



MARITIME SAFETY COMMITTEE
77th session
Agenda item 26

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

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1 INTRODUCTION – ADOPTION OF THE AGENDA

General

1.1 The seventy-seventh session of the Maritime Safety Committee was held from 28 May to 6 June 2003. It was opened by the Secretary-General, who announced the unavailability, on reasons of health, of the Chairman of the Committee, Mr. T. Allan (United Kingdom), upon which the Committee, being informed of Mr. Allan's good and steady progress in his recovery, wished him a speedy and complete recuperation. In the unavailability also of the Committee Vice-Chairman, Admiral F.S.A.H. El Kady (Egypt) (who, however, joined the session later on), the Committee unanimously elected Mr. J. Angelo (United States) to chair the session.

1.2 The delegation of the United Kingdom read out a message conveyed to the Committee by Mr. Allan, who thanked his many friends from the MSC and the Secretariat for their wishes for his speedy recovery, which had meant a lot to him and his family. Mr. Allan's message concluded with wishes for a successful and productive meeting of the Committee.

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

ALGERIA	GEORGIA
ANTIGUA AND BARBUDA	GERMANY
ARGENTINA	GHANA
AUSTRALIA	GREECE
AZERBAIJAN	GUATEMALA
BAHAMAS	HONDURAS
BAHRAIN	HUNGARY
BARBADOS	ICELAND
BELGIUM	INDIA
BELIZE	INDONESIA
BRAZIL	IRAN (ISLAMIC REPUBLIC OF)
BULGARIA	IRELAND
CANADA	ITALY
CHILE	JAMAICA
CHINA	JAPAN
COLOMBIA	KENYA
CONGO	LATVIA
CÔTE D'IVOIRE	LEBANON
CROATIA	LIBERIA
CUBA	LITHUANIA
CYPRUS	LUXEMBOURG
CZECH REPUBLIC	MALAWI
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	MALAYSIA
DENMARK	MALTA
DOMINICA	MARSHALL ISLANDS
ECUADOR	MAURITANIA
EGYPT	MEXICO
ESTONIA	MOROCCO
ETHIOPIA	NAMIBIA
FINLAND	NETHERLANDS
FRANCE	NEW ZEALAND
GABON	NIGERIA
	NORWAY

PAKISTAN	SUDAN
PANAMA	SWEDEN
PERU	SWITZERLAND
PHILIPPINES	SYRIAN ARAB REPUBLIC
POLAND	THAILAND
PORTUGAL	TRINIDAD AND TOBAGO
QATAR	TUNISIA
REPUBLIC OF KOREA	TURKEY
ROMANIA	UKRAINE
RUSSIAN FEDERATION	UNITED KINGDOM
SAINT VINCENT AND THE GRENADINES	UNITED REPUBLIC OF TANZANIA
SAUDI ARABIA	UNITED STATES
SINGAPORE	URUGUAY
SOUTH AFRICA	VENEZUELA
SPAIN	

and the following Associate Members of IMO:

HONG KONG, CHINA	FAROE ISLANDS
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1.4 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)
 WORLD HEALTH ORGANIZATION (WHO)

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

WORLD CUSTOMS ORGANIZATION (WCO)
 INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
 EUROPEAN COMMISSION (EC)
 INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS (IOPC FUNDS)
 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)
 PORT MANAGEMENT ASSOCIATION OF WEST AND CENTRAL AFRICA
 (PMAWCA)

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)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS (IICL)
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS (IADC)
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL COUNCIL OF MARINE INDUSTRY ASSOCIATIONS
(ICOMIA)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL LIFE-SAVING APPLIANCES MANUFACTURERS'
ASSOCIATION (ILAMA)
INTERNATIONAL ASSOCIATION OF OIL AND GAS PRODUCERS (OGP)
THE ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
SOCIETY OF INTERNATIONAL GAS TANKERS AND TERMINAL OPERATORS
LIMITED (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)
INTERNATIONAL PETROLEUM INDUSTRY ENVIRONMENTAL CONSERVATION
ASSOCIATION (IPIECA)
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)

1.6 The session was also attended by Mr. A.I. Chrysostomou (Cyprus), Chairman of the Marine Environment Protection Committee (MEPC). The Chairmen of all sub-committees, except for the Chairman of the STW Sub-Committee, were also present.

Attendance by journalists

1.7 At the opening of, and later on during, the session, the Chairman sought the Committee's approval for journalists from Lloyd's List and Fairplay, respectively, to attend its deliberations, having reminded the Committee of rule 8 of its Rules of Procedure and the relevant

recommendation of the June 2002 Meeting of Committee and Sub-Committee Chairmen to review the structure of Sub-Committees.

1.8 Following a short debate, the Committee agreed to allow the press to attend its deliberations reiterating the conditions it had set at MSC 76 (see document MSC 76/23, paragraph 1.7) and further deciding that the requested attendance would apply at plenary sessions only.

Secretary-General's opening address

1.9 In welcoming participants, the Secretary-General said that he considered it appropriate, since this was his last time to address the Committee, to share with it his views on where the maritime world stood safety-wise today and how the impact of IMO's work had been beneficial to improving safety as a whole.

He first referred to the efforts he had made since becoming Secretary-General to encourage the adoption of the highest practicable standards in all areas of concern to IMO. He recalled that, when he addressed the Committee at its sixtieth session back in 1992, he had emphasized the need for concerted efforts to adopt realistic and highly regarded standards, observing that watered-down proposals on important safety issues might provide economies in the short-term for the industry but would do nothing to enhance its long-term viability because unilateral action taken by others would undoubtedly follow. Proponents of unilateral action should be given no cause to believe that IMO was not capable of grasping the nettle and adopting measures of sufficient strength and adequacy to deal with well-known and publicized deficiencies in international safety regulations.

One year later, at MSC 62 in May 1993, he had observed that, although there had been tangible results from the steady improvement in constructional, operational and cargo safety standards coupled with strenuous efforts to protect and preserve the marine environment from pollution from ships, one accident would be enough to provoke strong criticism of the shipping industry and the technical standards regulating it. There had rarely been a good word said for those who invested heavily in ships; for those who designed, built, operated and managed them; and for those who manned them, took them out to sea and brought them safely to port.

The message he had wanted to convey then, and wished to reinforce on the present occasion, was that the shipping industry, which provides the cleanest and cheapest method of transporting more than 90% of the world's goods, was not in as bad a shape as it was often depicted in the aftermath of a serious casualty. On the contrary, considering its achievements and its success in accomplishing its objectives, he believed that shipping was an industry to be proud of and that not a single opportunity should be missed to emphasize that. And also that it was currently in a much better state, from the safety and pollution prevention viewpoints, than it was a decade ago.

However, the Secretary-General wished to clarify that his remarks did not then and now attempt to paint the picture rosier than it really was as he would readily admit that the end of the voyage had not yet been reached and that more needed to be done if a safer, more secure and environmentally friendlier maritime world were to be created. As he had suggested, in the midst of a succession of accidents in the early 1990s, it served no purpose to continue pointing the finger at others instead of accepting collective responsibility for whatever had gone wrong. And he had been among the first to accept that the **Erika** had slipped through the safety net and that all partners ought to work together to try to ensure that accidents such as that would never happen again.

The Secretary-General could understand the frustration, even the wrath of the victims of accidents, the anguish of those who lose beloved ones at sea and the anger of those whose coasts and livelihood are damaged by catastrophic pollution incidents; and he could think of no words to fully express his, and his associates' in the Secretariat, deep sympathy and compassion for both. However, taking into account the safety record of the industry as a whole, he considered that it was a gross distortion to brand shipping in its entirety as uncaring, selfish and unsafe with little concern about the environment every time a major shipping casualty occurred.

He then suggested that any assessment of the safety record of the industry should be based on factual statistics and analytical information provided by authoritative sources. Referring, therefore, to statistics for the period 1991 to 2001 recently issued by the Lloyd's Underwriters Marine Intelligence Unit, he concluded that the allegation that shipping had a poor safety record was unfounded, for these statistics had shown a very clear and sustained decline in the number of ships over 500 gross tons lost each year from over 180 units in 1991 to less than 80 units just ten years later. During the same period, the decline in terms of aggregate gross tonnage lost each year had been from 1.75 million gross tons in 1991 to less than 0.75 million lost in 2001.

And with regard to bulk carriers, the conclusions reached by INTERCARGO in their latest Bulk Carrier Casualty report were very encouraging as they showed that, during the ten-year period from 1993 to 2002, the average number of bulk carriers, lives and deadweight tonnage lost had fallen.

Expressing satisfaction with IMO's contribution to the overall effort to raise the safety standards of the shipping industry, the Secretary-General stressed that the good results so far should serve to strengthen the determination of all parties concerned to work harder to achieve even better results in the future.

Turning to the submission by the Bahamas and Greece relating to the strategy and policy of the Organization, he expressed the hope that the Committee's assessment of the various submissions made would enable it to provide the Council with sound advice when it would, at its ninetieth session, consider the report of its Working Group on the Organization's Strategic Plan. The entire shipping community was eagerly waiting to learn of IMO's reaction to the proposals made.

Turning to agenda item 6 on maritime security in the context of the results of last December's Conference on Maritime Security, the Secretary-General placed emphasis on the wide and uniform implementation of the standards adopted by the Conference, which would assure the industry's invulnerability to terrorist attacks.

Given the large number of ships estimated at more than 50,000 units, and of ports, say 15,000 (which might increase depending on Governments' assessment of the vulnerability of their national ports), he said that it would be prudent if Governments and industry started putting in place all the necessary infrastructure well in advance of the 1 July 2004 entry-into-force date of the SOLAS amendments and the ISPS Code. MSC/Circ.1067 was issued in February following consultations he had had with the Committee Chairman to stress that point. In the meantime, Member Governments had been invited to consider advising companies and ships operating under the flag of their State to take steps to increase their awareness of the potential dangers. It was important that this should be done so that ship crews would be vigilant and alert, at all times, to any security threat they might encounter or be suspicious of, whether they were in port, at offshore terminals or underway.

To be able to monitor progress in the implementation of the Code, so that he could keep the Committee, the Council and the Assembly informed, he had communicated with IACS seeking

information on the number of ships, companies, etc. which would have to comply with SOLAS chapter XI-2 and the ISPS Code and he would report to IMO bodies concerned as soon as IACS's information became available.

He then referred to the two progress reports he had been asked to submit to the next Assembly on:

- the 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 review of safety measures and procedures for the treatment of persons rescued at sea, for which the COMSAR Sub-Committee had prepared draft amendments to the SOLAS and SAR Conventions for the Committee's approval.

He expected that the Committee would endorse his reports before they were submitted, through the Council, to the Assembly for its endorsement.

Turning to the Committee's work on large passenger ship safety, the Secretary-General said that, since the subject had been put on the Committee's agenda, almost three years ago, a guiding philosophy, strategic goals and a work plan to take the matter forward had been successfully developed. At the same time, the Committee had asked a number of specialist bodies to contribute to its work and he believed the time had now come to start drawing conclusions and to see that the whole process was finished and came to fruition soon. Although the Committee ought not to lose sight of the original purpose of the exercise, he could see no reason for it not to expand its work to cover passenger ships of any size, if its work indicated that smaller sized passenger ships might also benefit from its findings.

He then referred to the proposed IMO Model Audit Scheme which the Committee would pass to an *ad hoc* Joint MSC/MEPC/TCC Working Group to work on the basis of terms of reference agreed by the Council at its eighty-ninth session in November 2002. The Secretary-General said that this new initiative followed the series of IMO's measures to improve the performance of States in the discharge of their responsibilities under the various IMO instruments to which they were parties. These initiatives include the establishment of the FSI Sub-Committee in 1994 and later on the self-assessment of flag State performance; and, in addition to the Audit Scheme, would include the preparation of a "Code for the implementation of [mandatory] IMO instruments" to outline the responsibilities of all partners (i.e. flag, port and coastal States) in the collective effort to raise the safety, security and anti-pollution standards of the shipping industry. He had every confidence that the session would be successful and productive enough to enable the Council, at its forthcoming session, to make sound decisions on how IMO should take the matter forward. In the meantime, he hoped that delegates had benefited from the Seminar on the International Audit Scheme: Protection of the Marine Environment, hosted by the Japan International Transport Institute on 27 May 2003.

With respect to the Committee's decision, at MSC 75, to include, in this session's agenda, a separate item on "Places of refuge", he said that this had demonstrated its positive reaction to an issue which had been around for some considerable time and which had come to prominence in the context of the incidents involving the tankers **Castor**, **Erika** and **Prestige**. At MSC 76, the Committee had also approved, in principle, the two draft Assembly resolutions prepared by the NAV Sub-Committee, one on Guidelines for ships in need of places of refuge and another on Maritime assistance services. Taking into account comments by sub-committees and submissions by Member Governments and international organizations, the Committee might now undertake a more critical consideration of the two draft resolutions before NAV 49 finalized its

examination and prepared its submission to the forthcoming session of the Assembly for adoption. Once this was done, the Committee might wish to consider the issue from a wider perspective and determine whether anything further could be done to make real progress at the intergovernmental level.

The Secretary-General went on to single out matters pertaining to the safety of navigation (including proposed amendments to the existing traffic separation scheme “Off Finisterre”) and a proposal concerning the intergovernmental oversight of possible future mobile satellite service-providers for the GMDSS, as important items before the Committee, along with:

- .1 the continuation of work to further enhance the safety of bulk carriers;
- .2 the adoption of amendments to the SOLAS Convention and the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers; as well as amendments to the 1988 Load Lines Protocol;
- .3 his recommendations on competent persons’ reports on STCW Parties found to be giving the Convention full and complete effect; along with the approval of proposed procedures for promulgating information updating the list of confirmed STCW Parties;
- .4 statistics on acts of piracy and armed robbery against ships and the co-ordinated plan of action for future activities;
- .5 the draft revised Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies; and
- .6 work programme issues and the Committee’s report to the Assembly on the outcome of its work during the current biennium and its proposals for inclusion in the Organization’s long-term work plan.

The reported medical cases diagnosed with Severe Acute Respiratory Syndrome had given rise to concern worldwide and, given its international nature, shipping was not immune. If uncontrolled, SARS would certainly have the potential of seriously affecting world trade and economy. His main concern with regard to this illness was, of course, the health of seafarers, passengers travelling by sea, the workforce in ports, delegates coming to IMO and all those who had a role to play in the maritime transport chain. He was equally concerned that, unless measures were taken promptly, shipping might act as a conduit for the spread of the virus. He had therefore welcomed the submission of Singapore in document MSC 77/25/8 and, on its receipt, he had consulted with the Committee Chairman before issuing MSC/Circ.1068, which, based on the Singaporean paper, aimed at increasing awareness of SARS. He hoped the world community, under the guidance of the World Health Organization, would be able to respond effectively to the rapid eradication of the disease.

The Secretary-General concluded by emphasizing that the Committee’s success was a measure of IMO’s success, since the bulk of the technical issues on IMO’s agenda were dealt with by it. As Member Governments, industry and seafarers are accustomed to IMO delivering, he was sure that, once again, the Committee would respond thoughtfully and in a timely fashion. Common sense, a firm determination to succeed and an efficient handling of the multitude of issues before it had always been hallmarks of the MSC, which, he was confident, would produce quality results once again.

Adoption of the agenda and related matters

1.10 The Committee adopted the agenda (MSC 77/1) and a provisional timetable for guidance during the session (MSC 77/1/1, annex, as amended). 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.

2 DECISIONS OF OTHER IMO BODIES

OUTCOME OF THE THIRTIETH SESSION OF THE FACILITATION COMMITTEE AND THE CONCURRENT SESSION OF THE WORKING GROUP ON SHIP/PORT INTERFACE

General

2.1 The Committee noted the outcome of the thirtieth session of the Facilitation Committee (MSC 77/2) on matters relevant to its work and took action as indicated hereunder.

Measures and procedures for the treatment of persons rescued at sea: facilitation aspects

2.2 The Committee, noting the action taken by FAL 30 on facilitation aspects of measures and procedures for the treatment of persons rescued at sea (MSC 77/2, paragraphs 10 to 18), agreed to take it into account when dealing with the issue under agenda item 10 (Radiocommunications and search and rescue) (see also paragraphs 10.26 to 10.37).

Harmonization of certificates and documents

2.3 The Committee noted that the FAL Committee, having noted that MSC 75 and MEPC 46 (MSC 77/2, paragraph 19) had agreed to revisit the issue should any form of suitable technology be developed in the future enabling certificate merger, had agreed not to pursue the issue for the time being.

Updating of certificates and documents carried on board ships

2.4 The Committee noted the decision of FAL 30 to revise FAL/Circ.90-MEPC/Circ.368-MSC/Circ.946 on List of certificates and documents required to be carried on board ships.

Ship/port interface

Availability of adequate tug assistance

2.5 In considering the issue, the Committee noted that FAL 30, having noted the relevant decision of MSC 75 (MSC 75/24, paragraph 2.24), had instructed the SPI Working Group to reconsider the contents and status of the draft MSC/MEPC/FAL circular on Availability of tug assistance, as requested by MSC 75 and, noting further that FAL 30, having considered the draft circular prepared by the SPI Working Group, had approved it (annex 1 to document MSC 77/2)

and deleted the item from the group's work programme, approved the aforementioned draft MSC/MEPC/FAL circular, as amended, subject to MEPC's concurrent decision.

2.6 The Committee also noted that FAL 30 had been advised by the Nautical Institute that its publication "Tug use in ports" was available in English only and, for the time being, the Institute had no plans to translate the text of the publication into French and Spanish.

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

2.7 The Committee recalled that MSC 76 had decided (MSC 76/23, paragraph 13.28) 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 risk control measure proposed by the Bulk Carrier Safety Working Group should be addressed in the Manual.

2.8 The Committee noted that the SPI Working Group had considered the issue as far as ports and terminals were concerned and had agreed that, while the outline and draft text submitted to DSC 7 (DSC 7/9/1) had addressed all those issues identified by the Bulk Carrier Safety Working Group, only ship/shore communications were adequately covered and that the other two areas (i.e. training of stevedores and terminal operators and better control of loading capabilities) would require further consideration when the text was drafted. Since the development of the Manual had been tasked to the DSC Sub-Committee, the Committee decided to delete this item from the work programme of the SPI Working Group, on the understanding that, if the Sub-Committee needed the group's advice, the Committee would reinstate the item in the group's work programme.

Development of guidelines for the training of port marine personnel

2.9 The Committee noted that FAL 30, having considered the justification for work to be undertaken on the development of guidance for minimum training and education requirements for mooring service personnel (MSC 77/2, paragraph 30 and annex 2) (prepared by the SPI Working Group, as instructed by MSC 75 and itself) and having agreed to change the title of the item to "Guidelines on minimum training and education for shore-side mooring personnel" to clearly indicate that the Guidelines were directed to shore-side personnel, had approved it and invited MSC 77 to concur with that decision.

2.10 The Committee concurred with the respective decision of the FAL Committee (MSC 77/2, paragraph 30) and approved MSC/Circ.1098-FAL/Circ.99 on Development of guidelines on minimum training and education for shore-side mooring personnel.

2.11 The delegations of the Bahamas and Cyprus reiterated their view expressed at FAL 30 that the SPI Working Group had not provided sufficient justification for work to be undertaken on the development of the Guidelines.

SPI Working Group's work programme

2.12 The Committee considered the proposed revised work programme of the SPI Working Group (MSC 77/2, annex 3) and, having agreed:

- .1 to the deletion of item 2 (Availability of tug assistance), subject to MEPC's concurrent decision; and item 3 (Development of a manual on loading and unloading of solid bulk cargoes for terminal representatives), agreed that:

- .2 in item 4 “Guidelines on minimum training and education for shore-side mooring personnel”, the brackets around the figure “2004” should be removed.

Subsequently, the Committee approved, as far as safety-related items were concerned, the SPI Working Group’s work programme, as revised.

OUTCOME OF THE EIGHTY-SIXTH SESSION OF THE LEGAL COMMITTEE

2.13 Having noted the outcome of the eighty-sixth session of the Legal Committee (MSC 77/2/1), the Committee agreed to consider, in detail, issues referred to in paragraphs 4 to 7 of the reporting document MSC 77/2/1 under agenda item 6 (Measures to enhance maritime security); paragraphs 8 to 17 thereof under agenda item 8 (Places of refuge); paragraphs 18 and 19 under agenda item 10 (Radiocommunications and search and rescue); and paragraphs 20 and 21 under agenda item 19 (Piracy and armed robbery against ships).

OUTCOME OF THE DIPLOMATIC CONFERENCE TO ADOPT A PROTOCOL TO THE 1992 FUND CONVENTION

2.14 The Committee noted the information provided by the Secretariat in document MSC 77/2/2 on the outcome of the International Conference on the Establishment of a Supplementary Fund for Compensation for Oil Pollution Damage.

STRATEGIC PLAN

2.15 The Committee recalled that, at C 89, the Bahamas and Greece (C 89/12/1) had proposed that IMO should play a larger role in determining the standards to which new ships were built and had invited the Council to consider the above proposal and, if in agreement with the concept, to forward it to the Committee for an in-depth discussion. Accordingly, the Council (C 89/D, paragraph 12.1 (iv)) had referred the proposal of the two Governments to MSC 77 requesting the Committee to report the outcome of its deliberations to the Council at its ninetieth session; and further requested the Bahamas, Greece and IACS to submit documents to MSC 77 to assist the Committee in its consideration of the matter.

2.16 The Committee further recalled that Greece (MSC 76/5/10), in the context of bulk carrier safety, had made proposals to MSC 76 in respect of quality standards and strength of new buildings, issues which, to date, had not been addressed by IMO.

2.17 In this regard, the Committee considered submissions by:

- .1 the Bahamas and Greece (MSC 77/2/5) wherein the co-sponsors, referring to their proposal to Council that IMO should have an item in its strategic plan concerning the setting of standards for new ships and their equipment; and that the MSC should develop the proper approach for IMO to do so and devise a programme and timetable for developing and implementing the standards agreed, considered that the role of IMO should be to develop goal-based standards for each area of construction and equipment which should prescribe what, rather than precisely how it, has to be achieved. This would leave the method of reaching the goals open to differing approaches and to innovation but would ensure, at the same time, that, whatever the approach, the standards would not fall below the internationally-agreed minima. Accordingly, the Bahamas and Greece proposed that the Committee should invite the Council to instruct it to devise a programme

and timetable for the implementation of such a provision in the Organization's Strategic Plan, with the following areas to be dealt with in the first stages of such a programme:

- .1 design philosophy aimed at achieving adequate structural strength;
 - .2 the design life of a ship in relation to the ship's fatigue life;
 - .3 the permissible shear forces and bending moments in vulnerable ship types such as tankers and bulk carriers; and
 - .4 minimum longitudinal strength requirements in vulnerable ship types;
- .2 IACS (MSC 77/2/3 and MSC 77/INF.6), commenting on the strategy and policy proposals made by the Bahamas and Greece in document C 89/12/1 and Greece in document MSC 76/5/10, and expressed the view (MSC 77/2/3) that development and maintenance of construction standards for new ships should remain the responsibility of the classification societies meeting the criteria of IMO for recognized organizations (ROs) and that comprised the membership of IACS. It presented arguments based on the safety record of the marine industry and made proposals for the formal integration of IMO safety objectives with structural standards developed by IACS to meet such IMO objectives. IACS further provided (MSC 77/INF.6) an overview of the existing classification system, its links to IMO conventions and IACS's role in the regulatory safety chain for ships. Having made reference to the use of formal safety assessment and survey data as continual feedback, IACS proposed that IMO should set the overall risk acceptance criteria while IACS should transform these overall criteria into safety standards and unified requirements for the critical failure modes related to safety;
 - .3 OCIMF (MSC 77/2/4), presenting the view that current standards are generally satisfactory but their implementation and the effectiveness of newbuilding survey and supervision have declined, proposed that IMO should undertake to set overall structural standards for strength and fatigue life and develop survey and inspection guidelines to implement newbuilding survey programmes (NSP) aiming at improving quality of new ship building;
 - .4 INTERTANKO (MSC 77/2/6), supporting OCIMF's view that more attention to a uniform and consistent implementation of existing standards for newbuildings was necessary, provided an assessment of specific issues that need to be addressed; and
 - .5 AWES (MSC 77/2/7), presenting the Association's concerns with regard to the homogeneous application of classification standards which tends to promote the building of new sub-standard ships. Having supported the view that current standards used in shipbuilding was satisfactory but having also supported the observation that the consistent and homogenous implementation of those standards have declined, AWES considered it premature that a newbuilding survey programme should be developed as well as the setting of overall standards for structural strength within IMO. However, it would support any proposal to base any modifications to IMO's scope of responsibility on documentary evidence and in-depth review, including cost/benefit analyses and the use of formal safety assessment.

2.18 In presenting, on behalf of Greece as well, the proposals set out in document MSC 77/2/5, the delegation of the Bahamas stressed that it was important to set out as fully as possible the real intention of the proposals as they had been the subject of discussion in the maritime press based on selected texts from the original submission to the Council and little account had been taken of the clarifications provided in document MSC 77/2/5. The delegation of the Bahamas drew attention to the fact that, in the present circumstances, flag States had very little say in the many parameters that determine the build quality of a ship and the likely length of a ship's life. Ships were built to the standards of a classification society and the flag under which the ship would operate was frequently not known until the ship was virtually built. Because there were no agreed international standards for the societies to comply with, they were free to modify the standards as they considered necessary, resulting in a lack of uniformity in those standards. In virtually no other area of ship safety was the determination of basic safety levels left to a non-governmental body with no internationally set standards to be complied with.

The delegation of the Bahamas stressed that it had never been the intention of the co-sponsors that IMO should produce detailed technical rules for the construction of ships. What was being proposed was that IMO should develop goal-based standards for each relevant area of construction and equipment. In other words, IMO should determine the standard that ought to be achieved by the detailed rules rather than prescribe what those rules should be. They recalled that SOLAS already contained many standards for passenger ship construction, without setting out precise ways of achieving them. These standards were drawn up some years before the concept of goal-based standards was considered, so they were not worded in the way which would be the case if they were to be drawn up today on the basis of the proposals in the joint document. Nevertheless, the ideas behind those rules were similar to those that were being proposed. Another recent example had been the development of new rules for bulk carriers which set goals for certain aspects of the ship's construction but had not been formulated in a detailed prescriptive way. The delegation of the Bahamas also drew attention to the Load Line Convention which prescribed some basic structural requirements that ought to be met when a ship is built and the SOLAS Convention requirements which laid down certain standards that new ships ought to meet.

Although classification societies had been setting survey standards for many years, the delegation of the Bahamas recalled that IMO had chosen to set survey standards for certain ships through the Enhanced Survey Programme (resolution A.744(18)) many of the aspects of which the co-sponsors sought for new buildings. The delegation expressed the view that it was illogical to set standards for longitudinal strength and corrosion margins for ships coming up to their fourth special survey when no standards were set when the ship was new. Similarly, it was illogical that in both the Enhanced Survey Programme and the later introduced Condition Assessment Scheme there had to be an involvement by the flag State when there was no such requirement when the ship was being built.

In concluding, the delegation of the Bahamas stressed that the proposals in the joint submission were not meant as an attack on the classification societies; rather, they were an insurance policy to ensure that, whatever new designs were put forward and whatever new materials were used, a ship would be required to meet certain internationally-agreed minimum standards. The delegation drew attention to the pressures put on both the designers and those who approve the design to produce a ship to minimum cost. However, if there were to be more robust ships (MSC 76/5/10), which the co-sponsors agreed was desirable, it was clear that internationally agreed strength standards should be laid down, and met, in all new designs. It was at this level of standard-setting that the co-sponsors considered that there was a role for IMO and were, therefore, inviting the Committee to take the action as requested in document MSC 77/2/5, paragraph 8.

2.19 In introducing documents MSC 77/2/3 and MSC 77/INF.6, the IACS observer expressed the view that the proposals by the Bahamas and Greece (MSC 77/2/5) and Greece (MSC 76/5/10) were opinion-based and had no supporting background data or documentary evidence to justify the opinions given. Therefore, in view of the lack of evidence, IMO might be led to conclude, on an inadequate basis, that a change to the entire classification system was required including the establishment of a new set of ship construction standards for each ship type for those areas currently addressed by classification rules and regulations.

In the view of IACS, the proposals by the Bahamas and Greece argued for ships to be built with hull scantlings, engine power and running times, etc., that will allow the ship to trade throughout its economic life with no maintenance of steel, coatings, main engines, steering gear, propulsion auxiliary machinery, etc. Therefore, IMO was being asked to develop construction standards with sufficiently high margins of safety and reliability in all these areas as part of the IMO Strategic Plan and thereby alleviate the shipowner from any responsibility for maintenance of structure, machinery and equipment. In this context, the IACS observer recalled that shipowners already had a responsibility for the care and maintenance of ships in conformity with SOLAS, and the construction standards of a recognized organization – the Classification Rules. IACS, therefore, requested IMO to reject the proposal for it to consider the development of standards that are based on the premise that every ship should withstand whatever operational, environmental or mechanical wear and damage to which it could be subjected, regardless of how low the level of probability of occurrence.

The IACS observer also drew attention to the fact that IACS member societies spend around £50 million each year on research and development of rules to enhance safety in shipping and protection of the marine environment and that cost/benefit analysis as part of a formal safety assessment, as in the case of bulk carrier safety, was the way forward.

The IACS observer recognized the strong existing link between the international conventions and classification requirements and proposed that IMO, as the international governing body for maritime safety, should set the overall acceptance criteria for the development of classification standards using the individual risk criteria published by the United Kingdom Health and Safety Executive covering maximum tolerable risks for crew, passengers and public ashore. These criteria would address the total risk picture as well as the risk related to structural failures.

Recalling IACS member societies' extensive technical knowledge and experience, IACS considered that IMO should address higher level totality rather than individual prescriptive rules, which should remain the responsibility of IACS under the terms of SOLAS. In conclusion, the IACS observer invited the Committee to note that there was insufficient documentary evidence in the proposals before it and, as shipowners already had had a responsibility for the care and maintenance of ships in conformity with Convention and classification standards, IMO should not embark on the development of standards addressing all types of wear and damage to which a ship could be subjected. As appropriate experience and manpower existed within the IACS member societies, and the procedures involved in the classification rule-making process included feedback from surveys, IACS sought the integration of the regulatory processes of IMO and IACS through IMO setting the overall maximum tolerable risk criteria.

2.20 In introducing document MSC 77/2/4, the observer of OCIMF highlighted the experiences of its members who were extensively involved in current new building programmes worldwide and whose involvement would increase with the current single hull phase-out programme. In the view of OCIMF, the standards to which new ships were designed and constructed had not declined although the quality of some new ships may have suffered due to

standard interpretation and application issues. The OCIMF observer stated that IACS and classification societies' standards, if fully, uniformly and consistently implemented, would provide safe, good quality ships, which, if maintained and operated responsibly, would remain as such throughout their service life. OCIMF therefore recognized the current role of IMO in setting standards for ship survivability and control of pollution and supported IMO taking the lead in setting goal-based standards.

2.21 In introducing document MSC 77/2/6, the INTERTANKO observer recalled that it had, for many years, taken the initiative to address, and when appropriate had sought to lift, the building standards for new tankers and had welcomed the participation of OCIMF, IACS, individual classification societies and leading shipbuilders in discussions to advance the issues involved. Whilst expressing satisfaction with the increasing openness in the dialogue on these issues, he observed that the pace of change remained slow. In referring to the proposal by the Bahamas and Greece, the INTERTANKO observer expressed the view that the guiding precepts and principles for ship design and ship construction through goal-based standards should be set at the highest level and that IMO was the appropriate body for this. The observer acknowledged that the interpretation of these guiding precepts and principles, and the subsequent development of the appropriate rules, should be established through IACS in close consultation with the other stakeholders and ought to be uniform in their interpretation and application.

2.22 In opening the discussion on the Bahamas and Greece proposals and after the Chairman had invited the Committee to answer the question whether the present system was seriously deficient as a first step for the in-depth debate requested by the Council, the delegation of Germany stated that the system of sharing the work in ship safety between Administrations and classification societies had proven to be reliable for more than 100 years. The incident of **Erika** and others were not proof that the system was inadequate in general. There might, however, be a need for improving the supervision of classification societies by flag States to achieve uniform safety standards worldwide.

2.23 In its statement, the delegation of Iceland, whilst agreeing with the Bahamas and Greece that there existed a challenge that needed to be addressed, had reservations on the proposal to transfer the responsibility of setting newbuild standards from the classification societies to the Organization. That delegation was of the opinion that the responsibility of the classification societies for setting newbuild standards ought to be made clearer and expressed sympathy for the suggestions made by IACS (MSC 77/2/3) that IMO should develop overall safety objectives based upon risk acceptance criteria upon which IACS would establish a common basis for developing structural standards.

2.24 The delegation of Denmark stated that it had some sympathy for the idea that IMO should develop an overall basic design philosophy as this issue was of great importance for the safety of ships. Denmark expressed the view that it seemed out of proportion that construction standards were hardly mentioned in IMO instruments and, when they are mentioned, it is only by reference to classification societies' rules.

The purpose of establishing an overall basic design philosophy within the Organization should be to establish the overall basic principles which should be taken into account when developing rules for the design and construction of ships. Accordingly, such a design philosophy should address subjects such as redundancy, corrosion prevention and allowances, life expectancy including fatigue and the sensible approach to proper construction details and workmanship, but in a very general way. The purpose of such a philosophy would not be to address in detail the properties of construction material, the rules and calculation methods used for obtaining the necessary strength and the details which are to be used when a ship is built.

The delegation of Denmark noted that, in general, the rules of the classification societies had been of a satisfactory quality and what was needed was some general guidance from IMO to serve as a frame of reference for all societies and, at the same time, ensure that the development of the rules did not become subject to adverse economic or other commercial pressures. Denmark could therefore support requesting the technical Committees to consider the issue provided that it was made clear in the terms of reference given that the objective was to develop, if possible, an overall basic design philosophy as outlined above.

2.25 The delegation of Canada stated that it would favour the proposal by the Bahamas and Greece if it engendered a revolution as any evolutionary change ran the risk of perpetuating past errors with IMO being concerned with detailed prescriptive solutions rather than high level principles and practice. In the delegation's view, a revolutionary change would result in a hierarchy of rules starting with high level principles in conventions, setting performance standards in codes and technical details by reference which, in the case of structural requirements, would be the work of the classification societies. This would allow IMO to utilize its resources in setting the overall philosophy, developing mechanisms for enforcement and verification and the analysis of results for feedback. Such an approach would bring changes to the role and perspective of IMO and the classification societies including encouraging transparency through the development and implementation of unified standards, thereby relegating competition between classification societies to the realms of service only.

2.26 The delegation of the Marshall Islands stated that, whilst the present system was not deficient enough to require a change, it could be that the present arrangements could be improved and, whilst good points had been made in all of the papers submitted, it was unfortunate that no data had been produced as to why a major change should be made. The delegation stated that more attention was needed to be given to ensuring a uniform and consistent implementation of existing standards for new buildings. The delegation of the Marshall Islands therefore agreed that a division of responsibilities where IMO would set the overall safety objectives and the classification societies, through IACS, would develop the actual standards, represented the optimal way of regulating safety standards for ship structures.

2.27 The delegation of Spain supported the establishment of global minimum functional requirements for shipbuilding, as this would allow certain control over the application of these minimum standards by both recognized organizations and flag States. Although this action does not solve the main problem, the Spanish delegation remarked that these functional criteria should be kept along the whole life of the ship, due to the fact that no ship can be safe without a proper maintenance and control of the safety requirements established by IMO.

2.28 The delegation of Dominica, in supporting the proposal by the Bahamas and Greece, expressed the view that it was a proper role for IMO to take leadership in the setting of a design philosophy and goals through establishing a set of functional requirements to be met by specific design requirements. The delegation also drew attention to the fact that, whilst IACS members represented the best ship design technical teams in the world, its membership was restricted whereas participation and input from all societies was necessary to achieve uniform rule application and enforcement.

2.29 The delegation of the Islamic Republic of Iran expressed the view that the documents submitted by IACS and by the Bahamas and Greece both had merits as neither IMO nor classification societies could undertake each other's role in the shipping industry. Each had worked positively and closely for the benefit of safer ships and cleaner oceans but this collaboration had raised concerns about the fine line of responsibility between them. In the view

of the delegation, there should be an increased role for IMO in setting safety objectives with the classification societies setting the actual safety procedures and rule requirements along with monitoring their implementation, bearing in mind that responsibility should remain with shipowners and the final burden of safer ships should rest with each flag State Administration. The delegation of Iran, therefore, supported the proposal for the inclusion in IMO's Strategic Plan of a provision for IMO to develop safety objectives in broad terms, bearing in mind the role of the classification societies in the industry, which, in their view, should not be undermined or substituted.

