



MARITIME SAFETY COMMITTEE  
81st session  
Agenda item 25

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

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## 1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The eighty-first session of the Maritime Safety Committee was held from 10 to 19 May 2006 under the chairmanship of Mr. I. Ponomarev (Russian Federation). The Committee Vice-Chairman, Mr. N. Ferrer (Philippines) was also present.

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

ALGERIA	ICELAND
ANGOLA	INDIA
ANTIGUA AND BARBUDA	INDONESIA
ARGENTINA	IRAN (ISLAMIC REPUBLIC OF)
AUSTRALIA	IRELAND
AZERBAIJAN	ISRAEL
BAHAMAS	ITALY
BAHRAIN	JAMAICA
BANGLADESH	JAPAN
BARBADOS	JORDAN
BELGIUM	KENYA
BELIZE	LATVIA
BOLIVIA	LIBERIA
BRAZIL	LITHUANIA
BULGARIA	LUXEMBOURG
CAMBODIA	MALAYSIA
CANADA	MALTA
CHILE	MARSHALL ISLANDS
CHINA	MEXICO
COLOMBIA	MOROCCO
COTE D'IVOIRE	NETHERLANDS
CROATIA	NEW ZEALAND
CUBA	NIGERIA
CYPRUS	NORWAY
CZECH REPUBLIC	PAKISTAN
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	PANAMA
DEMOCRATIC REPUBLIC OF THE CONGO	PERU
DENMARK	PHILIPPINES
DOMINICA	POLAND
DOMINICAN REPUBLIC	PORTUGAL
ECUADOR	QATAR
EGYPT	REPUBLIC OF KOREA
ESTONIA	ROMANIA
FINLAND	RUSSIAN FEDERATION
FRANCE	SAINT KITTS AND NEVIS
GEORGIA	SAINT VINCENT AND THE GRENADINES
GERMANY	SAUDI ARABIA
GHANA	SINGAPORE
GREECE	SOUTH AFRICA
HONDURAS	SPAIN
HUNGARY	SWEDEN
	SYRIAN ARAB REPUBLIC

THAILAND  
TRINIDAD AND TOBAGO  
TUNISIA  
TURKEY  
TUVALU  
UKRAINE  
UNITED KINGDOM

UNITED REPUBLIC OF  
TANZANIA  
UNITED STATES  
URUGUAY  
VANUATU  
VENEZUELA  
YEMEN

and the following Associate Member of IMO:

HONG KONG, CHINA

and the following State not Member of IMO:

COOK ISLANDS

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

WORLD METEOROLOGICAL ORGANIZATION (WMO)  
INTERNATIONAL LABOUR ORGANIZATION (ILO)

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

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)  
EUROPEAN COMMISSION (EC)  
LEAGUE OF ARAB STATES  
INTERNATIONAL COSPAS-SARSAT PROGRAMME AGREEMENT  
(COSPAS-SARSAT)  
PORT MANAGEMENT ASSOCIATION OF EASTERN AND SOUTHERN AFRICA  
(PMAESA)  
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)

and by observers from the following non-governmental organizations in consultative status:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)  
INTERNATIONAL SHIPPING FEDERATION (ISF)  
INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC)  
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)  
INTERNATIONAL CHAMBER OF COMMERCE (ICC)  
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)  
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND  
LIGHTHOUSE AUTHORITIES (IALA)  
INTERNATIONAL RADIO MARITIME COMMITTEE (CIRM)  
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)  
BIMCO  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)  
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)  
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)

INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)  
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS (IICL)  
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS (IADC)  
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)  
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)  
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)  
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)  
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS  
LIMITED (SIGTTO)  
INTERNATIONAL LIFEBOAT FEDERATION (ILF)  
INTERNATIONAL ROAD TRANSPORT UNION (IRU)  
INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)  
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS  
(INTERCARGO)  
THE INSTITUTE OF MARINE 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)  
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)  
INTERFERRY  
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)

1.5 The session was also attended by Mr. A.I. Chrysostomou (Cyprus), Chairman of the Marine Environment Protection Committee (MEPC) and Mr. Ben Owusu-Mensah (Ghana), Chairman of the Technical Co-operation Committee. The Chairmen of all sub-committees, except for the Chairmen of the BLG and FSI Sub-Committees, were also present.

### **Secretary-General's opening address**

1.6 The Secretary-General welcomed participants and delivered his opening address. The full text of the opening address is reproduced in annex 40.

### **Chairman's remark**

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

### **Statements of delegations**

1.8 The observer from ICCL referred to the tragic fire on board the cruise ship **Star Princess**. He expressed sympathy to those personally affected by the fire and thanked the Secretary-General for his initiative to fast track action for immediate consideration by the Committee. He stated that the cruise industry's highest priority is to ensure the safety and security of passengers, crew and vessels and, in order for such an event to never happen again, enhanced operational procedures were immediately implemented. Furthermore, as soon as the



source of the intense heat and rapid spread of fire was identified, ICCL issued an urgent Safety Notice to its members. He stated that ICCL fully supports the development of appropriate SOLAS amendments on a priority basis and an interim circular addressing the urgent nature of this matter.

1.9 The delegation of Egypt referred to the Panamanian ship **Al Salam Boccaccio 98** which sank, once it left the Port of Daba, in the Red Sea, in international waters, at a distance of 43 miles from the coastline of Saudi Arabia. It indicated that, once informed, the Egyptian Authorities took appropriate action to rescue passengers and crew. The delegation mentioned that the Secretary-General went to Egypt and offered full practical support to Egypt. France and the United Kingdom also provided tremendous assistance to Egypt. There was an agreement for the establishment of an international committee of investigation to find out the causes of this terrible accident as well as an agreement for Mr. T. Allan to go to Egypt. Mr. Allan looked at the way the aforementioned committee was carrying out its responsibility for the safety of shipping and also looked at matters pertaining to the safety in ports, the role of classification societies and casualty investigations. Furthermore, the Minister of Transport of Egypt reiterated the importance of the credibility and transparency of the investigation carried out, which will ascertain the causes of this tragedy, with the contribution of the responsible members of investigating committees. IMO will receive the findings of the International Committee of Investigation for the identification of suitable recommendations to enhance the maritime safety, in general, and of Egypt, in particular.

1.10 The delegation of Panama also referred to the **Al Salam Boccaccio 98** incident and thanked the Organization for the speedy assistance offered to the Investigation Committee composed of representatives of the Republic of Panama and Egypt. In this context, the delegation reaffirmed the importance of looking again at fire protection measures on board ships, particularly on board ro-ro passenger ships. The delegation also thanked all those involved in supporting the investigating team, including the Organization, for the speed at which the voyage data recorder was recovered and the data downloaded, as being of great importance in determining the cause of the accident. The delegation concluded by saying that, in working together, the investigating parties will soon be able to submit a preliminary report which will be of benefit to all interested parties and would look at all the findings.

1.11 The delegation of Bahrain referred to the capsizing of the dhow **Al-Dana** which was on a scheduled cruise with 131 passengers and crew on board and resulted in the loss of 58 lives. The dhow was originally built as a fishing boat and extensive modifications had been carried out to convert it for the carriage of passengers. The Technical Investigation Committee had established that the dhow was not stable whilst alongside at its berth before the commencement of the voyage. Furthermore, the aforementioned Committee, with the assistance of a team of naval architects and marine engineers, is carrying out an inclining experiment and analyzing the data gathered with a view to establishing the dhow's current stability condition. Thereafter, it will assess the dhow's condition prior to and during the course of its final voyage and will also determine its passengers carrying capacity. The final report would be expected within the next 30 days.

1.12 The delegation of Cyprus stated that, following the fire incident on board the cruise ship **Calypso** the previous week, it wished to take the opportunity of informing the Committee that Cyprus is investigating the incident jointly with the United Kingdom and would provide the Organization with the findings of the investigation as soon as possible. Cyprus also wished to express thanks and appreciation to the Governments of France and the United Kingdom as well

as to those vessels which provided assistance to the ship and her crew for a safe and successful evacuation of all passengers on board.

### **Adoption of the agenda and related matters**

1.13 The Committee adopted the agenda (MSC 81/1) and a provisional timetable for guidance during the session (MSC 81/1/1, annex, as amended). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 81/INF.17.

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

### **Credentials**

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

## **2 DECISIONS OF OTHER IMO BODIES**

### **Outcome of the fifty-fifth session of the Technical Co-operation Committee**

2.1 The Committee noted the outcome of the fifty-fifth session of the Technical Co-operation Committee (MSC 81/2) and considered the information provided under agenda 16 (Technical assistance sub-programme in maritime safety and security).

### **Outcome of the ninety-fourth and ninety-fifth regular and twenty-third extraordinary sessions of the Council**

2.2 The Committee noted the outcome of the ninety-fourth and ninety-fifth regular and the twenty-third extraordinary sessions of the Council (MSC 81/2/1) on matters pertaining to its work.

### **Outcome of the thirty-second session of the Facilitation Committee**

2.3 The Committee noted the outcome of the thirty-second session of the FAL Committee (MSC 81/2/2) and considered the information provided under the relevant agenda items.

### **Outcome of the fifty-third and fifty-fourth sessions of the Marine Environment Protection Committee**

2.4 The Committee noted the outcome of the fifty-third and fifty-fourth sessions of the MEPC (MSC 81/2/3 and Add.1) and considered the information provided under the relevant agenda items.

### **Outcome of the twenty-fourth session of the Assembly**

2.5 The Committee noted the outcome of the twenty-fourth session of the Assembly (MSC 81/2/4) and considered the information provided under the relevant agenda items.

### **Outcome of the ninety-first session of the Legal Committee**

2.6 The Committee noted the outcome of the ninety-first session of the Legal Committee (MSC 81/2/5) and considered the information provided under the relevant agenda items.

### **Outcome of the Diplomatic Conference on the revision of the SUA Treaties**

2.7 The Committee noted the outcome of the Diplomatic Conference on the revision of the SUA Treaties (MSC 81/2/6).

## **3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

### ***GENERAL***

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

- .1 chapters II-2, III, IV and V of the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the 1974 SOLAS Convention;
- .2 the International Code for Fire Safety Systems (FSS Code), in accordance with the provisions of article VIII and regulation II-2/3.22 of the 1974 SOLAS Convention;
- .3 the International Life-Saving Appliance (LSA) Code, in accordance with the provisions of article VIII and regulation III/3.10 of the 1974 SOLAS Convention;
- .4 the Guidelines for the authorization of organizations acting on behalf of the Administration (resolution A.739(18)), in accordance with the provisions of article VIII and regulation XI-1/1 of the 1974 SOLAS Convention; and
- .5 the International Maritime Dangerous Goods (IMDG) Code, in accordance with the provisions of article VIII and regulation VII/1.1 of the 1974 SOLAS Convention.

3.2 Contracting Governments constituting more than one third of the total of Contracting Governments to the 1974 SOLAS Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with articles VIII(b)(iii) and VIII(b)(iv) of the Convention.

