.

17.118 The Committee noted that the MSWG had considered draft regulation XI-2/9 briefly. It noted that guidelines would be necessary to rule out any subjectivity in the implementation of this provision; it was not clear how Governments would get the information on a port facility being in violation of the security requirements; the timeframe in which such a violation occurred back in time was not defined, as well as when a Contracting Government would give notice of its intention to initiate or apply a control measure, as suggested in the draft regulation; the issue of detention *vis-à-vis* delay needed further clarification; consideration needed to be given to the issue of all reasonable efforts being made to avoid undue delays of ships and the compensation for any undue delays.

17.119 The Committee noted that the MSWG had noted that this regulation was not a straight port State Control provision and represented a significant new extension of control to the concepts hitherto developed by the Organization. Concern had been expressed about the precedent that may be set and the possible implications of setting such a precedent. Detail consideration was needed in capitals on both a technical and political level.

17.120 The Committee, noting that the regulation had therefore been kept in square brackets and since there had not been sufficient time to consider it at the national level during the current session, agreed to leave the text in square bracket and approve it only for circulation to the Conference, but with no further endorsement at the current session, with a view to consideration and decision at that time, when Governments had time to look at it in their capitals. The Committee agreed also that further discussion of the draft regulation by the MSWG or indeed by the Committee itself would serve no purpose at this time, but the matter would have to be considered at the forthcoming ISWG meeting.

17.121 The delegation of Greece, supported by some delegations, stressed the points reflected in paragraphs 17.118 to 17.119 above that the control provisions in draft SOLAS regulation XI-2/9 needed careful consideration and reflection at the national level to avoid misuse of this requirement by Contracting Governments in future; according to that delegation, and, since there might be a need to scrutinize pertinent actions taken by Member States, relevant tests should be developed to control the “Controller”.

Port personnel ID

17.122 The Committee noted that the MSWG had considered the proposal in document MSC 75/17/38, paragraph 8 for a photo ID for all persons boarding a ship in port. It had been noted that without such a measure the ship would not be able to exercise control over persons boarding and leaving the ship and would therefore be unable to ensure the ship security as required by the ship security plan.

17.123 Although the principle of the requirement was acknowledged, the MSWG had not agreed on the inclusion of such a regulation in the security provisions but had felt that, since it impacted considerably on port workers regulations, it was a matter for the future joint IMO/ILO work in the wider context of port security requirements to take this proposal forward.

Provision of resources

17.124 The Committee noted that the MSWG had agreed to include new proposed regulation on the provision of necessary resources by the company and the port facility management for the implementation of the security measures.

Declaration of security

17.125 The Committee noted that the MSWG had agreed on the principle of a Declaration of security and revised the corresponding proposed requirements.

Ship security assessment

17.126 The Committee noted that the MSWG had agreed for consistency reasons to change the term “ship security survey” to “ship security assessment” to align with the term used for the port facility assessment procedure.

Communication of information

17.127 The Committee noted that the MSWG, in considering requirements for the communication of information on PFSPs, had recalled the provision in the draft PFSP requirements for the possibility to combine PFSPs with the PSP, or to use one PFSP for more than one port facility and had agreed that the concept of a PSP was an issue for the proposed joint IMO/ILO working group to take further.

17.128 It was noted that the information would be submitted to IMO as soon as possible and as comprehensive as possible and would be followed by the Administration of the country concerned and should contain only the list of the ports facilities that have an approved PFSP, their location and contact details of the designated authority(ies) concerned.

17.129 The Committee recognized that the above information was needed by the shipping industry almost immediately to enable it to operate and it was therefore necessary to have the above list updated frequently and be readily accessible, e.g. on the website.

Seafarers' ID

17.130 The Committee noted that the MSWG, as instructed, had developed a draft Conference resolution on co-operation and further work with ILO on the issue of the accelerated development of a new seafarer's ID and the establishment of a joint ILO/IMO Working Group to undertake more detailed work on comprehensive port security requirements, based on terms of reference attached to that resolution, as set out in annex 5 to document MSC 75/WP.18.

17.131 The MSWG had proceeded on the basis that the original Plan B would not be taken further, as decided by the Committee, and that this meant that proposals relating to that approach would also not be taken forward.

Progress of work

17.132 The Committee noted that further discussion on the definitions on “designated authority” and “recognized security organization” was needed at the forthcoming ISWG meeting, and that, on reviewing the text of the draft amendments to SOLAS chapter XI and part A of the draft ISPS Code, as prepared by the drafting group, the MSWG had agreed on some amendments thereto

and to keep the texts in dispute in square brackets for further consideration at the forthcoming ISWG meeting. The need for further alignment was noted.

17.133 The Committee noted that, having completed its work on the draft amendments to SOLAS regulation V/19.2.4 and SOLAS chapter XI and mandatory part A of the draft ISPS Code, as set out in document MSC 75/WP.18/Add.1 (annexes 1 and 2), the MSWG, in recommending their approval by the Committee for circulation to the MS Conference for consideration and formal adoption, had invited Member Governments to consider them at the national level with a view to their reviewing at a further meeting of the ISWG, subject to the Committee's approval thereof (see paragraph 17.135).

17.134 The Committee noted that, due to time constraints the MSWG had not been able to consider and prepare texts for the recommendatory part B of the draft ISPS Code and had kept it as set out in annex 3 to document MSC 75/WP.7, together with an outline thereof, as set out in annex 3 to document MSC 75/WP.18/Add.1.

17.135 The Committee noted that the MSWG, in considering the work done and progress made at this session, was content that it had reached a basis for a successful MS Conference in December 2002; however it had assessed that another one-week intersessional meeting would be needed before the MS Conference to:

- .1 review and finalize the draft amendments to SOLAS chapter XI and part A of the draft ISPS Code;
- .2 review the proposed texts which have been removed from part A of the draft ISPS Code and are kept in abeyance; and
- .3 prepare and finalize the recommendatory part B on guidance of the draft ISPS Code.

The Committee endorsed this assessment and agreed that the ISWG should hold the second meeting for the above purpose with a view to finalizing and submitting to the MS Conference texts of draft amendments to SOLAS chapter XI and the draft ISPS Code (see also paragraph 17.143).

17.136 The Committee approved the revised draft Conference resolutions, as set out in annex 5 to document MSC 75/WP.18, for circulation to the MS Conference for consideration and adoption.

17.137 The Committee noted that the MSWG had agreed to consider the work plan for future work at the forthcoming ISWG meeting, subject to the Committee's approval thereof.

17.138 The ICS observer made joined ICS, ISF, BIMCO, IPTA, INTERCARGO, INTERTANKO, WNTI and ICCL statement, endorsing, in principle, the content, conclusions and recommended actions outlined in the report of the MSWG, with the single exception of the current proposal in relation to the incorporation of the IMO ship identification number on the exterior of the ships which now demanded careful reading and quiet reflection by all Administrations, intergovernmental organizations and non-governmental organizations.

However, the shipping industry believed that a number of issues remained to be addressed and that some of the issues, which had been discussed, had yet to be fully addressed. Ship security was an extremely complex issue which impacted on the totality of shipping and port operations

and international trade, with implications for not only those commercial and governmental interests directly involved but also for the shipping industry's customers. The observer drew the Committee's attention to some areas they believed were worthy of particular attention, namely:

- .1 the early introduction of AIS in terms of availability of, and timeframe for, fitting that equipment, and coastal States' readiness to receive the information;
- .2 the implications for Administrations in respect of the fitting of "alert" buttons on ships;
- .3 the implication of the use of long-range tracking for improper purposes;
- .4 the proper identification for all persons boarding a ship in port to carry out their duties; and
- .5 the need for an overarching port security plan.

According to the ICS observer these were some examples of the areas which the industry believed require further consideration and looked forward to the opportunity to progress them at the next meeting. The shipping industry, for its part, would continue to contribute constructively to the debate.

17.139 In view of the foregoing, the Committee approved the report of the MSWG (MSC 75/WP.18 and Add.1) in general and, in particular:

- .1 noted and approved for circulation to the MS Conference the four alternatives for draft amendments to SOLAS regulation V/19.2.4, for consideration, decision and formal adoption (MSC 75/WP.18/Add.1, annex 1);
- .2 noted and approved for circulation to the MS Conference the draft amendments to SOLAS chapter XI, for consideration and formal adoption (MSC 75/WP.18/Add.1, annex 1);
- .3 noted and approved for circulation to the MS Conference the text of mandatory part A of the draft International Ship and Port Facility Security (ISPS) Code, for consideration and formal adoption (MSC 75/WP.18/Add.1, annex 2);
- .4 noted the proposed text of part A of the draft ISPS Code, which has been kept in abeyance for review by the ISWG at the forthcoming meeting in September 2002 (MSC 75/WP.18, annex 3);
- .5 noted and approved for circulation to the MS Conference the proposed outline of the recommendatory part B on guidance of the draft ISPS Code (MSC 75/WP.18/Add.1, annex 3) and for review by the ISWG at the forthcoming meeting in September 2002 for onward submission to the MS Conference (together with the text set out in annex 3 to document MSC 75/WP.7.); and
- .6 requested Member Governments and international organizations concerned to consider, at home, the draft performance standards for ship security alarm installations, given in annex 6 to document MSC 75/WP.18, and advise their delegations to MSC 76 accordingly, so that the performance standards may be adopted by the Committee and promulgated by means of an MSC circular.

17.140 The Committee instructed the Secretariat to circulate the approved amendments to SOLAS chapters V and XI and the text of the draft ISPS Code in time for the December Conference on Maritime Security.

17.141 The Committee noted that there was no deadline for submission of documents to a SOLAS Contracting Governments' Conference. Noting, however, that the practice had been that, at least the basic documents, were despatched six months in advance of a Conference, requested the Secretariat to make every possible effort so that the Note Verbale inviting representation at the MS Conference, the draft provisional agenda and timetable, draft Rules of Procedure, basic substantive documents, etc., be issued as soon as possible following the closure of the current session and approval by C 88 of the proposed arrangements for the Conference.

17.142 The Committee, consequently, invited Member Governments and international organizations intending to submit documents to the MS Conference, to do so as early as possible (see also paragraph 17.143).