2.30 The delegation of Norway commended the document by IACS for clearly explaining why it would be unwise, and probably also impossible, for IMO to take over the role of the classification societies of developing rules for the design and construction of ships at the detail level. Nevertheless, the two documents by INTERTANKO and OCIMF had also clearly indicated that all was not well, in particular regarding implementation of structural standards for ships. In view of this, the delegation strongly encouraged IACS to carefully analyse and solve the problems raised in the documents referred to. In relation to the proposal by the Bahamas and Greece to this session of the Committee, the delegation of Norway expressed support in principle, considering it to be significantly more moderate than the original proposal by these countries to C 89. Consequently, in their opinion, IMO should take a more active role in setting overall structural standards for ships, but there was a need for defining more precisely its role in this respect.

2.31 The delegation of Trinidad and Tobago, in supporting the proposal by the Bahamas and Greece, stated that they were convinced that the continued role of IACS in research and development, including its funding, was fundamental in any modified approach. The delegation therefore supported an initiative which would strengthen IACS's ability to promote those designs for the production of more robust new ships, always recalling that effective maintenance throughout the life of a ship was a clear necessity. The delegation of Trinidad and Tobago added that, in its view, it would not be practical for IMO to attempt to supplant IACS in the area of research and development and the multidisciplinary details of ship design and construction, but that a co-operative approach, in which IMO would promote international standardization based on the more robust designs, would be for the common good, possibly through the establishment of structural design benchmarks, which would influence the details developed by the competent experts in the ship building industry.

2.32 The delegation of Sweden stated that the division of responsibility between Governments and classification societies had obviously worked. The number of accidents and pollution incidents was decreasing. The explanation for the division of responsibility was a historic one. It was, however, difficult to explain to politicians and the general public that fundamental matters of safety were outside the purview of a flag State's maritime administration. The delegation of Sweden, therefore, suggested that, for the future, Governments should set standards, in general terms, which should be met by class. This should also include standards for monitoring application of rules to, and inspection of, ships. In the opinion of the delegation, the Committee should suggest that Council takes a policy decision and instructs the Committee to include the setting of standards in its work programme and agenda.

2.33 The delegation of Nigeria stated that the proposals made by the Bahamas and Greece addressed a significant issue in the most explanatory manner whilst the document presented by Greece (MSC 76/5/10) addressed the same issue in a more elaborative manner. In its view, the issues addressed appeared revolutionary but were long-standing issues that should be addressed under the Strategic Plan. This was not to be taken as suggesting the transfer of the important role of IACS to IMO as IACS had played a key role for many years in the safety design and

construction of ships. However, the IMO mandate was to set standards and they should be set for all elements of safety, irrespective of the implementing bodies.

2.34 The delegation of Greece, responding to the comments made by IACS, stated that the standards employed by class were universally recognized but drew attention to the well-publicized numerous cases of cracks found in recently-built double hull tankers, due to optimised designs which had sacrificed redundancy inherent in heavier scantlings. That delegation referred also to the various methods of fatigue analysis employed by various class societies which yielded different results for the same ship and to the different corrosion margins and the negative tolerance practices for steel plates used for new buildings. It further referred to the numbers of ships built to certain standards which were practically non-maintainable. Regarding the research and development resources of classification societies, the delegation of Greece expected the results of such activities, in the degree needed, if submitted to IMO would assist the Organization to facilitate the development of uniform goal-based standards. The contrary might indicate a reluctance for constructive scrutiny.

The Greek delegation recalled that IMO had a successful history in the development of goal-based stability and load lines standards and that, in achieving this, the outcome of a huge amount of research had been submitted to the Organization to help facilitate the development of pertinent regulations. The quality of the regulations produced was high and the minimal number of accidents related to load lines and stability provided ample proof of this. However, this is not the case with structure-related casualties thus constituting an outstanding compelling need for IMO to be involved in the area of structural rule-making. In view of the criticism in recent years that IMO was not adequately proactive, the delegation of Greece expressed the view that this was a golden opportunity to create a proactive IMO beyond any dispute and invited IACS to contribute to the development of goal-based basic structural standards, thus providing a benchmark against which design could be measured.

2.35 In thanking the Bahamas, Greece and the organizations that had submitted documents on this important issue, the delegation of Brazil, having supported the proposal by the Bahamas and Greece, stated that it believed that there was a problem to be solved and that the correct place to solve it was at IMO. The proposal from the Bahamas and Greece was in line with proposals Brazil has presented to the Council in order that IMO could really act as the central body shaping the world's maritime regulatory system.

2.36 The delegation of Italy, whilst recognizing the two different stances on the issue, stated that, due to the complementarity of the tasks undertaken by IMO and the classification societies, it would be wise to prevent any possible conflict between them, taking due account of the validity of the proposals submitted and, at the same time, the need for expertise in the field of new buildings which had been traditionally provided by the classification societies. In this context, the delegation of Italy believed that the clear elements of convergence, which had emerged in the discussion, deserved to be highlighted and used as a common basis for any future strategy to tackle the problem identified. They therefore supported the Bahamas and Greece and endorsed the proposal that IMO should play a more active role in developing goal-based safety standards and a general philosophy for new buildings and maintenance, whilst IACS should set the technical modalities to achieve that. This was not a compromise solution but the right conclusion to the two different but complementary roles, which should result in an effective enhancement on maritime safety and environmental protection.

2.37 The delegation of India, in supporting the proposal by the Bahamas and Greece, stated that, on close scrutiny of the proposals submitted, there appeared to be a strong reason and need for developing some global standards for new buildings, particularly where ships were not

classed with any of the IACS member classification societies. Ships found to be in substandard condition structurally are detained but, in the absence of international standards, seaworthiness certificates may be readily issued against unknown standards. The proposals from the Bahamas and Greece recalled IMO's efforts since adoption of the 1978 SOLAS Protocol, which had included provisions for increased frequencies of inspections through the introduction of ESP and more recently CAS for single hull tankers in response to relevant concerns expressed. If serious deficiencies with the existing survey system had been identified, deficiencies with the inspection procedures in new constructions could also be identified.

2.38 The delegation of Panama reminded the Committee that IACS has made a unique contribution to the work of the Organization and served it well. Shipowners also have a responsibility to properly maintain their ships. However, it was clear from the debate that IMO would have an increased role the extent of which was yet to be decided. The delegation appealed to IACS to ensure the development and acceptance of the highest common uniform standards for the design and construction of new ships.

2.39 Further to the above, statements were made by other delegations and the thrust of the views expressed during the debate is summarized in paragraphs 2.40 and 2.41 below.

2.40 In expressing their views in the discussion, only a small number of delegations which spoke considered that the existing arrangements should be retained without change. Some delegations drew attention to the need for IMO to be proactive in this area, particularly in view of the concerns that might arise for Governments in the event of a casualty caused by a structural failure due to inadequate standards. A number of delegations supported the IACS proposals (MSC 77/2/3) as the way forward, other delegations expressed the view that the role of IMO was to develop standards in broad terms, either on the basis of goals to be met or through a design philosophy. Many delegations noted with appreciation the work of IACS member societies in providing data and expertise to aid IMO in its work. A number of delegations drew attention to the complementary roles of IMO and classification societies and the similarity between the proposals made whereby the outcome for IMO would be a role in setting high-level standards or objectives. Other delegations recalled existing goal-based standards developed by IMO, such as those in the Load Line Convention, and drew attention to the benefit to be gained from the involvement of all stakeholders, as was the case with FSA of bulk carriers. The majority of delegations which spoke supported the proposals made by the Bahamas and Greece (MSC 77/2/5).

2.41 In considering how to proceed in addressing the proposals made, a number of delegations which spoke expressed the view that a provision should be added to the Organization's Strategic Plan as proposed by the Bahamas and Greece. Other delegations considered it was premature to do so at this stage as the Committee was not aware of the contents of the draft Plan and the task to be undertaken required clarification. A majority of delegations expressed the view that as the issue was a matter of policy, the outcome of the discussions should be submitted to the Council for consideration and it was for the Council to decide whether the matter should be included in the Plan. All of the delegations which spoke on the issue agreed that it was necessary to clarify the future role of IMO in the development of goal-based standards or design philosophy and therefore an item should be added to the Committee's work programme and agenda for MSC 78 to progress the matter.

2.42 The Chairman summed up the discussion of the proposals by the Bahamas and Greece outlined in document MSC 77/2/5 and by IACS in documents MSC 77/2/3 and MSC 77/INF.6, as follows:

- .1 the Committee, having recognized the importance of the issue raised in the submissions to the Council and the Committee, noted the comments made generally by delegates and observers in response to the Chairman's invitation to advise as to whether the present class system was seriously deficient, namely that while the system and, in particular, the services rendered by IACS had contributed to enhanced safety standards, whether there was a need and room for further improvements, which should be pursued based on the proposals of the Bahamas and Greece and others made in the course of the debate; in particular, whether there was a need for the Organization to take action with respect to goal-based new-building construction standards;
- .2 the Committee noted the complementary roles of IMO and IACS in the common efforts to raise the technical standards of shipping and eliminate sub-standard ships;
- .3 a few delegations expressed satisfaction with the current arrangement whereby the classification societies were responsible for the establishment of construction standards and considered that this arrangement should be retained without change;
- .4 while a number of delegations supported the IACS proposals (MSC 77/2/3) and other delegations expressed the view that it should be the responsibility of IMO to develop standards in broad terms, either on the basis of goals to be met or through a design philosophy, however, the considerable majority of delegations, which spoke, supported the proposal of the Bahamas and Greece (MSC 77/2/5) that IMO should commence a programme to devise basic goal-based standards for the design and construction of new ships continuing to draw on the experience, knowledge and expertise of IACS and others;
- .5 with regard to the proposal to include an appropriate provision in the Organization's Strategic Plan, although it was acknowledged that, in undertaking the development of goal-based standards for the design and construction of new ships, the Organization would be assuming a new significant role, the Committee considered that it would be premature, at this stage, to make any such recommendation to Council as it was not aware of the contents of the Strategic Plan. However, a considerable number of delegations recognized that the issue was of strategic importance to IMO;
- .6 in line with the majority position outlined in subparagraph .4 above, the Committee agreed that a new item on "Goal-based new ship construction standards" should be included in its agenda for MSC 78 to further consider the matter in detail;
- .7 in order to clarify and define the meaning of "goal-based" standards and the associated design philosophy that IMO should develop and adopt, interested Member Governments and international organizations were invited to submit specific proposals to MSC 78; and
- .8 the debate and decisions of the Committee should be conveyed to C 90 in response to the latter's request at C 89, for information and appropriate action.

2.43 The Committee agreed with the Chairman's summary of the outcome of the discussion and decided to:

- .1 forward its discussion on the proposals to the Council for its consideration at the ninetieth session in the context of the development of the Organization's Strategic Plan;
- .2 include a new appropriate item in its work programme and agenda for MSC 78; and
- .3 invite interested Member Governments and international organizations to submit, to MSC 78, specific proposals on goal-based standards and design philosophy in order to clarify and define their meaning.

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

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

3.2 Parties to the 1988 Load Lines Protocol were invited to participate in the consideration and adoption of proposed amendments to Annex B to the Protocol. Parties constituting more than one third of the total of Parties to the 1988 Load Lines Protocol were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article VI(2)(c) and (d) of the 1988 Load Lines Protocol.

3.3 The proposed amendments to SOLAS chapter V and to resolution A.744(18) had been circulated by the Secretary-General in accordance with SOLAS article VIII(b)(i) to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by circular letter No.2432 of 2 December 2002.

3.4 The proposed amendments to Annex B to the 1988 Load Lines Protocol had been circulated by the Secretary-General in accordance with article VI(2)(a) of the 1988 Load Lines Protocol to all IMO Members and Parties to the 1988 Load Lines Protocol by circular letter No.2431 of 2 December 2002.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

Proposed amendments to SOLAS chapter V

3.5 The Committee recalled that the proposed amendments to SOLAS regulations V/2 and VI/22 (MSC 77/3, annex 1), had been developed by the NAV Sub-Committee and were approved by MSC 76, while the proposed amendments to SOLAS regulation V/28 (MSC 77/3, annex 1) were developed and approved by MSC 76.

3.6 The delegation of Japan, supported by several other delegations, proposed to change the proposed new text of introductory paragraph 1 of regulation V/22 so that the requirement set thereby would apply to ships of not less than 55 m in length, instead of the 45 m in length condition stipulated in the proposed amendment. Their argument was that the proposed new definition for length (regulation V/2) refers to the “length overall” instead of “length between perpendiculars” and would thus make the relevant SOLAS regulations applicable to smaller ships than was originally intended, affecting, in particular, fishing vessels. Following discussion, the Committee agreed with the proposal.

3.7 Noting that no further comments had been submitted on the proposed amendments to the aforementioned regulations, the Committee confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.8 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 Conventions and mandatory Codes into force. However, it had, at that 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.

3.9 The Committee thus agreed that the SOLAS amendments proposed for adoption at the current session should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1988 LOAD LINES PROTOCOL

Proposed amendments to Annex B to the 1988 Load Lines Protocol

3.10 The Committee recalled that the proposed amendments to Annex B to the 1988 Load Lines Protocol (MSC 77/3/1, annex) had been developed by the SLF Sub-Committee and were approved by MSC 76.

3.11 The Committee considered modifications to regulations 14, 15, 16, 16-1, 27 and 40 proposed by the United Kingdom (MSC 77/3/2), mainly concerning hatchways and hatch covers, and instructed the Working Group on Bulk Carrier Safety, taking into account the comments made in plenary:

- .1 to consider, on the basis of document MSC 77/3/2, the modifications proposed in the annex to document MSC 77/3/1 concerning regulations 14, 15, 16, 16-1, 27 and 40; and

- .2 to review the last sentence of regulation 1(2) in the annex to document MSC 77/3/1 with respect to its application to the regulations addressing hatch covers.

3.12 Having noted the outcome of the Bulk Carrier Safety Working Group (MSC 77/WP.13, paragraphs 31 to 33), in particular the opinion of the group that all amendments proposed in document MSC 77/3/2 were of editorial nature, the Committee instructed the *ad hoc* drafting group (see paragraph 3.22) to take the comments of the working group into account when preparing the final texts of the draft amendments to the 1988 Load Lines Protocol.

3.13 The Committee noted information submitted by IACS (MSC 77/INF.17), advising of the work being undertaken by IACS on hatch cover vertical loads on bulk carriers and of the development of a revision to IACS Unified Requirement (UR) S21 to incorporate the loads, allowable stresses and deflection criteria contained in regulation 16-1 of the revised Annex B to the 1988 LL Protocol. The document further informed of IACS' intention to extend its UR to address all hatch covers on all ships within the scope of regulation 16 of the revised Annex B, with the view to achieving uniform application of the revised regulation by IACS members.

Regulation 24 - Freeing ports

3.14 The Committee considered a modification proposed by China (MSC 77/3/3, paragraph 2.1), i.e. to change the second formula in regulation 24(4)(e) to read:

$$“A_s = (0.07l_t)(\text{sheer correction})(b_o/l_t(1-(l_w/l_t)^2)(0.5h_s/h_w)”.$$

The Committee agreed with the proposal.

Regulation 27 - Types of ships

3.15 The Committee considered a modification proposed by China (MSC 77/3/3, paragraph 2.2), i.e. to amend in regulation 27(14)(b) the words “the requirements of regulations 5, 26(3), 26(4) and 39 shall not apply” to read “the requirements of regulations 25, 26(3), 26(4) and 39 shall not apply”. The Committee agreed with the proposal.

General

3.16 Noting that no further comments had been submitted on the proposed amendments to Annex B to the 1988 Load Lines Protocol, the Committee confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.17 The Committee agreed that the amendments to Annex B to the 1988 Load Lines Protocol proposed for adoption at the current session should be deemed to have been accepted on 1 July 2004 and should enter into force on 1 January 2005.

CONSIDERATION OF PROPOSED AMENDMENTS TO MANDATORY GUIDELINES

Proposed amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18))

3.18 The Committee recalled that the proposed amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18), as amended) (MSC 77/3, annex 2) had been developed by the DE Sub-Committee and were approved by MSC 76.

3.19 The Committee, having briefly considered a proposal by the Japanese delegation calling for the insertion of the word “moulded” before the word “depth” in paragraph 2.4 of the proposed new appendix 3 to annex 12 to Annex B of the Guidelines, agreed, in principle, to the proposal and instructed the drafting group to take appropriate action when preparing the final text of the proposed amendments.

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

Date of entry into force of the proposed amendments

3.21 The Committee agreed that the amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), proposed for adoption at the current session should be deemed to have been accepted on 1 July 2004 and should enter into force on 1 January 2005.

ESTABLISHMENT OF A DRAFTING GROUP

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

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

Report of the drafting group

3.23 Having received the report of the drafting group (MSC 77/WP.12), the Committee took action as indicated hereunder.

Adoption of amendments to the 1974 SOLAS Convention

3.24 The expanded Committee, including delegations of 91 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to SOLAS chapter V prepared by the drafting group (MSC 77/WP.12, annex 1) and adopted them unanimously by resolution MSC.142(77), as set out in annex 2.

3.25 In adopting resolution MSC.142(77), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to SOLAS chapter V should be deemed to have been accepted on 1 January 2006 (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 2006, in accordance with the provisions of article VIII thereof.

Adoption of amendments to the 1988 Load Lines Protocol

3.26 The expanded Committee, including delegations of 50 Parties to the 1988 Load Lines Protocol, considered the final text of the proposed amendments to Annex B to the 1988 Load Lines Protocol prepared by the drafting group (MSC 77/WP.12, annex 3), as further modified in plenary, and adopted them unanimously by resolution MSC.143(77), as set out in annex 3.

3.27 In adopting resolution MSC.143(77), the expanded Committee determined, in accordance with article VI(2)(f)(ii)(bb) of the 1988 Load Lines Protocol, that the adopted amendments to Annex B to the 1988 Load Lines Protocol should be deemed to have been accepted on 1 July 2004 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VI(2)(f)(ii) of the 1988 Load Lines Protocol) and should enter into force on 1 January 2005, in accordance with the provisions of article VI(2)(g)(ii) of the 1988 Load Lines Protocol.

Adoption of amendments to resolution A.744(18)

3.28 The expanded Committee, including delegations of 91 Contracting Governments to the 1974 SOLAS Convention, considered the final text of proposed amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)) prepared by the drafting group (MSC 77/WP.12, annex 2) and adopted them unanimously by resolution MSC.144(77), as set out in annex 4.

3.29 In adopting resolution MSC.144(77), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to resolution A.744(18) should be deemed to have been accepted on 1 July 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 January 2005, in accordance with the provisions of article VIII thereof.

INSTRUCTIONS TO THE SECRETARIAT

3.30 In adopting the aforementioned amendments, the Committee authorized the Secretariat, when preparing the authentic and certified texts of the amendments, to effect any editorial corrections that may be identified, and to bring to the attention of the Committee any errors or omissions which require action by either the Contracting Governments to the 1974 SOLAS Convention or by the Parties to the 1988 Load Lines Protocol.

4 LARGE PASSENGER SHIP SAFETY

Outcome of the Sub-Committees

4.1 The Committee received reports on large passenger ship safety carried out by COMSAR 7, FP 47, STW 34 and DE 46 and noted, in particular, that:

- .1 COMSAR 7 had agreed to forward 35 recommendations to the Committee for consideration and had decided to re-establish its Correspondence Group on Large

Passenger Ship Safety, subject to the Committee's approval to extend the target completion date for this item to 2004;

- .2 FP 47 had reviewed the tasks assigned to it by MSC 75, with a view to determining which tasks required further action by the Sub-Committee and which tasks were already adequately covered by existing IMO instruments. In this regard, the Sub-Committee had decided to re-establish its Correspondence Group on Large Passenger Ship Safety, subject to the Committee's approval to extend the target completion date for this item to 2004, to progress its work on large passenger ship safety issues;
- .3 STW 34 had considered the tasks contained in the updated work plan assigned to it by MSC 75 and invited the Committee to extend the target completion date for this item to 2004; and
- .4 DE 46 had considered the tasks contained in the updated work plan assigned to it by MSC 75 and, subject to the Committee's approval to extend the target completion date for this item to 2004, had re-established its correspondence group to continue work on this matter agreeing to establish an *ad hoc* working group at DE 47.

4.2 The Committee decided to consider the request of the COMSAR, FP, STW and DE Sub-Committees to extend the target completion dates for this item under agenda item 23 (Work programme).

4.3 In considering the outcome of COMSAR 7, the Committee's attention was drawn to 35 recommendations, which had been endorsed by COMSAR 7 and had been forwarded to the Committee for consideration, several of which addressed life-saving arrangement and training issues falling under the purview of the DE and STW Sub-Committees, respectively. In view of the fact that the working group to consider large passenger ship safety matters would not be convened at this session, the Committee instructed the COMSAR, DE and STW Sub-Committees to consider the said 35 recommendations with a view to providing comments on those of them which fall within their purview and, in particular, to advise MSC 78 on what action ought to be taken in their context.

4.4 In considering document MSC 77/4/2 submitted by the co-ordinator of the COMSAR Correspondence Group on Large Passenger Ship Safety, the Committee endorsed the proposal that the group's work plan be organized into the following seven themed areas of work:

- .1 general matters, including parameters and scale of application;
- .2 transfer, rescue and recovery;
- .3 ability and adequacy of the SAR services;
- .4 medical issues;
- .5 communication issues;
- .6 new concepts and adequacy of current requirements; and
- .7 human element and training for shore-side SAR issues.

4.5 In agreeing to the above work plan, the Committee recognized that the first six themed areas of work were based on the tasks already assigned to the COMSAR Sub-Committee by MSC 75 (MSC 75/WP.12) and that the area related to the human element and training for shore-side SAR services was a new issue. Therefore, the Committee, noting that the aforementioned correspondence group's terms of reference did not address the human element and training for shore-side SAR services, instructed the Secretariat to inform the COMSAR Correspondence Group on Large Passenger Ship Safety accordingly so that they could consider the issue intersessionally.

4.6 To further facilitate consideration of this issue by the said correspondence group, the Committee agreed to relax the deadline for submission of the group's report to COMSAR 8 to 19 December 2003. Consequently, comments on the correspondence group's report should be submitted by 19 January 2004, i.e. four weeks in advance of the opening of COMSAR 8.

Cruise ship safety forum recommendations

4.7 The Committee considered a submission by ICCL (MSC 77/4/1), containing a set of recommendations made by the Cruise Ship Safety Forum and agreed that the sub-committees assigned work on large passenger ship safety matters as well as their respective correspondence groups, and the MSC's *ad hoc* working group when re-convened, should take these recommendations into account in the course of their deliberations. In this regard, the Committee instructed the Secretariat to convey document MSC 77/4/1 to the relevant sub-committees and their respective correspondence groups, so that they could take the above recommendations into account in the course of their work on this issue.

Holistic approach to large passenger ship safety issues

4.8 The Committee considered a submission by the United Kingdom (MSC 77/4/3), proposing a holistic approach to large passenger ship safety issues, and noted that several of the proposals highlighted in document MSC 77/4/3 had already been incorporated into the guiding philosophy, strategic goals and work plan approved by MSC 75.

4.9 Following detailed discussion of the actions requested in document MSC 77/4/3, the Committee endorsed the views that:

- .1 identifying an absence of regulation was not necessarily the same as saying that a regulation needed to be developed; and
- .2 it should not be an automatic reaction to incorporate "industry best practice" into the international regulatory framework, unless a clear benefit, including taking proper account of the principle of 'added value', was demonstrated.

4.10 The Committee also considered the proposal to expand the work on this work programme item to include a review of the regulatory framework for all current and future passenger ships (regardless of size) and, having noted the large divergence of views on this issue and recognizing that a working group to consider large passenger ship safety matters would not be convened at this session, agreed to further consider the matter at MSC 78, taking into account the views of the relevant sub-committees.

4.11 In considering the proposals highlighted in paragraphs 15.4 to 15.7 of document MSC 77/4/3, the Committee noted that the above proposals were largely covered by the guiding

philosophy, strategic goals and objectives already decided by the Committee and agreed to forward these matters to MSC 78 for further consideration.

Further work on large passenger ship safety

4.12 Following the above discussion, the Committee agreed that the item on “Large passenger ship safety” should be included in the agenda for MSC 78 for it to:

- .1 consider any recommendations forwarded from sub-committees assigned work on large passenger ship safety, providing additional guidance, as necessary;
- .2 further consider the issues highlighted in paragraphs 15.3 to 15.7 of document MSC 77/4/3; and
- .3 consider any submissions made on the issue,

and agreed to re-establish the *ad hoc* Working Group on Large Passenger Ship Safety at MSC 78.

4.13 To this end, the Committee, recalling the structure approach adopted at MSC 74 (e.g. guiding philosophy, strategic goals and objectives), instructed the Secretariat to prepare a report on progress made by itself and the sub-committees assigned work on large passenger ship safety issues vis-à-vis the guiding philosophy, strategic goals, objectives and assigned tasks, as appropriate, so that the Committee may have a global picture of the situation and make decisions on how to take the matter forward in the expeditious manner it deserves, bearing in mind the seriousness and importance of the issue.

4.14 In order to have a comprehensive discussion on this matter at the next session, the Committee invited Member Governments and international organizations concerned to submit comments and proposals to MSC 78.

5 BULK CARRIER SAFETY

GENERAL

5.1 The Committee recalled that, in considering this item, MSC 76 had addressed the outcome of the various FSA studies on bulk carrier safety together with proposed amendments to the 1988 Load Lines Protocol, and had considered also other matters related to bulk carrier safety. MSC 76 had also decided to re-establish the Working Group on Bulk Carrier Safety at this session.

5.2 Following a general introduction into the work on bulk carrier safety carried out by MSC 76 (MSC 77/5) and DE 46 (MSC 77/5/1), the Committee recalled the action it took on the above issues at the last session and considered the outcome of the work accomplished by DE 46 on some of the bulk carrier safety items it had mandated the Sub-Committee to deal with, in particular:

- performance standards for water ingress alarms on bulk carriers;
- application of IACS URs S26, S27 and S31 to bulk carriers;
- steel repair standards and shipbuilding practices;

- standards for hatch cover securing mechanisms on bulk carriers;
- double-side skin construction of bulk carriers;
- application of structural standards in SOLAS chapter XII; and
- carriage of immersion suits on board bulk carriers.

5.3 The Committee agreed to deal with this agenda item under three separate headings:

- .1 agreed recommendations for decision-making, including the outcome of DE 46;
- .2 FSA study of bulk carriers less than 150 m in length; and
- .3 other matters related to bulk carrier safety.

AGREED RECOMMENDATIONS FOR DECISION-MAKING

5.4 In considering these matters, the Committee had before it documents submitted by:

- .1 the Secretariat, reporting on work on bulk carrier safety carried out by DE 46 (MSC 77/5/1); and inviting the Committee to take action, *inter alia*, on the outcome of such work (MSC 77/13);
- .2 the United Kingdom, attaching a review of the package of agreed risk control measures to quantify the overall risk reduction achieved (MSC 77/5/4); and urging the Committee to take action to enhance the safety of existing bulk carriers (MSC 77/5/5);
- .3 Japan, providing comments on various measures for improving bulk carrier safety discussed at DE 46 (MSC 77/5/6); and
- .4 IACS, expressing concerns about the minimum clearance between the internal structure of the double-side skin space (MSC 77/13/2); presenting IACS's views on the significant improvements provided by IACS UR 31 (MSC 77/13/3); presenting an additional recommendation as to the proposed performance standards for water level detectors (MSC 77/13/4); and advising the Committee of the revision of UR S27 (MSC 77/INF.15).

5.5 The Committee considered the outcome of DE 46 (MSC 77/13, paragraphs 4.9 to 4.19) taking into account the aforementioned documents and took action as indicated in paragraphs 5.6 to 5.20 below.

Performance standards for water ingress alarms

5.6 The Committee considered a recommendation by DE 46 (DE 46/32, paragraph 18.9) to adopt a proposed draft MSC resolution on Performance standards for water level detectors on bulk carriers, together with an additional recommendation as to the proposed Performance standards made by IACS (MSC 77/13/4), and agreed to refer the matter to the *ad hoc* working group, for advice prior to adopting the subject draft MSC resolution.

Interpretation of SOLAS regulation XII/13

5.7 The Committee approved MSC/Circ.1069 on Interpretation of SOLAS regulation XII/13.

Guidance on early abandonment of bulk carriers

5.8 The Committee noted that DE 46 (DE 46/32, paragraph 19.8 and annex 19) had referred a draft MSC circular on Guidelines on early assessment of hull damage and possible need for abandonment of bulk carriers to NAV 49 and STW 35 for concurrence prior to approval by MSC 78.

Application of IACS URs S26, S27, S30 and S31 to bulk carriers

5.9 The Committee considered draft MSC resolution on Application of IACS Unified Requirements S26, S27, S30 and S31 to bulk carriers developed by DE 46, together with comments made by the United Kingdom (MSC 77/5/5, paragraphs 6 and 11.3) inviting the Committee to note that further work on UR S31 might be carried out by IACS, with possible collaboration from the United Kingdom, to further mitigate side-shell failure on existing bulk carriers and to ensure that there was an appropriate agenda item at DE 47 to enable proper discussion of the outcome of such work.

5.10 The Committee noted related information presented by IACS on the significant improvements provided by UR S31 (MSC 77/13/3) and on the revision of UR S27 (MSC 77/INF.15), and agreed that such information could be useful when action was taken in the context of the aforementioned MSC resolution on Application of IACS Unified Requirements S26, S27, S30 and S31 to bulk carriers.

5.11 Subsequently, the Committee agreed to refer the draft MSC resolution to the *ad hoc* working group for finalization, taking into account the above comments, prior to adoption later on in the session (see also paragraph 5.31).

Steel repair standards and shipbuilding practices

5.12 The Committee approved MSC/Circ.1070 on Ship design, construction, repair and maintenance.

Standards for hatch cover securing mechanisms

5.13 The Committee approved MSC/Circ.1071 on Guidelines for bulk carrier hatch cover surveys and owners' inspections and maintenance. In doing so, the Committee considered the Sub-Committee's view that the approved MSC circular should be regarded as a first step only, which would be followed by the development of amendments to resolution A.744(18) (in the case of the requirements for the survey of hatch covers and coamings) and to SOLAS chapter XII (in the case of the standards for hatch cover securing mechanisms).

5.14 Having considered also comments made on the subject by the United Kingdom (MSC 77/5/5, paragraphs 5 and 11.1.2), the Committee agreed to instruct the *ad hoc* working group to further consider the DE Sub-Committee's views together with the comments made in these respects and to advise the Committee accordingly (see also paragraphs 5.33 to 5.35).

Alternate hold loading ban for bulk carriers

5.15 In noting the DE Sub-Committee's preference for option III (as presented in document MSC 77/5/1, paragraph 12) with regard to the question of an alternate hold loading ban for bulk carriers, for further consideration at its next session (DE 46/32, paragraph 23.14), the Committee considered related comments submitted by the United Kingdom (MSC 77/5/5, paragraphs 6 and 11.2) and Japan (MSC 77/5/6, paragraphs 4 to 7) and agreed to instruct the *ad hoc* working group to further consider this matter and make an appropriate recommendation as to the guidance that should be given to DE 47 to enable it to develop relevant draft provisions (see also paragraphs 5.36 to 5.38).

Double-side skin construction of bulk carriers

5.16 The Committee considered the preliminary definition of "double-side skin" developed by the DE Sub-Committee (DE 46/32, paragraph 24.13 and annex 23), together with related comments submitted by Japan (MSC 77/5/6, paragraphs 10 to 12) and IACS (MSC 77/13/2), and agreed to instruct the *ad hoc* working group to further consider the matter with a view to arriving at an agreed working definition, for consideration by plenary (see also paragraphs 5.39 to 5.41).

Application of structural standards in SOLAS chapter XII

5.17 The Committee considered the preliminary draft amendments to SOLAS chapter XII developed by DE 46, concerning the introduction of basic definitions of bulk carrier; bulk carrier of single-side skin construction; bulk carrier of double-side skin construction; and double-side skin, only for the purpose of that chapter (DE 46/32, paragraphs 25.9 and 25.14), together with related comments made by Japan (MSC 77/5/6, paragraphs 13 to 20), and agreed to instruct the *ad hoc* working group to further consider the matter and provide advice as to any guidance which the DE Sub-Committee could use when developing draft amendments to SOLAS chapter XII.

5.18 Having noted that, in discussing alternatives to the application of the amended SOLAS regulation XII/5 to existing ships at DE 46 (DE 46/32, paragraphs 25.10 to 25.12), the majority of the Sub-Committee had concluded that the proposed banning of alternate hold loading and the provision of maintenance and survey standards for hatch cover securing devices, together with the new regulations requiring water level alarms, would offer sufficient grounds for alternative safety measures, the Committee considered related proposals submitted by the United Kingdom (MSC 77/5/5, paragraphs 7 to 10 and 11.1.1) and comments by Japan (MSC 77/5/6, paragraphs 8 and 9), and agreed to instruct the *ad hoc* working group to further consider the United Kingdom's proposals together with the comments made thereon and to advise the Committee accordingly (see also paragraphs 5.42 to 5.46).

Carriage of immersion suits on board bulk carriers

5.19 The Committee noted that the mandatory carriage of immersion suits on board bulk carriers had been included in the proposed draft amendments to SOLAS regulation III/32.3 and the 1988 SOLAS Protocol, which apply to all ships and were due for consideration with a view to approval under agenda item 13 (Ship design and equipment) (see also paragraph 13.11).

Bulk carrier safety-related matters still under consideration by the DE Sub-Committee

5.20 The Committee noted that, in addition to the unfinished matters referred to above, the DE Sub-Committee would continue its work at DE 47 on the following bulk carrier safety-related items:

- .1 improved loading/stability information for bulk carriers;
- .2 performance standards for protective coatings; and
- .3 free-fall lifeboats with float-free capability.

Quantification of the overall risk reduction

5.21 The Committee noted with appreciation the information provided by the United Kingdom in document MSC 77/5/4, reporting on a review of the package of agreed risk control options (RCOs), undertaken to quantify the overall risk reduction achieved, and referred the document to the *ad hoc* working group for further consideration, if necessary (see also paragraphs 5.47 and 5.48).

FSA STUDY OF BULK CARRIERS LESS THAN 150 M IN LENGTH

5.22 The Committee considered a submission by Cyprus and the United Kingdom (MSC 77/5/2), containing the report of an independent FSA study on the safety of bulk carriers under 150 m in length, which assesses the feasibility and benefit of applying SOLAS chapter XII, modified as necessary, to such ships. In that connection, the Committee considered also a further submission by the United Kingdom (MSC 77/5/3), focusing on the risk control options not specifically covered in the FSA report presented in document MSC 77/5/2 and highlighting some specific concerns relating to the safety of smaller bulk carriers.

5.23 Following some preliminary discussion, the Committee agreed to refer both submissions (MSC 77/5/2 and MSC 77/5/3) to the *ad hoc* working group, instructing it to further consider the proposals therein and provide relevant advice, including a recommended course of action and whether this should involve any of the sub-committees.

OTHER MATTERS RELATED TO BULK CARRIER SAFETY

5.24 The Committee noted with satisfaction the information provided by INTERCARGO in document MSC 77/INF.8, attaching their annual bulk carrier safety casualty report covering last year and the previous ten years (1993 to 2002) and, in particular that, according to INTERCARGO's findings, during the ten-year period under review, the average number of bulk carriers, lives and deadweight tonnage lost was falling (see also Secretary-General's remarks in paragraph 1.9 above).

SAFETY OF GENERAL CARGO SHIPS

5.25 The Committee considered a submission by RINA (MSC 77/25/4) presenting the results of an analysis of general cargo ship losses and fatalities, as compared with other ship types, and referred it to the *ad hoc* working group in case the findings proved useful when the latter would be considering the safety of small bulk carriers (see also paragraph 25.21).