3.3 The proposed amendments to SOLAS chapters II-2, III, IV and V, and to the Codes and Guidelines mandatory under the Convention, were circulated in accordance with SOLAS article VIII(b)(i) to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by circular letter No.2630 of 14 July 2005 (SOLAS chapters II-2, III, IV and V, the FSS Code, the LSA Code and resolution A.739(18)), circular letter No.2673 of 31 October 2005 (IMDG Code, Amendment (33-06)) and circular letter No.2681 of 8 November 2005 (chapter V, with regard to long-range identification and tracking).

3.4 Parties to the 1988 SOLAS Protocol were invited to participate in the consideration and adoption of proposed amendments to the Annex to the Protocol. Parties constituting more than one third of the total of Parties to the Protocol were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of articles VIII(b)(iii) and VIII(b)(iv) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol.

3.5 The proposed amendments to the 1988 SOLAS Protocol were circulated in accordance with SOLAS article VIII(b)(i) and article VI of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1988 SOLAS Protocol, by circular letter No.2644 of 30 June 2005.

3.6 Parties to the 1978 STCW Convention were invited to participate in the consideration and adoption of proposed amendments to chapters I and VI of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended; and part A, sections A-VI/2, A-VI/5 and part B, section B-VI/5 of the Seafarers' Training, Certification and Watchkeeping Code. Parties constituting more than one third of the total of Parties to the 1978 STCW Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article XII(1)(a)(iv) and regulation I/1.2.3 of the Convention.

3.7 The proposed amendments to the 1978 STCW Convention and part A of the STCW Code were circulated in accordance with article XII(1)(a)(i) of the 1978 STCW Convention to all IMO Members and Parties to the 1978 STCW Convention, by circular letter No.2649 of 27 June 2005.

3.8 The proposed amendments to part B of the STCW Code were approved by MSC 80, with a view to adoption at this session and to become effective on the entry-into-force date of the amendments to the 1978 STCW Convention and part A of the STCW Code (see also paragraphs 3.33, 3.58 and 5.102).

## ***CONSIDERATION OF PROPOSED AMENDMENTS TO INSTRUMENTS***

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

#### ***PROPOSED AMENDMENTS TO SOLAS CHAPTER II-2***

##### **Regulation 9 – Containment of fire**

##### **Regulation 15 – Arrangements for oil fuel, lubricating oil and other flammable oils**

3.9 The Committee recalled that the proposed amendments to SOLAS regulations II-2/9 and II-2/15 (MSC 81/3, annex 1) had been developed by FP 49 and approved by MSC 80.

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

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

##### **Regulation 7 – Personal life-saving appliances**

3.11 The Committee recalled that the proposed amendments to SOLAS chapter III (MSC 81/3, annex 1) had been developed by DE 48 and were approved by MSC 80.

3.12 Noting that no further comments had been submitted on the proposed amendments to SOLAS chapter III, the Committee confirmed their contents, subject to editorial improvements, if any.

***PROPOSED AMENDMENTS TO SOLAS CHAPTER IV***

**Regulation 7 – Radio equipment: General**

**Regulation 9 – Radio equipment: Sea areas A1 and A2**

**Regulation 10 – Radio equipment: Sea areas A1, A2 and A3**

3.13 The Committee recalled that the proposed amendments to SOLAS chapter IV regulations had been developed by COMSAR 9 and were approved by MSC 80.

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

***PROPOSED AMENDMENTS TO SOLAS CHAPTER V***

**Regulation 2 – Definitions**

**Regulation 19-1 – Long-range identification and tracking of ships**

3.15 The Committee agreed to consider the proposed amendments to regulation 2 and the new regulation 19-1, which had been developed by the intersessional meeting of the MSWG (17-19 October 2005) and officially submitted by the United Kingdom, under agenda item 5 (Measures to enhance maritime security) (see paragraphs 5.79 to 5.89 and 5.113 to 5.116).

**Regulation 22 – Navigation bridge visibility**

3.16 The Committee recalled that the proposed amendments to SOLAS regulation V/22 had been developed by NAV 50 and also by MEPC 52 and were approved by MSC 80.

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

***DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS***

3.18 The Committee recalled its decision at MSC 59 (MSC 59/33, paragraphs 26.2 to 26.7) where 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.

3.19 Accordingly, the Committee agreed that the SOLAS amendments, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2010 and should enter into force on 1 July 2010. Consequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

3.20 With regard to the proposed amendments to regulations V/2 and V/19-1, the Committee agreed to consider the entry into force conditions under agenda item 5 (Measures to enhance maritime security) (see paragraphs 3.39, 3.41 and 5.116).

#### **PROPOSED AMENDMENTS TO MANDATORY CODES AND GUIDELINES**

##### ***PROPOSED AMENDMENTS TO THE FSS CODE***

3.21 The Committee recalled that the proposed amendments to the International Code for Fire Safety Systems (FSS Code) (MSC 81/3, annex 2) had been prepared by FP 49 and approved by MSC 80 and, noting that no comments had been submitted on the proposed amendments to the FSS Code, confirmed their contents, subject to editorial improvements, if any.

##### **Date of entry into force of the proposed amendments**

3.22 The Committee agreed that the amendments to the FSS Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2010 and should enter into force on 1 July 2010.

##### ***PROPOSED AMENDMENTS TO THE LSA CODE***

3.23 The Committee recalled that the proposed amendments to the International Life-Saving Appliance (LSA) Code (MSC 81/3, annex 3) had been developed by DE 48 and approved by MSC 80 and, agreeing with the comments on the proposed amendments to the LSA Code made by FP 50 as contained in document MSC 81/3/6, confirmed their contents, subject to editorial improvements, if any.

##### **Date of entry into force of the proposed amendments**

3.24 The Committee agreed that the amendments to the LSA Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2010 and should enter into force on 1 July 2010.

##### ***PROPOSED AMENDMENTS TO THE IMDG CODE***

3.25 The Committee recalled that the proposed amendments to the IMDG Code (MSC 81/3/3) were developed by DSC 10 and were circulated in accordance with article VIII(b)(i) of the 1974 SOLAS Convention and with the amendment procedure for the IMDG Code as agreed by MSC 75 (MSC 75/24, paragraph 7.36.3), and agreeing with corrections to the proposed amendments (MSC 81/3/3/Corr.1), confirmed their contents, subject to editorial improvements, if any.

3.26 The Committee noted that, in accordance with the procedure, adopted at MSC 75, for the adoption of amendments to the IMDG Code, the Contracting Governments are invited to apply new amendments one year prior to their date of entry into force on a voluntary basis. During that period, the carriage of dangerous goods, in compliance with either the IMDG Code in force or the Code incorporating the new amendments, should be acceptable (MSC 75/24, paragraph 7.36.5). Therefore, the amendments, if adopted, may be applied on a voluntary basis from 1 January 2007, pending their entry-into-force date on 1 January 2008.

***PROPOSED AMENDMENTS TO THE GUIDELINES FOR THE AUTHORIZATION OF ORGANIZATIONS ACTING ON BEHALF OF THE ADMINISTRATION (RESOLUTION A.739(18))***

3.27 The Committee recalled that the proposed amendments to the Guidelines for the authorization of organizations acting on behalf of the Administration (resolution A.739(18)) (MSC 81/3, annex 4), had been developed by FSI 12 and approved by MSC 79 and, noting that no comments had been submitted on the proposed amendments to the Guidelines, confirmed their contents, subject to editorial improvements, if any.

**Date of entry into force of the proposed amendments**

3.28 The Committee agreed that the amendments to the Guidelines for the authorization of organizations acting on behalf of the Administration (resolution A.739(18)), proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2010 and should enter into force on 1 July 2010.

**CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1978 STCW CONVENTION, AS AMENDED**

**Regulation I/1 – Definitions and clarifications**

**Chapter VI title – Emergency, occupational safety, security, medical care and survival functions**

**Regulation VI/5 – Requirements for the issue of certificates of proficiency for ship security officers**

3.29 The Committee recalled that the proposed amendments to STCW regulation I/1, chapter VI title and regulation VI/5 (MSC 81/3/1, annex 1) were developed by STW 36 and were approved by MSC 80.

3.30 Noting that no comments on the proposed amendments had been received, the Committee confirmed their contents, subject to editorial improvements, if any.

***PROPOSED AMENDMENTS TO THE STCW CODE***

**Part A of the STCW Code**

3.31 The Committee recalled that the proposed amendments to part A of the STCW Code (MSC 81/3/1) had been developed by STW 36 and approved by MSC 80 and, noting that no comments had been submitted on the proposed amendments to the STCW Code, confirmed their contents, subject to editorial improvements, if any.

**Date of entry into force of the proposed amendments**

3.32 The Committee agreed that the amendments to the 1978 STCW Convention and part A of the STCW Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2007 and should enter into force on 1 January 2008. The transitional date of 1 July 2009 allowing for a transitional period of 18 months after the entry into force of the amendments, as in paragraph 4 of regulation VI/5, was also agreed.

## **Part B of the STCW Code**

3.33 The Committee, in considering document MSC 81/3/4 and recalling that the consequential amendments to part B of the STCW Code annexed to the document were approved by MSC 80, agreed that these amendments should become effective on the date of entry into force of the amendments to the STCW Convention and part A of the STCW Code referred to in paragraph 3.32 above and instructed the Maritime Security Working Group accordingly (see paragraphs 3.58 and 5.102).

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

3.34 The Committee recalled that the proposed amendments to the Annex to the 1988 SOLAS Protocol (MSC 81/3/2) had been prepared by FSI 11 and approved by MSC 80 and, noting that no comments had been submitted on the proposed amendments to the Annex to the 1988 SOLAS Protocol, confirmed their contents, subject to editorial improvements, if any.

### **Date of entry into force of the proposed amendments**

3.35 The Committee noted that the amendments to the Annex to the 1988 SOLAS Protocol, proposed for adoption at the current session, should be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties to the Protocol.

### **ESTABLISHMENT OF A DRAFTING GROUP**

3.36 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 1978 STCW Convention, parts A and B of the STCW Code, the 1988 SOLAS Protocol, the IMDG Code, the FSS Code, the LSA Code and the Guidelines for the authorization of organizations acting on behalf of the Administration (resolution A.739(18)), together with the associated draft MSC resolutions and the draft MSC circular, for consideration by the Committee and adoption and approval, as appropriate.

### ***ADOPTION OF AMENDMENTS TO MANDATORY AND NON-MANDATORY INSTRUMENTS***

#### **REPORT OF THE DRAFTING GROUP**

3.37 Having received the report of the drafting group (MSC 81/WP.4), the Committee took action as indicated hereunder.

#### **ADOPTION OF AMENDMENTS TO THE 1974 SOLAS CONVENTION, AS AMENDED**

3.38 The expanded Committee, including the delegations of 97 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to SOLAS chapters II-2, III, IV and V as prepared by the drafting group (MSC 81/WP.4, annex 1) and adopted the amendments unanimously by resolution MSC.201(81), as set out in annex 1.

