



MARITIME SAFETY COMMITTEE
76th session
Agenda item 23

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

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1 INTRODUCTION – ADOPTION OF THE AGENDA

General

1.1 The seventy-sixth session of the Maritime Safety Committee was held from 2 to 13 (a.m. only) December 2002 under the chairmanship of Mr. T. Allan (United Kingdom). The Vice-Chairman, Admiral F.S.A.H. El Kady (Egypt), was also present. The session was suspended from 9.30 a.m. to 12.30 p.m. on Monday, 9 December; from 9.30 a.m. to 12.30 p.m. on Thursday, 12 December; and from 2.30 p.m. to 5.30 p.m. on Friday, 13 December, when the Plenary of the 2002 SOLAS Conference on Maritime Security was in session.

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

ALGERIA	GREECE
ANGOLA	GRENADA
ANTIGUA AND BARBUDA	GUATEMALA
ARGENTINA	HONDURAS
AUSTRALIA	HUNGARY
AZERBAIJAN	ICELAND
BAHAMAS	INDIA
BAHRAIN	INDONESIA
BANGLADESH	IRAN (ISLAMIC REPUBLIC OF)
BARBADOS	IRELAND
BELGIUM	ISRAEL
BELIZE	ITALY
BENIN	JAMAICA
BOLIVIA	JAPAN
BRAZIL	JORDAN
BULGARIA	KENYA
CANADA	KUWAIT
CHILE	LATVIA
CHINA	LEBANON
COLOMBIA	LIBERIA
CROATIA	LITHUANIA
CUBA	LUXEMBOURG
CYPRUS	MALAYSIA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	MALTA
DENMARK	MARSHALL ISLANDS
DOMINICA	MEXICO
ECUADOR	MOROCCO
EGYPT	NETHERLANDS
EL SALVADOR	NEW ZEALAND
ERITREA	NIGERIA
ESTONIA	NORWAY
ETHIOPIA	OMAN
FINLAND	PAKISTAN
FRANCE	PANAMA
GABON	PERU
GEORGIA	PHILIPPINES
GERMANY	POLAND
GHANA	PORTUGAL
	QATAR

REPUBLIC OF KOREA
ROMANIA
RUSSIAN FEDERATION
SAINT VINCENT AND
THE GRENADINES
SAUDI ARABIA
SIERRA LEONE
SINGAPORE
SLOVENIA
SOUTH AFRICA
SPAIN
SUDAN
SWEDEN
SWITZERLAND
SYRIAN ARAB REPUBLIC

THAILAND
TONGA
TRINIDAD AND TOBAGO
TUNISIA
TURKEY
UKRAINE
UNITED KINGDOM
UNITED REPUBLIC OF
TANZANIA
UNITED STATES
URUGUAY
VANUATU
VENEZUELA
VIETNAM
YEMEN

and the following Associate Members of IMO:

HONG KONG, CHINA

MACAO, CHINA

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

OFFICE OF THE UN HIGH COMMISSIONER FOR REFUGEES (UNHCR)
WORLD METEOROLOGICAL ORGANIZATION (WMO)
INTERNATIONAL LABOUR ORGANIZATION (ILO)
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

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

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
EUROPEAN COMMISSION (EC)
INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS (1971 FUND)
MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA (MOWCA)
INTERNATIONAL COSPAS-SARSAT PROGRAMME AGREEMENT
(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 (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)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
INTERNATIONAL CARGO HANDLING CO-ORDINATION ASSOCIATION
(ICHCA)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS (IADC)
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL LIFE-SAVING APPLIANCES MANUFACTURERS'
ASSOCIATION (ILAMA)
THE ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
INTERNATIONAL GROUP OF P AND I ASSOCIATIONS (P AND I CLUBS)
SOCIETY OF INTERNATIONAL GAS TANKERS AND TERMINAL OPERATORS
(SIGTTO)
INTERNATIONAL LIFEBOAT FEDERATION (ILF)
INTERNATIONAL ROAD TRANSPORT UNION (IRU)
INTERNATIONAL SHIP SUPPLIERS ASSOCIATION (ISSA)
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)
THE 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 Chairman of the DSC Sub-Committee, were also present.

Attendance by journalists

1.6 At the opening of the session, the Chairman sought the Committee's approval for journalists from Lloyd's List and Fairplay to attend its deliberations. He reminded the Committee of rule 8 of its Rules of Procedure and read out the content of paragraph 32 of document MSC 76/19 reporting on the outcome of the June 2002 Meeting of Committee and Sub-Committee Chairmen to review the structure of Sub-Committees.

1.7 Following a short debate, the Committee agreed to allow the press to attend its deliberations at this session on condition that the reporting would accurately reflect the proceedings and the decisions made. When agreeing to allow the press to attend, the MSC and IMO retained the “right to reply” with regard to any published article relating to the Committee’s proceedings.

Secretary-General’s opening address

1.8 In welcoming participants, the Secretary-General referred to the longer duration of the session, a decision which was made in May 2002 when the Committee had a clearer picture of precisely what had to be done in preparation for the SOLAS Conference on Maritime Security, and which was sanctioned by the Council at its eighty-eighth session in June. Funds to cover the two additional days, as well as a second team of interpreters to serve the increased needs of the Conference, had been provided by the Governments of the United Kingdom and the United States, to whom the Secretary-General expressed appreciation.

Of all the items on the Committee’s agenda, he placed a special emphasis on:

- first, the maritime security issue; and
- second, the bulk carrier safety issue.

He then referred to the September meeting of the Maritime Security Working Group, which had made substantial progress on all the issues it had been able to tackle. The number of documents submitted to that session and the long hours needed by the group itself, as well as by the meeting’s drafting group, had reinforced the decision the Committee had made at MSC 75 to undertake preparatory work intersessionally. The fact that a number of issues of critical importance, such as the provisions, in SOLAS chapter XI-2 and the ISPS Code, on the Control of ships, could not be finalized at the September meeting had also shown how important it had been to have held the intersessional meeting. The group had met with full interpretation facilities thanks to funds provided by the Government of the United States to whom he reiterated his sincere thanks.

The Secretary-General added that, in his opening remarks at the September meeting, he had identified a number of areas where there was a requirement to strike the right balance between the need to strengthen maritime security and, at the same time, to assure that shipping services continued to be rendered in an efficient manner. He could understand the anxiety of Governments wishing to take preventative action and to put in place anti-terrorist defences as soon as possible. If, however, these had had an impact internationally, which would be the case with shipping, he had suggested that it would be prudent to wait until IMO had adopted the set of international standards which were before the Committee at its current session for approval before they were forwarded to the SOLAS Conference for adoption the week after.

He expressed his confidence that the regulatory framework and technical co-operation programme instigated (including regional workshops already held in Kenya, Singapore, Australia, Egypt, Uruguay, Panama and Poland, together with those to be organized in the near future) would produce positive results which would contribute to the protection of the shipping industry.

Turning to the safety of bulk carriers, he was hopeful that the outcome of the Committee’s work at MSC 75, along with that of SLF 45, would enable the Committee to make substantial progress this time. Considering that the proposals for new and existing bulk carriers, along with the application of Formal Safety Assessment, would provide useful material on which to base its

decisions, he, however, believed that the Committee's work would be incomplete if the Committee did not see it as a combination of efforts to strengthen the structure of bulk carriers, to provide them with adequate equipment to support their structural strength and to warn those on board of failures or water ingress; and, from the operational perspective, if emphasis was not placed on the importance of training and the need for proper maintenance to take into account the conditions bulk carriers were expected to meet over their trading lifetime. The beating these ships take in unloading operations and the enormous forces of nature that they have to withstand in heavy weather conditions are recognized and all factors, ship structure and equipment, training, maintenance, areas of operation and prevailing weather conditions, should be taken into account. They should be addressed by Governments, industry, seafarers and technical organizations, in unison and under the auspices of IMO, which should always remain the body to have the last word on matters of safety, security and environmental protection affecting international shipping.

Turning to the outcome of SLF 45, the Secretary-General noted that the Committee was now asked to approve a revised annex B to the 1988 Load Lines Protocol for submission to MSC 77 for adoption. The revised provisions dealing with issues such as hatch cover and coaming strength, bow height and protection of the fore end would certainly add to the enhanced safety of bulk carriers, an objective IMO had been aiming to achieve for more than a decade.

Referring to the sinking, with the loss of more than 1,150 lives, of the ferry **Joola** off the Senegalese coast last September, he said he had found it most regrettable that the accident occurred during what was supposed to be a routine voyage between two ports of the same country. The findings of the inquiry into the causes of the disaster were pointing to the fact that a great deal of work needed to be done. He was hopeful that, by doing so, the recurrence of catastrophes like the **Joola** would be avoided in the future. IMO was eager to respond promptly to any Government wishing to raise its fleet's safety standards, irrespective of the size or area of operation of the ships concerned.

During the intersessional period, he had written, within the context of resolution A.925, to the Administrations of countries which own large fishing vessel fleets and had not yet accepted the 1993 Torremolinos Protocol and the 1995 STCW-F Convention, urging them to consider doing so as soon as possible so that the two instruments could enter into force without further delay. He repeated that plea together with an invitation to those Governments experiencing difficulties in the process of becoming Parties to advise IMO so that action could be taken to help them, including the provision of any necessary technical assistance.

He then referred to the outcome of NAV 48, in the context of which proposals had been made to improve ships' routing in various parts of the world, establish new mandatory ship reporting systems and approve other measures aimed at enhancing the safety of navigation in areas of identified navigational hazards and environmentally sensitive sea areas.

NAV 48 had made progress on the issue of places of refuge and the Committee was expected to authorize the Sub-Committee, following further work at its next session, to submit directly to A 23 two draft resolutions on Guidelines on places of refuge for ships in need of assistance and on the Establishment of Maritime Assistance Services. He encouraged Governments and the industry to take into account the contents of the two draft resolutions without awaiting their formal adoption by the Assembly in November 2003. Following the **Castor** incident almost two years ago, when he had suggested that the time had come for IMO to consider the issue of places of refuge, the recent incident involving the tanker **Prestige** had reinforced the argument that the matter needed urgent attention. He was hopeful that the Committee's consideration of it from the operational safety point of view, coupled with that of the Legal Committee from its own perspective, would provide useful guidance for dealing with any similar incidents in the future.

In the meantime, he wished to pay tribute to the Spanish authorities for evacuating safely all the crew members of the **Prestige** amidst very severe weather conditions.

The issue of the treatment of persons rescued at sea had been dealt with intersessionally, first at a meeting in Geneva of competent United Nations agencies and programmes which had been organized by IMO to establish a mechanism to ensure that SAR incidents involving some or all of the organizations involved were addressed in the future in a consistent and co-ordinated manner; and, secondly, at an informal meeting in Sweden, which had addressed issues highlighted in resolution A.920(22). The outcome of both of these meetings was before the Committee for consideration.

The Committee was expected to give preliminary consideration to the proposed IMO Model Audit Scheme, as had been requested of it, the MEPC and the TCC by C88 in June when approving, in principle, the concept for such a Scheme to be implemented on a voluntary basis. A number of pertinent documents have been submitted, including his response to the request of the Council to study the ICAO Model Audit Scheme and advise the Council and the three Committees involved on any aspects of it which might be taken into account in developing the IMO Scheme. He was hopeful that the Committee would find the time to consider the matter and thereby add its important contribution to the Organization's efforts to improve the performance of flag States.

Referring to the final implementation date for the ISM Code (on 1 July 2002) and the end of the period of grace (on 1 August 2002) granted by the STW Sub-Committee for seafarers to be issued with certificates and endorsements meeting the revised STCW Convention requirements, the Secretary-General observed that the fact that these dates had come and passed uneventfully and that, since then, there had been no major problems reported on issues covered by the two instruments, was an indication of the success of the Code, and the correctness of the initiative of the STW Sub-Committee in the case of STCW to provide a pragmatic response to anticipated serious problems if the 1 February 2002 deadline had been rigidly observed.

Referring to the large passenger ship safety initiative, he stated that, at its next session, the Committee would have the benefit of the input from the sub-committees which had been assigned various relevant tasks. The Committee would then be in a position to make significant progress on the issue, thus justifying the effort made and the purpose of the whole exercise as originally conceived.

Piracy and armed robbery against ships continued to cause problems to shipping operations in almost the same sea areas as previously. The steadily increasing number of reported unlawful acts of this sort, which was nearing 3,000 since IMO started compiling statistics in 1984, was troubling in itself but the grave concern of the maritime community was their impact on human lives and the safety of the ships involved. At a time when the world was facing so many threats from so many sides, the maritime world's attention should not be diverted from the risks imposed on shipping by pirates and armed robbers. Their activities were casting a black spot on the industry and unless efforts to eradicate them were intensified, more passengers and crews would lose their lives or be injured and more ships would be hijacked or go missing. And the impact on the marine environment, if a piracy incident resulted in oil or other hazardous and noxious cargoes escaping into it, could be tremendous. Regional agreements of co-operation would be an appropriate move towards solving the problem and the Organization stood ready to play its role in assisting in developing them.

When considering the outcome of the June 2002 meeting of Committee and Sub-Committee Chairmen to review the structure of Sub-Committees, the Committee would also be advised of the work of the Council relating to the consideration of the strategy and policy of the

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Organization. These were important developments which the Committee would have to take into account when considering the proposed activities, priorities and plan of meeting weeks of the Committee and its subsidiary bodies for the biennium 2004-2005.

Noting that the Committee would consider the reports of four sub-committees, which had met since its last session, he emphasized that it had not been easy to have the work of these technical bodies and the Intersessional Working Group on Maritime Security finalized in time for this session and the forthcoming SOLAS Conference, when so many other demands, including the recent meetings of the MEPC, the Legal Committee, the Diplomatic Conference to adopt a Protocol to the Athens Convention and the Council's and TCC's last meetings one week ago, had to be served. Having closely followed all the events and being personally aware of the tremendous effort that had to be made, the Secretary-General was appreciative of the work of the Chairmen and other officials as well as of the IMO staff involved in those meetings. He was sure that their extensive preparatory work and further contribution during the session would assist the Committee to reach sound conclusions to the benefit of enhanced safety, security and environmental protection.

Before concluding, he advised the Committee of the ceremony, scheduled for 4 December 2002, to award posthumously the IMO International Maritime Prize for 2001 to the Committee's former Chairman, the late Dr. Giuliano Pattofatto, in recognition of his outstanding services to the cause of safety and the Organization and invited delegates' participation.

Chairman's remarks

1.9 In responding to the Secretary-General's remarks, the Chairman said he had no doubt that all the participants in the meeting, governmental representatives and observers, fully appreciated the seriousness and importance of the two issues emphasized by the Secretary-General, i.e. maritime security and bulk carrier safety. He believed that, with the right commitment from all sides, the success of next week's Diplomatic Conference could be ensured by the end of MSC 76. A set of international standards to enhance maritime security provided for by IMO was needed to properly address this very important subject. The support IMO had received from the G8 group Leaders and the recent recognition of the Organization's efforts by the United States Congress had demonstrated the worthiness of the worldwide effort undertaken by IMO.

The emphasis on maritime security should not be construed as undermining the importance of the work on the safety of bulk carriers. This was not a popular newspaper headline subject like pollution, although the safety of the lives of seafarers has always been a priority issue for IMO - too many lives, on average 75 per year since 1991, that is almost 1,000 seafarers lives had been lost on bulk carriers, the workhorses of the oceans, since 1990. He hoped that the efforts of the Committee at this session would succeed in seriously reversing that trend.

Adoption of the agenda and related matters

1.10 The Committee adopted its agenda (MSC 76/1) and a provisional timetable for guidance during the session (MSC 76/1/1, annex, as amended (mainly to consider, under agenda item 5, bulk carrier safety matters emanating from SLF 45)), having agreed that any adjustments to the timetable needed to accommodate requests of the 2002 SOLAS Conference on Maritime Security, and vice-versa, would be decided during the session. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in annex 1.

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

Credentials

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

The tanker “Prestige” incident

1.13 During plenary sessions on Tuesday the 3rd, Tuesday the 10th and Friday the 13th December 2002, the Committee listened to statements on the sinking, on 19 November 2002, due to structural failure, of the Bahamas-flag tanker **Prestige** at a distance of 133 miles off the NW coast of Spain resulting in serious pollution of the marine environment and the Spanish coast in the region of the accident.

1.14 The Committee was informed that similar statements had been made during the eighty-ninth session of the Council (25 to 29 November 2002). Those made on 3 and 10 December 2002 included statements by the delegations of Spain, the Bahamas, Portugal, France, Yemen and Morocco and the representative of the European Commission, which, at their request, are reproduced in annex 20.

1.15 In his intervention, the Secretary-General informed the Committee that, as soon as the Organization was made aware of the **Prestige** accident, contacts were immediately established with the authorities of Spain, the coastal State, and the Bahamas, the flag State. He repeated his praise of the Spanish search and rescue authorities which had been able, once again, to evacuate safely all the crew of the stricken vessel amidst severe weather conditions, an operation which was indicative of Spain’s high degree of preparedness and response to incidents threatening human life at sea. He also mentioned that Spain, as a Party to the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990, had established a national system for dealing with pollution incidents, either nationally or in co-operation with other countries, a system which is regularly tested through full scale periodic exercises, such as those witnessed by him in Algeciras. However, an accident of the magnitude of the **Prestige** was bound to put stress on any national capability and he, therefore, was appreciative of the support provided by neighbouring States. He was sympathetic to the victims of the accident and he regretted the reported damage to the marine environment, fishing and other industries affected by the oil which had escaped from the **Prestige**. He would urge all parties involved, i.e. the flag State and classification society concerned, to finalize their reports on the investigation into the casualty as soon as possible and submit their findings to IMO without delay so that the Organization could respond promptly to any recommendation for remedial action which might come to light in the context of such reports. He would see that, once submitted, the proposals of Spain and other interested parties were brought into the IMO system as expeditiously and effectively as possible.

1.16 On Friday, 13 December 2002, the delegation of Malta made the statement which is reproduced in annex 20.

1.17 The delegation of the Bahamas associated itself with the Maltese delegation's statement and expressed the view that provisions of UNCLOS had been violated in the handling of the case.

1.18 The delegation of France stated that the international law had been properly applied in an attempt to prevent any risk of pollution of the marine environment. The issue should be discussed within IMO on the basis of proposals to be submitted.

1.19 The delegation of the Russian Federation shared the Maltese delegation's viewpoint and cautioned against any unilateral measures. IMO should continue to be the only organization to regulate safety, security and environmental protection matters affecting international shipping.

1.20 The delegation of Spain shared the views expressed by the delegation of France; referred to the Malaga Declaration and insisted that Spain had acted in compliance with international law.

1.21 The delegation of Liberia shared the position of the delegation of Malta. Whilst expressing sympathy for the victims of the **Prestige** incident, that delegation urged that appropriate measures be taken at the international, not the unilateral, level.

1.22 The delegation of China supported the Maltese delegation's statement opposing any unilateral action and advocated that, if any action was needed within the framework of the **Prestige** incident, such action should be taken within the context of IMO's measures to phase out single-hull tankers. They also emphasized the importance of the work underway on places of refuge.

1.23 The delegation of Cyprus, while associating itself with both sides, urged for the established continuity to be preserved and expressed confidence that IMO would respond properly to issues which might come to light in the context of the **Prestige** incident. In the meantime, unilateral actions should be avoided.

1.24 The delegation of the Marshall Islands supported the Maltese delegation's statement.

1.25 The ICS observer was grateful to the delegation of Malta for their statement and urged early and authoritative action at the international level.

1.26 On a point of order raised by the delegation of Spain that discussion at the Committee's concluding session should not re-open and debate not be allowed, the Chairman responded that, at no time during the session, had he allowed a debate on the issue to be conducted and that only statements would be included in the Committee's report.

1.27 The delegation of Morocco stated that the international law had been respected; however, they were of the view that any coastal State could take measures to protect its marine environment. They concluded by expressing support for the actions taken by France and Spain.

1.28 In his concluding remarks at the end of the session, the Secretary-General, referring to the accident, stated that the overseeing of the United Nations Convention on the Law of the Sea (UNCLOS) was not the responsibility of IMO. However, UNCLOS had accorded certain important competences to the Organization and, having followed very closely developments at various fora in the aftermath of the **Prestige** accident, he would welcome debate in IMO on any matters within the competence of the Organization. To that effect, he was prepared, in consultation with Member Governments, to act as expeditiously as possible to ensure that any proposals put forward by Member Governments relating to matters which, in their view, needed to be improved in the light of issues which had emerged, or might emerge, in the context of the **Prestige** incident, would be debated at IMO's relevant bodies and action taken on them as appropriate in the shortest possible time.

2 DECISIONS OF OTHER IMO BODIES

OUTCOME OF THE EIGHTY-EIGHTH AND EIGHTY-NINTH SESSIONS OF THE COUNCIL

2.1 The Committee noted the information provided in documents MSC 76/2 and Add.1 on the outcome of C 88 and C 89, respectively, on matters of relevance to its work; and took action as indicated in the appropriate sections of this report.

2.2 The Committee noted, in particular (MSC 76/2/Add.1, paragraph 7), that C 89 had referred to MSC 77 document C 89/12/1 (Bahamas and Greece), proposing that IMO should play a larger role in determining the standards to which new ships are built and that this matter should be incorporated in the IMO strategic plan, for in-depth consideration, requesting the Committee to report to C 90 on the outcome of its consideration. To assist the consideration of the matter, the Council also requested the delegations of the Bahamas and Greece and the IACS observer to submit relevant documents to MSC 77.

2.3 The Committee further noted (MSC 76/2/Add.1, paragraph 8) that, in considering document C 89/12/3 (Cyprus, Philippines and ICFTU), C 89 had instructed the Committees and through them, their subsidiary bodies, when developing new instruments or amendments to existing ones, to ensure that these are compatible, and not in conflict, with other instruments or international law and that they should not be interpreted or used in a way that conflicts with such instruments, in particular, those addressing human rights. The Committee instructed the Secretariat to inform the sub-committees of the Council's decision and to remind the Committee and sub-committees of this decision as and when necessary.

OUTCOME OF THE FIFTY-FIRST AND FIFTY-SECOND SESSIONS OF THE TECHNICAL CO-OPERATION COMMITTEE

2.4 The Committee noted the information on the outcome of TC 51 and TC 52 provided in documents MSC 76/2/1 and Add.1; and took it into account when taking action as indicated in the appropriate sections of this report.

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

2.5 The Committee noted the information provided in document MSC 76/2/2 on the outcome of MEPC 48; and took action on matters of relevance to its work as indicated in the appropriate sections of this report.

OUTCOME OF THE EIGHTY-FIFTH SESSION OF THE LEGAL COMMITTEE

2.6 The Committee noted the information provided in document MSC 76/2/3 on the outcome of LEG 85 and agreed to consider the matters emanating from LEG 85 under agenda items 4, 11 and 22.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

GENERAL

3.1 Contracting Governments to the 1974 SOLAS Convention were invited to participate in the consideration and adoption of proposed amendments to:

- .1 chapters II-1, II-2, III and XII of the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII thereof; and
- .2 the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code), in accordance with the provisions of article VIII and regulation VII/14.1 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 The Committee was also invited to consider and adopt proposed draft Technical provisions for means of access for inspections, deferred to this session by MSC 75, with the aim of making them mandatory in the context of the adoption of the draft amendments to SOLAS regulation II-1/12-2.

3.3 The proposed amendments to chapters II-1, II-2, III and XII of the SOLAS Convention and to the INF Code had been circulated by the Secretary-General to all IMO Member Governments and all Contracting Governments to the 1974 SOLAS Convention by circular letters No.2325 of 29 June 2001 and No.2384 of 28 May 2002.

CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1

Regulation II-1/12-2 – Access to spaces in the cargo areas of oil tankers

3.4 The Committee recalled that the proposed amendments to SOLAS regulation II-1/12-2 (MSC 76/3/1, annex 1) had been developed by the DE Sub-Committee and were approved by MSC 74, pending further consideration of some remaining details by DE 45. However, MSC 75, when receiving the outcome of DE 45, recognized the complexity of the consideration of the Technical provisions associated with the proposed amendments and agreed to defer to this session the adoption of the proposed amendments to regulation II-1/12-2 and the draft Technical provisions.

3.5 The Committee noted that annex 1 to document MSC 76/3/1 was also showing the modifications to the proposed amendments to SOLAS regulation II-1/12-2, as prepared by DE 45.

3.6 Having agreed, in view of the deletion of paragraphs 1.3 to 1.6 and 2.5 in table 1 of the Technical provisions, to some modifications to paragraph 2.2 of the amended regulation II-1/12-2, the Committee, noting that no comments had been submitted on the proposed amendments to regulation II-1/12-2, confirmed their contents, subject to editorial improvements, if any, and decided to transfer the amended regulation II-1/12-2 to part A-1 of SOLAS chapter II-1 as regulation 3-6 (see also paragraph 3.27).

Regulation II-1/31 – Machinery controls

3.7 The Committee recalled that the proposed amendments to SOLAS regulation II-1/31 (MSC 76/3, annex 1) had been developed by the DE Sub-Committee and were approved by MSC 75.

3.8 The Committee, noting that no comments had been submitted on the proposed amendments to regulation II-1/31, confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO CHAPTER II-2

3.9 The Committee recalled that the proposed amendments to SOLAS chapter II-2 (MSC 76/3, annex 1) had been developed by the DSC Sub-Committee and further modified by FP 46 and approved by MSC 75.

3.10 The Committee, noting that no comments had been submitted on the proposed amendments to chapter II-2, confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO CHAPTER III

3.11 The Committee recalled that the proposed amendments to SOLAS chapter III (MSC 76/3, annex 1) had been developed by the DE Sub-Committee and, after the introduction of some modifications, had been approved by MSC 75.

3.12 Noting that the application date of the proposed amendments had been left open for it to decide, the Committee agreed on 1 July 2004 as the date of application of these amendments.

3.13 The Committee agreed to insert the word “canopied” before the words “reversible liferafts” in the new paragraph 2.5 of regulation III/26 and confirmed the contents of the proposed amendments, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO CHAPTER XII

3.14 The Committee recalled that the proposed amendments to SOLAS chapter XII, comprising new SOLAS regulations XII/12 and XII/13 (MSC 76/3, annex 1), had been developed by the DE Sub-Committee and, following modifications by the Working Group on Bulk Carrier Safety, had been approved by MSC 75. The Committee considered the draft new regulations XII/12 and XII/13, together with proposed modifications thereto submitted by Members and decided as outlined in paragraphs 3.15 to 3.20 below.

Regulation XII/12 - Hold, ballast and dry space water ingress alarms

3.15 The Committee considered documents MSC 76/3/3 (INTERCARGO), proposing modifications to paragraph 1 of the regulation regarding technical specifications and location of water level detectors, and MSC 76/3/7 (Japan), proposing modifications to the introductory sentence of paragraph 1 of the regulation, and did not agree to the proposed modifications.

3.16 The Committee considered proposals for modifications to paragraph 3 of the regulation, regarding the application dates of the regulation as contained in documents MSC 76/3/3 (INTERCARGO), MSC 76/3/5 (IACS), MSC 76/3/7 (Japan) and MSC 76/5/7 (BIMCO and

ICS), and, while deciding to delete the square brackets around the dates in the new regulation XII/12, did not agree to the proposed modifications.

3.17 Noting that no further comments had been submitted on the proposed new regulation XII/12, the Committee confirmed its contents, subject to editorial improvements, if any.

3.18 In the course of consideration of comments on the new regulation XII/12 made by BIMCO and ICS (MSC 76/5/7), the Committee noted that there were no appropriate performance standards for water ingress alarms required by the new regulation and requested the Working Group on Bulk Carrier Safety to consider whether performance standards for the hold, ballast and dry space water ingress alarms were needed and advise the Committee accordingly. The outcome of further consideration of this issue is outlined in paragraphs 5.45 and 5.46 below.

Regulation XII/13 - Availability of pumping systems

3.19 The Committee considered document MSC 76/3/7 (Japan), proposing modifications to paragraph 1 of the regulation, and document MSC 76/3/5 (IACS), proposing modifications to paragraph 2 of the regulation regarding the application date thereof and, while deciding to delete the square brackets around the dates in the new regulation XII/13, did not agree to the proposed modifications.

3.20 Noting that no further comments had been submitted on the proposed new regulation XII/13, the Committee confirmed its contents, subject to editorial improvements, if any.

CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE INF CODE

3.21 The Committee recalled that the proposed amendments to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code) had been developed by the DSC Sub-Committee and were approved by MSC 75.

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

DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

3.23 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 mandatory 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.

3.24 Having noted that suggestions made for some of the SOLAS amendments proposed for adoption at the current session had indicated application dates of 1 July 2004 and 1 January 2005, the Committee, after consideration, determined that the amendments to SOLAS regulations other than to SOLAS regulation II-1/12-2 and the INF Code proposed for adoption at the current session should be deemed to have been accepted on 1 January 2004 and should enter into force on 1 July 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. The Committee further decided that amendments to SOLAS regulation II-1/12-2 (renumbered as SOLAS regulation II-1/3-6) should apply to ships constructed on or after 1 January 2005.

CONSIDERATION OF THE PROPOSED NEW MANDATORY INSTRUMENT

TECHNICAL PROVISIONS FOR MEANS OF ACCESS FOR INSPECTIONS

3.25 The Committee recalled that the proposed Technical provisions for means of access for inspections, as finalized by DE 45, had been prepared with the aim of making them mandatory under the draft revised SOLAS regulation II-1/12-2; and that MSC 75 had considered the draft Technical provisions and decided to defer their adoption to this session in order to allow more time for their consideration. Subsequently, the Committee considered the proposed Technical provisions, together with proposed modifications thereto submitted by Members, and decided as outlined in paragraphs 3.26 to 3.30 below.

Table 1 – Means of access for oil tankers

3.26 The Committee considered document MSC 76/3/4 (INTERTANKO), proposing the addition to table 1 of a new sentence to paragraph 2.3 and a new paragraph 2.4, as well as document MSC 76/3/6 (Japan), proposing the deletion of subparagraph 1 in the existing paragraph 2.4 of the table, and agreed to the modifications proposed by INTERTANKO.

3.27 Following a proposal by the delegation of the Bahamas, supported by other delegations, the Committee agreed to delete paragraphs 1.3 to 1.6 and 2.5 in table 1 of the Technical provisions; and also to modify paragraph 2.2 of the amended SOLAS regulation II-1/12-2 accordingly (see also paragraph 3.6).

Table 2 – Means of access for bulk carriers

3.28 Having considered documents MSC 76/3/2 (IACS) and MSC 76/3/6 (Japan), both proposing to replace the figure “16 m” by “17 m” in paragraph 1.2 of table 2, the Committee agreed to the proposal.

3.29 The Committee considered document MSC 76/3/2 (IACS), proposing the deletion of part of the second sentence of paragraph 1.3 of table 2 and the addition of a new sentence thereafter, as well as document MSC 76/3/6 (Japan), proposing an alternative text for the first two sentences of paragraph 1.3 of table 2, and agreed to the addition of a new sentence to paragraph 1.3 of table 2 as proposed by IACS.

General

3.30 Noting that no further comments had been submitted on the proposed Technical provisions, the Committee confirmed their contents, subject to editorial improvements, if any.

ESTABLISHMENT OF A DRAFTING GROUP

3.31 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 and the INF Code as well as the final text of the proposed Technical provisions for means of access for inspections, together with the associated draft MSC resolutions, for consideration and adoption by the Committee.