RECONVENING OF THE WORKING GROUP ON BULK CARRIER SAFETY

5.26 As decided at MSC 76 and recalling the relevant decisions made earlier on the subject, the Committee reconvened the Working Group on Bulk Carrier Safety with the following terms of reference:

with respect to the agreed recommendations for decision-making:

- .1 on the basis of action requested by DE 46 in document MSC 77/13, paragraphs 4.9 to 4.19, to:
 - .1 consider IACS's additional recommendation (MSC 77/13/4) concerning the draft performance standards for water level detectors on bulk carriers and advise the Committee accordingly, prior to it adopting the performance standards by the associated MSC resolution, and advise whether there was a need to determine a specific application date;
 - .2 review the draft MSC resolution on Application of IACS Unified Requirements S26, S27, S30 and S31 to bulk carriers (annex 20 to document DE 46/32) in conjunction with documents MSC 77/5/5, paragraphs 6 and 11.3; MSC 77/13/3; and MSC 77/INF.15;
 - .3 consider DE 46's views regarding the Guidelines for bulk carrier hatch cover surveys and owner's inspections and maintenance (MSC 77/13, paragraph 4.15), together with the related proposals by the United Kingdom (MSC 77/5/5, paragraphs 5 and 11.1.2) to make these mandatory under SOLAS chapter XII and resolution A.744(18), and advise the Committee accordingly;
 - .4 taking into account the proposals by the United Kingdom (MSC 77/5/5, paragraphs 6 and 11.2) and Japan (MSC 77/5/6, paragraphs 4 to 7), to further consider DE 46's preference for option III with regard to the possible schemes to ban alternate hold loading (MSC 77/13, paragraph 4.16) and make an appropriate recommendation as to the guidance that should be given to DE 47 in this respect;
 - .5 consider the preliminary definition of "double-side skin" in the light of comments submitted by Japan (MSC 77/5/6, paragraphs 10 to 12) and IACS (MSC 77/13/2), with a view to arriving at an agreed working definition;
 - .6 consider the preliminary draft definitions developed by DE 46 for the purpose of chapter XII, taking also into account relevant comments by Japan (MSC 77/5/6, paragraphs 13 to 20); and provide advice as to any guidance which the DE Sub-Committee could use when developing other draft amendments to SOLAS chapter XII;
 - .7 consider the issue of bulkhead failure on existing bulk carriers and develop an outline of measures to significantly enhance the safety of existing bulk carriers in this area, taking into account the proposals made by the United Kingdom (MSC 77/5/5, paragraphs 7 to 10 and 11.1.1) and related comments by Japan (MSC 77/5/6, paragraphs 8 and 9), and advise the Committee accordingly; and
 - .8 take into account, as necessary, document MSC 77/5/4 on the risk reduction resulting from combining risk control options agreed at MSC 76;

with respect to the FSA study of bulk carriers less than 150 m in length:

- .2 consider the proposals contained in documents MSC 77/5/2 (Cyprus and the United Kingdom) and MSC 77/5/3 (United Kingdom) and provide relevant advice, including a recommended course of action and an associated timetable for completion, and whether this should involve competent technical sub-committees; and
- .3 take into account the information provided in document MSC 77/25/4 when discussing small bulk carriers, as deemed appropriate.

5.27 The working group was also instructed to deal with comments relating to the proposed amendments to Annex B to the 1988 Load Lines Protocol made under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see also paragraph 3.12).

REPORT OF THE WORKING GROUP

5.28 Having received the report of the working group (MSC 77/WP.13), the Committee approved it in general and took action as reflected in the ensuing paragraphs.

AGREED RECOMMENDATIONS FOR DECISION-MAKING

Performance standards for water level detectors

5.29 The Committee, having considered IACS' proposed addition to paragraph 3.3.6 of the draft Performance standards for water level detectors on bulk carriers (MSC 77/13/4) and agreeing that there was no need to determine a specific date of application of the standards other than the date of adoption of the associated MSC resolution, adopted resolution MSC.145(77) on Performance standards for water level detectors on bulk carriers, as set out in annex 5.

5.30 The BIMCO observer expressed concern that, due to the close proximity of the implementation date, owners may face a situation where the required equipment is not available. If such a situation seems to be likely when approaching the implementation date, the industry will request flag States, with full consensus of the MSC, to issue waivers to owners in order to avoid problems with PSC inspections.

Application of IACS Unified Requirements S26, S27, S30 and S31

5.31 The Committee adopted resolution MSC.146(77) on Application of IACS Unified Requirements S26, S27, S30 and S31 to bulk carriers, having debated related comments submitted in documents MSC 77/5/5, MSC 77/13/3 and MSC 77/INF.15, as set out in annex 6.

5.32 Noting that a revision of UR S31 was awaited from IACS, the delegation of the United Kingdom reiterated the need to understand the details of such revision, including true wastage allowances, and stated that it would work together with IACS intersessionally to achieve this. In this connection, the Committee agreed that any such revision, as may be submitted by IACS, should be considered by DE 47 under the agenda item on "Application of structural standards in SOLAS chapter XII".

Hatch cover surveys and owners' inspections and maintenance

5.33 The Committee, recalling that earlier in the session it had approved MSC/Circ.1071 on Guidelines for bulk carrier hatch cover surveys and owners' inspections and maintenance (see also paragraph 5.13), recognized that, although the provisions of sections 2 (Design considerations) and 3 (Maintenance of hatch covers and hatch opening, closing, securing and sealing systems) of the Guidelines should apply to all types of ships, the case of bulk carriers was more critical due to their lower freeboard and the vulnerability of hatch cover securing devices to horizontal loads caused by green seas, and agreed that the provisions should be made mandatory in SOLAS chapter XII.

5.34 Accordingly, the Committee invited Member Governments and international organizations to submit to DE 47 relevant proposals to amend SOLAS chapter XII in order to incorporate the necessary provisions, either as requirements or as a reference to the above Guidelines.

5.35 With regard to section 4 of the Guidelines (Survey of hatch covers and hatch opening, closing, securing and sealing systems), the Committee acknowledged that these provisions should also apply to all types of ships, but as stated in paragraph 5.33 above, the case of bulk carriers was more critical and agreed that the relevant provisions should be made mandatory under resolution A.744(18). Subsequently, the Committee invited Member Governments and international organizations to submit to DE 47 relevant proposals to amend resolution A.744(18) in order to incorporate the relevant survey provisions.

Alternate hold loading ban

5.36 The Committee concurred with the conclusion reached in principle at DE 46 that of all the considered alternatives to ban alternate hold loading, option III, as explained in document MSC 77/5/1, paragraph 12, was the most appropriate, although it needed to be refined and certain aspects thereof clarified.

5.37 The Committee agreed that a more adequate title for this proposal would be "Banning bulk carriers from sailing with any hold empty". Such a ban would be applied to existing bulk carriers of single-side skin construction (i.e. those with any cargo hold bounded by the side shell), which meant that existing double-side skin bulk carriers not built in accordance with the new requirements for double-side skin construction would not be subject to the ban. In addition, single-side skin bulk carriers constructed before 1 July 1999 (date of entry into force of SOLAS chapter XII) not built in accordance with IACS UR S12 Rev.2.1, but deemed to meet such requirements, would not be subject to the ban either. The banning provisions would be as follows:

"Banning bulk carriers from sailing with any hold empty: Bulk carriers in the full load condition (90% of the ship's deadweight at the relevant freeboard) of single-side skin construction and 150 m in length and over, constructed before 1 July 1999, after reaching 10 years of age, or constructed after 1 July 1999 if not in compliance with SOLAS chapter XII and IACS UR S12 Rev 2.1, shall be banned from sailing with any hold empty. The ban shall not apply to ships constructed before 1 July 1999 if they comply with SOLAS chapter XII and IACS UR S12 Rev 2.1".

5.38 The Committee referred the above description to DE 47 for appropriate action when preparing relevant amendments to SOLAS chapter XII.

Preliminary chapter XII draft definitions, including that of “double-side skin”

5.39 The Committee, having considered the definition of “bulk carrier” developed by DE 46, agreed to add the word “primarily” to the proposed text. With respect to the definition of “bulk carrier of single-side skin construction”, the Committee concurred with the Japanese reasoning in document MSC 77/5/6 and excluded “ore carriers” from the proposal by DE 46. Concerning the definition of “double-side skin”, the Committee discussed at length, in particular, the minimum transverse clearance within the double-side space, which in any case should be wide enough to allow access for inspections as provided in new SOLAS regulation II-1/3-6, and agreed broadly with the compromise solution stated in paragraph 24.7 of document DE 46/32 that a minimum clearance of 600 mm should be allowed where the inner and outer skins are transversely framed, and of 800 mm in the case of longitudinal framing. At the same time, the minimum distance between the outer and inner shells should be kept at 1,000 mm. Also, any exceptions regarding specialized ship types, such as pure woodchip carriers, should be addressed within the appropriate technical regulations in SOLAS chapter XII. In the context of this paragraph, the Committee noted concern expressed by some delegations that by setting a definition of “bulk carrier”, general cargo ships should not change into that type of ship.

5.40 The Committee referred the agreed working definitions, together with a graphical illustration of the definition of “double-side skin”, as set out in annex 2 to document MSC 77/WP.13, to DE 47 in order that they may serve as a basis in the development of the other amendments to SOLAS chapter XII. The Committee, however, considered that the agreed definition of “double-side skin” was too elaborate and contained many specific requirements, which might be better incorporated in a separate regulation elsewhere in the chapter together with other agreed provisions such as the mandatory coating of double-side spaces and the prohibition to carry cargo in them.

5.41 At this stage, the delegation of Greece reiterated its concerns for the agreement at MSC 76 to making double-side skin construction mandatory for all new bulk carriers of 150 m in length and upwards. That delegation believed that until double-side skin designs prove their safety superiority versus the established and tested single-side skin designs, double-side skin designs should be accepted only as alternatives, provided that they comply with requirements specific to them. Furthermore, it stated that Greece intends to conduct a relevant study, the results of which are expected to be presented to MSC 78.

Strength of bulkheads on existing bulk carriers

5.42 In discussing document MSC 77/5/5, paragraphs 7 to 10, the delegation of the United Kingdom, supported by two other delegations, reiterated its earlier proposals to address the perceived inadequate structural strength of bulkheads on existing bulk carriers, by reinforcing the bulkheads and restricting the ship’s maximum deadweight and the cargo density. That delegation believed that the package of measures applicable to existing bulk carriers already agreed by MSC 76 (in particular, banning of alternate hold loading, maintenance and survey standards for hatch cover securing devices and the new water level detector requirements) would still leave many existing bulk carriers, especially those not able to withstand one-compartment flooding in accordance with LL regulation 27, vulnerable to progressive flooding through successive bulkhead failure. In this connection, the delegation of Norway suggested that the reinforcement of the bulkhead between holds No. 2 and No. 3, in particular, should be considered.

5.43 The majority of the Committee, however, was of the opinion that the agreed package of measures referred to in the above paragraph, which was derived from the conclusions of FSA studies, would bring about a significant improvement in the safety of existing bulk carriers

(figures from 40% up to 60% risk reduction were cited according to rough estimates) and that the problem of non-compliance with LL regulation 27 was caused by lack of implementation rather than of regulation. The IACS observer, however, considered that the problem was not one of implementation since the bulkheads of existing ships had been designed and approved on the basis of the knowledge of bulkhead structures available at the time of construction, and the current proposals were based on a reassessment of bulkhead strength using modern analysis techniques.

5.44 The majority of the Committee considered also that any need for new requirements such as those proposed by the United Kingdom should be justified by additional statistical data showing clearly the inadequacy of the above package in significantly enhancing the safety of existing bulk carriers. In such circumstances, the Committee might be requested to consider additional safety measures. The delegations of the United Kingdom and the Marshall Islands were of the view that the bulkhead strength of existing ships needed reviewing on a ship-by-ship basis in order to establish the extent of the problem with LL Convention compliance.

5.45 Following a lengthy debate, the majority of the Committee agreed that no further action should be taken on this matter for the time being.

5.46 Noting that the majority of the Committee was of the opinion that the problem of non-compliance with LL regulation 27 was caused by lack of implementation rather than of regulation, the delegation of the United Kingdom stated that it was disappointed, disheartened and dismayed that the Committee had decided to take no further action on the matter of the strength of bulkheads on existing bulk carriers, for the time being.

Overall risk reduction on new bulk carriers

5.47 In considering document MSC 77/5/4, the Committee noted with satisfaction the encouraging high level of risk reduction (a mean reduction in potential loss of life of 74.9%) in new bulk carriers that was expected to be achieved with the introduction of the package of risk control measures agreed by MSC 76. This figure could serve in the future as a benchmark when trying to ascertain the effect of any further safety measures.

5.48 Some delegations, though, were of the view that the methodology for determining risk reduction should follow set procedures. The Committee, therefore, instructed the FSA Correspondence Group established under agenda item 18 (see also paragraph 18.8) to consider the need to develop a procedure for estimating risk reduction after the introduction of certain safety measures, for possible appending to the FSA Guidelines (MSC/Circ.1023-MEPC/Circ.392).

FSA STUDY OF BULK CARRIERS LESS THAN 150 M IN LENGTH

Consideration of the FSA study

5.49 In reviewing the results of the FSA study on bulk carriers under 150 m in length contained in document MSC 77/5/2, the Committee, while recognizing that the study had been conducted broadly according to the FSA Guidelines, noted that the basic statistical data used did not take into account the possible risk reduction derived from recently introduced measures also applying to bulk carriers under 150 m in length, including related action taken by IACS. Furthermore, some of the scenarios considered were not truly independent from each other and there were some doubts about the data used for the event tree, thus making it unsafe to extract solid conclusions. Then there were difficulties associated with grouping ships by size (length)

without taking into account configuration, freeboard, etc. Although the Committee could accept that bulk carriers between 130 m and 150 m in length were arranged typically as the larger bulk carriers, those below 130 m were often general cargo ships. These and other perceived drawbacks made it, therefore, unadvisable to accept the recommendations of the FSA study.

5.50 Having seen statistical data provided by IACS on the current distribution of the world's bulk carrier fleet by length and type, as well as extracts from the FSA study on bulk carrier safety carried out by Japan showing comparative bulk carrier statistical data, including the results of analytical simulations taking into account recently introduced safety measures, the Committee concluded that the FSA study presented in document MSC 77/5/2 should be rerun with a limited scope, say for ships between 130 m and 150 m in length and engaged in international voyages, bearing in mind the drawbacks identified in paragraph 5.49 above, and invited interested Member Governments and international organizations, collectively if necessary, to carry out the necessary work and report the results to MSC 78, with a view to finalizing at that session the ongoing exercise on bulk carrier safety.

5.51 With regard to the recommendations made in document MSC 77/5/3, which were based on data extracted from the International collaborative study on bulk carrier safety, the Committee was of the view that the actions requested in paragraphs 16 to 19 thereof were being addressed at the moment as part of the agreed measures to enhance bulk carrier safety, i.e. making mandatory the hatch cover survey requirements under resolution A.744(18) (see paragraph 5.35 above); the hatch cover securing standards under SOLAS chapter XII (see paragraph 5.33 above); the carriage of immersion suits (draft amendments to SOLAS regulation III/32.3 to that effect, approved by the Committee for adoption by MSC 78) (see paragraph 13.11 below); and the carriage of free-fall survival craft with float-free capability (DE 47 will finalize carriage requirements developed by DE 46, for approval by MSC 78). The Committee also agreed that regulations III/31 and 32.3, which are currently being amended, should refer to bulk carriers as defined in chapter XII, rather than in chapter IX.

5.52 Concerning the proposal in paragraph 20 of document MSC 77/5/3, requesting the endorsement in principle that small bulk carriers should be fitted with loading/stability computers, the Committee, acknowledging that proper calculation of the stability of small ships could be jeopardized by their typically tight turnaround, agreed that the proposed measure should be considered further and requested SLF 46 to look into the matter in the context of its existing agenda item on "Improved loading/stability information for bulk carriers". Member Governments and international organizations were invited to submit relevant comments and proposals to SLF 46. Recognizing that more time was needed to prepare relevant proposals, the Committee extended the deadline for submission of non-bulky documents (six pages or less) from 4 to 18 July 2003.

Safety of general cargo ships

5.53 The Committee further noted the results of a study of general cargo ship losses and fatalities as compared with other ship types and that a proposal to include a new item in the Committee's agenda on the safety of general cargo ships will be submitted to MSC 78 (MSC 77/25/4), and agreed in principle that the data provided in the document justified a more detailed undertaking into the safety of these ships (see also paragraph 25.21).

6 MEASURES TO ENHANCE MARITIME SECURITY

6.1 The Committee recalled that the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, convened in December 2002 for the purpose of enhancing maritime security, had adopted:

- .1 amendments to SOLAS chapters V and XI re-numbering the latter as chapter XI-1;
- .2 a new chapter XI-2 and an associated International Ship and Port Facility Security (ISPS) Code, which consists of a mandatory part A and a recommendatory part B; and
- .3 a total of eleven Conference resolutions.

6.2 The Committee also recalled the Secretary-General's opening statement placing emphasis on the timely and effective implementation of the measures adopted by the Conference; and urging the Committee to make as much progress at this session as possible to pave the way for a successful implementation of the new mandatory security measures which were expected to come into force on 1 July 2004.

6.3 The Committee considered the action list in document MSC 76/6 (Secretariat- decisions taken by the Conference and MSC 76 initial action thereon) and, taking into account related documents and comments made in plenary, decided on issues of principle before referring them to the Working Group on Maritime Security (MSWG) and/or other relevant IMO bodies.

6.4 The Committee also considered the relevant parts of the reports on the outcome of the initial consideration of the decisions of the Conference and MSC 76 by FAL 30, COMSAR 7, STW 34, the SPI Working Group and FSI 11, which had met after the Conference, as reported in documents MSC 77/6/1 and MSC 77/6/1/Add.1 (Secretariat).

6.5 The Committee further considered documents MSC 77/6/2, MSC 77/6/3, MSC 77/6/8 and Add.1 and MSC 77/6/10 (Secretariat); MSC 77/6/4 (Marshall Islands); MSC 77/6/5 (WNTI); MSC 77/6/6 (France); MSC 77/6/7 (Philippines); MSC 77/6/9 (ILO); MSC 77/6/11 (United Kingdom); MSC 77/6/12 (United States); MSC 77/6/13 (Marshall Islands); MSC 77/6/14 (Republic of Korea); MSC 77/6/15 (ICFTU); MSC 77/6/16 (United States); MSC 77/6/17, MSC 77/6/18 and MSC 77/6/19 (ICS/ISF); and MSC 77/INF.9 (IACS); as well as documents SOLAS/CONF.5/13 and SOLAS/CONF.5/14 (Colombia) referred to it by the 2002 SOLAS Conference.

6.6 The Committee recalled that, having discussed, at its last session in December 2002, various requests of the 2002 SOLAS Conference contained in various Conference resolutions, it had agreed to consider them in detail at the current session. Such requests were included in resolutions:

- No. 3 on Further work by the International Maritime Organization pertaining to the enhancement of maritime security;
- No. 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;

- No. 5 on Promotion of technical co-operation and assistance;
- No. 8 on Enhancement of security in co-operation with the International Labour Organization;
- No. 9 on Enhancement of security in co-operation with the World Customs Organization;
- No. 10 on Early implementation of long-range ships' identification and tracking; and
- No. 11 on Human element-related aspects and shore leave for seafarers.

Training matters – Model courses

6.7 The Committee recalled that MSC 76 had instructed STW 34 to give preliminary consideration, under its 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; while
- .2 with regard to operative paragraph 1(e) of the same resolution (calling for the review of resolution A.890(21) on Principles of safe manning), the Sub-Committee should proceed with the consideration of the matter after MSC 77 had provided appropriate guidance.

6.8 The Committee noted that, with regard to training for ship, Company and port facility security officers, STW 34 (MSC 77/6/1, paragraphs 23 to 34) had:

- .1 approved course frameworks and outlines for the proposed model courses for SSOs, CSOs and PFSOs, taking into account the input of the SPI Working Group on the latter (given at annexes 7 and 8 to document STW 34/14);
- .2 approved terms of reference for the course developers, including a series of project milestones leading to delivery of the camera-ready draft model courses to the IMO Secretariat by 8 September 2003;
- .3 welcomed the offer of the United States and India to jointly develop the three proposed model courses with the United States being the co-ordinator;
- .4 established a validation panel to ensure that the model courses were as prescribed in the terms of reference for the course developers and in conformity with the requirements of SOLAS chapter XI-2 and the ISPS Code; and
- .5 instructed the Secretariat to monitor progress with the development of the model courses and to ensure that comments made by the validation group on draft texts prepared were timely and forwarded to the course developers without undue delay.

6.9 The Committee also noted that, as the PFSO is responsible for port facility security, which is also an area of interest to ILO, and model courses on training requirements for seafarers were also validated by ILO, STW 34 considered that the SSO, CSO and PFSO model courses should also be subject to IMO/ILO validation. To this end, the STW Sub-Committee had established a small intersessional *ad hoc* validation group of security experts from interested delegations, including ILO representatives, under the co-ordination of the Secretariat, which would undertake its work via e-mail and would review the text prepared by the course developers.

6.10 The Committee noted that STW 34 had decided to refer questions arising, and views expressed, on the following matters to MSC 77 for consideration and eventual guidance:

- .1 certification of training in accordance with the model courses under development, as well as the issuance of documentary evidence of attendance;
- .2 consistent and verifiable training of the SSOs, CSOs and PFSOs through approved training and certification;
- .3 availability of alternative certification schemes; and
- .4 long-term plan in connection with the training requirements for shipboard and shore-based personnel.

6.11 In this context, the Committee also considered document MSC 77/6/17 (ICS/ISF) on the requirements identified in the ISPS Code in respect of the training of ship security officers.

6.12 The Committee recognizing the short period of time until the entry into force of the SOLAS chapter XI-2 and ISPS Code provisions, agreed, in general, that any decision on the training of ship security officers did not prevent or deter companies from conducting in-house training and referred the matter to the MSWG for further consideration and guidance.

Shipboard AIS training

6.13 The Committee noted that, with regard to training in the use of shipboard AIS (MSC 77/6/1, paragraphs 35 and 36), STW 34 had not agreed that such training should form a new item in its work programme and, instead, outlined a number of options available in this respect, including:

- .1 amendments to the existing IMO model courses related to training in the use of ECDIS and ARPA's under the existing STW work programme item on validation of model training courses;
- .2 development of mandatory training requirements for inclusion in the STCW Convention and/or Code; and
- .3 development of training guidance under the existing STW Sub-Committee's work programme item on "Measures to enhance maritime security".

6.14 The Committee noted the above and the Sub-Committee's request to Member Governments and organizations concerned to submit comments and proposals to STW 35 for consideration.

Review of resolution A.890(21) on Principles of safe manning

6.15 The Committee noted that, with regard to resolution A.890(21) on Principles of safe manning (MSC 77/6/1, paragraphs 37 to 39), during STW 34:

- .1 only preliminary consideration had been given to the issue pending discussions and decisions at MSC 77, which was expected to provide guidance to STW 35 on the review of that resolution;
- .2 a number of delegations had expressed concern about the possible increase of the seafarers' workload. In its report to the Committee (MSC 77/12, paragraph 2.9), the Sub-Committee had invited the Committee to endorse its invitation, when providing guidance to STW 35 on further action in the context of resolution 3 of the 2002 SOLAS Conference, to consider the crew's ability for dealing with multiple emergencies simultaneously; and
- .3 there had been insufficient time to measure the impact of resolution A.890(21) and that the workload might vary considerably between ship types depending also on security levels in force. The Sub-Committee, therefore, agreed that a holistic approach should be taken when reviewing the resolution in question.

6.16 In this context, the Committee considered documents MSC 77/6/7 (Philippines), MSC 77/6/15 (ICFTU) and MSC 77/6/18 (ICS/ISF) and discussed the need to review resolution A.890(21) and agreed that it was necessary to proceed with caution on this matter so that the implementation of SOLAS chapter XI-2 and the ISPS Code by 1 July 2004 might not be jeopardized. Only processes which would support the implementation should be pursued.

6.17 The Committee considered the options available, i.e. whether to take a holistic approach to the review of resolution A.890(21) and task the MSWG with the development of terms of reference for STW 35 to undertake that work; or to instruct the MSWG to consider the amendments proposed by the Philippines in document MSC 77/6/7 relating to the additional shipboard duties resulting from the new security provisions only and to prepare a revised resolution for submission to A 23 for adoption.

6.18 After some discussion, the Committee instructed the MSWG to attempt to amend the resolution, based on the amendments proposed by the Philippines and, if that task turned out to be too difficult to achieve at this session, to consider any other options in order to provide guidance relating to safe manning principles for ship security purposes before 1 July 2004.

Implementation of Conference resolutions

6.19 The Committee noted that, in the context of resolution 5, the Conference had requested the Secretary-General to make adequate provision, within the Integrated Technical Co-operation Programme, to strengthen further the assistance that was 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.

6.20 The Committee decided to deal with this matter under agenda item 16 (Technical assistance sub-programme in maritime safety and security).

6.21 The Committee also noted that, in the context of resolution 11, the Conference had requested the Secretary-General to bring to the attention of the MSC and FAL Committee any human element-related problems communicated to the Organization as a result of the implementation of SOLAS chapter XI-2 or the ISPS Code.

Early implementation of IMO's security measures

6.22 The Committee recalled that, following consultations between the Secretary-General and the Committee Chairman, MSC/Circ.1067 on Early implementation of the special measures to enhance maritime security had been issued in February 2003, urging all parties concerned to take expeditious action to ensure the timely and effective implementation of the SOLAS and ISPS Code provisions.

Control and compliance

6.23 The Committee recalled that MSC 76 had decided to 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 had also instructed FSI 11, in the context of Conference 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, to proceed with 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 and part A of the ISPS Code.

6.24 In this regard, the Committee noted that FSI 11 had:

- .1 agreed that guidelines to assist PSC authorities in the conduct of inspections relating to the ISPS Code would be necessary in order to facilitate a harmonized and consistent approach to PSC inspections and to enhance the preparedness of the shipping industry to respond to security threats;
- .2 decided not to establish an intersessional correspondence group and, instead, invited Members to submit, to FSI 12 for consideration, proposals on global guidelines for PSC authorities for the conduct of inspections in the context of the ISPS Code;
- .3 agreed, in the absence of specific proposals and not having identified any specific requirements to be incorporated in resolution A.849(20) on the Code for the investigation of marine casualties and incidents in security-related cases, not to pursue the matter for the time being;
- .4 noted that the proposed shipowning and ship management unique ID numbering scheme could be developed in a similar way as the IMO ship identification number scheme; and that IACS had already adopted such a scheme in the context of the implementation of the ISM Code;

- .5 being convinced of the benefits of developing a shipowning and ship management unique ID numbering scheme for maritime safety and security purposes, agreed to recommend to MSC 77 that a high priority item on “Unique IDs for companies and registered owners” be included in its work programme and in the provisional agenda for FSI 12; and
- .6 having identified the benefits of marking ship’s plans, manuals and other documents with the IMO ship identification number, for maritime safety and security purposes, decided that such use of the IMO number could be useful for the conduct of investigation actions and agreed to recommend to MSC 77 that a high priority item on “Marking the ship’s plans, manuals and other documents with the IMO ship identification number” be included in the FSI Sub-Committee’s work programme and in the provisional agenda for FSI 12.

6.25 The Committee noted the action taken by the Sub-Committee given in paragraphs 6.24.1 to .4 above and endorsed the inclusion of the two new items referred to in paragraphs 6.24.5 and .6 above in the work programme of the Sub-Committee and the agenda for FSI 12, without prejudicing the outcome of the consideration.

6.26 In this context, the Committee considered documents MSC 77/6/12 (United States), MSC 77/6/13 (Marshall Islands), MSC 77/6/19 (ICS) and MSC 77/INF.9 (IACS).

6.27 The Committee, in general, did not support the amendment to the International Ship Security Certificate (ISSC) (as set out in part A of the ISPS Code) proposed by the United States in document MSC 77/6/12. However, it instructed the MSWG to consider the proposal in depth and advise the Committee on the need for any further guidelines for the assessment of compliance with the ISPS Code provisions and any additional guidance resulting from document MSC 77/INF.9.

6.28 The Committee further instructed the MSWG to consider, in light of the proposal by the Marshall Islands (MSC 77/6/13) and the information provided orally by IACS on future reporting on ISSC issuance and regular updates thereto, if the example of periodic information provided by the Secretariat in co-operation with IACS on the ISM Code implementation in the past, would be sufficient to be repeated in relation to the ship/company compliance with the ISPS Code.

6.29 The Committee expressed appreciation to ICS for bringing to its attention the compliance and implementation issues raised in document MSC 77/6/19 and noted with interest the guidance for ship operators on the ISPS Code attached thereto.

Long-range identification and tracking of ships

6.30 The Committee recalled that it had instructed COMSAR 7 to note, in the context of Conference resolution 10 (Early implementation of long-range ship’s identification and tracking), that SOLAS Contracting Governments had been invited to encourage ships entitled to fly the flag of their State to take the necessary measures so that they were prepared to respond automatically to Inmarsat-C polling or to other available systems.

6.31 The Committee noted (MSC 77/6/1, paragraphs 2 to 7) that COMSAR 7 had:

- .1 agreed to the draft MSC circular on Guidance on provision of ship security alert systems (SSASs), given in annex 16 to document COMSAR 7/23; and invited the Committee to approve it and instruct the Sub-Committee as appropriate;

- .2 prepared draft amendments to the performance standards for ship security alert systems (SSAs) (resolution MSC.136(76)); and invited the Committee to consider and adopt them;
- .3 was of the opinion that, in order to achieve long-range identification and tracking of ships, the SOLAS Convention should contain relevant requirements and, to this effect, invited Member Governments to submit relevant proposals to COMSAR 8 for consideration; and
- .4 invited the Committee to consider all policy issues relating to long-range ship identification and tracking, taking into account the draft recommendation on functional requirements given in annex 17 to document COMSAR 7/23; and to instruct NAV 49 to consider the issue further and advise COMSAR 8 accordingly.

6.32 The Committee recalled that MSC 76 and COMSAR 7 had noted that, in the view of the Joint ICAO/IMO Working Group on Aeronautical and Maritime Search and Rescue, the existing guidance in MSC/Circ.967 did cover the maritime security incident scenario adequately. COMSAR 7, therefore, considered any amendments to MSC/Circ.967 and to any other relevant circulars to be premature without further instructions and advice from the Committee.

6.33 In considering, in this context, documents MSC 77/6/5 (WNTI), MSC 77/6/11 (United Kingdom) and MSC 77/6/16 (United States), the Committee agreed, in principle, with the functional requirements contained in annex 17 to document COMSAR 7/23, and instructed the MSWG to review them, taking into account operative paragraph 3 of the 2002 SOLAS Conference resolution 10, together with the above proposals and provide the Committee with further advice thereon before referring the matter to NAV 49 and COMSAR 8.

6.34 In relation to resolution 10, referred to above, the delegation of Norway drew attention to the fact that operative paragraph 3 thereof also included a reference to potential misuse of long-range ship identification and tracking. In the opinion of the delegation of Norway, this issue needs careful consideration, and must include consideration of how to eliminate the risk of long-range ship identification and tracking becoming a potential tool for terrorists. This concern was shared by several other delegations, and the MSWG was instructed to take these concerns into account.

6.35 The Committee approved MSC/Circ.1072 on Guidance on provision of ship security alert systems (SSASs) and instructed the COMSAR Sub-Committee to take action in the context of this guidance, as appropriate.

6.36 Having considered document MSC 77/WP.5, the Committee agreed to the draft amendments to the performance standards for SSASs and adopted resolution MSC.147(77) on Adoption of the revised performance standards for a ship security alert system, set out in annex 7.

Ship/port interface

6.37 The Committee recalled that MSC 76 had instructed the SPI Working Group to give preliminary consideration:

- .1 in the context of Conference resolution 3 (operative paragraphs 1(a), 1(f) and 1(i), respectively):

- .1 to the review of the aspect of security of ships to which SOLAS chapter XI-2 applies when interfacing with floating production, storage and offloading units and floating storage units; and
 - .2 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 SOLAS chapter XI-2 and part A of the ISPS Code; and
- .2 in the context of Conference resolution 8 (operative paragraph 5), to contribute, with appropriate expertise, to the work of ILO on the joint ILO/IMO work on the wider issue of port security.

6.38 The Committee noted that, according to the SPI Working Group (MSC 77/6/1, paragraphs 15 to 22), there were two types of floating production, storage and offloading units (FPSOUs) and floating storage units (FSUs). The first category were units (such as floating tanks), which were not able to move on their own; did not carry Convention certificates; and did not have a ship's crew on board. The second category were ships which fell under the scope of maritime conventions; had Convention certificates and a ship's crew on board; and were capable of moving under their own power.

6.39 The Committee referred the matter to the MSWG for consideration and advice as appropriate.

Guidelines for recognized security organizations

6.40 The Committee recalled that, with respect to Conference resolution 3, in addition to instructing its subsidiary bodies as specified above and also in addition to decisions it should make on the basis of the latter's recommendations, it was expected to consider the need for and, if necessary, develop guidelines on recognized security organizations.

6.41 In this context, the Committee considered documents MSC 77/6/4 (Marshall Islands) and MSC 77/6/14 (Republic of Korea) outlining the need for draft guidelines and minimum standards for the authorization of recognized security organizations in order to promote uniformity of the assessments, verification, approval and certification activities required by SOLAS chapter XI-2 and by parts A and B of the ISPS Code and proposing the issuance of a draft MSC circular and subsequently the adoption of the guidelines as an Assembly resolution.

6.42 The Committee referred documents MSC 77/6/4 and MSC 77/6/14 to the MSWG for consideration of the need for guidelines and minimum standards for the authorization of recognized security organizations (RSOs) beyond the guidance given in part B of the ISPS Code and provide advice on how to proceed further on the matter.

Future amendments to SOLAS chapters XI-1 and XI-2

6.43 With respect to Conference resolution 4, the Committee took note that future amendments to the provisions of chapters XI-1 and XI-2 of the SOLAS Convention should be adopted by either the Committee itself in accordance with article VIII(b) of the Convention or by a Conference of Contracting Governments to the Convention in accordance with article VIII(c) thereof.

Co-operation with ILO - Seafarers' identification and port security

6.44 With respect to Conference resolution 8 on Enhancement of security in co-operation with the International Labour Organization relating to seafarers' identification and port security, the Committee noted that, on the proposed co-operation with ILO (operative paragraph 5 of Conference resolution 8), the SPI Working Group had agreed that, at this stage, the only assistance it was able to provide to ILO was an outline of the model course for port facility security officers as previously discussed.

6.45 The Committee recalled that, in the context of resolution 8, the Conference had requested the Secretary-General to contribute, with appropriate expertise, to the work of ILO on the "Improved security for seafarers' identification" and to the proposed work on the wider issue of port security to be jointly undertaken by ILO and IMO.

6.46 In this context, the Committee considered document MSC 77/6/9 (ILO) outlining the current work undertaken by the ILO on seafarers' identification and port security, including the revision of the Seafarers' Identity Documents Convention, 1958 (No. 108); the ILO guidance on Safety and Health in ports; and the preparation of a guidance on the wider issue of port security.

6.47 The Secretary-General advised the Committee that, in pursuance of Conference resolution 8 and following consultations with ILO, the Joint ILO/IMO Working Group would consist of 16 members, with the ILO providing 8 members (4 Employers' and 4 Workers' representatives) and IMO another 8 members, which would be Government representatives. In order to ensure the required expertise and also as widespread a representation of the IMO membership as possible, he, therefore, nominated Brazil, Egypt, India, Nigeria, Panama, the Philippines, the United Kingdom and the United States as the IMO Government representatives to the Joint ILO/IMO Working Group.

6.48 The Committee endorsed the nomination of Brazil, Egypt, India, Nigeria, Panama, the Philippines, the United Kingdom and the United States as the IMO Government representatives at the Joint ILO/IMO Working Group on Port Security.

6.49 The Committee agreed to instruct the MSWG to consider and, if necessary, refine the Joint Working Group's terms of reference as set out in the annex to Conference resolution 8.

6.50 The Committee, noting the information provided by ILO in document MSC 77/6/9, recognized that the preparatory work undertaken by ILO on the Code of practice for port security did not imply any perceptive conclusions on the work of the Joint ILO/IMO Working Group.

Co-operation with WCO

6.51 With respect to Conference resolution 9 on Co-operation with the World Customs Organization (WCO), the Committee noted that the Secretariat had attended WCO seminars and symposia in Nicosia and Brussels (October 2002) and Lithuania (May 2003) and the WCO 1st and 4th Task Force meetings in Brussels (September 2002 and May 2003 respectively). The 4th Task Force had prepared a package of measures for submission to the WCO Council in June 2003, including:

- .1 an amended WCO data Model to include a standardized set of 27 data elements required to identify high risk goods in advance of shipment;

- .2 Guidelines for Advance Cargo information to enable the advance (pre-arrival) electronic transmission of data;
- .3 WCO High Level Guidelines for Co-operative Arrangements between Members and business to increase supply chain security and facilitate the flow of international trade; and
- .4 a draft Convention on Mutual Administrative Assistance to assist Members in developing a legal basis to enable the advance electronic transmission of customs data.

6.52 The WCO observer expressed appreciation for the co-operation of IMO and other international organizations and non-governmental agencies in support of WCO's work in the area of maritime security and that related to the WCO resolution on Security and facilitation of the international trade supply chain. This work was complex and involved the identification of risk at the earliest possible stage in the international trade supply chain, with WCO's supply chain security initiatives being complementary to the security efforts being undertaken by IMO. There were many interrelated activities and many stakeholders from the public and private sector. The WCO initiative represented a major shift in traditional customs work and controls.