17.143 The Committee, having noted its decision that a second meeting of the ISWG was necessary (see paragraph 17.135), decided that such a meeting should take place at the Organization's Headquarters from 9 to 13 September 2002, with full translation and interpretation services, funded by the Government of the United States, with no financial implications to IMO's regular budget, with a deadline for submission of documents thereto of 2 August 2002. To ensure that all documents to the Conference are smoothly processed and despatched to Member Governments and international organizations in good time, the Committee also agreed on 1 November 2002 as the deadline for the submission of documents to the Diplomatic Conference and MSC 76 (on the maritime security issue only).

17.144 The Committee expressed appreciation to the Governments of the United States for the funding of the further ISWG meeting.

18 PIRACY AND ARMED ROBBERY AGAINST SHIPS

STATISTICAL INFORMATION

18.1 The Committee noted (MSC 75/18) that, in accordance with its standing instructions, the Secretariat had, since MSC 74, issued reports on piracy and armed robbery against ships submitted by Governments and international organizations in the form of monthly reports (circulated under the symbols MSC/Circ.989, MSC/Circ.990, MSC/Circ.992, MSC.4/Circ.1, MSC.4/Circ.2, MSC.4/Circ.3, MSC.4/Circ.5, MSC.4/Circ.6, MSC.4/Circ.7, MSC.4/Circ.9, MSC.4/Circ.10, MSC.4/Circ.11, MSC.4/Circ.13 and MSC.4/Circ.14); quarterly reports (circulated under the symbols MSC.4/Circ.4 (second quarter of 2001), MSC.4/Circ.8 (third quarter of 2001) and MSC.4/Circ.12 (fourth quarter of 2001)); and an annual report covering the period between March 2001 and March 2002 (circulated under the symbol MSC.4/Circ.16).

18.2 The Committee further noted that, since June 2001 and in accordance with the instruction of MSC 74, the MSC circular reporting on acts of piracy and armed robbery differentiates (in separate annexes) committed acts of piracy and armed robbery from "attempted" ones.

18.3 Based on the above reports and additional information provided orally by the Secretariat, the Committee noted that the number of acts of piracy and armed robbery against ships, which had occurred in 2001, as reported to the Organization, was 370, a decrease of 101 by number and 21 by percentage points over the figure for 2000; and that the total number of incidents of piracy

and armed robbery against ships, reported to have occurred from 1984 to the end of April 2002, was 2,650. The Committee, recalling the Secretary-General's opening remarks on this issue, observed that although this was a welcome development, more needed to be done to reduce this menace.

18.4 The Committee further observed that, from the reports received, it had also emerged that the areas most affected in 2001 (i.e., five or more incidents reported) were the Far East, in particular the South China Sea and the Malacca Strait, the Indian Ocean, West Africa, South America and the Caribbean and East Africa. Over the period under review, the number of incidents reported to have occurred or to have been attempted increased from 33 to 58 in West Africa, remained 2 in the Mediterranean Sea and decreased from 112 to 58 in the Malacca Strait, from 140 to 120 in the South China Sea, from 109 to 86 in the Indian Ocean, from 29 to 22 in East Africa and from 41 to 23 in South America and the Caribbean over the 2000-2001 figures. Most of the attacks worldwide were reported to have occurred in the coastal States' concerned territorial waters while the ships were at anchor or berthed. The Committee was particularly concerned to note that during the same period, seventeen crew members had been killed, forty-two had been wounded and five had been reported missing; and that, in addition, sixteen ships had been hijacked, two ships had gone missing and one ship had been lost and further that, on four occasions, the attackers had used explosive devices.

18.5 The Committee, endorsing the Secretary-General's concern on the disturbing figures reported above, especially the loss of human lives, recognized that, while the continuation of this unacceptable situation was damaging the image of sea transportation, the maritime community could not tolerate any longer the situation and the serious repercussions it had on the safety of passengers and crews; and therefore, once again, urged all Governments (of flag, port and coastal States) and the industry to intensify their efforts to eradicate these unlawful acts.

18.6 The Committee expressed appreciation to the Government of India for providing information (MSC 75/18/Add.1) on the action it had taken with regard to incidents reported to have occurred in its territorial waters and, once again, urged other Governments which receive similar reports, to provide the Organization with the information requested.

IMPLEMENTATION OF THE ANTI-PIRACY PROJECT

Background

18.7 The Committee recalled that, on previous sessions, it had received reports on the implementation of the IMO anti-piracy project, namely on:

- .1 Phase one, which consisted of a number of regional seminars and workshops attended by Governmental representatives from countries in piracy-infested areas of the world; and on:
- .2 Phase two, which consisted of a number of evaluation and assessment missions to countries and regions as specified below.

18.8 The Committee noted that Phase two of the project had comprised:

- .1 a mission to Jakarta, Indonesia (13 and 14 March 2001);
- .2 a regional meeting held in Singapore (15 and 16 March 2001);

- .3 a regional meeting held in Guayaquil, Ecuador (25 and 26 September 2001); and
- .4 a regional meeting held in Accra, Ghana (25 and 26 March 2002).

The Guayaquil Regional Meeting

18.9 The Committee, having received the full report (MSC 75/18/1) on the September 2001 evaluation and assessment mission on Piracy and armed robbery against ships conducted in Guayaquil, Ecuador, noted that, although, from statistics compiled, the situation piracy/armed robbery-wise in the South American and Caribbean region had improved somewhat in certain areas, in other sea areas, notably in the Guayaquil (Ecuador) Bay area (where incidents of reported acts, including attempted attacks of piracy and armed robbery against ships, accounted for nearly 50% of the total for the region as a whole), such incidents were continuing to occur. With respect to the Guayaquil Meeting, the Committee noted the perceived lack of adequate regional co-operation and co-ordination of anti-piracy activities among countries in the region (paragraph 28 of document MSC 75/18/1), in the light of the sub-regional/regional co-ordination and co-operation discussions which had taken place at the 1998 Brasilia (paragraph 31.1), the 1999 Singapore (paragraph 31.2) and the 2000 Mumbai (paragraph 31.3) regional seminars and workshops and the two 2000 Tokyo Conferences (paragraph 31.4).

18.10 The Committee further noted that, in the light of the 11 September 2001 terrorist attacks in the United States, the Guayaquil Meeting had noted with satisfaction IMO's intention to review the scope of the 1988 SUA treaties (paragraph 35) and had also urged all countries in the region to ratify and implement the SUA Convention, the scope of which should be extended to cover acts of terrorism against ships and ports (paragraph 36). The Committee noted also the conclusions and recommendations (paragraph 37) of the Guayaquil Meeting and, in particular, sub-paragraphs .4 to .7, .9, .11, .13, .14 and .15, including the action requested of the Committee as given in paragraphs 38.1 and 38.2 of document MSC 75/18/1.

18.11 The Committee noted with interest the conclusions and recommendations of the Guayaquil Meeting, in particular sub-paragraph .14 of paragraph 37, whereby ROCRAM, in co-operation with IMO, was invited to undertake consultations with Governments in the region for the purpose of convening, at an appropriate time, a meeting to consider widening the regional strategy on maritime safety to cover co-operation and co-ordination on the prevention and suppression of piracy and armed robbery against ships. The Committee instructed the Secretariat to initiate contact with ROCRAM to put in place the mechanism for convening such a meeting.

18.12 The delegation of Brazil expressed its view that the regional co-operation through ROCRAM for action co-ordination on the prevention and suppression of piracy and armed robbery against ships, in the case of South America and Caribbean is not the best appropriate way to go, since there is no piracy in the region, but armed robbery against ships at port/anchor and these crimes are under the strict competence of each State. Apart from that, the geography of the region does not favour this kind of co-operation, differently from other world regions.

18.13 The Committee endorsed the report of the evaluation and assessment mission on Piracy and armed robbery against ships conducted in Guayaquil, in particular the conclusions/recommendations of the Guayaquil Meeting. With respect to the request in paragraphs 38.1 and 38.2 of document MSC 75/18/1, the Committee:

- .1 concurred with the need for the review of the relevant IMO instruments on the prevention and suppression of acts of terrorism against ships, their passengers and crews, as appropriate, with a view to update them in order to improve the security

of, and to prevent and suppress acts of terrorism on or against, ships and in ports: and noted that this action had already been undertaken by the Legal Committee within the context of resolution A.924(22); and

- .2 instructed the Secretariat to communicate with the relevant industry organizations to urge their members to instruct ship masters to ensure that all attacks or attempts thereof are reported promptly to the nearest RCC, the designated focal point of the coastal State concerned and the flag State concerned, in accordance with the procedure set out in MSC/Circ.622/Rev.1.

18.14 The Committee expressed appreciation to the Government of Ecuador for hosting the evaluation and assessment mission referred to above.

The Accra Regional Meeting

18.15 The Committee, having received an oral report provided by the Secretariat on the Accra Meeting, noted that the main problem areas (not applicable in all participating countries) identified by the Meeting were similar to those reported by previous relevant meetings (MSC 71/23, paragraph 15.8).

18.16 The Committee also noted that the Accra Meeting had recommended that participating Governments identify, on the basis of experience and statistical information, vulnerable areas off their coasts and in their ports, directing their resources to cope with the increased risks to safe navigation and environmental protection in such areas, and providing specific advice for ships on protective measures and local reporting procedures.

18.17 The Committee further noted that the Accra Meeting, taking into account the work of IMO to enhance maritime security (MSC 75/17/1) and recognizing its potential impact on ports and shipping activities in the sub-region, had agreed on the following:

- .1 that IMO be requested to assist the countries in the sub-region with regard to the implementation of, and amendments to, IMO instruments to be affected by the decisions of the Organization's work to prevent and suppress acts of terrorism against shipping;
- .2 that the international maritime community and industry, through IMO, be requested to assist the countries in the sub-region for capacity and infrastructure building on security issues; and
- .3 that the Maritime Organization for West and Central Africa (MOWCA) be associated to the fullest possible extent in the ongoing process and advise Member countries in addressing security issues in the sub-region.