3.39 The expanded Committee also considered the final text of the proposed amendments to chapter V, relating to the long-range identification and tracking of ships, as prepared by the Maritime Security Working Group (MSC 81/WP.5/Add.1, annex 1) and adopted the amendments unanimously by resolution MSC.202(81), as set out in annex 2 (see also paragraph 5.116).



3.40 In adopting resolution MSC.201(81), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to SOLAS chapters II-2, III, IV and V should be deemed to have been accepted on 1 January 2010 (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 2010, in accordance with the provisions of SOLAS article VIII.

3.41 In adopting resolution MSC.202(81), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to chapter V, relating to long-range identification and tracking of ships should be deemed to have been accepted on 1 July 2007 (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 2008, in accordance with the provisions of SOLAS article VIII.

#### **ADOPTION OF AMENDMENTS TO THE 1978 STCW CONVENTION, AS AMENDED**

3.42 The expanded Committee, including the delegations of 95 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to the 1978 STCW Convention, as amended, prepared by the drafting group (MSC 81/WP.4, annex 2) and adopted the amendments unanimously by resolution MSC.203(81), as set out in annex 3.

3.43 In adopting resolution MSC.203(81), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments to the Convention should be deemed to have been accepted on 1 July 2007 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article XII(1)(a)(vii) of the Convention) and should enter into force on 1 January 2008, in accordance with the provisions of article XII of the 1978 STCW Convention.

#### **ADOPTION OF AMENDMENTS TO THE 1988 SOLAS PROTOCOL, AS AMENDED**

3.44 The expanded Committee, including the delegations of 62 Parties to the 1988 SOLAS Protocol, considered the final text of the proposed amendments to the 1988 SOLAS Protocol, as amended, prepared by the drafting group (MSC 81/WP.4, annex 4) and adopted the amendments unanimously by resolution MSC.204(81), as set out in annex 4.

3.45 In adopting resolution MSC.204(81), the expanded Committee noted that, in accordance with article VIII(b)(vi)(1) of the 1974 SOLAS Convention and article VI(b) of the 1988 SOLAS Protocol, the adopted amendments to the 1988 SOLAS Protocol shall be deemed to have been accepted on the date on which they are accepted by two thirds of the Parties to the Protocol.

3.46 The Committee invited Member Governments and Parties to the Protocol to take note of the specific acceptance procedure applicable to the adopted amendments to the Protocol, in that positive action to accept the amendments was required by the Parties, to enable the amendments to enter into force as soon as possible.

## **ADOPTION OF AMENDMENTS TO THE MANDATORY CODES AND GUIDELINES**

### **Adoption of amendments to the IMDG Code**

3.47 The expanded Committee, including the delegations of 97 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IMDG Code, prepared by the drafting group (MSC 81/WP.4, annex 5) and adopted the amendments unanimously by resolution MSC.205(81), as set out in annex 5.

3.48 In adopting resolution MSC.205(81), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IMDG Code should be deemed to have been accepted on 1 July 2007 (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 2008, in accordance with the provisions of SOLAS article VIII.

3.49 The Committee recalled that, in accordance with the procedure adopted at MSC 75 for the adoption of amendments to the IMDG Code, Governments were invited to apply new amendments one year prior to their date of entry into force, on a voluntary basis and reiterated that, during that period, the carriage of dangerous goods in compliance with either the IMDG Code in force or the Code incorporating the new amendments should be acceptable (MSC 75/24, paragraph 7.36.5). Therefore, the amendments, if adopted, would be applied, on a voluntary basis from 1 January 2007, pending their entry-into-force date on 1 January 2008.

### **Adoption of amendments to the FSS Code**

3.50 The expanded Committee, including the delegations of 97 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the FSS Code, prepared by the drafting group (MSC 81/WP.4, annex 6) and adopted the amendments unanimously by resolution MSC.206(81), as set out in annex 6.

3.51 In adopting resolution MSC.206(81), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the FSS Code should be deemed to have been accepted on 1 January 2010 (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 2010, in accordance with the provisions of SOLAS article VIII.

### **Adoption of amendments to the LSA Code**

3.52 The expanded Committee, including the delegations of 97 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the LSA Code, prepared by the drafting group (MSC 81/WP.4, annex 7) and adopted the amendments unanimously by resolution MSC.207(81), as set out in annex 7.

3.53 In adopting resolution MSC.207(81), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the LSA Code should be deemed to have been accepted on 1 January 2010 (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 2010, in accordance with the provisions of SOLAS article VIII.

### **Adoption of amendments to the Guidelines for the authorization of organizations acting on behalf of the Administration (resolution A.739(18))**

3.54 The expanded Committee, including the delegations of 97 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the Guidelines for the authorization of organizations acting on behalf of the Administration (resolution A.739(18)), prepared by the drafting group (MSC 81/WP.4, annex 8) and adopted the amendments unanimously by resolution MSC.208(81), as set out in annex 8.

3.55 In adopting resolution MSC.208(81), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Guidelines should be deemed to have been accepted on 1 January 2010 (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 2010, in accordance with the provisions of SOLAS article VIII.

### **Adoption of amendments to the STCW Code**

#### ***Amendments to part A of the STCW Code***

3.56 The expanded Committee, including the delegations of 95 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to sections A-VI/2 and A-VI/5 of part A of the STCW Code, prepared by the drafting group (MSC 81/WP.4, annex 3) and adopted the amendments unanimously by resolution MSC.209(81), as set out in annex 9.

3.57 In adopting resolution MSC.209(81), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments to the STCW Code should be deemed to have been accepted on 1 July 2007 (unless, prior to that date, objections are communicated to the Secretary-General as provided for in article XII(1)(a)(vii) of the Convention) and should enter into force on 1 January 2008, in accordance with the provisions of article XII of the 1978 STCW Convention.

#### ***Amendments to part B of the STCW Code***

3.58 The Committee considered (see also paragraphs 3.33 and 5.102) the final text of the proposed amendments to part B of the STCW Code, prepared by the Maritime Security Working Group (MSC 81/WP.5, annex 2) and adopted the amendments unanimously, for circulation by means of STCW.6/Circ.9. The Committee decided that the amendments to section B-VI/5 of part B of the STCW Code should become effective on the date of entry into force of amendments to the STCW Convention and part A of the STCW Code, namely 1 January 2008.

### **INSTRUCTIONS TO THE SECRETARIAT**

3.59 In adopting the aforementioned amendments, the Committee authorized the Secretariat, when preparing the authentic texts of the amendments, as appropriate, 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 the Contracting Governments to the 1974 SOLAS Convention, the Parties to the 1988 SOLAS Protocol, or the Parties to the 1978 STCW Convention.

## 4 PASSENGER SHIP SAFETY

### General

4.1 The Committee recalled that, at MSC 80, having considered the outcomes of the sub-committees on their work on passenger ship safety matters, it had agreed to a revised work programme, as set out in the annex to document MSC 80/WP.11, and to establish the *ad hoc* Working Group on Passenger Ship Safety at this session.

### Outcomes of the Sub-Committees

4.2 The Committee received the outcomes of the work on passenger ship safety carried out by NAV 51, SLF 48, FP 50, STW 37, DE 49 and COMSAR 10 prepared by the Secretariat (MSC 81/4 and Add.1) and noted, in particular, that:

- .1 NAV 51 had agreed to a draft Assembly resolution on Guidelines on voyage planning for passenger ships operating in remote areas, for approval by MSC 81 and subsequent adoption by A 25; considered the outcome of DE 48 on matters related to the draft performance standards for the essential systems and forwarded recommendations to DE 49 with respect to navigation systems; and invited MSC 81 to delete this item from the Sub-Committee's work programme as the work on this item had been completed;
- .2 SLF 48 had agreed to modifications to its work plan on passenger ship safety for the Committee's consideration; forwarded recommendations to FP 50 and DE 49 for matters under its purview; continued its work on the development of criteria for safe return to port and the development of mandatory requirements for water ingress detection and flooding level monitoring systems; and re-established its Correspondence Group on Passenger Ship Safety to progress the matter intersessionally with a view toward finalization at SLF 49;
- .3 FP 50 had agreed to draft amendments to SOLAS chapter II-2 and the FSS Code for on-board safety centres, fixed fire detection and alarm systems, prevention of fires, safe areas and essential systems to be operational for safe return to port and during evacuation and abandonment; and invited MSC 81 to delete this item from the Sub-Committee's work programme as the work on this item had been completed;
- .4 STW 37 had agreed that, pending approval of the Committee, ICCL should use the combined definition for 'safe areas' prepared by FP 50 to incorporate the above concept into the relevant model courses; invited MSC 81 to instruct the Joint MSC/MEPC Working Group on Human Element to consider matters relating to the need for guidelines for abandonment of ship alongside in port; and invited MSC 81 to extend the target completion date to 2007, taking into account that it still had to consider the outcome of COMSAR 10 on matters related to the training of SAR personnel and seafarers with recovery responsibilities;

- .5 DE 49 had agreed to draft amendments to SOLAS chapters II-1 and III, relating to alternative designs and arrangements; prepared performance standards for essential systems to be operational for safe return to port and during evacuation and abandonment; and invited MSC 81 to delete this item from the Sub-Committee's work programme as the work on this item had been completed; and
- .6 COMSAR 10 had agreed to several draft MSC circulars on matters related to search and rescue, including relevant criteria and guidance for passenger ships operating in areas remote from SAR facilities, and to draft amendments to SOLAS chapter III on recovery systems; and invited MSC 81 to delete this item from the Sub-Committee's work programme as the work on this item had been completed.

4.3 The Committee, having noted the progress made by NAV 51, SLF 48, FP 50, STW 37, DE 49 and COMSAR 10 on passenger ship safety issues, endorsed, in general, the work on this matter by the aforementioned Sub-Committees and agreed that the working group, once established, should take the outcomes of the aforementioned Sub-Committees into account when updating the revised work plan on passenger ship safety.

#### ***Outcome of FP 50***

4.4 The Committee considered the draft amendments to SOLAS chapter II-2 and the FSS Code, prepared by FP 50 (MSC 81/4), together with the submissions by Germany (MSC 81/4/4), Norway (MSC 81/4/5), Sweden (MSC 81/4/1) and the United States and ICCL (MSC 81/4/2) and, having decided to delete the exemption for passenger ships engaged in short international voyages contained in draft SOLAS regulation II-2/21.1, agreed to forward documents MSC 81/4/2 and MSC 81/4/5 to the working group for further consideration together with the draft amendments to SOLAS chapter II-2 prepared by FP 50 (see also paragraphs 4.11 to 4.26).

#### ***Outcome of DE 49***

4.5 The Committee considered the draft amendments to SOLAS chapters II-1 and III, relating to alternative designs and arrangements and draft performance standards for essential systems to be operational for safe return to port and during abandonment and, having noted the views expressed by the delegation of Japan on the need to develop purpose and functional requirements for the relevant regulations in SOLAS chapters II-1 and III, instructed the working group to further consider the draft amendments to SOLAS chapters II-1 and III and associated guidelines, taking into account the aforementioned views (see also paragraphs 4.11 to 4.40).