There was consequently a great need for capacity building in terms of legislative and procedural change and the technical aspects of automation and risk management. A key feature of WCO initiative was the facilitation of legitimate trade. In the year ahead, WCO was planning two further meetings of the WCO Task Force, followed by testing and trialling of the new legal and procedural frameworks and finally implementation, accompanied by technical assistance and training.

One important linkage WCO had observed was the United Nations Security Council Counter-Terrorism Committee (CTC). As part of the CTC process, Member Governments had submitted requests for assistance on a wide range of security matters and a matrix of such requests had been drawn up. WCO would be looking for opportunities to work closely with other international organizations in satisfying those requests by adopting a joined-up approach, if possible. The WCO Secretariat would work with the IMO Secretariat to explore the possibilities and keep IMO informed of all relevant developments.

Technical co-operation and review of resolution A.872(20)

6.53 In considering Colombia's two submissions to the 2002 SOLAS Conference on Maritime Security, i.e. document SOLAS/CONF.5/13, addressing training for maritime and port protection security, physical security and prevention of drug trafficking and document SOLAS/CONF.5/14, addressing the updating of maritime security and port protection measures, the Committee noted that FAL 31 would consider document SOLAS/CONF.5/14 and TC 53 would consider SOLAS/CONF.5/13, the FAL and TC Committees being the competent IMO bodies to address the issues raised in the two documents.

United Nations resolutions

6.54 The Committee noted the information provided by the Secretariat (MSC 77/6/3 and MSC 77/6/8 and Add.1) on the outcome of the United Nations General Assembly resolution, the United Nations Security Council resolution and the United Nations Security Council Counter-Terrorism Committee on issues relating to maritime security and terrorism.

Revision of MSC/Circ.967

6.55 In considering document MSC 77/6/6 (France) on MRCCs, the Committee recalled that, in the context of a proposal by Germany (MSC 75/11/5) to include a code for “piracy” in the Inmarsat-E System, COMSAR 7 had requested instructions from the Committee as to the nature of the alert (MSC 77/10, paragraph 2.27).

6.56 The Committee recalled that:

- .1 Germany had proposed the inclusion of a code "Piracy" in the Inmarsat-E system (Inmarsat EPIRB);
- .2 COMSAR 6 had already noted the proposal by Germany and determined that, until the Committee decided upon the recommended actions to be taken by MRCCs on receipt of a "piracy/terrorist attack" alert, it would be premature to reach a decision in relation to any additional nature of distress codes needed in the Inmarsat EPIRB system; and
- .3 COMSAR 7 had also agreed that instructions were needed from the Committee if it were to consider the matter further.

6.57 The Committee agreed, in principle, with the proposal by France and instructed the MSWG to review MSC/Circ.967 on Directives for MRCCs.

Continuous Synopsis Record and reporting requirements

6.58 The Committee considered document MSC 77/6/10 (Secretariat) addressing reporting requirements emanating from the 2002 amendments to SOLAS and the ISPS Code for the Continuous Synopsis Record and reporting requirements.

6.59 The Committee referred the proposed formats to the MSWG for consideration and advice as appropriate.

Review of the 1988 SUA Convention and Protocol

6.60 The Committee noted that LEG 86 had considered proposals to amend the 1988 SUA Convention and Protocol (see full report in document LEG 86/15 and a summary document MSC 77/2/1). The Committee took note of the progress made at LEG 86 and observed that further progress was expected when an intersessional working group of the Legal Committee would address outstanding issues.

Progress report to A 23

6.61 The Committee considered document MSC 77/6/2 (Secretariat), containing the Secretary-General's draft progress report to the Assembly pursuant to operative paragraph 6 of resolution A.924(22) and instructed the MSWG to review it and advise the Committee accordingly.

Establishment of the Maritime Security Working Group (MSWG)

6.62 The Committee established the MSWG with the following terms of reference:

- .1 to provide guidance on certification and training requirements for security officers in the context of documents MSC 77/6/1, paragraph 31 and MSC 76/6/17;
- .2 to consider the need for the revision of resolution A.890(21) (MSC 77/6/7, MSC 77/6/15 and MSC 77/6/18);
- .3 to review the proposed draft amendments to the International Ship Security Certificate (ISSC) as set out in part A of the ISPS Code; to consider the need for guidelines for the assessment of compliance with the ISPS Code (MSC 77/6/12 and MSC 77/INF.9) and to consider the need for any additional guidance resulting from document MSC 77/INF.9;
- .4 to consider the need for an MSC circular on Notification of compliance with ISSC requirements by SOLAS Contracting Governments (MSC 77/6/13);
- .5 to review the functional requirements, criteria and operating principles for long-range tracking and identification of ships (MSC 77/6/1, paragraphs 4 and 5; MSC 77/6/11; MSC 77/6/5; and MSC 77/6/16);
- .6 to consider the implementation of the SPI Working Group recommendations relating to mobile and immobile floating units and platforms and the applicability of SOLAS chapter XI-2 and the ISPS Code on them (MSC 77/6/1, paragraphs 17 to 20);
- .7 to consider the need for guidelines and minima standards for the authorization of recognized security organizations (RSOs), and to advise on how to proceed further on the matter (MSC 77/6, paragraph 5.1.1; MSC 77/6/4; and MSC 77/6/14);
- .8 to review the terms of reference for the IMO representation at the joint ILO/IMO Working Group on Port Security, taking into account those detailed in the annex to Conference resolution 8 (MSC 77/6, paragraph 5.3 and MSC 77/6/9);
- .9 to review MSC/Circ.967 on Directives for Maritime Rescue Co-ordination Centres (MSC 77/6/1 and MSC 77/6/6);
- .10 to develop tools and guidelines to assist SOLAS Contracting Governments to meet their reporting requirements as detailed in SOLAS regulation XI-2/13 (MSC 77/6/10);
- .11 to consider the format of the Continuous Synopsis Record required by SOLAS regulation XI-1/5 (MSC 77/6/10);
- .12 to review the Secretary-General's draft progress report to A 23, and to consider any matters arising (MSC 77/6/1 and MSC 77/6/2); and
- .13 to review the Committee's future work plan on maritime security, based on document MSC 75/17/1, annex 3 and the topics outlined in Conference resolution 3.

Action after conclusion of the working group's report

6.63 Having received the report of the Maritime Security Working Group (MSC 77/WP.15), the Committee noted the actions taken on the various documents and proposals submitted and the outcome of the group's considerations; approved the report in general; and took action as set out in the ensuing paragraphs.

6.64 The Committee endorsed the guidance for long-range identification and tracking of ships as set out in document MSC 77/WP.15, annex 1.

6.65 With regard to the proposed new SOLAS regulation XI-2/14 on long-range identification and tracking of ships, the Committee, recognizing that both NAV 49 and COMSAR 8 had yet to finalise their work on the long-range identification and tracking system and to report to MSC 78, agreed that it was premature to approve the incorporation of such a regulation in chapter XI-2 and that it was also from the procedural point of view preferable to make any necessary amendments to the provisions after their entry into force.

6.66 The Committee:

- .1 instructed the NAV Sub-Committee to review the modified functional requirements and draft amendments to the SOLAS Convention and submit their comments to COMSAR 8;
- .2 instructed the COMSAR Sub-Committee to consider the means of best implementing the modified functional requirements; to finalize the draft amendment to the SOLAS Convention taking the modified functional requirements into account; to recommend, if considered appropriate, the means for recognizing appropriate satellite systems; to recommend, if considered appropriate, the appropriate body that could co-ordinate identification and tracking among satellite service providers; and to submit its recommendations to MSC 78 so that the Committee could then approve the appropriate amendments to the SOLAS Convention for long-range identification and tracking of ships with a view to adoption at MSC 79; and
- .3 established an intersessional correspondence group co-ordinated by the United States* to begin discussion on the above issues and to report to COMSAR 8.

Mobile and immobile floating units

6.67 The Committee agreed that neither of the two types of floating production, storage and offloading units (FPSUOs) and floating storage units (FSUs), were ships subject to the provisions of the ISPS Code, but that they should have some security procedures in place. The Committee also agreed that single buoy moorings (SBMs), attached to an offshore facility would be covered by that facility's security regime and, if it was connected to a port facility, it would be covered by

* **Co-ordinator:**
Mr. Joe Hersey (G-SCT-2)
2100, 2nd Street S.W.
Washington, D.C. 20593-0001
Tel: +1 202 267 2860
Fax: +1 202 267 4106
Email: jhersey@comdt.uscg.mil

the port facility security plan (PFSP). In all cases, the intention was to provide sufficient security to maintain the integrity of ships and port facilities covered by SOLAS and the ISPS Code.

International Ship Security Certificates (ISSC)

6.68 The Committee noted that paragraph 9.4 of part A of the ISPS Code required that in order for an ISSC to be issued, the guidance in part B would need to be taken into account and agreed that it was assumed that an ISSC would not be issued unless paragraphs 8.1 to 13.8 of part B of the ISPS Code had been taken into account.

6.69 The Committee agreed that this information should be included in an MSC circular on guidance relating to the implementation of the new SOLAS chapter XI-2 and the ISPS Code, to be developed by the MSWG Chairman, in co-operation with the Secretariat, soon after MSC 77, containing pertinent parts of the MSWG's report (MSC 77/WP.15), as approved by the Committee to provide necessary guidance to Contracting Governments and the industry on relevant issues. The Committee approved this plan of action and authorized the issuance of MSC/Circ.1097 on Guidance on the implementation of SOLAS chapter XI-2 and the ISPS Code.

Assessment of compliance

6.70 The Committee noted that the IACS proposals (MSC 77/INF.9) on Company audits of compliance with the ISPS Code and the concept of non-compliance and implementation, were considered to be of interest in the longer term, but agreed to take no action in this regard before 1 July 2004.

Issue of the International Ship Security Certificate (ISSC)

6.71 The Committee noted the discussions on the issue of ISSCs and recognized that it was essential that the international community had confidence that ships would comply with the requirements laid down in the ISPS Code, particularly when visiting foreign ports.

6.72 The Committee concluded that an ISS Certificate should only be issued:

- .1 when the ship has an approved ship security plan; and
- .2 there is objective evidence to the satisfaction of the Administration that the ship is operating in accordance with the provisions of the approved plan.

6.73 The Committee noted that the MSWG had discussed, and the majority of Member Governments represented had opposed, the issuance of Certificates in cases where minor deviations from the approved plan or the requirements of SOLAS chapter XI-2 and part A of the ISPS Code existed, even if these deviations did not compromise the ship's ability to operate at security levels 1 to 3.

Subsequent failures or suspensions

6.74 The Committee agreed that any subsequent failure of security equipment or systems, or suspension of a security measure that compromises the ship's ability to operate at security levels 1 to 3 have to be reported immediately, together with any proposed remedial actions, to the Administration or the RSO if the ISSC was issued by an RSO and the appropriate authorities responsible for any port facility the ship is using, or the authorities of any coastal State through whose territorial seas the ship has indicated it intends to transit, and instructions requested.

6.75 The Committee agreed that any failure of security equipment or systems, or suspension of a security measure that does not compromise the ship's ability to operate at security levels 1 to 3 have to be reported without delay to the Administration or the RSO if the ISSC was issued by an RSO and, if so decided by the Administration, for their consideration with details of the equivalent alternative security measures the ship is applying until the failure or suspension is rectified together with an action plan specifying the timing of any repair or replacement.

6.76 The Committee agreed that the Administration or the RSO, if the ISSC was issued by an RSO and, if so decided by the Administration, may approve the alternative security measures being taken and the action plan, require amendments to such measures or additional or alternative measures, speedier repair or replacement or take other appropriate action.

6.77 The Committee agreed that the International Ship Security Certificate should be withdrawn or suspended if:

- .1 the alternative security measures are not, in fact, in place, or
- .2 an approved action plan has not been complied with.

6.78 The Committee recognized that Company and ship security officers and Administrations should be aware of the possible cumulative effect of individual failures or suspensions which could impair the ship's ability to operate at security levels 1 to 3.

Conditional certificates or certificates of short duration

6.79 The Committee did not consider it appropriate to recommend the use of either conditional Certificates or Certificates of short duration issued following failures or suspensions.

Records

6.80 The Committee underlined the importance of maintaining the records required under the ISPS Code.

Training and certification

6.81 In considering training and certification for maritime security, the Committee agreed that, as an interim measure, the ISSC would be accepted as *prima facie* evidence that training has been conducted in accordance with the ISPS Code. The flag State was responsible for deciding how that training was to be conducted, and if any additional certification was required. If port State control detected a lack of training, it could take further action. The Committee anticipated that States would develop and introduce further measures after 1 July 2004, which may include the introduction of individual certificates or other documentary evidence of training.

6.82 The Committee agreed that in the long-term certification was required and instructed STW 35 to develop with high priority, training and certification requirements for SSOs in the longer term and to consider all possible options. The Committee further agreed to include a high priority item in the Sub-Committees' work programme and the agenda for STW 35 on the development of training requirements for Company security officers and port facility security officers and for certification, if appropriate.

Revision of resolution A.890(21)

6.83 The Committee noted that the MSWG had considered the need to revise resolution A.890(21), taking into account the proposals of the Philippines (MSC 77/6/7), ICFTU (MSC 77/6/15) and ICS/ISF (MSC 77/6/18) and had agreed that a minimalist approach to the review for security purposes should be undertaken. If this were deemed to be unacceptable by the Committee, the Committee would have to refer the matter to STW 35 for a holistic review.

6.84 The Committee subsequently approved the draft Assembly resolution on Amendments to Principles of safe manning (resolution A.890(21)), developed by the MSWG, as set out in annex 8, for submission to the twenty-third session of the Assembly for adoption.

6.85 The Committee agreed to consider, at a future session and based on experience gained with the revised resolution, the need for a holistic review and, if considered necessary, to instruct the STW Sub-Committee accordingly.

Notification of compliance with ISSC requirements

6.86 The Committee noted that the MSWG had considered the proposal by the Marshall Islands (MSC 77/6/13) that flag States should notify the Organization of compliance with the ISSC requirements. The discussions focussed on whether this information was useful to States and it was concluded that there was no long-term requirement for this information, however there was a need for such information as the basis for informed discussion prior to 1 July 2004.

6.87 The Committee therefore urged Member States to advise the Secretariat on the progress made on certifying ships and approving PFSPs in advance of both the twenty-third session of the Assembly (by 31 October 2003) and MSC 78 (by 30 April 2004). The Committee considered that this would also have the benefit of reminding States that action needed to be taken urgently prior to 1 July 2004.

Review of MSC/Circ.967

6.88 In considering the review of MSC/Circ.967 on Directives for MRCCs in the context of the proposal of France (MSC 77/6/6), the Committee noted that the discussions by the MSWG had focussed on the different means of notifying MRCCs of incidents taking place and had concluded that, rather than focussing on the type of attack, the method of raising the alarm should be at the master's discretion, that a ship issuing an overt alarm should expect an overt response from the MRCC and that ships issuing a covert alarm required a covert response. The text of MSC/Circ.967 was amended to reflect these conclusions.

6.89 The Committee approved the revised MSC/Circ.967, as MSC/Circ.1073 on Guidelines for maritime rescue co-ordination centres on acts of violence, and instructed COMSAR 8 to consider whether corresponding amendments needed to be made to MSC/Circ.623/Rev.3.

Reporting requirements and communication of information

6.90 The Committee noted that the wording of SOLAS regulation XI-2/13 placed obligations on States to report to the Organization but did not authorise the Organization to disseminate the information to the industry. The prime responsibility for providing information to the industry was with the State. It was recognized that this had the effect of curtailing the ability of the industry to get the information that it required and also precluded the Organization from using the private sector as a vehicle for promulgating the information.

6.91 The Committee agreed that it was essential that the information set out in regulation 13.1.1 to 13.1.5 of SOLAS chapter XI-2 was readily available to the international shipping community.

6.92 The Committee therefore urged Contracting Governments providing such information to the Organization to confirm that they were content for the information to be passed by the Organization to a central source for dissemination to the shipping community worldwide.

6.93 Noting that there had been an error in the wording of SOLAS regulation XI-2/13.7, the Committee requested the Secretary-General to initiate a *procès verbal* of rectification to correct this error and another one in part B of the ISPS Code, paragraph 4.33.8, as set out in document MSC 77/WP.15, annex 4.

6.94 The Committee instructed the Secretariat to revise the reporting format contained in document MSC 77/6/10, annex 1, to be both user-friendly and website serviceable; circulate it to Member Governments by means of an MSC circular; and, in due course, place it on the IMO website.

Continuous Synopsis Record (CSR)

6.95 In considering the requirements of SOLAS regulation XI-1/5 on Continuous Synopsis Record, the Committee noted that, due to time constraints and the complexity of the issues and the need to get it absolutely right first time, the MSWG had not been able to complete the draft interim format and guidelines for the CSR.

6.96 Noting the progress made so far on the CSR, as set out in document MSC 77/WP.15, annex 5, the Committee endorsed the establishment of an intersessional correspondence group, under the co-ordination of the United Kingdom* to progress the work on the draft interim format and guidelines for the CSR for submission by the co-ordinator to the twenty-third session of the Assembly for consideration by Committee 2 (Technical) for adoption of an associated draft Assembly resolution authorizing, *inter alia*, the Maritime Safety Committee to revise it, based on experiences gained, as appropriate. The Committee recognized that this plan of action would also enable the Secretariat, in co-operation with interested parties, to develop the corresponding electronic format and make it available on the IMO website, which was considered to be essential for the use of the CSR by the industry as well as the Administration(s). The Committee further recognized that companies and Administrations were already collecting the information needed for their CSRs, and they were encouraged to do so without awaiting the IMO formats.

Recognized security organizations (RSOs)

6.97 In considering the guidelines and minimum standards for RSOs proposed by the Marshall Islands (MSC 77/6/4), and the related recommendations by the Republic of Korea

* **Co-ordinator:**

Mr. J.F. Wall, CMG

Head of Shipping Policy 2

Chairman UK Search and Rescue Strategic Committee

Shipping Policy Division 2

Department for Transport, Local Government and the Regions

Zone 2/28, Great Minster House

76 Marsham Street, London SW1P 4DR

Tel: 020 7944 3650

Fax: 020 7944 2186

Mobile: 07768 490661

e-mail: frank.wall@dft.gsi.gov.uk

(MSC 77/6/14), the Committee, taking into account the outcome of the discussion at the MSWG, agreed that guidelines rather than minimum standards for RSOs would be useful before 1 July 2004 and noted that draft guidance had been developed, which might be revised based on experience gained after that date and then formulated as an Assembly resolution.

6.98 The Committee subsequently approved MSC/Circ.1074 on Interim guidelines for the authorization of recognized security organizations acting on behalf of the Administration and/or designated authority of a Contracting Government.

ILO/IMO Working Group on Port Security

6.99 The Committee noted that the terms of reference for the joint ILO/IMO Working Group on Port Security (JWG) had been adopted by the 2002 SOLAS Conference as part of resolution 8 and agreed that it would be inappropriate to amend them.

6.100 The Committee noted that the instrument resulting from the JWG's deliberations (i.e. the UN-ILO Code of Practice (Guidance) on Maritime Security in Ports) was expected to be finalized for approval by the ILO Governing Body in March 2004 and by MSC 78 to be available by 1 July 2004, if appropriate.

6.101 The Committee advised States attending the JWG meeting to seek consistency between the scope of the ILO Code of Practice and the requirements of SOLAS chapter XI-2 and the ISPS Code, to avoid any overlap with work being done by other bodies such as the World Customs Organization on the security of the supply chain and in particular to give no cause to imply any delay in the July 2004 implementation date of the ISPS Code.

Draft progress report to the Assembly

6.102 The Committee endorsed the Secretary-General's draft progress report to the Assembly pursuant to operative paragraph 6 of resolution A.924(22) as contained in document MSC 77/6/2, and authorized the Secretariat to supplement this report with details of the activities of other relevant IMO bodies, and the outcomes of MSC 77 and TC 53.

Guidance on port State control

6.103 The Committee noted the intention of the United States to develop guidance for port State control with regard to maritime security further, by an informal correspondence group, prior to consideration and full discussion by the FSI Sub-Committee, and invited Member Governments and parties to other PSC Memoranda of Understanding to consider participating in and/or developing of similar guidelines respectively.

Implementation of the new regulatory regime

6.104 The Committee noted the discussion at the MSWG and endorsed the outcome thereof on the implementation of the new regulatory regime, as set out in paragraphs 68 to 75 of document MSC 77/WP.15, the relevant parts of which would be incorporated in the MSC circular on guidance referred to in paragraph 6.69 above and, in particular, agreed that the ship identification number (SOLAS regulation XI-1/3) to be permanently marked on the hull of the ship was the prefix "IMO" followed by the 7 digit number in accordance with resolution A.600(15).

6.105 The delegation of Saudi Arabia reserved their position on the use of the word "intelligence" in paragraph 70 of MSC 77/WP.15.

6.106 The Committee noted a statement by the observer of ICS, also on behalf of the observers of BIMCO, INTERCARGO, ICCL, INTERTANKO and IPTA, recalling the Committee's debate at MSC 76 on the value of the amendment to SOLAS regulation XI-1/3, namely the requirement to permanently mark the ship's registration number on the exterior of the vessel. The industry had argued strongly, supported, even at the Conference, by at least one Member State, that the resulting costs to the industry, estimated at US\$5,000 for each SOLAS vessel or US\$280 million for the entire SOLAS fleet, far outweighed any value in security terms.

Referring to the Committee's decision that the ship identification number must also incorporate the letters "IMO" – an extra 3 characters prefixing the seven digit number – to be made (SOLAS regulation XI-1/3, paragraph 5.2) "by raised lettering or by cutting it in or by centre punching" and to be maintained (SOLAS regulation XI-1/3, paragraph 5.1) "in contrasting colour", he stated that the incorporation of these three letters on every SOLAS ship would cost the industry an extra US\$25 million, not counting the additional maintenance costs at each repainting.

Whatever the merits of SOLAS regulation XI-1/3, there could be none in such bureaucratic interpretation of the regulation. The industry could see no justification in security or any other terms for requiring the letters "IMO".

IMO is dedicated to safe, secure, environmentally friendly and efficient shipping, as are the industry organizations concerned. According to the latter, this requirement added nothing to safety nor security nor protection of the environment and it was most certainly not an efficient interpretation of the regulation.

Although this might seem a minor issue in the deliberations of the Committee's current session, the industry organizations respectfully requested the Committee to reconsider the decision in this regard.

Work programme on maritime security

6.107 The Committee endorsed the work programme on maritime security as revised by the MSWG, as far as the MSC was concerned.

7 PROPOSED IMO MODEL AUDIT SCHEME

General

7.1 The Committee recalled that MSC 76 had considered the request of C 88 and C 89 relating to work that should be carried out concerning the proposed IMO Model Audit Scheme (MAS) and had identified safety- and security-critical areas that might be covered by the scheme. MSC 76 had noted the outcome of MEPC 48 and TC 52 on this matter and concurred with their decision that a Joint MSC/MEPC/TCC Working Group on the proposed Voluntary IMO Model Audit Scheme be established to meet during this session of the Committee, with terms of reference as approved by C 89.

7.2 The Committee noted document MSC 77/7 (Secretariat), providing information on the outcome of the consideration by MSC 76 of the aforementioned request of the Council. It also noted that the fifty-seventh session of the General Assembly of the United Nations, when adopting, on 12 December 2002, a resolution on Oceans and the law of the sea, had welcomed the decision of IMO to develop the Model Audit Scheme and encouraged the Organization to

work to this end. The Committee noted further document MSC 77/WP.2 reproducing the terms of reference for the aforementioned joint working group as approved by C 89.

Development of the details of the Model Audit Scheme

7.3 The Committee had for its consideration documents submitted by:

- .1 Denmark, proposing a draft maritime State standard, guidelines for maritime State audits and a procedure for carrying out an audit (MSC 77/7/1);
- .2 France, Japan, Luxembourg, the Marshall Islands, Norway, the Republic of Korea, Singapore, Sweden, the United Kingdom and the United States, proposing objectives, principles and scope for the Model Audit Scheme as well as commenting on issues relating to capacity-building, administration and management of the scheme, and other matters for the development and implementation of the MAS (MSC 77/7/2);
- .3 Spain, commenting on specific paragraphs of document MSC 77/7/2 and proposing that the scheme be developed on a mandatory basis for all flag States whose ships are engaged on international voyages; and that the results of audits be made public through the IMO or other information systems such as Equasis (MSC 77/7/3 and MSC 77/7/4);
- .4 Japan, containing a study of the ICAO Universal Oversight Audit Programme (MSC 77/INF.4); and
- .5 ICS, BIMCO, INTERCARGO and INTERTANKO, providing information on the industry initiative on flag State performance (MSC 77/INF.18).

7.4 In the ensuing debate, the Committee, having noted that the proposal by Spain (MSC 77/7/4) for the MAS to be made mandatory had also been submitted to the Council, agreed that this was a matter for the Council to decide. With regard to the inclusion of UNCLOS and the STCW Convention in the MAS, there were diverging opinions expressed by several delegations on the merits of such an inclusion and the Committee referred the matter to the working group for consideration and advice.

7.5 In the context of the MAS, the Committee considered the outcome of FSI 11 relating to a draft proposed Code for the implementation of [mandatory] IMO instruments (MSC 77/15, paragraphs 9 to 11 and 14.6) and noted the progress made by the Sub-Committee in the development of the draft Code. The Committee endorsed, in principle, the Sub-Committee's recommendations concerning:

- .1 the stakeholders to be covered by the Code (namely, flag States, coastal States and port States);
- .2 the timeframe for the Sub-Committee's work on the Code, aiming at finalizing the draft Code and the associated draft Assembly resolution for submission to MSC 80 and MEPC 52 for approval and subsequent adoption by the Assembly; and
- .3 the need for the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Model Audit Scheme and the FSI Sub-Committee to remain apprised of

developments on both issues to ensure compatibility between the scheme and the Code. The Committee instructed the Secretariat to act accordingly.

7.6 The Committee also noted that the present title given to the IMO Model Audit Scheme might not be appropriate for the scheme when developed and consideration should, therefore, be given to this at the appropriate time.

Convening of the Joint MSC/MEPC/TCC Working Group

7.7 The Committee convened the joint working group on the proposed Voluntary IMO Model Audit Scheme with the following terms of reference as approved by the Council, which should also take into account comments made and decisions taken in plenary:

The Joint MSC/MEPC/TCC Working Group on the voluntary IMO Model Audit Scheme, taking into account documents C 88/13/2, C 88/13/3, C 88/13/4, C 88/D, C 89/13/Add.1, C 89/13/1, C 89/13/2, C 89/13/3, C 89/D, MEPC 48/10/5, MEPC 48/10/6, MEPC 48/10/7, MEPC 48/21 (paragraphs 10.4.1 to 10.4.14), TC 52/2, TC 52/2/2, TC 52/2/3, TC 52/14 (paragraphs 2.2 to 2.17), MSC 76/9/1 and Add.1, MSC 76/9/3, MSC 76/9/5, MSC 76/9/6, MSC 76/9/7, MSC 76/9/8 (paragraphs 20 to 25) and MSC 76/23 (paragraphs 9.16 to 9.25), and those substantive issues relating to the development, operation, management, administration and financing of the scheme listed in annex 1 to document C 89/WP.1/Rev.1, and any other relevant and substantive issues which may be identified by the group, should:

- .1 using document C 88/13/2, as a basis on which to build, develop for the voluntary IMO Model Audit Scheme:
 - .1.1 clear objectives; and
 - .1.2 clear principles;
- .2 develop, as appropriate, a work plan to address the substantive issues raised, including technical co-operation activities, capacity-building and financing for the achievement of the objectives of the scheme;
- .3 based on the objectives and principles developed, identify:
 - .3.1 those areas/sectors of the competent authority of a Member State which should be audited and which would provide an objective appraisal of it, taking into account that different Member States may have different ways of discharging their responsibilities; and
 - .3.2 those IMO instruments containing safety, security and environmentally-critical responsibilities and obligations of a Party thereto which could be audited for the attainment of the objectives of the scheme;
- .4 develop, as far as practicable, a framework document of the scheme taking into account the outcome on issues referred to in paragraphs .1 to .3 above; and
- .5 prepare a report of the Joint Working Group for the Committees and the ninetieth session of Council or the twenty-second extraordinary session of the Council, as

appropriate, including pertinent recommendations to bring the scheme into operation.

Report of the joint working group

7.8 Having received the report of the joint working group (MSC 77/WP.14), the Committee noted the general discussion the group had had on the scheme and, in particular, that the scheme would contain references to the Code for the implementation of [mandatory] IMO instruments, as appropriate, to be developed by the Organization; that the framework of the scheme would be developed in such a way that, if the Code did not materialize, the scheme would remain independent and viable. The Committee further noted that the group had agreed that the obligations and responsibilities should be auditable in accordance with the Code.

7.9 During the general discussion, the Committee noted the view of some delegations that the timeframe contained in the table to paragraph 12.3 of the report of the group (MSC 77/WP. 14, annex) should be amended to reflect a proposed concurrent adoption of the scheme and the Code for the implementation of [mandatory] IMO instruments by the twenty-fourth session of the Assembly in 2005, as both issues were to be seen as complementary and co-joined. Other delegations were of the view that there was no need to amend the timeframe as suggested and that paragraph 3.4 of the group's report clearly set out the reason for not twinning the adoption of the scheme and the Code. The Committee considered that this matter should be for further consideration by the Council, as appropriate.

Objectives of the scheme

7.10 The Committee endorsed the group's view that the enactment of appropriate legislation, its implementation and enforcement were the three key issues on which a Member State's performance could be measured with respect to its treaty obligations and the over-arching aim and ten supporting objectives of the scheme, which included compliance with the Code for the implementation of [mandatory] IMO instruments; enactment, administration and enforcement of laws and regulations; delegation of authority; control and monitoring of the execution of statutory responsibilities; discharging of other obligations and responsibilities by a Member State; capacity-building and technical assistance; and the provision of appropriate feedback to the audited Member State, the Organization's membership at large and into the work of the Organization.

Principles of the scheme

7.11 The Committee also noted the group's discussion on the retention of the anonymity of the audited State and endorsed its decision that sovereignty and universality; consistency, fairness, objectivity and timeliness; transparency and disclosure; quality and inclusiveness; and continual improvement should be the principles of the scheme.

Scope of the audit

7.12 With regard to the scope of the audit, the Committee noted the group's decision that the scope should be comprised of sections on IMO instruments; obligations and responsibilities of a Member State; and areas to be covered by the scheme, as well as the group's discussion of the proposal of Spain (MSC 77/7/3) for the exclusion of UNCLOS and 1978 STCW Convention, as amended, from the scheme and endorsed the group's decision, subject to MEPC's and TCC's concurrent decisions, to include a generic reference to UNCLOS in the lead-in paragraph under

the scope to acknowledge it as an umbrella convention, but noting further that its appropriate provisions were implemented through specific IMO instruments.

7.13 The Committee approved the group's recommendation on the inclusion, in the scheme, of the 1978 STCW Convention, as amended; that the scheme should not seek to duplicate the existing mandatory audit requirements contained in that Convention; and that only those aspects of that Convention which were not covered by audits in accordance with the applicable provisions of that Convention should fall fully within the scope of the scheme as well as verification (only) of those parts of that Convention which had been previously evaluated.

7.14 In noting the group's consideration of the implications of subjecting SOLAS chapter XI-2 on Measures to enhance maritime security and the ISPS Code to audits under the scheme, that it was premature to do so given that the entry-into-force date of the aforementioned instruments would be July 2004 and that there might well be certain sensitivities in security considerations which should be further discussed and analysed, the Committee approved the group's recommendation that SOLAS chapter XI-2 and the ISPS Code should not be considered as being within the scope of the scheme at this time.

7.15 The Committee noted the group's discussion and recommendation that the issue of the inclusion of other IMO conventions should be further debated and reviewed in the future, including an optional list of additional IMO instruments, to ensure that other potentially critical areas of obligations and responsibilities of Member States were identified and included within the scope of the scheme, with a view to enhancing further the performance of all Member States as Parties to the applicable IMO instruments. In this regard, the Committee approved the group's recommendation of the following instruments, as appropriate, containing critical obligations and responsibilities which should be included in the scheme:

- .1 SOLAS 74, as amended and as modified by its 1978 Protocol and its 1988 Protocol;
- .2 STCW 78, as amended;
- .3 LL 66, as modified by its 1988 Protocol;
- .4 Tonnage 69; and
- .5 COLREG 72, as amended,

and noted the group's discussion on those mandatory codes referenced in the recommended IMO instruments for inclusion in the scheme; that the codes were an integral part of the instruments concerned and as such would be subjected to audits as appropriate; and that special consideration might need to be given to the IMDG Code due to the special circumstances under which amendments thereto would be brought into effect.

Overall work on the development of the scheme

7.16 Having taken the aforementioned actions, the Committee noted further the progress made by the group on:

- .1 the Framework for Member State Audits;
- .2 Procedures for Member State Audits;

- .3 the substantive issues for the development of the scheme; and
- .4 the workplan for the development of the scheme,

and endorsed the proposed draft Assembly resolution on the Voluntary IMO Model Audit Scheme, set out in annex 4 to the annex to MSC 77/WP.14, for approval by C 90 and submission to the twenty-third session of the Assembly for adoption.

Action requested of the Council

7.17 The Committee, having approved the report of the group as far as maritime safety and security matters were concerned, invited the Council to take the outcome of its consideration of the report of the Joint Working Group into account, as appropriate, during its deliberations on the matter.

8 PLACES OF REFUGE

8.1 The Committee recalled that, as instructed by MSC 74, NAV 48 had developed draft Guidelines on places of refuge for ships in need of assistance, together with an associated draft Assembly resolution as well as a draft Assembly resolution on the establishment of Maritime Assistance Services (MAS) (NAV 48/19, annexes 12 and 13).

8.2 The Committee recalled also that, at MSC 76, it had noted that:

- .1 MEPC 48 (MEPC 48/21) had considered the outcome of NAV 48 on this matter and agreed on certain 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) had also considered the outcome of NAV 48 and 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).

8.3 The Committee recalled further that, at MSC 76, it had:

- .1 noted the progress report on the draft Guidelines on places of refuge for ships in need of assistance along with the associated draft Assembly resolution as well as the draft Assembly resolution on the establishment of Maritime Assistance Services (MAS) (NAV 48/19, paragraphs 5.10 and 5.12 and annexes 12 and 13);
- .2 decided to forward the draft Assembly resolutions and the draft Guidelines to COMSAR 7 with a view to it establishing whether there was any conflict with existing SAR procedures;
- .3 authorized the NAV Sub-Committee to submit the final text of the Guidelines, together with the associated draft Assembly resolutions, directly to A 23 taking into account any proposals and comments by the Committee, COMSAR 7, MEPC and the Legal Committee; and
- .4 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.

8.4 The Committee noted (MSC 77/8/1) that COMSAR 7, recalling the provisions of MSC/Circ.892 on Alerting of SAR authorities, relating to early informing MRCCs of any problems or incidents which might evolve into a distress situation, had invited the Committee to instruct NAV 49, when finalizing the text of the two draft Assembly resolutions, to ensure that:

- .1 the term “distress”, whenever used, should be meant as defined in the SAR Convention;
- .2 provision was made that there should be one single point of contact for ship-generated communications, and this should be the MRCC; and
- .3 MRCCs, could, if possible, be assigned the MAS functions.

8.5 The Committee also noted that COMSAR 7, recognizing that it would be up to SOLAS Contracting Governments to decide which organization should be tasked with the MAS functions, agreed that the duties of the MAS, as set out in section 3 of the draft Guidelines on Maritime Assistance Services (MAS) (NAV 48/19, annex 13), being primarily communication duties, could well be undertaken by MRCCs, that the establishment of a new authority with functions similar to those of the MRCC could be confusing; and that the MRCCs were normally the only contact points as they are available 24 hours a day and they have already been assigned the obligation to communicate with all parties/authorities concerned with respect to ships in distress or in difficulty which could evolve into distress situations.

8.6 The Committee, having considered the request of COMSAR 7 (MSC 77/8/1, paragraphs 2 to 4), decided to instruct NAV 49 to take into account the outcome of COMSAR 7 (as detailed in paragraph 8.4 above) during its review and finalization of the two draft Assembly resolutions on places of refuge.