ADOPTION OF THE NEW MANDATORY INSTRUMENT AND AMENDMENTS TO THE 1974 SOLAS CONVENTION AND THE INF CODE

Report of the drafting group

3.32 Having received the report of the drafting group (MSC 76/WP.18), the Committee took action as indicated hereunder.

ADOPTION OF THE PROPOSED TECHNICAL PROVISIONS FOR MEANS OF ACCESS FOR INSPECTIONS

3.33 The Committee considered the final text of the draft Technical provisions for means of access for inspections, as prepared by the drafting group (MSC 76/WP.18, annex 1) and adopted them by resolution MSC.133(76), as set out in annex 2.

3.34 In adopting resolution MSC.133(76), the Committee included, *inter alia*, in the resolution an operative paragraph inviting Contracting Governments to the 1974 SOLAS Convention to note that the Technical provisions will take effect on 1 January 2005 upon entry into force of the new SOLAS regulation II-1/3-6.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION AND THE INF CODE

Adoption of amendments to the 1974 SOLAS Convention

3.35 The expanded Committee, including delegations of 98 SOLAS Contracting Governments, considered the final text of the proposed amendments to chapters II-1, II-2, III and XII of the 1974 SOLAS Convention, as prepared by the drafting group (MSC 76/WP.18, annex 2) and adopted them by resolution MSC.134(76), as set out in annex 3, following a separate vote on paragraph 2.1 of regulation II-1/3-6, requested by the delegation of Japan, which saw a significant majority of the Committee in favour of retaining paragraph 2.1 as finalized by the drafting group.

3.36 In adopting resolution MSC.134(76), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the SOLAS Convention, that the adopted amendments to chapters II-1, II-2, III and XII should be deemed to have been accepted on 1 January 2004 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2004, in accordance with the provisions of article VIII thereof.

Adoption of amendments to the INF Code

3.37 The expanded Committee, including delegations of 98 SOLAS Contracting Governments, considered the final text of the proposed amendments to the INF Code, as prepared by the drafting group (MSC 76/WP.18, annex 3) and adopted them unanimously by resolution MSC.135(76), as set out in annex 4.

3.38 In adopting resolution MSC.135(76), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the SOLAS Convention, that the adopted amendments to the INF Code should be deemed to have been accepted on 1 January 2004 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2004, in accordance with the provisions of article VIII thereof.

General

3.39 The Committee noted that a number of substantial modifications to the aforementioned draft amendments had been proposed orally in plenary in the course of consideration of the aforementioned amendments and decided that, in future, it would consider only those substantial modifications to proposed draft amendments, under consideration by the Committee with a view to adoption, which had been submitted in writing. The Committee further agreed that this decision should be incorporated into the Guidelines on the organization and method of work.

4 MEASURES TO ENHANCE MARITIME SECURITY

4.1 The Committee recalled that MSC 75 had:

- .1 noted the adoption of 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; and the subsequent action taken by the Technical Committee of the Assembly and the Committee itself at its first extraordinary session during the last Assembly;
- .2 considered the report of the February 2002 session of the intersessional meeting (ISWG) of the MSC Working Group on Maritime Security (MSC 75/17/1);
- .3 taken a number of decisions of principle (MSC 75/24, paragraphs 17.14 to 17.61); and
- .4 established a Working Group on Maritime Security (MSWG) (with terms of reference as reproduced in paragraph 17.62 of document MSC 75/24).

4.2 The Committee further recalled that, although satisfied that the progress reached would ensure a successful Diplomatic Conference in December 2002, the MSWG had determined that another five-day preparatory meeting would be helpful to:

- .1 review and finalize the draft amendments to SOLAS chapter XI and part A of the draft International Ship and Port Facility Security (ISPS) Code;
- .2 review the proposed texts which had been removed from part A of the draft ISPS Code and were kept in abeyance; and
- .3 prepare and finalize the recommendatory part B of the draft ISPS Code.

The MSWG therefore recommended and MSC 75 decided that another ISWG meeting should be convened (from 9 to 13 September 2002), the report of which has been set out in documents MSC 76/4/1 and Add.1.

4.3 In his introductory remarks, the Chairman recalled the Secretary-General's opening statement relating to the topic of maritime security and emphasized the need to make as much substantial progress at the current session as possible to pave the way for a successful Diplomatic Conference in the following week. To meet the needs of the agreed timetable and also to facilitate the smooth flow of documents from the Committee to the Conference, he suggested that it would be desirable that the working group worked until Wednesday night to progress the tasks assigned to it: **first**, on the SOLAS amendments; **second**, on part A of the ISPS Code; and **third**, if time permitted, on part B of the ISPS Code. The working group would then report to the

Committee at an appropriate time during Thursday afternoon, 5 December. This arrangement would facilitate the preparation of all the necessary Conference documents for the latter to receive, in all the Organization's three working languages, before it opened on Monday, 9 December.

The Chairman indicated that, should there be insufficient time for the working group to finalize part B of the ISPS Code, appropriate arrangements would be proposed, including the possibility of the working group Chairman conducting an informal meeting of interested parties, assisted by the Secretariat, to progress the matter and prepare a document for consideration by the Conference.

4.4 The Committee agreed to also consider, as far as possible at the current session, all relevant proposals submitted to the SOLAS Conference and to refer them to the MSWG for elaboration with the aim of having as clean a text of amendments as possible available for the Conference.

4.5 The Committee considered documents MSC 76/4 (Secretariat); MSC 76/4/1 (ISWG report); MSC 76/4/1/Add.1 and Add.2 (ISWG Chairman and Secretariat); MSC 76/4/2 and MSC 76/4/15 (United States); MSC 76/4/3 and MSC 76/4/4 (Secretariat); MSC 76/4/5 (Philippines); MSC 76/4/6 (ICFTU); MSC 76/4/7 (Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the European Commission, hereafter referred to as Denmark *et al.*); MSC 76/4/8 (ICHCA); MSC 76/4/9 (ISO); MSC 76/4/10 (ICCL); MSC 76/4/11 and MSC 76/4/12 (Republic of Korea); MSC 76/4/13 (Norway); MSC 76/4/14 (BIMCO, ICS, INTERTANKO, IPTA, INTERCARGO, SIGTTO and P & I Clubs); MSC 76/4/16 (France and United Kingdom); MSC 76/4/17 (France, Netherlands, United Kingdom and Vanuatu); MSC 76/4/18, MSC 76/4/19, MSC 76/4/21 and SOLAS/CONF.5/8 (ICS, BIMCO, IPTA, INTERTANKO, ICCL and SIGTTO); MSC 76/4/20 (ICS, BIMCO, IPTA, INTERCARGO, INTERTANKO, ICCL and SIGTTO); MSC 76/4/22 (Argentina); MSC 76/4/23 (Turkey); MSC 76/4/24 and SOLAS/CONF.5/9 (ICS, BIMCO, IPTA, INTERTANKO and SIGTTO); MSC 76/INF.22 (ILO); SOLAS/CONF.5/7 (ICS, IPTA, INTERTANKO, ICCL and SIGTTO); SOLAS/CONF.5/10 (France, Germany and United Kingdom); SOLAS/CONF.5/11 (Japan); SOLAS/CONF.5/12 (Denmark, Norway and Sweden); document MSC 75/17/4 (ICS) deferred from MSC 75; and MSC 76/WP.2 (Chairman).

4.6 Using document MSC 76/WP.5 (Chairman), outlining the way to address all the documents submitted under this agenda item, the Committee considered the action list contained in paragraphs 10.1 to 10.22 of the ISWG report (as reproduced in document MSC 76/4/1) and, as indicated in the ensuing paragraphs, decided on a number of issues **in principle**; thereafter, it referred them to the MSWG for finalization, instructing it to submit appropriate texts to the Committee for approval and subsequent submission to the Conference for adoption.

4.7 The Committee noted, and took into account in its deliberations, the C 89 decision in document C 89/12/3, paragraph 4.3 (MSC 76/2/Add.1, paragraph 8.3), namely that the Committee and the SOLAS Conference take all necessary measures to ensure that nothing is included in either the proposed amendments to chapter XI of SOLAS 74, as amended, or the proposed ISPS Code, which could, in any way, be interpreted as being, or used, in conflict with other international law instruments, especially those relating to human rights.

4.8 The Committee approved an informal meeting to be convened on Friday and/or Saturday, if necessary, to review part B of the ISPS Code, and authorized it to submit the outcome of its work directly to the Conference.

Application provisions

4.9 The Committee endorsed the ISWG's decision on the application of the provisions of SOLAS chapter XI-2 and part A of the ISPS Code to port facilities; and referred the new, related proposals contained in documents MSC 76/4/7, section 3 (Denmark *et al.*); MSC 76/4/13, paragraphs 6 and 13 (Norway); MSC 76/4/17, paragraphs 1, 2 and 6 to 8 (France, the Netherlands, United Kingdom and Vanuatu); MSC 76/4/22, annex, regulation 2 and section A/3 (Argentina); and SOLAS/CONF.5/11, paragraphs 17 and 18 (Japan) to the MSWG for consideration.

Continuous synopsis record

4.10 The Committee endorsed the ISWG's decision to keep the regulation for the "continuous synopsis record" in chapter XI-1 and the regulation for "specific responsibilities of companies" in chapter XI-2; and referred the new, related proposals by Norway (MSC 76/4/13, paragraphs 3 to 5) and ICS, IPTA, INTERTANKO, ICCL and SIGTTO (SOLAS/CONF.5/7) to the MSWG for consideration.

Security level 3

4.11 The Committee endorsed the ISWG's view that security level 3 would be an exceptional, temporary situation, whereby a serious security incident was imminent or had happened; and referred the new, related proposals contained in documents MSC 76/4/7, section 6 (Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and the European Commission); MSC 76/4/8, paragraph 1, bullet 1 (ICHCA) and MSC 76/4/19, paragraph 2 (ICS *et al.*) to the MSWG for consideration.

Declaration of security

4.12 The Committee considered and endorsed the understanding by the ISWG that the purpose and intent of the Declaration of Security (DOS) was to "demonstrate the compliance with, and identification of, clear responsibilities for security measures" between the PFSO and the SSO, indicating who was doing what and to co-ordinate their measures for compliance with the provisions of the ISPS Code.

4.13 Noting that the ISWG, having considered the issue at length and in view of the above clarifications, had instructed its Chairman to review the guidance provided in section B/5 of the Code with a view to describing briefly:

- .1 the purpose and intent of the DOS;
- .2 the circumstances under which a DOS would be required;
- .3 who could be requiring a DOS;
- .4 who should respond to it and how; and
- .5 the duration of the period of record (DOS) keeping,

and to revise the text accordingly, the Committee noted the resulting section B/5 in document MSC 76/4/1/Add.1; and referred the new, related proposals contained in documents MSC 76/4/7, section 5 (Denmark *et al.*); MSC 76/4/10, paragraph 9 (ICCL); MSC 76/4/19, paragraphs 1.2

and 3 (ICS *et al.*); and MSC 76/4/22, annex, section A/5 (Argentina) to the MSWG for consideration.

Amendments to port facility security plans (PFSP)

4.14 In considering the ISWG's action on the issue of approval of amendments to the PFSP, the Committee noted the circumstances under which the PFSP needed to be reviewed, namely upon:

- .1 a periodical security assessment;
- .2 a security incident;
- .3 poor response to a threat;
- .4 a renewal of security assessment;
- .5 an inspection;
- .6 major changes; and
- .7 changes to fundamental procedures or key physical measures applied.

4.15 The Committee further noted that the ISWG had considered relevant broad criteria for inclusion in part A of the ISPS Code based on existing text and had instructed the drafting group to develop appropriate requirements regarding amendment and approval of the PFSP. To facilitate the further consideration of this, the ISWG Chairman had prepared document MSC 76/ISWG/WP.11 on review, amendment and approval of PFSPs.

4.16 The Committee endorsed the resulting sections B/16.58 and 16.59, as set out in document MSC 76/4/1/Add.1, which had taken the above consideration into account.

Port facility security assessment (PFSA)

4.17 In considering the outcome of the ISWG's discussion on the work related to the preparation and approval of PFSAs, the Committee noted that strong views had been expressed that work related to such assessments should not be undertaken by a non-governmental body. No clear conclusion had been reached on how this concern should be addressed and satisfied.

4.18 The Committee considered documents MSC 76/4/7, section 8 (Denmark *et al.*); MSC 76/4/8, paragraph 2.1 (ICHCA) and SOLAS/CONF.5/11, paragraphs 4 to 6 (Japan).

4.19 The Committee agreed, in principle, to the texts prepared by the working group Chairman and the Secretariat with regard to responsibilities which could be delegated to an RSO, as provided in section B/4.3 of document MSC 76/4/1/Add.1 (annex) and responsibilities which could not be delegated to an RSO, as provided in section A/4.3 of document MSC 76/4/1/Add.2; and referred them to the MSWG for finalization, taking into account proposals made in documents MSC 76/4/8 (ICHCA) on the periodicity of approvals and SOLAS/CONF.5/11 (Japan) on the insertion of the word "Administration".

Alternative measures and equivalent arrangements

4.20 The Committee endorsed the ISWG's decision with regard to draft regulation XI-2/7.1 on Alternative measures and equivalent arrangements, i.e. to leave the text "provided such

alternative security measures are at least as effective as those prescribed in this chapter and part A of the ISPS Code” in square brackets for the Conference to decide.

4.21 The Committee considered a proposal by the United Kingdom (MSC 76/4/17), suggesting a completely new detailed and more prescriptive text for regulation XI-2/7 and a compromise proposal by Denmark, Norway and Sweden (SOLAS/CONF.5/12).

4.22 The Committee agreed, in principle, to the concept of the development and agreement of alternative arrangements provided that they are kept within the regulatory framework of SOLAS chapter XI-2; and instructed the MSWG to prepare an appropriate text for regulation XI-2/7 accordingly, taking into account documents MSC 76/4/7 (Denmark *et al.*) and SOLAS/CONF.5/12 (Denmark, Norway and Sweden). In addition, regulation XI-2/7.2 relating to equivalent arrangements should be amended to address only ships.

Communication of information

4.23 In considering the issue of communication of information to IMO on approved PFSPs in accordance with draft regulation XI-2/8.2, the Committee recognized that such information was essential for the security system to work and, if it was not available to the shipping industry on the entry into force date of the provisions, it would effectively mean that SSPs could not be completed and the security requirements could not be enforced until the information was made available. On the other hand, it was acknowledged that it was not legally sound to require implementation of a provision before it had actually entered into force.

4.24 The Committee agreed, in principle:

- .1 that the date for the communication of information to IMO should be linked to the entry-into-force date;
- .2 that the earliest possible date should be aimed at, namely by the entry-into-force date or shortly thereafter;
- .3 that the draft Conference resolution on Early implementation of special measures to enhance maritime security should be amended to urge Member Governments to communicate any relevant information to IMO at the earliest possible time but not later than by the entry-into-force date of the provisions; and
- .4 to instruct the MSWG to prepare appropriate amendments to draft regulation XI-2/8.2 and the relevant draft Conference resolution accordingly, for approval by the Committee.

Approval of PFSPs

4.25 In considering the ISWG’s discussion on the issue of the approval of the PFSP by recognized security organizations (RSOs), the Committee took into account the new proposals in documents MSC 76/4/7, paragraph 2.4.1 (Denmark *et al.*); MSC 76/4/8, paragraph 1, bullet 4 (ICHCA); MSC 76/4/20, section 5 (ICS *et al.*); SOLAS/CONF.5/11, paragraphs 7 to 10 (Japan), as well as section B/16.60 of document MSC 76/4/1/Add.1; and amendment 3 of document MSC 76/4/1/Add.2, paragraph 11, which had taken that issue into account.

4.26 The Committee took action as given in paragraph 4.19 above.

Part B of the ISPS Code

4.27 The Committee noted that the ISWG had authorized its Chairman, together with the Chairman of the drafting group and the Secretariat, to prepare a consolidated text of part B and a new preamble to part A of the ISPS Code, which had been done and the text was set out in documents MSC 76/4/1/Add.1 and MSC 75/4/1 respectively. The Committee, referring these documents to the MSWG for consideration, approval by the Committee and submission to the Conference, recalled that it had authorized an informal meeting to review part B of the ISPS Code; prepare a revised text and submit it directly to the Conference, if the MSWG was, due to time constraints, unable to consider those documents.

Ship security alert system

4.28 The Committee considered and endorsed the outcome of the ISWG's discussion on the proposed ship security alert system, noting that the ISWG had concluded that there were a number of operational issues requiring clarification, particularly with regard to the use of the security and piracy/armed attack alert, such as inadvertent activation, procedures for handling false alerts and action to be taken to respond to security alerts. Guidance on measures to enhance maritime security given in MSC 76/ISWG/WP.5, annex 4, had been approved by the ISWG for submission to the Joint ICAO/IMO Working Group (JWG) on Harmonization of Aeronautical and Maritime Search and Rescue, which was due to meet in Hong Kong, China, in September 2002.

4.29 The Committee considered a draft revised Recommendation on performance standards for ship security alert system installations, prepared by the United States (MSC 76/4/2) and based on the one approved by NAV 48 and ISWG which met in September 2002 along with minor additional changes, for consideration by the Committee.

4.30 The Committee, endorsing the ISWG's action in referring document MSC 76/ISWG/WP.5, annex 4 to the aforementioned JWG for consideration and appropriate action and, taking into account the relevant part of the report of that working group (MSC 76/4/3) (which had not come up with the requested guidance but had, instead, raised a number of fundamental issues which required further advice and debate before any firm decisions were made), noted that, in the view of the JWG, the existing guidance in MSC/Circ.967 covered the maritime security incident scenario and that it had been drafted with such concerns in mind to address piracy/armed robbery attacks and other security threats, such as terrorist attacks.

4.31 The Committee, having considered also documents MSC 76/4/10, paragraph 5 (ICCL) and MSC 76/4/13, paragraph 9 (Norway), agreed, in principle, to a proposal by Norway to add a new paragraph 7 to regulation XI-2/5, clarifying that compliance with that regulation may be also achieved by using existing radio installations required in accordance with SOLAS chapter IV of the Convention.

4.32 The Committee also agreed, in principle, that a performance standard was needed for new equipment and that such a standard should be approved at the current session. It, therefore, instructed a drafting group to finalize it on the basis of the text provided in document MSC 76/4/2 (United States), taking into account the comments made in plenary, for adoption by means of an MSC resolution. Having considered the report of the drafting group (MSC 76/WP.8), the Committee adopted resolution MSC.136(76) on Performance standards for ship security alert systems, set out in annex 5.

4.33 The Committee requested COMSAR 7 to consider the performance standard, as it may be adopted, and advise MSC 77 whether any amendments thereto were necessary.

Control

4.34 The Committee noted the ISWG's discussion on the "control" issue and the group's decision to leave draft regulation XI-2/9 in square brackets for the Conference to decide.

4.35 Noting that the issue of "control" had not been exhaustively dealt with so far, the Committee had a brief discussion on the new text in the light of the newly developed guidance in part B, and the proposals submitted thereon in documents MSC 76/4/6, paragraph 4 (ICFTU); MSC 76/4/7, section 4 (Denmark *et al.*); MSC 76/4/10, paragraphs 6 and 7 (ICCL); MSC 76/4/13, paragraph 11 (Norway); MSC 76/4/15 (United States); MSC 76/4/18, section 4 (ICS *et al.*); MSC 76/4/20, section 8 (ICS *et al.*); MSC 76/4/22, annex, regulation 9 (Argentina); MSC 76/4/23 (Turkey) and SOLAS/CONF.5/11, paragraphs 11 to 14 (Japan).

4.36 The Committee agreed, in principle, to endorse the fundamental elements of draft regulation XI-2/9, as currently drafted, namely control measures under 9.1 when the ship is in ports, and control measures under 9.3 when the ship has indicated its intention to enter into port.

4.37 The Committee agreed, in principle, that the right to inspect a ship intending to enter into port under SOLAS chapter XI-2 should only apply within the outer boundaries of the coastal State's territorial sea, noting that, under other customary and international law(s), States are not prevented from inspecting ships outside the territorial sea boundaries.

4.38 The Committee, noting that proposals relating to the issue of "clear grounds" had been withdrawn, further noted that appropriate relevant guidance would be developed in part B of the ISPS Code.

4.39 The Committee instructed the MSWG to consider any proposals relating to draft regulation XI-2/9 in the light of the above decisions, on the understanding that amendments proposed to regulations XI-2/9.1.1, 9.2.1.3, 9.2.3 and section A/4.27.2 were not considered to be matters of principle and should be addressed by the MSWG accordingly.

4.40 The delegation of Cyprus expressed the view that following next week's Conference, as a post-Conference action, the Committee should consider aligning and consolidating all SOLAS control provisions in SOLAS chapter I only.

Definition of "port"

4.41 The Committee endorsed the ISWG's decision to leave the definition of "port" in draft regulation XI-2/1.9 in square brackets for the Committee or the Conference to decide and considered new, related proposals in documents MSC 76/4/7, section 2.2 (Denmark *et al.*); MSC 76/4/19, section 1.1 (ICS *et al.*) and MSC 76/4/22, annex, regulation 1 (Argentina)

4.42 The Committee agreed, in principle, to the proposal by Denmark *et al.* (MSC 76/4/7, section 2.2) to delete the definition of "port" from SOLAS regulation XI-2/1.1 and to expand the definition for "port facilities", as appropriate. To this effect, it instructed the MSWG to prepare necessary amendments, taking into account any other consequential amendments and to ensure that the term "port" used in draft regulation XI-2/9 is used in the same context and meaning as in regulation I/19.4.

Information on competent authorities

4.43 The Committee endorsed the ISWG's recommendation that the details of competent authorities responsible for maritime security should be updated more frequently in the future, namely, at six months' intervals, and instructed the Secretariat accordingly.

Resolution A.917(22)

4.44 The Committee endorsed the ISWG's decision that the Guidelines for the onboard operational use of AIS (resolution A.917(22)) should be amended; and instructed NAV 49 accordingly, authorizing the Sub-Committee to submit the draft amended Guidelines and associated draft Assembly resolution directly to the twenty-third session of the Assembly.

Long-range identification and tracking

4.45 Noting the ISWG's discussion on the issue of long-range identification and tracking, the Committee, taking also into account document MSC 76/4/21 (ICS *et al.*), agreed, in principle, to consider the Immarsat-C polling as a system for long-range tracking and identification, subject to further study by the NAV and COMSAR Sub-Committees, which were instructed to proceed accordingly.

4.46 In considering the draft Conference resolution on Early implementation of long-range ship identification and tracking, the Committee referred it to the MSWG for elaboration together with the ICS *et al.* proposal.

Draft amendments to SOLAS and part A of the draft ISPS Code

4.47 In considering the revised draft texts of proposed amendments to SOLAS regulation V/19.2.4 and chapters XI-1 and XI-2 and the draft part A of the ISPS Code, the Committee, having briefly discussed proposals and comments made, approved the draft texts, which had been submitted to the current session as documents MSC 76/4/1, annexes 1 and 2 and to the Conference under symbols SOLAS/CONF.5/3/Rev.1, SOLAS/CONF.5/4/Rev.1, as amended by its earlier decisions; and referred them to the MSWG for finalization and submission, through the Committee, to the Conference for adoption.

Ships manning levels

4.48 The Committee considered document MSC 76/4/5 by the Philippines, proposing that manning and crew levels on board should be considered in view of the added responsibilities for an SSO and previous changes in responsibilities and resulting manning level changes (e.g. GMDSS introduction and the subsequent loss of the radio officer); and that an officer or rating, either being an additional or existing complement, could serve as the administrative/ship security/communications/electronic maintenance officer to assist the master in his numerous administrative tasks.

4.49 The Committee agreed to forward the proposal by the Philippines (MSC 76/4/5) to the MSWG for further elaboration in the context of the principles of safe manning contained in resolution A.890(21); and to advise the Committee on further action on this matter.

Human element and shore leave

4.50 The Committee agreed, in principle, to the concept of a draft Conference resolution proposed by ICFTU in document MSC 76/4/6, annex and referred it to the MSWG for finalization and advice to the Committee which issues, if any, needed to be pursued further by the Committee in this context.

Attacks on ships

4.51 The Committee agreed, in principle, that the issue of attacks on ships should be regulated in SOLAS chapter XI-2 as well as parts A and B of the ISPS Code; and instructed the MSWG to prepare appropriate amendments based on document SOLAS/CONF.5/10.

Remaining topics

4.52 The Committee referred the following documents and topics to the MSWG for consideration: MSC 76/4/11 and MSC 76/4/12 (Republic of Korea) – verification; MSC 76/4/13, paragraphs 7, 8, 21, 22 and 23 (Norway) – master's discretion – training and drills – verification; MSC 76/4/18, paragraphs 2.1 and 2.2 (ICS *et al.*) – master's discretion; MSC 76/4/14 (BIMCO *et al.*) – training of armed forces; MSC 76/4/19, section 5 (ICS *et al.*) – training and drills; MSC 76/4/10, paragraphs 12 and 13 (ICCL) – training and drills; and SOLAS/CONF.5/11, paragraph 15 (Japan) - SSP and ISM Code.

Conference resolutions

4.53 The Committee approved the draft Conference resolutions as agreed to by the ISWG, which had also been submitted to the Conference under symbol SOLAS/CONF.5/5 and Corr.1, and referred them together with the draft Conference resolution proposed by ICFTU in the annex to document MSC 76/4/6 to the MSWG for finalization and submission, through the Committee, to the Conference for adoption.

Work plan

4.54 The Committee noted that the ISWG had made no changes to the work plan and time frame for further work, which had been approved by MSC 75.

ILO security-related progress

4.55 The Committee noted the information provided by ILO at ISWG, which met in September 2002, on preparatory activities relating to the anticipated joint ILO/IMO working group on the elaboration of a complementary Code, covering all issues relating to security in port areas; as well as information on progress made thus far on the seafarer ID and other security-related issues (MSC 76/INF.22); and expressed appreciation to ILO for that Organization's expeditious action.

Cargo security

4.56 The Committee noted with appreciation the information provided by ISO in document MSC 76/4/9 and the oral update on the progress made on security-related matters and, in particular, on container sealing.

Ship identification number

4.57 The Committee considered document MSC 76/4/24 by ICS *et al.* (also submitted to the Conference under symbol SOLAS/CONF.5/8) and, recalling the decision of MSC 75 and the MSWG to approve the draft amendments to SOLAS regulation XI-1/3 on Ship identification number and not to accept an oral compromise proposal by ICCL to limit this requirement to ships under 10,000 gross tonnage, agreed to endorse the MSC 75 decision to approve the draft amendments to SOLAS regulation XI-1/3, as drafted, since no new arguments had been raised and the majority view was still the same.

Acceleration of the implementation date of AIS

4.58 The Committee considered document MSC 75/17/4 by ICS *et al.*, which had been deferred to the current session and was related to document SOLAS/CONF.5/9, submitted to the Conference, expressing caution with regard to the acceleration of the AIS implementation date, and agreed to leave it to the Conference to decide thereon.

Review of the SUA Convention

4.59 The Committee noted that LEG 85 (MSC 76/4/4) had continued its work on the review of the 1988 Rome SUA Convention and Protocol in the context of the work requested by resolution A.924(22).

Co-operative G8 Action on Transport Security

4.60 The Committee noted circular letter No.2425 of 24 October 2002 advising that the G8 leaders, at their summit at Kananaskis, Alberta (Canada), in June 2002, had focused on the issue of terrorism and the need to protect shipping against terrorist attacks, recognizing, at the same time, IMO's role in this world effort.

Establishment of the Maritime Security Working Group

4.61 In approving the report of the ISWG in general, the Committee agreed to reconvene the Maritime Security Working Group to consider all documents submitted under this agenda item, taking into account the in-principle and other decisions made in plenary (document MSC 76/WP.7) and, in particular, to review:

- .1 the proposed draft amendments to SOLAS regulation V/19.2.4;
- .2 the proposed draft amendments to SOLAS chapters XI-1 and XI-2;
- .3 the proposed draft International Ship and Port Facility Security (ISPS) Code, mandatory part A;
- .4 the proposed draft Conference resolutions, as appropriate; and
- .5 if sufficient time was available, also the recommendatory part B of the ISPS Code (on the understanding that, if the MSWG did not have sufficient time to consider part B of the ISPS Code, the MSWG Chairman would convene a meeting on Friday, 6 December, with interested delegations and the Secretariat, to consider part B and prepare a consolidated document/ revised text for submission directly to the Conference on Monday, 9 December).

Action after conclusion of the working group's work

4.62 Having received the report of the Maritime Security Working Group (MSC 76/WP.12 and Add.1 to 3), the Committee noted the actions taken on the various documents and proposals submitted and the outcome of the group's considerations, as referred to in its report (MSC 76/WP.12), which it approved in general and, in particular:

- .1 approved for submission to the Conference for adoption:
 - .1 the proposed draft amendments to SOLAS chapters V, XI-1 and XI-2, as set out in document MSC 76/WP.12/Add.1, annex 1;
 - .2 the proposed draft part A of the ISPS Code, as set out in document MSC 76/WP.12/Add.2, annex 2; and
 - .3 the proposed draft Conference resolutions, as set out in document MSC 76/WP.12/Add.3, annex 3;
- .2 noted the convening, on 6 and 7 December 2002, of an informal group to review part B of the ISPS Code and agreed to it forwarding the outcome of its deliberations directly to the Conference once it had been sponsored by one or more SOLAS Contracting Governments (see paragraph 4.8); and
- .3 instructed STW 34 to review relevant parts of resolution A.890(21) in the light of draft Conference resolution [3] (Further work by the International Maritime Organization pertaining to the enhancement of maritime security), if adopted (see also paragraph 20.60.1.1).

4.63 The Committee, noting, in particular, the provisions of draft regulation XI-2/9.2.3 pertaining to the period of time for information to be kept on board, in accordance with draft regulation XI-2/9.2.1, recognized that this was the result of a combination, by MSWG, of proposals by Denmark *et al.* (MSC 76/4/7, paragraph 44.5.1) and ICCL (MSC 76/4/10).

4.64 The Committee noted that, with regard to the provision of draft regulation XI-2/7.3 pertaining to the ban of ship-to-ship activities with ships not covered by the alternative security arrangements under that regulation, specific guidance would be developed by the informal group for inclusion in part B of the ISPS Code for further consideration by the Conference.

4.65 The Committee noted that the delegation of Canada intended to submit to the Conference a proposal relating to the disclosure and disposal of personal information.

4.66 The Committee instructed the Secretariat to forward the approved draft amendments to SOLAS chapters V, XI-1 and XI-2, the text of the draft ISPS Code and the draft Conference resolutions to the Conference for adoption and recommended that they should be used as basic documents.

4.67 The Committee expressed deep appreciation to the MSWG and, in particular, to its Chairman, Mr. F. Wall (United Kingdom) and the Chairman of the drafting group, Mr. N. Charalambous (Cyprus), for the work achieved within such a short period of time and wished a successful outcome to the 2002 SOLAS Contracting Governments Conference on Maritime Security.

4.68 The delegation of the United States expressed gratitude to the Committee, the members of the MSWG and everyone with a contribution to the very important mission at hand looking forward to a successful completion of the tremendous effort made at the forthcoming Conference. In that delegation's view, significant progress had been made in developing meaningful requirements to enhance maritime security worldwide in a very short period of time, which was an extraordinary accomplishment unequalled by any United Nations organization. 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 had participated at the various *ad hoc* meetings convened over the last 12 months.

5 BULK CARRIER SAFETY

GENERAL

5.1 The Committee recalled that, in considering this item, MSC 75 had addressed matters arising from reports concerning the bulk carrier **Derbyshire** together with FSA studies on bulk carrier safety and had agreed, in principle, that the Working Group on Bulk Carrier Safety should be re-established at this session to continue debating these matters with the aim of developing a final list of recommendations for decision-making.

5.2 Following a general introduction into the work on bulk carrier safety carried out by MSC 75 and SLF 45 (MSC 76/5), 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 those concerning alternative means of sealing up spurling pipes, chain locker access and construction drawings and other plans to be kept on board. The outcome of DE 45 on these matters is reported under section 8 (Ship design and equipment).