#### ***Outcome of NAV 51 and COMSAR 10***

4.6 The Committee considered matters related to search and rescue, including relevant criteria and guidance for passenger ships operating in remote areas, and the draft amendments to SOLAS chapter III on recovery systems, together with the submissions by Norway (MSC 81/4/5) and the United Kingdom (MSC 81/4/3) and, having noted the views on matters related to recovery systems, in particular with regard to:

- .1 the applicability of the proposed regulation, taking into account that large cargo ships such as car carriers cannot safely approach small boats to use winch type recovery systems;
- .2 how to evaluate wave height;
- .3 whether there is any duplication or conflict between the draft regulation and existing SOLAS regulation III/26.4 for ro-ro passenger ships;
- .4 whether other means of recovery already available on ships can be used as an alternative to a dedicated recovery system; and
- .5 whether only highly manoeuvrable ships are able to reliably use winch type recovery systems,

instructed the working group to further consider the draft amendments to SOLAS chapter III and associated guidance, prepared by NAV 51 and COMSAR 10, taking into account the aforementioned views (see also paragraphs 4.11 to 4.59).

#### **Lessons learned from casualty investigation of the fire on board the “Star Princess”**

4.7 Having recalled the Secretary-General’s address in which he expressed his appreciation to the British Marine Accident Investigation Branch (MAIB) for their work on the fire incident involving the cruise ship **Star Princess** and to the Government of the United Kingdom for the speed and high degree of responsibility with which they had acted on the MAIB findings, the Committee considered document MSC 81/4/6 (United Kingdom), which proposed the Committee to take expeditious actions as outlined in paragraph 16 of the document.

4.8 In the course of the consideration, the Committee also recalled the statement by the ICCL observer in which he had informed the Committee that ICCL had issued an urgent Safety Notice to its members recommending that a fire risk assessment of balcony and other external areas be undertaken to evaluate the materials, construction and safety systems related thereto and that the results of the aforementioned fire risk assessment would be available by July 2006.

4.9 The Committee shared the concerns of the United Kingdom and ICCL regarding the fire loads of external deck spaces and agreed that the safety of passenger ships should be strengthened from the fire protection viewpoint, with maximum speed, taking into account the information provided in document MSC 81/4/6.

4.10 After having noted the views of some delegations that a full investigation report should be submitted to the Organization before undertaking a comprehensive review of the fire safety of external areas on passenger ships, the Committee agreed that, in the short term, there was enough information available for taking action on the fire safety of balconies and instructed the working group to consider the actions requested in paragraph 16 of document MSC 81/4/6 and to prepare appropriate recommendations, as indicated in the working group’s terms of reference (see paragraph 4.11.7), for consideration by the Committee.

#### **Establishment of the working group**

4.11 Following the above discussions, the Committee established the working group and instructed it, taking into account the comments and decisions made in plenary, to:

- .1 consider the draft amendments to SOLAS chapters II-1, II-2 and III and the FSS Code, prepared by FP 50 (FP 50/21, annex 1), DE 49 (DE 49/20, annexes 3 and 7) and COMSAR 10 (COMSAR 10/16, annex 6);
- .2 consider the draft MSC circulars on alternative arrangements and essential systems, prepared by DE 49, as set out in annexes 4, 5 and 6 to document DE 49/20;
- .3 consider the draft Assembly resolution on Guidelines on voyage planning for passenger ships operating in remote areas, prepared by NAV 51, as set out in annex 12 to document NAV 51/19;
- .4 consider the draft amendments to the IAMSAR Manual, prepared by COMSAR 10, as set out in annex 22 to document COMSAR 10/16;
- .5 consider the draft MSC circulars on search and rescue, prepared by COMSAR 10, as set out in annexes 20, 21, 24, 26 and 27 to document COMSAR 10/16;
- .6 consider the work plan set out in the annex to document MSC 80/WP.11, taking into account the outcomes of NAV 51, SLF 48, FP 50, STW 37, DE 49 and COMSAR 10 (MSC 81/4 and Add.1),

and make recommendations as appropriate; and

- .7 consider document MSC 81/4/6, with a view towards finalizing the work requested in paragraph 16 thereof, in particular, to:
  - .1 prepare an MSC circular on the operational measures recommended for immediate implementation, taking into account the annex to document MSC 81/4/6;
  - .2 prepare relevant amendments to SOLAS chapter II-2, taking into account the discussion on the strategy and philosophy for dealing with the issues addressed in document MSC 81/4/6; and
  - .3 advise on the need for an intersessional meeting of the working group to develop further the draft amendments related to this matter and, if deemed necessary, on the duration of such a meeting.

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

4.12 Having received the report of the working group (MSC 81/WP.6), the Committee approved it in general and took action as outlined hereunder.

### **General**

4.13 The Committee noted that the group, before beginning its deliberations, had recalled that, from the outset of this initiative, the Committee recognized the scope and complexity of the matters before it and noted that the development of appropriate safety provisions would take considerable work to ensure that such provisions are both enduring and have a sound basis for

their development. With this in mind, the Committee expressed its appreciation to all of the sub-committees assigned tasks associated with the passenger ship safety initiative for assisting it with achieving the strategic goals agreed by MSC 74.

### **Draft amendments to SOLAS chapter II-1**

4.14 The Committee noted that the group had considered the draft amendments for alternative design and arrangements for SOLAS chapter II-1 (parts C, D and E), prepared by DE 49 (DE 49/20, annex 3), taking into account the views of SLF 48 that the new SOLAS regulation II-1/4.2 adequately addressed this issue and that the probabilistic methodology is inherently a goal-oriented standard which permits any subdivision arrangement subject to complying with the required survivability level.

4.15 In regard to the comments made in plenary that SOLAS chapter II-1 should be amended to include purpose statements and functional requirements for each regulation (similar to SOLAS chapter II-2) to provide a consistent set of performance criteria, the Committee noted that the group had agreed with the view of DE 49 that such requirements were not necessary since the engineering analysis required by the aforementioned provisions require that the intent of the prescriptive requirements (for which the alternative design is being proposed) are to be used as a basis for the above analysis.

4.16 Noting the above view, the Committee considered the proposal by the group that the DE Sub-Committee should be instructed to develop purpose statements and functional requirements for each regulation (similar to SOLAS chapter II-2) as a long term project, taking into account that such an exercise is not simple and may require extensive amendments to the aforementioned chapter to ensure that regulations do not have duplicate purpose statements and functional requirements, but did not agree to the group's proposal since it may conflict with the work on goal-based standards.

### **Draft amendments to SOLAS chapter II-2 and the FSS Code**

#### ***Definitions of safe areas and safety centres***

4.17 The Committee noted that the group had considered the draft definitions for safe areas and safety centres prepared by SLF 48 (SLF 48/21, paragraph 6.19.1) and FP 50 (FP 50/21, annex 1), together with document MSC 81/4/2 (United States and ICCL) and, having agreed to use the combined definition for safe areas to cover both fire and flooding casualties from the holistic point of view, had made minor modifications to the aforementioned definitions with a view to achieving clarity.

#### ***Fire prevention and detection of fires***

4.18 In considering the draft amendments to SOLAS chapter II-2 and the FSS Code for matters related to the prevention and detection of fires on board passenger ships prepared by FP 50 (FP 50/21, annex 1), the Committee noted that the group had made minor modifications to the draft regulations addressing the safety of exhaust ducts from cooking equipment installed on open decks, ventilation systems from main laundries and escape route lighting systems. In regard to the provisions for ventilation systems from main laundries, the Committee noted that the new provisions, as drafted by FP 50, would apply to both passenger and cargo ships and that the group had decided to limit the regulation's scope to cover passenger ships carrying more than 36 passengers, taking into account that its mandate was to focus on passenger ship safety.



*Casualty threshold, safe return to port and safe areas*

4.19 The Committee noted that the group had considered document MSC 81/4/5 (Norway), together with the draft regulation II-2/21 prepared by FP 50 (FP 50/21, annex 1), containing the requirements for casualty threshold, safe return to port, safe areas and time for orderly evacuation and abandonment, and had decided to place the requirements dealing with the systems to remain operational during abandonment in a separate regulation since the “safe return to port” and “orderly evacuation and abandonment” concepts have distinctly different objectives from the holistic point of view (i.e., prevention of abandonment versus time for abandonment).

4.20 The Committee noted that the group had discussed the application of the new requirements, taking into account documents MSC 81/4/1 (Sweden) and MSC 81/4/5 (Norway) and the comments and decisions made in plenary about applying the new principles to passenger ships with less than three main vertical zones, if possible, and had agreed to widen the scope of the draft regulation II-2/21 to cover passenger ships with three or more main vertical zones since such ships would also benefit from the enhanced safety measures.

4.21 In considering the remaining draft requirements for safe return to port, the Committee noted that the group had made only minor modifications to the draft amendments prepared by FP 50 with a view towards clarity, taking into account the decision in plenary to remove the exemption related to short international voyages.

*Time for orderly evacuation and abandonment*

4.22 The Committee noted that the group had extensive discussions on matters related to the time for orderly evacuation and abandonment (herewith called the draft regulation II-2/22), taking into account the comments made in plenary, and had agreed to harmonize application of the draft regulation II-2/22 with the draft regulation II-2/21, taking into account the comments and decisions made in plenary (see paragraph 4.20).

4.23 In considering the concerns expressed by Australia in plenary and at FP 50 (FP 50/3/2), in particular that specific safety systems have to work for three hours to support abandonment but the main vertical zones do not have to provide 3 hours of protection from fire, the Committee noted the group’s view that a safety factor had been built into the draft regulation II-2/22 by requiring the systems that support abandonment to remain operational after the loss of one main vertical zone. In addition, the Committee noted that there were currently no test and/or approval standards for “A-180” divisions in IMO instruments.

4.24 The Committee noted that the group had discussed the submission by Norway (MSC 81/4/5) and, in particular, the deterministic nature of the draft regulation II-2/22 and whether a risk assessment should be undertaken to determine how, for example, a fire grows under a predetermined scenario and, having recalled the discussion at FP 50 on this issue, had agreed that, due to the lack of harmonized criteria for the application of fire risk analysis, such assessments would lead to differing results and further delay the completion of the work for this important agenda item.

*Safety centres*

4.25 The Committee noted that the group had considered a draft regulation to SOLAS chapter II-2 for safety centres (herewith called the draft regulation II-2/23) together with

document MSC 81/4/2 (United States and ICCL) and had agreed that the draft regulation II-2/23 should apply to all new passenger ships, taking into account the comments and decision made in plenary (see paragraph 4.20).

4.26 The Committee agreed with the group's recommendation that the NAV Sub-Committee should be instructed to develop guidelines on the lay-out and ergonomic design of safety centres (or modify MSC/Circ.982), bearing in mind that the draft regulation II-2/23.4 specifies that the layout and ergonomic design should take into account the guidelines developed by the Organization (see also paragraph 4.79).