8.7 The Committee further noted (MSC 77/2/1) that, at LEG 86, there had been wide agreement that ships in distress situations were covered by the current liability and compensation regime, i.e. by conventions already in force (such as the 1992 CLC and the 1992 IOPC Fund Conventions) along with others which have not yet entered into force (i.e. HNS, Bunkers and the 1996 LLMC Protocol), as well as those under development (such as the one on Wreck removal and the CLC Supplementary Fund). It was, however, recognized that there might be gaps since not all ships were subject to compulsory insurance requirements and not all States were party to the relevant instruments. LEG 86 had also supported the need for the adoption of guidelines on places of refuge urgently and it had considered the points raised by the Secretariat (LEG 86/8/1, annex) to be valid, agreeing that these should be brought to the attention of MSC 77 and NAV 49 for consideration during the further development of the draft Guidelines on places of refuge for ships in need of assistance. It had also agreed with the recommendation that the draft guidelines should contain the following caveat: “These guidelines do not address the issue of liability and compensation for damage resulting from a decision to grant or deny a ship a place of refuge”. LEG 86 had further agreed to recommend to MSC 77 and NAV 49 to add an operative paragraph to the draft Assembly resolution on Guidelines on places of refuge for ships in need of assistance, requesting it to consider, as a matter of priority, the Guidelines from its own perspective, including the provision of financial security to cover coastal State expenses and for compensation issues; and to take action as it might deem appropriate; to refer to the 1992 CLC Convention and the 1973 Intervention Protocol in appendix 2 of the annex to the guidelines containing a list of

“international conventions applicable”; and to urge States which have not already done so to implement the existing liability and compensation regimes. Anticipating that MSC 77 and NAV 49 would be further developing the aforementioned guidelines before submitting them to the twenty-third session of the Assembly for adoption, and noting that LEG 87 was scheduled to take place prior to A 23, LEG 86 agreed to undertake a review of the guidelines at its next session if so requested by the Committee.

8.8 The Committee considered a document by IUMI (MSC 77/8/2) making some observations in relation to the subject of “Places of refuge”, including a proposal to amend paragraph 3.1.3.2 of the draft Guidelines in NAV 48/19, annex 12 to include a recommendation that States should have regard to the preservation of the ship in distress and its cargo when considering whether to permit it to have access to a place of refuge; and also suggesting that IMO should work towards a Convention on Places of Refuge along the lines outlined in paragraph 14 of their document.

8.9 The Committee also considered a document by the United Kingdom (MSC 77/8/11) commenting on the proposal by IUMI (MSC 77/8/2) partially accepting the latter’s suggested amendment to the draft Guidelines, as detailed in paragraph 15(a) of document MSC 77/8/2; and proposing a modification for paragraph 3.1.3.2. However, the United Kingdom did not support the development of an IMO Convention on Places of Refuge, as proposed by IUMI, in particular the obligation for States to provide pre-identified places of refuge and did not agree with the reference, in subparagraphs 14(ii) and 14(iii), to a supervisory body on a regional basis; however, it supported the development of arrangements for regional co-operation such as those existing in Europe, for example the Bonn Agreement.

8.10 After due consideration, the Committee agreed, in principle, to the following:

- .1 paragraph 3.1.3.2 of the draft Guidelines on places of refuge (NAV 48/19, annex 12, annex) should be amended to include a recommendation to the effect that:

“States should have due regard to the preservation of the hull, machinery and cargo of a ship in need of assistance when considering the analysis”;
- .2 there was, for the time being, no need to develop an IMO Convention on Places of Refuge, as proposed by IUMI (MSC 77/8/2);
- .3 as there was no support for the concept of a Supervisory Body identifying certain ports, anchorages and other areas which might be suitable for vessels in distress, such a decision could only be made on a case-by-case basis using appropriate developed methodology; and
- .4 the Guidelines on places of refuge should not designate pre-identified places of refuge.

8.11 The Committee further agreed to forward document MSC 77/8/11 (United Kingdom) to NAV 49 for consideration during its review and finalization of the two draft Assembly resolutions on places of refuge.

8.12 The Committee considered a document by the Bahamas (MSC 77/8/3) recommending that:

- .1 a mechanism should be established to promote the broad and uniform pre-planning of place of refuge issues internationally, including risk assessment methodologies and parameters, and the designation of appropriate places of refuge. Regional, national and local plans will be needed to support this international framework, and States should be afforded appropriate technical and logistical advice if necessary;
- .2 the required funding for the reimbursement of costs incurred, including clean-up costs, should be guaranteed within specified parameters; and
- .3 financial resources should be made available, within specified parameters, to compensate those who suffer losses as a result of place-of-refuge operations.

The Bahamas further recommended that place-of-refuge processes be specified and agreed using, wherever appropriate, the currently existing international conventions and agreements (with reference, where necessary, to such existing arrangements as salvage agreements and other commercial arrangements).

8.13 The Committee also considered a document by Spain (MSC 77/8/10) providing comments on the Bahamas proposal (MSC 77/8/3) and suggesting that, for the provision of places of refuge, predetermined technical risk assessment criteria, objectives and parameters ought to be established to enable such situations to be evaluated and, secondly, the question of places of refuge ought to be tackled at global level and financial guarantees put in place to compensate coastal States for the costs and risks to which they may be subjected.

8.14 The Committee agreed, in principle, with the recommendations outlined by the Bahamas and Spain (paragraphs 8.12 and 8.13 above respectively). However, the Committee recognizing that most of the technical issues had already been adequately reflected in the draft Assembly resolutions prepared by NAV 48 whilst the financial and compensation issues were of more relevance to the Legal Committee, saw no merit in forwarding the relevant documents to NAV 49.

8.15 The Committee considered a document by France (MSC 77/8/4), proposing that the position adopted by COMSAR 7 suggesting that the MRCCs should be entrusted with the MAS functions raises the need to propose amendments to the draft Assembly resolutions proposed by NAV 48, in particular amendments to the draft resolution on MASs (NAV 48/19, annex 13).

8.16 The Committee agreed that the proposal by France (MSC 77/8/4) should be considered by NAV 49 having, however, noted the opinion of some delegations that there was no need for direct guidance on the matter, which should best be left to the judgement of respective national maritime Administrations.

8.17 The Committee further considered documents MSC 77/8/5, MSC 77/8/6 and MSC 77/8/7 by Spain proposing amendments to the draft Guidelines on places of refuge for ships in need of assistance as prepared by NAV 48, in particular amendments to sections 1, 2 and 3 including appendix 1 of the draft Assembly resolution given in annex 12 to the NAV 48 report (NAV 48/19).

8.18 The delegation of Spain was of the opinion that the draft guidelines on places of refuge developed by NAV 48 contained certain inconsistencies; that there was a need to develop technical criteria and procedures for determining such places of refuge; and that precise action procedures should be predetermined for each of the different situations in which a vessel may

request access to a place of refuge. In addition, there was the need for the establishment of a system of financing to cover expenses incurred by coastal States in establishing places of refuge and compensation for any damage arising.

8.19 There was extensive debate on the substantial amendments proposed by Spain. Some delegations supported the Spanish proposals, whilst a majority were of the opinion that such extensive amendments were not necessary.

8.20 A significant majority of the delegations, which participated in the debate, were also of the opinion that the Spanish proposals were a radical departure from the user-friendly guidelines needed for determining places of refuge and that a balance was necessary in developing the criteria proposed by Spain. Accordingly, the Committee agreed, in principle, not to accept the relevant Spanish proposals agreeing, however, to refer relevant parts of documents MSC 77/8/5 and MSC 77/8/6 to NAV 49 to take into account when reviewing and finalizing the draft Assembly resolution on Guidelines on places of refuge (see also paragraph 8.26).

8.21 The delegation of Honduras supported, in principle, the concerns expressed by the Spanish delegation in the various documents submitted regarding the provision of places of refuge to ships which could endanger coastal areas. It recognized that matters of liability and compensation for damages caused by ships had not been covered in the present texts and, as suggested by Spain, these questions were of great concern to States, particularly States with little or limited resources at the decision-making time to provide ships, which could endanger interests of those States, their coasts or citizens, who could not be provided with sufficient compensation, with a place of refuge. Therefore, the Honduras delegation was of the opinion that there was a need for matters of liability and compensation to be developed appropriately in the guidelines under consideration on what it considered were valid proposals submitted by the Spanish delegation.

8.22 The delegation of New Zealand expressed concern at the proposed wording of paragraph 2.3.1 of document MSC 77/8/6, annex 1 (Spain) as, in their opinion, it lacked flexibility and might deter ship masters from making a timely request for assistance. The proposed wording would also raise practical problems for geographically remote countries, which did not have dedicated owner representatives or agents resident or within their region.

8.23 The Committee furthermore considered a document by BIMCO (MSC 77/8/8) recommending that the Committee should instruct NAV 49 to consider, as a matter of urgency, comments received from other IMO bodies, as well as those made by the United Nations General Assembly; and to develop draft guidelines and a covering draft Assembly resolution strongly urging coastal States and regions to establish place-of-refuge regimes, and further inviting the Committee to authorize NAV 49 to submit such a draft resolution and associated guidelines directly to A 23.

8.24 In addition, the Committee considered a document by INTERTANKO (MSC 77/8/9) underlining the importance of finalizing Guidelines and a resolution on Places of refuge and proposing that the Committee urges the relevant IMO bodies to finalize their relevant work urgently, so that a final resolution can be adopted by A 23.

8.25 The Committee noted that the concerns and views expressed by BIMCO and INTERTANKO had been properly addressed in the two draft Assembly resolutions on places of refuge prepared by NAV 48, which would be finalized by NAV 49 and forwarded directly to A 23 for adoption.

8.26 The Committee took note of the information provided by SIGTTO (MSC 77/INF.2) on a recently revised SIGTTO publication entitled “Safe Havens for Disabled Gas Carriers”, which relates specifically to gas tankers, and provides information designed to be of help to those seeking and granting places of refuge.

8.27 In concluding his summing up, the Chairman, taking into account the various comments and proposals made, suggested the following guidance to NAV 49:

- .1 review and amend, as appropriate, annexes 12 and 13 of NAV 48/19 taking into consideration documents MSC 77/8/1 (Secretariat), MSC 77/8/4 (France), MSC 77/8/5 and MSC 77/8/6 (Spain) and MSC 77/8/11 (United Kingdom), as well as document MSC 77/2/1 (Secretariat), and any other relevant documents submitted to NAV 49 as long as proposals contained therein were not inconsistent with decisions made by the Committee as specified below;
- .2 with respect to the proposals in document MSC 77/8/5 (Spain), to only consider the proposed editorial amendments to NAV 48/19, annex 12, appendix 1, whilst the title, including the operative paragraph of appendix 1, should not be amended;
- .3 with respect to document MSC 77/8/6 (Spain), to only consider the proposed amendments to sections 2.2.1, 2.3.1 and 2.6.1 of NAV 48/19, annex 12, annex;
- .4 insert the following caveat, at an appropriate place of the draft Guidelines on places of refuge for ships in need of assistance: “These guidelines do not address the issue of liability and compensation for damage resulting from a decision to grant or deny a ship a place of refuge.”;
- .5 take into account the outcome of LEG 86 and insert the following operative paragraph in the draft resolution on Places of refuge for ships in need of assistance: “REQUESTS the Legal Committee to consider, as a matter of priority, the Guidelines from its own perspective, including the provision of financial security to cover coastal State expenses and/or compensation issues; and to take action as it may deem appropriate”; and
- .6 submit the revised text of both the draft Assembly resolutions to LEG 87 for information and action as deemed appropriate; and directly to A 23 for adoption.

8.28 The Committee fully endorsed the Chairman’s summation and instructed NAV 49 to proceed accordingly.

8.29 In relation to the inclusion of a caveat about the issue of liability and compensation in the draft guidelines as recommended by LEG 86, the delegation of Spain reserved its position. Together with this, Spain expressed doubts about the convenience of approving a set of guidelines that did not give full coverage to the issue of liability and compensation.

8.30 The Chairman, having invited the Committee’s attention to the fact that the discussion so far had focused on the two draft Assembly resolutions prepared by NAV 48 and how to improve them before submitting to A 23 for adoption, enquired whether the Committee saw the need for further work on the issue, i.e. to plan beyond the provisions in the draft resolutions (in which case it might retain the item on its agenda and invite comments and proposals to MSC 78); or, whether the Committee should return to the issue after adoption of the two resolutions and after sufficient

experience had been gained with their implementation rendering any revisiting of the issue meaningful.

8.31 The Committee agreed that there should be no separate item on Places of Refuge on the agenda for MSC 78; however, this might be reconsidered in the light of decisions of LEG 87 and A 23.

9 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

REPORT OF THE SEVENTH SESSION OF THE SUB-COMMITTEE

General

9.1 The Committee, recalling that MSC 76 had considered urgent matters emanating from the seventh session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (MSC 76/23, sections 13 and 20), approved, in general, the report of that session of the Sub-Committee (DSC 7/15) and took action on the remaining items (MSC 77/9) as indicated hereunder.

Emergency Response Procedures for Ship's Carrying Dangerous Goods (EmS Guide)

9.2 The Committee, noting the view of DSC 7 that, as the revised EmS Guide had only recently been circulated as MSC/Circ.1025, it had considered that it would be prudent to give the users of the Guide an opportunity to use it and make comments thereon before embarking on revising it and had invited Members to submit comments and proposals, on any amendments to the Guide they might deem necessary, to DSC 8, endorsed the Sub-Committee's action.

Review of the Medical First Aid Guide (MFAG)

9.3 The Committee recalled that MSC 75 had endorsed the Sub-Committee's action on the review of the MFAG (namely that DSC 6, noting that WHO was in the process of revising the International Medical Guide for Ships (IMGS) and that it would be appropriate to refer the revised MFAG to WHO for comments as to the accuracy and adequacy of its provisions) and had instructed the Secretariat to liaise with the Secretariat of WHO and report the outcome of such consultations to DSC 7. The Committee noted that the Secretariat had acted as requested and WHO's response was awaited.

Review of the Code of Safe Practice for Solid Bulk Cargoes (BC Code)

9.4 The Committee, noting that the Sub-Committee had recognized the extensive work involved in the revision of the BC Code and had invited the Committee to extend the target completion date of this item to 2004, endorsed the Sub-Committee's action.

Cargo-related safety aspects of ballast water management

9.5 The Committee, noting that, in view of the insufficient data and information available, DSC 7 had been unable to consider the matter and, to that effect, had agreed to invite IACS to study it and advise DSC 8 accordingly, by which time regulations for ballast water management at sea would have been finalized and available, endorsed the Sub-Committee's action.

Guidance on serious structural deficiencies in containers

9.6 The Committee, recalling that MSC 75 had considered a submission by Spain (MSC 75/7/2) proposing the development of a Manual of structural deficiencies in CSC containers and had decided to include, in the work programme of the Sub-Committee and provisional agenda for DSC 7, a high priority item on "Guidance on serious structural deficiencies in containers", endorsed the establishment of a correspondence group on serious structural deficiencies in containers.

Measures to enhance maritime security

9.7 The Committee recalled that MSC 75 had, upon recommendation of the Working Group on Maritime Security (MSWG), instructed DSC 7 to review the Recommendations on the safe transport of dangerous goods and related activities in port areas (MSC/Circ.675) and the related model course (IMO Model course 3.18) in light of relevant security measures; and had included, in the work programme of the Sub-Committee and provisional agenda for DSC 7, a high priority item on "Measures to enhance maritime security", with a target completion date of 2004.

9.8 The Committee noted that DSC 7, while considering the issue, had concluded that it would be premature to establish, at that stage, a correspondence group to progress the matter and that the outcome of the 2002 SOLAS Conference on Maritime Security and of other international bodies (such as WCO and UN ECE) should be awaited before any further work on the issue was undertaken.

9.9 The Committee, in view of the above, endorsed the Sub-Committee's view and action.

Granting exemptions from the provisions of the IMDG Code

9.10 The Committee recalled (MSC 77/9/1) that MSC 76 had noted that DSC 7 had recognized that there was a compelling need for the issue to be considered by the Organization and, having agreed, in principle, with a proposed relevant draft amendment to the Code, had referred it to the E&T Group for finalization.

9.11 The Committee noted (MSC 77/9/1) that the E&T Group (at its meeting from 17 to 21 March 2003) had agreed, in response to the requests (MSC 77/9/1, paragraph 4) of the Committee and the Sub-Committee, that, in order to adequately address the issue, it would be appropriate to have a two-pronged approach, that is:

- .1 to finalize relevant draft amendments to the Code; and
- .2 in order to address the issue during the interim period (i.e. before the provisions of the amended Code (2004 edition) enter into force on 1 January 2006), to provide, in the MSC circular it had been requested to prepare, a unified interpretation of chapter 7.9 of the Code to address the issue of competent authority approvals.

9.12 Based on the above, the Committee endorsed the approach taken by the E&T Group and approved MSC/Circ.1075 on Granting exemptions from the provisions of the International Maritime Dangerous Goods (IMDG) Code.

9.13 In approving the above circular, the Committee authorized the Secretariat, when preparing the final text thereof, to effect any editorial corrections that might be identified.

10 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

REPORT OF THE SEVENTH SESSION OF THE SUB-COMMITTEE

GENERAL

10.1 The Committee approved, in general, the report of the seventh session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) (COMSAR 7/23 and Corr.1 and MSC 77/10) and took action as indicated hereunder.

RADIOCOMMUNICATION MATTERS

List of NAVAREA Co-ordinators

10.2 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to issue COMSAR/Circ.30 on List of NAVAREA Co-ordinators, revoking COMSAR/Circ.24.

Amendments to the International SafetyNET Manual

10.3 The Committee approved MSC/Circ.1064/Add.1 on Amendments to the International SafetyNET Manual, supplementing MSC/Circ.1064, and noted that the addendum had been developed in response to issues raised by the Russian Federation in document MSC 76/22/9.

ITU MATTERS

IMO liaison statement to the ITU Study Group 8

10.4 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to convey a liaison statement to Study Group 8 (SG 8) on the operational need to develop provisions for a standard format of MMSI numbers to be used in AIS on SAR aircraft.

10.5 The Committee was informed by the Secretariat that the liaison statement had been conveyed to ITU and would be considered first by Working Party 8B in November and subsequently by SG 8 in December 2003 and the outcome of that meeting would be submitted to COMSAR 8.

SATELLITE SERVICES

Withdrawal of Inmarsat-A services

10.6 The Committee approved MSC/Circ.1076 on Future withdrawal of Inmarsat-A services by Inmarsat Ltd., to take effect on 31 December 2007.

Inmarsat-E system

10.7 The Committee endorsed the agreement and action taken by the Sub-Committee relating to a specific code for a "man-over-board" alert for inclusion in the Inmarsat-E protocol and, in particular, in instructing the Secretariat:

- .1 to convey the above decision to the ITU Study Group 8 with a view to amending Recommendation ITU-R M.623-3 on Transmission characteristics of a satellite

EPIRB system operating through geostationary satellites in the 1.6 GHz band;
and

- .2 to inform Inmarsat Ltd., through IMSO, accordingly.

Procedure for recognition of mobile-satellite systems

10.8 The Committee approved MSC/Circ.1077 on Procedure for evaluation and possible recognition of mobile-satellite systems notified for use in the GMDSS and agreed that the Sub-Committee should consider any future nominated such systems under its work programme item on "Satellite services (Inmarsat and COSPAS-SARSAT)".

Review of resolution A.888(21)

10.9 In accordance with operative paragraph 3(c) of resolution A.888(21) on Criteria for the provision of mobile-satellite communication systems in the GMDSS, the Committee authorized the Sub-Committee to review the resolution, under its work programme item "Satellite services (Inmarsat and COSPAS-SARSAT)", with a view to keeping it updated to secure the long-term integrity of the GMDSS.

OTHER RADIOCOMMUNICATION MATTERS

False alerts

10.10 The Committee approved MSC/Circ.1078 on Guidelines to Administrations on reporting false alerts.

Proposed draft amendments to SOLAS regulation IV/15.9

10.11 The Committee approved the proposed draft amendments to SOLAS regulation IV/15.9, set out in annex 9, clarifying the testing and maintenance requirements for satellite EPIRBs, with a view to adoption at MSC 78 and a proposed entry-into-force date of 1 January 2006; and requested the Secretary-General to circulate them in accordance with SOLAS article VIII.

10.12 Taking into account its decision in paragraph 10.11 above, the Committee instructed the Secretariat to include the respective changes, subject to adoption by MSC 78, in the preamble of resolution MSC.83(70) on Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.746(18)), as well as in the fishing vessel Safety Code and Voluntary Guidelines (paragraph 9.13.8 of annex 1 and paragraph 9.13.8 of annex 2).

Revision of performance standards for NAVTEX equipment

10.13 The Committee adopted resolution MSC.148(77) on Adoption of the revised performance standards for narrow-band direct-printing telegraph equipment for the reception of navigational and meteorological warnings and urgent information to ships (NAVTEX), set out in annex 10, and instructed NAV 49 to consider under its agenda item on "Requirements for the display and use of AIS information on shipborne navigational displays", the requirement for integrated navigation systems being capable of displaying NAVTEX information and interfacing with NAVTEX receivers.

10.14 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to convey the agreed liaison statement to the International Electrotechnical Commission (Technical

Committee 80) with a request to include, in the integrated display system, a definition on Data connection capable of interfacing with NAVTEX receivers.

Revision of performance standards for survival craft portable VHF equipment

10.15 The Committee adopted resolution MSC.149(77) on Adoption of the revised performance standards for survival craft portable two-way VHF radiotelephone apparatus, set out in annex 11.

Reserve power source for AIS equipment

10.16 Having considered document MSC 77/10/5 (Germany and United States), suggesting that AIS be connected to the radio station's reserve power source, and taking into account comments made by several delegations, the Committee decided that it would be premature to agree in principle to the proposed amendments and instructed COMSAR 8 to consider document MSC 77/10/5 from the technical point of view and advise MSC 78 accordingly.

Harmonization of GMDSS requirements for radio installations

10.17 The Committee approved COMSAR/Circ.32 on Harmonization of GMDSS requirements for radio installations on board SOLAS ships and endorsed, with respect to document MSC 76/20/5 (Norway) referred to COMSAR 7, the Sub-Committee's advice that the existing mandatory requirements for MF/HF equipment to be fitted with direct-printing telegraphy should be retained.

SAR MATTERS

Mass rescue operations

10.18 The Committee endorsed the Sub-Committee's action in issuing COMSAR/Circ.31 on Mass rescue operations.

Tenth session of the ICAO/IMO Joint Working Group

10.19 The Committee approved the convening of the tenth session of the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR scheduled to take place in Torquay (United Kingdom) from 15 to 19 September 2003 (see also paragraph 23.48.2).

Plans for co-operation between SAR services and passenger ships

10.20 The Committee approved MSC/Circ.1079 on Guidelines for preparing plans for co-operation between search and rescue services and passenger ships (in accordance with SOLAS regulation V/7.3), combining and revoking MSC/Circs.1000 and 1041, and concurred with the Sub-Committee's opinion that there was no need to amend/adjust the rescue co-operation plans developed in accordance with MSC/Circs.1000 and 1041 as reflected in MSC/Circ.1079.

Medical assistance in SAR services

10.21 Taking into account concerns expressed by the delegation of the United Kingdom supported by the ICS observer concerning, in particular, medical liability and possible legal actions which could be taken against doctors world-wide and the benefits to be achieved by the completion of the "Debriefing Form" and its submission to a Central Institution designated by the national maritime Authority, the Committee approved, in principle, the draft MSC circular on

Guidance on responsibility and liability issues related to the use of the emergency medical kit/bag and evaluation of its use in emergency incidents and:

- .1 instructed the Sub-Committee's correspondence group on Medical assistance in SAR to consider the draft MSC circular further and advise COMSAR 8 accordingly; and
- .2 authorized COMSAR 8, taking into account the correspondence group's advice, to finalize the Guidance; and the Secretariat to disseminate it as an MSC circular.

10.22 The Committee noted that the Sub-Committee was not, owing to time constraints, able to consider the request of MSC 75 to identify passenger ships, other than ro-ro passenger ships, which should benefit from being equipped with the emergency medical kit/bag (EMK) and, therefore, had requested the Committee to extend the target completion date of the item on "Medical assistance in SAR services" to 2004 (see also paragraph 23.22).

Adoption of amendments to the IAMSAR Manual

10.23 The Committee noted that the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime SAR, at its ninth session held in Hong Kong, China, from 30 September to 4 October 2002, had prepared draft amendments to the IAMSAR Manual which were subsequently endorsed by COMSAR 7.

10.24 In accordance with the procedures prescribed in the Annex to resolution A.894(21) and, being advised that ICAO had already approved the proposed draft amendments, the Committee adopted the proposed draft amendments to the IAMSAR Manual for dissemination by means of MSC/Circ.1080, having decided that the amendments so adopted should enter into force on 1 July 2004.

10.25 In relation to the proposed draft amendments to the IAMSAR Manual, the delegation of Greece made the following statement:

"The proposed draft amendments consist of two new paragraphs to be added, the first, in paragraph 2.3 of Volume I of the IAMSAR Manual (new paragraph 2.3.4), and the second, in paragraph 3.4.4 of the Volume II (new subparagraph to be added to the bottom of paragraph 3.4.4). These proposed new paragraphs are intended to encounter exceptional situations. Contrary to paragraph 2.3.4, which directly refers to the structure and function of RCCs of different origins, the subparagraph to be added to paragraph 3.4.4 cannot be properly integrated into the text of this paragraph without creating serious interpretative difficulties. In fact, the proposed amendment to subparagraph 3.4.4 is intended to apply in very exceptional cases where an RCC associated with an ATS does not exist in practice and we believe that the exceptional situation under which the new subparagraph 3.4.4 is intended to operate should be very clearly underlined in the text. This is the reason for which the Greek delegation proposes the addition, in new subparagraph 3.4.4, of the phrase: **"In case the RCC associated to the ATS does not exist in practice"**"

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

Proposed amendments to the SOLAS and SAR Conventions

10.26 The Committee noted that, at COMSAR 7, during discussion of the proposed amendments to the SOLAS and SAR Conventions resulting from the informal SAR meeting in Sweden in September 2002, the delegation of Norway had expressed the opinion that additional provisions needed to be developed to establish the necessary "safeguards" to eliminate the uncertainties presently undermining maritime search and rescue. Some delegations and observers supported the view expressed by Norway only in wishing to see additional further-going regulations developed; however, none of the delegations present at COMSAR 7 opposed the text of the proposed SOLAS and SAR amendments. Most delegations accepted the draft amendments as a fair compromise to be supplemented by guidelines on harmonized interpretation of the provisions for masters and SOLAS Contracting Governments and SAR Parties.

10.27 In addition to the proposed draft amendments, Norway (MSC 77/10/2) proposed "safeguard provisions" for inclusion in the SAR and SOLAS Conventions, which, in their view, would assure shipmasters that they would be permitted and able to deliver persons rescued at sea to a place of safety in some suitable State in all cases and circumstances. If the proposed amendments or any alternative proposal having the same "safeguard" effect were not endorsed by the Committee at this session, Norway suggested to postpone the process of amending the two Conventions for the time being and, instead, to consider the matter further at the United Nations inter-agency forum.

10.28 UNHCR (MSC 77/10/7) provided information concerning the protection of asylum-seekers and refugees rescued at sea.

10.29 The Secretariat informed the Committee of a recent exchange of correspondence with UNHCR on the issue of the latter updating, possibly in co-operation with IMO, their guidelines to masters and the understanding reached between the two Organizations that such an exercise could be undertaken after IMO had decided on the regulatory regime which would govern the treatment of persons rescued at sea, presumably through the contemplated amendments to the SOLAS and SAR Conventions.

10.30 The Secretariat further clarified that the purpose of the inter-agency initiative launched by the Secretary-General in 2001 was to create a mechanism of co-operation and co-ordination among the United Nations agencies and programmes involved to respond to emergency situations in a co-ordinated and consistent manner; and not to seek regulatory arrangements for which the Secretariat had had no mandate and which were the prerogative of Governments party to relevant Conventions such as SOLAS and SAR.

10.31 During the debate on the issue, some delegations pointed out that more time would be needed to consider the proposed amendments; however, taking into account the importance and complexity of the issue, they agreed to consider document MSC 77/WP.10 jointly submitted by Australia, France, Norway, Sweden, the United Kingdom and the United States, providing draft MSC resolutions on adoption of amendments to the SAR and SOLAS Conventions, as a carefully drafted compromise text.

10.32 In this respect, the delegation of Malta, having thanked all parties which had tabled relevant documents, particularly Sweden, Norway and the UNHCR, referred to an IMO

obligation to all persons in distress at sea to do all it could to ensure the safety of their lives, whatever their status or motivation at the time of rescue. Coastal States as well as the masters of vessels providing assistance needed to play their part. With specific regard to document MSC 77/WP.10, the Maltese delegation thanked its co-sponsors and, having referred to SOLAS's objectives to protect life at sea, stated that the text in document MSC 77/WP.10 sought to achieve that.

Having clarified that they were not opposing the reaching of the compromise found in the document under consideration, the delegation of Malta felt that the particular compromise reached, in which the SAR region (rather than the nearest dry land or port of call) is used as an indicator of primary, rather than temporary, responsibility would affect their country, and possibly their country alone, in a particularly bad way. This was due specifically to their profile as a country with a very large SAR region and a very small resource base, as well as an extremely large exposure to flows of persons that might be rescued at sea within the vast swathe of the Mediterranean. Without prejudice to the present compromise text, which Malta was not opposing, and, bearing in mind the late submission of some documents which required further study by their legal authorities, the delegation reserved its position on the matter at this stage.

10.33 The delegation of Australia, having mentioned that it had participated in the second informal meeting in Sweden, noted that the outcome of that meeting was not the official position of the participants, Governments or organizations present, as might have been suggested by Sweden in document MSC 77/WP.4. However, Australia, along with Norway, Sweden, France, the United Kingdom and the United States had worked well together to use the text from the second informal meeting as a basis for discussions culminating in the compromise resolution outlined in document MSC 77/WP.10. Australia shared Malta's concern over the process by which the resolutions had finally been brought to the Committee and acknowledged that all delegations would wish to consider it closely before adoption of the proposed amendments and associated MSC resolutions at MSC 78. Australia did, however, want to see these resolutions go forward to MSC 78 including the unchanged and agreed text of the draft amendments proposed by COMSAR 7.

10.34 The delegation of Norway, referring to the considerable efforts made by all parties involved to draft the texts before the Committee, emphasized that these texts represented the outcome of compromises between those parties and appealed to all delegations not to attempt changes which might upset the fine balance achieved.

10.35 The United States (MSC 77/10/8) presented a detailed outline for the guidelines referred to in the proposed draft amendments to the SOLAS and SAR Conventions.

10.36 After considerable discussion and, taking into account the various views expressed and comments made by COMSAR 7, the Committee:

- .1 approved the proposed draft amendments to the SOLAS and SAR Conventions and associated draft MSC resolutions, set out in annexes 12 and 13 respectively, with a view to adoption at MSC 78, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII and SAR article III, respectively;

- .2 established a correspondence group co-ordinated by the United States* to prepare draft guidelines based on the outline in document MSC 77/10/8 and report to COMSAR 8; and
- .3 instructed COMSAR 8 to finalize the draft guidelines referred to in the proposed draft amendments to the SOLAS and SAR Conventions and submit them as a draft MSC [resolution] [circular] to MSC 78 for [adoption] [approval].

Progress report to the Assembly pursuant to resolution A.920(22)

10.37 The Committee considered document MSC 77/10/3 (Secretariat) providing a draft progress report on work done pursuant to operative paragraph 5 of resolution A.920(22) for inclusion in the Secretary-General's report to A 23 and, taking into account the various decisions and comments made in the consideration of the above item, approved the proposed progress report, and instructed the Secretariat to supplement it, as appropriate, with the relevant part of the MSC 77 report and submit it to C 90 for endorsement and submission to A 23.

COMBINED ANTARCTIC NAVAL PATROL

10.38 The Committee noted information provided by Argentina and Chile (MSC 77/10/1) on the activities undertaken during their fourth Combined Antarctic Naval Patrol, which had taken place during the southern summer of 2001-2002.

INTERGOVERNMENTAL OVERSIGHT OF POSSIBLE FUTURE MOBILE-SATELLITE SERVICE PROVIDERS TO THE GMDSS

10.39 The Committee considered document MSC 77/10/4 (Denmark), addressing the question of intergovernmental oversight of possible future mobile-satellite service providers to the GMDSS; and informing the Committee of issues raised at the International Mobile Satellite Organization (IMSO) before inviting it to formally request IMSO to carry out such an oversight with respect to possible future providers of the said services as well as to continue overseeing the activities of Inmarsat relevant to the GMDSS.

10.40 Taking into account comments made by the overwhelming majority of those who spoke in favour of the Danish proposal, the Committee agreed that an intergovernmental oversight, similar to the oversight presently carried out by IMSO in respect of Inmarsat Ltd., would be needed when other providers of GMDSS satellite service would, in future, be accepted and recognized by the Organization. It, therefore, instructed the Secretariat to communicate with IMSO enquiring if that organization could carry out the oversight of future providers of satellite services for the GMDSS and advise MSC 78 accordingly.

* **Co-ordinator:**
Mr. Dan Lemon
Commandant (G-OPR)
U.S. Coast Guard
2100 Second Street S.W.
Washington, DC 20593
United States
Tel: 202-267 1582
E-mail: dlemon@comdt.uscg.mil

FOLLOW-UP TO THE FLORENCE CONFERENCE

10.41 Having considered document MSC 77/10/6 (Secretariat) containing a report on activities to implement the recommendations of the 2000 Florence SAR and GMDSS Conference and taking into account comments and proposals made in plenary, the Committee:

- .1 invited the African countries, which had not as yet responded to the invitations of the Florence Conference, to do so as early as possible; and
- .2 instructed the Secretariat to proceed with the organization of the missions and other meetings specified in paragraphs 12, 15 and 16 of document MSC 77/10/6 as soon as possible and report to MSC 78 as appropriate.

10.42 In order to decide how to proceed with the implementation of the remaining steps to give effect to the establishment of the subregional MRCC in Mombasa (and thereafter the remaining subregional MRCCs proposed by the Florence Conference), the Committee noted the following options:

- .1 establishment of an international SAR Fund with contributions from the sale of the IAMSAR Manual;
- .2 funding by a project under the ITCP; and
- .3 funding by donors (such as the World Bank, the African Development Bank, donor countries, etc.).

10.43 To progress the matter further at its next session, the Committee instructed the Secretariat to conduct an analysis of the financial implications of the above, and other possible, options (and/or a combination of same) and advise MSC 78 accordingly.

11 FIRE PROTECTION

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

General

11.1 The Committee approved, in general, the report of the forty-seventh session of the Sub-Committee on Fire Protection (FP) (FP 47/16 and MSC 77/11) and took action as indicated hereunder.

Unified interpretations of the revised SOLAS chapter II-2

11.2 The Committee, having noted that the draft interpretations relating to SOLAS regulation II-2/10.5.6.3 should not have been included in the draft MSC circular contained in annex 2 to document FP 47/16 (as they had been forwarded to an FP correspondence group for further consideration) and having deleted them, approved MSC/Circ.1081 on Unified interpretations of the revised SOLAS chapter II-2, having agreed to 1 July 2003 as their application date.

Unified interpretations of the 2000 HSC Code

11.3 The Committee noted that the Sub-Committee had completed its work on the development of draft unified interpretations of the 2000 HSC Code and had forwarded them to the DE Sub-Committee for co-ordination purposes (see also paragraph 13.10).

Fixed water-based local application fire-fighting systems

11.4 The Committee approved MSC/Circ.1082 on Unified interpretations of the Guidelines for the approval of fixed water-based local application fire-fighting systems (MSC/Circ.913). In this context, the Committee endorsed the suggestion of the delegation of the Netherlands that, in the future, sub-committees should avoid developing unified interpretations for guidelines. In cases where the existing text of guidelines is vague and needs modification, the sub-committees concerned should amend the guidelines accordingly in lieu of developing unified interpretations.

Unified interpretation of SOLAS regulation II-2/15.2.11

11.5 The Committee approved MSC/Circ.1083 on Unified interpretation of SOLAS regulation II-2/15.2.11, in force before 1 July 2002.

Principles for hot work on board all types of ships

11.6 The Committee approved MSC/Circ.1084 on Principles for hot work on board all types of ships.

Use of smoke helmet-type breathing apparatus

11.7 The Committee approved MSC/Circ.1085 on Use of smoke helmet-type breathing apparatus.

Graphical symbols for shipboard fire control plans

11.8 Having noted the outcome of the Sub-Committee's consideration of the revision of resolution A.654(16) and its recommendation to the DE Sub-Committee to consider taking similar action with regard to the use of graphical symbols contained in the standard ISO 17631:2002 as they relate to life-saving appliances and arrangements, the Committee approved the proposed draft Assembly resolution on Graphical symbols for shipboard fire control plans, set out in annex 14, for submission to the twenty-third session of the Assembly for adoption.