FSA STUDIES ON BULK CARRIER SAFETY

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

- .1 the United Kingdom, as co-ordinator of an international collaborative FSA study on bulk carrier safety, presenting the final report of the said study together with several supporting documents (MSC 76/5/5, MSC 76/5/3, MSC 76/5/4, MSC 76/INF.5, MSC 76/INF.6, MSC 76/INF.7 and MSC 76/INF.8);
- .2 the United Kingdom, urging the Committee to approve, as a minimum, the eight specific risk control measures (RCM) proposed in document MSC 76/5/17, giving top priority to the RCMs listed in paragraphs 28.1 to 28.5 thereof; and proposing two additional risk control options addressing strength requirements for transverse watertight bulkheads (MSC 76/5/8);
- .3 Japan, presenting the results of a comprehensive study on hatch cover-related casualty data (MSC 76/5/13 and MSC 76/INF.17); and commenting respectively on the conclusions presented in document MSC 74/5/5 regarding immersion suits and free-fall lifeboats (MSC 76/5/14 and MSC 76/5/15);
- .4 Greece, recommending proper assessment of the pros and cons of double-side-skin construction (MSC 76/5/9); and outlining Greece's views on the outcome of the various FSA studies (MSC 76/5/19);

- .5 Spain, analysing the problems related to ship/loading terminal interface (MSC 76/5/1); and presenting a practical assessment of the difficulties and possible effects of implementing certain risk control options (MSC 76/5/2);
- .6 the Marshall Islands, making proposals to improve bulk carrier safety in the light of the hull envelope structural failure of the m.v. **Lake Carling**^{*}, including amendments to the recommendations for decision-making (MSC 76/5/16 and MSC 76/INF.9);
- .7 IBTA, commenting on document MSC 76/5/1 (MSC 76/5/11);
- .8 INTERCARGO, commenting specifically on double-side-skin construction (MSC 76/5/6);
- .9 ICS, commenting on the decision-making process and the interface between class rules and IMO regulations (MSC 76/5/18); and
- .10 IACS, advising on progress made with respect to the actions taken by IACS to improve bulk carrier safety (MSC 76/INF.19); providing initial conclusions of the IACS project team for side shell integrity (MSC 76/INF.21); and presenting a glossary of FSA terms (MSC 76/INF.3).

5.4 Regarding the progress made by IACS concerning the revision of UR S21, the IACS observer appreciated the Committee's forbearance in accepting document MSC 76/5/20 for consideration, although it had been submitted only a few days before the session, and explained the main features of the latest version of UR S21 (rev. 2), as presented in the document.

5.5 With respect to the proposal by the Marshall Islands to amend the preliminary list of recommendations for decision-making (MSC 76/5/16, paragraph 15), the Committee considered it inappropriate at this juncture, given that the proposed additional measures emanate from an accident investigation rather than an FSA study. As to the proposal to consider the loading rate as it impacts vessel stress characteristics in the development of the proposed Manual on loading and unloading of solid bulk cargoes for terminal representatives (MSC 76/5/16, paragraph 17), which, if agreed, might be referred to the DSC Sub-Committee for appropriate action, the Committee noted that DSC 7 had sought the advice of the Committee on whether work on this Manual should be continued (see also paragraphs 5.50, 5.51, 13.21 to 13.28 and 20.10).

Recommendation on the FSA decision-making process

5.6 The Committee considered a further submission by Japan (MSC 76/5/12), proposing a number of considerations on the decision-making process when independent FSA studies show different final recommendations and, recognizing that the Japanese proposals went beyond the issue of bulk carrier safety, agreed that the document, together with comments thereon and any proposals to amend the FSA Guidelines, as might be submitted by Members and international organizations, should be considered under the item on "Formal safety assessment" when it is reinstated in the Committee's agenda.

* The report on the investigation into the m.v. **Lake Carling** casualty is available on the following website: <http://www.register-iri.com/investigation> reports/LAKE CARLING.doc.

Comments on the FSA-related issues

5.7 Following a general exchange of views on the documents presented relating to the FSA studies on bulk carrier safety, the Committee agreed that:

- .1 after several years of intense work on the subject, the time had come for it to make appropriate decisions aimed at safeguarding further the lives of all those serving on bulk carriers;
- .2 the consideration of the proposed recommendations for decision-making should be based on sound technical principles, giving priority to those measures which, combined with others addressing common or related issues, would provide the highest reduction of risk;
- .3 the group's work should be directed towards preparing measures to be applied on new ships first and then repeated on existing ships as appropriate;
- .4 the effect of risk control measures already implemented should be taken into account; and
- .5 consideration of safety measures for bulk carriers less than 150 m in length should be deferred to MSC 77.

The technical issues were referred to the working group for detailed consideration.

OTHER MATTERS RELATED TO BULK CARRIER SAFETY

5.8 In dealing with other matters related to bulk carrier safety, the Committee noted three documents submitted by the United Kingdom (MSC 76/INF.10, MSC 76/INF.11 and MSC 76/INF.12), reporting on various aspects of an extensive model test programme on bulk carrier hatch cover loading, and agreed to take them into consideration also when dealing with some of the draft amendments to the 1988 LL Protocol (see also paragraphs 5.17.2 and 12.11).

5.9 The Committee considered a submission by Greece (MSC 76/5/10), emphasizing the need to ensure the building of robust bulk carriers and tankers and suggesting action to be taken by the Committee, classification societies, shipyards and Governments of States where shipyards are located. Subsequently, the delegations of Greece and the Bahamas, recalling the outcome of consideration of document C 89/12/1 (Bahamas and Greece) by the eighty-ninth session of the Council (as reported in document MSC 76/2/Add.1, paragraph 7) (see also paragraph 2.2), stated that they would submit further proposals on the subject to MSC 77 for an in-depth discussion as suggested by the Council.

5.10 The Committee noted information provided by Norway in document MSC 76/INF.15, supplemented by a presentation, on the main safety features of a novel bulk carrier design based on a sandwich construction.

5.11 With regard to the comments on proposed new SOLAS regulations XII/12 and XII/13 submitted by BIMCO and ICS (MSC 76/5/7), the Committee agreed to review the document under agenda item 3, when the proposed new regulations are considered for adoption (see also paragraph 5.17.3).

AMENDMENTS TO THE 1988 LOAD LINE PROTOCOL

5.12 The Committee noted that SLF 45, had, *inter alia*, invited the Committee to consider proposed amendments to Annex B to the 1988 Load Line Protocol, in particular the figures and expressions in square brackets within the proposed regulation 16-1 (Hatch covers), with a view to approval this time and subsequent adoption at MSC 77.

5.13 Subsequently, the Committee agreed that, rather than discussing in plenary the aforementioned unresolved issues under agenda item 12 (Stability, load lines and fishing vessel safety), under which the report of the SLF Sub-Committee would be reviewed, those issues should be considered under this agenda item and then referred to the working group for detailed consideration, given their affinity with some of the other matters to be dealt with by the group under the bulk carrier safety banner.

Design wave loads

5.14 The Committee considered documents submitted by the United Kingdom (MSC 76/12/2 and Corr.1), proposing a way of resolving the problem of upper and lower values for design wave loads; and Japan (MSC 76/12/4), proposing to correct the wave load value for ships assigned reduced freeboard.

5.15 Having debated this issue in principle, the Committee referred the matter to the working group for detailed consideration, instructing it to develop agreed design wave load values for hatch cover strength under draft LL Protocol regulation 16-1, using the proposals contained in document MSC 76/12/2 as the basis for those values, taking also into consideration, if necessary, documents MSC 76/INF.10, MSC 76/INF.11 and MSC 76/INF.12.

Reserve buoyancy

5.16 The Committee considered documents submitted by Japan (MSC 76/12/3 and Corr.1), commenting on the draft reserve buoyancy requirements introduced in proposed regulation 39 – Minimum bow height and reserve buoyancy, and by China (MSC 76/12/5), supporting the retention of the proposed requirements regarding reserve buoyancy. Following some debate, the Committee agreed to retain the reserve buoyancy provisions and requested the working group to consider further the text proposed by the SLF Sub-Committee and advise plenary of the outcome.

RECONVENING OF THE WORKING GROUP ON BULK CARRIER SAFETY

5.17 As decided at MSC 75, the Committee reconvened the Working Group on Bulk Carrier Safety with the following terms of reference:

With respect to the FSA studies on bulk carrier safety:

- .1 taking into account any decisions made in plenary, to consider documents MSC 76/5, MSC 76/5/1, MSC 76/5/2, MSC 76/5/3, MSC 76/5/4, MSC 76/5/5, MSC 76/5/6, MSC 76/5/8, MSC 76/5/9, MSC 76/5/11, MSC 76/5/12, MSC 76/5/13, MSC 76/5/14, MSC 76/5/15, MSC 76/5/16, MSC 76/5/17, MSC 76/5/18 and MSC 76/5/19, noting, at the same time, documents MSC 76/INF.3, MSC 76/INF.5, MSC 76/INF.6, MSC 76/INF.7, MSC 76/INF.8, MSC 76/INF.9, MSC 76/INF.10, MSC 76/INF.11, MSC 76/INF.12, MSC 76/INF.17 and MSC 76/INF.21, with a view to:

- .1 examining the preliminary list of recommendations for decision-making agreed at MSC 75 (MSC 76/5), together with comments thereon and proposed new recommendations submitted to this session;
- .2 developing an agreed draft final list of recommendations for decision-making, trying to combine the recommendations addressing common issues and which may complement each other and considering first those measures which would provide the highest reduction of risk, starting with new ships;
- .3 identifying the IMO bodies which should undertake any regulatory action emanating from each of the agreed recommendations; and
- .4 preparing a work schedule specifying the number of sessions needed by each of the IMO bodies identified under subparagraph .3 above and a proposed target date for submission of their findings to the Committee for consideration;

with respect to the proposed amendments to the 1988 LL Protocol:

- .2 taking into account any decisions made in plenary on the subject, to consider documents MSC 76/12 (paragraph 2.3), MSC 76/12/2 and Corr.1, MSC 76/12/3 and Corr.1, MSC 76/12/4, MSC 76/12/5 and MSC 76/5/20, referring where necessary to documents MSC 76/INF.10, MSC 76/INF.11 and MSC 76/INF.12, with a view to:
 - .1 arriving at agreed design wave load values for hatch cover strength under draft regulation 16-1, using the proposals contained in document MSC 76/12/2 as the basis for the wave load values;
 - .2 developing an agreed expression to replace the words “in any sea conditions” in draft regulation 16-1(8); and
 - .3 considering the matter of reserve buoyancy under draft regulation 39 and advising plenary accordingly; and

with respect to document MSC 76/5/7:

- .3 to consider whether a performance standard for the hold, ballast and dry space water ingress alarms required by new draft SOLAS regulation XII/12 is needed and advise plenary accordingly.

REPORT OF THE WORKING GROUP

5.18 Having received the report of the working group (MSC 76/WP.16), the Committee approved it in general and took action on matters referring to the FSA studies on bulk carrier safety as reflected in the ensuing paragraphs. The decisions made with respect to the amendments to the 1988 LL Protocol are reported in paragraphs 12.10 to 12.20).

General remarks regarding the FSA process

5.19 The Committee noted that, during the working group's deliberations, the delegation of Liberia had stressed strong support for the initiatives to enhance the safety of bulk carriers and the positive impact that FSA has had in the IMO rule-making process. However, the delegation of Liberia had expressed concern regarding the need for better background discussion of risk control options (RCOs) prior to recommending adoption by the Committee and had brought the group's attention to Step 5 of the FSA approach: the decision-making process. Decision-making was based upon the results of the FSA and other factors that may influence the decision. In order for decision makers to properly consider an RCO assumption, uncertainties, methodologies and any other important factors that may influence the decisions should be properly summarized and communicated both verbally and in writing. The delegation of Liberia would hope that this issue will be properly considered for future FSA's to allow for greater transparency and facilitate the decision-making process.

5.20 The delegation of China expressed the view that, although much work had been accomplished with respect to the various FSA studies on bulk carrier safety, the exercise was not yet complete in as much as the potential risk reduction of combined RCOs had not been calculated with sufficient rigour, in accordance with the FSA Guidelines (MSC/Circ.829-MEPC/Circ.335). Therefore, they would have preferred to see the chosen recommendations for decision-making justified more transparently by risk reduction figures.

5.21 A number of delegations, while agreeing with the principle stated by the delegations of China and Liberia, recognized that the recommended RCOs proposed by the group represented a package of measures which would contribute substantially to the enhancement of bulk carrier safety, although special attention would have to be paid to existing ships, and to making sure that lessons learnt are fully taken into account.

5.22 The delegation of the United Kingdom, though, supported by the majority of the delegations who spoke, commended the work accomplished by the group and expressed satisfaction with the way the whole of the FSA process had been conducted over the years, including the closing stages during the current session. Transparency had been shown throughout in all of the FSA studies conducted, as demonstrated by the large number of documents and progress reports submitted at every stage in the process. In the case of the international FSA effort, a Project Steering Board comprising of representatives from all the Members and international organizations taking part in the exercise had added an extra level of transparency. Furthermore, with reference to annex 2 to document MSC 76/5/5, it was clear that the FSA Guidelines had been followed in grouping the various risk control measures to arrive at the recommended RCOs. According to that delegation, the time had come for the Committee to take appropriate decisions and move forward with all possible urgency.

5.23 The Chairman, in summarizing the above general remarks, stated that the subject of bulk carrier safety had attracted considerable debate over the years and that never before had there been available so much background material on which to take decisions. However, it was essential to note that the FSA process was not a decision-maker but an important tool in decision-making. The progress to date was a crucial step in the right direction and the lessons learned would allow the FSA Guidelines to be refined further when the subject was back in the Committee's agenda.

Consideration of the preliminary list of recommendations

5.24 The Committee considered, separately at first, the preliminary recommendations for decision-making agreed at MSC 75 (MSC 76/5, paragraph 5), together with all the comments thereon submitted to this session and the observations made in plenary, and also the additional recommendations presented to this session in documents MSC 76/5/5, MSC 76/5/8, MSC 76/5/16 and MSC 76/5/17.

Double hull (B5): Double-side-skin construction

New ships

5.25 The Committee reviewed the recommendation to require double-side-skin construction for all new bulk carriers of 150 m in length and upwards, taking also into account comments made on the subject in documents MSC 75/5/2, MSC 76/5/4, MSC 76/5/5, MSC 76/5/6, MSC 76/5/9 and MSC 76/5/17 and other observations made orally, and agreed to the recommendation, which should be implemented by amending the relevant provisions in SOLAS chapter XII and other chapters as necessary. Although not opposing the above decision, a few delegations, however, did not agree to making double-side-skin construction mandatory mainly because there were still some technical requirements which should be further considered. In arriving at the conclusion opting for double-side-skin construction, the Committee agreed that the principle of one-compartment standard should be preserved and that there was a need to develop uniform international technical standards for double-side-skin construction and for coatings (see also paragraph 5.28 below), preferably in collaboration with IACS, as well as to consider the width of the double hull space as it affects the provision of adequate access for inspection and maintenance.

5.26 The Committee agreed also that when developing the relevant requirements, consideration should be given to the impact of other related issues, such as the role of the double hull spaces and their treatment, strength of the inner skin and others, and requested the DE Sub-Committee to develop the necessary draft amendments to the SOLAS Convention, taking into consideration the group's related concerns as reflected in the previous paragraph.

Improved coating (A6/B7): Controls and/or performance standards for protective coatings in relation to compatibility with cargoes

New ships

5.27 In considering this risk control option, the Committee noted that SOLAS regulation II-1/3-2 made the coating of dedicated seawater ballast tanks mandatory for oil tankers and bulk carriers, with reference to the Guidelines for the selection, application and maintenance of corrosion prevention systems of such tanks (resolution A.798(19)); and admitted that by extending that requirement to cargo holds, serious problems could be introduced, bearing in mind that cargoes can react distinctly to different coatings.

5.28 Therefore, the Committee agreed that new ships, which would be of double-side-skin construction, should only be required to have their dedicated seawater ballast tanks and void spaces within double hull spaces coated according to current SOLAS requirements for ballast spaces and leave the coating of cargo holds to be addressed by class and the shipowner. Notwithstanding the aforementioned Guidelines, the Committee considered that there was a need for international performance standards for coatings, as referred to in paragraph 5.25 above, and

requested the DE Sub-Committee to develop the mentioned standards, to which IACS and other interested Members and international organizations were invited to contribute.

Existing ships

5.29 With respect to existing ships, the Committee, recognizing the importance of maintaining the coatings, if applied, in good condition throughout the commercial life of the ship, acknowledged that at present there was sufficient control over the condition of coatings through the enhanced survey programme (resolution A.744(18) as amended) and, therefore, agreed that this risk control option should be addressed by class and the shipowner.

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

New and existing ships

5.30 In reviewing this recommended option, the Committee noted that, although there were industry shipbuilding and repair standards available, these were only utilized when the repairs were carried out under class supervision. On some occasions, however, ships were being repaired without notifying class (despite the owner's obligation to do so), with no records documenting when or where the repairs had been carried out or whether the ship was afloat or in dry dock.

5.31 Subsequently, the Committee agreed that shipowners and operators should be reminded of their obligations by means of an MSC circular referring to their responsibilities under SOLAS regulation II-1/3-1, concerning, *inter alia*, the provision that ships shall be maintained in accordance with the structural requirements of recognized classification societies, and other related management obligations under the ISM Code. The Committee requested the DE Sub-Committee to prepare a draft MSC circular to that effect.

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 corrosions identified in the historical casualty record into account

New ships

5.32 Recalling its earlier decision to require double-side-skin construction for all new bulk carriers, the Committee considered that this risk control option was not relevant to double hull bulk carriers since the hold frames would face the double hull space and not be in contact with the cargo. Therefore, the Committee agreed that no action should be taken on this option.

Forecastle (IACS): Superstructure at fore end

New ships

5.33 The Committee noted information provided by IACS on the on-going development of Unified Requirement S28, requiring the fitting of a forecastle on bulk carriers contracted for construction on or after 1 January 2004 with the purpose of protecting foredeck fittings against green sea loads and minimizing the impact of such loads on fore hatch covers.

5.34 The Committee also noted that, while the fitting of a forecastle as such was not an IMO requirement, draft LL Protocol regulation 39 on Minimum bow height and reserve buoyancy would require additional reserve buoyancy forward consistent with the provision of some sheer and/or a forecastle.

Bulwark/Breakwater (A8): Structures designed to reduce the impact of green sea loads away from vulnerable hatches and foredeck equipment

Existing ships

5.35 The Committee considered that this risk control option was not applicable to new ships and neither was cost-effective for existing ships. Therefore, the Committee agreed that it should not be pursued.

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

New and existing ships

5.36 The Committee recognized that new bulk carriers, with their double hulls, would be more tolerant in keeping any stresses induced by loading operations at permissible levels and, therefore, this would be less of a problem for new ships. In the case of existing ships, though, it was important to take into account the compatibility of loading rates in modern terminals with the ship's de-ballasting capability. However, redesigning of the ballast system in existing ships would not be cost-effective and, therefore, the Committee agreed that this risk control option should not be taken up. Instead, these potential problems should be addressed by improving ship/shore communications in advance (see also paragraph 5.50).

5.37 In that connection, the Committee noted that IACS would be issuing UR S25 to establish harmonized notations and corresponding design loading conditions with appropriate safety margins.

Protection of foredeck fittings (A46): Reposition vents and foredeck fittings close to bulwarks to provide protection from mountainous seas, extending existing bulwarks where necessary

5.38 This recommendation was considered in conjunction with a related risk control option emanating from the FSA conducted by IACS (see paragraph 5.42).

Hold frames equivalent to UR S12 (IACS): Hold frames of existing bulk carriers that do not comply with UR S12 should be strengthened equivalent to UR S12

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

Corrosion control of hold frames (Japan RCO52): Hold frames should be replaced earlier than is current practice, using reduced diminution allowances for existing frames

Existing ships

5.39 Given that the above three risk control options addressed inter-related issues, the Committee decided to consider them together, paying special attention to the first one, since it embraced the main features of the other two.

5.40 The Committee noted that IACS had just issued UR S31 containing renewal criteria for side shell frames in single-side-skin bulk carriers not built in accordance with UR S12 as revised, and being advised that it did not conflict with resolution A.744(18) but that it supplemented it with respect to side shell frames, agreed that application of UR S31 should be recommended. The Committee agreed that, in order to cater also for the ships not classed by IACS members, Governments should be urged to ensure that UR S31 is applied to ships flying their flags, whether or not they are classed with a classification society being member of IACS and instructed the DE Sub-Committee to include also UR S31 in the draft MSC resolution referred to in paragraph 5.42.

Hatch cover equivalent to UR S21 (IACS) (also A1): Replacement or reinforcement of hatch covers forward of 0.25L of existing bulk carriers to be equivalent to UR S21

Existing ships

5.41 The Committee considered that this risk control option was not cost-effective for existing ships and, therefore, agreed that it should not be pursued.

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

New and existing ships

5.42 The Committee noted that this risk control option had been adopted by IACS through Unified Requirements S26 and S27 and agreed that its application should be recommended. The Committee further agreed, as per paragraph 5.40, that Governments should be urged to ensure that the appropriate URs are applied to ships flying their flags, whether or not they are classed by a classification society being member of IACS and instructed the DE Sub-Committee to develop an MSC resolution to that effect. This recommendation was considered in conjunction with that referred to in paragraph 5.38 above.

Redesign/reinforcement of hatch cover (A3): Redesign of hatch covers and securing mechanisms to withstand both vertical and horizontal loads

Existing ships

5.43 While recognizing that replacing hatch covers in existing ships would not be cost-effective, the Committee agreed that more attention should be paid to hatch cover securing mechanisms and the issue of horizontal loads only, especially with regard to maintenance and frequency of inspection. Consequently, the Committee agreed further that shipowners and operators should be made aware of the need to implement regular maintenance and inspection procedures for closing mechanisms in existing bulk carriers in order to ensure proper operation and efficiency at all times, and instructed the DE Sub-Committee to develop standards for hatch cover securing arrangements for existing ships and that IACS UR S21 and IACS Recommendation 14 could be used as a starting point for discussion.

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

New and existing ships

5.44 The Committee discussed at some length the practicalities of installing a hatch cover status indication system in both, new and existing ships and, although some modern closing devices, such as auto-cleating systems, incorporated indication capability, these were rare by comparison with the traditional manually-operated systems. On the other hand, retrofitting of indication systems on existing hatch covers was considered to pose problems relating, among other things, to the ability of the retrofitted device to withstand the harsh environment. Therefore, noting that indication of water entry would otherwise be provided under new SOLAS regulation XII/12 and that this would afford effective warning (see also paragraph 5.45), the Committee agreed that this risk control option should not be taken up.

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 spaces

New and existing ships

5.45 The Committee noted that new SOLAS regulation XII/12 on Hold, ballast and dry space water ingress alarms, which would apply to bulk carriers regardless of their date of construction, had been adopted by the Committee at this session and, therefore, was satisfied that the above risk control option would be implemented once regulation XII/12 entered into force on 1 July 2004. However, the Committee decided (see also paragraphs 3.18 and 5.17.3) that there was a need for performance standards against which the operation and efficiency of the water ingress alarms could be measured and, at the same time, it was conscious of the urgent need to develop the standards in good time before the above entry-into-force date.

5.46 The Committee, therefore, instructed DE 46 to develop the performance standards and submit a report on the outcome of its deliberations to MSC 77 with a view to adopting the performance standards at that session. To that end, the Committee also invited interested Members and international organizations to submit relevant proposals to DE 46.

Immersion suits (Norway/ICFTU): Personal immersion suits for all personnel on board

New and existing ships

5.47 After some debate, the Committee agreed that this risk control option could be pursued for both new and existing ships, although it recognized that the option would be more cost-effective for existing ships, given all the safety features being introduced for new ships, but decided to adopt it also for new ships to avoid possible confusion among crews moving from an existing ship to a new one and vice versa. Thus, the Committee instructed the DE Sub-Committee to develop relevant draft amendments to SOLAS chapter III and/or the LSA Code accordingly.

Free-fall lifeboats (with a float-free mode) (E1) (Norway/ICFTU): Single free-fall survival craft with float-free capability enabling rapid evacuation of crew from ship

New ships

5.48 In discussing the application of this risk control option to new bulk carriers, some delegations, although recognizing the advantages of free-fall lifeboats with float-free capability, felt that the option should remain an alternative as currently provided in SOLAS chapter III, adducing that this should be considered in conjunction with other agreed measures and not in isolation. Other delegations, though, advocated for the adoption of the recommended measure, maintaining that the cost of one free-fall lifeboat was comparable to that of the alternative two traditional lifeboats, with the added advantages of speed of evacuation and float-free capability which would assist those already in the water. At the end of the debate, the Committee agreed to accept the recommendation for new ships and instructed the DE Sub-Committee to develop relevant draft amendments to SOLAS chapter III and/or the LSA Code accordingly (see also paragraph 20.40).

Existing ships

5.49 The Committee considered that this risk control option was not cost-effective for existing ships and, therefore, agreed that it should not be taken up.

Terminal interface improvement (A16/C8/C10): Improvement of ship/shore communications, training of stevedores and terminal operators and better control of loading capabilities

New and existing ships

5.50 In discussing this risk control option, the Committee noted that there already existed regional training programmes for terminal operators in some parts of the world, but that there was a need for harmonization worldwide, albeit this was outside IMO's remit. The Committee also noted that, by making the Code of practice for the safe loading and unloading of bulk carriers (BLU Code) mandatory, some of the concerns, such as ship/shore communications and the control of loading capabilities, would be addressed. Another venue worth exploring would be to address this risk control option in the proposed Manual on loading and unloading of solid bulk cargoes for terminal representatives, which the DSC Sub-Committee was requested to develop with appropriate input by the SPI Working Group.

5.51 In conclusion, the Committee requested the DSC Sub-Committee to prepare an MSC circular urging Governments, ship owners and operators and terminal operators to apply the BLU Code and to address the concerns embodied in this risk control option when developing the Manual for terminal representatives referred to in paragraph 5.50 (see also paragraphs 13.21 to 13.28 and 20.10).

Risk-based ESP targeting (A25): Targeting of inspections towards areas of established high risk

New and existing ships

5.52 The Committee, in acknowledging that targeting of inspections during surveys under resolution A.744(18) was very much a class function, noted that IACS had undertaken much work on this subject, with the collaboration of all its members, aimed at rationalizing the enhanced survey programme, including targeting, and that it intended to keep IMO informed of

progress made. Consequently, the Committee agreed that the action being taken by IACS would satisfy the objectives of this risk control option.

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

New and existing ships

5.53 The Committee readily agreed that this was an important matter that needed addressing as soon as possible and that port States and the various PSC Memoranda of Understanding established world-wide should be strongly recommended to develop specialized training for port State control officers in bulk carrier design and operation, pinpointing the vulnerable areas within the structure, in particular of older ships. The FSI Sub-Committee was instructed to develop an MSC circular to this effect.

Weather routing (A26): Standardized minimum requirements for weather routing that are compliant with SOLAS passage planning requirements and load line zones

New and existing ships

5.54 The Committee noted the work done by the Organization in this respect, in particular the approval at this session of an MSC circular on Participation of ships in weather routing services, and decided that no further action was required at this stage.

Improved loading/stability information (C13): Provision of detailed, comprehensive and user-friendly information covering stability and stress characteristics of the ship's hull

New ships

5.55 The Committee noted that this risk control option was more relevant for smaller ships with respect to stability and for larger ships with respect to structural strength, and recognized that in the light of recent developments within the maritime industry, the situation had changed for the better, although the quality of the data used still needed further improvement. The Committee also recognized that, instead of increasing the volume of information, attention should be paid to its user-friendliness and agreed that this measure should be applied to all new ships.

5.56 In concluding, the Committee instructed the SLF and DE Sub-Committees to develop guidelines for the provision of detailed, comprehensive and user-friendly information covering stability and longitudinal stress characteristics of the ship's hull during loading and unloading, with the former Sub-Committee as co-ordinator of the work.

Mandatory BC Code (B8): Making the BC Code mandatory and incorporating a bulk carrier endorsement for officers' qualifications

New and existing ships

5.57 The Committee noted that the proposed option consisted of two independent parts, i.e.:

- .1 making the BC Code mandatory; and
- .2 bulk carrier endorsement for officers' qualifications.

5.58 With regard to making the BC Code mandatory, the Committee, after debating the issue at length and, bearing in mind the current work being undertaken by the DSC Sub-Committee on the revision of the BC Code, referred this part of the risk control option to that Sub-Committee, instructing it to consider the feasibility of making the Code mandatory.

5.59 On the part referring to the incorporation of a bulk carrier endorsement in officer's qualifications, the Committee recalled that at MSC 70 it had adopted amendments to tables A-II/1 and A-II/2 of the STCW Code addressing officer's competence for the safe operation of bulk carriers, which would enter into force on 1 January 2003. Therefore, the Committee agreed that there was no need to take any further action on this part of the recommended option.

Early implementation of SOLAS chapter XII using 10 years instead of 15 years for existing ships

Existing ships

5.60 The Committee noted that IACS had introduced Unified Requirement S23 (Rev. 3), effectively bringing forward the reinforcement of the corrugated transverse bulkhead between the two foremost cargo holds with respect to the requirements of SOLAS regulations XII/3 and XII/6. Agreeing that this was an IACS initiative, which merely accelerated the application of the mentioned SOLAS regulation to ships classed by IACS members, the Committee concluded that there was no need for IMO to take action on the recommended risk control option.

New recommendations submitted to MSC 76

Alternate hold loading (B9)

Existing ships

5.61 The Committee considered at length the possible benefits deriving from banning alternate hold loading of heavy cargoes in the full load condition, in particular the resulting reduction in shear forces and bending moments when loading homogeneously in all holds.

5.62 Subsequently, noting that the risk reduction calculated for the option if applied to existing ships was the second highest of all those considered, the Committee agreed that it would be worth implementing it to existing bulk carriers from a certain age onwards, perhaps subject to successful completion of a condition assessment. Thus, the Committee requested the DE and DSC Sub-Committees, with the former as co-ordinator, to consider the possible options and provide advice thereon, prior to undertaking any relevant regulatory action.

Application of bulkhead structural standards in SOLAS chapter XII (B3)

New ships

5.63 The Committee agreed that new ships of 150 m in length and upwards, which would be of double-side-skin construction, should also comply with all the structural strength provisions of regulation XII/5 requiring that the ship shall have sufficient strength to withstand flooding of any one cargo hold, and proposed to amend this regulation by removing the words "of single-side-skin construction", thus making it applicable to double-side-skin ships also. In this respect, the Committee requested the DE Sub-Committee to incorporate the above proposed amendment in its work on development of amendments to SOLAS chapter XII.

Existing ships

5.64 With regard to existing ships, the Committee concluded that this risk control option would not be cost-effective, although the possibility of restricting heavy cargoes should be explored. The Committee, therefore, requested the DE Sub-Committee to consider possibilities and provide relevant advice prior to undertaking any regulatory action.

Shipbuilding practices*New ships*

5.65 Although this proposed option had not emanated from an FSA study but from the investigation into the **Lake Carling** casualty, the Committee saw merit in taking the recommendations into account to address structural detail design and shipbuilding practice when preparing the MSC circular addressing the obligations of shipowners and operators when their ships undergo steel repairs, as explained in paragraph 5.31. This approach also reflected views expressed in document MSC 76/5/10 with regard to the building of robust ships. The Committee instructed the DE Sub-Committee accordingly and requested IACS to keep it informed of any developments on the subject.