### **Draft amendments to SOLAS chapter III**

#### ***Recovery arrangements for rescuing persons***

4.27 The Committee noted that the group had considered the draft regulation III/17-1 on recovery systems prepared by COMSAR 10, together with documents MSC 81/4/3 (United Kingdom) and MSC 81/4/5 (Norway) and had a wide-ranging discussion on the application of the aforementioned draft regulation to new and existing passenger and cargo ships and the overall concept behind its development, taking into account the comments made in plenary.

4.28 The Committee noted that extensive and careful work had been undertaken by the COMSAR Sub-Committee, in particular, by its Working Group on Search and Rescue (SAR), in the development of the new requirements. The Committee also noted that DE 49 had agreed, in principle, to the draft amendments which formed the basis of the COMSAR Sub-Committee's work on this subject.

4.29 In considering whether performance standards should be developed before any mandatory requirements are approved, the Committee noted that the majority of the group had supported the views expressed by the United Kingdom that the draft regulation III/17-1 sets a useful design target for life-saving equipment designers and manufacturers and is readily achievable, taking into account that such recovery systems are already installed on ro-ro passenger ships. Thus, if sufficient time is allowed for the development of relevant performance standards and system approval, the target will be achieved and the new requirements will have a considerable positive impact on the effectiveness of search and rescue operations worldwide.

4.30 Having noted the above views, the observer from ICS, supported by the delegations of Greece, Japan, the Marshall Islands, Panama, the Republic of Korea and the United States, expressed his support for the development of measures to improve the recovery of persons from the water and/or survival craft and rescue craft, but remained concerned that the draft SOLAS regulation III/17-1 contained elements that have not been demonstrated to be feasible, reasonable, realistic or justifiable. Particular concern relates to the proposed applicability of the draft amendment to new and existing ships, an application date prior to performance standards being known and unspecified training standards and manpower requirements for such systems (see also paragraph 4.36).

4.31 The Committee noted the concerns expressed by the delegation of Japan that large cargo ships such as car carriers cannot safely approach small boats for using winch type recovery systems and the delegation of Greece that such systems are only practicable for use by highly manoeuvrable ships, taking into account the difficulty ships of all sizes may have with regard to operational and/or constructional restrictions.

4.32 Having debated the above issue, the Committee noted the group's view that seafarers are already obliged to assist with SAR operations and, therefore, they should be provided with better and safer tools to assist with such operations.

4.33 In considering the concerns raised by the delegation of Japan regarding the evaluation of wave height, the Committee noted that the group had expressed the opinion that this matter, and similar technical issues, could be addressed in the performance standards to be developed, taking into account that the 3 m significant wave height criterion was based on existing IMO standards. Nevertheless, the Committee noted that the group had agreed to amend the various draft performance provisions (e.g., 10 persons per hour, recovery of persons who are incapacitated, etc.) with a view to achieving clarity and uniform application.

4.34 The Committee noted that the group had reviewed the existing SOLAS regulation III/26.4 requiring ro-ro passenger ships to be equipped with an efficient means for rapidly recovering survivors from the water and transferring survivors from rescue units or survival craft to the ship, and had agreed to modify regulation III/26.4 and the new draft regulation III/17-1 so that existing ro-ro passenger ships would be able to keep their existing installations, taking into account that new ro-ro passenger ships will have to comply with regulation III/17-1.

4.35 Having considered the above issues, the Committee noted the extensive discussion within the group on the setting of an appropriate implementation date for both new and existing cargo and passenger ships, taking into account the concerns expressed in the above paragraphs, and its recommendation that all new ships should comply by 1 July 2012 and that all existing ships comply by the first intermediate or first renewal survey after the implementation date, whichever comes first, taking into account that relevant technical performance standards and training provisions would have to be developed by the DE and STW Sub-Committees to support the new requirements (see also paragraph 4.79).

4.36 The delegations of Greece, Japan, Malaysia, the Marshall Islands, Panama, the Republic of Korea, the Russian Federation, Venezuela and Singapore and the observer from ICS, noting paragraph 4.30 above, that the development of appropriate safety provisions would take considerable work to ensure that such provisions are both enduring and have a sound basis for their development, and recognizing that the target date for implementation of the draft amendments was 2012, expressed the view that it would be premature to approve draft regulation III/17-1 prior to it being considered by both the DE and STW Sub-Committees and without any prior confirmation of the performance standards. In their view, this prudent measure would allow comprehensive discussion regarding the practicability of the concept, the development of suitable design and performance standards, training requirements and also the determination of a realistic timeframe for implementation before the Committee considers approving this draft amendment.

4.37 With regard to the possible difficulties that some ships would face in manoeuvring and deploying recovery systems, the delegation of Australia urged the Committee to take into account the role of such systems providing SAR resources, particularly in lightly-trafficked areas. In this context, the delegation of Australia considered that exclusion of any ship types from the application of these requirements would be very detrimental to SAR resources and co-ordination.

4.38 Having considered the above issues, the Committee decided not to approve draft SOLAS regulation III/17-1 (Recovery arrangements for rescuing persons) and the draft amendment to regulation III/26.4 (Means of rescue) at this session. However, taking into account the concerns

expressed regarding the difficulties of rescuing persons at sea, the Committee agreed that the DE Sub-Committee should develop performance standards for recovery systems for all types of ships, taking into account the relevant parts of document MSC 81/WP.6, with a view to preparing mandatory requirements for implementation by 1 July 2012 for all types of new and existing ships. In this context, the Committee also agreed that the STW Sub-Committee should develop relevant training standards after the aforementioned standards have been finalized.

### ***Statement by the delegation of the United Kingdom***

4.39 In disagreeing with the above decision, the delegation of the United Kingdom, supported by other delegations, expressed its view that SOLAS ships should be capable of saving lives since SAR co-ordinators depend on such ships to carry out rescue when no dedicated SAR units are available (e.g., helicopters, specialized rescue craft, etc.). They further expressed the view that the above decision would significantly undermine much of the other work the Committee had done in the last few years to address passenger ship safety, taking into account that in many parts of the world, away from those coasts where there are dedicated SAR units, SOLAS ships may be the *only* SAR facilities available. A full text of the statement by the delegation of the United Kingdom is reproduced in annex 41.

### ***Alternative designs and arrangements***

4.40 The Committee noted that the group had considered the draft amendments for alternative design and arrangements for SOLAS chapter III prepared by DE 49 (DE 49/20, annex 3) and, having amended regulation III/4.3 (Approval of novel life-saving appliances and arrangements) to highlight the new procedure for approving novel life-saving arrangements, agreed that the DE Sub-Committee be instructed to develop guidelines for the approval of novel life-saving appliances (see paragraph 4.79).

### **Matters related to SOLAS chapter V**

4.41 The Committee noted that NAV 51 had prepared the Guidelines on voyage planning for passenger ships in remote areas, for adoption by A 25 and that the group had amended the footnote to SOLAS regulation V/34 (Safe navigation and avoidance of dangerous situations) accordingly to reference the new Guidelines, once adopted (see also paragraph 4.48).

### **Approval of draft amendments to SOLAS and the FSS Code**

4.42 The Committee noted the group's extensive discussion on whether the above draft amendments to SOLAS and the FSS Code should be recommended for approval by the Committee at this session with a view to subsequent adoption by MSC 82 and, having noted that SLF 50 would finalize the provisions for safe return to port and water ingress detection systems, concurred with the group's opinion that any modifications to the draft regulations to be prepared by SLF 49 should not cause further delay in the finalization of the work on this important initiative and the intended adoption of the new regulations, taking into account that this initiative has taken some five years to progress.

4.43 In view of the above decision, the Committee approved the draft amendments to SOLAS chapter II-1 relating to flooding casualties so that they could be circulated in time for adoption by MSC 82, taking into account that the holistic nature of the package requires that all the amendments should be adopted at the same time. In this regard, the Committee agreed to leave the draft regulations II-1/8-1 (Return to port capability for passenger ships in the damaged condition) and II-1/22-1 (Water ingress detection and flood level monitoring system for

passenger ships) in square brackets for further consideration by SLF 49, with a view to adoption by MSC 82.

4.44 In view of the above decisions, the Committee instructed SLF 49, with a view towards finalization, to:

- .1 consider the text in square brackets for the draft regulations II-1/8-1 and II-1/22-1;
- .2 consider the text in square brackets in the draft regulations II-2/21 and II-2/23 for matters related to flooding casualties; and
- .3 prepare relevant amendments to the draft regulation II-2/22, taking into account that paragraph 3.2 related thereto only applies to fire casualties, bearing in mind that the aforementioned regulation had only been drafted from a fire safety perspective,

and forward any proposed recommendations to MSC 82 for consideration and action, as appropriate, when adopting the proposed amendments to SOLAS chapters II-1 and II-2.

4.45 Following the above matters, the Committee approved the draft amendments to SOLAS chapters II-1, II-2 and III and the FSS Code, as set out in annex 10, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration at MSC 82 with a view to adoption.

### **Draft guidelines on alternative arrangements and essential systems**

#### ***Alternative design and arrangements***

4.46 The Committee approved, in principle, the draft MSC circular on Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III, as set out in annex 2 to document MSC 81/WP.6, and requested the Secretariat to submit the aforementioned draft MSC circular to MSC 82 for formal approval, together with the adoption of the relevant draft amendments to SOLAS chapters II-1 and III.

#### ***Performance standards for the systems specified in the draft SOLAS regulations II-2/21 and II-2/22***

4.47 The Committee approved, in principle, the draft MSC circular on Performance standards for the systems and services to remain operational for safe return to port and orderly evacuation and abandonment, as set out in annex 3 to document MSC 81/WP.6, and instructed SLF 49 to finalize the aforementioned standards for the matters under their purview, and to submit them to MSC 82 for formal approval, together with the adoption of the relevant draft amendments to SOLAS chapter II-2.

### **Voyage planning for passenger ships operating in remote areas**

4.48 The Committee approved the draft Assembly resolution on Guidelines on voyage planning for passenger ships operating in remote areas, as set out in annex 11, for subsequent adoption by the twenty-fifth session of the Assembly.

## **Amendments to the IAMSAR Manual**

4.49 The Committee adopted the amendments to the IAMSAR Manual, for dissemination by means of MSC.1/Circ.1181 (see also paragraph 15.21).

## **MSC circulars on search and rescue, prepared by COMSAR 10**

### ***Guidance on recovery techniques***

4.50 The Committee approved MSC.1/Circ.1182 on Guide to recovery techniques, and endorsed the group's recommendation that the STW Sub-Committee should be instructed to review relevant training requirements, taking into account the aforementioned Guide (see paragraph 23.64).

4.51 The delegation of the United Kingdom informed the Committee that it intended to produce an illustrated copy of the Guide to Recovery Techniques, in PDF format, for inclusion on suitable websites for free download, and would make this document available to the Organization.

4.52 In noting the above information, the Committee concurred with the group's recommendation that the Organization should publish the Guide since it contains important practical information on recovery techniques that will better prepare seafarers for aiding in the recovery of persons at sea; and invited the Council to endorse the recommendation to publish the Guide to Recovery Techniques.