18.18 The Committee further noted that the Accra Meeting had:

- .1 encouraged participating countries to take appropriate action to ensure co-operation and co-ordination of different national administrations in their overall tactical response to piracy and armed robbery attacks and, in particular, to take account of any related unlawful activities, such as illicit drug trafficking, illegal migration, stowingaway, etc.;

- .2 agreed to make use of all possible means to develop a sustainable sub-regional approach to the problem of violence at sea, taking into account the existence of MOWCA, as the main sub-regional organization, as well as the Abuja MoU on Port State Control and the recent initiative aiming at the creation of Coastal Patrol Guards to cover the area from Angola to Senegal;
- .3 further agreed to invite MOWCA to undertake, in co-operation with IMO, consultations with Governments in the sub-region for the purpose of convening, at an appropriate time, a meeting to consider widening the scope of the sub-regional strategy on maritime security to cover co-operation and co-ordination on the prevention and suppression of piracy and armed robbery against ships;
- .4 suggested that, similar to the role of IMO regarding the development of regional agreements on port State control, IMO should initiate a process leading to the adoption of sub-regional agreements on security matters and the creation of sub-regional systems dealing with maritime security issues;
- .5 recognized that, in many ports in the sub-region, wrecks were used by pirates and armed robbers as bases for their illegal activities. The Meeting, therefore, recommended that IMO should assist coastal States in the removal of such wrecks in the sub-region; and
- .6 identified the need for an increased policing of the registration and identification of small boats, since they are being frequently used in the context of piracy and armed robbery attacks against ships.

18.19 The Committee expressed appreciation to the Government of Ghana for hosting the evaluation and assessment mission referred to above.

Concluding of a regional agreement

18.20 The Committee recalled that the Secretary-General had informed MSC 74 that, in pursuance of a request of the March 2001 regional Meeting in Singapore, he had communicated with all countries which had sent representatives thereto inviting them to participate, at an appropriate time, in a regional meeting to consider concluding a regional agreement on co-operation against piracy and armed robbery against ships.

18.21 The Committee noted that so far only two countries (out of the ten which had participated at that Meeting) had responded positively to the Secretary-General's invitation.

18.22 The Chairman referred to an EU-ASEAN Experts meeting on maritime security (Manila, 25 and 26 February 2002), which he had attended on behalf of IMO and expressed appreciation to the Government of the Philippines for hosting it.

18.23 The Committee also took note of the information provided by the Secretariat on a brief overview of two other recent meetings, in Jakarta (5 to 7 March 2002) and Tokyo (12 and 13 March 2002) concerning concluding of a regional agreement on co-operation against piracy and armed robbery against ships. The Committee further noted that the meeting in Jakarta was held to facilitate and strengthen further co-operation in the field of anti-piracy activities, including follow-up activities to the Regional Conference and Combating Piracy and Armed Robbery against Ships held in Tokyo in April 2000 and that some progress had been made towards concluding a regional agreement; whilst the Tokyo meeting, having considered regional

co-operation issues among maritime policy authorities and private maritime-related concerns, was of the view that it was necessary to:

- .1 continue efforts to establish and maintain international co-operation;
- .2 improve the flow of information on piracy;
- .3 initiate appropriate national response measures on the basis of the current trend of piracy acts; and
- .4 enhance maritime security to suppress piracy.

18.24 The Japanese delegation stated that Japan would continue to make efforts and contributions towards the eradication of piracy and armed robbery against ships by means of development of a good relationship with the countries concerned through the above undertaking.

18.25 The Committee noted that the process towards promoting and concluding viable regional agreements to combat piracy and armed robbery against ships was progressing rather slowly; and urged Member Governments to give more urgent consideration to the issue, instructing their appropriate national authorities to address it on a priority basis.

18.26 The Committee instructed the Secretariat to follow-up the proposals, involving ROCRAM and MOWCA, towards convening regional meetings to promote the case of regional co-operation in appropriate areas.

18.27 The Committee was informed by the Secretariat that, following completion of the second phase of the anti-piracy project, it was now the intention of the Secretariat to make every effort to provide technical assistance and co-ordinate missions to countries which were expected to request assistance using, for this purpose, the answers to the questionnaires handed over to the participants to the Singapore, Guayaquil and Accra Meetings.

18.28 The Committee endorsed the proposed plan as highlighted above and noted that further action might be required in the light of on-going developments at the United Nations.

OUTCOME OF THE SECOND MEETING OF THE UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND LAW OF THE SEA

18.29 The Committee recalled that MSC 74 had noted that, pursuant to resolution A/55/7 of the General Assembly, the United Nations Secretariat had begun an 'open-ended' Informal Consultative Process on Oceans and Law of the Sea to consider, *inter alia*, the issue of co-ordination and co-operation in combating piracy and armed robbery at sea with the prospect of drafting appropriate text for submission to the General Assembly for consideration and action as appropriate. To this end, two preparatory meetings had been held at the United Nations Headquarters in February and March 2001 leading to a meeting of the United Nations Open-ended Informal Consultative Process in New York from 7 to 11 May 2001.

18.30 The Secretariat (MSC 75/18/2), in line with the MSC 74 decision (MSC 74/24, paragraph 17.39), informed the Committee that the following extracts of the full report (issues O, P, Q, R and S) of the second meeting (7 to 11 May 2001) of the United Nations Open-ended Informal Consultative Process, covering piracy and armed robbery at sea, were of direct relevance to the on-going work of IMO:

.1 **Co-ordination and co-operation in combating piracy and armed robbery at sea**

Issue O - General policy to promote co-operation and ensure co-ordination on combating piracy and armed robbery at sea

States and relevant international organizations should therefore consider whether their policies and programmes give adequate emphasis to the needs to prevent piracy and armed robbery at sea, to provide a proper framework for response to these crimes and to ensure an effective response to such incidents as they occur. Effective prevention of, and response to, piracy and armed robbery at sea will require the support of the international community by providing adequate support to developing countries, in particular to coastal and flag developing States, in the areas of transfer of technology and capacity-building in their efforts to prevent piracy and armed robbery at sea. **The business sectors, such as chambers of shipping, maritime insurance industries and trade unions, can also play a useful role in support of the work led by the International Maritime Organization in combating piracy and armed robbery at sea.**

Issue P - Prevention of piracy and armed robbery at sea

Effective prevention will involve the flag States of ships sailing into areas where piracy and armed robbery at sea are known to be likely, the owners, masters and crew of such ships, the coastal States in regions where incidents have occurred, and regional and international organizations concerned with shipping and crime prevention. **The International Maritime Organization should be invited to consider requiring that seafarers in regions where incidents of piracy and armed robbery at sea are likely to occur receive training on precautions against incidents of piracy and armed robbery at sea under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.** Governments should ensure that their procedures for registering ships guard against fraudulent registrations, can give prompt and accurate responses about the details of ships which may be involved in incidents of piracy or armed robbery at sea and record details of such involvement. **The International Maritime Organization should be invited to quickly complete its work on guidance on how this should be done. The work of IMO to require ships to be fitted with automatic identification systems is welcomed and any further relevant work should be encouraged.** States should ensure that port authorities have appropriate measures in place to deter attempts at armed robbery within the ports, and that port staff have appropriate training in such measures.

Issue Q - The framework for responses to piracy and armed robbery at sea

Articles 100 to 107 and article 58, paragraph 2, of UNCLOS set out the proper framework for response to piracy. **The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (“the Rome Convention and Protocol”) may also be used for the purpose of the prevention and suppression of armed robbery at sea.** It is proposed that the General Assembly should reiterate its call for States that have not done so to become parties to the Rome Convention and

Protocol. Where they have not already done so, coastal States should adopt legislation to ensure that there is a proper framework for responses to incidents of armed robbery at sea. It is suggested for convenience that the approach in such legislation should work together with the approaches adopted by other States in their region.

Issue R - Response to incidents of piracy and armed robbery at sea

Effective responses to incidents of piracy and armed robbery at sea must be based on measures for prevention, for reporting incidents and for enforcement, including the training of enforcement personnel and the provision of enforcement vessels and equipment. The ability of States to make such effective responses is substantially enhanced when regional cooperation arrangements are in place. The aim should be the creation of a network of contacts between the public authorities concerned, based on mutual trust, assistance and the fostering of a common approach to enforcement and capacity-building between States as to enforcement techniques, **and to the investigation and prosecution of offences**. Such regional cooperation arrangements may, in suitable cases, be strengthened by the conclusion of formal agreements. **It is suggested that the General Assembly should welcome the initiatives of the International Maritime Organization and individual Governments to that effect.**

.2 General issues of co-ordination and cooperation

Issue S - Co-ordination and co-operation within the United Nations system

It is suggested that the General Assembly should continue to invite the Secretary-General to include in his annual report on oceans and the law of the sea material on the progress of the processes of collaboration and coordination between the relevant parts of the United Nations Secretariat and the United Nations system as a whole, as described in paragraph 8 of resolution 54/33 and paragraph 42 of resolution 55/7.

18.31 The Committee noted the above information and, having noted that the Organization had already acted on the areas identified above (e.g. through the adoption of resolution A.922(22) on Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships; and resolution A.923(22) on Measures to prevent the registration of “phantom” ships), instructed the Secretariat to follow closely further developments of the United Nations Open-ended Informal Consultative Process and report thereon to the Committee, as appropriate.

OUTCOME OF THE FIFTY-SIXTH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

18.32 The Committee noted that the fifty-sixth session of the United Nations General Assembly, *inter alia*, adopted, on 28 November 2001, resolution A/RES/56/12 on Oceans and the law of the sea. Among other provisions, the resolution has requested the United Nations Secretary-General, in co-operation with competent international organizations and programmes, including IMO, to review the efforts being made to build capacity as well as to identify the duplications that need to be avoided and the gaps that may need to be filled for ensuring consistent approaches, both nationally and regionally, with a view to implementing the United Nations Convention on the Law of the Sea; and to include a section on this subject in his annual report on oceans and the law of the sea.