Early abandonment*Existing ships*

5.66 The Committee considered the proposal to develop an MSC circular urging shipowners to issue guidance to ship's personnel on the possible need for early abandonment of a bulk carrier that has any single hold flooded, and agreed that a circular should be prepared addressing bulk carriers which may not withstand flooding of any one cargo hold and containing information on the action to be taken in case of flooding of such holds, making sure that the professional judgement of the master is not undermined, for possible posting in the bridge. The Committee instructed the DE and NAV Sub-Committees to develop an MSC circular to that effect, and also to draw attention to the obligations of shipping companies under the ISM Code and of Administrations under SOLAS regulation II-1/23-1, with the latter Sub-Committee as co-ordinator.

Bulk carrier endorsement (A14/C2)

5.67 The Committee considered a proposed risk control option aimed at introducing a bulk carrier endorsement for crews and, recalling that this matter had been dealt with under a previous recommended option (see also paragraph 5.59), agreed that there was no need to take further action.

Definition of "bulk carrier"

5.68 The Committee agreed that the definition of bulk carrier as it stands at present in SOLAS needed to be revised and instructed the DE Sub-Committee to develop a new definition when undertaking its work on amending SOLAS chapter XII and other chapters, bearing in mind that the design of new double-side-skin bulk carriers may differ substantially from that of bulk carriers satisfying the current definition.

Agreed list of recommendations

5.69 The Committee endorsed the working group's decision to rank the agreed recommendations for decision-making according to the area addressed, i.e. operation; hull envelope; closing appliances; and evacuation, and also giving an indication in each case as to the target event, i.e. prevention; mitigation; and response. This ranking, however, was not meant to denote priority. The recommendations are presented in tabulated form in annex 1 to document MSC 76/WP.16.

Recapitulation of the instructions to the sub-committees

5.70 The precise instructions given to the DSC, FSI, NAV, DE and SLF Sub-Committees as a consequence of the decisions taken on each of the proposed recommendations for decision-making are specified in section 20 (Work programme) (paragraphs 20.12, 20.18, 20.31, 20.39 to 20.48 and 20.52) of this report, including the number of sessions needed and target completion dates for each task and, where appropriate, details of any relaxation in the deadline for submission of documents to DE 46.

Action requested of IACS

5.71 The Committee invited IACS to keep it informed of developments with respect to those recommendations on which the Committee agreed that the action being taken by IACS would satisfactorily address the risk control option in question, as explained in paragraphs 5.29, 5.33, 5.37, 5.52 and 5.60.

6 LARGE PASSENGER SHIP SAFETY

6.1 The Committee recalled work on large passenger ship safety carried out by MSC 75, NAV 48 and SLF 45 and, in particular, that:

- .1 MSC 75 had:
 - .1 approved a guiding philosophy, strategic goals and objectives to govern the consideration of existing and future large passenger ship safety issues;
 - .2 approved the areas which should be considered by sub-committees, which had been assigned work on this issue, to clarify the intent of the objectives and tasks they had been tasked with;
 - .3 agreed that the sub-committees concerned should develop parameters relevant to large passenger ships, as necessary, for the application of any proposed recommendations; and
 - .4 approved an updated work plan, which had been forwarded to the FP, COMSAR, NAV, DE, SLF and STW Sub-Committees for action as appropriate;
- .2 NAV 48 had agreed that the issue of the quality and availability of hydrographic data in remote areas needed further study and, to that effect, had invited IHO to carry out such a study and advise NAV 49 accordingly; and

- .3 SLF 45 had agreed to further develop the methodology and analytical relationship between the “time-to-sink” and the design characteristics of ships and had instructed the Correspondence Group on Subdivision and Damage Stability (SDS) to progress its work on large passenger ship safety intersessionally.

6.2 Having noted the above information, the Committee decided to discuss whether to reconvene at MSC 77 the Working Group on Large Passenger Ship Safety under agenda item 20 (Work programme) (see also paragraph 20.67).

7 IMPLEMENTATION OF THE REVISED STCW CONVENTION

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

Progress report

7.1 The Committee noted progress made on the evaluation of information communicated by STCW Parties as at 30 August 2002 (MSC 76/7) and further noted that, at the end of the Committee’s last session, the so-called “White list” consisted of: 71 Parties confirmed by MSC 73; 23 Parties confirmed by MSC 74; 8 Parties confirmed by the Committee’s first extraordinary session; and 4 Parties confirmed by MSC 75, giving a total of 106 Parties, out of a total of 144 current STCW Parties, as promulgated by MSC/Circ.1031.

7.2 The Committee also noted that, since the progress report included in document MSC 76/7, the situation was that of the outstanding eleven Parties whose reports had been communicated after 1 August 1998, eight panels of competent persons had completed their initial evaluation and the relevant Parties had been requested to provide clarifications and, of those, three panels were considering the clarifications provided by those Parties concerned while clarifications were still awaited from three other Parties. Evaluation was continuing with respect to the remaining five Parties.

7.3 The Committee further noted (MSC 76/7/2) the receipt of additional information from nine other STCW Parties, which had been communicated to the Secretary-General in accordance with paragraph 8.3 of section A-I/7 of the STCW Code and that, where possible, that information had been forwarded to those panels of competent persons which had evaluated the original information communicated. However, the Committee also noted that, in a number of cases, it had been necessary to reduce the size of the panel to three members and/or to supplement panels with new members.

Secretary-General's report to the Committee

7.4 In introducing his report (MSC 76/WP.3) in respect of two Parties whose information had not been evaluated previously and one Party which had communicated additional information, the Secretary-General advised the Committee that, in preparing the report required by STCW regulation I/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 were not applicable to the Party concerned.

The Secretary-General then invited the Committee to consider the report attached to MSC 76/WP.3 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 STCW Convention.

7.5 As was the case with the Secretary-General's reports to previous sessions of the Committee, the Committee agreed to consider 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.

7.6 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, i.e. MSC/Circs.978, 996, 1018 and 1031) attaching a list of Parties so far found to be giving the STCW Convention full and complete effect, including those confirmed by MSC 76. Having considered the aforementioned draft MSC circular, as prepared by the Secretariat (MSC 76/WP.13), the Committee approved MSC/Circ.1066 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.

APPROVAL OF COMPETENT PERSONS

7.7 The Committee approved additional competent persons nominated by the Government of Turkey (MSC 76/7/1) and Singapore (MSC 76/WP.4) and instructed the Secretariat to update MSC/Circ.797/Rev.7 accordingly and issue the updated circular as MSC/Circ.797/Rev.8.

OTHER ISSUES RELATED TO THE STCW CONVENTION

7.8 The Committee noted information provided by France (MSC 76/7/3) on its master's certificate issued under the provisions of the revised STCW Convention but limited to service on sailing boats of less than 24 m in length carrying less than 12 passengers within 200 miles of the coast.

7.9 A number of delegations drew attention to article III of the STCW Convention which exempts pleasure yachts not engaged in trade from the Convention provisions and expressed concern that the issue of certificates for masters of sailing boats under the provisions of the STCW Convention might lead to some confusion. One delegation suggested that an amendment

to the Convention might be required to clarify the matter. The delegation of France advised the Committee that the requirements for the issue of certificates of competency for masters of sailing boats only applied to those engaged in trade. The delegation of France advised that document MSC 76/7/3 provided information on transitional arrangements and that all masters of sailing boats engaged in trade would be required to hold certificates meeting STCW Convention requirements in the future.

7.10 The Committee also noted information provided by France (MSC 76/7/4) advising the Committee of an agreement between the French Navy and the Maritime Administration for the Navy to train its deck officers in conformity with the provisions of the STCW Convention, as they apply to merchant navy officers.

7.11 The delegation of Belgium informed the Committee that Belgium had an agreement with the Belgian Navy for the Navy to train its deck officers in conformity with the provisions of the STCW Convention and would be informing the Committee of details at its next session.

8 SHIP DESIGN AND EQUIPMENT

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

General

8.1 The Committee, recalling that MSC 75 had considered urgent matters emanating from the forty-fifth session of the Sub-Committee on Ship Design and Equipment (DE), approved, in general, the report of that session of the Sub-Committee (DE 45/27, DE 45/27/Add.1 and DE 45/27/Add.2) and took action on all remaining items (MSC 76/8) as indicated hereunder.

Standards for ship manoeuvrability

8.2 Having agreed to include at the end of paragraph 2 of the draft MSC resolution on Standards for ship manoeuvrability the words “to ships constructed on or after 1 January 2004” and to delete the similar provisions in paragraphs 1.1 and 3.1 of the draft Standards (DE 45/27/Add.1, annex 3), the Committee adopted resolution MSC.137(76) on Standards for ship manoeuvrability, set out in annex 6.

Explanatory notes to the Standards for ship manoeuvrability

8.3 In considering a draft MSC circular on Explanatory notes to the Standards for ship manoeuvrability, the Committee considered submissions by Japan (MSC 76/8/4 and MSC 76/INF.18) and the Republic of Korea (MSC 76/8/2 and MSC 76/INF.16), proposing amendments to appendix 3 (Stopping ability of very large ships) to the said draft Explanatory notes, as prepared by DE 45.

8.4 After consideration of the aforementioned proposals for amendments to appendix 3 and a further proposal by the delegations of Japan and the Republic of Korea (MSC 76/WP.6), the Committee approved MSC/Circ.1053 on Explanatory notes to the Standards for ship manoeuvrability, as prepared by DE 45, and decided to refer the revised appendix 3 contained in document MSC 76/WP.6 to the DE Sub-Committee for further consideration and development of appropriate amendments to the Explanatory notes (see also paragraph 20.38).

Interim Guidelines for wing-in-ground (WIG) craft

8.5 The Committee approved MSC/Circ.1054 on Interim Guidelines for wing-in-ground (WIG) craft.

Incorporation of the Condition Assessment Scheme (CAS) into resolution A.744(18)

8.6 The Committee endorsed the Sub-Committee's decision that the work on introducing and incorporating relevant elements and provisions of the CAS into resolution A.744(18) should continue after experience has been gained in the application of the scheme's requirements.

Guidelines on the sampling method of thickness measurements

8.7 Having agreed to modifications to paragraph 2.2 of the draft Guidelines (DE 45/27/Add.1, annex 4) to insert the words "annex 2 to" before the words "Annex B", the Committee approved MSC/Circ.1055 on Guidelines on the sampling method of thickness measurements for longitudinal strength evaluation and repair methods in accordance with annex 12 to Annex B to resolution A.744(18) as amended.

Amendments to resolution A.744(18)

8.8 The Committee approved proposed amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), having incorporated in paragraph 2.2 of the new appendix 3, contained in the proposed amendments, the same modifications as those referred to in paragraph 8.7 above, and the associated draft MSC resolution, set out in annex 7; and requested the Secretary-General to circulate the proposed amendments to the Guidelines, in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 77.

8.9 In this context, having considered document MSC 76/8/3 (India), proposing further amendments to Annexes A and B of resolution A.744(18) in order to remove perceived anomalies regarding the interpretation of the term "any five year period" used when the provisions of SOLAS regulation I/10(v) relating to the inspections of the outside of the ship's bottom are applied, the Committee decided to refer the Indian document to FSI 11 for consideration, as an urgent matter, under the agenda item on "Review of resolution A.746(18)" and to DE 46 for consideration under the agenda item on "Amendments to resolution A.744(18)", requesting the two Sub-Committees to co-operate on the matter as necessary.

Guidelines for ships operating in Arctic ice-covered waters

8.10 Having noted MEPC 48's concurrent decision, the Committee approved MSC/Circ.1056 - MEPC/Circ.399 on Guidelines for ships operating in Arctic ice-covered waters, with some modifications agreed in plenary.

8.11 In this connection, the Committee, being advised by the IACS observer that the relevant IACS Unified Requirements for Polar Ships referred to in the footnotes to the appropriate paragraphs of the Guidelines had not yet been adopted but that their completion was expected for 2003, subsequently instructed the Secretariat to amend the above-mentioned footnotes once such unified requirements were finalized.

Alternative means of sealing up spurling pipes and chain locker access

8.12 The Committee noted that the Sub-Committee had discussed recommendations of the reopened formal investigation into the loss of the m.v. **Derbyshire** (MSC 74/24, paragraph 5.20) calling for IACS and IMO to investigate alternative means of sealing up spurling pipes to prevent water entry and that chain locker access should be by bolted manholes. Having noted that IACS was currently working on this issue and would advise IMO as soon as the results of these efforts were available, DE 45 had agreed that the outcome of IACS' on-going work on the issue should be awaited before considering the matter further. In this regard, the Committee was further informed by IACS that work on the issue was expected to be finalized soon and that the results would be submitted to the Organization.

Proposed new SOLAS regulations XII/12 and XII/13

8.13 The Committee noted that DE 45 had requested it to consider proposed new SOLAS regulation XII/12 on Hold, ballast and dry space water ingress alarms and regulation XII/13 on Availability of pumping systems, and to decide on whether such alarms and systems should be fitted on bulk carriers and, if so, the adequacy of the proposed new regulations.

8.14 In this respect, the Committee recalled that MSC 75 had considered the proposed new SOLAS regulations as an urgent matter under its agenda item on "Bulk carrier safety" and, having agreed to some modifications, had approved them for consideration at this session, with a view to adoption. Subsequently, the Committee recalled that the draft new SOLAS regulations XII/12 and XII/13 had already been dealt with under agenda item 3 (see also paragraphs 3.14 to 3.20 and 3.35), and agreed that no further action was required under this agenda item.

As-built construction drawings and other plans showing subsequent structural alteration

8.15 The Committee noted the outcome of the Sub-Committee's discussion regarding as-built construction drawings and other plans showing subsequent structural alteration and concurred with the Sub-Committee's proposal that the issue be initially considered by DE 46 under the agenda item on "Amendments to resolution A.744(18)".

Work plan for measures to prevent accidents with lifeboats

8.16 The Committee concurred with the work plan for measures to prevent accidents with lifeboats prepared by the Sub-Committee, as set out in annex 15 to document DE 45/27/Add.1.

OTHER MATTERS

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

8.17 The Committee recalled that MSC 75 had considered a proposal by Australia (MSC 75/12/2) that amendments should be made to the DSC Code and the 1994 HSC 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 had further suggested that, in the meantime, an MSC circular should be issued to bring the 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. Following consideration of the proposal and of relevant modifications, MSC 75 had agreed that there was a need to consider the draft circular further, noting the offer of the delegation of Australia to submit a revised version of the draft circular to this session, with a

view to approval. The Committee had also included, in the work programmes of the DE (co-ordinator), COMSAR and NAV Sub-Committees, a high priority item on "Amendments to the DSC Code and 1994 HSC Code", with a target completion date of 2004.

8.18 In this regard, the Committee considered document MSC 76/8/1 (Australia, Norway, United Kingdom and IACS), containing a revised version of the draft MSC circular referred to in paragraph 8.17 above incorporating the comments made at MSC 75, and approved MSC/Circ.1057 on Proposed amendments to update the DSC Code and the 1994 HSC Code, having agreed to some modifications to the cover of the circular.

8.19 With regard to the proposal made in document MSC 76/8/1 that there was, in view of the approval of the MSC circular, no need for immediate action under the new work programme item on "Amendments to the DSC Code and 1994 HSC Code" already included in the work programmes of the DE, COMSAR and NAV Sub-Committees and that, instead, the work programme item should be renamed "Review of the 2000 HSC Code and amendments to the DSC Code and 1994 HSC Code" and be assigned to the FP, COMSAR, NAV, DE (co-ordinator) and SLF Sub-Committees, with two sessions needed to complete the item, commencing the work in 2004 as part of the next scheduled review of the 2000 HSC Code, the Committee concurred with the proposal and agreed to modify the work programmes of the Sub-Committees concerned accordingly (see also paragraph 20.4).

9 FLAG STATE IMPLEMENTATION

REPORT OF THE TENTH SESSION OF THE SUB-COMMITTEE

General

9.1 The Committee, recalling that MSC 75 had considered urgent matters emanating from the tenth session of the Sub-Committee on Flag State Implementation (FSI), approved, in general, the report of that session of the Sub-Committee (FSI 10/17 and Corr.1) and, having noted MEPC 48's relevant decisions and approval of the report of FSI 10, took action on all remaining items (MSC 76/9) as indicated hereunder.

Analysis of self-assessment of flag State performance

9.2 The Committee noted the efforts made by the Sub-Committee regarding the analysis of the SAFs received so far and the relevant database and, having concurred with MEPC 48's decision, agreed that FSI 11 should complete the identification of the problems and purpose associated with the database of SAFs and report on how the information contained therein might be used to analyse performance.

Reporting procedures on port State control detentions and analysis and evaluation of reports

9.3 The Committee, having taken note of relevant decisions of MEPC 48, noted the outcome of the Sub-Committee's consideration of the detention notification issue and its invitation to Member Governments to comply with the requirements of conventions concerning the notification to flag States of any detentions.

9.4 In this context, the Committee concurred with MEPC 48's additional decisions on associated issues, and agreed that:

- .1 the information contained in the lists of detentions and corresponding flag State comments should reflect both the factual situation regarding the detention of ships and the status of the exchange of information between the flag and port States concerned and be made freely accessible via the internet on the IMO public website (see also paragraph 9.15); and
- .2 all detentions reported to the Organization should remain in the relevant lists with flag State comments recorded, including those on non-receipt of detention notification from port States, and also allowing the addition of the abbreviation “FSCR” (flag State comments received), thereby cancelling the “outstanding status” of the flag State comments.

9.5 The delegation of New Zealand recalled that FSI 10 had established a correspondence group on the analysis of port State control data under the co-ordination of New Zealand*, and advised that, so far, only one Member had expressed its intention to join the correspondence group. That delegation invited interested Members to contribute to the work of the correspondence group before 17 January 2003 to ensure that progress could be reported to FSI 11.

Casualty statistics and investigations

9.6 The Committee, having noted MEPC 48’s concurrent decision and having agreed to some modifications to the draft interim guidelines, approved MSC/Circ.1058 - MEPC/Circ.400 on Interim Guidelines to assist flag States and other substantially interested States to establish and maintain an effective framework for consultation and co-operation in marine casualty investigations.

9.7 The Committee, noting MEPC 48’s concurrent decision, endorsed the Sub-Committee’s instruction to the Secretariat to publish information on casualties on the IMO website. In this context, the Committee concurred with MEPC 48 that such information should be published only after its content has been agreed by the FSI Sub-Committee.

9.8 The Committee, while noting the outcome of the Sub-Committee’s review of its method of work on casualty statistics and investigations, endorsed the decision of the Sub-Committee to circulate a draft of the annex to the report of the Correspondence Group on Casualty Analysis to the reporting States requesting assurance that the analysis is representative of the significant factors of the report.

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Amendments to IMO instruments

9.9 The Committee approved the Sub-Committee's proposal calling for appropriate amendments to the respective IMO instruments regarding the completion date of the survey on which certificates are based and instructed the FSI Sub-Committee to prepare appropriate amendments to the 1988 SOLAS Protocol and the 1988 LL Protocol. It also noted that MEPC 48 had agreed that the wording proposed by FSI 10 should be considered by the BLG Sub-Committee when amending the text of Annexes I and II of MARPOL 73/78.

Matters related to CSD 7

9.10 The Committee endorsed the course of action taken by the Sub-Committee, as a follow-up to the seventh session of the United Nations Commission on Sustainable Development (CSD 7), in respect of the development of measures to ensure that flag States meet international standards.

9.11 The Committee, while considering the proposal from Canada, Denmark, Finland, the Netherlands, New Zealand and Spain (MSC 76/9/2) for a four-point plan to develop amendments to resolution A.847(20) on Guidelines to assist Flag States in the implementation of IMO instruments, in the form of a draft Flag State Implementation Code, noted the comments made at MEPC 48 calling for more emphasis to be put on all Member States' responsibilities rather than only on those of flag States; and concurred with the MEPC's request to the authors of the above document to take those views into account when they submit a comprehensive document on the matter to FSI 11.

9.12 In this context, the Committee recognized the need for the proposed Code and the proposed IMO Model Audit Scheme to be compatible and further invited Member Governments to submit proposals to the FSI Sub-Committee on the stakeholders which should be covered by the Code.

Urgent matters to be considered by MSC 77

9.13 The Committee noted a list of urgent matters emanating from FSI 11 to be considered at MSC 77, as identified by FSI 10, and decided to deal with the matter under agenda item 20 (Work programme) (see also paragraph 20.21).

PROCEDURES CONCERNING OBSERVED ISM CODE MAJOR NON-CONFORMITIES

9.14 The Committee recalled that MSC 75 had approved a draft MSC/MEPC circular on Procedures concerning observed ISM Code major non-conformities (MSC 75/24/Add.1, annex 28), taking into account 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. Having noted that MEPC 48 had, in principle, approved (MSC 76/9/8, paragraphs 17 to 19) the draft circular and had invited the Committee to consider two proposals for amending paragraph 5 of the draft circular with a view to finalizing it for dissemination, the Committee, after considering the proposals (MSC 76/9/8, annex), approved MSC/Circ.1059 - MEPC/Circ.401 on Procedures concerning observed ISM Code major non-conformities.

PUBLICATION OF FLAG STATE COMMENTS

9.15 Having considered a proposal by France, Japan, Singapore, Spain and the United Kingdom (MSC 76/9/4) calling for flag State comments to be made available by publication of

such information on the freely available website, together with the outcome of the consideration of the same proposal at MEPC 48, the Committee, in addition to its decision in paragraph 9.4.1, concurred with the MEPC's decision that flag State comments should also be made freely accessible via Internet through the Equasis system.

IMO MODEL AUDIT SCHEME

General

9.16 The Committee noted that the Council, at its eighty-eighth session, had approved, in principle, the concept for an IMO Model Audit Scheme to be implemented on a voluntary basis and had requested the Committee to undertake, during this session, specific tasks, as indicated in document MSC 76/9/1, if this would be possible without disrupting its work schedule and noted further that C 89 had reiterated the above decision, with necessary adjustments, to reflect developments since C 88 (see also paragraph 9.17).

9.17 Noting (MSC 76/9/1/Add.1) that, as requested, the Secretary-General, having studied the ICAO Model Audit Scheme, had advised the Council, at its eighty-ninth session, on aspects of ICAO's scheme which might be taken into account in developing the IMO Scheme and that C 89 (MSC 76/2/Add.1) had also requested:

- .1 MSC 77 to consider how the details of an IMO Model Audit Scheme could be developed and advise C 90 on those safety- and security-related areas that the Committee might consider should be covered by the Scheme; and submit a progress report (based on the outcome of the work of the Joint MSC/MEPC/TCC Working Group, which should be instructed to take into account the proposals in all the documents thus far submitted, including the Secretary-General's proposals in document C 89/13/Add.1 and any other submissions received by the deadline for the submission of documents to MSC 77) to C 90, for its consideration, and to convey any instructions and/or requests on the issue to MEPC 49; and
- .2 TC 53 and MEPC 49 to consider the matter further, each from its own perspective, and prepare a report elaborating on the requests of C 90 for submission to the twenty-second extraordinary session of the Council in November 2003, for the latter to decide on appropriate action to move the issue forward,

the Committee took decisions on the specific tasks requested of it as indicated in the ensuing paragraphs.

Development of the details of an IMO Model Audit Scheme

9.18 The Committee considered submissions by Belize (MSC 76/9/3), India (MSC 76/9/5) and Australia, Canada, Denmark, Japan, the Republic of Korea, the Marshall Islands, the Netherlands, Norway, Singapore, Spain, Sweden and the United Kingdom (MSC 76/9/6), which had also been considered by the MEPC (MEPC 48/10/6, MEPC 48/10/7 and MEPC 48/10/5), as well as submissions by Vanuatu (MSC 76/9/7) and Denmark (the relevant part of document MSC 76/15/1).

9.19 The Committee noted that in the submissions received the idea of an IMO Model Audit Scheme had been supported and proposals had been made on new elements based on the extended use of the Self-Assessment Forms (SAFs), reference had been made to ISO 9002 QA

Certification and the involvement of the FSI Sub-Committee in the implementation of the Scheme had been suggested.

9.20 The Committee also noted that MEPC 48 had expressed preference for the proposal in document MEPC 48/10/5 calling for the development of an IMO Model Audit Scheme to be implemented on a voluntary basis, as it had been approved, in principle, by C 88 (which was similar to the proposal in document MSC 76/9/6), whilst recognizing that there were elements in documents MEPC 48/10/6 (Belize) and MEPC 48/10/7 (India), which should also be explored. It further noted that MEPC 48 had agreed that, whatever approach was taken, it should not incur any costs to IMO and that there would be a need to take into account, in any further work on the Scheme, the concerns expressed by the delegation of the Bahamas (MSC 76/9/8, paragraph 28), which had identified three examples of problems which might arise.

9.21 The Committee further noted (MSC 76/9/1 (Denmark)) information on a Quality Shipping Conference, which had been organized in Copenhagen in July 2002 (see also paragraph 15.2).

9.22 Following the above, the Committee, taking into account MEPC 48's decision on preferred Scheme, agreed that document MSC 76/9/6 provided a good basis for the development of the proposed IMO Model Audit Scheme to be implemented on a voluntary basis.

Safety- and security-critical areas to be covered by the Scheme

9.23 The Committee discussed those safety- and security-critical areas to be covered by the Scheme, taking into account annex 2 to document MSC 76/9/6 and, having noted that MEPC 48 had agreed that a similar annex to document MEPC 48/10/5 on environmental issues should be taken into account during the work of the joint working group proposed to be established at MSC 77 (see also paragraph 9.25), as well as the specific comment that consideration should be given to the possible consequences of non-conformities which could be identified during audits relating to the STCW Convention, as amended and the so-called 'White list', established a drafting group to prepare a consolidated text of those safety- and security-critical areas, which should be covered by the Scheme, taking into account the documents referred to above and comments and decisions made in plenary.

9.24 Having considered the report of the drafting group (MSC 76/WP.9), the Committee approved those safety- and security-critical areas for the proposed voluntary IMO Model Audit Scheme, which should be considered by the joint working group as follows:

- .1 Member State duties arising under the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, are an obvious choice for inclusion within the scope of the proposed voluntary IMO Model Audit Scheme. The following instruments should also be included:
 - .1 the International Convention on Load Lines (LL), 1966, as amended;
 - .2 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended;
 - .3 the Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972, as amended;

- .4 the International Convention on Tonnage Measurement of Ships (TONNAGE), 1969; and
- .5 the United Nations Convention on the Law of the Sea (UNCLOS), 1982;
- .2 consideration should be given to the inclusion in the Scheme of responsibilities of Member States with respect to maritime security based on measures adopted by the 2002 SOLAS Contracting Governments Conference on Maritime Security; and
- .3 in addition, development of the proposed Scheme should also take account of ongoing work within the FSI Sub-Committee relating to the Self-Assessment Forms and proposed amendments to resolution A.847(20) on Guidelines to assist flag States in the implementation of IMO instruments,

and, whilst commending document MSC 76/9/6 (except annex 2 thereto) for full and further study, it also recommended that paragraph 2.3 of document MSC 76/9/3 and paragraph 9 of document MSC 76/9/7 should be taken into account, albeit that the full content of these documents should be further analysed by the joint working group.

Establishment of a joint working group to meet at MSC 77

9.25 The Committee, having considered (as requested by C 88 and reiterated by C 89) that it would be desirable that a joint working group of the Committee, the MEPC and the Technical Co-operation Committee be established to meet at MSC 77 to consider the proposed IMO Model Audit Scheme further and, noting that the MEPC and the TCC had endorsed the proposal, agreed to the establishment of the Joint MSC/MEPC/TCC Working Group on Voluntary IMO Model Audit Scheme to meet at MSC 77 to progress the matter in accordance with the terms of reference agreed by the Council, set out in annex 8, attaching also the attendant extracts of the reports of MEPC 48, TC 52 and MSC 76.

10 BULK LIQUIDS AND GASES

REPORT OF THE SEVENTH SESSION OF THE SUB-COMMITTEE

10.1 The Committee approved, in general, the report of the seventh session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 7/15 and MSC 76/10) and, having noted MEPC 48's relevant decisions and approval of the report of BLG 7, took action as indicated hereunder.

Criteria for assigning carriage requirements

10.2 The Committee, having noted the MEPC 48's concurrent decision, approved the criteria for assigning carriage requirements for products subject to the IBC Code, set out in annex 9, and agreed that the aforementioned criteria should become effective at the same time as the revised Annex II to MARPOL 73/78.

Safety-related issues for FPSOs and FSUs

10.3 The Committee noted the Sub-Committee's view that, for the time being, it was not necessary to apply mandatory IMO instruments to address safety-related issues for floating production, storage and offloading units (FPSOs) and floating storage units (FSUs) and that the

Sub-Committee had agreed that a structured plan to develop appropriate safety guidelines for FPSOs and FSUs, as had been requested by MSC 74, was no longer necessary; and decided to take no further action on safety-related issues, taking into account the views expressed in plenary that the existing safety regime was adequate.

Use of a standard format for cargo information

10.4 The Committee approved, in principle, subject to MEPC's concurrent decision, the draft MSC/MEPC circular on Recommendation for the use of a standard format for the cargo information required by chapter 16 of the IBC Code set out in annex 8 to document BLG 7/15, bearing in mind that MEPC 49 would further consider the outcome of the December meeting of the UN GHS Sub-Committee's work on this issue.

Transportation of cargoes containing toxic substances

10.5 The Committee noted the Sub-Committee's course of action on requirements for the protection of personnel involved in the transport of cargoes containing toxic substances in all types of tankers, in particular that, in considering the matter, BLG 7 had:

- .1 agreed to develop management-based guidelines on shipboard occupational health and safety programmes;
- .2 agreed to update MSC/Circ.752 on Minimum safety standards for ships carrying mixtures the benzene content of which is 0.5%;
- .3 agreed to develop guidelines for the use of a standard format for cargo information related to the transport of MARPOL Annex I cargoes; and
- .4 instructed the Secretariat to communicate with ILO and WHO seeking their contribution to this work.

10.6 Having noted the above information and action, the Committee considered a joint submission by the Netherlands, INTERTANKO and OCIMF (MSC 76/10/1), proposing the development of a standard format for cargo information related to the transport of MARPOL Annex I cargoes and bunker fuels; and agreed to refer document MSC 76/10/1 to BLG 8 for further consideration and action, as appropriate, under the Sub-Committee's existing agenda item on "Requirements for the protection of personnel involved in the transport of cargoes containing toxic substances in all types of tankers".

Guidelines for ships operating in Arctic ice-covered waters

10.7 The Committee noted that the Sub-Committee had seen no need for modifications of the draft Guidelines for ships operating in Arctic ice-covered waters (see also paragraph 8.10).

Intersessional meeting of the ESPH Working Group

10.8 The Committee, having noted the MEPC 48's concurrent decision, approved the holding of an intersessional meeting of the ESPH Working Group in 2003 in view of that group's current workload.

11 SAFETY OF NAVIGATION

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

General

11.1 The Committee approved, in general, the report of the forty-eighth session of the Sub-Committee on Safety of Navigation (NAV) (NAV 48/19 and Add.1 and MSC 76/11) and took action as indicated hereunder.

Adoption of new traffic separation schemes (TSSs)

11.2 In accordance with resolution A.858(20), the Committee adopted the following new traffic separation schemes, including associated routeing measures:

- .1 "In the Southern Red Sea";
- .2 "Off Cape La Nao"; and
- .3 "Off Cape Palos",

set out in annex 10, for dissemination by COLREG.2/Circ.52.

Amendments to existing traffic separation schemes (TSSs)

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

- .1 to the existing traffic separation schemes "In the Gulf of Finland";
- .2 to the existing traffic separation scheme, including the associated routeing measures, "In the Bay of Fundy and Approaches"; and
- .3 to the existing traffic separation scheme, including the associated routeing measures, "In the Strait of Bab el Mandeb",

set out in annex 10, for dissemination by COLREG.2/Circ.52.