Revision of the fishing vessel Safety Code and Voluntary Guidelines

11.9 The Committee noted the outcome of the Sub-Committee's consideration of the revision of the fishing vessel Safety Code and Voluntary Guidelines and its recommendations to the SLF Sub-Committee to consider including a new annex to the Code containing a list of pertinent referenced instruments, such as the FTP and FSS Codes, which were developed after 1993, and to consider structural issues related to the safety of fishing vessels built of glass reinforced plastic with a view to deciding how to proceed on this issue.

Large passenger ship safety

11.10 The Committee, having noted that the outcome of the Sub-Committee's consideration of matters relating to large passenger ship safety would be dealt with under agenda item 4 (Large

passenger ship safety), when documents MSC 77/4 and MSC 77/4/Add.1 (containing the summary of the outcome of the consideration of the issue by the sub-committees concerned) would be considered, agreed that no further action was needed under this agenda item (see also paragraph 4.1.2).

Approval of equivalent sprinkler systems

11.11 The Committee considered a submission by Denmark and Sweden (MSC 77/11/2), containing comments on the draft unified interpretation of paragraph 3.22 of the Revised Guidelines for approval of sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12 (resolution A.800(19)) prepared by the Sub-Committee and proposing an alternative interpretation, and decided to refer the matter to FP 48 for further consideration under the agenda item on “Performance testing and approval standards for fire safety systems”.

Code of practice for atmospheric oil mist detectors

11.12 The Committee approved MSC/Circ.1086 on Code of practice for atmospheric oil mist detectors.

Updating the Sub-Committee’s terms of reference

11.13 The Committee noted the outcome of the Sub-Committee’s consideration of updating its terms of reference; and the views expressed regarding the need to consolidate, under one sub-committee, the responsibility for escape, evacuation and recovery, which is currently under the COMSAR, DE and FP Sub-Committees. The Committee, having noted that the Sub-Committee would further consider its terms of reference at FP 48 for submission to MSC 78 for approval, instructed the COMSAR and DE Sub-Committees to also consider the views expressed regarding the responsibility for escape, evacuation and recovery issues and to advise MSC 78 accordingly.

Partially weathertight hatchway covers on board containerships

11.14 Having noted that FP 47 had, as instructed by MSC 76, amalgamated the texts prepared by SLF 45 and DSC 7 with that developed by itself as far as fire protection was concerned and prepared a revised draft MSC circular containing comprehensive guidelines, the Committee approved MSC/Circ.1087 on Guidelines for partially weathertight hatchway covers on board containerships, having agreed to 1 January 2004 as their application date.

PHASING-OUT THE USE OF HALONS ON BOARD EXISTING SHIPS

11.15 The Committee noted the submission by the European Commission (MSC 77/11/1) which, reminding the Organization of the environmental impact of halons, informed it of the European Community’s regulation EC 2037/2000 on “Substances that deplete the ozone layer”, whereby the non-critical uses of halons on cargo ships flying flags of States which are EU members would be prohibited by 31 December 2003. However, ships flying the flag of non-EU States may be affected by this regulation as a result of servicing and maintenance provisions for halon fire protection systems being unavailable in EU ports. The Committee thanked the European Commission for this information noting the Commission’s intention to submit a document to MSC 78 requesting IMO to begin substantive work on a final phasing-out of halons on ships constructed before 1 October 1994.

12 TRAINING AND WATCHKEEPING

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

General

12.1 The Committee approved, in general, the report of the thirty-fourth session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 34/14 and MSC 77/12) and took action as indicated hereunder.

Updating of the list of confirmed STCW Parties at regular intervals

12.2 The Committee noted the Sub-Committee's view that amendments to the STCW Convention or Code for the purpose of updating the list of confirmed STCW Parties at regular intervals were unnecessary.

12.3 The Committee further noted the Sub-Committee's consideration of methods for promulgating information updating the list of confirmed STCW Parties in general and approved the proposed procedures, taking into account that, at this stage, they were tentative and that they may be revised in the light of experience. The Committee also endorsed the views of the Sub-Committee that any information on the outcome of the process should not be promulgated until MSC 80 (May/June 2005) and that the presentation of information on the outcome of the evaluation process should be in the format agreed by the Sub-Committee (STW 34/14, paragraph 4.16, Table 1).

Amendments to the STCW Code in respect of the term 'as amended in 1995'

12.4 The Committee approved:

- .1 the proposed draft amendments to STCW Code Part A concerning deletion of the term 'as amended in 1995' and the associated MSC resolution, as set out in annex 15, and requested the Secretary-General to circulate them in accordance with STCW article XII, for consideration with a view to adoption at MSC 78 and entry into force on 1 July 2006; and
- .2 the related proposed draft amendments to STCW Code Part B and the associated STCW.6 circular, to become operative on the same date as the entry into force date of the aforementioned amendments to STCW Code Part A.

Watchkeeping at anchor

12.5 The Committee instructed the NAV Sub-Committee to provide advice on the conditions and circumstances upon which a decision may be made for the purpose of maintaining a continuous navigational watch at anchor, to enable the Sub-Committee to develop appropriate guidance to masters.

Unlawful practices associated with certificates of competency

12.6 The Committee endorsed the Sub-Committee's decision to instruct the Secretariat to prepare a questionnaire for circulation to STCW Parties to collect information on current national database standards, record systems and anti-fraud measures and to report the results to STW 35 in order that measures being implemented by Parties to restrict the proliferation of counterfeit

and fraudulently-issued certificates may be identified and, having considered document MSC 77/WP.9, approved MSC/Circ.1088 on Questionnaire on national database standards, record systems and anti-fraud measures.

12.7 The Committee approved MSC/Circ.1089 on Guidance on recommended anti-fraud measures and forgery prevention features for seafarers' certificates and MSC/Circ.1090 on Guidance for administrations, shipping companies, masters and manning agents for detecting and preventing unlawful practices associated with certificates.

Large passenger ship safety

12.8 In the context of further action pursuant to resolution 3 of the 2002 SOLAS Conference on Maritime Security, the Committee agreed to amend, at this session, for submission to A 23 for adoption, resolution A.890(21) in respect of the additional shipboard duties resulting from the new security provisions only. The Committee did not therefore endorse the Sub-Committee's request to include consideration of the crew's ability for dealing with multiple emergencies simultaneously in the latter's agenda for STW 35, as the Sub-Committee had not been requested to undertake the review of the resolution.

12.9 The Committee approved STCW.6/Circ.6 on Amendments to section B-V/3 of the STCW Code to provide additional guidance to administrations, shipping companies and training institutions regarding training of seafarers of large passenger ships in advanced fire-fighting and damage control.

12.10 The Committee invited the FSI Sub-Committee, the FSI Correspondence Group on Casualty Analysis and Member Governments to provide casualty analysis and port State control information; and non-governmental organizations to provide training information on the impact of training or levels of training on casualties.

Measures to enhance maritime security

12.11 The Committee recalled that it had noted the Sub-Committee's consideration of training in the use of shipboard AIS; the course frameworks and outlines for the proposed model courses for ship security officer (SSO), Company security officer (CSO) and port facility security officer (PFSO); the terms of reference and project milestones for the course developers and the establishment of a validation panel, under agenda item 6 (Measures to enhance maritime security).

12.12 The Committee noted information provided by the Secretariat that draft model courses had been received from the developers on 30 May 2003 and had already been circulated, by e-mail, to members of the validation panel for scrutiny.

Work programme

12.13 The Committee in considering the proposal by the Sub-Committee to delete the item on "Casualty analysis" from the work programme and to deal with the matter under the agenda item on "Any other business", agreed to take action on the matter following consideration of the proposal by the United Kingdom (MSC 77/18/1) on the use of FSA in casualty analysis (see also paragraph 18.10).

Draft Assembly resolution to revoke resolution A.474(XII)

12.14 The Committee noted the Sub-Committee's consideration of the draft Assembly resolution on Proper use of VHF channels at sea to revoke resolution A.474(XII) and approved its submission to the twenty-third session of the Assembly for adoption.

Transfer of ILO provisions to the STCW Convention

12.15 In considering the request from ILO for IMO's agreement, in principle, to the possible transfer of ILO provisions on able seamen (MSC 77/12/4) to the STCW Convention, a number of delegations expressed the view that further analysis of the policy issues that might arise from such a transfer needed to be considered before IMO agreed to undertake the task. One delegation drew attention to the additional administrative burden that would arise on STCW Parties, competent persons and the Secretariat through communication of information under STCW article IV and regulation I/7 on training requirements for able seamen.

12.16 The majority of delegations which spoke did not agree to the aforementioned ILO request, as they considered it premature to do so. The Committee agreed, however, that the Sub-Committee should consider the outcome of the ILO discussions on the Certification of Able Seamen Convention, 1946 (No.74); the existing ILO provisions and the specific competences for training and certification of able seamen which might be included in the STCW Convention, in order that a fuller analysis of the situation could be made; and to report the outcome of its discussions to MSC 78 (see also section 23 (Work programme) of this report).

Issues to be considered when introducing new technology on board ship

12.17 In considering a proposal by the Marshall Islands (MSC 77/12/3), the Committee noted that, in the context of large passenger ship safety, a draft circular on issues to be considered when introducing new technology on board ship had been considered but not endorsed by the Sub-Committee as it was relevant to all ships and not just to large passenger ships. In response to an invitation by the Sub-Committee for interested delegations to submit revised proposals, the Marshall Islands had submitted a revised draft. After consideration, the Committee approved MSC/Circ.1091 on Issues to be considered when introducing new technology on board ship.

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

General

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

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

Progress report

12.20 The Committee noted the progress made on the evaluation of information communicated by STCW Parties as at 17 March 2003 (MSC 77/12/1), and further noted that, at the end of MSC 76, 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; 4 Parties confirmed by MSC 75; and 2 Parties confirmed by MSC 76, giving a total of 108 Parties, out of a total of 144 STCW Parties, as promulgated by MSC/Circ.1066.

12.21 The Committee also noted that, since the progress report on 17 March 2003 (MSC 77/12/1), the situation was that of the outstanding 12 Parties whose reports had been communicated, 9 panels of competent persons had completed their initial evaluation and the relevant Parties had been requested to provide clarifications and, of those, two panels were considering clarifications provided by those Parties concerned and clarifications were still awaited from the remaining seven.

12.22 The Committee further noted that 8 reports of independent evaluations pursuant to regulation I/8 had been received and had been forwarded to panels of competent persons for evaluation. Three panels had completed their evaluation and the Secretary-General had submitted his report with respect to those Parties to this session. Out of the balance, four panels had completed their initial evaluation and the relevant Parties have been requested to provide clarifications. Evaluation continued with respect to the remaining Party.

Secretary-General's report to the Committee

12.23 In introducing his report (MSC 77/WP.3), the Committee was advised that, in preparing the reports required by STCW regulation I/7, paragraph 2, the Secretary-General had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797, as revised from time to time. As required by MSC/Circ.796/Rev.1 and MSC/Circ. 995, as applicable, the report for each Party, was comprised of:

- .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.

12.24 The Committee was subsequently invited to consider the reports attached to document MSC 77/WP.3 for the purpose of confirming that the information provided by the STCW Parties concerned confirmed that full and complete effect was given to the provisions of the STCW Convention.

12.25 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.

12.26 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of three STCW Parties included in the Secretary-General's report and instructed the Secretariat to prepare a draft MSC circular (along the lines of those approved previously: MSC/Circs.978, 996, 1018, 1031 and 1066) attaching a list of Parties so far found to be giving the STCW Convention full and complete effect, including those confirmed by the current session, bearing in mind that any information on the outcome of this process with respect to reports on independent evaluation required by regulation I/8 would not, as decided under paragraph 12.3 above, be promulgated until MSC 80 (May/June 2005).

12.27 Having considered the draft of an *ad-hoc* MSC circular (MSC 77/ WP.8), the Committee approved MSC/Circ.1092 on Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended, confirmed by the Maritime Safety Committee to have communicated information which demonstrates that full and complete effect is given to the relevant provisions of the Convention, listing all the STCW Parties so far confirmed.

APPROVAL OF COMPETENT PERSONS

12.28 The Committee approved additional competent persons nominated by Governments (MSC 77/12/2 and Add.1); and instructed the Secretariat to update MSC/Circ.797/Rev.8 accordingly and issue the updated circular as MSC/Circ 797/Rev.9.

13 SHIP DESIGN AND EQUIPMENT

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

General

13.1 The Committee considered urgent matters referred to it emanating from the forty-sixth session of the Sub-Committee on Ship Design and Equipment (DE) (DE 46/32 and MSC 77/13) and took action as indicated hereunder.

13.2 The Committee noted that DE 46, when considering its agenda item on interpretations of the 2000 HSC Code, had agreed that an early issue of the interpretations would be of assistance to Administrations in the implementation of the requirements of the Code (which took effect on 1 July 2002) and would contribute to the safety of such craft. It, therefore, agreed to invite MSC 77 to consider, in addition to the items designated as urgent matters at MSC 76, the draft interpretations, as finalized by the Sub-Committee, with the view to approval (see paragraph 13.10 below).

13.3 The Committee recalled that documents MSC 77/13, paragraphs 4.9 to 4.19; MSC 77/13/2; MSC 77/13/3; and MSC 77/13/4, submitted under this agenda item, had been dealt with under agenda item 5 (Bulk carrier safety).

Safety aspects of ballast water management

13.4 The Committee concurred with the Sub-Committee's view that, pending the outcome of the 2004 Ballast Water Conference, the item on "Safety aspects of ballast water management" should be kept in the Sub-Committee's work programme and included in the agenda of a future session following relevant instructions of the MEPC.

Proposed amendments to SOLAS regulation III/20

13.5 The Committee approved proposed amendments to SOLAS regulation III/20 concerning inspections of lifeboats, set out in annex 16, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 78.

Guidelines for periodic servicing and maintenance of lifeboats, launching appliances and on-load release gear

13.6 The Committee approved MSC/Circ.1093 on Guidelines for periodic servicing and maintenance of lifeboats, launching appliances and on-load release gear.

Proposed amendments to SOLAS regulation III/19

13.7 The Committee approved proposed amendments to SOLAS regulation III/19 concerning the conditions in which lifeboat emergency training and drills should be conducted, set out in annex 16, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 78.

Revised work plan for measures to prevent accidents with lifeboats

13.8 The Committee concurred with the revised work plan for measures to prevent accidents with lifeboats set out in annex 11 to document DE 46/32.

Compatibility between various life-saving appliances

13.9 The Committee noted the potential problem of compatibility between various life-saving appliances and instructed the Sub-Committee to take the issue into account in its further work on measures to prevent accidents with lifeboats. Member Governments and international organizations were invited to submit relevant comments and proposals to DE 47.

Interpretations of the 2000 HSC Code and SOLAS chapter X

13.10 The Committee approved an MSC circular on Interpretations of the 2000 HSC Code and SOLAS chapter X, pending the SLF Sub-Committee's decision on the proposed addition of a text to the interpretation of paragraph 2.6.7 of the Code, for circulation immediately after SLF 46; and instructed the Secretariat to take appropriate action.

Proposed amendments to SOLAS regulation III/32.3 and the 1988 SOLAS Protocol

13.11 The Committee approved proposed amendments to SOLAS regulation III/32.3 and the 1988 SOLAS Protocol concerning carriage requirements for immersion suits, including consequential amendments relating to the records of equipment, set out in annexes 16 and 17 respectively, and requested the Secretary-General to circulate them in accordance with SOLAS

article VIII and article VI of the 1988 SOLAS Protocol, respectively, for consideration with a view to adoption at MSC 78.

Micro-climate in totally enclosed survival craft

13.12 The Committee noted the recommendation of the Sub-Committee not to pursue, at this time, the proposal for a new work programme item regarding micro-climate in totally enclosed survival craft.

Approval of servicing stations for liferafts

13.13 The Committee noted the Sub-Committee's view when considering, as instructed by MSC 76, document MSC 76/INF.14 (IACS), regarding the IACS procedure for approval of servicing stations for liferafts, that the current scheme of approval of servicing stations is considered to be sufficient and that there is no compelling need to change the existing practice or develop any new procedures.

Revision of resolution A.760(18)

13.14 The Committee deferred consideration of the recommendation of the Sub-Committee to include in its work programme the item on "Revision of resolution A.760(18)" regarding symbols related to life-saving appliances and arrangements, following a relevant recommendation by the FP Sub-Committee until when discussing the Sub-Committee's work programme under agenda item 23 (Work programme) (see also paragraph 23.31).

FAST RESCUE BOATS AND MEANS OF RESCUE

13.15 The Committee recalled that DE 46 had noted the intention of the delegation of the United Kingdom to submit a draft MSC circular on fast rescue boats and means of rescue updating the existing MSC/Circ.1016, to this session for approval. The circular would advise the industry that work on fast rescue boats was on-going in the Organization, in particular with regard to the use of complete systems with compatible components and the installation height, both of which were of crucial importance for the proper functioning of fast rescue boats.

13.16 The Committee considered document MSC 77/13/1 (United Kingdom), proposing a draft MSC circular to update the information and advice given in MSC/Circ.1016, replacing the latter. Following discussion, the Committee requested a group of experts to prepare a modified draft circular and, having considered the proposal by the group (MSC 77/WP.11), approved MSC/Circ.1094 on Application of SOLAS regulation III/26 concerning fast rescue boat systems on ro-ro passenger ships.

14 BULK LIQUIDS AND GASES

General

14.1 The Committee considered urgent matters emanating from the eighth session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 8/18, BLG 8/18/Add.1, BLG 8/18/Add.2 and MSC 77/14) and took action as indicated hereunder.

Revised minimum safety standards for ships carrying liquids in bulk containing benzene

14.2 The Committee approved MSC/Circ.1095 on Revised minimum safety standards for ships carrying liquids in bulk containing benzene.

Safety data sheets for MARPOL Annex I cargoes and marine fuel oils

14.3 The Committee adopted resolution MSC.150(77) on Recommendation for material safety data sheets for MARPOL Annex I cargoes and marine fuel oils, set out in annex 18, and instructed the Secretariat to inform MEPC 49 accordingly.

Transportation of cargoes containing toxic substances

14.4 The Committee endorsed 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 to:

- .1 forward the draft Guidelines on the basic elements of a shipboard occupational health and safety programme, as contained in document BLG 8/WP.4, to the COMSAR, DE, FP, FSI, SLF and STW Sub-Committees for consideration so that they could comment or make proposals, as appropriate;
- .2 further consider, at BLG 9, the submission by Norway, INTERTANKO, OCIMF and ITOPF (BLG 8/9/1), proposing the development of mandatory requirements for the carriage and use of safety data sheets, and inform the STW Sub-Committee accordingly so that the two sub-committees could comment or make proposals, as appropriate; and
- .3 instruct the Secretariat to communicate with ILO and WHO seeking their contribution to this work.

Intersessional meeting of the ESPH Working Group

14.5 The Committee approved, subject to MEPC 49's concurrent decision, the holding of an intersessional meeting of the ESPH Working Group in the last quarter of 2004 in view of that group's current workload.

Translation of working group reports

14.6 The Committee noted the concerns expressed at BLG 8 by the delegations of Argentina and France regarding the difficulties experienced by the Spanish and French speaking delegations when invited to approve texts of working group reports, which at BLG 8 were available in English only at the time of their consideration, and that the Sub-Committee had invited MSC 77 to note the aforementioned concerns and, if agreeable, to recommend to Council accordingly.

14.7 In considering the issue, the Committee, having noted the concerns expressed at the BLG and other Sub-Committees, requested the Secretariat to review the matter with a view to developing a cost effective means for addressing the issue and to advise C 90 accordingly, inviting the Council to take appropriate action.

15 FLAG STATE IMPLEMENTATION

URGENT MATTERS EMANATING FROM FSI 11

15.1 The Committee considered urgent matters emanating from the eleventh session of the Sub-Committee on Flag State Implementation (FSI) (FSI 11/23 and Add.1 and MSC 77/15) identified by MSC 76, as well as other important matters which, in the opinion of FSI 11, merited consideration by the Committee at this session.

Transfer of ships between States

15.2 Having recalled that the issue of the transfer of ships between States had stemmed from the measure 21 identified by the MSC 73 Working Group on Oil Tanker Safety and Environmental Matters and, having noted the progress made by FSI 11 on the development of a draft Code for the implementation of [mandatory] IMO instruments, the Committee concurred with the Sub-Committee's decision to include relevant provisions on the transfer of ships between States in the aforementioned draft Code, taking into account the principles proposed in document FSI 9/5/1.

Amendments to the Code for the Investigation of Marine Casualties and Incidents and related matters

15.3 The Committee noted that the Sub-Committee, in the context of its review of the references in the footnote relating to SOLAS regulation I/21, had proposed that resolution A.322(IX) on Conduct of investigations into casualties and resolution A.442(XI) on Personnel and material resource needs of Administrations for the investigation of casualties and contraventions of conventions should be revoked, as the guidance contained in these resolutions had already been incorporated into the Code for the Investigation of Marine Casualties and Incidents (resolution A.849(20), as amended); and that the Sub-Committee had also recommended that only the aforementioned Code and MSC/Circ.953-MEPC/Circ.372 should be referenced in the next publication of the consolidated edition of SOLAS.

15.4 Therefore, the Committee:

- .1 concurred with the proposed revocation of resolutions A.322(IX) and A.442(XI), as part of the next revision of the Code for the Investigation of Marine Casualties and Incidents (resolution A.849(20), as amended);
- .2 endorsed the Sub-Committee's recommendation regarding the references relating to SOLAS regulation I/21 to be made in the next publication of the consolidated edition of SOLAS; and
- .3 instructed the Secretariat to act accordingly in due course.

Unique IDs for companies and registered owners

15.5 With regard to the recommendation of the Sub-Committee concerning the proposal by France and the United Kingdom (MSC 75/23/11) to develop unique IDs for shipowning and shipmanagement companies, the Committee recalled that, under agenda item 6 (Measures to enhance maritime security), it had decided to include a high priority item on "Unique IDs for companies and registered owners", with a target completion date of 2005, in the

Sub-Committee's work programme and the provisional agenda for FSI 12 (see also paragraphs 6.25 and 23.17).

Marking the ship's plans, manuals and other documents with the IMO ship identification number

15.6 With regard to the recommendation of the Sub-Committee concerning the proposal by IACS (MSC 76/22/1) for the marking of ship's plans, manuals and other documents with the IMO ship identification number, the Committee recalled that, under agenda item 6 (Measures to enhance maritime security), it had decided to include a high priority item on "Marking the ship's plans, manuals and other documents with the IMO ship identification number" in the Sub-Committee's work programme and the provisional agenda for FSI 12 (see also paragraphs 6.25 and 23.17.2).

Draft Code for the implementation of [mandatory] IMO instruments

15.7 The Committee recalled that it had dealt with the draft Code under agenda item 7 (Proposed IMO Model Audit Scheme) (see paragraphs 7.5 and 7.6).

Revised Survey Guidelines under the HSSC

15.8 The Committee approved, subject to MEPC's concurrent decision, the draft Assembly resolution on Revised Survey Guidelines under the Harmonized System of Survey and Certification, set out in annex 19, instructing the Secretariat to make, in consultation with interested delegations, necessary editorial modifications to the draft Revised Survey Guidelines, for submission to the twenty-third session of the Assembly for adoption.

Urgent matters emanating from FSI 12 to be considered by MSC 78

15.9 The Committee noted the Sub-Committee's proposals for urgent matters to be considered by MSC 78 and agreed to deal with them under agenda item 23 (Work programme) (see paragraph 23.21).

ISM CODE IN ACCIDENT INVESTIGATION

15.10 The Committee, having acknowledged that the issues raised in document MSC 77/15/1 (Australia) were related to the work of FSI 11 on ISM Code-related issues and on casualty statistics and investigations (the outcome of which would be considered by MSC 78), noted the information, contained in the document, regarding an analysis of shortcomings in the implementation of the ISM Code based on the investigation of five accidents on board ships and decided to refer the document to FSI 12 for detailed consideration and advice to MSC 78 as appropriate.

15.11 In this context, the Committee invited Member Governments to submit to FSI 12 information on their experience with, and any example of, accidents involving alleged inadequacies of the SMC, and invited the delegation of Australia to submit an appropriate draft MSC/MEPC circular on the subject to FSI 12.

16 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

Developments concerning safety- and security-related technical co-operation activities

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

16.2 The Committee noted information on safety- and security-related technical co-operation projects and programme activities executed during 2002/2003 and those planned for 2003 by the Maritime Safety Division (MSC 77/16) and an update thereto provided by the Secretariat.

16.3 The Committee further noted information on technical co-operation activities aiming at enhancing maritime security provided in annex 2 to document MSC 77/16, containing summary information on two sub-regional seminars/workshops on maritime and port security, which were held by IMO in Calabar, Nigeria (30 March to 4 April 2003) and Mumbai, India (7 to 11 April 2003). The Committee also noted that a further five regional meetings were planned for 2003 for the benefit of the Arab States, Black Sea, Caribbean Sea, Caspian Sea and Persian Gulf regions and that further national seminars and workshops, as well as assessment and advisory missions, would be held upon request during the course of 2003.

16.4 Referring to the establishment of a Maritime Security Technical Co-operation Programme, which was launched in February 2002 in response to resolution A.924(22), and is managed by the Technical Co-operation Division (TCD) in close co-operation with the Maritime Safety Division, the Director, TCD, advised the Committee that the programme has been allocated additional funding from the TC Fund and remains a high priority within the ITCP 2004-2005. Demand for technical assistance in this field would increase substantially as developing countries were faced with the implementation of the recently adopted SOLAS amendments and the ISPS Code. In this respect, the Secretary-General was contacting Member Governments to determine interest in contributing to a Maritime Security Trust Fund called for by resolution 5 of the 2002 SOLAS Conference. He then informed the Committee of the outcome of the V Meeting of Western Hemisphere Transport Initiative (WHTI) Ministers of Transportation held in Ixtapa, Mexico, in early May. The joint ministerial statement adopted by the Meeting had expressed support for the efforts of ICAO and IMO and encouraged member countries that had yet to accept and implement the relevant international instruments to do so. The Ministers had also agreed to establish a transportation security working group to identify possible areas of technical co-operation, facilitate contact among government experts and develop viable financing alternatives to ensure a safe and secure environment for the movement of people and goods throughout the Americas.

16.5 In the course of the discussion of the information provided, a number of delegations intervened to thank the Organization for the provision of technical assistance in various fields. The delegation of Nigeria, in particular, expressed appreciation for the above-referred sub-regional seminar in Calabar as being one activity to be hopefully followed by others in the course of 2003 and 2004 pending the entry into force of the ISPS Code; and the delegation of India referred to the sub-regional seminar in Mumbai, which had given the opportunity to familiarize port operators, shipowners and administrations with maritime security-related issues. Having expressed satisfaction with current developments on the matter, the Committee requested the Secretariat to continue providing it with updated information on its technical co-operation activities at future sessions.

16.6 In the context of this item, the Committee also noted information provided in document MSC 77/INF.7 (Japan), which had summarized the technical assistance programmes organized by the Tokyo MoU Secretariat and, in particular, providing information on the first Tokyo MoU and IMO Secretariat joint regional training course conducted in Yokohama in September/October 2002.

16.7 The Committee was informed that the TCC, at its forthcoming fifty-third session, would consider the ITCP for 2004-2005 and proposals for funding from the TC Fund for the core programme. Funding from the TC Fund for maritime safety and security amounts to over 3 million USD and 39% of the total programme. With respect to delivery, the Director, TCD, advised that, in 2002, over 12 million USD had been disbursed on TC activities representing a 27% increase in volume over 2001. Indeed, since 1999, there had been a 78% increase in the volume of expenditure on TC programmes.

IMO model course programme

16.8 Having noted an update on IMO model course production and revision provided by the Secretariat (MSC 77/16/1), the Committee instructed the Secretariat to follow-up the IMO model course project and to report developments to MSC 78.

Report on the Workshop for port State control MoU Secretaries and Directors of Information Centres

16.9 The Committee recalled that MSC 76 had considered document MSC 76/14/2 (Secretariat) reporting on the outcome of the second Workshop for port State control MoU Secretaries and Directors of Information Centres, which had been conducted at the Organization's Headquarters in July 2002, and had decided that some of the recommendations made by the Workshop needed further consideration and that it would be more appropriate for the outcome of the Workshop to be first considered in depth by MSC 77 before it was referred to the FSI Sub-Committee for further action.

16.10 The Committee considered the Workshop's final report and its summary of conclusions and recommendations and, as requested of it in paragraph 4 of document MSC 77/16/2:

- .1 instructed the Secretariat to:
 - .1.1 prepare, and submit to FSI 12, an analysis, including cost, on the provision of a monthly updated version of the LR-Fairplay world fleet database to be released on the IMO secure internet for the purpose of allowing all the regional PSC organizations to download the data set and Member States to be granted access to the same data;
 - .1.2 inform any interested regional PSC organization on the progress of the introduction of the company identification number scheme with respect to DOCs issued in compliance with the ISM Code requirements;
 - .1.3 continue to convey to future Workshops the outcome of the deliberation by IMO bodies on matters of direct relevance to port State control; and
 - .1.4 make available to ILO information on detentions based on deficiencies related to the requirements contained in ILO conventions, including those

deficiencies which may refer to both IMO and ILO requirements, in order to avoid duplication of the reporting procedures, and to make such information available to ILO on the basis of the information collected through the proposed electronic template for reporting detentions to IMO;

- .2 requested the FSI Sub-Committee to comment on the proposal for the Sub-Committee to carry out in-depth analyses of the annual reports submitted to it by the regional PSC organizations and for future meetings of the Workshop to be informed accordingly;
- .3 agreed that, for the time being, meetings of the Workshop should be held on the basis of one workshop every two years; and
- .4 noted the request for the Organization to continue providing technical co-operation support to assist the regional PSC organizations, in particular with respect to:
 - .4.1 capacity-building through training programmes for:
 - PSCOs;
 - database managers; and
 - other related technical issues;
 - .4.2 the establishment of information centres within the remit of those TC activities funded by IMO;
 - .4.3 the development of a distance learning package for training of PSCOs;
 - .4.4 the participation of the Secretariat at regional port State control Committee meetings; and
 - .4.5 technical advisory missions.

16.11 With regard to the request of the Workshop for the provision of technical co-operation support for the establishment of information centres referred to in paragraph 16.10.4.2, the Committee invited the TCC to consider this matter as this falls within its competence.

17 ROLE OF THE HUMAN ELEMENT

General

17.1 The Committee recalled that MSC 75 had agreed to keep the item on “Role of the human element” on the agenda of MSC 76 and had provisionally agreed to reconvene the Joint MSC/MEPC Working Group on the Human Element during MSC 77, subject to confirmation by MSC 76 (MSC 75/24, paragraph 15.14). However, MSC 76 had agreed that, taking into account decisions made under various agenda items, the Joint MSC/MEPC Working Group on the Human Element would not be established at this session (MSC 76/24, paragraph 20.67).

17.2 The Committee further recalled that MSC 76 had recalled that MSC 75 had invited Member Governments to submit comments and proposals to MSC 77 on:

- .1 the preliminary list of tools developed and activities carried out by the Organization addressing the human element;
- .2 the review of the human element goals listed in resolution A.850(20); and
- .3 the development of a strategic plan for addressing the human element.

Preliminary list of tools developed and activities carried out by the Organization addressing the human element

17.3 The Committee noted the preliminary list of tools developed and activities carried out by the Organization addressing the human element (MSC 77/INF.11) and expressed its appreciation to the United States for consolidating and updating the report on the Organization's human element activities.

Review of the human element goals listed in resolution A. 850(20)

17.4 The Committee considered a proposal by the United States calling for the revision of resolution A.850(20) relating to human element vision, principles and goals for the Organization, and finalized and approved, subject to MEPC's concurrent decision, the draft Assembly resolution on Human element vision, principles and goals for the Organization, set out in annex 20, for submission to the twenty-third session of the Assembly for adoption.

Development of a strategic plan for addressing the human element

17.5 The Committee considered proposals by the United Kingdom (MSC 77/17/2) and the United States (MSC 77/17/3) relating to human element vision and strategy and agreed, as a follow-up to resolution A.850(20), to develop a strategic plan to address the human element at the next meeting of the Joint MSC/MEPC Working Group on Human Element. The Committee, recalling that the Working Group on Human Element had not been convened for the last two sessions and recognizing that the human element subject was a high priority item in the Organization's agenda and long-term work plan, agreed that it would be desirable to reconvene the group at its next session and decided to return to the issue when considering, under agenda item 23 (Work programme), which working groups should be established at MSC 78.

Safety culture

17.6 The Committee gave preliminary consideration to documents MSC 77/17 and MSC 77/17/1 (United Kingdom), addressing safety culture issues and decided to convey them to the next meeting of the Joint MSC/MEPC Working Group for detailed consideration.

17.7 In considering document MSC 77/17/4 (ICFTU), the majority of delegates who spoke agreed that paragraphs 1 to 7 thereof contained useful information and that the document should be referred to the next meeting of the Joint MSC/MEPC Working Group. The delegation of Japan expressed the view that, in light of the ongoing work at ILO to consolidate all ILO instruments into one, it would be premature to refer the ICFTU document to the group and strongly objected to the matter.

17.8 With respect to the ICFTU's proposals to amend the ISM Code and to develop training requirements for onboard safety representatives in the context of the BLG Sub-Committee's work on the development of management-based guidelines on shipboard occupational health, the Committee agreed that these would be new work programme items and therefore requested

ICFTU to resubmit its proposals, co-sponsored by at least one Member Government, in accordance with the Guidelines on the organization and method of work.

18 FORMAL SAFETY ASSESSMENT

General

18.1 The Committee recalled that MSC 75 had agreed not to include the item on “Formal safety assessment” in the agenda for MSC 76, following the agreement at MSC 74 that, since the development of the FSA Guidelines (MSC/Circ.1023–MEPC/Circ.392) had been finalized, it was thereafter a matter for Member Governments to implement them and, therefore, it was not necessary to retain the item on its agenda on a permanent basis. MSC 76, however, had agreed to reinstate it on the agenda for MSC 77.

18.2 The Committee further recalled that MSC 76 had considered, under its agenda item on "Bulk carrier safety", a submission by Japan (MSC 76/5/12) proposing a number of considerations on the decision-making process when independent FSA studies showed different final recommendations. MSC 76, 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 Member Governments and international organizations, should be considered under the Formal safety assessment item, once reinstated in the Committee’s agenda.

18.3 The Committee noted the information provided in document MSC 77/18 (Secretariat), reporting on the outcome of MSC 75 and MSC 76 with regard to matters relating to FSA.

Use of the FSA methodology when analysing casualties

18.4 The Committee considered document MSC 77/18/1 (United Kingdom) suggesting that the principles of the IMO’s FSA methodology provide an adequate framework to enhance the approach adopted by the Organization for reviewing and taking any necessary action on casualty information, in particular that sub-committees should apply the principles of the FSA methodology when analysing casualties referred to them by the FSI Sub-Committee.

18.5 In this connection, the Committee noted that FSI 11 had:

- .1 noted that at least the first two steps of the FSA process (i.e. hazard identification and risk analysis) had already been undertaken, to a large extent, during casualty analysis and that the third step (development of risk control options) had also been undertaken in analysing those incidents, where possible;
- .2 agreed, having considered concerns of its casualty analysis group on the possibility of carrying out a full FSA in the casualty analysis process as it could be costly and time consuming and would require the expertise of other sub-committees, to only undertake the principles of steps 1 and 2, as outlined in appendix 8 of the FSA Guidelines (MSC/Circ.1023–MEPC/Circ.392), if casualty-related recommendations were to be referred to other sub-committees for action, with a view to improving the work process; and
- .3 instructed its Correspondence Group on Casualty Analysis to review the current method used by the group for analysing casualty reports and for making

recommendations to other sub-committees, taking into account, *inter alia*, document FSI 11/4/1 (United Kingdom) (also submitted to this session of the Committee as document MSC 77/18/1).

18.6 In the course of the discussion that ensued, several delegations expressed support for the proposals contained in document MSC 77/18/1, pointing out that their endorsement would be for the benefit of the whole of the decision-making process in IMO. In the context of the discussion, in the course of which reference was made to accidents involving fast rescue boats, it was found important, with regard to casualty analysis, that the outcome of investigations into all relevant accidents was fully reported to IMO, including near misses and hazardous incidents, and related findings and recommendations were considered within the context of the IMO decision-making process (see also paragraph 18.8).

Proposed amendments to the FSA Guidelines

18.7 The Committee also considered document MSC 77/18/2 (Liberia), proposing amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023–MEPC/Circ.392), related to Step 5 of the FSA approach: the decision-making process. The objective of these amendments was to achieve greater transparency in the decision-making process by ensuring that decision makers were able to properly consider risk control option methodologies, assumptions, limitations and uncertainties.