18.33 The Secretariat informed the Committee (MSC 75/18/3) of the following extracts from the aforementioned United Nations General Assembly resolution of direct relevance to the on-going work of IMO:

.1 **“IX. Piracy and armed robbery**

The General Assembly:

29. *Urges* all States and relevant international bodies to prevent and combat piracy and armed robbery at sea by adopting measures, including assisting with capacity-building, for prevention, for reporting and investigating incidents, and for bringing the alleged perpetrators to justice, in accordance with international law, in particular through training seafarers, port staff and enforcement personnel, providing enforcement vessels and equipment and guarding against fraudulent ship registration;
30. *Welcomes initiatives of the International Maritime Organization* and Governments aimed at enhancing international cooperation, particularly at the regional level, and encourages the development by Governments, based on mutual trust, of a common approach to enforcement, investigation and prosecution in dealing with piracy and armed robbery at sea;
31. *Calls upon* States and private entities concerned **to cooperate fully with the International Maritime Organization**, including by submitting reports on incidents to the organization and by implementing its guidelines on preventing attacks of piracy and armed robbery;
32. *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, in particular through the adoption of legislation, where appropriate, aimed at ensuring that there is a proper framework for responses to incidents of armed robbery at sea;”

18.34 The Committee noted the above information and instructed the Secretariat to follow closely any further relevant developments and report thereon to the Committee, as appropriate.

CODE OF PRACTICE FOR THE INVESTIGATION OF THE CRIMES OF PIRACY AND ARMED ROBBERY AGAINST SHIPS (RESOLUTION A.922(22))

18.35 The Committee recalled that the twenty-second session of the Assembly had adopted, by resolution A.922(22), the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships.

18.36 The Committee noted that, in accordance with operative paragraph 5 of the resolution, a copy of it had been forwarded by the Secretary-General to the Secretary-General of the United Nations.

18.37 The Committee further recalled that, at the Assembly, Brazil had submitted, jointly with Venezuela, document A 22/9/3 offering a solution to, in their view, unresolved issues. Due to the urgency to adopt the Code at that session, it was decided that no alterations should be made.

Instead, Committee 2 (Technical) agreed to introduce a new operative paragraph 6 to the resolution requesting the Committee to keep the resolution under review.

18.38 The Committee considered a Brazilian proposal (MSC 75/18/4), suggesting that the Code, as adopted by resolution A.922(22), contained a serious legal flaw regarding the definition of "armed robbery against ships", as it places different types of criminal acts under the same concept. This would result in the risk of upsetting Member States' sovereignty when dealing, internationally, with criminal acts, prosecuted under national criminal law. Moreover, it seemed to contradict the right to grade criminal acts in accordance with the gravity of the act (i.e., felony and misdemeanours). Brazil, therefore, suggested amendments to resolution A.922(22) and its annex, with regard to the definitions therein, particularly that of "armed robbery against ships" (2.2). An appropriate amendment should also be made to the title of the resolution and the Code to read "Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery Against Ships **at Sea**". The main purpose of the Brazilian proposal was to clarify what would come under the scope of international legislation as opposed to national law. In addition, Brazil suggested that the Committee instruct the Secretariat, when preparing the report containing the information and statistical data in accordance with the provisions of resolution A.545(13) and MSC/Circ.597, to:

- .1 classify separately the incidents of piracy, armed robbery **at sea** and armed robbery **at port**;
- .2 only consider incidents reported by flag States; and
- .3 only consider incidents of armed robbery against ships at port which have been communicated to the local authorities.

18.39 The Committee noted that the Legal Committee, at its eighty-fourth session (MSC 75/2/1/Add.1, paragraphs 39 to 44), had also considered the same Brazilian proposal (LEG 84/7/1) and had agreed to keep the matter on its work programme and agenda for LEG 85 and to inform the Committee accordingly.

18.40 After some discussion, the Committee noted that there was general support for the Brazilian proposal that incidents of piracy, armed robbery **at sea** and armed robbery **at port** be classified separately; however, the Brazilian proposals that the Committee should only consider incidents reported by the flag State and incidents of armed robbery against ships at port which have been communicated to local authorities received limited support. The Committee further noted that there was limited support for the Brazilian proposal to amend resolution A.922(22) on Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships, for the time being.

18.41 The Committee accordingly instructed the Secretariat to start classifying separately the incidents of piracy, armed robbery **at sea** and armed robbery **at port**, as well as attempted acts of armed robbery, in its monthly reports on acts of piracy and armed robbery against ships, with effect from 1 July 2002.

18.42 The Committee, furthermore, decided to defer to MSC 77 discussion of the Brazilian proposals to only consider incidents reported by the flag State and incidents of armed robbery against ships at port which have been communicated to local authorities, including the proposed amendments to resolution A.922(22).

18.43 The Committee was informed by the observer from IMB that according to the statistics kept by the IMB Piracy Reporting Centre in Kuala Lumpur, Malaysia only 3% of the total incidents reported had been reported by flag States.

19 RELATIONS WITH OTHER ORGANIZATIONS

RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

Applications for consultative status

19.1 The Committee recalled that MSC 73 had recommended to the Council that consultative status should:

- .1 not be granted to the International Confederation of Plastics Packaging Manufacturers (ICPP), the International Maritime Health Association (IMHA) and the World LP Gas Association (WLPGA), since these organizations were viewed as only being able to marginally contribute to the Committee's work, not being truly international and that they could have access to IMO through other organizations; and
- .2 be granted to the Vessel Operators Hazardous Materials Association, Inc. (VOHMA), the International Christian Maritime Association (ICMA), the International Bulk Terminals Association (IBTA) and the Royal Institution of Naval Architects (RINA), 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.

19.2 With respect to the WLPGA application, the MSC 73 had agreed that there was a need for more information as to that Association's ability to contribute directly to the Committee's work and whether it had access to IMO through other organizations.

19.3 MSC 73 could not decide on the application of the International Federation of Freight Forwarders Associations (FIATA), as it needed more information on the Association's commitment to safety in transport operations and on its possible access to IMO through CEFIC, HMA, ICC or IRU.

19.4 The Committee noted the decisions of the Council, as specified in document MSC 75/19, with respect to VOHMA, ICMA, IBTA, RINA, ICPP, IMHA and IIMS.

19.5 The delegation of China, referring to the application for consultative status with IMO of the International Federation of Freight Forwarders Associations (FIATA), suggested that the Committee should not consider this application until the name-place of FIATA's member from Taipei, China was changed in conformity with the policy of the United Nations and IMO. Several delegations supported the proposal of the Chinese delegation.

19.6 The delegation of Cyprus, having also supported the Chinese proposal, added that the World LP Gas Association (WLPGA) could contribute only marginally to the work of IMO and that consultative status should not therefore, be granted to that organization. Several delegations supported the view of the delegation of Cyprus that consultative status should not be granted to WLPGA.

19.7 The Committee, noting that FIATA had not taken the necessary action to align its practice with the policy of IMO, therefore recommended that the Council should not proceed with the application and, instead, to invite FIATA to re-apply for consultative status once it had taken effective measures to align its practice with the IMO policy.

19.8 Furthermore, the Committee recommended to the Council that consultative status should not be granted to WLPGA since that organization was viewed as only being able to contribute marginally to the Committee's work and having the possibility to obtain access to IMO through other organizations.

Review of organizations in consultative status

19.9 The Committee noted the decisions of the Council (MSC 75/19, paragraphs 7 to 15) with respect to BIPAR, IMLA, AWES, WNTI, ISSA and Greenpeace International.

Review of the Guidelines on the grant of consultative status

19.10 The Committee noted the decisions of the Council (MSC 75/19, paragraphs 16 to 19) on amendments to the aforementioned Guidelines, which were subsequently approved by the twenty-second session of the Assembly.

Information by RINA

19.11 The Committee noted the information provided by RINA in document MSC 75/INF.37.

EUROPEAN PARLIAMENT RESOLUTION

19.12 The Committee noted the Resolution on Fishers: safety and causes of accidents, adopted by the European Parliament on 5 April 2001 (MSC 75/19/1).

IACS UNIFIED INTERPRETATIONS

19.13 The Committee recalled that MSC 74 had agreed that, in view of the importance of uniform interpretations of the provisions of IMO instruments in assisting Administrations in their implementation, IACS should submit their interpretations to the Committee, so that the latter could decide on what action to take on a case-by-case basis. In this context, MSC 74 had also agreed that IACS should submit to the Committee and the MEPC, if the latter so decided, only those interpretations which, in their opinion, would be of relevance for port State control purposes.

19.14 The Committee noted the subsequently submitted advice by IACS, that the unified interpretations attached to their document MSC 75/19/2, which may be relevant to port State control inspections, would be applied by IACS members when acting on behalf of a flag State Administration until the issues addressed therein were thoroughly discussed and agreed upon by IMO, thereby obviating the need for the unified interpretations in question.

19.15 Following discussion, the Committee, noting that some of the IACS unified interpretations were not acceptable to Administrations, agreed to refer document MSC 75/19/2 to the BLG, FP, DE and SLF Sub-Committees instructing them to review the interpretations provided in the annex thereto, which fall within their purview, and to prepare, on the basis of those unified interpretations, appropriate interpretations of the respective IMO instruments for

approval by the Committee and dissemination to Member Governments for the latter to use when applying relevant provisions of such IMO instruments.

20 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

20.1 The Committee noted the information on the status of acceptance, as at 28 February 2002, of safety-related conventions, protocols and amendments thereto and of the implementation of codes, recommendations, guidelines and other safety related non-mandatory instruments (MSC 75/20 and MSC 75/INF.15), and was advised orally by the Secretariat of additional information on instruments of ratification, acceptance, approval of, or accession to, safety-related IMO conventions and protocols deposited with the Secretary-General as well as of additional information on the implementation of codes, recommendations, guidelines and other non-mandatory instruments relating to the work of the Committee received on or after the above documents were prepared.

21 APPLICATION OF THE COMMITTEE'S GUIDELINES

REVIEW OF THE STRUCTURE OF THE SUB-COMMITTEES

General

21.1 The Committee recalled that, having considered draft terms of reference for the review of the structure of the sub-committees submitted by the Chairmen of the Committee and the MEPC, MSC 74 requested the two Chairmen to prepare a work plan to deal with the matter; arrange for a meeting with the Chairman of the FAL Committee and the Chairmen of the sub-committees; and prepare a paper on implementation of the above work plan for consideration by MSC 76 and MEPC 48.

Outcome of A 22

21.2 The Committee noted the outcome of consideration of this matter by the twenty-second session of the Assembly (MSC 75/21), in particular that A 22 had:

- .1 widened the terms of reference referred to in paragraph 21.1 to address any possible resource implications of the review (MSC 75/21, annex 1);
- .2 endorsed the course of action agreed by the MSC and MEPC and approved by the Council;
- .3 noted the work plan for the implementation of the review (MSC 75/21, annex 2); and
- .4 noted the views expressed by delegations at the Council, in particular that the exercise should not be restricted to considering the review of the sub-committee structure, but should also allow for consideration of how to carry out the work of the Organization with the highest achievable efficiency and effectiveness.