Routeing measures other than TSSs

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

- .1 recommended routes "Off the Mediterranean coast of Egypt";
- .2 recommended tracks and a precautionary area for the Southern Red Sea; and
- .3 a proposed Recommendation on navigation through the Gulf of Finland,

set out in annex 11, for dissemination by SN/Circ.224.

11.5 In addition, the Committee adopted resolution MSC.138(76) on Amendments to the Recommendation on navigation through the entrances to the Baltic Sea, set out in annex 12, for dissemination by SN/Circ.224.

Implementation of the adopted routeing measures

11.6 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 11.2 and 11.3, respectively (annex 10); and the routeing measures other than traffic separation schemes referred to in paragraph 11.4 (annex 11), should be implemented at 0000 hours UTC on 1 July 2003; and further noted that the amended Recommendation on navigation through the entrances to the Baltic Sea (annex 12) would be implemented on 1 December 2003.

Mandatory ship reporting systems

11.7 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.139(76), a proposed mandatory ship reporting system "In the Gulf of Finland", as set out in annex 13, for dissemination by SN/Circ.225.

11.8 The delegation of Finland, on behalf of the delegations of Estonia and the Russian Federation, informed the Committee (see also NAV 48/19, paragraph 3.39) about the number of the correct VHF channels to be used in conjunction with the new mandatory ship reporting system "In the Gulf of Finland".

11.9 In accordance with resolution A.858(20), the Committee also adopted, by resolution MSC.139(76), a proposed mandatory ship reporting system "In the Adriatic Sea", set out in annex 13, for dissemination by SN/Circ.225.

11.10 The Committee decided that the new mandatory ship reporting system "In the Adriatic Sea" should be implemented at 0000 hours UTC on 1 July 2003; and noted that the new mandatory ship reporting system "In the Gulf of Finland" would be implemented on 1 July 2004.

Automatic identification system (AIS) reporting

11.11 The Committee noted that, with respect to automatic identification system (AIS) reporting, the Sub-Committee had confirmed the possibility of receiving responses by AIS on mandatory ships reports transmitted by AIS; and its opinion that shore authorities should be requested to acknowledge receipt of such reports.

Dangers of conflicting actions in collision avoidance

11.12 The Committee approved SN/Circ.226 on Dangers of conflicting actions in collision avoidance.

Preparation of proposals on ships' routeing and ship reporting systems

11.13 The Committee approved MSC/Circ.1060 on Guidance note on the preparation of proposals on ships' routeing and ship reporting systems; and endorsed the Sub-Committee's instructions to the Secretariat that the said Guidance should form part of the annotations to the agenda for each NAV Sub-Committee session.

Integrated bridge systems (IBS) - Operational aspects and presentation of navigational information

11.14 The Committee approved MSC/Circ.1061 on Guidance for integrated bridge systems (IBS) covering operational aspects.

11.15 Furthermore and in addition to operational issues, the Committee endorsed the Sub-Committee's action on technical issues relating to the operation of integrated bridge systems (IBS) and its invitation to IEC to consider them when developing relevant standards dealing with displays for the presentation of navigational information.

Development of appropriate model courses/standards in the operational use of IBSs

11.16 The Committee instructed the STW Sub-Committee to develop appropriate model courses/standards in the operational use of IBSs, taking into account the Guidance referred to in paragraph 11.14 above.

Places of refuge

11.17 The Committee noted the Sub-Committee's progress report on the preparation of draft Guidelines on places of refuge for ships in need of assistance, along with the associated draft Assembly resolution; as well as on the draft Assembly resolution on Establishment of maritime assistance services (MAS) (NAV 48/19, paragraphs 5.10 and 5.12 and annexes 12 and 13).

11.18 The Committee considered document MSC 76/11/3 (Secretariat) on the outcome of MEPC 48 and LEG 85 on the issue of places of refuge and noted that:

- .1 MEPC 48 (MEPC 48/21), in considering the outcome of NAV 48 on this matter, had agreed on changes and some other points for consideration, as reflected in document MSC 76/11/3, paragraphs 7 and 8; and
- .2 LEG 85 (LEG 85/11), in also considering the outcome of NAV 48, had agreed to examine the legal liability and financial security aspects of the aforementioned draft Assembly resolutions should it be asked to do so by the Committee (MSC 76/11/3, paragraph 13).

11.19 The Committee also noted that issues relating to the topic of places of refuge had also been raised by the delegations of Spain and the Bahamas at C 89 and would be brought to the attention of NAV 49 for information and guidance during the course of the Sub-Committee's work on the finalization of the Guidelines on places of refuge for ships in need of assistance.

11.20 The INTERTANKO observer underlined the urgent need for immediate and speedy action on the issue of places of refuge, stating that, in addition to the location of such places, other factors that ought to be considered were the salvage and lighterage facilities, availability of technical and operational expertise/advice and, more importantly, the financial protection and compensation schemes available.

11.21 The delegation of the Bahamas, while concurring with the views expressed by INTERTANKO, reiterated, once again, the concerns it had expressed at C 89 on the issue of places of refuge for ships in distress, in the light, in particular, of the **Prestige** incident.

11.22 The delegation of Spain, in supporting the early preparation of the Guidelines on places of refuge, suggested that any comments Governments and international organizations had on the issue should be conveyed to NAV 49. While acknowledging that there was no easy solution to the problem, that delegation recognized the need to take account of the proposals submitted by all delegations and further supported the work of the Legal Committee to develop the requirements for the provision of financial security relating to places of refuge.

11.23 The Committee noted the general support for urgent action on the issue of places of refuge, including the issue of financial security, and, accordingly, requested Member Governments to give priority to it and submit relevant proposals to any subsequent meetings of IMO's competent bodies, including LEG 86 to ensure that the matter is considered from all possible angles and that it progresses satisfactorily.

11.24 The Committee agreed that the aforementioned draft Assembly resolutions and draft Guidelines should be forwarded to COMSAR 7 with a view to it establishing whether there was any conflict with existing SAR procedures.

11.25 The Committee further authorized NAV 49, taking into account any proposals and comments made thereon by the Committee, COMSAR 7, the MEPC and the Legal Committee, to submit the final text of the Guidelines referred to above, together with the associated draft Assembly resolutions, directly to the twenty-third session of the Assembly.

11.26 The Committee invited the Legal Committee to consider the work in progress from the point of view of issues within its competence and, in particular, with respect to the provision of financial security to cover either expenses which the coastal State may have incurred or to provide adequate compensation to meet any liabilities of the shipowner which may arise.

Fishing vessel Safety Code and Voluntary Guidelines

11.27 The Committee endorsed the instructions of the Sub-Committee to the Secretariat to undertake the inclusion of all relevant performance standards in the Annex to the fishing vessel Safety Code and agreed to forward the consolidated text (NAV 48/19/Add.1) of the proposed amendments to the draft revised fishing vessel Safety Code and the Voluntary Guidelines to SLF 46.

Shipborne automatic identification system (AIS)

11.28 The Committee approved SN/Circ.227 on Guidelines for the installation of a shipborne automatic identification system (AIS).

ITU matters

11.29 The Committee adopted resolution MSC.140(76) on Recommendation for the protection of the AIS VHF data link, set out in annex 14. The Committee noted that the aforementioned resolution had been conveyed to ITU-R Study Group 8 on 2 August 2002, as Working Party 8B was scheduled to meet from 18 to 24 September 2002; and was advised that the resolution had been considered in principle by ITU-R Study Group 8 pending further consideration at an appropriate future meeting of the ITU Working Party concerned.

Proposed amendments to SOLAS regulations V/2 and V/22.1

11.30 The Committee approved proposed amendments to SOLAS regulations V/2 and V/22.1, set out in annex 15, with a view to adoption at MSC 77. To this effect, the Committee invited the Secretary-General to circulate the aforementioned amendments in accordance with SOLAS article VIII.

Maintenance and administration of AIS binary messages

11.31 The Committee approved MSC/Circ.1062 on Maintenance and administration of AIS binary messages.

Mandatory daily position reporting by ships

11.32 The Committee considered a proposal by the United Kingdom (MSC 76/11/1), outlining the need for daily reporting, to their company, their ships' daily position (a need which had originally been identified in the context of bulk carrier losses); and proposing an amendment to SOLAS regulation V/28 on Records of navigational activities.

11.33 The Committee noted that NAV 48 (NAV 48/19, paragraph 14.7) was of the opinion that MSC/Circ.1043 on Guidance on ships' daily reporting of their positions to their companies, as approved by MSC 75, had highlighted the importance of daily reporting the position of ship to their companies. However, the Sub-Committee considered that a mandatory requirement for such reporting would not be desirable because it would be very difficult or almost impossible to ensure and control the compliance with such a requirement.

11.34 The Committee, noting that there was considerable support for the United Kingdom proposal in general, established a drafting group to finalize a draft text of the proposed amendments to SOLAS regulation V/28, for consideration by plenary.

11.35 The Committee, having considered the outcome of the drafting group (MSC 76/WP.11), approved the draft amendments to SOLAS regulation V/28, set out in annex 15, with a view to adoption at MSC 77 and invited the Secretary-General to circulate the aforementioned draft amendments in accordance with SOLAS article VIII.

Guidance on participation in weather routing services

11.36 The Committee considered a proposal by the United Kingdom (MSC 76/11/2) outlining the problems of weather routing services and the standards proposed for their improvement, and requesting the Committee's endorsement and issuance of an MSC circular for the attention of interested parties, encouraging them to incorporate it into contracts between weather routing agencies and their clients. The United Kingdom was of the view that weather routing services would benefit from closer, mutual dialogue between the different weather routing agencies; and between themselves and the ships they serve.

11.37 The Committee, noting that there was considerable support for the United Kingdom proposal, endorsed it and established a drafting group to prepare a draft MSC circular on Participation of ships in weather routing services.

11.38 The Committee, having considered the report of the drafting group (MSC 76/WP.10), approved MSC/Circ.1063 on Participation of ships in weather routing services.

WORLD-WIDE RADIONAVIGATION SYSTEM - GALILEO SERVICES AND ARCHITECTURE

11.39 The Committee noted with interest the information provided by the European Commission (MSC 76/INF.4) on the World-Wide Radionavigation System – Galileo services and architecture, including the current baseline of the GALILEO satellite navigation system; and decided to bring document MSC 76/INF.4 to the attention of the COMSAR and NAV Sub-Committees.

IALA GUIDELINES ON UNIVERSAL SHIPBORNE AUTOMATIC IDENTIFICATION SYSTEM (AIS)

11.40 The Committee noted with interest the information provided by IALA (MSC 76/INF.13) on IALA Guidelines on Universal Shipborne Automatic Identification System (AIS), which are available on the IALA website.

ARCHIPELAGIC SEA LANES

11.41 The delegation of Indonesia stated that, following its statement at MSC 73, it would now inform the Committee that, on 28 June 2002, the Indonesian Government had promulgated Regulation No. 37, Year 2002, concerning the "Rights and Obligations of Foreign Ships and Aircraft in Conducting the Rights of Archipelagic Sea Lane Passages", clarifying the designation of the archipelagic sea lanes in Indonesian archipelagic waters. This information was in connection with resolution MSC.72(69), by which the Committee had adopted a partial system of archipelagic sea lanes in Indonesian archipelagic waters, as detailed in SN/Circ.200. Pursuant to this, the archipelagic sea lanes in the Indonesian archipelagic waters would be implemented effectively on 28 December 2002 at 0000 hours local time.

The delegation of Indonesia also clarified that, with regard to the part of the sea lanes (spurs III-A and III-B) in the specific maritime area between the Republic of Indonesia and the Democratic Republic of Timor Leste in Leti strait and part of Ombai strait, as stipulated in article 14 of the aforementioned Government Regulation, the sea lane in these particular maritime areas would not be implemented. This position had indeed represented a non-prejudicial clause in order to ensure that the specific sea lanes in Leti strait and part of Ombai strait were diverted from the Indonesian archipelagic waters but legally formed to be used for international navigation and might be accommodated for rights of transit passage. Consequently, nothing in that regulation would lessen the rights of foreign ships to exercise their right of innocent passage through Indonesian waters designated as archipelagic sea lanes.

The Indonesian delegation expressed appreciation to IMO, the International Hydrographic Organization (IHO) and all Member States of the Organization for their constructive contribution on this particular subject at previous sessions of the Committee. The Indonesian Government would provide the English version of Government Regulation No. 37, Year 2002 to the Secretariat at the earliest convenience for circulation to Member Governments. In the meantime, reference should be made to SN/Circ.200.

12 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

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

12.1 The Committee approved, in general, the report of the forty-fifth session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 45/14 and MSC 76/12) and took action as indicated hereunder.

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

12.2 The Committee noted the progress made in the revision of SOLAS chapter II-1 parts A, B and B-1, regarding, in particular, the formulation of factors ‘p’, ‘r’, ‘v’ and ‘s’, and that further progress was expected to be made intersessionally by a correspondence group.

Revision of resolution A.266(VIII)

12.3 Based on the justification prepared by the Sub-Committee, the Committee included, in the Sub-Committee’s work programme, a new item on “Revision of resolution A.266(VIII)”, with two sessions needed to complete the item (see also paragraph 20.50).

Amendments to Annex B to the 1988 LL Protocol

12.4 The Committee considered proposed amendments to Annex B to the 1988 Load Line Protocol, prepared by the Sub-Committee, in conjunction with documents on the subject submitted to this session by China (MSC 76/12/5), Japan (MSC 76/12/3 and Corr.1 and MSC 76/12/14), the United Kingdom (MSC 76/12/2 and Corr.1) and IACS (MSC 76/12/1); and took action as outlined in paragraphs 12.5 to 12.8 below.

Design wave loads

12.5 With regard to the figures and expressions still in square brackets in proposed regulation 16-1 (Hatch covers), relating to the magnitude of the design wave loads and the phrase “in any sea conditions”, the Committee noted the relevant arguments laid down in documents MSC 76/12/2 and Corr.1 and MSC 76/12/4 and referred the matter to the Working Group on Bulk Carrier Safety for detailed consideration (see also paragraphs 5.14, 5.15, 5.17.2.1 and 12.11 to 12.18), and with the instruction that the group take also into account, if necessary, related information contained in documents MSC 76/INF.10, MSC 76/INF.11 and MSC 76/INF.12 (United Kingdom).

Reserve buoyancy

12.6 In reaching proposed regulation 39 on Minimum bow height and reserve buoyancy, the Committee considered documents MSC 76/12/3 and Corr.1 (Japan), commenting on the draft reserve buoyancy requirements introduced in draft regulation 39; and MSC 76/12/5 (China), supporting the retention of the proposed requirements regarding reserve buoyancy, recalling, at the same time, that, at SLF 45, some delegations had expressed concern about possible operational problems, such as air draft limitation and bridge visibility, when a forecastle is installed.

12.7 Following some discussion in principle, the Committee agreed to retain the reserve buoyancy provisions and referred this matter also to the Working Group on Bulk Carrier Safety for detailed consideration (see also paragraphs 5.16, 5.17.2.3 and 12.20).

Qualification of “classification society”

12.8 The Committee considered document MSC 76/12/1 (IACS), proposing that draft regulation 1(2) be modified in order to qualify the term “classification society”; and, having discussed the proposal, agreed to modify the text of the regulation accordingly.

Other matters

12.9 The Committee accepted several editorial amendments proposed by the Chairman of the Sub-Committee and instructed the Secretariat to incorporate them in the proposed amendments as appropriate.

Report of the working group

12.10 Having received the report of the Working Group on Bulk Carrier Safety (MSC 76/WP.16), the Committee considered the parts therein referring to the issues mandated under paragraphs 12.5 to 12.7 above and took action as indicated in paragraphs 12.11 to 12.20 below.

Design wave loads on hatch covers

12.11 Under this heading, the Committee considered documents MSC 76/12/2 and Corr.1, MSC 76/12/4, MSC 76/5/20, MSC 76/INF.10, MSC 76/INF.11 and MSC 76/INF.12. Concerning document MSC 76/12/2 and Corr.1, the Committee decided that draft regulation 16-1 of the 1988 Load Line Protocol would apply only to new ships.

12.12 On the matter of hatch cover design loads, the Committee, having agreed to use the proposals contained in document MSC 76/12/2 as the basis for discussion, debated the flooding scenarios used in determining the hatch cover loads applicable to reduced freeboard ships as proposed in that document, which consisted of forepeak only flooded in extreme sea conditions (20-year North Atlantic storm), and the foremost cargo hold only flooded in those extreme sea conditions. It was recognized that the latter condition determined the design wave loads. The Committee noted an observation made by IACS and supported by a number of delegations, that the requirement of double-hull construction would greatly decrease the possibility of flooding of the foremost cargo hold in extreme sea conditions. Nevertheless, in order to reach a higher level of safety, the Committee decided to adhere to the most rigorous flooding scenario, and thus adopted the design wave loads as proposed in the above document.

12.13 Subsequently, the Committee, having incorporated a revised and simplified formula for design wave loads, amended draft regulation 16-1, as shown in annex 16.

12.14 The IACS observer introduced document MSC 76/5/20 and gave a detailed presentation on the painstaking development of the load model in UR S21, Rev.2, which fully utilizes the extensive information on green sea loads derived from the Marin model tests in a physically sound manner. The load model accounts for ship speed, block coefficient, hatch cover position in terms of relative height and distance aft of the forward perpendicular, as well as ship length. In particular, the model incorporates the effects of relative motion on the hatch cover loads determined from the model tests.

12.15 IACS advised also that it was continuing its assessment of damage flooding scenarios utilizing the Marin model tests, which could not be completed prior to MSC 76 owing to the complexity of the issues involved. The utility of continuing this effort might need to be re-considered in light of the outcome of MSC 76. Anticipated inclusion of damage flooding cases in the revised UR accounted, in part, for the higher allowable stress in UR S21, Rev.2. This was seen to be in line with the proposal of the United Kingdom for treating damage flooding cases in paragraph 10 of document MSC 76/12/2.

12.16 Further, the IACS observer expressed regret that UR S21, Rev. 2 and the continuing IACS work on damage flooding cases could not be utilized in amending the hatch cover requirements of the 1988 LL Protocol. IACS indicated that it expected to reassess UR S21, Rev.2 in the light of the outcome of MSC 76 with a view, if practicable, to utilizing its detailed structural assessment criteria, and its requirements pertaining to hatch coamings, securing and structural details of hatch covers in conjunction with the amended requirements of the LL Protocol.

12.17 The Committee noted with appreciation the continuing efforts made by IACS and invited them to submit this work for consideration in due course, taking into account the issues raised in paragraph 12.12 above (see also paragraph 5.71).

12.18 Furthermore, some delegations, including those of Germany and Norway, expressed concern that the hatch cover loads applicable to ships of 100 metres in length indicated in document MSC 76/12/2, were lower than those typically applied in practice. Following some discussion, the Committee agreed to revise the hatch cover loads applicable to ships of 100 metres in length from 4 t/m² to 5 t/m² at the forward perpendicular, and adhere to the format for draft regulation 16-1 as proposed in said document and reflected in annex 16.

Consideration of the expression ‘in any sea conditions’

12.19 The Committee agreed to remove the square brackets around the expression ‘in any sea conditions’ in draft regulation 16-1(8), as the wording was considered adequate and would include the most realistically onerous sea conditions.

Reserve buoyancy

12.20 Under this heading, and taking into account its earlier decision to retain the reserve buoyancy provisions (see also paragraph 12.7), the Committee considered in detail documents MSC 76/12/3 and Corr.1 and MSC 76/12/5. With respect to the former document and additional information provided orally by some delegations, the Committee agreed to replace the value of the coefficient ‘5.475’ in the formula of required projected area in regulation 39(5) with the figure ‘4’. Further, in view of the importance attributed to reserve buoyancy forward, the group agreed to renumber paragraph (5) of draft regulation 39, as proposed by SLF 45, as paragraph (3) and relocate it under paragraph (2) of the same regulation, modified to indicate that the provisions therein would apply only to bow height and not to reserve buoyancy.

Approval of the proposed amendments

12.21 Subsequently, the Committee approved the draft amendments to Annex B to the 1988 Load Line Protocol, set out in annex 16, and requested the Secretary-General to circulate them in accordance with article VI of the Protocol, for consideration with a view to adoption at MSC 77. Without prejudice as to its final decision at MSC 77, the Committee concurred, in principle, with the Sub-Committee’s recommendation that the amendments in question should enter into force on 1 January 2005.

12.22 The Committee acknowledged that the approved amendments did not affect the 1966 LL Convention and recognized that, as a consequence, the amendments would only apply to approximately 60% of the world’s merchant fleet, i.e. to those ships flying the flags of States Parties to the 1988 LL Protocol. In agreeing that the most practical way of achieving widespread application of the new provisions would be to encourage all Contracting Governments to the

1966 Load Line Convention to become Parties to the 1988 LL Protocol, the Committee requested the Secretariat to develop a draft Assembly resolution to that effect, for consideration at MSC 77.

Proposed elimination of reduced type 'B' freeboards

12.23 The Committee noted the discussion at SLF 45 regarding the proposal to eliminate reduced type 'B' freeboards for all types of ships.

Matters identified for further consideration

12.24 The Committee noted the following matters identified by the Sub-Committee for further consideration in a future revision of the 1988 LL Protocol:

- .1 evaluation of reduced type 'B' freeboard assignment;
- .2 effect of superstructures;
- .3 effect of sheer;
- .4 reserve buoyancy distribution;
- .5 harmonization with respect to damage stability recommendations;
- .6 structural strength in damaged condition;
- .7 freeboard assignment on the basis of deck wetness for conventional and novel hull forms;
- .8 ships with non-conventional features, including vessels (like cable-layers), which operate with open hatches; and
- .9 further refinement of hatch cover loads for all ships.

Fishing vessel safety

12.25 The Committee endorsed the course of action taken by the Sub-Committee regarding the revision of the fishing vessel Safety Code and Voluntary Guidelines, in particular the start of the revision of part A of the Code; and invited Member Governments and international organizations concerned to make available, to the Sub-Committee's *ad hoc* correspondence group, experts in all the disciplines involved in the revision exercise.

Intact Stability (IS) Code

12.26 The Committee, having noted the progress made in the revision of the Intact Stability Code and that further progress was expected to be made intersessionally by a correspondence group, concurred with the two-way (short- and long-term) approach agreed by the Sub-Committee for the revision of the IS Code, together with the associated work methodology and plan of action.

12.27 Consequently, the Committee requested the Sub-Committee to submit to MSC 78 a more detailed plan of action for the long-term approach, including the associated timetable for

completion of the work, so that consideration could be given to extending the target completion date for the item accordingly.

Partially weathertight hatchway covers

12.28 The Committee considered the draft MSC circular on Interim Guidelines on partially weathertight hatchway covers on board containerhips agreed by the Sub-Committee, noting that fire protection and cargo stowage segregation aspects could not be incorporated because the outcome of respective consideration of these two issues by the FP and DSC Sub-Committees was not available at the time.

12.29 Noting that DSC 7 had already finalized its work on the cargo stowage segregation aspects and that FP 47 was expected to complete its work on the fire protection aspects, the Committee requested the latter Sub-Committee to amalgamate the output of the three Sub-Committees and prepare a revised draft MSC circular annexing comprehensive Guidelines on partially hatchway covers on board containerhips, for submission to MSC 77 with a view to approval.

Large passenger ship safety

12.30 The Committee noted the progress made regarding the work on large passenger ship safety and that further progress was expected to be made intersessionally by the Subdivision and Damage Stability (SDS) Correspondence Group.

Bulk carrier safety

12.31 The Committee noted that work on matters related to bulk carrier safety, other than those directly connected with load lines, had been concluded by the Sub-Committee.

Model test method

12.32 Having considered the proposed draft MSC resolution on Revised Model test method under resolution 14 of the 1995 SOLAS Conference and noting that it would be for SOLAS Contracting Governments present at a session of the Committee to agree to any revision of the Model test method and associated guidance notes to supersede the one appended to the annex to resolution 14; and to adopt any such revised Model test method and guidance notes by an MSC resolution, the Committee adopted the aforementioned Revised Model test method under resolution 14 of the 1995 SOLAS Conference by resolution MSC.141(76), as set out in annex 17.

Interpretations of the 2000 HSC Code

12.33 The Committee approved the draft interpretations of chapter 2 of the 2000 HSC Code (SLF 45/14, annex 7) with a view to amalgamating them with any similar outcome from other sub-committees involved and referred them to the DE Sub-Committee for amalgamation purposes.

IACS unified interpretations

12.34 The Committee noted that the Sub-Committee had shared the concern expressed by the IACS observer that the review of their unified interpretations referred to various sub-committees by the Committee had routinely been relegated to consideration under the item on “Any other business” and that, consequently and due to lack of time or prominence, the reviewing of these

very important clarifications of IMO requirements had rarely been completed. Therefore, the Sub-Committee, noting that a procedure to enable proper consideration of this matter was necessary for all the sub-committees involved, had recommended that an item on consideration of IACS unified interpretations be introduced in the work programmes of the relevant sub-committees.

12.35 Having considered the above recommendation, the Committee agreed that IACS should continue submitting its unified interpretations directly to the Committee for preliminary review. Upon taking a decision as to which sub-committee a particular unified interpretation should be referred for further consideration, the Committee would include an appropriate item in the work programme of the sub-committee concerned and specify a related target completion date (see also paragraph 20.3).

13 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

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

General

13.1 The Committee considered urgent matters emanating from the seventh session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 7/15 and MSC 76/13) and took action as indicated hereunder.

Exemptions from the provisions of the IMDG Code

13.2 The Committee, in considering the issue of granting exemptions from the provisions of the IMDG Code with a view to providing relevant guidance to the Sub-Committee, recalled that MSC 75 (MSC 75/24, paragraph 7.30), having considered the matter at some length, had decided to refer the proposal submitted by Germany in document MSC 75/7/1 to DSC 7 for detailed consideration and advice to MSC 76.

13.3 The Committee noted that DSC 7 had recognized that there was a compelling need for the issue of granting exemptions from the mandatory IMDG Code to be considered by the Committee and, having agreed, in principle, with the proposed relevant draft amendment to the Code (DSC 7/15, annex 2), had referred it to the E & T Group for finalization.

13.4 Estonia, Finland and Germany (MSC 76/13/4), in view of the decisions of MSC 75 and DSC 7 and noting, in particular, that with the IMDG Code being introduced as a mandatory body of regulations, a method was needed to regulate those cases which were not covered by the provisions of the Code, proposed a draft MSC circular annexed to their submission.

13.5 The above proposal was widely supported by delegations which participated in the debate.

13.6 In view of the aforesaid and noting, in particular, that a procedure on how to implement such provisions was needed before the envisaged 2004 amendments to the mandatory IMDG Code entered into force on 1 January 2006, the Committee recognized that there was a compelling need to address this issue and requested the E & T Group to prepare an appropriate MSC circular, which should be based on the draft amendment to the IMDG Code agreed, in principle, by DSC 7 (DSC 7/15, annex 2), taking into account document MSC 76/13/4; and requested the Secretariat to submit such a draft MSC circular to MSC 77 for consideration with a view to approval.

Cargo securing manual and cargo information

13.7 The Committee recalled that MSC 75 (MSC 75/24, paragraph 22.14), having considered document MSC 75/22/9 (Norway and Sweden), requesting it to confirm that the revision of the Guidelines for the preparation of the cargo securing manual (to include information on how the securing of cargo inside cargo transport units (CTUs) could be verified or documented) should be undertaken by the Sub-Committee, had instructed DSC 7 to consider the matter and report to MSC 76.

13.8 The Committee endorsed the Sub-Committee's view that making amendments to the Guidelines for the preparation of the cargo securing manual would not solve the problem highlighted in document DSC 7/5/1 and that more appropriate ways to ensure proper stowage and securing of cargo inside CTUs would be to:

- .1 place more emphasis on the training of personnel involved in the packing and securing of all cargoes;
- .2 co-operate with ILO and other UN agencies to ensure proper implementation of the relevant provisions of the IMO/ILO/UN ECE Guidelines for Packing of Cargo Transport Units (CTUs);
- .3 have a multimodal approach to address this issue with IMO being represented at UN ECE meetings on land transport; and
- .4 take measures to encourage inspection, by Member Governments, of CTUs before they are loaded on board ships.

13.9 The delegation of the United Kingdom endorsed all the points made by DSC 7 on the issue; however, being concerned about how to take the matter forward, expressed the view that "security" may play a decisive role in any action taken to progress the matter further.

13.10 The delegation of the United States, while agreeing with the views expressed by the United Kingdom delegation (in particular with regard to paragraph 13.8.4 above), was of the view that the issue should also be looked at in conjunction with the World Customs Organization (WCO). In this regard, the Committee noted information provided by the Secretariat concerning the signing, on 23 July 2002, of a Memorandum of Understanding on Co-operation between WCO and IMO, an important part of which concerned the strengthening of co-operation between the two organizations in the fields of container examination, cargo integrity in multimodal transport and matters related to ship/port interface.

13.11 The Committee requested the Secretariat to consider the possibility of organizing seminars/workshops, taking into consideration IMO model course 3.18 on Safe Packing of CTUs, in co-operation with ILO, UN ECE and WCO, to assist Members in the training of personnel and report to DSC 8 as appropriate.

Incident reports involving dangerous goods

13.12 The Committee recalled that MSC 75 (MSC 75/24, paragraph 7.13) had 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 DSC Sub-Committee which has the expertise to deal with them.

13.13 The Committee recalled further that MSC 75, recalling 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, had considered this issue at some length and decided to revisit the matter at MSC 76 (see also document MSC 76/22/3).

13.14 Some delegations were of the opinion that such incident reports should be submitted to the FSI Sub-Committee for consideration and that a clear instruction should be given to that Sub-Committee to ensure that other sub-committees or any other relevant bodies of the Organization with an interest in any such reports be informed accordingly as soon as possible.

13.15 Other delegations were of the view that, since the FSI Sub-Committee conducts analyses of major casualties while the DSC Sub-Committee has expertise to deal with incidents involving dangerous goods, such incident reports should, in the first place, be considered by the DSC Sub-Committee with the FSI Sub-Committee being informed accordingly.

13.16 After some further discussion, the Committee agreed that whilst incident reports involving dangerous goods should be considered by the DSC Sub-Committee, casualty reports should be considered by the FSI Sub-Committee. However, should there be a dangerous goods element involved in the latter case, the DSC Sub-Committee should also be involved.

Implementation of the IMDG Code by shore-side parties

13.17 The Committee noted that the Sub-Committee, when considering further the aforementioned subject in the context of the original proposal of ICHCA and the Committee's positive response, had agreed that the undergoing review of relevant ILO legislation and the training programme (Port Worker Development Programme (PDP), Module P 3.1 – Handling of dangerous cargoes in ports) in line with the new mandatory IMDG Code were positive steps forward; however, DSC 7 considered that, in the light of the comments of ILO on the IMO proposal, the establishment of an ad hoc joint ILO/IMO working group need not to be pursued further and that the Committee should be advised accordingly. Notwithstanding this development, the Sub-Committee encouraged the Secretariats of the two organizations to continue liaising on matters of common interest.

13.18 The Committee endorsed the above view and action taken by the Sub-Committee and decided to delete this item from the work programme of the Sub-Committee.

Stowage and segregation of dangerous goods on containerships fitted with partially weatherproof hatchway covers

13.19 The Committee noted that the Sub-Committee had developed an appropriate text of provisions on stowage and segregation of freight containers containing dangerous goods on containerships with partially weatherproof hatchway covers, for incorporation into the Guidelines under development by the SLF Sub-Committee; and also that the Sub-Committee had agreed that the different sets of guidelines on stability; stowage and segregation; and fire-fighting, should be consolidated as three separate sections of a single set of guidelines (see also paragraph 12.29).