### ***External support provided to ships by SAR Authorities***

4.53 In considering the draft Guidelines on external support provided to ships by SAR Authorities, prepared by COMSAR 10, the delegation of the United Kingdom informed the Committee that the recent engine-room fire on board the passenger ship **Calypso** had been brought under control with the aid of external assistance from their Maritime Incident Response Group, activated for the first time, which allowed the 708 passengers and crew stay onboard as the ship was towed back to port.

4.54 Having noted the above information, the Committee approved MSC.1/Circ.1183 on Guidelines on the provision of external support as an aid to incident containment for SAR Authorities and others concerned.

### ***Contingency planning for ships operating in areas remote from SAR facilities***

4.55 The Committee approved MSC.1/Circ.1184 on Enhanced contingency planning guidance for passenger ships operating in areas remote from SAR facilities.

### ***Guidance on cold water survival***

4.56 The Committee approved MSC.1/Circ.1185 on Guide for cold water survival, and endorsed the group's recommendation that the current version of the Guide published by IMO should be replaced by the new Guide since it contains the latest information. To this end, the Committee invited the Secretariat to consider the above recommendation and take action as appropriate.

4.57 Having considered the above issue, the Committee instructed the STW Sub-Committee to review the relevant requirements for first-aid training for seafarers to ensure that the main provisions of the revised guidance on the prevention and treatment of hypothermia are included (see paragraph 4.79).

#### ***Training of SAR service personnel***

4.58 The Committee approved MSC.1/Circ.1186 on Guidelines on training of SAR service personnel working in major incidents.

#### ***Criteria for 'time to rescue'***

4.59 The Committee noted that the group had considered the criteria for time to rescue, prepared by COMSAR 10 and had noted that the 5-day time to rescue had already been addressed by the introduction of recovery systems for all cargo and passenger ships. To this end, the group had taken the above information into account in the course of their deliberations on the development of the draft amendments to SOLAS chapter III.

#### **Fire safety of external areas on passenger ships**

##### ***Operational measures recommended for immediate implementation***

4.60 The Committee noted that the group had considered the submission by the United Kingdom (MSC 81/4/6) relating to the cabin balcony fire on board the **Star Princess**, and had agreed to first prepare a draft MSC circular on operational measures recommended for immediate implementation using the information contained in the annex to the aforementioned document as a basis, taking into account the comments and decisions made in plenary.

4.61 In considering matters related to the application of the draft circular, the Committee noted that the group had agreed that any recommended measures should be interim, taking into account that, when any future amendments come into force, such guidance may become superfluous, and had agreed to focus on the fire safety hazards associated with cabin balconies as a priority (versus external open deck areas).

4.62 Having endorsed the above views, the Committee approved MSC.1/Circ.1187 on Operational recommendations for passenger ships with cabin balconies.

##### ***Strategy and philosophy for the safety of external areas on passenger ships***

4.63 Having approved the above circular, the Committee noted the group's discussion on how best to deal with any draft amendments to SOLAS for matters related to the fire safety of external areas on passenger ships, taking into account the comments and decisions made in plenary, and that the group had agreed to focus its efforts on the safety of cabin balconies at this session. In doing so, the Committee noted the group's view that the overall issue of the safety of external areas could not be considered without more information, in particular, the fire safety analysis currently being undertaken by ICCL Members and the Bahamas (see also paragraph 4.78).

4.64 The Committee noted that the group had decided that restricted use of combustible materials on cabin balconies should be the primary goal for its work and that the fitting of fixed fire-extinguishing and fire detection systems should only be an option for passenger ships that

wish to have furniture which is not of restricted fire risk. With the above philosophy in mind, the Committee took action as indicated hereunder for new and existing passenger ships.

### ***Safety of cabin balconies on new passenger ships***

4.65 The Committee noted that the group had first considered the application of SOLAS chapter II-2 for regulations 4.4 (Primary deck coverings), 5.3.1.2 (Ceilings and linings), 5.3.2 (Use of combustible materials) and 6 (Smoke generation potential and toxicity), and had agreed to apply them to cabin balconies on new passenger ships with a view to reducing the fire load on such balconies. Notwithstanding the above decision, the group had agreed to permit an exemption for hardwood decking systems, taking into account that such decking material is of a very high density and difficult to ignite.

4.66 The Committee noted that the group had also considered the fire hazards associated with combustible furniture and partitions between balconies, taking into account document MSC 81/4/6 and the general principles of SOLAS chapter II-2, and had agreed that furniture on cabin balconies should be of restricted fire risk. In this regard, the group had also agreed that partitions separating balconies should be of non-combustible construction, similar to the provisions for interior spaces.

4.67 In considering what additional fire safety measures should be applied for passenger ships that wish to have furniture which is not of restricted fire risk on cabin balconies, the Committee noted that the group had agreed that combustible furniture should be permitted on such balconies if a fixed water-spraying, fire detection and fire alarm system is installed in accordance with the FSS Code and had prepared relevant amendments to SOLAS chapter II-2 and the FSS Code.

4.68 To facilitate the above work, the Committee agreed that work should begin promptly, at FP 51, on the development of the draft guidance for the approval of fixed water-spraying, fire detection and fire alarm systems for cabin balconies, taking into account that some existing passenger ships are already installing such systems in response to the **Star Princess** fire.

4.69 The Committee noted that the group had also considered the human element issues identified by the investigation regarding the difficulty of fighting fires on cabin balconies when partitions between such balconies are fixed and had prepared provisions to require such partitions to be capable of being opened by the crew from each side for fire-fighting purposes.

### ***Safety of cabin balconies on existing passenger ships***

4.70 The Committee noted that the group had an extensive discussion on how best to deal with any draft amendments to SOLAS for existing passenger ships, taking into account document MSC 81/4/6 and comments and decisions made in plenary, and had agreed that there was enough information available about the **Star Princess** fire to provide at least some restrictions on the use of combustible materials on cabin balconies. To this end, the group had prepared relevant provisions to require that furniture on cabin balconies be of restricted fire risk unless fixed water-spraying system and fixed fire detection and fire alarm system are fitted and that partitions separating balconies be constructed of non-combustible materials, similar to the provisions for new passenger ships.

4.71 In regard to the application date for the retroactive provisions, the Committee noted that the group had agreed that passenger ship constructed before the implementation date of the new requirements should comply with the new provisions by the first survey after the implementation date.



4.72 The delegations of Poland and the United States expressed their view that existing passenger ships should also be required to have balcony partitions capable of being opened by the crew from each side for fire-fighting purposes. This view was also motivated by the concern that, depending on the construction of a partition, balconies could not, in case of a fire involving them, be accessed from adjacent cabins.

4.73 In noting the above, the Committee noted that the majority of the group did not agree with this view as some companies had already begun the process of procurement of new non-combustible partitions and, therefore, any retroactive amendments would penalize companies that took proactive action as result of the **Star Princess** fire, bearing in mind that existing passenger ships will have to reduce their use of combustible materials on cabin balconies if the aforementioned draft amendments are adopted. Moreover, it was emphasized that the construction of balcony partition is such that they may be broken, in case of an emergency, by fire-fighting teams operating from adjacent cabins.

4.74 The delegation of the United Kingdom stated that it had sympathy with the above view and expressed its appreciation for the effort already made by industry, but maintained the view that existing passenger ships should comply with the balcony access requirements of new ships.

4.75 Having resolved the above issues and taking into account the views expressed, the Committee approved the draft amendments to SOLAS chapter II-2 and the FSS Code, as set out in annex 12, and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII, for consideration at MSC 82 with a view to adoption.

4.76 The delegation of Norway stated that it fully supported that the guidance contained in the aforementioned MSC circular on operational measures be taken forward at this session and supported the development of SOLAS amendments for new and existing passenger ships. However, they did not support that the draft SOLAS amendments be adopted prior to them being examined by the FP Sub-Committee to ensure that the proposed draft amendments adequately address the fire safety of balconies.

#### ***Need for an intersessional meeting of the working group***

4.77 Having considered the progress made on this issue, the Committee considered whether an intersessional meeting of the working group should be held concurrently with SLF 49 and agreed that such a meeting was now unnecessary since the work on cabin balconies had been completed at this session. With regard to the safety of other external deck areas, the Committee agreed to include new items in the FP Sub-Committee's work programme and the provisional agenda for FP 51 (see paragraphs 23.17.1 and 23.17.2) and instructed the FP Correspondence Group on Performance Testing and Approval Standards for Fire Safety Systems to begin development of the draft guidance for the approval of fixed water-spraying, fire detection and fire alarm systems for cabin balconies so that work can begin promptly at FP 51. The Secretariat was instructed to forward the information to the aforementioned correspondence group established by FP 50.

4.78 The observer from ICCL, recalling that its members are conducting fire risk assessment for balcony spaces and for other external spaces on cruise ships, noted their intention to provide an overview of these assessments, as well as a summary of the results, and other relevant information for consideration by MSC 82 and FP 51, as appropriate.

## **Work plan on passenger ship safety**

4.79 Having finalized the above tasks, the Committee agreed to the proposed additions for the work programmes and the provisional agendas for the DE, FP, NAV, SLF and STW Sub-Committees, as set out in annex 13 to document MSC 81/WP.6, taking into account that consequential work needed to be carried out accordingly (see paragraphs 23.17, 23.42, 23.49, 23.54 and 23.64).

4.80 The Committee noted that the COMSAR, DE, FP and NAV Sub-Committees had completed the work assigned and, to this end, consolidated and redrafted the remaining tasks for the SLF and STW Sub-Committees accordingly.

4.81 The Committee approved the revised work plan, set out in annex 14 to document MSC 81/WP.6, and forward it to the SLF and STW Sub-Committees for action as appropriate. The Committee also conveyed the group's report, in its entirety, to the relevant sub-committees for background purposes.

4.82 In noting that the work on this important initiative had now been completed, the Committee expressed its appreciation to all the delegations and observers that participated in the work of the group and to the Chairman of the group for their commitment and hard work over the past five years to aid the Committee and its subsidiary bodies to achieve the strategic goals agreed at MSC 74.

## **5 MEASURES TO ENHANCE MARITIME SECURITY**

### **GENERAL**

5.1 The Committee recalled that, at MSC 80, it had considered various matters which had arisen following the entry into force, on 1 July 2004, of the Special measures to enhance maritime security and had instructed a number of sub-committees to consider and report on salient issues.

5.2 The Committee considered documents MSC 81/5, MSC 81/5/Add.1 and Add.2 and MSC 81/5/1 (Secretariat) before referring matters raised therein to the Working Group on Maritime Security (MSWG). In this respect, the Committee considered the relevant parts of the reports of FAL 32, MSC/ISWG/LRIT, A 24, STW 37, COMSAR/ISWG/LRIT and COMSAR 10.