Outcome of MEPC 47

21.3 The Committee noted (MSC 75/21/3) that MEPC 47, having reviewed a document submitted by the Chairmen of the Committee and the MEPC (MEPC 47/18/4), proposing ideas to stimulate discussion regarding the possible re-organisation of the sub-committees, had made

general comments on the further improvement of IMO efficiency; wider participation by all Members in the decision-making process; the use of modern communication technologies; prioritisation of work; clear identification of problems before considering remedial action; and immediate improvement of current working methods.

21.4 The Committee noted also that many delegations at MEPC 47 had commented on specific points in the Chairmen's document, as follows:

- .1 a number of delegations supported the need for independent committees, each responsible for safety and the environment;
- .2 a large number of delegations were against the Secretariat chairing drafting groups, as proposed;
- .3 several delegations supported the examination of the use of e-mail communications and video conferencing for intersessional correspondence groups. The majority of delegations who spoke stated that more flexibility could be given to the number of correspondence groups established, although an upper threshold regarding the number was needed;
- .4 although some delegations stated that the current sub-committee structure was fine, other delegations suggested that the number of sub-committees should be reduced and some should be merged;
- .5 some delegations indicated that the MEPC should make more use of the sub-committees rather than looking for re-designating the sub-committees; and
- .6 a number of delegations supported the proposal to hold intersessional working group meetings back-to-back with sub-committee meetings.

21.5 The Committee further noted that, on the procedure for furthering the discussion on the review of the sub-committees' structure, a large number of delegations at MEPC 47 had suggested that an intersessional working group, open to all delegations, should be held after MSC 75 and the planned Chairmen's meeting.

21.6 Concerning the aforementioned meeting, the Committee noted that, for a number of practical reasons, the Chairmen's meeting, originally scheduled to take place on Saturday, 25 May 2002 (i.e., the day after the close of the current session of the Committee), had been scheduled to take place on Saturday, 15 June 2002 (i.e., the day after the close of C 88).

Consideration of comments and proposals submitted to the session

21.7 Having considered document MSC 75/21/1 (Chairmen of the MSC and MEPC) containing basically the same information as that presented in document MEPC 47/18/4 (see paragraph 21.3), together with a submission by Brazil (MSC 75/21/2), proposing new concepts to improve the performance of the sub-committees, the Committee noted the following views expressed in the course of the discussion:

- .1 while emphasizing its interest in the review of the structure of the sub-committees, the delegation of the Netherlands drew the Committee's attention to the fact that further action on this issue should await the outcome of the Council's deliberation on the development of a strategy and policy for the Organization;

- .2 some delegations stressed that the review of the structure of the sub-committees and the development of a strategy and policy for the Organization were two interdependent issues which should be considered together with priority being given, in the short term, to the work being undertaken by the Council;
- .3 several delegations added that a more holistic approach should be taken whereby the final review of the sub-committee structure should be the result of an general review of the Organization's policy and strategy, including its overall work programme;
- .4 the majority of delegations which participated in the debate agreed that the aforementioned meeting of the Chairmen of the Committees and sub-committees should proceed as scheduled on Saturday, 15 June 2002, whilst most of the delegations did not support the convening of an intersessional working group, as proposed at MEPC 47; and
- .5 a number of delegations made the point that the discussion paper prepared by the Chairmen of the MSC and MEPC (MSC 75/21/1) and the submission by Brazil (MSC 75/21/2) should be further considered at the forthcoming Chairmen's meeting, at which the Chairmen should be advised to bear in mind the need to improve efficiency and effectiveness, to ensure adequate flexibility to accommodate change and to consider the wider use of information technology.

21.8 The Committee, having noted that the Council, at its eighty-eighth session, would consider, under agenda item 13, the issue of the strategy and policy of the Organization, agreed that the meeting of the Chairmen should take into consideration the outcome of the Council's decisions on this issue.

22 WORK PROGRAMME

GENERAL

Follow-up to A 22

22.1 Having considered the outcome of the twenty-second session of the Assembly (MSC 75/22/1) and specific actions the Committee had been requested to take, the Committee noted that:

- .1 in the context of resolution A.907(22) – *Long-term work plan of the Organization (up to 2008)*, it 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-third session; to ensure that the subjects proposed for future work were those on which significant work could reasonably be envisaged in the foreseeable future; to take into account that proposed items, 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” ought to 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;

- .2 in the context of resolution A.911(22) – *Uniform wording for referencing IMO instruments*, it had been requested to make use of the Guidelines on the methods for making reference to IMO and other instruments in IMO conventions and other mandatory instruments; to that effect, the Committee instructed the Sub-Committees to be guided by the Guidelines in their work as appropriate; and
- .3 in the context of resolutions A.912(22), A.913(22), A.915(22), A.916(22), A.917(22), A.918(22), A.922(22), A.923(22) and A.927(22) adopting various codes, guidance, standards, measures, procedures and policies, it had been requested to keep them under review and amend them as appropriate.

22.2 The Committee recalled the action it had taken:

- .1 under items 2 (Decisions of other IMO bodies) and 11 (Radiocommunications and search and rescue), with regard to the specific requests of the Assembly in the context of resolution A.920(22) – *Review of safety measures and procedures for the treatment of persons rescued at sea* (see paragraphs 11.42 to 11.54 and 22.30); and
- .2 under agenda item 17 (Prevention and suppression of acts of terrorism against shipping), with regard to the specific requests of the Assembly in the context of resolution A.924(22) – *Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships* (see section 17).

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

General

22.3 Taking into account the recommendations made by the Sub-Committees which had met since MSC 74 (MSC 75/22 and Add.1 and 2); various proposals for new work programme items submitted to this session by Member Governments and international organizations; a preliminary assessment (MSC 75/WP.1) of such proposals 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 provisional agendas for their forthcoming sessions and took action as indicated hereunder.

Review of the Guidelines for the design and construction of offshore supply vessels (OSV Guidelines)

22.4 The Committee considered document MSC 75/22/2 (Australia), proposing that the Guidelines for the design and construction of offshore supply vessels (resolution A.469(XII)) be reviewed and made mandatory under the 1974 SOLAS Convention either in the form of a Code or by directly incorporating, into the Convention, the technical provisions of the Guidelines as well as the survey and certification requirements. The reason behind the proposal was that the Guidelines had been adopted in 1981 and were based on the requirements of the Convention as amended in that year, while a number of amendments to SOLAS and other IMO instruments (such as the Intact Stability Code) had since been adopted which might affect the Guidelines.

Following discussion, in the course of which it was agreed that the Guidelines should not be made mandatory, the Committee decided to include, in the work programmes of the FP, COMSAR, NAV, DE (co-ordinator) and SLF Sub-Committees, a high priority item on “Review of the OSV Guidelines”, with three sessions needed to complete the item.

22.5 In this context, the Committee, following an intervention by the delegation of the United Kingdom, noted that the OSV Guidelines were referred to in the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (resolution A.673(16)), which were intended to permit limited quantities of such substances to be transported on offshore support vessels. As the Guidelines stated that they were applied in addition to the OSV Guidelines and stipulated that, where the Guidelines set forth alternative safety standards to those contained in the OSV Guidelines, the provisions of the Guidelines should be followed, as appropriate, the Committee agreed that the respective aforementioned Sub-Committees should bear in mind the Guidelines, as appropriate, in the course of the revising of the OSV Guidelines; and invited the MEPC to note the above decision.

Revision of the forms of nuclear ship safety certificates

22.6 The Committee considered a proposal by the Russian Federation (MSC 75/22/7) calling for the revision of the forms of the nuclear ship safety certificates to bring their contents in line with the requirements of the 1974 SOLAS Convention, as amended since its entry into force in 1980. After consideration of the matter, the Committee decided to include, in the work programmes of the DE (co-ordinator), COMSAR and NAV Sub-Committees, a low priority item on “Revision of the forms of nuclear ship safety certificates”, with two sessions needed to complete the item.

22.7 In this connection, the delegation of Japan pointed out that there was also a problem on the SOLAS regulation references shown in the Record of Equipment, and that Japan intended to submit a document on the matter to MSC 76.

Amendments to the DSC Code and 1994 HSC Code

22.8 The Committee recalled its decision, under agenda item 12 (Ship design and equipment), to include, in the work programmes of the DE (co-ordinator), COMSAR and NAV Sub-Committees and the provisional agendas for DE 46 and COMSAR 7, a high priority item on “Amendments to the DSC Code and 1994 HSC Code”, with a target completion date of 2004, instructing NAV 48 to commence work on the matter.

Maritime security

22.9 The Committee recalled its discussion on the matter under agenda item 17 and decided to include, in the work programmes of the DSC, COMSAR, NAV and STW Sub-Committees and provisional agendas for DSC 7, COMSAR 7 and STW 34, a high priority item on “Measures to enhance maritime security”, with a target completion date of 2004, instructing NAV 48 to commence the work on the matter (see also paragraph 17.109).

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

Outcome of MEPC 47

22.10 The Committee noted that MEPC 47 (MSC 75/2/4, paragraph 13) had approved the environment-related items on the work programme of the Sub-Committee.

Work programme of the Sub-Committee and provisional agenda for BLG 7

22.11 The Sub-Committee's work programme, as approved by the Committee, is set out in annex 29 (see also paragraph 22.39).

22.12 The Committee confirmed the approval of the provisional agenda for BLG 7, as set out in annex 30 (see also paragraph 19.15), and instructed the Secretariat to inform the MEPC accordingly.

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

Outcome of MEPC 47

22.13 The Committee noted that MEPC 47 (MSC 75/2/4, paragraphs 9.1 and 13) had taken decisions on matters requested by DSC 6 in respect of, and had approved, the environment-related items on the Sub-Committee's work programme.