13.20 The Committee endorsed the Sub-Committee's proposed course of action; decided to delete this item from its work programme; and instructed the Secretariat to inform the SLF and FP Sub-Committees accordingly.

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

13.21 The Committee, in considering the issue raised by the Sub-Committee on whether the development of the Manual should be discontinued or whether work on it should be resumed, recalled that MSC 72 (MSC 72/23, paragraph 4.17) had agreed that the Manual should be developed by the DSC Sub-Committee in co-operation with the SPI Working Group; and also that DSC 6 had considered the outline for such a manual and had referred it to the SPI Working Group for contribution.

13.22 The Committee recalled further that MSC 75 (MSC 75/24, paragraph 7.18) had instructed DSC 7 to continue to develop the Manual, taking into account any input from the SPI Working Group.

13.23 The Committee noted the debate at DSC 7 on the issue (MSC 76/13, paragraphs 14 to 24), in particular that the majority of the delegations, which had participated in the debate, had recognized that:

- .1 the draft Manual repeated many items of the BLU Code; areas related to shipboard activities were reflected already in the BLU Code and not all of these were relevant to terminal representatives; general information contained in the draft Manual was unnecessary in terms of safe loading and unloading and had no added value; and also that the draft Manual proposed lacked clarity;
- .2 the BLU Code is concise and easily understood worldwide; is adequate and provides sufficient basic guidance and any shortcomings, if identified, should be dealt with by amending it, as appropriate. The BLU Code is relatively new and Governments may need time to ensure its effective implementation;
- .3 IMO's involvement in shore-side matters is limited;
- .4 there are already a number of industry guidance documents available; and
- .5 the proposed Manual would provide little or no additional safety guidance.

13.24 Australia (MSC 76/13/3) was of the opinion that further development of the Manual may not add value to the already existing BLU Code and proposed that work on this item in the DSC Sub-Committee should be discontinued.

13.25 IBTA (MSC 76/13/2) did not consider the development of the Manual to be an especially effective, nor appropriate, way to deal with known challenges at the bulk terminal/bulk carrier interface and, therefore, suggested that work on the Manual be discontinued.

13.26 The delegation of Greece, supported by other delegations, was of the opinion that the development of the manual should be continued. That delegation further expressed the view that, according to the FSA study on bulk carrier safety, stevedore training is a risk control option and, therefore, the Manual, if developed, could also address this issue; also that the Manual would provide additional important information to terminal representatives on areas not covered by the

BLU Code, such as prevention of accidents, protection of the marine environment, fumigation, etc. Discontinuation of the development of the Manual, based mainly on the agreement that the BLU Code was adequate, could not be justified and the current draft Manual could be improved by making it more user friendly, avoiding duplication with the BLU Code, etc.

13.27 After some further discussion, the Committee agreed to await the outcome of the Working Group on Bulk Carrier Safety deliberations before deciding on this issue.

13.28 Having considered the report of the Working Group on Bulk Carrier Safety (MSC 76/WP.16), in particular the recommended measure for terminal interface improvements: Improvement of ship/shore communications, training of stevedores and terminal operators and better control of loading capabilities (MSC 76/WP.16, paragraphs 30 and 31), the Committee decided that the work on the development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives should be continued and the above risk control option be addressed in the Manual.

OTHER MATTERS

Proposal for the extension of the application of the BLU Code

13.29 IFSMA and BIMCO (MSC 76/13/1) were of the opinion that consideration should be given to whether ships loading and unloading grain should also be included amongst those covered by the BLU Code and, if so, that appropriate amendments to address the inclusion of ships carrying grain into the Code should be made at the first reasonable opportunity.

13.30 The Committee, agreeing that the issue raised by IFSMA and BIMCO merited consideration, referred document MSC 76/13/1 to DSC 8 to consider it under the agenda item on "Any other business"; and report to MSC 78 accordingly, on the understanding that IFSMA and BIMCO might consider submitting, in partnership with at least one interested Member Government, a proposal to the Committee to include a new relevant item in the Sub-Committee's work programme in accordance with the Committee's Guidelines on the organization and method of work (MSC/Circ.931 as amended).

14 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY

Developments concerning safety-related technical co-operation activities

14.1 The Committee recalled that the Maritime Safety Division implements a number of safety and security-related technical co-operation activities within the Organization's Integrated Technical Co-operation Programme (ITCP) and reports on these activities to every session of the Committee.

14.2 The Committee noted information on safety-related technical co-operation projects and programme activities executed during, and planned for, 2002 by the Maritime Safety Division (MSC 76/14) and an update thereto provided by the Secretariat. It also noted that detailed information on each of the projects and activities listed in annex 1 to document MSC 76/14 was contained in a database maintained by the Secretariat and could be provided on request.

14.3 The Committee further noted information on technical co-operation activities aiming at enhancing maritime security provided in document MSC 76/14/3, containing summary information on a number of sub-regional seminars/workshops on maritime and port security, which were held by IMO in Mombasa, Kenya (22 to 26 July 2002); Singapore (26 to 30 August

2002); Sydney, Australia (2 to 6 September 2002); Alexandria, Egypt (6 to 10 October 2002); Montevideo, Uruguay (28 October to 1 November 2002); Panama City, Panama (4 to 8 November 2002); and Chmielno, Poland (18 to 22 November 2002).

14.4 A number of delegations intervened to thank the Organization for the provision of technical assistance in various fields.

14.5 The Committee requested the Secretariat to continue providing the Committee with updated information on its technical co-operation activities at future sessions and agreed to amending this agenda item to read “Technical assistance sub-programme in maritime safety and security”.

Safety- and security-related thematic priorities for 2004-2005 ITCP

14.6 The Committee recalled the recommendation of MSC 69 on a number of safety-related thematic priorities for inclusion in the 2000-2001 ITCP, which had also formed the basis for the 2002-2003 ITCP and noted that the ITCP for the 2004-2005 biennium was being developed for consideration by the fifty-third session of the Technical Co-operation Committee in June 2003. In this regard, the Committee was now expected to recommend appropriate maritime safety- and security-related thematic priorities for inclusion in the ITCP, taking into account annex 2 to document MSC 76/14.

14.7 Having considered the matter at some length, the Committee agreed that the following safety- and security-related thematic priorities should be included in the ITCP for the 2004-2005 biennium:

- .1 promoting the establishment of effective ship and port facility security measures in accordance with the relevant IMO standards and recommendations;
- .2 fostering the effective implementation of Conventions and other mandatory instruments, with particular emphasis on SOLAS chapter XI-2 and the ISPS Code, the SAR and STCW Conventions and the ISM and IMDG Codes;
- .3 capacity-building in maritime Administrations in respect of training, assessment, examination and certification responsibilities and quality standards relating to the STCW Convention;
- .4 supporting maritime Administrations to strengthen their human resource capabilities in the discharge of their responsibilities as flag and port States;
- .5 promoting the acceptance of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention as well as proactive safety measures relating to fishing vessels and their personnel; and
- .6 supporting maritime training institutions and fellowship programmes.

IMO model course programme

14.8 Having noted an update on IMO model course production and revision provided by the Secretariat (MSC 76/14/1), the Committee instructed the Secretariat to follow-up the IMO model course project and to report developments to MSC 77.

Outcome of the second Workshop for Port State Control MoU Secretaries and Directors of Information Centres

14.9 The Committee noted document MSC 76/14/2 on the outcome of the second Workshop for Port State Control MoU Secretaries and Directors of Information Centres, held at IMO Headquarters from 3 to 5 July 2002, which was part of a technical co-operation programme financed by IMO's TC Fund. The Committee noted, in particular, that the Workshop aimed at providing the participants with an opportunity to exchange views and experiences on port State control activities undertaken by PSC MoUs and regional Agreement, both within the regions concerned and inter-regionally; and to discuss common problems relating to their duties and responsibilities as well as recommendations aiming at harmonization and co-ordination of port State control practices, and the identification of technical assistance needs and priorities.

14.10 The Committee was advised that the Workshop had also reviewed the outcome of the consideration, by various IMO bodies, of the conclusions and recommendations of the first Workshop conducted in 2000; had considered the Committee's invitation for it to examine how the operations of the various PSC regimes could be further harmonized to address the industry's concern over multiple inspections; and had taken into consideration decisions by the FSI Sub-Committee on issues relating, in particular, to the development of a common coding system, evaluation and use of PSC statistics and the establishment of an FSI correspondence group on the analysis of PSC data.

14.11 The delegation of Cyprus, supported by the delegations of the Bahamas and Malta, was of the view that a number of recommendations referred by the Workshop to the Committee for action needed further consideration. In particular, they referred to the issue of the Secretariat obtaining access to the LR-Fairplay Register of Ships world fleet database on behalf of all the regional PSC organizations; the proposal that the FSI Sub-Committee should carry out in-depth analyses of the annual reports submitted to it by the regional PSC organizations; and the cost implications relating to the proposal that the meetings of the Workshop should be held more frequently. Those delegations were of the opinion that it would be more appropriate for the Committee to first consider the outcome of the Workshop in depth and then to refer the matter to the FSI Sub-Committee for further action.

14.12 Having discussed the matter, the Committee decided to consider the report of the Workshop, containing the aforementioned recommendations, at MSC 77 and instructed the Secretariat to submit it to MSC 77. As a consequence, the Committee noted that no workshops would take place prior to further consideration of the matter by MSC 77.

15 ROLE OF THE HUMAN ELEMENT

15.1 The Committee recalled the activities of the Joint MSC/MEPC Working Group on Human Element, including fatigue-related matters in the context of actions taken by MSC 75. The Committee recalled, in particular, that MSC 75 had invited Member Governments to submit comments and proposals to MSC 77 on the preliminary lists of tools developed and activities carried out by the Organization addressing the human element; on the review of the human element goals listed in resolution A.850(20); and on the development of a strategic plan for addressing the human element. In this regard, the Committee recalled that the STW Sub-Committee had been instructed to develop mandatory education and training requirements for fatigue prevention, mitigation and management.

15.2 The Committee noted information provided by Denmark (MSC 76/15/1) on a Quality Shipping Conference organized in Copenhagen in July 2002.

15.3 The delegation of the Bahamas expressed the view that the outcome of conferences, such as the one referred to above, should be reported as information documents only. Following some discussion, the Committee invited Member Governments submitting information on the outcome of conferences, seminars and other meetings for noting by the Committee, to clearly indicate that they are for information only so that the limited time available to the Committee may best be used.

16 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Statistical information

16.1 The Committee noted (MSC 76/16) that, in accordance with its standing instructions, the Secretariat had, since MSC 75, 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.4/Circ.18, MSC.4/Circ.20, MSC.4/Circ.21, MSC.4/Circ.23, MSC.4/Circ.24 and MSC.4/Circ.25) and quarterly reports (circulated under the symbols MSC.4/Circ.22 (second quarter of 2002) and MSC.4/Circ.26 (third quarter of 2002)), while the annual report for the period between March 2001 and March 2002 had been issued under the symbol MSC.4/Circ.16 and had been presented at MSC 75.

16.2 The Committee further noted that, since June 2001 and in accordance with the instruction of MSC 74, the circulars reporting on acts of piracy and armed robbery differentiated (in separate annexes) between acts of piracy and armed robbery actually "committed" and "attempted" ones. In addition, and as instructed by the Committee (MSC 75/24, paragraph 18.41), the Secretariat had, as of July 2002, classified separately incidents of piracy and armed robbery **at sea** (international or territorial waters) vis-à-vis armed robbery acts committed in **port areas**, in addition to "**attempted**" acts of armed robbery. Furthermore, the geographically large South American and Caribbean region had been sub-divided into three sub-regions: South America (Atlantic), South America (Pacific) and the Caribbean, a development which will be reflected in reports issued as of 1 January 2003.

16.3 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 during the first eight months of 2002, as reported to the Organization, was 228, a marginal decrease of 1% over the figure for the corresponding period of 2001. However, comparing the figures for the first ten months of 2001 (263) with the corresponding period of 2002 (315) there was an increase of approximately 20%; and the Committee further noted that the total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of October 2002, had risen to 2,880.

16.4 The Committee observed that the identified 20% increase in the reported acts of piracy and armed robbery against ships was a worrying development and a cause for concern and, therefore, agreed that much needed to be done to reduce this menace.

16.5 In further considering the statistical information for the period between 1 January and 31 October 2002, as provided by the Secretariat, the Committee noted with deep concern that, during the current year, twelve ships had been hijacked and eight ships had gone missing. From the reports received it had also emerged that the areas most affected (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, the Indian Ocean, the Caribbean, South America (Pacific and Atlantic) and West and East Africa. Over the same period, the number of incidents reported to have occurred had decreased from 44 to 24 in the Malacca Strait, from 62 to 57 in the Indian Ocean and from 39 to 38 in West Africa;

however, they had increased from 84 to 112 in the South China Sea, from 18 to 20 in East Africa, from 8 to 33 in the Caribbean, from 5 to 17 in South America (Pacific) and from 1 to 11 in South America (Atlantic) over the figures for the first ten months of 2001. Most of the attacks worldwide were reported to have taken place in territorial waters while the ships were at anchor or berthed. In many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. The Committee was particularly concerned to note that, during the same period, four passengers and one crew member of the ships involved had been killed, two crew members and four entire crew had been reported missing and seventy-one crew members and twelve passengers of the ships involved had been wounded.

16.6 The Committee also observed that, although after the 11 September attacks emphasis had been placed on **security**, the issue of piracy and armed robbery against ships continued to cast a black spot on the image of the shipping industry as a whole. The maritime community could not any longer tolerate this situation and the serious repercussions it had on the security of passengers and crews and the safety of ships, not to mention the impact on the marine environment if a piracy/armed robbery incident resulted in oil or other hazardous and noxious cargoes escaping into it. The Committee, therefore, urged, once again, all Governments and the industry to intensify their efforts to eradicate these unlawful acts.

16.7 The Committee noted that of late and, as indicated in document MSC 76/16/Add.1, the Secretariat had not received any reports from Member Governments on action they had taken with regard to incidents reported to have occurred in their territorial waters. Therefore, the Committee urged all Governments, which receive such reports, to provide the Organization with the required information.

Implementation of the anti-piracy project

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

- .1 phase one of which consisted of a number of regional seminars and workshops attended by Governmental representatives from countries in piracy-infested areas of the world; while:
- .2 phase two consisted of a number of evaluation and assessment missions to:
 - .1 Jakarta, Indonesia (13 and 14 March 2001);
 - .2 Singapore (15 and 16 March 2001) for countries in the South China Sea, the Malacca and Singapore Straits and the Eastern Indian Ocean;
 - .3 Guayaquil, Ecuador (25 and 26 September 2001) for South America and the Caribbean Sea countries; and
 - .4 Accra, Ghana (25 and 26 March 2002) for Western and Central African countries.

The Accra Regional Meeting

16.9 The Committee, having received the report (MSC 76/16/1) on the March 2002 evaluation and assessment mission on Piracy and armed robbery against ships conducted in Accra, Ghana, noted that, from statistics compiled, the situation piracy/armed robbery-wise in the West and

Central African sub-regions had deteriorated recently with an increase to 58 of the incidents reported in 2001. The Committee also noted that, from information received by the Secretariat and on the basis of recent statistics, the situation, armed robbery-wise, for the West and Central sub-regions had not improved in recent years and, in fact, that there had been a nearly 43% increase in reported cases.

16.10 The Committee further noted that the Accra Meeting had encouraged countries in the region to consider increasing their efforts to prevent and suppress acts of armed robbery (or attempts of armed robbery) and, where appropriate, acts of piracy in the high seas off their coasts.

16.11 In further considering the Accra Meeting report, the Committee noted the perceived lack of adequate regional co-operation and co-ordination of anti-piracy activities among countries of the sub-regions (paragraph 25 of document MSC 76/16/1); the agreement by the Meeting that the Maritime Organization of West and Central African States (MOWCA) should be used as the co-ordinating body for developing a regional strategy on co-operation and co-ordination against piracy and armed robbery against ships (paragraph 27 of document MSC 76/16/1); and that sub-regional/regional co-ordination and co-operation among countries in the two sub-regions in the fight against piracy and armed robbery against ships (by such means as exchange of intelligence, patrolling certain vulnerable areas, joint and/or co-ordinated exercises, etc.) was necessary and should be pursued (paragraph 28), in the light of sub-regional/regional co-ordination and co-operation discussions which had taken place at the 1999 Lagos (paragraph 28.1), the 1999 Singapore (paragraph 28.2) and the 2000 Mumbai (paragraph 28.3) regional seminars and workshops, the two 2000 Tokyo Conferences (paragraph 28.4) and the March 2002 Jakarta and Tokyo meetings to progress towards developing a mechanism for regional co-operation and co-ordination.

16.12 The Committee further noted that the Accra Meeting had expressed satisfaction that following the September 11 terrorist attacks in the United States, IMO had instigated pro-active measures in developing a legal framework for the enhancement of maritime and port security as well as reviewing the scope of the 1998 Suppression of Unlawful Acts (SUA) Convention and Protocol (paragraph 32); and had 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 33). The Committee noted also the conclusions and recommendations (paragraph 34) of the Meeting and, in particular, sub-paragraphs 34.4 to .7, .9, .11, .12, .13, .14, .15 and .16 to .22, including the action requested of the Committee as given in paragraphs 35.1 and 35.2 of document MSC 76/16/1.

16.13 The Committee noted with particular interest paragraph 34.14 of the document referred to above, whereby the Maritime Organization of West and Central African States (MOWCA), in co-operation with IMO, had been invited to undertake consultations with Governments in the two sub-regions concerned 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 acts of piracy and armed robbery against ships.

16.14 The delegation of Singapore stated that it had no objection in endorsing the report of the Ghana assessment and evaluation mission being fully supportive of technical co-operation activities for the prevention of piracy and armed robbery against ships. It went on to inform the Committee that, according to records maintained by Singapore, no armed robbery attacks had been reported in the Strait of Singapore since 1990.

16.15 Several delegations appreciated the efforts of the IMO Secretariat and of Member Governments and industry organizations, which had contributed towards facilitating the fielding of the three assessment and evaluation missions to Singapore, Guayaquil (Ecuador) and Accra (Ghana). They also expressed gratitude to those Member Governments, which had provided assistance to vessels which had come under attack by pirates and armed robbers in various parts of the world.

16.16 The ICS observer voiced the continuing concern of the shipping industry over the increase in the number of reported piracy and armed robbery attacks against ships. He further mentioned the industry's fear that the issue of piracy and armed robbery against ships might be eclipsed by the recently emerged concern over maritime security issues. He further reiterated ICS's continued commitment to assist IMO in tackling the menace of piracy and armed robbery against ships.

16.17 The delegation of the United Kingdom, supported by other delegations, outlined the need for the Organization to assess the progress made so far, following the conclusion of the assessment and evaluation mission phase of the anti-piracy project and to develop a co-ordinated plan of action for future activities to tackle piracy and armed robbery against ships through concluding of regional agreements. It suggested that the IMO Secretariat prepare a suitable proposal for consideration by MSC 77.

16.18 The Committee endorsed the aforementioned proposal and instructed the Secretariat to do the needful and submit an appropriate document to MSC 77.

16.19 The Committee endorsed the report of the Accra evaluation and assessment mission, in particular its conclusions and recommendations. With respect to paragraphs 35.1 and 35.2 of document MSC 76/16/1, the Committee recalled that, in the context of the corresponding Guayaquil meeting, MSC 75 had:

- .1 concurred with the need to review 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 updating 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 was already underway in response to, and in the context of, resolution A.924(22); and
- .2 instructed the Secretariat to communicate with the industry organizations concerned 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,

and noted that the Secretariat had already acted with respect to .2 above.

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

Concluding of regional agreements

16.21 The Committee noted that, as reported to MSC 75, so far only two countries (out of the ten which had participated in the March 2001 regional Meeting in Singapore) had responded positively to the invitation of the Secretary-General 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.

16.22 The Committee recalled that MSC 75 had noted that the process to promote and conclude viable regional agreements to combat piracy and armed robbery against ships was progressing rather slowly; and had urged Member Governments to give urgent consideration to the issue instructing their appropriate national authorities to address it on a priority basis.

16.23 The Committee further noted that the Secretariat had been following-up the proposals expressed at the Guayaquil and Accra Meetings, respectively involving ROCRAM and MOWCA, towards convening regional meetings to promote the case of regional co-operation; and that it was expected that two meetings in the regions concerned, namely South America and West/Central Africa, would be organized to take place by March/April 2003.

16.24 The Committee was informed by the Secretariat that, following completion of the second phase of the anti-piracy project, the Secretariat was consulting with Governments interested to receive technical assistance and was also co-ordinating missions to countries which were expected to request such assistance, using, for this purpose, the answers to the questionnaires handed over to the participants to the Singapore, Guayaquil and Accra Meetings.

16.25 The Committee endorsed, in general, the plan of action proposed by the Secretariat.

Update on the United Nations Open-ended Informal Consultative Process

16.26 The Committee recalled that, at its seventy-fourth session, it had noted that, pursuant to resolution A/55/7 of the United Nations 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 maritime piracy 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 identifying two areas of focus - marine science and technology; and piracy and armed robbery at sea - leading to a meeting of the Process, which had taken place in New York in May 2001. The outcome of that Meeting had been reported to MSC 75 and the Committee (MSC 75/24, paragraph 18.31) had instructed the Secretariat to follow closely any further developments and report thereon to the Committee, as appropriate.

16.27 The Committee noted that the shortened new name of the Process referred to above was now "Consultative Process", and noted further that any information on relevant action taken by the United Nations General Assembly would be submitted to MSC 77.

16.28 The Committee instructed the Secretariat to continue following closely any further developments at the United Nations level and report thereon, as appropriate.

17 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Implementation of instruments

17.1 The Committee noted the information on the status of acceptance, as at 27 September 2002, of safety-related conventions, protocols and amendments thereto (MSC 76/17 and MSC 76/INF.20), 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 on or after the date the above documents were prepared.

17.2 The delegation of Iceland, having expressed concern with the low rate of ratification of the 1993 Torremolinos Protocol and 1995 STCW-F Convention, informed the Committee that the Icelandic Maritime Administration had developed presentation material for a five-day IMO seminar on the safety of fishing vessel personnel. The delegation remained hopeful that the regional seminars, which the Organization is now planning to hold in a number of places around the world, would be a success, resulting in more States accepting the 1995 STCW-F Convention and thereby contributing to its entry into force.

17.3 In this respect, the Committee noted information provided by the Secretariat that, with regard to the 1995 STCW-F Convention, the Organization had planned a project comprising a series of regional seminars and workshops (the first of which was scheduled to take place in the Republic of Korea from 16 to 20 December 2002), to raise awareness of the benefits of meeting the standards of the Convention and to provide advice on how to ratify it and on the availability of technical assistance through IMO. The Committee's attention was drawn to the Secretary-General's statement earlier in the session that, during the intersessional period and in the context of the request of resolution A.925(22), he had written to the Administrations of countries which owned large fishing vessel fleets and had not yet accepted the 1993 Torremolinos Protocol and the 1995 STCW-F Convention, urging them to consider doing so as soon as possible so that the two instruments could enter into force without further delay. He had repeated that plea, together with his invitation to those Governments experiencing difficulties in the process of becoming parties to the above instruments, to advise IMO accordingly so that action could be taken to help them, including the provision of any necessary technical assistance.

18 RELATIONS WITH OTHER ORGANIZATIONS

RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

Applications for consultative status

18.1 The Committee, recalling that MSC 75 had recommended to the Council that consultative status should not be granted to the World LP Gas Association (WLPGA) and the International Federation of Freight Forwarders Association (FIATA) (MSC 75/24, paragraphs 19.3, 19.5 and 19.7), noted the concurrent decisions of C 88 (MSC 76/18, paragraph 3).

18.2 In considering a new application for consultative status, referred to it by the Council (MSC 76/18), in respect of the International Marine Transit Association/Interferry (IMTA-Interferry), the Committee noted the recommendation made by MEPC 48 (MSC 76/2/2, paragraph 23) that consultative status should be granted to that organization on a provisional basis and, concurring with the decision of MEPC 48, recommended to the Council that consultative status should be granted to IMTA-Interferry on a provisional basis.

Information by IMSO

18.3 The Committee noted the information provided by IMSO in document MSC 76/18/1, namely that Inmarsat Ltd had given more than five years' notice of the scheduled withdrawal of Inmarsat-A services, to take effect on 31 December 2007 and, having agreed that such an information should be brought to the attention of Member Governments and the industry, instructed COMSAR 7 to prepare an appropriate draft MSC circular for approval by MSC 77.

Boarding and occupation of oil tanker by Greenpeace International activists

18.4 The Committee noted (MSC 76/2/Add.1, paragraph 19) that C 89, with regard to the boarding and occupation by Greenpeace International activists of the Greek oil tanker **Crude Dio** outside the Turkish territorial sea off the northern entrance to the Strait of Istanbul on 4 July 2002, had noted the views of Greenpeace International on the matter as well as the views expressed by Members of the Council, reiterating the necessity for Greenpeace International to comply with the international regulations concerning the safety of navigation and, in particular, collisions at sea and, having requested the Secretariat to monitor the activities of Greenpeace International, had decided to review the matter at the next periodic review of non-governmental organizations at C 90.

IACS UNIFIED INTERPRETATIONS

18.5 The Committee recalled that MSC 74 had, in general, agreed that, in view of the importance of uniform interpretations of the provisions of IMO instruments in assisting Administrations in their implementation, IACS should be invited to submit such interpretations to the Committee, to enable it to decide on what action to take on a case-by-case basis.

18.6 In this context, the Committee noted that, following consideration of document MSC 75/19/2 annexing IACS unified interpretations, MSC 75, having noted that some of the IACS unified interpretations were not acceptable to Administrations, had agreed to refer document MSC 75/19/2 to the BLG, FP, DE and SLF Sub-Committees instructing them to review the interpretations concerned, which fell 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.

18.7 The Committee recalled that, in considering, under agenda item 12 (Stability, load lines and fishing vessel safety), the SLF 45's opinion (emanating from the consideration of the IACS unified interpretation referred to in paragraph 18.6 above) that a procedure to enable proper consideration of IACS unified interpretations was necessary for all the sub-committees involved; and, when further considering SLF 45's recommendation that an item on consideration of IACS unified interpretations should be introduced into the work programmes of the relevant sub-committees (from which it would be selected for inclusion in their provisional agendas as necessary), it had agreed that IACS should continue submitting its unified interpretations directly to the Committee for preliminary review. Upon deciding as to which sub-committee(s) a particular unified interpretation should be referred to for further consideration, the Committee would then include an appropriate item in the work programme of that (those) sub-committee(s) concerned and specify an appropriate target completion date.

18.8 The Committee considered further IACS unified interpretations contained in the annex to document MSC 76/18/2 and decided to refer that document to the BLG, FP, FSI, DE and SLF Sub-Committees, instructing them to review the interpretations annexed thereto which fall within their purview and prepare, together with the interpretations referred to in paragraph 18.6 and forwarded to the Sub-Committees by MSC 75, appropriate interpretations for approval by the Committee (see also paragraph 20.3).

18.9 With regard to interpretation SC 171 entitled "Interpretation of the term "first survey" (SOLAS regulations II-2/1.2.2.2, V/19.2.2, V/19.2.4.2.2 and V/20.1.2)", contained in annex 17 to document MSC 76/18/2, the Committee noted that MSC 75, acting upon the advice of FSI 10, had agreed to draft amendments to the provisions of SOLAS regulation V/19.2.4.2 based on the

aforementioned interpretation (in line with the relevant recommendation of FSI 10), for consideration by the SOLAS Conference on Maritime Security.

18.10 The Committee noted the unified interpretation MPC 9 entitled “Interpretation of width of wing tanks and height of double bottom tanks at turn of the bridge area (MARPOL 73/28, Annex I, regulation 13 F(3))”, contained in annex 3 to document MSC 76/18/2 and instructed the Secretariat to bring the interpretation to the attention of the MEPC for further action, as appropriate.

CO-ORDINATION WITHIN THE UNITED NATIONS SYSTEM

18.11 The Committee was advised (MSC 76/2/Add.1, paragraph 15) that C 89 had noted the information provided in documents C 89/23(b)/Add.1 and C 88/21(b)/Add.1 and, with regard to the up-dating of the study on the Implications of the United Nations Convention on the Law of the Sea for IMO, submitted in document C 89/23(b)/Add.1, recommended to the various organs and bodies of the Organization to keep it in mind as a reference document in the context of their work.

REPORT ON THE OUTCOME OF THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

18.12 The Committee noted (MSC 76/2/Add.1, paragraph 16) that C 89 had taken note of the information provided in the report of the World Summit on Sustainable Development (documents C 89/23(c) and Add.1) and had requested the Secretariat, the MSC, MEPC and TCC to take into account the relevant paragraphs of the Plan of implementation, set out in the annex to document C 89/23(c)/Add.1, in their respective activities.

19 APPLICATION OF THE COMMITTEE’S GUIDELINES

General

19.1 The Committee recalled that MSC 75, having considered various proposals on new concepts to improve the performance of the sub-committees, noted several views expressed in the course of the discussion, which it decided should be brought to the attention of the Meeting of Chairmen of the MSC, MEPC, TCC and the FAL Committee along with the Chairmen of the technical sub-committees, which had been scheduled to take place on 15 June 2002, to mainly consider ways and means to enhance the efficiency and effectiveness of the IMO bodies concerned. The Committee agreed that the Chairmen’s Meeting should also take into consideration the outcome of C 88 on the issue.

19.2 The Committee noted that the Chairmen’s Meeting had been held on 15 June, as planned and that the MEPC had deferred consideration of its outcome to MEPC 49 in July 2003, having had no time to consider it at MEPC 48.

Outcome of the Chairmen’s Meeting

19.3 The Committee considered document MSC 76/19, containing the report of the Chairmen’s Meeting, and agreed to deal with it by considering, first, the recommendations to amend the MSC/MEPC Guidelines on the organization and method of work; then, the other agreed proposals, which were not related directly to the Guidelines; and, finally, comments of general nature before the Committee’s advice is submitted to Council, at its ninetieth session, for consideration and action as appropriate. Matters relating to the Guidelines on the organization

and method of work of the Facilitation Committee (FAL.3/Circ.179) were left for that Committee to consider.

Recommendations to amend the Guidelines

19.4 Having debated the parts of the report of the Chairmen's Meeting making recommendations to amend the Guidelines on the organization and method of work, the Committee:

- .1 agreed that the Guidelines should be re-arranged to make them more user-friendly and, to this effect, it requested the Secretariat to prepare a draft re-arranged text for consideration by MSC 77 and MEPC 49. In this context, the Committee also agreed that, after the revised Guidelines have been approved, they should be issued as a separate IMO loose-leaf publication, in addition to being issued as a joint MSC/MEPC circular as at present;
- .2 noted the Meeting's view that sub-committees should be given sufficient flexibility to discern whether new work programme items should be accepted or not in case of sufficient urgency and importance, subject to approval by the Committee. To this effect, recognizing the need for flexibility, it, nevertheless, decided that the Guidelines should remain as they were to ensure that fair and uniform procedures were observed;
- .3 agreed that continuous and umbrella items in the sub-committees' work programmes and agendas should be discouraged and, where a sub-committee proposes one, it should provide an appropriate justification for the Committee to consider;
- .4 agreed that sub-committee agendas should be managed so that meeting weeks are fully utilized by plenary. Recognizing that, where there is insufficient work on the agenda for plenary, delegates have the option of joining working and drafting groups, the Committee agreed to remove the restriction of an average of ten substantive items on a sub-committee's agenda and decided, instead, that priority should be assigned to the items selected, which could be more than ten, for inclusion in the agenda for a particular session. Those items, for which there was no time to consider, would then be referred to the next session.