5.3 The Committee further considered documents MSC 80/3/3 (United States), MSC 81/3/5 (United Kingdom), MSC 81/3/7 (Norway), MSC 81/3/8 and Corr.1 (Brazil), MSC 81/5/2 (Vanuatu), MSC 81/5/3 (Islamic Republic of Iran), MSC 81/5/4 (Secretariat), MSC 81/5/5 (Secretariat) (considered under agenda item 19), MSC 81/5/6 (Austria *et al*), MSC 81/5/7 (Austria *et al*), MSC 81/5/8 (ICFTU), MSC 81/5/9 (Japan), MSC 81/5/10 (Colombia), MSC 81/5/11 (Austria *et al*), MSC 81/5/12 (Belgium *et al*), MSC 81/5/13 (Brazil) and MSC 81/5/14 (ISO), MSC 81/5/15 (ICS), MSC 81/INF.5 (Secretariat) and MSC 81/INF.10 (Japan).

## DECISIONS OF IMO BODIES

### OUTCOME OF FAL 32

#### ***Security-related information to be submitted prior to the entry of a ship into port***

5.4 The Committee recalled that MSC 79 (MSC 79/23, paragraph 5.91) advised the FAL Committee that even though the standard data set contained in MSC/Circ.1130 on Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port was subject to review and amendment by the Committee, the FAL Committee should commence the development of an electronic data interchange message (EDI message) through which the standard data set could be transmitted electronically for joint adoption by the Committee and the FAL Committee and for inclusion in the IMO Compendium on Facilitation and Electronic Business.

5.5 The Committee noted that FAL 32 in relation to the security-related information to be submitted prior to the entry of a ship into port (MSC 81/5, paragraphs 3 to 5 and 29.1):

- .1 established (FAL 32/22, paragraph 5.12.4) a Correspondence Group which it tasked, *inter alia*, to develop an EDI message for transmission of security-related information based on MSC/Circ.1130 on Guidance to masters, companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port for inclusion in the IMO FAL Compendium;
- .2 agreed (FAL 32/22, paragraph 10.13) that the submission of information, data or documents which had been submitted prior to the arrival of the ship should not be required again once the ship had arrived, except if changes or amendments had occurred in the interim period; and
- .3 agreed (FAL 32/22, paragraph 10.14) to consider the need for a revision of Standard 2.1 of the FAL Convention<sup>1</sup> at its next session and invited Member Governments and international organizations to submit their proposals to FAL 33.

#### ***Trafficking or transport of illegal migrants by sea***

5.6 The Committee noted that FAL 32, whilst considering the reports on trafficking or transport of illegal migrants by sea, collated and disseminated by the Secretariat on a biannual basis under the MSC.3 circular series, agreed (FAL 32/22, paragraph 8.16) that such information might also serve as a useful measure of effectiveness, or otherwise, of access control and other special measures to enhance maritime security, in ports and port facilities (MSC 81/5, paragraphs 6 and 29.2).

5.7 The Committee considered the submission from Brazil (MSC 81/5/13) dealing with illegal entrants into a country and addressing a similar issue, under the heading: "Effective

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<sup>1</sup> Section 2 of the FAL Convention addresses the arrival, stay and departure of ships. Standard 2.1 specifies the documents which public authorities should require and retain in relation to the arrival and departure of a ship.

implementation of SOLAS chapter XI-2 and of the ISPS Code” below (see paragraph 5.62 below).

***Review of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships (resolution A.872(20))***

5.8 The Committee recalled that MSC 79 noted (MSC 79/23, paragraphs 5.11 and 5.12) the efforts of FAL 30 and FAL 31 to review, in response to the request of the 2002 SOLAS Conference, the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)).

5.9 The Committee also noted that A 24 had adopted, as proposed by FAL 32, resolution A.985(24)/Rev.1 on Revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)) which, *inter alia*, requested the Committee and the FAL Committee to work jointly and expeditiously on the revision of the Guidelines and authorized them to adopt jointly the necessary amendments thereto and promulgate these by appropriate means (MSC 81/5, paragraphs 7 and 29.3, see also MSC 81/2/4, paragraph 27.3).

5.10 The Committee further noted that FAL 32 had established (FAL 32/22, paragraph 9.19) a correspondence group whose terms of reference included, *inter alia*, the preparation of appropriate amendments to the Guidelines and the submission (FAL 32/22, paragraph 9.20) of these for consideration by the Committee and the FAL Committee (MSC 81/5, paragraphs 8 and 29.3).

5.11 Colombia, as co-ordinator of the correspondence group, provided information (MSC 81/5/10) on the progress of the work undertaken by the correspondence group in relation to the revision of the Guidelines.

***Developments within the World Customs Organization***

5.12 The Committee was informed that FAL 32 had noted the adoption, by the World Customs Organization (WCO), of the Framework of standards to secure and facilitate global trade (the Framework of Standards) and instructed (FAL 32/22, paragraph 10.24) the Secretariat to:

- .1 make available to the FAL Committee the Framework of Standards once they become available in their final format so as to enable it to consider the issues involved and advance the matter within the areas under its purview; and
- .2 to keep the FAL Committee informed of any developments at WCO relating to supply chain security to enable it to take any required actions (MSC 81/5, paragraphs 9 and 29.4).

5.13 The Committee recalled that MSC 80 had noted (MSC 80/24, paragraphs 5.71 to 5.75) that the June 2005 session of the WCO Council was expected to consider, with a view to adoption, a framework of standards to secure and facilitate global trade and that the final text thereof was to be made available to the Organization at a later date.

5.14 The Secretariat (MSC 81/INF.5) provided general information relating to the adoption by the WCO of the Framework of Standards. A copy of the resolution of the Customs Co-operation Council through which the Framework of Standards was adopted (MSC 81/INF.5, annex 1) and a

fact sheet (MSC 81/INF.5, annex 2) on the Framework of Standards, published by WCO, were made available. The Committee noted that the actual Framework of Standards was available on the WCO website ([www.wcoomd.org](http://www.wcoomd.org)) in Arabic, English, French, Russian and Spanish.

5.15 The Secretariat (MSC 81/5/4) provided background information on a strategy for developing maritime cargo security procedures in the context of the Framework of Standards, as a basis of consideration by the Committee, addressing the existing IMO provisions on cargo security contained in SOLAS chapter XI-2 and the ISPS Code; the SUA Convention; and other IMO mandatory instruments and guidelines; as well as provisions on cargo security developed by other IOs and NGOs including the International Labour Organization (ILO), International Organization on Standards (ISO), International Civil Aviation Organization (ICAO); and summarizing briefly the work of the WCO on the Framework of Standards.

The proposal indicated that the seventeen WCO Standards might broadly be divided into (a) those most compatible with the tone of, and suitable for inclusion in, the Convention on Facilitation of International Maritime Traffic, 1965, as amended (FAL Convention); (b) those most applicable to part A of the ISPS Code; and (c) those most applicable to part B of the ISPS Code. However, it was also suggested that some of the WCO Standards were uniquely applicable to Customs regulations. An annotated list of the WCO Framework of Standards, showing the suggested appropriate references to IMO instruments, was given in the annex to document MSC 81/5/4.

The proposal provided options for developing measures consistent with the Framework of Standards for inclusion in SOLAS chapter XI-2 and parts A and B of the ISPS Code and made recommendations to the FAL Committee on any provisions to be included in the FAL Convention.

Noting that any amendments to the SOLAS and FAL Conventions and the ISPS Code would take a significant time to come into effect, and given that Contracting Governments would need time to introduce national enabling legislation, the proposal invited the Committee to consider the development of a joint MSC/FAL circular on interim guidance on procedures for maritime cargo supply chain security. The Committee was also invited to explore the option of accepting such procedures as meeting the requirements of SOLAS regulation XI-2/12 on Equivalent security arrangements.

5.16 At the request of the Ministerial Conference on International Transport Security (the Tokyo Ministerial Conference), which was held at the invitation of the Government of Japan in Tokyo on 12 and 13 January 2006, Japan (MSC 81/5/9) submitted information relating to the event and particularly its outcome. The event was attended by Ministers responsible for transport security and officials from 14 countries, namely Australia, Canada, China, France, Germany, Indonesia, Italy, Japan, the Republic of Korea, Malaysia, the Russian Federation, Singapore, the United Kingdom and the United States, and from the European Commission. The outcome of the Conference relating to the work of the Committee were set out in the Ministerial Statement on Security in International Maritime Transport Sector (MSC 81/5/9, annex 2). The Conference invited IMO to consider, in co-operation with WCO, the development and adoption, as necessary, of appropriate measures to enhance the security of the maritime transport of containers in the international supply chain, while respecting efficiency and international harmonization; and to undertake a study and make, as necessary, recommendations to enhance the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code.

The States which participated in the conference also agreed, in an effort to enhance maritime security, to pursue a variety of other actions which were also set out in the Ministerial Statement on Security in International Maritime Transport Sector.

5.17 The Committee considered separately the request of the Tokyo Ministerial Conference for the Organization to undertake a study and make, as necessary, recommendations to enhance the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code under the heading “Enhancement of the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code” (see paragraph 5.59 below).

5.18 The Committee instructed the MSWG to consider and recommend, taking into account the related decisions of the 2002 SOLAS Conference, the WCO Framework of Standards, document MSC 81/5/4 (Secretariat), the salient aspects of document MSC 81/5/9 (Japan), the approach to be taken in developing measures which further enhance the security of closed cargo transport units and of freight containers transported by ships whilst simultaneously achieving positive gains in the facilitation of maritime transport.

#### **OUTCOME OF A 24**

##### ***Future development of the voluntary IMO Member State audit scheme***

5.19 The Committee noted that A 24 adopted resolution A.975(24) on Future development of the voluntary IMO Member State Audit Scheme. This resolution, *inter alia*, and as a first step, directs the Committee and the MEPC to review the future feasibility of including, within the scope of the IMO Member State Voluntary Audit Scheme, security-related and other functions not presently covered by the scheme; to identify any implications of broadening the scope of the scheme in this way; and to report to the Council, as appropriate (MSC 81/2/4, paragraphs 24 and 25, MSC 81/5, paragraph 11 and MSC 81/23/11, paragraphs 3.2 and 5).

#### **OUTCOME OF STW 37**

##### ***Review of the STCW Convention and of the STCW Code so as to include appropriate security-related provisions***

##### ***BACKGROUND***

5.20 The Committee recalled that MSC 80 had noted (MSC 80/24, paragraph 5.28.1) that STW 36 had invited (STW 36/17, paragraph 8.17) the submission of specific proposals on the actions to be taken in relation to the revision of the STCW Convention and the Principles of Safe Manning in order to enable STW 37 to have an in-depth discussion of the subject with a view to providing the Committee with a holistic proposal on the issues which needed to be addressed.

##### ***IDENTIFICATION OF PROVISIONS WHICH MIGHT NEED TO BE AMENDED (OTHER THAN THOSE RELATED TO TRAINING)***

5.21 The Committee:

- .1 noted (STW 37/18, paragraph 7.38 and annex 2) the Preliminary list of the provisions of the STCW Convention which needed to be examined in relation to the inclusion therein of appropriate security-related provisions (the Preliminary list) identified by STW 37;

- .2 noted that STW 37 had agreed (STW 37/18, paragraph 7.37) that, with respect to the STCW regulations identified in the Preliminary list, the corresponding provisions of parts A and B of the STCW Code would need also to be examined; and
- .3 authorized (STW 37/18, paragraph 7.38) the STW Sub-Committee to start developing appropriate amendments to the STCW Convention and the STCW Code so as to include therein security-related provisions, on the understanding – as the Preliminary list was not exhaustive – that the Sub-Committee would have the flexibility to include, at any stage subject to informing the Committee, any other related issues which transpired as a result of discussions (MSC 81/5, paragraphs 12 to 14 and 29.5; MSC 81/14, paragraph 2.4; and STW 37/18, paragraphs 7.34 to 7.37 and 7.51 and annex 2).