Cargo securing manual and cargo information

22.14 The Committee considered document MSC 75/22/9 (Norway and Sweden), requesting the Committee to confirm that the revision of the Guidelines for the preparation of the Cargo securing manual (to include information on how security inside cargo transport units (CTU) could be verified and also guidance on how to deal with cases where this could not readily be verified or documented) should be undertaken under the Sub-Committee's work programme on "Cargo securing manual". Following discussion, the Committee decided to instruct DSC 7 to consider the matter under the aforementioned work programme item and report to MSC 76 for the Committee to take appropriate action taking into account any relevant submissions.

Manual of serious structural deficiencies in CSC containers

22.15 Having considered document MSC 75/7/2 (Spain), proposing the development of a manual of serious structural deficiencies in CSC containers, which would serve as guidance for inspection under article VI of the CSC Convention; and document MSC 75/7/3 (IICL), supporting the proposal by Spain and offering IICL inspection manuals to identify serious structural deficiencies in CSC containers, the Committee decided to include, in the work programme of the Sub-Committee and the provisional agenda for DSC 7, a high priority item on "Guidance on serious structural deficiencies in containers", with a target completion date of 2004.

Work programme of the Sub-Committee and provisional agenda for DSC 7

22.16 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 29.

22.17 The Committee approved the provisional agenda for DSC 7, as set out in annex 30, including the new items referred to in paragraphs 22.9 and 22.15.

SUB-COMMITTEE ON FIRE PROTECTION (FP)**New work programme subitems proposed by FP 46**

22.18 Endorsing a proposal by FP 46, the Committee decided to include, under item 1 on “Analysis of fire casualty records” of the Sub-Committee’s work programme and in the provisional agenda for FP 47, the following subitems:

- .1 use of smoke helmet type breathing apparatus, with a target completion date of 2003; and
- .2 revision of the fire casualty record, with a target completion date of 2003.

Use of directional sound as an aid to passenger evacuation

22.19 The Committee recalled that, under agenda item 4 (Large passenger ship safety), it had agreed to include, in the Sub-Committee’s work programme and the provisional agenda for FP 47, a high priority item on “Use of directional sound for passenger evacuation”, with a target completion date of 2004 (see also paragraphs 4.6 and 4.25).

Reducing fire risk using oil mist detection

22.20 The Committee considered document MSC 75/22/3 (United Kingdom), proposing development of an MSC circular to provide guidelines on the installation and manufacture of oil mist detectors which are intended to reduce the risk of fire from machinery space flammable oil systems (the fitting of such an equipment being in addition to the fire detection alarm system that is already required) and decided to include, in the work programme of the Sub-Committee and the provisional agenda for FP 47, a high priority item on “Guidelines for the manufacture and installation of oil mist detectors”, with a target completion date of 2004.

Smoke and toxicity testing for floor coverings

22.21 Having considered a proposal by the United Kingdom (MSC 75/22/8) to review the current gas concentration limit for sulphur dioxide when testing floor coverings for smoke and toxicity levels in accordance with the FTP Code, the Committee decided to include, in the work programme of the Sub-Committee and the provisional agenda for FP 47, a high priority item on “Revision of the gas concentration limit of sulphur dioxide for floor coverings”, with a target completion date of 2004.

Work programme of the Sub-Committee and provisional agenda for FP 47

22.22 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 29 (see also paragraph 22.4).

22.23 The Committee approved the provisional agenda for FP 47, as set out in annex 30, including the new items referred to in paragraphs 22.4 and 22.18 to 22.21 (see also paragraph 19.15).

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

New work programme item proposed by FSI 10

22.24 Endorsing a proposal by FSI 10, made in pursuance of a relevant request by MSC 74, the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for FSI 11, a high priority item on "Development of provisions on transfer of class", with a target completion date of 2004.

Follow-up action to A 22

22.25 The Committee, having considered the outcome of the twenty-second session of the Assembly, agreed to instruct the Sub-Committee:

- .1 in the context of resolution A.912(22) – *Self assessment of flag State performance*, to consider measures (other than those specified in the resolution) necessary to ensure the effective and consistent global implementation of IMO instruments and, in doing so, to pay particular attention on any special difficulties faced by Governments;
- .2 in the context of resolution A.914(22) – *Measures to further strengthen flag State implementation*, to consider measures to further strengthen flag State implementation as part of the development of a safety culture and environmental conscience in all activities undertaken by the Organization, as referred to in resolution A.900(21); and
- .3 in the context of resolution A.925(22) – *Entry into force and implementation of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention*, to review, under its modified work programme item on "Illegal, unregulated and unreported (IUU) fishing and implementation of resolution A.925(22)", the situation concerning entry into force of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention and, in the light of such a review, to recommend action to be taken as deemed appropriate.

Outcome of MEPC 47

22.26 The Committee noted that MEPC 47 (MSC 75/2/4, paragraph 13 and MEPC 47/20, paragraph 18.22 and annex 7) had approved the predominantly environment-related items on the Sub-Committee's work programme and that FSI 10, following consideration of the issue of ship recycling as instructed by MEPC 47, had proposed, subject to approval by the MEPC, the inclusion, in the Sub-Committee's work programme and the provisional agenda for FSI 11, a high priority item on "Ship recycling-related matters", with a target completion date of 2003. The Committee further noted that MEPC 47 had also requested the BLG and DE Sub-Committees to deal with the ship recycling-related matters and that these matters would be discussed by the Sub-Committees under the agenda item on "Any other business" or "Decisions of other IMO bodies", as appropriate.

Work programme of the Sub-Committee and provisional agenda for FSI 11

22.27 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 29.

22.28 The Committee approved the provisional agenda for FSI 11, as set out in annex 30, including the new item referred to in paragraph 22.24 (see also paragraph 22.25), and instructed the Secretariat to inform the MEPC accordingly.

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

New work programme subitem proposed by COMSAR 6

22.29 Endorsing a proposal by COMSAR 6, the Committee decided to include, in item 6 of the Sub-Committee's work programme and the provisional agenda for COMSAR 7, a high priority subitem on "Medical assistance in SAR services", with a target completion date of 2003.

Safety measures and procedures for the treatment of persons rescued at sea

22.30 The Committee recalled that, under agenda items 2 and 11, it had considered the issue of the review of safety measures and procedures for the treatment of persons rescued at sea and decided to include, in the Sub-Committee's work programme and the provisional agenda for COMSAR 7 (see also paragraph 11.53):

- .1 a high priority item on "Review of the SOLAS and SAR Convention provisions regarding the treatment of persons rescued at sea", with a target completion date of 2004; and
- .2 a low priority item on "Review of the FAL and SALVAGE Convention provisions to address the treatment of persons rescued at sea" (to consider in conjunction with work carried out by the FAL and Legal Committees respectively), with a target completion date of 2004.

Performance standards for survival craft two-way radiotelephone apparatus

22.31 In considering a proposal by Norway (MSC 75/22/6) to amend resolution A.809(19) on Performance standards for survival craft two-way VHF radiotelephone apparatus, to eliminate the risks of losing the equipment during distress situations and problems associated with technical means currently being acceptable according to the performance standards contained in resolution A.809(19), the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for COMSAR 7, a high priority item on "Review of performance standards provisions (resolution A.809(19)) to require means of attachment of radiotelephone apparatus to its user", with a target completion date of 2003.

Work programme of the Sub-Committee and provisional agenda for COMSAR 7

22.32 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 29 (see also paragraphs 22.4, 22.6, 22.8 and 22.9).

22.33 The Committee approved the provisional agenda for COMSAR 7, as set out in annex 30, including new items as referred to in paragraphs 22.8, 22.9, 22.29, 22.30 and 22.31.

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

New work programme item proposed by NAV 47

22.34 Endorsing a proposal by NAV 47, the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for NAV 48, a high priority item on "Review of performance standards for radar equipment", with a target completion date of 2003. In relation to this new work programme item, the Committee agreed that any aspects related to the subject may be raised under this item.

Requirements for the display and use of AIS information on shipborne navigational displays

22.35 Having considered document MSC 75/22/4 (United Kingdom), proposing the development of comprehensive guidelines for the display and use of AIS information in a graphical format on navigational displays fitted to the bridge of ships, in order that AIS may realize its full potential without imposing an additional workload on the seafarers, the Committee decided to include, in the work programme of the Sub-Committee, a high priority item on "Requirements for the display and use of AIS information on shipborne navigational displays", with a target completion date of 2004 and, in view of the fact that this proposal had been simultaneously submitted to NAV 48, instructed NAV 48 to commence work on the subject.

Navigation bridge visibility

22.36 In considering document MSC 75/22/5, whereby Norway suggested, subject to the Committee's decision, at the present session, on whether to amend SOLAS regulation V/2 concerning the definition of "length", to seek the advice of the NAV Sub-Committee on such a definition prior to making a decision on the issue; and document MSC 75/6/1 (Norway), proposing relevant amendments to SOLAS regulations V/2 and V/22.1, the Committee did not agree to the proposed amendments and decided to refer document MSC 75/6/1 to NAV 48, instructing the Sub-Committee to consider the matter under its agenda item on "Any other business" and advise MSC 76 as appropriate.

Work programme of the Sub-Committee and provisional agenda for NAV 48

22.37 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 29 (see also paragraphs 22.4, 22.6, 22.8 and 22.9). Having reinstated the item on "World-wide radionavigation system" in the Sub-Committee's work programme, the Committee instructed the Sub-Committee to indicate specific subitems within it with appropriate target completion dates.

22.38 The Committee approved the provisional agenda for NAV 48, as set out in annex 30, including the new item referred to in paragraph 22.34 (see also paragraphs 22.8, 22.9, 22.35 and 22.36).

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

Outcome of MEPC 47

22.39 The Committee noted that MEPC 47 (MSC 75/2/4, paragraph 13 and MEPC 47/20, paragraph 18.15 and annex 7) had included, in the Sub-Committee's work programme, a low priority item on "Protection of pump-rooms of tankers and access to shore-based computer

programs for salvage operations”, with two sessions needed to complete the item, in co-operation with the BLG Sub-Committee as necessary.

Work programme of the Sub-Committee and provisional agenda for DE 46

22.40 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 29 (see also paragraphs 22.4, 22.6 and 22.8).

22.41 The Committee approved the provisional agenda for DE 46, as set out in annex 30, including the new item referred to in paragraph 22.8 (see also paragraph 19.15).