Establishment of a correspondence group

18.8 Following consideration, the Committee agreed, in general, with the proposals contained in the submissions referred to above and decided to establish a correspondence group, under the co-ordination of Japan^{*}, with the following terms of reference (see also paragraph 5.48):

- .1 to review the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023–MEPC/Circ.392), taking into account documents MSC 77/18/2 and MSC 76/5/12 and comments and proposals made in plenary and prepare draft amendments to the Guidelines, for submission to MSC 78 for consideration, keeping the MEPC informed of developments;
- .2 to consider the application of the FSA methodology to the analysis of casualties, as proposed in document MSC 77/18/1, taking into account the work of FSI's correspondence group on casualty analysis on the issue;
- .3 to consider the need of developing a procedure for estimating risk reduction after the introduction of certain safety measures, for possible appending to the FSA Guidelines; and

*** Co-ordinator:**

Mr. Koichi Yoshida
Vice-Principal Research Co-ordinator
National Maritime Research Institute
6-38-1 Shinkawa
Mitaka 181-0004
Japan
Tel.: +81 422 41 3615
Fax: +81 422 41 3247
e-mail: Koichiy@nmri.go.jp

.4 to submit a report to MSC 78.

18.9 With reference to the aforementioned paragraph 18.8.2, the Committee instructed the Secretariat to inform the FSI Correspondence Group on Casualty Analysis, referred to in paragraph 18.5.3 above, of the above outcome and requested FSI 12 to inform MSC 78 of the outcome of its consideration of the correspondence group's report.

Item on "Casualty analysis" in the work programme of Sub-Committees

18.10 Having recalled its decision to consider, in the context of the aforementioned proposal by the United Kingdom (MSC 77/18/1), the proposal by STW 34 to delete the item on "Casualty analysis" from its work programme and to deal with the matter under the agenda item on "Any other business", the Committee, while deciding to retain the item on the STW Sub-Committee's work programme, agreed to further consider the matter at MSC 78, when the report of the above correspondence group (see also paragraph 18.8) would be available, with regard to the STW Sub-Committee as well as with regard to other sub-committees which have the same item on their work programme.

SAFEDOR - Risk-based design, operation and regulation of ships

18.11 The Committee noted information by Denmark (MSC 77/INF.12) on a European Commission project called SAFEDOR which will focus on risk-based design, operation and regulation of ships. Key objectives of the project target the development of a risk-based design and regulatory framework to support a holistic approach towards maritime safety, development/refinement of advanced first-principles analysis tools, and development of procedures for safe and secure operation. The project will also support the development of innovative ship designs to demonstrate the practicability of the developed methodology.

19 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Statistical information

19.1 The Committee noted (MSC 77/19) that, in accordance with its standing instructions, the Secretariat had, since MSC 76, 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.28, MSC.4/Circ.30, MSC.4/Circ.31, MSC.4/Circ.33 and MSC.4/Circ.35); quarterly reports (circulated under the symbols MSC.4/Circ.29 - fourth quarter of 2002 and MSC.4/Circ.34 - first quarter of 2003), while the annual report for the period between 1 January and 31 December 2002 had been issued under the symbol MSC.4/Circ.32.

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

19.3 Based on the above reports and additional information provided by the Secretariat, the Committee noted that the number of acts of piracy and armed robbery against ships, which occurred during the calendar year of 2002, as reported to the Organization, was 383, an increase of nearly 4% over the annual figure for 2001. The total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of March 2003, was 3,041.

19.4 The Committee observed that the aforementioned 4% annual increase in the reported acts of piracy and armed robbery against ships was still a worrying development and a cause for concern and, therefore, as it had been emphasised on previous sessions of the Committee, much more needed to be done to reduce this menace.

19.5 In further considering the statistical information for the period between 1 January and 31 December 2002, as provided by the Secretariat, the Committee noted with deep concern that on the information received on incidents allegedly committed against ships during the period under review, twelve ships had been hijacked and eight ships had gone missing. From the reports received, it had also emerged that the areas most affected in 2002 (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, South America and the Caribbean, the Indian Ocean and West and East Africa. Over the period under review, the number of acts reported to have occurred or to have been attempted increased from 2 to 3 in the Mediterranean Sea, from 120 to 140 in the South China Sea, from 23 to 67 in South America and the Caribbean and from 22 to 24 in East Africa. However, it decreased from 58 to 47 in West Africa, from 58 to 34 in the Malacca Strait and from 86 to 66 in the Indian Ocean, over the 2001 figures. Most of the attacks worldwide were reported to have occurred or to have been attempted in the coastal States' concerned territorial waters while the ships were at anchor or berthed. The Committee was particularly concerned to note that, during the same period, ship crews had been violently attacked by groups of five to ten people carrying knives or guns. During the same period, six crew members of the ships involved had been killed, fifty had been wounded, thirty-eight had been reported missing and another thirty-eight had been thrown overboard (although they were later rescued) in the reported incidents.

19.6 The Committee considered document MSC 77/19/3 (ICS/ISF), pointing out the general rise in reported cases of piracy and armed robbery against ships and inviting the Committee to urge Member Governments, especially those with responsibilities for identified high risk areas, to provide security-level information to port facilities within their territory, as well as to ships prior to entering a port or whilst in a port within their territory (as required by new SOLAS regulation XI-2/3) to ensure the protection of ships and crew from piracy and armed robbery attacks.

19.7 The Committee also noted document MSC 77/INF.13 (ICS/ISF), providing an analysis of piracy and armed robbery reports on attacks reported from January to December 2002.

19.8 The Committee invited Member Governments, especially those with responsibility for identified high risk areas, to promulgate security-level information to port facilities within their territory, as well as to ships prior to entering a port or whilst in a port within their territory (as required by the new SOLAS regulation XI-2/3), to ensure the protection of ships and crew from piracy and armed robbery attacks.

19.9 The delegation of Venezuela supported by some other delegations was of the opinion that the Committee should once again underline the fact that it was necessary for masters/operators to report all incidents of piracy and armed robbery against ships to the coastal States concerned to ensure follow-up action, otherwise States can take no appropriate action.

19.10 The Committee further invited, once again, both port, coastal and flag States to report all incidents of piracy and armed robbery which come to their attention.

19.11 The Committee further considered document MSC 77/19/4 (INTERTANKO), providing comments on the ICS/ISF documents (MSC 77/19/3 and MSC 77/INF.13) and urging the early implementation of aspects of SOLAS chapter XI-2 and the ISPS Code and the reporting of piracy and armed robbery incidents by Member States; and suggesting that the Committee consider the need for internationalized law enforcement and strengthening of the maritime law to better support the pursuit of legal proceedings against pirates and terrorists.

19.12 The delegation of Indonesia shared the concern of the Committee regarding piracy and armed robbery at sea, as it not only had a negative impact on Indonesia and other States bordering the Malacca and Singapore Straits but also on international commerce using that Straits.

The Indonesian delegation informed the Committee that it took serious attention towards efforts to combat the piracy and armed robbery at sea. In this regard, it was of the view that law enforcement to tackle the problem should respect the legitimate rights of the littoral States.

The Indonesian delegation further informed the Committee that the Government of Indonesia had engaged in bilateral co-operation with Malaysia and Singapore to control the most affected area in the Straits, in order to ensure maritime security from illegal acts of armed robbery at sea. For the purpose of monitoring such incidents, Indonesia had, with the assistance of the JICA (Japan International Co-operation Agency), set up a "Marine Safety and Information System" in several areas, such as Batam, Dumai, Belawan and Jakarta.

The delegation of Indonesia further stated that the Indonesian Government supported fully Japan's initiative to develop a regional Co-operation Agreement on Anti-Piracy in Asia, known as ReCAAP. Only the week before MSC 77, the third meeting of the process had taken place in Seoul with the view to finalizing the framework agreement of this co-operation. Given the nature of such incidents, the delegation was of the view that concerted efforts needed to be taken so that piracy and armed robbery at sea might be reduced significantly not only in the Malacca and Singapore Straits but in other areas of the world as well. This could be done through assisting the most affected littoral States to improve their capability to combat piracy and armed robbery at sea.

19.13 The Committee was also of the opinion that coastal/littoral States could play a major role in preventing incidents of piracy and armed robbery against ships, and that it was still necessary for all concerned to keep concentrating their efforts on tackling the problem.

19.14 The Committee also observed that, although after the 11 September 2001 attacks emphasis had been placed on **security**, the issue of piracy and armed robbery against ships continued to trouble the shipping industry. This situation and the serious repercussions it had on the safety and security of ships and their passengers and crews and the impact on the marine environment should a piracy/armed robbery incident result in oil or other hazardous and noxious cargo spillage could not be tolerated any longer. The Committee, therefore, urged, once again, all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

19.15 The Committee further noted that, after MSC 76 and, as indicated in document MSC 77/19/Add.1, the Secretariat had received reports from only one Member Government on action it had taken with regard to incidents reported to have occurred in its territorial waters.

Therefore, the Committee urged all Governments, which receive such reports, to provide the Organization with the information requested.

IMPLEMENTATION OF THE ANTI-PIRACY PROJECT: CO-ORDINATED PLAN OF ACTION FOR FUTURE ACTIVITIES

19.16 The Committee recalled that MSC 75, having noted the slow pace of progress in the process to promote and conclude viable regional agreements to combat piracy and armed robbery against ships, had urged Member Governments to give urgent consideration to the issue instructing their appropriate national authorities to address it on a priority basis.

19.17 The Committee recalled also that, at MSC 76 (MSC 76/23, paragraphs 16.24 and 16.25), it had been informed that, following completion of the second phase of the 1998 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 Secretariat by the participants to the 2001 Singapore and Guayaquil and 2002 Accra assessment Meetings. Accordingly, MSC 76 had endorsed, in general, the course of action undertaken by the Secretariat.

19.18 The Committee recalled further that, at MSC 76 (MSC 76/23, paragraph 16.17), the delegation of the United Kingdom, supported by other delegations, had 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 1998 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. The United Kingdom delegation had further suggested that the Secretariat prepare a suitable proposal for consideration by MSC 77.

19.19 The Committee considered document MSC 77/19/1 (Secretariat), outlining the co-ordinated plan of action for future activities to prevent and suppress piracy and armed robbery against ships through the conclusion of regional agreements.

19.20 The Committee noted that through an analysis of the outcome of the three regional/sub-regional meetings held in Singapore, Guayaquil and Accra in 2001 and 2002, the following commonalities had been identified:

- .1 there was agreement on the lack of regional/sub-regional co-operation;
- .2 on the basis of experience and statistical information, participating Governments were able to identify vulnerable areas off their coasts and in their ports so that they could:
 - .1 direct their resources to cope with the increased risks to safe navigation and environmental protection in such areas with particular emphasis being placed on areas used by international shipping; and
 - .2 provide specific advice for ships on protective measures and local reporting procedures to be used by ships;
- .3 there was agreement on the effectiveness of co-ordinated patrols and joint exercises, where appropriate, to test planned anti-piracy systems and strengthen

the co-operation among neighbouring countries in their efforts to eradicate piracy and armed robbery against ships in their waters;

- .4 Governments in the relevant regions/sub-regions were recommended to consider ratifying the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Navigation and the 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf at the earliest opportunity; and to implement relevant IMO instruments on the prevention and suppression of acts of violence, including terrorism, against ships, their passengers and crews;
- .5 countries were recommended to take appropriate action to ensure co-operation and co-ordination among national administrations of countries in the same region/sub-region in their overall tactical response to piracy and armed robbery attacks and, in particular, to take account of any related unlawful activities such as illicit drug trafficking, illegal migration, stowing away, etc.;
- .6 a recommendation was made that all possible means should be utilized to develop a sustainable regional/sub-regional approach to the problem of violence at sea, taking into account the existence of any existing infrastructure; and
- .7 the Secretariat was recommended to consult with Governments in the regions/sub-regions concerned for the purpose of convening, at an appropriate time, a meeting to consider widening the scope of regional strategies, where applicable, or concluding a regional agreement on the prevention and suppression of piracy and armed robbery against ships.

19.21 The Committee also noted that, through analysing the returns in the questionnaires distributed at the aforementioned three meetings, it had transpired that a number of countries required additional technical assistance to enable them to take measures to prevent and suppress acts of piracy and armed robbery against ships in their waters. Such assistance could be in the form of expert assessment and advisory services as well as in the form of national seminars and workshops for training purposes.

Progress to date

19.22 The Committee further noted that the Secretariat, in co-operation with the Maritime Organization for West and Central Africa (MOWCA), had organized a sub-regional Meeting on combating piracy and armed robbery against ships for a number of countries among MOWCA Member States, which was held in Accra from 17 to 19 March 2003. The Meeting was hosted by the Government of Ghana and was financed by IMO's Technical Co-operation Fund. The main purpose of that sub-regional Meeting (see paragraphs 19.23 and 19.24 below) was to facilitate the development of a framework for sub-regional co-operation, following a step-by-step approach, namely aiming at developing aspects of commonality, first and, thereafter, promoting the development and consideration of a regional agreement.

March 2003 Accra Meeting

19.23 The Committee was further advised that the March 2003 Meeting in Accra had agreed, among other things, to:

- .1 the establishment of a MOWCA Working Group to co-ordinate the development of a sub-regional integrated Coast Guard Network from Mauritania to Angola as a basis for regional co-operation to, among others, combat piracy and armed robbery against ships in the sub-region;
- .2 invite IMO to provide technical assistance for capacity-building, including assistance to carry out a feasibility study on the development of the proposed integrated Coast Guard Network before submitting it to MOWCA for subsequent consideration by the MOWCA Working Group and submission, thereafter, to MOWCA Member Governments for adoption;
- .3 request MOWCA Member Governments to examine, amend, as appropriate and, at an appropriate time, endorse the sub-regional/regional MoU on co-operation, based on the draft framework given at appendix 5 to MSC/Circ.622/Rev.1, as amended by the Meeting and submit comments to the aforementioned working group for finalization; and
- .4 urge MOWCA to co-ordinate these activities in consultation with Governments in the sub-region and finalize the MoU, as appropriate, for adoption by MOWCA Member Governments.

19.24 The Committee noted that a full report of the Accra Meeting would be submitted to MSC 78; also that the Accra Meeting would be followed by a similar meeting in the South American region, including the Caribbean sub-region, to take place, in co-operation with ROCRAM, in September 2003.

19.25 The Committee expressed appreciation to the Government of Ghana for hosting the March 2003 regional meeting.

Sub-regional and regional meetings as part of a co-ordinated action plan for future activities

19.26 The Committee considered the proposals outlined in paragraphs 11 and 12 of document MSC 77/19/1 (Secretariat) and endorsed the Secretariat plans to follow-up the September 2003 South American and Caribbean Meeting with a similar meeting for the Asia and the Pacific region towards the later part of 2003 or the early part of 2004. The purpose of that Meeting would be to update participants on the initiatives taken in other parts of the world and the progress which had been achieved therein; and to promote the conclusion of a regional agreement/MoU on the prevention and suppression of piracy and armed robbery against ships in Asia and the Pacific region.

Technical assistance

19.27 The Committee also endorsed, in addition to the proposed sub-regional/regional meetings, the Secretariat plans (MSC 77/19/1, paragraph 13) to undertake, in agreement with, and upon request by, countries concerned, expert missions to other regions of the world.

19.28 Furthermore, the Committee agreed that IMO should continue to take the lead in the proposed development of regional co-operation activities and agreements/arrangements.

19.29 The delegations of Singapore and the United Kingdom supported the proposed co-ordinated plan of action for future activities to tackle piracy and armed robbery against ships

through concluding of regional agreements. The delegation of the United Kingdom further stated its willingness to participate in the proposed co-ordinated plan of action.

19.30 With regard to paragraph 11 of document MSC 77/19/1 (Secretariat), the delegation of Japan referred to the Anti-Piracy regional Agreement that had already been mentioned by the delegation of Indonesia (see also paragraph 19.12) and informed the Committee that, based on the proposal made by Prime Minister Koizumi in November 2001, Japan had taken an initiative in developing a Regional Co-operation Agreement on Anti-Piracy in Asia in close co-operation with fifteen other States in the Asian region. A main focus of the Agreement was to enhance co-operation among maritime law enforcement agencies (such as Coast Guard agencies and marine police) in the region by means of information exchange and sharing. Japan believed that this Agreement would play an important role in the prevention and suppression of piracy and armed robbery in the region in the very near future.

UPDATE ON THE UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS

19.31 The Committee recalled that MSC 76 (MSC 76/23, paragraphs 16.27 to 16.28) had instructed the Secretariat to continue following closely any further developments at the United Nations level on the United Nations Open-ended Informal Consultative Process and report thereon to the Committee, as appropriate.

19.32 The Secretariat informed the Committee (MSC 77/19/2) that the fifty-seventh session of the United Nations General Assembly had, *inter alia*, adopted, on 12 December 2002, resolution A/RES/57/141 on Oceans and the law of the sea. Among other provisions, the resolution had requested the United Nations Secretary-General, in co-operation with competent international organizations and programmes, including IMO, to review the efforts being made to build capacity as well as to identify the duplications that need to be avoided and the gaps that may need to be filled for ensuring consistent approaches, both nationally and regionally, with a view to implementing the United Nations Convention on the Law of the Sea, and to include a section on this subject in his annual report on oceans and the law of the sea. As far as piracy and armed robbery at sea were concerned, the Committee noted the following extracts of the aforementioned resolution which are of direct relevance to the ongoing work of IMO on piracy and armed robbery against ships:

"IX Maritime safety and security

The General Assembly:

26. *Urges* all States and relevant international bodies to cooperate to prevent and combat piracy and armed robbery at sea by adopting measures, including those relating to assisting with capacity-building, prevention, reporting and investigating incidents, and bringing the alleged perpetrators to justice, in accordance with international law, and through the adoption of national legislation, as well as through training seafarers, port staff and enforcement personnel, providing enforcement vessels and equipment and guarding against fraudulent ship registration;
27. *Calls upon* States and private entities concerned to cooperate fully with the International Maritime Organization, including by submitting reports on incidents to the organization and by implementing its guidelines on preventing attacks of piracy and armed robbery;

28. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its protocol, invites States to participate in the review of those instruments by the Legal Committee of the International Maritime Organization to strengthen the means of combating such unlawful acts, including terrorist acts, and further urges States to take appropriate measures to ensure the effective implementation of those instruments, in particular through the adoption of legislation, where appropriate, aimed at ensuring that there is a proper framework for responses to incidents of armed robbery and terrorist acts at sea; ”.

19.33 The Committee instructed the Secretariat to keep it updated on future developments at the United Nations level and the Consultative Process referred to in paragraph 19.31 above.

GUIDELINES ON BASIC COUNTER-MEASURES AGAINST PIRACY AND ARMED ROBBERY

19.34 The Committee noted information provided by Japan (MSC 77/INF.5) on the third North Pacific Heads of Coast Guard Agencies Meeting of Principles, which had been hosted by the United States Coast Guard in Hawaii from 16 to 18 July 2002. Delegations from Canada, Japan, the Republic Korea, the Russian Federation and the United States had attended the Meeting with the Peoples Republic of China attending in an observer status. At the Meeting, an Anti-Piracy Working Group had been established, led by Japan and the participating countries had adopted Guidelines on Basic Counter-measures against Piracy and Armed Robbery. The Guidelines were intended to provide basic minimum guidance and recommendations for maritime law enforcement authorities and relevant governmental organizations at sea such as coast guards and marine police agencies on effective and efficient counter-measures against piracy and armed robbery against ships.

CODE OF PRACTICE FOR THE INVESTIGATION OF THE CRIMES OF PIRACY AND ARMED ROBBERY AGAINST SHIPS (RESOLUTION A.922(22))

19.35 The Committee recalled that MSC 75 had considered a Brazilian proposal (MSC 75/18/4) suggesting that the Code, as adopted by resolution A.922(22), contained a serious legal flaw regarding the definition of “armed robbery against ships”, as it placed different types of criminal acts under the same concept. This would result in the risk of upsetting Member States’ sovereignty when dealing, internationally, with criminal acts, prosecuted under national criminal law. Moreover, it seemed to contradict the right to grade criminal acts in accordance with the gravity of the act (i.e. felony and misdemeanours). Brazil, therefore, suggested amendments to resolution A.922(22) and its Annex, with regard to the definitions therein, particularly that of "armed robbery against ships" (section 2.2 of the Annex). An appropriate amendment should also be made to the title of the resolution and the Code to read “Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery Against Ships **at Sea**”. The main purpose of the Brazilian proposal was to clarify what would come under the scope of international legislation as opposed to national law. In addition, Brazil had suggested that the Committee instruct the Secretariat, when preparing the report containing the information and statistical data in accordance with the provisions of resolution A.545(13) and MSC/Circ.597, to:

- .1 classify separately the incidents of piracy, armed robbery **at sea** and armed robbery **at port**;
- .2 only consider incidents reported by flag States; and

- .3 only consider incidents of armed robbery against ships at port, which have been communicated to the local authorities.

19.36 The Committee further recalled that MSC 75 had noted that the Legal Committee, at its eighty-fourth session (MSC 75/2/1/Add.1, paragraphs 39 to 44), had also considered the same Brazilian proposal (LEG 84/7/1) and had agreed to keep the matter on its work programme and agenda for LEG 85 and to inform the Committee accordingly. After some discussion, MSC 75 had noted that there was general support for the Brazilian proposal that incidents of piracy, armed robbery **at sea** and armed robbery **at port** be classified separately; however, the Brazilian proposals that the Committee should only consider incidents reported by the flag State and incidents of armed robbery against ships at port which have been communicated to local authorities had received limited support. It had further noted that for the time being there had been limited support for the Brazilian proposal to amend the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships (resolution A.922(22)).

MSC 75 had, accordingly, decided to defer to MSC 77 any further discussion of the Brazilian proposals to only consider incidents reported by the flag State and incidents of armed robbery against ships at port which have been communicated to local authorities, including the proposed amendments to resolution A.922(22).

19.37 The Committee noted that LEG 86 (MSC 77/2/1, paragraphs 20 and 21) had considered the issue raised by Brazil and had decided to keep the item in its work programme and on its agenda for LEG 87 and, if at that session no submissions were received, it would report to the Assembly that no action had been required of the Legal Committee.

19.38 The Committee also noted that no additional submissions on this issue had been received for this session.

19.39 The delegation of Brazil expressed appreciation to the Secretariat for having commenced classifying separately the incidents of piracy, armed robbery **at sea** and armed robbery **in port**, as well as **attempted** acts of armed robbery, in its monthly reports on acts of piracy and armed robbery against ships, with effect from 1 July 2002; and also for having sub-divided the geographically large South American and Caribbean region into three sub-regions: South America (Atlantic), South America (Pacific) and the Caribbean, a development which had already been reflected in the reports issued as of 1 January 2003.

19.40 The delegation of Brazil, once again, outlined the proposals, which had been deferred from MSC 75 to MSC 77 (MSC 75/24, paragraph 18.42), i.e.:

- .1 that the Committee should only consider incidents reported by flag States;
- .2 that it should only consider incidents of armed robbery against ships committed in port which had been communicated to local authorities; and
- .3 that amendments should be made to resolution A.922(22) as outlined in annexes 1 and 2 to document MSC 75/18/4.

19.41 After some discussion, the Committee, noting that there was not enough support for the Brazilian proposals to be endorsed, decided not to take action on them.

20 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Status of safety-related conventions, protocols, etc.

20.1 The Committee noted the information on the status of acceptance, as at 31 March 2003, of safety-related conventions, protocols and amendments thereto (MSC 77/20 and MSC 77/INF.14), 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.

Acceptance and implementation of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention

20.2 The Committee recalled that the twenty-second session of the Assembly had adopted resolution A.925(22) on Entry into force and implementation of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention, urging Governments to consider accepting these instruments at the earliest possible opportunity and inviting those Governments which might have experienced difficulties in the process of becoming Parties to these instruments to inform the Organization of the circumstances thereof, so that consideration could be given to taking appropriate action in this respect, including providing the necessary technical assistance.

20.3 The Committee recalled further that it had been requested by the Assembly to review the situation concerning the entry into force of the two aforementioned instruments and to take action, as deemed appropriate; and also that the Secretary-General had been requested to take additional measures aimed at assisting Member Governments in the process of becoming Parties to, and implementing, the said instruments.

20.4 The Committee noted the information contained in document MSC 77/20/1 relating to activities which had taken place since MSC 76, as part of the programme comprising a series of regional seminars and workshops to raise awareness of the benefits of meeting the standards of the 1995 STCW-F Convention, and others which were planned in furtherance of the Assembly's request in the aforementioned resolution A.925(22). The Committee further noted that, so far, nine States had accepted the 1993 Torremolinos Protocol (against 15 with an aggregate fleet of 14,000 fishing vessels required) and also that four States had accepted the 1995 STCW-F Convention (against 15 required).

20.5 The Committee noted further that, in the preparation of the Integrated Technical Co-operation Programme (ITCP) for the biennium 2004-2005, the Maritime Safety Division had made a specific programme proposal for the development of seminar and workshop materials relating to the 1993 Torremolinos Protocol and for the conduct of a number of such seminars and workshops globally, addressing the safety of smaller vessels, taking into account the revision of the fishing vessel Safety Code and Voluntary Guidelines scheduled to be finalized in 2004. Also in the context of the ITCP for 2004-2005, the Maritime Safety Division had developed a specific programme proposal for the continuation of the envisaged series of seminars and workshops on the ratification and implementation of the 1995 STCW-F Convention. Two such seminars/workshops had already been conducted in Pusan, Republic of Korea, from 16 to 20 December 2002 and in Bagomayo, Tanzania, from 24 to 28 March 2003. A further five seminars/workshops were planned for 2003 (see document MSC 77/16).

20.6 In this regard, the Committee also noted that the aforementioned proposals for the ITCP for the biennium 2004-2005 would be considered by the fifty-third session of the Technical Co-

operation Committee and the ninetieth session of the Council both scheduled to meet in June 2003.

20.7 The delegation of Iceland, having argued that fishing might qualify as one of the world's most dangerous activities with an estimated 24,000 deaths in the population of fishermen per year, stated that the fact that the 1993 Torremolinos Protocol and 1995 STCW-F Convention (the global and effective implementation of which could reduce the unacceptable loss of life thus far suffered, as highlighted in resolution A.925(22)) had not entered into force yet was very disappointing, and made an appeal that both instruments be accepted as early as possible.

20.8 Subsequently, the Committee, in reiterating the invitation of the Assembly at its twenty-second session (see operative paragraphs 1 and 2 of resolution A.925(22)), urged Governments not Parties to the 1993 Torremolinos Protocol and 1995 STCW-F Convention to accept the two instruments at the earliest opportunity thus contributing to their entry into force; and also invited Governments experiencing difficulties in the process of becoming Parties to these instruments to inform the Organization of the circumstances thereof so that assistance might be provided to overcome such difficulties.

Wider acceptance of the 1988 Load Lines Protocol

20.9 The Committee recalled that MSC 76 had approved draft amendments to Annex B to the 1988 Load Lines Protocol, with a view to adoption at this session and, 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 Lines Convention to become Parties to the 1988 Load Lines Protocol, had requested the Secretariat to develop a draft Assembly resolution to that effect, for consideration at this session with a view to approval for submission to the twenty-third session of the Assembly for adoption.

20.10 In considering document MSC 77/20/2, containing the draft Assembly resolution (on Wider acceptance of the Protocol of 1988 relating to the International Convention on Load Lines, 1966), prepared by the Secretariat in pursuance of MSC 76's request, the Committee noted that, according to the current status of the Protocol, the amendments to the 1988 Load Lines Protocol referred to above 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 Protocol. By means of the draft resolution, the Assembly would, therefore, invite all Contracting Governments to the 1966 Load Lines Convention, which have not yet become Parties to the Protocol, to do so at the earliest possible opportunity by applying article IV of the Protocol.

20.11 Following discussion, the Committee approved the aforementioned draft Assembly resolution on Wider acceptance of the Protocol of 1988 relating to the International Convention on Load Lines, 1966, set out in annex 21, for submission to the twenty-third session of the Assembly for adoption.

21 RELATIONS WITH OTHER ORGANIZATIONS

United Nations General Assembly resolution A/RES/57/141 on Oceans and the Law of the Sea

21.1 The Committee noted information provided by the Secretariat (MSC 77/21) regarding the United Nations General Assembly resolution A/RES/57/141 on Oceans and the Law of the Sea, which had been adopted by the fifty-seventh session of the United Nations General Assembly on 12 December 2002, as it referred to matters within the competence of the Organization,

e.g., maritime security, piracy and armed robbery at sea, pollution prevention and control, the proposed IMO Model Audit Scheme, etc.

21.2 The IFSMA observer informed the Committee of the decisions of the IFSMA 29th Annual General Assembly held in London on 23 and 24 May 2003 regarding the growing practice of detention or imprisonment of shipmasters without trial following maritime incidents and inviting attention to the principles included in various articles of the 1982 Law of the Sea Convention regarding penalties and procedures concerning pollution incidents, particularly the provisions that:

- .1 the rights of the accused should be considered at all stages of any legal proceedings;
- .2 non-wilful violations of coastal State regulations, in the Exclusive Economic Zone, should not result in imprisonment or other degrading treatment;
- .3 shipmasters detained as a result of pollution or other incidents should be promptly released on the posting of a bond or other security; and
- .4 only monetary penalties should be imposed for pollution offences committed outside territorial seas, unless the pollution results from a wilful act.

IMO/ICAO co-operation with regard to WIG craft

21.3 With reference to the Interim Guidelines for wing-in-ground (WIG) craft (MSC/Circ.1054), the Committee, having recalled the relevant agreement between IMO and ICAO, noted the background information provided by the Secretariat (MSC 77/21/1), in pursuance of the MSC 76's request, on the status of the IMO/ICAO relations.

21.4 The delegation of the United Kingdom, having expressed the opinion that there were fundamental differences between WIG craft and marine craft and that WIG craft had many more similarities with aircraft than with ships, proposed that ICAO should be invited to re-address their level of involvement in the development of requirements for WIG craft. However, as several other delegations stated that they considered WIG craft as being mainly marine craft and that the current division of responsibilities between IMO and ICAO regarding such craft, as described in document MSC 77/21/1, was appropriate, the Committee agreed that no further action should be taken on the issue.

ISO standards for floating structures and stationkeeping

21.5 The Committee noted the information provided by ISO (MSC 77/21/2) regarding the development of standards by ISO/TC 67 on matters related to the design and construction of floating production, storage and offloading units (FPSOs) and floating storage units (FSUs) and on the development of stationkeeping standards for MODU moorings. Noting that ISO would continue to keep the Committee informed, as appropriate, on any progress made with these standards, the Committee thanked ISO for the information provided.

22 APPLICATION OF THE COMMITTEE'S GUIDELINES

22.1 The Committee considered document MSC 77/22 (Secretariat), providing background information on recent work done by the MSC and MEPC in both Committees' efforts to revise and update the Guidelines on the organization and method of work of the MSC and MEPC and

their subsidiary bodies, which had last been approved by the Committees and circulated under cover of circular MSC/Circ.931 – MEPC/Circ.366; on the outcome of the consideration of Guidelines issues by the Meeting of Chairmen held on 15 June 2002; and on the action taken thereon by MSC 76, including the instructions given to the Secretariat to submit to this session a draft text of the Guidelines, re-arranged to make them more user-friendly and modified as agreed at MSC 75 and MSC 76.

22.2 In reviewing the draft re-arranged and modified Guidelines (MSC 77/22), the Committee, accepted a proposal by the delegation of Japan that the provisions of paragraph 2.27 thereof should be applied with a certain degree of flexibility; and agreed to modify paragraph 2.27 by removing the square brackets and adding the following sentence:

“However, in exceptional circumstances where the draft amendments under consideration include significant discrepancies or omissions, or where serious difficulties in their application can be foreseen, the Committees may accept to discuss oral proposals aiming at resolving any problems identified.”

22.3 An additional proposal by the delegation of Japan to amend paragraph 4.10.5 of the modified Guidelines to enable the acceptance of submissions commenting on documents received under the 9-week deadline was referred to the next Meeting of Chairmen, in line with decisions previously taken by the Committee (MSC 76/23, paragraph 19.4.12). The Committee noted other suggestions made by the delegation of Norway during the session to rationalize the parts of the Guidelines addressing new work programme items, which should be taken into account at the next opportunity.

22.4 The Committee approved, subject to MEPC’s concurrent decision, the draft revised Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies, annexed to document MSC 77/22, amended as indicated in paragraph 22.2 above; and instructed the Secretariat to issue the Guidelines under cover of an MSC/MEPC circular superseding MSC/Circ.931-MEPC/Circ.366, after their approval by MEPC 49.

23 WORK PROGRAMME

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

GENERAL

23.1 Taking into account the recommendations made by the sub-committees which had met since MSC 76 (MSC 77/23 and Adds.1 and 2), various proposals for new work programme items submitted to the session by Member Governments and international organizations; a preliminary assessment (MSC 77/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.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

Work programme of the Sub-Committee and provisional agenda for BLG 9

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

23.3 The Committee approved the provisional agenda for BLG 9, as set out in annex 23.

Holding of BLG 9 in 2004

23.4 Following the approval of the Sub-Committee's work programme, the Committee, having noted that there were only four items of a technical nature on the provisional agenda for BLG 9, discussed whether the small number of technical items would warrant holding BLG 9 in 2004.

23.5 The delegation of the United Kingdom, while acknowledging the relatively light workload of BLG 9, did not consider it appropriate, in view of the importance of the item on "Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments", that the 2004 session of the BLG Sub-Committee should be cancelled and, instead, offered comments on possible arrangements for the 2004 sessions of the BLG, DSC and DE Sub-Committees. With reference to the outcome of the Meeting of Chairmen relating to the work of the Committees and sub-committees, the delegation of the United Kingdom proposed that, in 2004, the sessions of the BLG and DSC Sub-Committees should be conducted during the same week, originally scheduled for BLG 9 in June 2004.

The delegation proposed that while DSC 8 would meet on Monday in plenary session and would establish its working groups, BLG 9 would meet on Tuesday in plenary session and would establish the ESPH Working Group, which, in the opinion of the United Kingdom delegation, was the only item on the agenda for BLG 9 which needed addressing in 2004. The ESPH Working Group would not be required to present its report to BLG 9 and could, instead, submit its report to BLG 10 in 2005. DSC 8 would continue meeting as normal on Wednesday, Thursday and Friday.

The delegation of the United Kingdom pointed out that the proposed arrangements would provide a saving of five days out of the proposed number of meeting days for 2004, three of which could be used for other sub-committees with very heavy agendas, such as the DE Sub-Committee. While appreciating that this approach might not have been tried before, the delegation of the United Kingdom urged the Committee not to consider this as setting a precedent, but rather as a trial, which would eventually be reviewed by the Committee and the Council. Finally, the delegation of the United Kingdom stressed that these arrangements should also be approved by the MEPC, prior to any final decision.

23.6 A number of delegations supported the proposal of the United Kingdom delegation considering that the advantages of running the two Sub-Committees concurrently outweighed any potential difficulties. Certain logistic problems were highlighted, but the majority of delegations who spoke on the issue supported the idea that the proposal should be given a trial and accepted that some flexibility should be shown during the conduct of such a joint Sub-Committee meeting.

23.7 Following some clarification and background information provided by the Secretariat, the Chairman, in summing up the discussion, acknowledged that there had been significant support for the proposal of the United Kingdom. He cautioned that the provisional agenda for BLG 9 before the Committee had not yet been discussed by the MEPC, where additional items might be added to the provisional agenda. The Chairman also outlined a number of options, ranging from the status quo to the postponement of BLG 9 to 2005 and the possibility of providing for an additional three-day period for DE 47.

23.8 The Committee, having agreed, in principle, to the proposal of the United Kingdom and the Chairman's summing up, subject to approval by MEPC 49 (where relevant technical issues relating to the BLG Sub-Committee would be discussed), decided that, upon concurrence by the MEPC 49, the Chairmen of the Committees and Sub-Committees concerned would decide on timing, logistics and any other relevant issues. However, the Committee considered that, if MEPC 49 did not agree with the above proposal, then the meetings would be convened as originally scheduled. In that event, the Committee authorized the Chairman of the DE Sub-Committee, in consultation with the Chairman of the Committee, to review and prioritize the provisional agenda for DE 47.

23.9 The Committee instructed the Secretariat to inform the MEPC on the above outcome.

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

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

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

23.11 The Committee confirmed the approval of the provisional agenda for DSC 8, as set out in annex 23.

SUB-COMMITTEE ON FIRE PROTECTION (FP)

Proposals for new work programme items

Fire resistance testing of ship doors

23.12 The Committee considered a proposal by France (MSC 77/23/3), calling for the development of amendments to the Recommendation on fire resistance tests for "A", "B", and "F" class divisions (resolution A.754(18)), referred to in the Fire Test Procedure (FTP) Code, which would allow the testing of performance criteria at the threshold of ship doors without reducing the level of safety; and decided to include, in the work programme of the Sub-Committee and in the provisional agenda for FP 48, a high priority item on "Amendments to resolution A.754(18) relating to performance criteria for fire doors", with a target completion date of 2005.