In this context, the Committee noted an opinion that where no submissions on a particular item are received by the 9-week deadline, the Chairman of the sub-committee concerned may consider submitting a document proposing how to organize the sub-committee's work on that particular item;

- .5 acknowledging that, occasionally, some sub-committees have a far greater workload than others, the Committee discussed, at some length, the issue of holding back-to-back meetings, where the sub-committee with the heaviest agenda could use more days from the meeting week of another with a lesser workload. A number of delegations, in particular those whose capitals were farthest away from the IMO Headquarters, supported this approach as it was seen as a more cost-effective way for them to participate in more committee and sub-committee meetings. However, a note of caution was expressed by other delegations, which felt that, should the idea be implemented, the choice of meetings to be held back-to-back should be made very carefully to ensure that the proper level and

type of expertise was ensured on both instances. The Committee noted the advice of the Secretariat that it might experience difficulties in serving too great a number of meetings in close succession. The Committee, recognizing that there were wide-ranging positive and negative aspects relating to the proposal, decided that the matter should be the subject of further consideration at the next Chairmen's Meeting, where some more detailed thoughts should be given to the selection of appropriate sub-committees for a possible trial;

- .6 considered the issue that draft sub-committee reports presented to plenary on Fridays for adoption should only contain a summary of decisions as well as annexes, on which the Committee will be invited to take action at the first opportunity after the session of the reporting sub-committee and that, after a sub-committee meeting, a full report would be prepared by the Secretariat, in consultation with the Chairman of the Sub-Committee, for submission to the next session of the sub-committee concerned for formal adoption.

In this respect, the Committee noted that the principal objective of this proposal was to provide more time for the working groups to complete their substantive work and, following a lengthy debate, where it was generally agreed that a report, albeit, simplified was still desirable and weighing up the many positive and negative aspects, decided that the Chairmen at their next meeting should consider the matter further;

- .7 agreed that there was no need to alter the maximum number of working and drafting groups (i.e. three working groups and two drafting groups per session and vice-versa). However, the current maximum number of three correspondence groups could be increased. Furthermore, greater use of modern communication technology, such as Internet should be encouraged;
- .8 agreed that, where possible, provisional terms of reference for the working and drafting groups should be prepared by the Secretariat in consultation with the Chairman of the body concerned and issued at the beginning of the session for agreement by plenary before the groups start work;
- .9 decided that working, drafting and correspondence groups should not modify the terms of reference and/or tasks given to them by the parent body without that parent body's prior consent and agreed that the issue regarding any departure from the terms of reference for the working groups raised by Brazil in document C 88/29(c) was adequately addressed;
- .10 agreed that permanent working groups should be avoided and, if there is ever a need for such a group, clear justification and appropriate terms of reference should be provided;
- .11 having taken note of the proposal by Brazil in document C 88/29(b) regarding arrangements for intersessional meetings of the working groups, further acknowledged, as advised by the Meeting, that the provisions contained in the present MSC/MEPC Guidelines applicable to intersessional working groups were considered adequate.

In this context, the Committee noted (MSC 76/2/Add.1, paragraph 12) that C 89, having reiterated the view that the number of intersessional working groups

should be restricted to the minimum necessary, requested all Committees involved to observe strictly the implementation of the Guidelines;

- .12 noted that the Meeting, agreeing that paragraph 46.7 of the Guidelines should be amended to allow submission of documents commenting on those referred to in paragraph 46.4 as well (i.e. documents submitted to the 9-week deadline), urged Member Governments to avoid submitting documents outside these deadlines or commenting on their own earlier submissions. The Committee, recognizing that reducing the deadline might jeopardize the timely distribution of documents in all the working languages, agreed that the matter should be reconsidered by the Chairmen at their next meeting;
- .13 confirmed the provisions of paragraph 21 of the Guidelines that all sub-committees should, as necessary, operate under the instructions of, and report to, both the MSC and MEPC. Noting that there was nothing to stop the MEPC from seeking the advice of any of the sub-committees whenever necessary and appropriate, the Committee reiterated that the current practice of sub-committees reporting on specific work items directly and separately to the Committee which has sought their expert advice, rather than reporting to both the MSC and MEPC, should be adhered to;
- .14 decided that the Committees should function as policy-making bodies and the sub-committees as purely technical bodies. Although the present regime regarding the preparation of work programmes has been largely effective and should be maintained, a mechanism should be developed to achieve better co-ordination when the Committees approve the work programmes of the sub-committees and to establish priorities. To this end, the Chairmen of the Committees and sub-committees should meet once a year immediately after the Spring session of the MSC and use such meetings as a tool to manage the work of the Organization's technical bodies; and
- .15 with regard to the proposal by Brazil in document C 88/29(c), concerning the assigning of high priority to new items, having noted the view of the Meeting that paragraph 5 of appendix 1 to the MSC/MEPC Guidelines provides sufficient flexibility for the Committees to make well-informed decisions on work programme item priorities, nevertheless decided that the next Chairmen's meeting should undertake a review of the aforementioned paragraph 5 establishing priorities to work programme items.

19.5 The Committee instructed the Secretariat to prepare draft amendments to the Guidelines on the organization and method of work, once re-arranged (see also paragraph 19.4.1), reflecting the recommendations of the Chairmen's Meeting agreed by the Committee, for consideration at MSC 77 and MEPC 49 (see also paragraph 3.39).

Terms of reference of the sub-committees

19.6 Having considered the Chairmen's Meeting recommendation that the sub-committees should be requested to review and update, as necessary, their own terms of reference, the Committee instructed the sub-committees to consider the matter under the agenda item on "Work programme" and to prepare updated terms of reference for consideration by MSC 78 and MEPC 50.

Long-term work plan of the Organization and determination of whether there is a need to restructure the sub-committees

19.7 The Committee agreed that any modifications to the long-term work plan deemed necessary to achieve the objectives of the Organization, as set out in resolution A.900(21), would be conditional on any changes in the structure of the sub-committees, which, in turn, should only be considered when the outcome of the Ad Hoc Council Working Group on the Organization's Strategic Plan becomes available and the strategy and policies of the Organization are agreed. However, the Committee saw no immediate need to change the structure of the sub-committees at present.

Ability to implement new requirements and recommendations

19.8 The Committee noted the Chairmen's Meeting opinion that, in view of the problems experienced by developing countries with the implementation of new requirements and recommendations, the present technical co-operation schemes within the Organization aimed at facilitating implementation of certain instruments (e.g. STCW 95, ISM Code, ballast water management, etc.) should be extended as much as possible to all the other aspects of the IMO regulatory framework, including non-mandatory instruments.

Role of the SPI Working Group and matters related to maritime security

19.9 Noting the Chairmen's Meeting view that the current status and terms of reference of the SPI Working Group needed clarification and that the latter should include maritime security issues relating to ship/port interface, the Committee decided to further consider the future work and work method of the SPI Working Group under agenda item 22 (Any other business) (document MSC 76/22/2).

Responsibilities and roles of the sub-committee Chairmen and Vice-Chairmen

19.10 The Committee agreed that Guidelines on the role and responsibilities of sub-committee Chairmen and Vice-Chairmen should be prepared for consideration at the next Chairmen's Meeting, taking into account the Committee Rules of Procedure on this subject. To this effect, the Committee requested the Secretariat to attempt drafting such Guidelines, for appropriate action at the inter-governmental level afterwards.

Attendance of journalists at meetings of IMO's technical bodies

19.11 The Committee agreed that, in the case of requests from journalists to be present at particular sessions of a Committee/sub-committee, these should be assessed on a case-by-case basis and that the body concerned should decide at the beginning of the session whether this, and under which conditions, should be allowed, taking into account that, under the Committee's Rules of Procedure, meetings are normally held in private unless determined otherwise.

Other matters discussed by the Chairmen's Meeting

19.12 With regard to the other ideas and proposals discussed, on which no decision had been made by the Chairmen's Meeting, as contained in paragraphs 11, 15 and 34 of document MSC 76/19, the Committee invited interested Members to submit comments and proposals thereon for consideration at MSC 77 and MEPC 49.

19.13 The Committee endorsed the opinion of the Chairmen's Meeting that, by strictly observing the Committee's Guidelines, even as they stand at present, the work of the Organization's technical bodies will gain not only in quality of output but also in efficiency and effectiveness.

Early conclusion on agenda items

19.14 The delegation of Malta remarked that, while on the one hand IMO is being urged to concentrate on implementation rather than the adoption of new regulations, on the other hand the Organization is at times criticized for taking too long to reach a final decision. In this regard, it should be noted that, since sub-committee sessions are held only once a year, an item could appear to remain on the agenda for a number of years when in fact the actual number of sessions allotted for considering the item was relatively limited. That delegation, therefore, urged that some research and ground work should be done intersessionally, even by the Secretariat, so that every session would have substantial material to consider and conclude the item in the shortest possible time.

20 WORK PROGRAMME

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

General

20.1 Taking into account the recommendations made by the sub-committees which had met since MSC 75 (MSC 76/20 and Add.1); various proposals for new work programme items submitted to this session by Member Governments; a preliminary assessment (MSC 76/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.

Consideration of IACS unified interpretations

20.2 The Committee recalled that under item 12 (Stability, load lines and fishing vessels safety), when considering the SLF 45's recommendation that an item on consideration of IACS unified interpretations should be introduced in the Sub-Committee's work programme, it had agreed that IACS should continue submitting its unified interpretations directly to the Committee for preliminary review and upon taking a decision as to which sub-committee a particular unified interpretation should be referred to for further consideration, the Committee would include an appropriate item in the work programme of the sub-committee concerned and would specify a related target completion date (see also paragraph 12.35). The Committee further recalled the related decision (see also paragraph 18.8) it took under agenda item 18 (Relations with other organizations) when considering further IACS unified interpretations (document MSC 76/18/2).

20.3 Bearing in mind that MSC 75 had already instructed the BLG, FP, DE and SLF Sub-Committees to consider relevant IACS unified interpretations contained in document MSC 75/19/2, the Committee decided to include a high priority item on "Consideration of IACS unified interpretations" in the work programmes of the BLG, FP, FSI, DE and SLF Sub-Committees, with a target completion date of 2004 and in the provisional agendas for these Sub-Committee's forthcoming sessions, reiterating MSC 75's instruction to the Sub-Committees to review the IACS unified interpretations, which fall within their purview, and to prepare, on the basis of those unified interpretations, appropriate interpretations to 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.

Review of the 2000 HSC Code and amendments to the DSC Code and the 1994 HSC Code

20.4 The Committee recalled that, under agenda item 8 (Ship design and equipment), it had decided to change the title of the item on “Amendments to the DSC Code and the 1994 HSC Code” to “Review of the 2000 HSC Code and amendments to the DSC Code and the 1994 HSC Code” and assigned the item to the FP, COMSAR, NAV, DE (co-ordinator) and SLF Sub-Committees, with two sessions needed to complete the item, instructing the Sub-Committees to commence the work in 2004 as part of the next scheduled review of the 2000 HSC Code.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

New work programme item proposed by BLG 7

20.5 The Committee endorsed a proposal by BLG 7, already approved by MEPC 48, calling for the inclusion, in the Sub-Committee’s work programme and the provisional agenda for BLG 8, of a high priority item on “Ship recycling-related matters”, with a target completion date of 2003.

Outcome of MEPC 48

20.6 The Committee noted that MEPC 48 (MSC 76/2/2, paragraph 20 and MEPC 48/21, annex 9) had approved the work programme of the Sub-Committee and provisional agenda for BLG 8, including predominantly environment-related items.

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

20.7 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 18 (see also paragraph 20.3). The Secretariat was instructed to inform the MEPC accordingly.

20.8 The Committee approved the provisional agenda for BLG 8, as set out in annex 19 (see also paragraphs 10.6, 19.6, 20.3, 20.5 and 20.6) and instructed the Secretariat to inform the MEPC accordingly.

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

Outcome of MEPC 48

20.9 The Committee noted that MEPC 48 (MSC 76/2/2, paragraph 20) had approved the environment-related item on the Sub-Committee’s work programme and, in particular, that it had changed the title of the item on “Implementation of Annex III of MARPOL 73/78” to “Review of Annex III of MARPOL 73/78”.

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

20.10 The Committee recalled that, under agenda item 13 (Dangerous goods, solid cargoes and containers), it had decided that the development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives should be continued and agreed that the target

completion date of the relevant item should be extended to 2003, and that the item should be included in the provisional agenda for DSC 8 (see also paragraph 13.28).

Fitting of water ingress alarms in new, single hold dry cargo ships

20.11 The Committee recalled its decision, following consideration of document MSC 76/20/2 (Belize and United Kingdom) in the context of the work programme of the DE Sub-Committee, to instruct the DSC Sub-Committee to provide, when requested by the DE Sub-Committee, advice on the operational aspects of water ingress alarms (see also paragraphs 20.35 and 20.36).

Bulk carrier safety

20.12 The Committee, having recalled relevant decisions under agenda item 5 (Bulk carrier safety), agreed to include, in the Sub-Committee's work programme and the provisional agenda for DSC 8, high priority items on:

- .1 ship/terminal interface improvement for bulk carriers, with a target completion date of 2003; and
- .2 alternative hold loading ban for bulk carriers, with a target completion date of 2004, co-ordinated by the DE Sub-Committee,

and also instructed DSC 8 to consider the issue of the mandatory status of the BC Code under the agenda item on "Review of the BC Code".

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

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

20.14 The Committee approved the provisional agenda for DSC 8, as set out in annex 19 (see also paragraphs 13.30, 19.6 and 20.12).

SUB-COMMITTEE ON FIRE PROTECTION (FP)

Work programme of the Sub-Committee and provisional agenda for FP 47

20.15 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18 (see also paragraph 20.3).

20.16 The Committee approved the provisional agenda for FP 47, as set out in annex 19 (see also paragraphs 12.29, 19.6 and 20.3).

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

Outcome of MEPC 48

20.17 The Committee noted that MEPC 48 (MSC 76/2/2, paragraph 20 and MEPC 48/21, annex 9) had approved the work programme of the Sub-Committee and the provisional agenda for FSI 11, including predominantly environment-related items.

Bulk carrier safety

20.18 The Committee, having recalled relevant decisions under agenda item 5 (Bulk carrier safety), agreed to include, in the Sub-Committee's work programme and the provisional agenda for FSI 11, a high priority item on "PSC officer training for bulk carriers", with a target completion date of 2004.

Work programme of the Sub-Committee and provisional agenda for FSI 11

20.19 The Sub-Committee's work programme, as approved by the Committee, is set out in annex 18 (see also paragraphs 20.3 and 20.60.2). The Secretariat was instructed to inform the MEPC accordingly.

20.20 The Committee approved the provisional agenda for FSI 11, as set out in annex 19 (see also paragraphs 8.9, 9.2, 9.9, 19.6, 20.3, 20.60.2, 22.17 and 22.24) and instructed the Secretariat to inform the MEPC accordingly.

Urgent matters to be considered by MSC 77

20.21 Noting that, due to the close proximity between FSI 11 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, only urgent matters emanating from FSI 11, the Committee agreed, as advised by FSI 10, that the following should be considered urgent matters for consideration by MSC 77:

- .1 transfer of ships between States;
- .2 amendments to the Code for Investigation of Marine Casualties and Incidents (resolution A.849(20)); and
- .3 the work programme of the Sub-Committee and provisional agenda for FSI 12.

Change of name of the FSI Sub-Committee

20.22 The delegation of the Bahamas, referring to the relevant decisions of MSC 75 and the Chairmen's Meeting regarding the change of name of the FSI Sub-Committee, expressed concern that, as yet, it had not been decided when this issue would be further discussed.

20.23 In this context, the delegation of Malta expressed disappointment that the proposed change of name of the FSI Sub-Committee had, at least for the time being, not been considered. Having contended that recent events had proved that implementation of international maritime law needed to be stressed for all States and not only for flag States, the delegation of Malta made it clear that international maritime law included even those conventions which were in the fringe of the remit of IMO.

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

Adventure navigation and the International Convention on Maritime Search and Rescue

20.24 The Committee recalled its decision, following consideration of document MSC 76/20/4 (Chile) in the context of the work programme of the NAV Sub-Committee, to include, in the work programmes of the NAV and COMSAR Sub-Committees, a low priority item on

“Recommendations on high-risk oceanic crossings by adventure craft”, with one session needed to complete the item; and to assign the NAV Sub-Committee as the co-ordinating Sub-Committee (see also paragraph 20.30).

Use of direct-printing telegraphy for distress and safety purposes by SOLAS ships

20.25 The Committee considered a proposal by Norway (MSC 76/20/5) calling for the reconsideration of the need for mandatory requirements for MF/HF equipment to be fitted with direct-printing telegraphy for ships operating in sea areas A3 and A4 as required by chapter IV of the 1974 SOLAS Convention and the applicable performance standards; and, if the outcome of the reconsideration indicates that the relevant requirements for direct-printing telegraphy could be deleted without negative consequences for safety at sea, while making equipment cheaper and easier to operate, to develop appropriate draft amendments to both the SOLAS Convention and the relevant performance standards.

20.26 Following discussions, the Committee decided to refer document MSC 76/20/5 to COMSAR 7 for consideration under its agenda item on “Any other business” and for advice to MSC 77 on whether work to develop appropriate amendments should be undertaken.

Work programme of the Sub-Committee and provisional agenda for COMSAR 7

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

20.28 The Committee confirmed the approval of the provisional agenda for COMSAR 7, as set out in annex 19 (see also paragraphs 4.33, 4.45, 11.24, 18.3, 19.6, 22.42, 22.48 and 22.51).

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

New work programme subitems proposed by NAV 48

20.29 Endorsing a proposal by NAV 48, the Committee decided to include, in the Sub-Committee’s work programme, the following new subitems under the item on “World-wide radionavigation system (WWRNS)”:

- .1 subitem .1 - “New developments in the field of GNSS, especially Galileo”, with a target completion date of 2005;
- .2 subitem .2 - “Review and amendment of IMO policy for GNSS (resolution A.915(22))”, with a target completion date of 2005; and
- .3 subitem .3 - “Recognition of radionavigation systems as components of the WWRNS (resolution A.815(19))”, with a target completion date of 2005.

Adventure navigation and the International Convention on Maritime Search and Rescue

20.30 The Committee considered a proposal by Chile (MSC 76/20/4) calling for the development of guidelines on minimum safety requirements for high-risk ocean voyages by non-conventional adventure craft, involving maritime search and rescue operations using various resources which are of high cost for the country and MRCCs involved, as well as for the ships and aircraft deployed. After consideration of the proposal, the Committee decided to

include, in the work programmes of the NAV (co-ordinator) and COMSAR Sub-Committees, a low priority item on “Recommendations on high-risk oceanic crossings by adventure craft”, with one session needed to complete the item.

Bulk carrier safety

20.31 The Committee, having recalled relevant decisions under agenda item 5 (Bulk carrier safety), agreed to include, in the Sub-Committee’s work programme and the provisional agenda for NAV 49, a high priority item on “Guidance on early abandonment of bulk carriers”, with a target completion date of 2003, in co-operation with the DE Sub-Committee, and assigned the NAV Sub-Committee a co-ordinating Sub-Committee.

Work programme of the Sub-Committee and provisional agenda for NAV 49

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

20.33 The Committee approved the provisional agenda for NAV 49, as set out in annex 19 (see also paragraphs 4.44, 4.45 and 19.6).

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

Outcome of MEPC 48

20.34 The Committee noted that MEPC 48 (MSC 76/2/2, paragraph 20) had agreed to designate the item on “Protection of pump-rooms of tankers and access to shore-based computer programs for salvage operations” as a high priority item and to include it in the provisional agenda for DE 46.

Fitting of water ingress alarms in new, single hold dry cargo ships

20.35 The Committee considered a proposal by Belize and the United Kingdom (MSC 76/20/2) for the development of amendments to SOLAS regulation II-1/21.3 to require the fitting of water ingress alarms to all new, single hold dry cargo ships of up to 80 metres in length and 500 gross tonnage and over, except where watertight side compartments are fitted at each side of the hold, such as commonly found on ore carriers and dredgers. An audible and visual alarm should be positioned on the bridge, engine-room or a central control station provided that, on ships with periodically unattended machinery spaces, the alarm should be installed on the bridge.

20.36 Following discussion, the Committee decided to include, in the work programme of the DE Sub-Committee, a high priority item on “Fitting of water ingress alarms in new, single hold cargo ships”, with a target completion date of 2004, instructing DE 46 to start consideration of this matter under the agenda item on “Any other business” and include the item in the provisional agenda for DE 47; and further decided to instruct the DSC Sub-Committee to provide, when requested by the DE Sub-Committee, advice on the operational aspects of fitting such alarms.

Mandatory emergency towing systems (ETS) in ships other than tankers greater than 20,000 dwt

20.37 The Committee considered a proposal by Germany (MSC 76/20/3) calling for the reconsideration of the present limitation of approved emergency towing systems (ETS) to tankers of 20,000 dwt and above with a view to expanding the application of the systems to tankers

below 20,000 dwt and to ships other than tankers and to consider the technical specifications of emergency towing systems, as described in resolution MSC.35(63). After consideration of the matter and noting that some delegations were in favour of the proposal while others sought additional information regarding values of parameters of the formula (for risk of damage resulting from absence of an approved ETS), taken for the calculation of resultant risk (shown in the table) for different types of ships; as well as legislative and administrative implications for Administrations the proposal might have, the Committee invited the delegation of Germany to submit such an additional information to MSC 77, for consideration together with the proposal (document MSC 76/20/3) submitted to the present session of the Committee.

Explanatory notes to the Standards for ship manoeuvrability

20.38 The Committee recalled its decision, under agenda item 8 (Ship design and equipment) (see also paragraph 8.4) to refer to the DE Sub-Committee the revised appendix 3 to the Explanatory notes (MSC 76/WP.6) for further consideration and development of appropriate amendments and decided to include, in the Sub-Committee's work programme, a low priority item on "Revision of the Explanatory notes to the Standards for ship manoeuvrability", with one session needed to complete the item.

Bulk carrier safety

20.39 The Committee recalled that, under agenda item 5 (Bulk carrier safety), following consideration of the report of the Working Group on Bulk Carrier Safety, it had agreed to a number of issues being referred to the DE Sub-Committee for urgent consideration at DE 46 (see also paragraph 5.70). Following this, the Committee decided to include the new items listed below in the Sub-Committee's work programme and the provisional agenda for DE 46 with target completion dates as indicated in parenthesis:

- .1 performance standards for water ingress alarms on bulk carriers (2003);
- .2 guidance on early abandonment of bulk carriers (2003), co-ordinated by the NAV Sub-Committee;
- .3 application of IACS URs S26, S27 and S31 to bulk carriers (2003);
- .4 steel repair standards and shipbuilding practices (2003);
- .5 standards for hatch cover securing mechanisms on bulk carriers (2003);
- .6 alternate hold loading ban for bulk carriers (2004), in co-operation with the DSC Sub-Committee and co-ordinated by the DE Sub-Committee;
- .7 double-side-skin construction of bulk carriers (2004); and
- .8 application of structural standards in SOLAS chapter XII (2004).

20.40 The Committee also instructed the Sub-Committee to consider the development of draft amendments to SOLAS chapter III and/or the LSA Code to mandate the carriage of immersion suits on board new and existing bulk carriers, under the agenda item on "Carriage and stowage of immersion suits".

20.41 The Committee further decided to include the following items in the work programme of the DE Sub-Committee, with target completion dates as indicated in parenthesis (see also paragraph 20.48):

- .1 improved loading/stability information for bulk carriers (2004), co-ordinated by the SLF Sub-Committee;
- .2 performance standards for protective coatings (2004); and
- .3 free-fall lifeboats with float-free capability (2004).

20.42 Being of the opinion that the inclusion, in the provisional agenda for DE 46, of the aforementioned items would increase considerably the work load of DE 46, the Committee decided to delete, from the provisional agenda for DE 46 which had been approved by MSC 75 (MSC 76/20, annex):

- .1 item H.4 - Safety aspects of water ballast management;
- .2 item H.9 - Interpretations of the 2000 HSC Code; and
- .3 item H.13 - Performance testing and approval standards for SOLAS personal life-saving appliances,

and further agreed to extend the current target completion dates of the aforementioned items by one year (see also paragraph 20.48).

20.43 In order to manage the large number of items on the agenda for DE 46, the Chairman undertook, in co-operation with the Chairman of the DE Sub-Committee and the Secretariat, to propose priorities for the items on the provisional agenda for DE 46.

20.44 To enable Members to submit documents on the new items referred to in paragraphs 20.39 and 20.40 included in the provisional agenda for DE 46, the Committee agreed to relax the deadline for submission of non-bulky documents on those items to 31 January 2003.

20.45 The Committee instructed DE 46 to report on the progress made on the items referred to in paragraphs 20.39 and 20.40 to MSC 77, for consideration and appropriate action.

Work programme of the Sub-Committee and provisional agenda for DE 46

20.46 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18 (see also paragraph 20.3).

20.47 The Committee approved the provisional agenda for DE 46, as set out in annex 19 (see also paragraphs 8.9, 19.6, 20.3, 22.6 and 22.53).

Possible extension of the duration of DE 46

20.48 The Committee noted a proposal by the delegation of the United Kingdom, made in view of the heavy agenda for DE 46, to extend the duration of the forty-sixth session of the Sub-Committee by three days and their offer to cover the costs relating to the extra days (from 17 to 19 March 2003). Although some concerns were expressed, the proposal was supported by a number of delegations. The Chairman undertook to communicate and consult with the Chairman

of Council on the matter. If the proposal were approved, the Secretariat would inform Member Governments of the final arrangements for DE 46 by means of a circular letter, attaching the revised provisional agenda for DE 46, which, in this case, would also include items referred to in paragraphs 20.41 and 20.42 (see also paragraphs 20.43 to 20.45).

Urgent matters to be considered by MSC 77

20.49 Noting 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, only urgent matters emanating from DE 46, the Committee agreed, as advised by DE 45, and taking into account relevant decisions on the issue of bulk carrier safety made under agenda item 5 (Bulk carrier safety), that the following should be considered urgent matters for consideration by MSC 77:

- .1 items relating to bulk carrier safety referred to in paragraphs 20.39 and 20.40;
- .2 measures to prevent accidents with lifeboats; and
- .3 the work programme of the Sub-Committee and the provisional agenda for DE 47.

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

New work programme item proposed by SLF 45

20.50 Endorsing a proposal by SLF 45, the Committee decided to include, in the Sub-Committee's work programme, a high priority item on "Revision of resolution A.266(VIII)", with two sessions needed to complete the item.

Retention of the work programme item

20.51 The Committee, having noted the list of issues for future revision of the LL regulations indicated in paragraph 4.33 of document SLF 45/14 (see also paragraph 12.24), decided to retain, in the Sub-Committee's work programme, an item on "Revision of technical regulations of the 1966 LL Convention", with a target completion date of 2005 and to include the item in the provisional agenda for SLF 46.

Bulk carrier safety

20.52 The Committee, having recalled relevant decisions under agenda item 5 (Bulk carrier safety), agreed to include, in the Sub-Committee's work programme and the provisional agenda for SLF 46, a high priority item on "Improved loading/stability information for bulk carriers", with a target completion date of 2004, in co-operation with the DE Sub-Committee and assigned the SLF Sub-Committee a co-ordinating Sub-Committee.

Work programme of the Sub-Committee and provisional agenda for SLF 46

20.53 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18 (see also paragraph 20.3).

20.54 The Committee approved the provisional agenda for SLF 46, as set out in annex 19 (see also paragraph 19.6).

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

Development of requirements for knowledge, skills and training for officers on WIG craft

20.55 The Committee considered a proposal by Australia and the Russian Federation (MSC 76/20/6) calling for the development of requirements for knowledge, skills and training for officers on WIG craft, as complimentary measures to the Interim Guidelines for wing-in-ground (WIG) craft. Following discussion, the Committee decided to include, in the STW Sub-Committee's work programme, a high priority item on "Requirements for knowledge, skills and training for officers on WIG craft", with a target completion date of 2005, instructing STW 34 to give a preliminary consideration to the matter under the agenda item on "Any other business" and include the item in the provisional agenda for STW 35.

20.56 In this context, the Committee, having recalled the relevant agreement between IMO and ICAO relating to the development of guidelines for wing-in-ground craft, requested the Secretariat to prepare an appropriate background document on the status of the IMO/ICAO relations with regard to this subject, for submission to MSC 77.

Work programme of the Sub-Committee and provisional agenda for STW 34

20.57 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18 (see also paragraph 20.60.1).

20.58 The Committee confirmed the approval of the provisional agenda for STW 34, as set out in annex 19 (see also paragraphs 11.16, 19.6, 20.55 and 20.60.1).

OUTCOME OF THE 2002 SOLAS CONFERENCE ON MARITIME SECURITY

20.59 As requested by the Committee, the Chairman brought to its attention document SOLAS/CONF.5/DC/3 which was used as a reference document when considering the work programmes of the Committee and the sub-committees in the context of the issues emanating from the outcome of the 2002 SOLAS Conference on Maritime Security.

20.60 The Committee, having discussed various requests of the 2002 SOLAS Conference contained in the following Conference resolutions:

- resolution 3 on Further work by the International Maritime Organization pertaining to the enhancement of maritime security;
- resolution 4 on Future amendments to chapters XI-1 and XI-2 of the 1974 SOLAS Convention on special measures to enhance maritime safety and security, respectively;
- resolution 5 on Promotion of technical co-operation and assistance;
- resolution 8 on Enhancement of security in co-operation with the International Labour Organization;
- resolution 9 on Enhancement of security in co-operation with the World Customs Organization;

- resolution 10 on Early implementation of long-range ships' identification and tracking; and
- resolution 11 on Human element-related aspects and shore leave for seafarers,

agreed to consider them in detail at MSC 77 and decided, in the meantime, to:

- .1 instruct STW 34 to give preliminary consideration, under the agenda item on "Measures to enhance maritime security":
 - .1 in the context of resolution 3 (operative paragraph 1(a)), to the development of training guidance such as model courses for ship security officers, company security officers, port facility security officers and company, ship and port security personnel;

With regard to operative paragraph 1(e) of the aforementioned resolution, whereby the Organization was invited to review resolution A.890(21) on Principles of safe manning, the Committee agreed, notwithstanding its earlier decision referred to in paragraph 4.62.3 above, that the STW Sub-Committee would proceed with the consideration of the matter after MSC 77 has provided appropriate guidance;
 - .2 in the context of resolution 5, to making adequate provision, within the Integrated Technical Co-operation Programme, to strengthen further the assistance that is already being provided and to promote, in co-operation, as appropriate, with relevant international organizations, the enhancement of the Organization's capacity to address the future needs of developing countries for continued education and training and the improvement of their maritime and port security infrastructure and measures;
 - .3 in the context of resolution 8, to contributing, with appropriate expertise, to the work of ILO on the "Improved security for seafarers' identification" and to the proposed joint work on the wide issue of port security;
 - .4 in the context of resolution 11, to bringing to the attention of the MSC and FAL Committee, any human element-related problems, which have been communicated to the Organization as a result of the implementation of SOLAS chapter XI-2 or the ISPS Code;
- .2 include, in the FSI Sub-Committee's work programme and in the provisional agenda for FSI 11, a high priority item on "Measures to enhance maritime security", with a target completion date of 2004 and to instruct FSI 11, in the context of resolution 3 (operative paragraphs 1(b) and 1(i) respectively), to give preliminary consideration to:
 - .1 the review of the Procedures for port State control (resolution A.787(19) as amended by resolution A.882(21)) and, if found necessary, the development of appropriate amendments thereto; and
 - .2 the need and, if necessary, the development of any other guidance or guidelines to ensure the global, uniform and consistent implementation of the provisions of SOLAS chapter XI-2 or part A of the ISPS Code;

- .3 instruct COMSAR 7 to note, in the context of resolution 10 that SOLAS Contracting Governments have been invited to encourage ships entitled to fly the flag of their State to take the necessary measures so that they are prepared to respond automatically to Inmarsat-C polling, or to other available systems; and
- .4 instructed the SPI Working Group to give preliminary consideration:
 - .1 in the context of resolution 3 (operative paragraphs 1(a), 1(f) and 1(i), respectively):
 - .1 to the development, in co-operation with the STW Sub-Committee, of training guidance such as model courses for ship security officers, company security officers, port facility security officers and company, ship and port security personnel;
 - .2 to the review of the aspect of security of ships to which chapter XI-2 applies when interfacing with floating production storage units and floating storage units; and
 - .3 to the need and, if necessary, development of any other guidance or guidelines to ensure the global, uniform and consistent implementation of the provisions of chapter XI-2 or part A of the ISPS Code; and
 - .2 in the context of resolution 8 (operative paragraph 5), to contributing, with appropriate expertise, to the work of ILO on the proposed joint work on the wide issue of port security,

and requested the aforementioned Sub-Committees and the SPI Working Group to report to MSC 77 for the Committee to provide further direction on the above issues and on any other issues of relevance to the Committee's work where actions by the Organization had been requested in the respective Conference resolutions.