Urgent matters to be considered by MSC 77

22.42 The Committee noted that, due to the close proximity between DE 46 and MSC 77 and in accordance with the provisions of paragraph 45 of the Guidelines on the organization and method of work, it should consider, at its seventy-seventh session in Spring 2003, only urgent matters emanating from DE 46; and further noted the proposals of DE 45 on urgent matters to be also considered by MSC 77 (DE 45/27, paragraph 24.6). However, the Committee decided to make a decision on this matter at MSC 76 in order to take account of any developments on matters of relevance to the work of the Sub-Committee which may require urgent action by DE 46.

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

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

22.43 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 29 (see also paragraph 22.4). The Committee agreed that the continuous item on “Improved stability criteria and systematic model tests” could be reinstated in the Sub-Committee’s work programme without justification.

22.44 The Committee approved the provisional agenda for SLF 45, as set out in annex 30 (see also paragraph 19.15).

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

Work programme items proposed by STW 33

22.45 Endorsing a proposal by STW 33, the Committee recalled its decision (see paragraph 22.9) to include a high priority item on “Measures to enhance maritime security”, in the Sub-Committee’s work programme and the provisional agenda for STW 34, with a target completion date of 2004.

22.46 After discussion of further proposals by STW 33, the Committee agreed to include, in the Sub-Committee's work programme item on “Follow-up action to the 1995 STCW Conference”, the following subitems:

- .1 on “Preparation of procedures for regular updating of the so-called “white list” and consideration of the need for amending the STCW Convention and the STCW Code”, with two sessions needed to complete the subitem; and
- .2 on “Watchkeeping at anchor”, with two sessions needed to complete the subitem.

Work programme subitems agreed by the Committee

22.47 The Committee recalled that, under agenda item 9, it had agreed to include, in the Sub-Committee's work programme item on "Follow-up action to the 1995 STCW Conference", the following subitems:

- .1 on "Preparation of amendments to the STCW Code to clarify the title of certificates and endorsements relating to the revised STCW Convention", with two sessions needed to complete the subitem; and
- .2 on "Review of the STCW Convention requirements and procedures relating to the recognition of certificates under STCW regulation I/10", with two sessions needed to complete the subitem.

Matters related to fatigue

22.48 The Committee, having recalled its discussion, under agenda item 15, agreed to include, in the Sub-Committee's work programme and provisional agenda for STW 34, a high priority item on "Mandatory education and training requirements for fatigue prevention, mitigation and management", with a target completion date of 2004.

Work programme of the Sub-Committee and provisional agenda for STW 34

22.49 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 29.

22.50 The Committee approved the provisional agenda for STW 34, set out in annex 30, including the new items referred to in paragraphs 22.45 and 22.48.

INTERSESSIONAL MEETINGS AND ARRANGEMENTS FOR THE DIPLOMATIC CONFERENCE AND THE NEXT SESSIONS

Intersessional meetings

22.51 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 justified request for consideration, the Committee, taking into account decisions made under various agenda items, approved the following intersessional meetings:

- .1 a second meeting of the Working Group on Maritime Security, to take place from 9 to 13 September 2002;
- .2 the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR Procedures, to meet at its ninth session, in Hong Kong, China, from 30 September to 4 October 2002; and
- .3 two one-week meetings of the Editorial and Technical (E&T) Group, to take place in 2003.

Substantive items for inclusion in the agendas for MSC 76 and MSC 77

22.52 The Committee agreed on the substantive items to be included in the agendas for its seventy-sixth and seventy-seventh sessions, as set out in document MSC 75/WP.5 as amended.

Establishment of working groups during MSC 76

22.53 Recalling the provisions of the Guidelines on the organization and method of work, concerning the number of groups which may be established at any given session, the Committee, taking into account decisions made under various agenda items, agreed that working groups on the following topics should be established at the Committee's seventy-sixth session:

- .1 bulk carrier safety; and
- .2 maritime security.

Arrangements for MSC 76 and the Diplomatic Conference on Maritime Security; and duration and dates of the next two sessions

22.54 The Committee agreed that, for the smooth running and successful conclusion of both MSC 76 and the Diplomatic Conference on Maritime Security, it was desirable to extend the originally scheduled one-and-a-half week duration (4 to 13 December 2002) of the two combined meetings to two full working weeks; and expressed deep appreciation to the Governments of the United Kingdom and the United States for offering to cover the cost for the additional two days (2 and 3 December) needed.

22.55 The Committee agreed that the purposes of the Diplomatic Conference would be satisfactorily served if the following arrangements are made:

- .1 that the September 2002 meeting of the Intersessional Working Group on Maritime Security (ISWG) reports to MSC 76 which opens on Monday, 2 December;
- .2 that on its opening session, MSC 76 establishes a Working Group on Maritime Security to further work on the outcome of the second meeting of the ISWG referred to in subparagraph .1 and to report to the Diplomatic Conference;
- .3 that the Diplomatic Conference opens on Monday, 9 December, (a.m.) to:
 - .3.1 adopt its agenda and timetable;
 - .3.2 elect its officers;
 - .3.3 approve its Rules of Procedure; and
 - .3.4 establish:
 - a Committee of the Whole;
 - a Drafting Committee; and
 - a Credentials Committee;

- .4 that the Diplomatic Conference instructs the Committee of the Whole (meeting with interpretation in all official languages of the Organization) to finalize the text of mandatory and recommendatory maritime security requirements thus far prepared and to report to the Plenary of the Conference on Thursday, 12 December (a.m.);
- .5 the Plenary of the Conference, on Thursday, 12 December (a.m.), adopts the amendments to SOLAS, the International Ship and Port Facility Security Code (parts A and B), the associated Conference resolutions and the Final Act of the Conference; and
- .6 the SOLAS Contracting Governments are invited to the Conference's final session on Friday, 13 December (p.m.), to sign the Final Act of the Conference.

22.56 The Committee noted that, under the above arrangements, MSC 76, meeting without interruption during the first week of the combined meeting, i.e., from 2 to 6 December, will, during the second week, suspend its work when the Plenary of the Conference is in session, as explained before. However, the Committee will meet in parallel with the Conference while the Committee of the Whole of the latter is in session, both bodies working with interpretation in all official languages. In other words, during the week 9 to 13 December, MSC 76 will not meet:

- in the morning of Monday, 9 December;
- in the morning of Thursday, 12 December; and
- in the afternoon of Friday, 13 December.

22.57 Having agreed to the above arrangements, the Committee invited the Council to approve them for the Diplomatic Conference and MSC 76; and instructed the Secretariat to issue the Note Verbale inviting representation at the Conference and all other relevant documentation (see paragraph 17.141) as soon as possible.

22.58 The Committee noted that its seventy-seventh session had been tentatively scheduled to take place from 28 May to 6 June 2003.

23 ANY OTHER BUSINESS

MULTIPLE INSPECTIONS

General

23.1 The Committee recalled that MSC 73, when considering the Secretary-General's report on the IMO/Industry Meeting on multiple inspections held at IMO Headquarters on 9 February 2000, had noted that the Meeting, when reaching its conclusions, had made a number of recommendations concerning flag State Administrations, port State control (PSC) authorities and industry partners as well as class and IACS.

23.2 The Committee also recalled that MSC 74, having approved MSC/Circ.994 on the beneficial impact of the ISM Code and its role as an indicator of safe operation and environmental protection, as had been recommended by the Meeting and having taken a number

of other decisions in response to the recommendations of the Meeting, instructed the Secretariat to report to MSC 75 on action taken in pursuance of those decisions.

23.3 The Committee, being informed by the Secretariat (MSC 75/23) of action taken in response to the requests of MSC 73, noted that:

- .1 with regard to MSC 73's request that the Secretary-General communicate with Regional PSC MoUs/Agreements to convey the Meeting's conclusions and recommendations, the Secretary-General, when doing so, had sought information from those MoUs/Agreements and IACS on their assessment of the impact of the ISM Code since its first implementation phase and its effectiveness on ships on which it had applied. The responses received had been summarized in annex 1 to document MSC 75/23;
- .2 with regard to MSC 73's request that the Secretary-General communicate with industry representative organizations and IACS, as appropriate, in the context of the Meeting's conclusions and recommendations, the Secretary-General, when doing so, had requested information on any action they had taken in respect of, and any progress made in, the implementation of the Meeting's recommendations. The responses received had been reproduced in annex 2 to document MSC 75/23; and
- .3 with regard to the Meeting's recommendation that IMO continue its efforts to assist in the establishment of an effective global network of control systems consisting of regional PSC MoUs and Agreements, the Committee's attention was drawn to a Technical Co-operation Fund-financed project, currently under implementation, which, among other things, provides for the attendance, by the IMO Secretariat, of regional PSC MoUs and Agreement Committee meetings with the objective of both gathering information on the implementation of PSC systems in the various regions and also providing advice on the harmonization of PSC procedures and other related matters. In addition, the project also provides funding for the conduct of regular workshops for regional port State control MoU and Agreement Secretaries and Directors of Information Centres, for the purpose of discussing common problems and experiences, assisting in the harmonization and co-ordination of PSC practices and identifying any technical assistance required and priorities needed to be established. The first in the series of such workshops was held from 7 to 9 June 2000 while the second is scheduled to take place at the Organization's Headquarters from 3 to 5 July 2002.

23.4 The observer from OCIMF, in reporting significant progress in encouraging charterers to use reports from the SIRE database rather than undertaking their own tanker inspections, advised the Committee that the use of the SIRE system by the oil industry in reducing the number of inspections continued to grow. On average, some 1,400 reports are accessed each month and only around 700 additional inspections are conducted within the same period. This shows that the recent improvements in the inspection methods are becoming evident. However, OCIMF was concerned at the apparently limited use of SIRE by port State control inspectorates. To date, only four reports are accessed each month, on average, by port States and only eleven port State control inspectorates have links to SIRE. This denies many port State control officers of valuable inspection data on more than 6,000 oil, gas and chemical tankers. The OCIMF observer further informed the Committee that the facility for all port States to access SIRE had been made available completely free of charge for more than two years. OCIMF is willing to also provide training in the use of the system, again completely free of charge. Therefore, OCIMF

recommended that port State control officers use SIRE as a source of up-to-date safety information.

23.5 In noting the information on action taken by the Secretary-General, the Committee briefly discussed the information contained in responses received from the industry provided in annexes 1 and 2 to document MSC 75/23 and took action as indicated hereunder.