Surface flammability tests for sealants and mastics (resolution A.653)

23.13 Following consideration of document MSC 77/23/4 (France), calling for the development of amendments to the procedure for preparing specimens of sealants and mastics for surface flammability testing specified in the Recommendation on improved fire test procedures for surface flammability of bulkhead, ceiling and deck finish materials (resolution A.653(16)), referred to in the FTP Code, the Committee decided to include, in the work programme of the Sub-Committee and in the provisional agenda for FP 48, a low priority item on "Amendments to the procedure for the preparation of specimens of sealants and mastics (resolution A.653(16))", with a target completion date of 2005.

23.14 The Committee noted the views expressed by the delegation of the United Kingdom that sealants and mastics should only be used in limited quantities and, by developing standards to approve the use of sealants and mastics, IMO might be setting a precedent for the proliferation

and use of sealants and mastics in shipboard construction instead of promoting high specification engineering tolerances.

Work programme of the Sub-Committee and provisional agenda for FP 48

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

23.16 The Committee approved the provisional agenda for FP 48, as set out in annex 23.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

New work programme items proposed by FSI 11

23.17 The Committee recalled that, under agenda item 6 (Measures to enhance maritime security), in endorsing relevant proposals of FSI 11, it had decided to include, in the Sub-Committee's work programme and in the provisional agenda for FSI 12, new work programme items on:

- .1 "Unique IDs for companies and registered owners", with a target completion date of 2005; and
- .2 "Marking the ship's plans, manuals and other documents with the IMO ship identification number", with a target completion date of 2005,

and, further to the above, with regard to the latter item, the Committee instructed the Sub-Committee to take into account the outcome of the Committee's discussion on the unique IDs-related issue (see section 6 - Measures to enhance maritime security of this report) in the context of consideration of Continuous Synopsis Record-related matters.

23.18 The Committee noted that FSI 11 had proposed, for approval by MEPC 49, the inclusion of a new environment-related item on "Review of reporting requirements for reception facilities", with a target completion date of 2005, in the Sub-Committee's work programme and in the provisional agenda for FSI 12.

Work programme of the Sub-Committee and provisional agenda for FSI 12

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

23.20 The Committee approved the provisional agenda for FSI 12, as set out in annex 23. The Secretariat was instructed to inform the MEPC accordingly.

Urgent matters to be considered by MSC 78

23.21 Noting that, due to the close proximity between FSI 12 and MSC 78 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-eighth session, only urgent matters emanating from FSI 12, the Committee agreed, as advised by FSI 11, that the following should be urgent matters for consideration by MSC 78:

- .1 guidelines on PSC activities with respect to the ISPS Code;

- .2 terms of reference of the Sub-Committee; and
- .3 the work programme of the Sub-Committee and provisional agenda for FSI 13.

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

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

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

23.23 The Committee approved the provisional agenda for COMSAR 8, as set out in annex 23.

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

Revision of resolution A.532(13) on Collecting and forwarding of hydrographic data

23.24 The Committee considered document MSC 77/23/5, wherein IHO had proposed revision of resolution A.532(13) on Collecting and forwarding of hydrographic data, to reflect the new requirements of the revised SOLAS chapter V regarding hydrographic services, providing also a draft Assembly resolution on Provision of hydrographic services (see annex to document MSC 77/23/5).

23.25 Following consideration of the proposal, the Committee approved, in principle, the aforementioned draft Assembly resolution; instructed NAV 49 to prepare a final draft text of the proposed Assembly resolution; and authorized the Sub-Committee to submit it directly to the twenty-third session of the Assembly for adoption.

Revision of the fishing vessel Safety Code and Voluntary Guidelines

23.26 With reference to the draft revised chapter 10 of the fishing vessel Safety Code and draft revised chapter X of the Voluntary Guidelines, as prepared by NAV 48, FAO (MSC 77/23/8) stated that the two draft texts contained provisions which were more stringent than those of the 1993 Torremolinos Protocol and that the number of annexes proposed for inclusion in the revised Safety Code was greatly in excess of those annexes contained in the existing Code and might need further revision. Consequently, indicating that various sub-committees involved in the revision of the Safety Code and Voluntary Guidelines should provide the SLF Sub-Committee (co-ordinator) with a draft text which should not require further technical revision, FAO proposed to reintroduce the revision of the aforementioned chapters into the work programme of the Sub-Committee.

23.27 Following discussion, the Committee agreed to include, in the Sub-Committee's work programme and in the provisional agenda for NAV 50, a high priority item on "Revision of the fishing vessel Safety Code and Voluntary Guidelines", with a target completion date of 2004, bearing in mind that the SLF Sub-Committee, as the co-ordinating Sub-Committee, should prepare a consolidated text of the draft revised Safety Code and Voluntary Guidelines at its forty-seventh session in September 2004, for submission to MSC 79 (December 2004) for approval.

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

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

23.29 The Committee confirmed the approval of the provisional agenda for NAV 49, as set out in annex 23.

IACS standard for bridge design, equipment and arrangements

23.30 The Committee noted that IACS (MSC 77/INF.16), having referred to SOLAS regulation V/15 on Principles relating to bridge design and arrangements of navigational systems and equipment and bridge procedures, which has established goal-setting objectives for effective and safe work to be considered when designing and arranging the ship control centre, expressed the opinion that, while the industry was not certain as to what procedures should be followed to demonstrate compliance with the said regulation, there were no mandatory requirements for recognized organizations to review arrangements to determine that the aforementioned goals had been addressed in designing and arranging the bridge and its equipment. Therefore, IACS informed the Committee that, being of the opinion that there was a need for mandatory provisions to standardize bridge arrangements, they were currently developing a standard for bridge design, equipment and arrangements for compliance with SOLAS regulation V/15 and intended to submit, in due course, the standard to the Committee for consideration. Subsequently, the Committee noted the information provided and referred document MSC 77/INF.16 to NAV 49 for information.

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

New work programme item proposed by DE 46

23.31 Endorsing a proposal by DE 46, the Committee decided to include, in the Sub-Committee's work programme, a high priority item on "Revision of resolution A.760(18)" (on Symbols related to life-saving appliances and arrangements), with two sessions needed to complete the item.

Inspection and survey regime for accommodation ladders

23.32 The Committee considered document MSC 77/23/1, whereby Canada had proposed (in view of a number of accidents, involving accommodation ladders, resulting in loss of life and injury) the development of amendments to SOLAS regulations I/7 and I/8 to require inspections of the means of crew access to, and egress from, the ship, such as gangways and accommodation ladders as part of the survey of the ship's equipment. Following discussion, the Committee decided to include, in the Sub-Committee's work programme, a high priority item on "Inspection and survey requirements for accommodation ladders", with two sessions needed to complete the item.

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

23.33 Having considered document MSC 77/23/7 (Germany), providing information additional to that in document MSC 76/20/3 (Germany), submitted to MSC 76, where a basic proposal had been made:

- .1 to reconsider the present limitation of approved emergency towing systems (ETS) for tankers of 20,000 dwt and above with a view to expand the application of the systems to all ships; and
- .2 to consider the technical specifications of emergency towing systems as described in resolution MSC.35(63),

and having recalled that, at MSC 76, some delegations were in favour of the German proposal while others sought the additional information referred to above, the Committee decided to include, in the Sub-Committee's work programme, a high priority item on "Mandatory emergency towing systems (ETS) in ships other than tankers greater than 20,000 dwt", with two sessions needed to complete the item.

23.34 In this connection, the Committee considered document MSC 77/23/2 wherein IMCA, having expressed concern that the implementation of requirements based on the proposal by Germany could be extremely difficult, if not impossible, for many offshore support vessels, particularly those involved in construction operations and having highlighted a number of points to justify their opinion, proposed that, if the requirements for ETS were extended further, then offshore support vessels should be exempted. Following discussion, the Committee agreed to refer document MSC 77/23/2 to the Sub-Committee for detailed consideration in the context of the new item.

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

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

23.36 The Committee approved the provisional agenda for DE 47, as set out in annex 23.

Urgent matters to be considered by MSC 78

23.37 Noting that, due to the close proximity between DE 47 and MSC 78 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-eighth session, only urgent matters emanating from DE 47, the Committee agreed, as advised by DE 46, that the following should be urgent matters for consideration by MSC 78:

- .1 bulk carrier safety, including:
 - .1.1 alternate hold loading ban for bulk carriers;
 - .1.2 double-side skin construction of bulk carriers;
 - .1.3 application of structural standards in SOLAS chapter XII;
 - .1.4 improved loading/stability information for bulk carriers;
 - .1.5 performance standards for protective coatings; and
 - .1.6 free-fall lifeboats with float-free capability;

- .2 large passenger ship safety;
- .3 terms of reference of the Sub-Committee; and
- .4 the Sub-Committee's work programme and provisional agenda for DE 48.

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

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

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

23.39 The Committee confirmed the approval of the provisional agenda for SLF 46, as set out in annex 23.

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

Work programme items proposed by STW 34 for inclusion and deletion

23.40 With regard to the respective proposals by STW 34, the Committee:

- .1 having recalled its decision under agenda item 12 (Training and watchkeeping) regarding transfer of ILO provisions into the STCW Convention, endorsed the inclusion of a high priority item on "Development of competences for ratings", with a target completion date of 2005, in the Sub-Committee's work programme and in the provisional agenda for STW 35; and
- .2 recalled its earlier decision, when discussing, under agenda item 18 (Formal safety assessment), the use of the FSA to casualty analysis, to retain the item on "Casualty analysis" in the work programme of the Sub-Committee (see also paragraphs 12.13, 18.8.2 and 18.10).

Work programme of the Sub-Committee and provisional agenda for STW 35

23.41 The Sub-Committee's work programme, as revised to also include the new item referred to in paragraph 6.82 above, and approved, is set out in annex 22.

23.42 The Committee approved the provisional agenda for STW 35, as set out in annex 23.

LONG-TERM WORK PLAN OF THE ORGANIZATION

Format of the long-term work plan and report on progress made

23.43 In considering document MSC 77/23/6 (Secretariat), the Committee noted that the Council, at its eighty-eighth session, had considered, in the context of its agenda item on "Guidelines for the preparation of the Organization's long-term work plan", the outcome of the Committee Chairmen's consultations, as requested by the twenty-second session of the Assembly, relating to the format of the Organization's future long-term work plan and to the report on work completed during the two-year period preceding each Assembly session, the essence of which was that:

- .1 the established practice of the Council and the Assembly being informed, on a biennial basis, of work programmes covering the biennium immediately following each Assembly session and being provided with information on the long-term work plan for the respective Committees over the four-year period beyond that, had served its purpose well and should be maintained; and
- .2 with regard to the format of the documents on the long-term work plan and on the report on progress made on items established on the previous long-term work plan (taking into account the objectives, method of work and nature of work individually carried out by the Committees), while:
 - .2.1 the Chairmen of the MSC, MEPC and the FAL Committee had agreed to continue following the same format;
 - .2.2 the Chairmen of the Legal and Technical Co-operation Committees had stated their preference for their Committees each maintaining the format currently used by them.

The Council took note (C 88/D, paragraph 14.1) of the above conclusions of the Committee Chairmen and decided that the development of Guidelines for the preparation of the long-term work plan should be kept in abeyance for the time being.

Long-term work plan of the Organization

23.44 The Committee, in considering its objectives and long-term work plan, including priorities, proposed in the annex to document MSC 77/23/6, confirmed the objectives contained therein and:

- .1 deleted the square brackets throughout the plan;
- .2 decided that subject 9 of section II should be a high priority item;
- .3 deleted the text “Prevention/suppression of acts of terrorism against shipping” from subject 10 of section II; and
- .4 included in section II of the proposed long-term work plan the following new high priority subjects:
 - .4.1 goal-based new ship construction standards; and
 - .4.2 large passenger ship safety.

Subsequently, the Committee approved the indicative list of subjects for consideration by the Committee during the period up to 2010, including priorities, as given in annex 24 and agreed to recommend them to the Council for inclusion in the long-term work plan of the Organization, for submission to the twenty-third session of the Assembly.

23.45 In this context, the Committee noted that the list was not exhaustive and the subjects were not listed in any order of priority. However, those subjects marked with an asterisk in annex 24 might be considered as qualifying for selection as priority subjects. The remaining should be considered as such and work on them should be initiated accordingly after proposals substantiating their importance and urgency have been submitted and endorsed by the Committee

or a compelling need to do so has been clearly established and the Committee has agreed that urgent action should be taken on them.

Information on the progress made

23.46 In the course of the consideration of the above long-term work plan, the Committee noted document MSC 77/INF.3, providing, as instructed by the twenty-first session of the Assembly, information on progress made on the subjects established in the Committee's long-term work plan (up to 2008) referred to in resolution A.907(22) and, noting that the information therein still needed to be updated to take account of work scheduled to be carried out prior to submission of an appropriate document to the twenty-third session of the Assembly, as indicated in paragraph 2 of the document, and also to incorporate comments made in the course of the debate, instructed the Secretariat accordingly.

23.47 Having expressed satisfaction with the progress made on its (and the sub-committees') work programme, the Committee invited the Council, when considering the Secretary-General's proposal for the next biennium budget, to take the Committee's progress and future work into account.

INTERSESSIONAL MEETINGS

23.48 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 37 of the Guidelines on the organization and method of work, as well as the Committee's decision at MSC 66, that all sub-committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justified request for consideration, the Committee, taking into account decisions made under various agenda items, approved the following intersessional meetings:

- .1 Working Group on Evaluation of Safety and Pollution Hazards of Chemicals (ESPH), to take place in 2003; and
- .2 Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR, to meet at its tenth session in Torquay (United Kingdom), from 15 to 19 September 2003.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 78

Substantive items for inclusion in the agendas for MSC 78 and MSC 79

23.49 The Committee agreed on the substantive items to be included in the agendas for its seventy-eighth and seventy-ninth sessions, as set out in document MSC 77/WP.6 amended to include a new item on "Goal-based new ship construction standards" in the agenda for MSC 78.

Establishment of working and drafting groups during MSC 78

23.50 Recalling the provisions of the revised Guidelines on the organization and method of work as well as its decisions with regard to the relevant recommendation of the 2002 Chairmen's Meeting, 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-eighth session:

- .1 large passenger ship safety;
- .2 maritime security; and
- .3 human element,

and further agreed to establish drafting groups on consideration and adoption of amendments to mandatory instruments and on bulk carrier safety.

Duration and dates of the next two sessions

23.51 The Committee noted that its seventy-eighth session had been scheduled to take place from 12 to 21 May 2004; and its seventy-ninth session tentatively in December 2004.

24 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2004

24.1 The Committee unanimously re-elected, *in absentia*, Mr. T. Allan (United Kingdom), as Chairman and Admiral F.S.A.H. El Kady (Egypt), as Vice-Chairman, for 2004.

24.2 The Committee expressed deep appreciation to Mr. J. Angelo (United States) for accepting, at short notice, to chair the meeting and for the successful manner in which he had performed his duties at what proved to be a very demanding session.

25 ANY OTHER BUSINESS

Developments concerning the Equasis Information System

25.1 The Committee recalled that MSC 75 had recommended to the Council that the continued participation of IMO, as an observer, at the Equasis Supervisory Committee should be conditional on the acceptance of an appropriate amendment to the Memorandum of Understanding on the Establishment of the Equasis Information System (Equasis MoU) in line with the advice provided by the Legal Office; and that the Equasis website should display a disclaimer for the Organization similar to that for the European Commission.

25.2 In this context, the Committee also recalled that MSC 76, having noted that the request for a disclaimer on the Equasis website had been agreed and implemented 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, agreed to inform the Council accordingly and to refer future consideration of all matters relating to the Equasis system to the FSI Sub-Committee to follow relevant developments and take appropriate action on a case-by-case basis.

25.3 The Committee, in considering document MSC 77/25 (Secretariat), noted that the conditions established by the Council, at its eighty-eighth session, for the participation of the Secretariat in the system's work and the subsequent communication of the Secretary-General to the Director of the Equasis Management Unit (which, in part, had requested an appropriate amendment to the system's Memorandum of Understanding stating that IMO, in its capacity as an observer, would not be responsible for the accuracy and reliability of data or records provided by the system), had been considered by the system's Supervisory Committee, which had agreed amendments to clause 5.1.2 of the Equasis MoU to read as follows:

“The Committee may invite organizations involved in maritime safety to participate in its meetings as non-voting observers.”

25.4 Regarding the inclusion in the Equasis MoU of a new clause 6A on liability issues, the Committee noted the information provided orally by the Secretariat that the Supervisory Committee, at its seventh session on 10 April 2003, had approved the following text of the clause:

“Participants and organizations, invited as observers to the Committee meetings, accept no liability for the accuracy or reliability of the data displayed on Equasis, nor any liability in connection with the management, operation or use of Equasis”.

25.5 In the light of the above information, the Committee concluded that the outstanding issues of the proposed amendments to the Equasis MoU have been satisfied and, therefore, invited the Council to note that the conditions established by it for the participation of the IMO Secretariat in the Equasis system had been met. The Committee reiterated its decision at MSC 76 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.

Proposed amendments to the traffic separation scheme “Off Finisterre”

25.6 The Committee considered a proposal by Spain (MSC 77/25/1), calling for the establishment of two additional traffic lanes for ships carrying dangerous bulk cargoes to expand the existing traffic separation scheme “Off Finisterre”, in order to enhance maritime safety, safety of navigation and protection of the marine environment in an area of confluence and great traffic congestion; and noted that the proposed new traffic lanes are entirely located in the Spanish exclusive economic zone.

25.7 The Committee, recognizing the sensitivity surrounding recent casualties and the damage suffered by the Spanish coasts in the vicinity of the TSS as a result, requested NAV 49 to review the Spanish proposal and, if satisfied that all the pertinent criteria to adopt the proposed amendments had been met, to convey the outcome of its deliberations directly to the twenty-third session of the Assembly for final review and adoption, as appropriate.

Revision of the International Health Regulations

25.8 The Committee recalled 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 that the review also included the Guide to Ship Sanitation, which is referenced in the IHRs.

25.9 The Committee noted information provided by the Secretariat that it had taken no action since its report to MSC 75 (MSC 75/23/6), which had been noted by MSC 76 (MSC 76/23, paragraphs 22.8 to 22.10), as a revised draft of the IHRs had yet to be circulated by WHO for comment. Similarly, no revised draft of the Guide to Ship Sanitation had been circulated for review.

25.10 The Committee also noted information brought to its attention by the Secretariat that the draft revised Guide to Ship Sanitation included a provision related to a ‘right to board’ ships, which delegations were invited to be aware of when their authorities were considering any revised draft.

25.11 The Committee further noted the WHO proposal to use the existing maritime safety messages system to promulgate information related to the international spread of disease (such as the SARS outbreak) in emergency situations.

Severe Acute Respiratory Syndrome (SARS)

25.12 Singapore (MSC 77/25/8) referred to the issuance, by the World Health Organisation (WHO) on 12 March 2003, of a global alert to cases of atypical pneumonia, now known as Severe Acute Respiratory Syndrome (SARS). Singapore informed the Committee of Singapore's response to the SARS challenge in the maritime and port sector and invited the Committee to develop urgent measures to create awareness of the threat of SARS to the shipping community and the potential of shipping becoming a conduit for the spread of SARS.

25.13 The Committee also noted information provided by Hong Kong, China (MSC 77/INF.19) on its response to a suspected SARS case on board a ship.

25.14 The Committee expressed appreciation to Singapore and Hong Kong, China, for the information provided aiming at sharing their experience with the entire IMO membership on an issue which has given rise to justified concern worldwide.

25.15 The Committee, recalling the Secretary-General's reference to SARS in his opening remarks, noted information provided by the Secretariat that, following consultations between the Secretary-General and the Chairman of the Committee and on the basis of document MSC 77/25/8 (Singapore), the Secretariat had issued MSC/Circ.1068 on SARS aiming at increasing awareness of the situation and the measures being taken to prevent its spread.

25.16 The Committee also noted information provided by the Secretariat that WHO had circulated to IMO and other international organizations, via email, information for aircraft crew and ship's crew on international transport from areas affected by SARS, and that the annex to document MSC 77/25/8 was closely based on that information.

25.17 The Committee further noted that WHO had also sought comments from IMO and other international organizations on Procedures for international ships carrying suspect SARS cases, which had been addressed chiefly to port authorities, and Procedures for prevention and management of probable SARS cases on international cruise vessels.

25.18 The Committee also noted that MSC/Circ.1068 and links to the guidance promulgated by WHO on SARS had been added as a new 'Hot topic' on the IMO website.

25.19 The Committee welcomed an update on developments provided by the WHO representative and information on the availability of guidance aimed at preventing the international spread of the disease. The Committee also welcomed the proactive action reported by the ICCL observer (see statements by WHO and ICCL in annex 25). The Committee also noted the preventative measures adopted by the Governments of Canada and China to limit the spread of the disease.

25.20 In order to assist the global effort to control SARS, the Committee agreed to promulgate appropriate guidelines, based on information and guidance provided by WHO, to ensure that the maritime community was fully aware of the precautions to be taken and, having considered document MSC 77/WP.16, approved MSC/Circ.1096 on Guidelines on the prevention and management of Severe Acute Respiratory Syndrome (SARS).

Comparison of general cargo ship losses and fatalities

25.21 The Committee, having recalled that it had discussed in general and referred to the Working Group on Bulk Carrier Safety a submission from RINA (MSC 77/25/4), containing an analysis based on a comparison of general cargo ship losses and fatalities compared with other ship types showing that general cargo ships, accounting for nearly 20% of the world merchant fleet, suffer over 40% of total losses and almost 40% of fatalities (which was beyond the maximum tolerable individual risk for workers (if occupational accidents were added)) to take it into account if the findings proved useful (see paragraphs 5.25 and 5.53), invited interested Member Governments to consider co-sponsoring a joint submission with RINA to MSC 78, seeking the Committee's agreement for the inclusion of a new appropriate item regarding general cargo ship safety in the work programmes of the relevant sub-committees.

Protection of high pressure fuel delivery lines on small engines

25.22 The Committee considered a submission by the Republic of Korea (MSC 77/25/5), proposing an interpretation of SOLAS regulation II-2/15.2.12, adopted by resolution MSC.31(63), concerning the installation of suitable enclosures on small engines in lieu of jacketed piping systems between high pressure fuel pump and fuel injectors for ships constructed before 1 July 1998; and, recognizing the urgent need for the interpretation, agreed to forward document MSC 77/25/5 to FP 48 for consideration under its agenda item on "Unified interpretations of SOLAS chapter II-2, the FSS Code and related fire test procedures".

Carriage requirements of publications on board ships

25.23 The Committee considered a proposal by the Republic of Korea (MSC 77/25/6) on the need to standardize the carriage of publications on board ships, and requesting the Committee's endorsement and issuance of an MSC circular to allow the use of electronic media as equivalent to hard copies of IMO instruments and other publications on board ships, except for certain IMO instruments, such as the International Code of Signals and the IAMSAR Manual, for which hard copies would be needed.

25.24 The Committee, noting that there was considerable support for the Republic of Korea proposal, endorsed it in principle and referred the matter to FSI 12 for consideration and appropriate action, instructing the Sub-Committee to report to MSC 78.

IALA Recommendation A.123 on the Provision of Shore-Based Automatic Identification Systems and IALA Recommendation A.124 on Automatic Identification System (AIS) Shore Station and networking aspects relating to the AIS service

25.25 The Committee noted information provided by IALA (MSC 77/INF.10) on IALA Recommendation A.123 on the Provision of Shore-Based Automatic Identification Systems and IALA Recommendation A.124 on Automatic Identification System (AIS) Shore Station and networking aspects relating to the AIS Service, and their publication on the IALA web site.

The Ship/Port Interface (SPI) Working Group's work

25.26 The Committee recalled that MSC 76 (MSC 76/23, paragraphs 22.25 to 22.36), when considering the issue of the future work and work method of the SPI Working Group, had noted relevant information provided by the Secretariat (MSC 76/22/2) 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 document also contained information on the outcome of FAL 29 on the future work and work method of the working group and of the 2002 Meeting of the MSC, MEPC, TCC and the FAL Committee Chairmen and sub-committee Chairmen concerning the review of the sub-committee's structure.

25.27 The Committee recalled further that, after discussing the issue at some considerable length at MSC 76 (see paragraphs 22.28 to 22.34 of document MSC 76/23), it had 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 this session.

25.28 The Committee was informed that FAL 30 (MSC 77/2, paragraphs 23 and 24), recalling its deliberations on the issue at FAL 29 and also noting the outcome of MSC 76 and that the issue would be further considered at MSC 77, had invited Members to submit comments and proposals to MSC 77.

25.29 The Committee, noting that no comment or proposal had been submitted, requested the Chairmen of the MSC, MEPC and the FAL Committee, in consultation with the Secretariat, to prepare proposals on the work of the SPI Working Group and advise the MSC, MEPC and the FAL Committee accordingly.

Stowaway case of M/V "Well Pescadores"

25.30 The delegation of the United States made a statement on a stowaway case on the Panamanian-flag cargo vessel **Well Pescadores**, as set out in annex 26. The response from the Panamanian delegation to that statement is also set out in annex 26 to this report.

Navigation through the Strait of Istanbul, Strait of Çanakkale and the Marmara Sea

25.31 The Committee considered a submission by the Russian Federation (MSC 77/25/3), stating that the 1994 and 1998 Turkish Regulations for traffic order in the Straits had enforced idleness of ships' operations costing millions of US dollars. In introducing the document, the delegation of the Russian Federation provided the Committee with a number of substantial delay cases and invited it to urge the Turkish Government to work towards a more prudent, efficient and expeditious traffic management, also taking full advantage of the benefits of new technologies and to refrain from the introduction of measures limiting transit through the Straits.

Having been informed of a new VTS system established by Turkey, the Russian Federation delegation also invited the Committee to urge the Turkish Government to report results of its assessments of the new system's capabilities with regard to improvements in the traffic management in the Straits.

25.32 The delegation of Turkey thanked, once again, all those delegates who had participated in their presentation on the new Turkish Straits VTS system on 3 June 2003. They believed that they had been able to answer many of the questions in the minds of the delegates who had attended it. Therefore, their intervention and comments regarding document MSC 77/25/3 would be as brief as possible.

Due to the rapid increase in the volume of maritime traffic causing an alarming magnitude of maritime accidents, Turkey promulgated “Maritime Traffic Regulations” in 1994 for safeguarding navigation, life, property and the environment in the Turkish Straits. In the same year, IMO, upon the initiative of Turkey, adopted traffic separation schemes and associated Rules and Recommendations for the Turkish Straits. In 1998, Turkey amended the 1994 Maritime Traffic Regulations. In 1999, MSC 71 concluded that “the present IMO adopted TSS and associated Rules and Recommendations in the Turkish Straits have proven to be effective and successful” in enhancing the safety of navigation. These milestones would continue to be guiding the framework of safety measures taken in the Turkish Straits.

Increased traffic over the past years in the Turkish Straits has required meticulous implementation of the 1998 Regulations. For this purpose, an internal guidance to the relevant Turkish authorities was issued on 3 October 2002 and there were no new measures in this guidance which were not based on the 1998 Regulations, relevant IMO Rules and Recommendations and the 1936 Montreux Convention which governs the rules of passage through the Turkish Straits.

Security risks due to concentration at the entrances to the Straits, as referred to in the document MSC 77/25/3, could not be comparable to the same risks during the passage; and the Turkish Coast Guard had already taken a number of security measures, including voluntary escort of vessels carrying dangerous cargo during the course of their passage through the Turkish Straits.

The concerns in document MSC 77/25/3 were economically motivated and focused on congestions and delays. The increasing maritime traffic volume in the Turkish Straits was the first and foremost reason of congestions and delays. Of particular concern was the sharp increase in the number of oil tankers and other dangerous cargo vessels passing through the Turkish Straits.

The number of tankers and other dangerous cargo vessels passing through the Strait of Istanbul had increased by 75% in the last five years alone. The amount of oil and other hazardous cargo carried per year through the Strait of Istanbul had almost doubled in the same period, rising from 63 million tons to 122 million tons. The figures for the Strait of Çanakkale were much higher at 130 million tons. These figures spoke for themselves about the reason of congestion and delays, while the physical geography of the Straits remained the same.

Apart from the increased volume of traffic, hydro-meteorological conditions, snow, stormy and foggy weather, strong currents, coupled with short daylight periods also caused delays and congestion during the first quarter of 2003. Almost 50% of the total suspension time, during the 203 first quarter, was due to hydro-meteorological conditions.

Preventing potential environmental catastrophes posed by the expanding number of vessels passing through the Turkish Straits depended upon strict compliance with safety measures. Over the last years, Turkey had been successful in reducing the risk of accidents in the Turkish Straits. The value and effectiveness of the traffic regulations should best be judged by the reduction in the number of accidents since 1994. Nonetheless, due to the unique geography of the Turkish Straits, accidents still happened. The most recent one was a week ago in the Strait of Istanbul involving an oil tanker of 175 metres in length, which collided with five small shuttle boats moored along the shore. Luckily there were no casualties and damage to the environment.

Turkey had made a great progress towards the establishment of a modern VTS system with a view to enhancing the safety of navigation and the protection of local life, marine environment and property in the Turkish Straits. The operational testing of the Turkish Straits VTS system

would start on 1 July 2003 and the system would be fully operational in October 2003. Following the start of the operational testing of the system, it was the intention of Turkey to make, in the light of the experience gained with the system's implementation, a review of the system as a whole and inform IMO as appropriate.

25.33 The delegation of Greece thanked the delegation of the Russian Federation for the submission of document MSC 77/25/3 entitled "Navigation through the Black Sea Straits" and stated that, having studied it carefully, they shared the concerns expressed therein.

On the other hand, serious arguments had been advanced, time and again, concerning the safety of navigation and the protection of the environment in that important international waterway and, in this respect, the Greek delegation acknowledged the efforts undertaken by Turkey.

However, it wished it to be reminded that the freedom of navigation, a regime established for the passage through the Straits, was governed by a particular international instrument, namely the 1936 Montreux Convention.

In the light of the above and at this stage, the Greek delegation considered that the use of modern VTS technology could facilitate overriding the various difficulties, as it was concluded in document MSC 77/25/3, while being in line with resolution A.827(19).

25.34 The delegation of Iceland expressed sympathy with the concerns stated in the Russian Federation submission; however, instead of discussing the matter at IMO, Iceland urged that the parties concerned should find a solution to the problem for the purpose of safety of navigation and environmental protection.

25.35 The delegation of Ukraine shared the position of the Russian Federation and hoped that the creation by Turkey of the vessel traffic system would contribute to solving the problem of ships' delays and to enhancing the safety of navigation.

25.36 The delegation of Italy thanked the Russian Federation for their submission and informed the Committee that two Italian ships had recently suffered long delays in the Straits. When shipping is under the control of a coastal regime, it was important that efficient traffic management was established. The delegation of Italy also thanked the Turkish delegation for the excellent presentation of their new VTS system in the Straits and was confident that the situation would improve after the introduction of the new VTS.

25.37 The Committee expressed appreciation to the delegation of Turkey for the presentation made on 3 June 2003 of a VTS being installed in the Strait of Istanbul, Marmara Sea and the Strait of Çanakkale and noted the information that operational testing of the system would start on 1 July 2003 and the system would be fully operational in October 2003, leading to a safer and more secure and efficient management of the traffic through the Strait of Istanbul, Marmara Sea and the Strait of Çanakkale safeguarding the marine environment; and also noted Turkey's intention to undertake, in the light of experience gained with the system's implementation, a review of the system as a whole and inform IMO as appropriate.

Designation of archipelagic sea lanes through Indonesian archipelagic waters

25.38 The Committee recalled that, at MSC 76, the delegation of Indonesia had informed the Committee that the partial system of archipelagic sea lanes in Indonesian archipelagic waters, disseminated by SN/Circ.200, would be implemented effective on 28 December 2002 at 0000 hours local time as a result of the promulgation, on 28 June 2002, by the Indonesian Government

of Regulation No. 37 of 2002 concerning the “Rights and Obligations of Foreign Ships and Aircraft in Conducting the Rights of Archipelagic Sea Lanes Passage,” clarifying the designation of the archipelagic sea lanes in Indonesian archipelagic waters. The Committee recalled also that, at MSC 76 (MSC 76/23, paragraph 11.41), the delegation of Indonesia had undertaken to provide the English version of Government Regulation No. 37, 2002, to the Secretariat at the earliest convenience for circulation to Member Governments.

25.39 The Committee considered a proposal by the United States (MSC 77/25/7), stating that Indonesia had not properly designated the aforementioned sea lanes, as required by the IMO Guidelines and international law (as reflected in the United Nations Law of the Sea Convention), and advising that it would continue to exercise its right of archipelagic sea lanes passage through all routes normally used for international navigation.

25.40 The delegation of Indonesia informed the Committee that with reference to the United States proposal, it wished to confirm that the nature of designation of the Indonesian Archipelagic Sea Lanes Passage (ASLP) was a partial one. This fact has been confirmed on various occasions of the Committee’s meetings. Article 3, paragraph 2 of the Indonesian Government regulation of 37/2002 had clearly emphasised this understanding by keeping open the possibility of designating other sea lanes in Indonesian archipelagic waters for the purpose of this transit in the future.

The reason for this is due to the responsibility of the archipelagic state to ensure the safety of navigation transiting Indonesian waters. In this regard, Indonesia needed to complete preliminary technical studies, amongst other hydrographical survey, simultaneously conducting consultation with the competent international organisation in the field; a similar process was undertaken during the first phase of designation of three archipelagic sea lanes. Noting this situation, the Government Regulation of 37/2002 further guarantees that the designation of the Indonesian ASLP does not derogate the exercise of the right of innocent passage through Indonesian waters. Nor it prohibits foreign ships transiting in innocent passage within the Indonesian ASLP.

With respect to the coming into effect of the adopted archipelagic sea lanes, the Indonesian delegation was fully aware of the requirement in paragraph 3.13, Section H (IMO publication “Ships Routeing”) regarding General Provisions of Ships’ Routeing concerning the adoption, designation and substitution of archipelagic sea lanes and indicated that the Government regulation would be submitted at the earliest convenience.

25.41 The delegation of Australia informed the Committee that Australia was seeking reaffirmation of the continuing jurisdiction of IMO in this regard and also of the relevant provisions of the General Provisions on Ships’ Routeing. Australia therefore sought an affirmation from the Committee in its report as to what exactly was meant by a “partial designation” and also confirmation that IMO retained jurisdiction of this issue, while it remained a partial designation and until all normal routes, including yet to be identified East/West routes, were covered by ASL in accordance with the relevant parts of the General Provisions on Ships’ Routeing (resolution A.572(14), as amended).

25.42 Statements made on the matter by the delegations of Indonesia and Australia are reproduced in annex 27.

25.43 After some discussion on the issue and recognizing that there were different interpretations of paragraph 3.13 of Section H (IMO publication “Ships Routeing”) regarding the General Provisions on Ships’ Routeing concerning the adoption, designation and substitution of

archipelagic sea lanes, the Committee agreed to seek clarification, from the NAV Sub-Committee, of the said provision. It also instructed NAV 49 to consider the matter further and report the outcome to MSC 78. The Committee invited the delegation of Indonesia to submit to NAV 49 the English version of Government Regulation No. 37, Year 2002, as stated in paragraph 11.41 of the MSC 76 report (MSC 76/23).

25.44 The Committee reconfirmed the provisions of Part H (adoption, designation and substitution of archipelagic sea lanes) of the General Provisions on Ships Routeing adopted by resolution MSC.71(69), particularly those related to partial archipelagic sea lanes.

Expressions of appreciation

25.45 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:

- Ms. U. Moetzel (Germany) – on return home;
- Captain P. Olsson (Germany) - on retirement;
- Mr. A. Ishihara (Japan) – on return home;
- Mr. K. Yoshida (Japan) (Chairman of the FP Sub-Committee for 10 years);
- Mr. V. Bogdanov (Russian Federation) (Chairman of the COMSAR Sub-Committee for 6 years);
- Mrs. E. Alvarez (Spain) – on transfer;
- Mr. M. Storey (United Kingdom) – on retirement;
- Mr. F. Wall (United Kingdom) (Chairman of the Maritime Security Working Group) – on retirement;
- Rear Admiral P.J. Pluta (United States) – on retirement; and
- Dr. J. Cowley (Vanuatu) – on retirement.

Expression of condolences

25.46 On being informed of the recent death of Rear Admiral Thomas M. Hopkins (Chairman of ISO/TC8/SC3 – Ships and Marine Technology: Piping and Machinery, and ISO observer to the DE Sub-Committee for many years), the Committee requested the ISO observer to IMO to convey to Admiral Hopkins' family and colleagues its deep condolences and sympathy.

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