20.61 The representative of ILO, having referred to Conference resolution 8 inviting IMO and ILO to establish a joint IMO/ILO working group to undertake any further work required on the issue of port security, expressed the opinion, that in order for the results of such work to be available on the date of entry into force of the ISPS Code, i.e. 1 July 2004, the work of the IMO/ILO working group should start at the earliest, preferably during the first quarter of 2003. She further stated that the text of a preliminary draft Port security guidance document could be made available to MSC 77 so that it could be considered by the Committee for its input. Subsequently, the draft Port security guidance document would be considered by a group of experts to be convened by ILO to meet in December 2003, and then submitted to the ILO Governing Body in March 2004 and to MSC 78 for approval prior to publication. In order to progress the work, the ILO representative invited the Committee to nominate members to the IMO/ILO working group. She also suggested that the Committee consider requesting Member States to nominate, to the working group, appropriate persons from their designated authority responsible for safety and security, and to participate in its deliberations during MSC 77; and that the Committee should also consider the need to convene an appropriate group during MSC 77 to review the preliminary document.

ACTIVITIES, PRIORITIES AND PLAN OF MEETING WEEKS NEEDED IN THE BIENNIUM 2004-2005

20.62 The Committee recalled that the Guidelines on the organization and method of work require that, at the end of every second year, the Committee Chairmen should submit to their respective Committees a joint plan covering activities, priorities and meeting requirements of the two Committees and their subsidiary bodies over the subsequent two years.

20.63 In this context, the Committee considered a joint Note by its Chairman and the Chairman of the MEPC (MSC 76/20/1), submitted in pursuance of the above requirement and after consultations with the Chairmen of the sub-committees.

20.64 Having noted that the plan for meeting weeks for the two Committees and sub-committees, including those of any safety- and/or environment-related conferences scheduled to be convened in the biennium 2004-2005, would have to be approved by the Council at its next session in June 2003, based on the relevant budget proposals of the Secretary-General, the Committee took the following action:

- .1 noted the information regarding the Committees' and sub-committees' planned activities and priorities during the biennium 2004-2005 and that MEPC 48 had approved the planned activities and priorities during the biennium 2004-2005;
- .2 approved, noting MEPC 48's concurrent decision, the proposed plan of meeting weeks of the MSC and the MEPC and their subsidiary bodies for the biennium 2004-2005, for inclusion in the Secretary-General's relevant budget proposals;
- .3 agreed that if, for budgetary purposes, there is a need to make economies, the total of the 25.5 meeting weeks proposed by the two Chairmen may be reduced by one or two, i.e. one or two sub-committee(s) should meet once during the next biennium and thereafter as early as possible during the biennium after the next, and authorized the Secretary-General to take this into account in his budget proposals for the biennium 2004-2005; and
- .4 noted that MEPC 48 had agreed to request the Council to approve the holding of a Diplomatic Conference on Ballast Water Management in early 2004 and that C 89 had subsequently endorsed the request.

INTERSESSIONAL MEETINGS

20.65 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 meeting:

- .1 Working Group on Evaluation of Safety and Pollution Hazards of Chemicals (ESPH), to take place in 2003.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 77

Substantive items for inclusion in the agendas for MSC 77 and MSC 78

20.66 The Committee agreed on the substantive items to be included in the agendas for its seventy-seventh and seventy-eighth sessions, as set out in document MSC 76/WP.15, as amended (see also paragraph 14.5).

Establishment of working groups during MSC 77

20.67 Recalling the provisions of the revised 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 items should be established at the Committee's seventy-seventh session:

- .1 proposed IMO Model Audit Scheme;
- .2 bulk carrier safety; and
- .3 maritime security.

Duration and dates of the next two sessions

20.68 The Committee noted that its seventy-seventh session has been scheduled to take place from 28 May to 6 June 2003; and its seventy-eighth session tentatively in May 2004.

Relaxation of deadline for submission of documents

20.69 The Committee decided to relax to 15 February 2003 the deadline for submission to MSC 77 of documents containing proposals for new work programme items pertaining to matters relevant to the sinking of the tanker **Prestige**.

21 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2003

21.1 The Committee unanimously re-elected Mr. T. Allan (United Kingdom), as Chairman and Admiral F.S.A.H. El Kady (Egypt), as Vice-Chairman, for 2003.

22 ANY OTHER BUSINESS

IMO/IACS co-operation on the IACS Quality System Certification Scheme

22.1 The Committee recalled that, having decided, at MSC 61, that IMO should participate in the IACS Quality System Certification Scheme (QSCS), it had, at MSC 62, noted that the Secretary-General had appointed an IMO consultant/observer to participate in the Scheme in accordance with agreed terms of reference and to regularly report to the Committee on its effectiveness. In May 1997, the Committee had also agreed that IMO should participate in the IACS QSCS Advisory Committee consisting of organizations having an interest in the services rendered by IACS member societies in order to contribute to the improvement of the Scheme.

22.2 The Committee also recalled that, at MSC 73, it had noted the Secretariat's report (MSC 72/22) on developments in the IMO/IACS co-operation relating to the Scheme since MSC 69, in particular the IMO consultant/observer's report on his continued participation in the implementation of the Scheme, and had requested the Secretariat to report on any further developments.

22.3 The Committee noted information provided by the Secretariat in document MSC 75/23/2 on developments since MSC 73 and the IMO consultant/observer's report annexed to that document, in accordance with which the IMO consultant/observer had continued participating in the implementation of the Scheme. Regular progress reports on activities undertaken within the Scheme had been submitted to the IMO Secretariat and IACS and, in all cases, it had been apparent that the Scheme was being implemented in a thorough and consistent manner. The Committee further noted that, since MSC 73, the IACS QSCS Advisory Committee had had four meetings and, with the participation of the observer from the IMO Secretariat, had continued its work aimed at assisting IACS to maintain the effectiveness of the Scheme through consideration of specific quality-related issues.

22.4 The Committee decided, in view of developments relating to the full implementation of the ISM Code, bulk carrier safety, survey and certification and other issues, to extend the Organization's participation in the Scheme on the same basis as in the past, that is with no financial implication to the Organization; and instructed the Secretariat to report on developments to MSC 78.

International Conference on the Control of Harmful Anti-fouling Systems for Ships

22.5 The Committee noted (MSC 75/23/4) information regarding the International Conference on the Control of Harmful Anti-fouling Systems for Ships, held at IMO Headquarters from 1 to 5 October 2001, which had adopted the International Convention on the Control of Harmful Anti-fouling Systems on Ships and several resolutions annexed to documents AFS/CONF/26 and AFS/CONF/25 respectively.

Micro-climate in totally enclosed survival craft

22.6 The Committee considered a submission by Germany (MSC 75/23/5) regarding micro-climate in totally enclosed survival craft and noted a proposal for a new work programme item to revise both the LSA Code and resolution MSC.81(70) on Revised recommendation on testing of life-saving appliances, with regard to setting minimum standards for breathing air quality in future totally enclosed survival craft. It further noted that a similar document had been submitted for information purposes to, and noted by, DE 45. Subsequently, the Committee requested DE 46 to give preliminary consideration to the proposal under its agenda item on "Any other business" and to advise MSC 77 on the way forward to address the proposal.

Revision of the International Health Regulations

22.7 The Committee noted that the World Health Organization (WHO) had solicited the Organization's support in reviewing the current International Health Regulations (IHRs) from an operational and technical viewpoint and also noted that the matter had been brought to the attention of FAL 29 (FAL 29/18, paragraph 17.1) in order for it to consider if there might be any implications on the relevant provisions of the FAL Convention.

22.8 The Committee noted the information provided by the Secretariat (MSC 75/23/6) that the first part of the review process was that of permanent, routine measures. As the existing text of the IHRs is directly referred to in the Facilitation Convention, section 5: Public health and quarantine, including sanitary measures for animals and plants (5.1 and 5.5 Standards and 5.6 Recommended Practice); and the arrangements in place have worked satisfactorily from the IMO perspective, the Organization had offered no comments at this stage of the review of these measures. WHO had been advised that the Organization would wish to remain as a participating partner in the review and looked forward to providing comments on any draft revised IHRs in due course. Other international organizations involved in the review included: ILO, ICAO, IATA and ICCL.

22.9 The Committee further noted that the Organization had also been invited to participate in the review of the WHO Guide to Ship Sanitation, which is directly referenced in the IHRs. Accordingly, the Secretariat attended a WHO meeting in Miami on 3 and 4 October 2001 and contributed to the discussions on proposed amendments to the Guide with the aim of ensuring that there would be no conflicts with existing or proposed IMO requirements.

22.10 The Committee also noted updated information provided by the Secretariat that a meeting was held in Vancouver from 8 to 10 October 2002 to review a first draft of a revised Guide but, due to other priorities and limited resources, the Secretariat was unable to attend. A second draft of the Guide was expected to be circulated for comments in January 2003. The Committee instructed the Secretariat to report any further developments on the review of the IHRs and related guidance to its subsequent sessions.

The 14th International Symposium on the Transport of Dangerous Goods by Sea and Inland Waters (ISTDG 14)

22.11 The Committee noted (MSC 75/23/7) that the 14th International Symposium on the Transport of Dangerous Goods by Sea and Inland Waters (ISTDG 14) had been held in Johannesburg from 3 to 5 September 2001. The Symposium, which was opened by the South African Minister of Transport, had been well attended by local, regional and overseas participants numbering in excess of 125 persons.

22.12 The Committee expressed appreciation to the Government of the Republic of South Africa for hosting the Symposium and noted the information provided in document MSC 75/23/7, in particular the adoption of the following resolutions:

- resolution 1 on Implementation of the IMDG Code and other IMO instruments concerning the carriage of dangerous goods by sea;
- resolution 2 on Technical assistance in the carriage of dangerous goods by sea;
- resolution 3 on IMO's Ship/Port Interface (SPI) Working Group;
- resolution 4 on Outcome of the globally harmonized system for classification of chemicals and hazard communication; and
- resolution 5 on Expressions of appreciation,

and instructed the Secretariat to bring the above resolutions to the attention of the relevant IMO bodies.

International Commission on Shipping Inquiry into Ship Safety

22.13 The Committee recalled that MSC 74, having received a presentation by the Chairman of the International Commission on Shipping Inquiry into Ship Safety (ICONS), had noted information submitted by Australia (MSC 74/INF.21) on the report of the Commission and further recalled that MSC 74 had noted that general references to international organizations had been made in chapter 6 of the report, including recommendations specifically addressing issues of concern to the Organization.

22.14 In considering a proposal made by Australia (MSC 75/23/8) that the Committee consider providing further guidance to the FSI and STW Sub-Committees with respect to recommendations in the ICONS report falling within their purview, the Committee, noting that the issues referred to in the document were already under consideration by the FSI and STW Sub-Committees, agreed to refer the document to these Sub-Committees for information in the context of their work on the relevant issues.

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

22.15 The Committee, having recalled that MSC 72 had approved MSC/Circ.952 on IALA standards for training and certification of vessel traffic service (VTS) personnel, was informed (MSC 75/23/9) that, since the approval of MSC/Circ.952, the package of model courses had been completed and all model courses had been published. Having considered document MSC 76/WP.17, the Committee approved MSC/Circ.1065 on IALA standards for training and certification of vessel traffic service (VTS) personnel, which provided information on the completed new package of model courses.

Research into identifying standard tactics for ship fire fighting

22.16 The Committee noted a submission by the United Kingdom (MSC 75/23/10), informing the Committee of research being carried out to identify the most effective means of fighting fires on ships; and further noted that more detailed information would be submitted to a session of the Committee together with a proposal for a new item to be included in the FP Sub-Committee's work programme.

Unique IDs for shipowning and shipmanagement companies

22.17 The Committee considered document MSC 75/23/11, jointly submitted by France and the United Kingdom, proposing the adoption by the Organization of an IMO company number, similar to the ship identification number, and, if agreed in principle, that the Committee forward the proposal to FSI 11 for consideration. Having recognized that, in essence, the proposal was a new work programme item aiming at developing an amendment to SOLAS, the Committee requested FSI 11 to give preliminary consideration to the proposal under its agenda item on "Any other business" and to advise MSC 77 on the way forward to address the proposal.

Development of a pro-active maritime safety culture thematic network for safety assessment of waterborne transport

22.18 The Committee noted information (MSC 75/INF.16) submitted by Malta and the United Kingdom on the Thematic Network for Safety Assessment of Waterborne Transport (THEMES) funded by the European Commission and its progress towards a co-ordinated framework approach for developing a pro-active maritime safety culture.

Maritime configuration of ports: access channels and protected water areas

22.19 The Committee noted information provided by Spain (MSC 75/INF.21) on the Maritime Works Recommendation (ROM) 3.1.99 for the Maritime Port Configuration Project: Maritime Access Channels and Protected Areas.

Manual on operational requirements for seafarers

22.20 The Committee recalled that, at its sixty-seventh session, it had expressed support for a project proposed and sponsored by ICFTU on the development of a Manual on operational requirements for seafarers. The Committee requested the IMO/ICFTU Steering Committee to keep it informed of progress made. Regular reports have been made to subsequent sessions of the Committee.

22.21 The Committee noted information contained in the progress report submitted to MSC 75 (MSC 75/23/1) that, in reviewing the final versions of the Manual prepared by the contractor, the IMO/ICFTU Steering Committee had engaged consultants to review the quality of the text and its accessibility for seafarers and trainers and, based on their comments, had concluded that it would be preferable to issue the Manual in electronic format to facilitate ease of use and updating. A contract for producing the Manual in CD-ROM format had been signed and a prototype version had been delivered for evaluation and testing at the end of May 2002.

22.22 The Committee further noted (MSC 76/22/4) that the prototype had been reviewed by IMO and ICFTU; by seafarers and trainers in three countries; and by one maritime Administration. Feedback from the review had been incorporated into the final version of the CD-ROM, which was anticipated to be published early in 2003. This would bring the project to a close.

22.23 The Committee expressed appreciation to the ICFTU for its financial and other support throughout the project and its contribution to bringing it to a successful conclusion.

IMO number on ships plans, manuals and documents

22.24 The Committee, having considered a proposal by IACS (MSC 76/22/1) that ships' plans, manuals and other documents be marked with the IMO ship identification number to more readily identify that such information, which is required to be on board the ship, relates to the ship in question, agreed that the proposal might be considered as a new work programme item or as a proposal to amend a mandatory instrument and, instructed FSI 11 to give preliminary consideration to the proposal and to advise MSC 77 on the way forward to address the proposal.

The SPI Working Group's work

22.25 The Committee recalled that, in considering the outcome of FAL 29 on the issue (MSC 75/2/3), the attention of MSC 75 had been drawn, in particular, 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. MSC 75 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, MEPC, TCC and FAL Committee Chairmen and the Sub-Committee Chairmen, when reviewing the sub-committee structure (see also paragraphs 22.28 and 22.29 below), it would be premature to make decisions on the issue at that session (MSC 75/24, paragraphs 2.15 to 2.22).

22.26 The Committee recalled further that MSC 75, noting that the ongoing work on maritime security had injected a new dimension into the importance and significance of the SPI Working Group, which should be seriously considered before any decisions on its future were made, had 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.

22.27 The Committee noted information provided by the Secretariat (MSC 76/22/2) in response to the request of MSC 75, on the work of the SPI Working Group, including background information on the establishment of the group; the group's terms of reference, as were approved by MSC 63, MEPC 35 and FAL 23; and the current work method of the group. The Secretariat document also contained information on the outcome of the Meeting of the MSC, MEPC, TCC and the FAL Committee Chairmen and the sub-committee Chairmen concerning the review of the sub-committees' structure.

22.28 The Committee noted, as reported under item 19 (Application of the Committee's Guidelines), that the above-mentioned Chairmen's Meeting had seen no immediate need to change the structure of the sub-committees, especially in view of the establishment by the Council of an Ad hoc Working Group to examine the strategy and policies of the Organization to, *inter alia*, improve the effectiveness and efficiency of the sub-committees. The Meeting was also of the view that any restructuring exercise should be considered after the report of the Ad Hoc Council Working Group had become available.

22.29 Regarding the SPI Working Group, the majority of those present at the Meeting were of the view that the status and terms of reference of the group were not clear and needed improvement. Any modified terms of reference should include, in particular, maritime security issues relating to ship/port interface, taking into account the outcome of the December 2002 SOLAS Conference on Maritime Security.

22.30 The Committee also noted that MEPC 48 (MSC 76/2/2, paragraph 11.2), noting the FAL Committee's position and action on the work and work methods of the SPI Working Group, as well as the outcome of MSC 75 and of the Chairmen's Meeting, had agreed that the work programme of the SPI Working Group should be approved by the MSC and MEPC in the usual way.

22.31 In considering the issue, the Committee's attention was drawn to resolution A.786(19) on Strategy of ship/port interface, in particular to the fourth preambular paragraph thereof ("Having ascertained the need for the Organization to address ship/port interface matters concerning maritime safety, the protection of the marine environment and facilitation of maritime traffic and technical co-operation in the relevant fields"); and operative paragraph 1 ("Agrees that the Organization should act as a forum to promote co-ordination between relevant intergovernmental and non-governmental organizations in consultative status on matters of concern arising from ship/port interface activities relating to the objectives of the Organization").

22.32 A number of delegations, while agreeing that ship/port interface-related matters were important issues to be addressed by the Organization, expressed concern over the current management of the SPI Working Group. Those delegations observed, in particular, that the current terms of reference for the SPI Working Group, as had been approved by MSC 63, MEPC 35 and FAL 23 (annex 2 to document MSC 76/22/2), were too broad and, therefore, allowed the group to identify work programme items, which should otherwise be proposed by Member Governments, through the Committees, in accordance with the Guidelines on the organization and method of work, as in the case of sub-committees.

22.33 Some delegations were of the view that, to strengthen the work relating to SPI matters in the Organization, the SPI Working Group should be under the purview of the Committee, especially because of the ongoing work on maritime security, while others were of the opinion that the group should continue to operate under the three Committees (MSC, MEPC and FAL Committee) as at present. One delegation was of the view that SPI matters could be considered by the relevant sub-committees when and where necessary, instead of having a dedicated group to deal with SPI issues.

22.34 The delegation of the United States was of the opinion, which was widely supported, that the current restricted work programme items for the SPI Working Group were mainly because of the lack of interest of Member Governments and also because most of the ship/port interface-related issues were national rather than international in nature. That delegation, however, expressed the view that maritime security issues, in particular ship/port interface-related matters, such as those considered by the 2002 SOLAS Contracting Governments Conference on Maritime Security, might result in more substantive work for the SPI Working Group and, therefore, proposed that the issue be considered at MSC 77, when the final outcome of the Conference would be available.

22.35 In summing up the discussions, the Chairman concluded that ship/port interface issues were important for the Organization to address and a group dealing with SPI issues was necessary; however, management of such a group was the main issue which needed to be considered carefully; there was also a need to consider whether the group should be under the purview of the FAL Committee, MSC, MSC/MEPC or MSC/MEPC/FAL and also the interface between the three Committees; the current terms of reference of the group should be reviewed; and, therefore, proposals and comments by Member Governments were needed to consider the matter properly at MSC 77.

22.36 The Committee decided to defer consideration of this issue to the next session and invited Member Governments and international organizations to submit comments and proposals thereon to MSC 77.

Incident reports involving dangerous goods

22.37 The Committee considered document MSC 76/22/3 (Secretariat) under agenda item 13 (Dangerous goods, solid cargoes and containers) (see also paragraph 13.16).

Developments concerning the EQUASIS information system

22.38 The Committee recalled that MSC 75 had 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 IMO Legal Office and that the Equasis website should display a disclaimer for the Organization similar to that for the European Commission.

22.39 In this context, the Committee also recalled that, under agenda item 9 (Flag State implementation), having noted MEPC 48's concurrent decision, it had agreed that flag State comments on detentions could be made available to Equasis, as a consequence of which IMO would become a data provider.

22.40 Having noted the information provided in document MSC 76/22/5 (Secretariat) that the request for a disclaimer to be inserted on the Equasis website had been done by Equasis and that an appropriate amendment to the Memorandum of Understanding had been prepared and

submitted to the system's Supervisory Committee for approval, the Committee agreed to inform the Council accordingly and to refer future consideration of all matters relating to the Equasis system to the FSI Sub-Committee for it to follow any relevant developments in the Equasis system and take appropriate action on a case-by-case basis.

Amendments to the International SafetyNET Manual

22.41 Having recalled that MSC 75, having noted the request of some delegations at COMSAR 6 that they needed more time to review the proposed amendments to the Manual and having agreed to consider them for adoption at the present session, the Committee considered:

- .1 document MSC 76/22/6 (Secretariat), containing the proposed amendments to the International SafetyNET Manual together with the relevant draft MSC circular; and
- .2 document MSC 76/22/9 (Russian Federation), proposing to retain, in the Manual, the possibility of addressing not only SAR but also navigational and meteorological warnings/messages to the temporary rectangular or circular area(s) defined by the originator (SafetyNET provider), as described in the existing Annex 6 ("Message addressing") to the Manual.

22.42 Following discussion, the Committee adopted the proposed amendments and approved the annotated MSC/Circ.1064 on Amendments to the International SafetyNET Manual, deciding that the amendments should enter into force on 1 January 2004; and instructed COMSAR 7 to further consider document MSC 76/22/9 and submit any comments and proposals to MSC 77.

Outcome of the ITU Plenipotentiary Conference (PP-02)

22.43 The Committee recalled that MSC 75 had 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, for submission to the ITU Plenipotentiary Conference, which had been scheduled to be held in Marrakech (Morocco), in September/October 2002 (PP-02). Subsequently, MSC 75 instructed the Secretariat to convey the above IMO statement to PP-02 and inform MSC 76 of the decisions taken.

22.44 The Committee was informed by the Secretariat (MSC 76/22/7) that:

- .1 PP-02 had established a group of ITU Member States responsible for reviewing the status of all types of observers at ITU conferences, assemblies and meetings and for preparing amendments to the instruments of the Union;
- .2 meanwhile, PP-02 had decided to confirm to upcoming world radiocommunication conferences (WRCs) that observers from specialized agencies of the United Nations might submit information documents relevant to their mandates for noting by Member States. Furthermore, these observers might, with the authorization of the Chairman of the meeting and in accordance with ITU's existing Rules of Procedure, provide advice on points relevant to their mandates. The information documents and advice should not include or be treated as proposals;

- .3 the Secretary-General of ITU was instructed to bring the above decision to the upcoming WRC-03 for guidance in its proceedings; and
- .4 PP-02's above decisions should be recorded in the summary minutes of the Conference.

22.45 Having noted the information provided, the Committee concluded that the PP-02 decisions should be considered as partially meeting the IMO interests and recommended Member Governments to invite their national telecommunication authorities, when participating in the work of the ITU Group on the Review of the observer status at future ITU meetings, to support the IMO position as reflected in circular letter No. 2383. The Committee recommended that the Secretariat should continue to participate in the work of ITU Conferences.

Review of safety measures and procedures for the treatment of persons rescued at sea

22.46 The Committee recalled that MSC 75 had considered the matter at length and, after an extensive exchange of views, had taken action as indicated in document MSC 76/22/8 (Secretariat).

22.47 The Committee recalled, in particular, that, following various proposals on how to take the matter forward within the momentum established by, and the provisions of, resolution A.920(22), MSC 75 had 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 relevant Meeting of United Nations agencies and programmes, which had been scheduled to take place in Geneva in July 2002; 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:
 - .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;
 - .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 to identify other issues raised during the Committee's debate and include them in the report to MSC 77 as issues that the Organization should forward to other international organizations which have responsibilities related to the issue under consideration; and

- .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.

22.48 Having noted documents MSC 76/22/10 (Spain), MSC 76/22/11 (Sweden) and MSC 76/22/13 (Secretariat) on the issue and taking into account the views expressed, the Committee instructed COMSAR 7, in accordance with the terms of reference set out in MSC 75/24, paragraph 11.53.3 and .4, to:

- .1 consider documents MSC 76/22/8 and MSC 76/22/13 (Secretariat), MSC 76/22/10 (Spain) and MSC 76/22/11 (Sweden);
- .2 finalize using, as a basis, document MSC 76/22/11 the text of appropriate draft amendments to SOLAS chapter V and the SAR Convention, for consideration by MSC 77 with a view to approval and adoption at MSC 78; and
- .3 prepare text, for approval by MSC 77, to form the basis for the Secretary-General's progress report to A 23 in response to the Assembly's request in resolution A.920(22).

Matters related to MSC/Circs.1000 and 1041

22.49 The Committee noted that SAR co-operation plans of passenger ships transiting many SAR regions, developed in accordance with SOLAS regulation V/7.3 and the associated guidelines approved by the Committee (MSC/Circs.1000 and 1041), may be deposited with a SAR Data Provider (SDP); and, in such cases, an entry enabling location of the plans in any emergency for each ship to be registered with the International SAR Co-operation Plans Index, maintained on behalf of the Organization by MRCC Falmouth, although (see paragraph 6(a) of document MSC 76/22/12), there is no requirement to select that MRCC as SDP. In this respect, the Committee noted that ships in the index are listed in alphabetical order by name. There is also information on:

- the ship's radio call sign;
- her Maritime Mobile Service Identity (MMSI);
- the name of the company operating the ship (as defined in SOLAS regulation IX/1); and
- the name and 24-hour contact telephone number of the SAR data provider holding the ship's SAR co-operation plan.

22.50 Having considered document MSC 76/22/12 (United Kingdom), the Committee agreed with the proposal and invited Administrations to ensure that:

- .1 if using the SDP system, Index entries are correctly made by ships under their national flag, and maintained in accordance with MSC/Circs.1000 and 1041; and
- .2 the SDP should be selected on practical, common sense grounds, provided that the requirements of MSC/Circ.1041 are met.

22.51 Meanwhile, being of the opinion that MSC/Circ.1000 might need improvement from the choice of an SDP point of view, the Committee instructed COMSAR 7 to consider document MSC 76/22/12 and additional information, which the United Kingdom was invited to submit as quickly as possible. The outcome of COMSAR 7 on clarification of MSC/Circs.1000 and 1041, if necessary, should then be submitted to MSC 77 for consideration.

Application of the Guidelines for formal safety assessment

22.52 The Committee, having recalled that the United Kingdom had intended to co-ordinate, with other interested Members, a presentation on the practical application of the FSA Guidelines during MSC 76, noted the information provided by the United Kingdom (document MSC 76/INF.2) that they would defer that presentation to MSC 77.

Conditions for the approval of servicing stations for inflatable liferafts

22.53 The Committee noted document MSC 76/INF.14, wherein IACS had explained the current difficult situation with respect to the approval of liferaft servicing stations and proposed a way forward in dealing with this matter in a consistent manner, and:

- .1 noted the procedure for approval of the servicing stations for liferafts and acceptance of the servicing stations approved, which IACS Member would follow, unless otherwise instructed by individual flag Administrations; and
- .2 referred document MSC 76/INF.14 to DE 46 for consideration and advice to MSC 77 on the need to develop a procedure in line with the aforementioned procedure IACS members were intending to introduce.

Other matters

22.54 The delegation of the Russian Federation stated that on 3 October 2002 new restrictions of the transit passage through the Black Sea Straits had been introduced by Turkey. These restrictions provide in particular, for the suspension of the passage of incoming ships carrying dangerous goods, even if these ships are not large, in the traffic separation scheme. The application of the above restrictions in practice leads to a concentration of ships, including those carrying dangerous goods, when entering the Straits, which increases the risk of emergency situations in these areas. Besides, the concentration of a large number of ships waiting for passage through the Straits may contribute to situations which are favourable for terrorist acts. The delegation of the Russian Federation expressed deep concern with this situation and reserved its right to submit an appropriate relevant document to MSC 77.

22.55 With regard to the statement by the Russian Federation referring to new measures of passage through the Turkish Straits, the delegation of Turkey expressed the view that, as it had been consistently stated on several occasions, Turkey was and would remain vigilant regarding the assurance of safe and secure navigation through the Turkish Straits, against the backdrop of the safety and security risk conditions prevailing in the world seas. All of the measures taken by the Turkish Government are and have been with a view to safeguarding navigation, life, property

and the environment in the Turkish Straits, one of which runs through the largest city in the country. These measures are aimed at not only protecting local life and property, but also at protecting the users of the Straits. Therefore, the safety and security of shipping is also borne in mind at all times. In the opinion of the delegation of Turkey, it would be misleading to conclude that these are new measures in the Turkish Straits. There are no new measures, which are not based on existing instruments, including the 1936 Montreux Convention, which governs the rules of passage through the Turkish Straits. That delegation further emphasised that all measures which are in place in the Turkish Straits are in line with the relevant internal and international rules and regulations, and are solely aimed at addressing safety and security issues in those narrow Straits.

The "Joola" accident

22.56 The Ambassador of Senegal referred to the sinking of the passenger ferry **Joola** off the coast of his country on the night of 26/27 September 2002 with the loss of more than 1,600 people. He mentioned, in particular, that the President of Senegal had declared a period of three days national mourning having decided that compensation should be provided to the families of the victims. He was grateful for the expressions of solidarity, which had been received for the people of Senegal from friends all over the world. The Ambassador added that contributions to a relief fund for the victims of the ferry tragedy would be welcome and that they could be deposited in the following bank account:

RIGGS BANK	
Account name	Familles des Naufrageés du Djola (Djola Disaster Fund)
Account No:	76286012
Sort code:	40 61 53

At his proposal, the Committee observed one minute silence in memory of those who had lost their lives in the tragic accident.

22.57 Several delegations expressed sympathy for the disaster which had struck the people of Senegal.

22.58 In his intervention, the Secretary-General mentioned that IMO's response to Senegal's request for technical assistance was immediate, including assistance to identify the cause(s) of the accident. He repeated his earlier statement that IMO was eager to respond promptly to any Government wishing to raise its country's fleet's standards, irrespective of the size or area of operation of the ships concerned.

Expressions of appreciation

22.59 The Committee expressed appreciation to the following delegates and observers, 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:

- Mr. M.H. Julian (Australia – Chairman, MEPC) (on retirement);
- Mr. Captain W.S. Moreira (Brazil) (on retirement);
- Captain F.O. Malaver (Colombia) (on return home);

- Mr. A. Chrysostomou (Cyprus – Chairman, DE Sub-Committee) (on being elected to the MEPC Chair);
- Miss I. Cabrera (Spain) (on transfer to other duties);
- Rear Admiral G. Angrisano (President, International Hydrographic Bureau (IHO)) (on retirement); and
- Captain J.M. Joyce (ICS) (on retirement).

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