Implementation and effectiveness of the ISM Code

23.6 The Committee noted that studies conducted to assess the impact of the ISM Code on ship safety and their analysis had indicated that it might be too early to make any conclusions on the Code's impact. Nevertheless, the studies had shown that the implementation of the Code has already had a positive effect on safety. In fact, companies which have safety management systems in place have reported a reduction in casualties and spills, as well as a downward trend in detention rates while companies which have fully embraced the ISM Code have a better approach to safety management.

23.7 In this context, the Committee recalled the Secretary-General's reference, in his opening remarks, to the beneficial impact on safety of the ISM Code and further recalled the issuance, following consultations between the MSC and MEPC Chairmen with the Secretary-General, of MSC/Circ.1020 - MEPC/Circ. 387, dated 3 January 2002, reminding of the impending "phase 2" implementation date (1 July 2002) of the ISM Code and the action Governments and the industry should take in this regard.

23.8 Having considered the above matters, the Committee was of the view that it should be expected that the implementation of the second phase of the ISM Code, which covers the balance of the world merchant fleet, and a subsequent analysis to assess the impact of the Code on the safety of ships should provide a clear indication of the size of the Code's contribution to the enhancement of safety and quality of shipping. To this end, the Secretariat was instructed to collect information from regional PSC MoUs/Agreements, IACS and industry organizations on the impact of the ISM Code on the ISM Code-certificated ships *vis-à-vis* detentions, serious deficiencies, casualties, etc. as well as their assessment of the impact of the Code and its effectiveness on ships to which it applies and to report the summary of such information and assessment to MSC 80.

Implementation by the industry of the Meeting's recommendations and conclusions

23.9 The Committee noted that responses to the Meeting's recommendation that a greater co-operation should be established between charterers/shippers in the mutual recognition of inspection records had indicated that it was the commercial inspections which had most opportunities for reduction in their number. It was generally acknowledged that the main reason for commercial inspections had been the lack of confidence in the inspections carried out by other industry partners which drives interested parties, such as insurers, shippers and charterers, to take steps to assure themselves as to the actual standards of ships they insure and use. Following the Meeting, industry partners had recognized that steps could be taken to reduce the number of inspections. In this respect, INTERTANKO had indicated that the total number of inspections could be reduced to an average of 9 per annum. Moreover, the possibility of introducing a single common annual inspection has been recognized by charterers involved in the exercise.

23.10 The Committee noted the efforts made so far by the industry to address the problems associated with multiple inspections and that it was the commercial inspections where there was

room for reductions in their number. Therefore, the Committee encouraged industry organizations to co-operate closely, possibly through the establishment of an inter-industry group on this matter to identify, on the basis of analysis of inspections and their harmonization, possible areas of acceptance of the results of statutory and other inspections (thus eliminating duplication of work and the need for similar inspections by other industry partners) and to develop recommendations for the industry partners to implement so that the number of inspections might be reduced.

Port State control systems

23.11 The Committee noted that the information provided by the regional PSC MoUs/Agreements, in response to the recommendations of the Meeting, had indicated that some MoUs/Agreements had already undertaken certain initiatives to address the problems associated with multiple inspections and, with a view to improving efficiency of port State inspections and avoiding unnecessary duplication of work, had taken certain steps such as:

- .1 avoiding inspections of ships which had been inspected by other members of the same MoU within a certain period of time unless there were clear grounds for new inspections;
- .2 establishing inter-regional data exchange with other MoUs and allowing direct access to the respective PSC database;
- .3 harmonizing PSC procedures; and
- .4 actively participating in the Equasis Information System, etc.

23.12 The Committee noted the initiatives by PSC MoUs/Agreements towards harmonizing and co-ordinating PSC practices with a view to reducing the number of PSC inspections and encouraged the continuation of such efforts. In this regard, the Committee invited the aforementioned second Workshop of regional PSC MoU/Agreement Secretaries and Directors of Information Centres to exchange experiences with the implementation of the aforementioned initiatives in the context of multiple inspections and to agree to recommend to the MoU Committees to consider how the operations of the various port State control regimes could be further harmonized to address the industry's concerns with a view to reducing the number of inspections.

23.13 In noting the information provided by OCIMF outlined in paragraph 23.4, the Committee recommended that the accessibility and potential benefits for port State control activities of the safety data on ships from the SIRE website should be brought to the attention of the aforementioned second Workshop and instructed the Secretariat to take appropriate action in this regard.

EQUASIS INFORMATION SYSTEM

23.14 The Committee recalled that MSC 73 had approved (MSC 73/21, paragraph 20.9) IMO's participation in the Equasis Supervisory Committee as an observer, subject to the Council's consent; and had instructed the Secretariat to keep the FSI Sub-Committee informed of relevant developments. The Council, at its eighty-sixth session, approved (C86/D, paragraph 3.10) the participation of the IMO Secretariat in the Equasis Supervisory Committee as an observer, noting that such participation would carry no financial implications and noted that the Secretary-General had recommended that representatives of regional agreements or MoUs on port State control,

other than the Paris and Tokyo MoUs and the United States Coast Guard, should be invited to participate as observers in Equasis. The participation of the IMO Secretariat was agreed on the understanding that the Secretariat would investigate any potential liability for the Organization and the Council instructed the Secretariat to report to this session of the Committee on developments requesting, at the same time, the Committee to advise the eighty-eighth session of the Council accordingly.

23.15 The Committee noted that the IMO Secretariat had attended the fourth meeting of the Equasis Supervisory Committee held in November 2001, which discussed several technical and administrative issues. Of particular interest was that the system's membership might increase either by adding more representatives of the present participating PSC schemes or by the participation of other such schemes and that this would address the Secretary-General's recommendation calling for the participation of all regional MoUs and agreements on port State control.

23.16 With respect to the Council's request for the investigation of the potential liability for IMO resulting from the Organization's participation in the Equasis system, the Committee noted the analysis provided by the IMO Legal Office, as outlined in paragraphs 5 to 10 of document MSC 75/23/3 (Secretariat) recommending that IMO's presence at meetings of the Equasis Supervisory Committee should only be in an observer status and that an amendment should be sought to the Memorandum of Understanding on the Establishment of the Equasis Information System to state that IMO, as an observer, would not participate in the adoption of decisions within Equasis and would not be responsible for the accuracy, reliability of data or records in the system. On the basis of such an understanding, the Committee recommended to the Council that the continued participation of IMO in the Equasis Supervisory Committee as an observer should be conditional on the acceptance of an appropriate amendment to the Memorandum of Understanding in line with the advice provided by the Legal Office and that the Equasis website should display a disclaimer for the Organization similar to that for the European Commission.

23.17 The Committee noted that, as instructed by MSC 74, FSI 10 had been informed of developments in Equasis and that, while a number of delegations attending the Sub-Committee session had questioned the policy of Equasis to include data from only a limited number of PSC schemes considering that the Equasis data were incomplete, delegations from countries participating in the Equasis scheme had clarified that Equasis would be prepared to consider the inclusion of data from other MoUs provided that technical data-related issues were properly addressed; the latter delegations inviting MoUs concerned to enter into negotiations with Equasis to resolve those issues with a view to concluding a formal agreement of participation. Subsequently, the Committee decided to refer detailed consideration of all matters relating to Equasis to the FSI Sub-Committee for that Sub-Committee to follow developments in the scheme and take appropriate action.

DEFERRAL OF CONSIDERATION OF DOCUMENTS

23.18 Owing to lack of time, the Committee decided to defer consideration to MSC 76 of documents MSC 75/23/1 (Secretariat), MSC 75/23/2 (Secretariat), MSC 75/23/4 (Secretariat), MSC 75/23/5 (Germany), MSC 75/23/6 (Secretariat), MSC 75/23/7 (South Africa), MSC 75/23/8 (Australia), MSC 75/23/9 (IALA), MSC 75/23/10 (United Kingdom), MSC 75/23/11 (United Kingdom and France), MSC 75/INF.16 (United Kingdom) and MSC 75/INF.21 (Spain).

CLOSURE OF THE SESSION

23.19 In his closing remarks, the Secretary-General expressed the hope that the Committee's painstaking efforts throughout the session would contribute substantially to making shipping safer and more secure and the marine environment cleaner. In his view, this had been an historical session, not so much from the viewpoint of the volume of work the Committee had been able to accomplish and the thousands of pages of documents it had dealt with, but, more importantly, from the substance of the decisions it had made.

At the top of the Committee's achievements he put the progress made on the maritime security front, which would now pave the way for a meaningful Conference in December. Although he recognized that much remained to be done, he was confident that the Committee had put in place the seeds for a successful outcome it had accustomed the maritime community to expect from it and which the industry deserved in its strong desire not to become a soft target for international terrorism. He was particularly appreciative of the efforts made by the Maritime Safety Division and the Conference Division.

Among the other highlights of the session, the Secretary-General mentioned in particular:

- the progress made in the Committee's efforts to enhance the safety of large passenger ships and bulk carriers;
- the activities surrounding the implementation of the revised STCW Convention and the inclusion of additional Parties to the so-called "white list";
- the adoption of amendments to SOLAS, its Protocol of 1988 and the Guidelines on the Enhanced Programme of Surveys;
- the decisions on the reports of the Committee's subsidiary bodies; and
- the Committee's discussion on the review of the Sub-Committees' structure.

EXPRESSIONS OF APPRECIATION

23.20 The Committee expressed appreciation to the following delegates and 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:

- Captain C. Canales (Chile – Vice-Chairman, DE Sub-Committee) (on return home);
- Mr. J.U. Boegh (Denmark – competent person and panel chairman) (on retirement);
- Mr. H. Hormann (Germany, former Chairman of the SLF Sub-Committee) (on retirement);
- Dr. D. Steinicke (Germany) (on retirement);
- Mr. R.L. Markle (United States – former Chairman of the LSA Sub-Committee) (on retirement);

- Admiral T.M. Hopkins (ISO) (on retirement);
- Mr. R.M. Bradley (IACS Permanent Secretary) (on retirement);
- Captain M. Pouliot (IMPA) (on retirement as Chairman of IMPA);
- Commander A.M. Woodroffe (ILF) (on retirement); and
- Mrs. T. Agonafir (Secretariat) (on retirement).

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