#### ***SECURITY-RELATED TRAINING FOR SHIPBOARD PERSONNEL***

5.22 The Committee noted that during STW 37 there was a divergence of opinion on the approach to be taken when developing provisions relating to the security-related training for shipboard personnel (other than the ship security officer) and that this was, to a large extent, dependent on the philosophy and perception as to what needed to be included (MSC 81/5, paragraphs 15 to 22 and STW 37/18, paragraphs 7.40 to 7.51).

5.23 The Committee also noted that, as a result, STW 37 had requested (STW 37/18, paragraphs 7.51.2 and 18.1.5) the Committee to consider the matter and to instruct the STW Sub-Committee on the approach to be taken and on the nature, extent and level of training required (MSC 81/5, paragraphs 23 and 29.6; and MSC 81/14, paragraph 2.5).

5.24 The Committee instructed the MSWG to consider and recommend, taking into account the discussions at STW 37 (STW 37/18, paragraphs 7.40 to 7.49, 7.50, 7.51), the approach to be taken when developing provisions relating to the security-related training for shipboard personnel (other than the ship security officer) for eventual inclusion in the STCW Convention and the STCW Code as amendments.

#### ***Principles of Safe Manning***

5.25 The Committee noted (MSC 81/5, paragraph 24) that STW 37 had received no submissions in relation to the further revision of the Principles of safe manning, with a view to reflecting the workload generated as a result of the entry into force of SOLAS chapter XI-2 and the ISPS Code.

5.26 The Committee also noted (MSC 81/5, paragraph 24) that STW 37, bearing in mind that the United Kingdom *et al* (MSC 81/23/3) had proposed the approval of a new work programme item dealing with the review and revision of the Principles of safe manning and, as a result, had decided not to embark on any discussion relating to the revision of the Principles of safe manning until MSC 81 had decided on how to pursue the proposal by the United Kingdom *et al* (MSC 81/23/3).

5.27 The Committee considered this issue further under agenda item 23 (Work programme) together with the proposals of the United Kingdom *et al* (MSC 81/23/3) for the approval of a new work programme item dealing with the review and revision of the Principles of safe manning.

### ***Dispensations for ship security officers***

5.28 The Committee noted that during the identification of the provisions of the STCW Convention and the STCW Code which needed to be amended so as to include appropriate security-related provisions, STW 37 had examined, *inter alia*, the provisions of STCW article VIII (Dispensations). During that debate, it had transpired that the question of granting of dispensations to ship security officers (SSOs) had not been discussed thus far, either by the STW Sub-Committee or the Committee. It also had transpired that those attending STW 37 were approaching the granting of dispensation to SSOs and were reading and interpreting the salient provisions of STCW article VIII in a variety of ways.

5.29 The Committee also noted that, as a result, STW 37 had invited the Committee to consider and resolve this issue, and, if necessary, to incorporate appropriate provisions in the draft amendments relating to the requirements for the issue of certificates of proficiency for SSOs (MSC 81/5, paragraphs 25, 26 and 29.7; MSC 81/14, paragraph 2.6; and STW 37/18, paragraphs 7.52, 7.53 and 18.1.6).

5.30 The Committee instructed the MSWG to consider and recommend, taking into account the discussions at STW 37 (STW 37/18, paragraphs 7.52 and 7.53), the approach to be taken in relation to the granting of dispensations to SSOs. In this context, the MSWG should consider the text of the draft amendments to the STCW Convention and the STCW Code (MSC 81/3/1) and should develop, as necessary, appropriate modifications thereto in line with its decisions. The MSWG should liaise with the Drafting Group to be established under agenda item 3 so as to include, in a clearly identifiable manner, the suggested modifications in the text of the draft of the amendments to the STCW Convention and the STCW Code the latter group would be presenting to the Committee for consideration with a view to adoption.

### ***Training and certification of port facility security officers***

5.31 The Committee recalled that MSC 80, when approving MSC/Circ.1154 on Guidelines on training and certification for company security officers, instructed the STW Sub-Committee to develop draft guidelines on training and certification for port facility security officers and an associated draft MSC circular.

5.32 The Committee noted that STW 37 had prepared and submitted for consideration with a view to approval a draft MSC circular on Guidelines on training and certification for port facility security officers, as set out in annex 3 to document STW 37/18 (MSC 81/5, paragraphs 27, 28 and 29.8; MSC 81/14, paragraph 2.7; and STW 37/18, annex 3).

5.33 The Committee instructed the MSWG to review the draft MSC circular on Guidelines on training and certification for port facility security officers prepared by STW 37 (STW 37/18, annex 3) and submit it to the Committee for consideration with a view to approval.

## **ISSUES ARISING FOLLOWING THE ENTRY INTO FORCE OF THE 2002 (CHAPTERS V, XI AND XI-2) SOLAS AMENDMENTS AND THE ISPS CODE**

### ***Proposed amendments to the Code of Safety for Special Purpose Ships***

5.34 The Committee recalled that MSC 80 noted (MSC 80/24, paragraphs 5.32 to 5.35), in relation to the application of SOLAS regulation XI-2/2.1.1.1.2, that SOLAS Contracting Governments had adopted a variety of interpretations of the term “500 gross tonnage and



upwards” which led to a number of cargo ships not being required to comply with the provisions of SOLAS chapter XI-2 and the ISPS Code.

5.35 The Committee also recalled that, as a result, MSC 80 decided (MSC 80/24, paragraph 5.86) that the gross tonnage to be used for determining whether a cargo ship, irrespective of the date on which its keel was laid, was required to comply with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code, should be determined in accordance with the provisions of the 1969 TM Convention.

5.36 The Committee noted that A 24 had concurred with the view of MSC 80 that the Revised interim scheme for tonnage measurement for certain ships, adopted by resolution A.494(XII), did not apply to certain matters related to SOLAS chapter XI-2 and the ISPS Code (MSC 81/5, paragraph 10 and A 24/5(b)/2, paragraphs 11 and 107.1).

5.37 The Committee further recalled that, MSC 80, *inter alia*, and in this respect, approved (MSC 80/24, paragraph 5.87.1) MSC/Circ.1157 on Interim scheme for the compliance of certain cargo ships with the special measures to enhance maritime security and invited (MSC 80/24, paragraph 5.87.4) Member Governments and international organizations to submit proposals and suggestions on how to deal with special purpose ships in relation to SOLAS chapter XI-2 and the ISPS Code.

5.38 Austria *et al* (MSC 81/5/7), in an effort to remove any ambiguity in relation to the application of SOLAS chapter XI-2 and the ISPS Code to special purpose ships, proposed the adoption of amendments to the Code of Safety for Special Purpose Ships (SPS Code) through which compliance with the requirements of SOLAS chapter XI-2 and the ISPS Code would become one of the requirements of the SPS Code. Austria *et al*, in recognition of the difficulties that might be encountered by ships that did not already comply with the aforesaid requirements, also proposed that the implementation of SOLAS chapter XI-2 and the ISPS Code to special purpose ships could be the subject of an interim scheme similar to that in MSC/Circ.1157 on Interim scheme for the compliance of certain cargo ships with the special measures to enhance maritime security and, in this respect, they suggested that the end date for both interim schemes could be harmonized as 1 July 2008.

5.39 The Committee recalled that DE 49, pursuant to the instructions of MSC 78 and taking into account the outcome of NAV 51, SLF 48 and FP 50, had advanced the work on the review of the SPS Code and had established a correspondence group with the aim of completing the work during DE 50.

5.40 The Committee also recalled that the purpose of the SPS Code was to recommend design criteria, construction standards and other safety measures for new special purpose ships of 500 gross tonnage and above. The SPS Code did not define the term “new ship” in order to give Administrations discretion to decide the effective date of entry into force. Furthermore, the use and application of the SPS Code was also voluntary and at the discretion of Administrations.

5.41 The Committee noted that, as a result, adopting amendments to a voluntary code would not provide, in any way, guarantees that either existing or new special purpose ships would be required to comply with SOLAS chapter XI-2 and the ISPS Code. In addition, in view of the existing contents and structure of the SPS Code, the incorporation of security-related provisions was a complex exercise. Furthermore, adopting amendments to the SPS Code would not in any

way provide a framework through which port facilities serving special purpose ships would be required to comply with SOLAS chapter XI-2 and the ISPS Code.

5.42 The Committee instructed the MSWG to consider and recommend, taking into account the proposals contained in document MSC 81/5/7 (Austria *et al*), whether special purpose ships, as defined in the SPS Code, should be required to comply with the provisions of SOLAS chapter XI-2 and the ISPS Code and, if so, to prepare a draft MSC circular on Interim scheme for the compliance of special purpose ships with the special measures to enhance maritime security and submit it to the Committee for consideration with a view to approval.

#### ***Proposed amendments to Performance standards for ship security alert systems***

5.43 Austria *et al* (MSC 81/5/11) reported that in a number of cases where ship security alerts had been transmitted, it was very difficult to identify the ships involved based on the information they were transmitting in that respect. In some instances, the information transmitted was limited to the name of the ship which was presenting further difficulties. Austria *et al* pointed out that, bearing in mind that SOLAS chapter XI-2 and the ISPS Code required a clear identification of ships and, consequently, inclusion of the unique IMO ship identification number in all security-related documents, the transmission of the ship's name only in a security alert might not be sufficient. In addition, in their view, the common practice of changing ships' names made it necessary to transmit the unique IMO ship identification number as the only unambiguous means of identifying a ship, which would also save time in the provision of assistance. As a result, they proposed amendments to the Performance standards for a ship security alert system adopted by resolution MSC.136(76) and subsequently revised by resolution MSC.147(77) so as to include in the transmission the IMO ship identification number.

5.44 The Committee recalled that the shipborne AIS equipment is required to transmit, in accordance with SOLAS regulation V/19.2.4.5.1, information including the ship's identity. In this respect, following proposals by MSC 73 and NAV 47, A 22 specified in resolution A.917(22) on Guidelines for the onboard operational use of shipborne automatic identification systems (AIS) that the information to be transmitted included the Maritime Mobile Service Identify (MMSI); the Call sign; the name; and the IMO ship identification number, of the ship.

5.45 The delegation of China, supported by the delegations of the Democratic Peoples' Republic of Korea and Venezuela suggested that, in view of the security-related sensitivities associated with transmission of ship security alerts, it would be better if the matter was left to each Administration to consider the approach to be taken in resolving the issue raised.

5.46 The observer delegation of CIRM pointed out that there might be practical and technical difficulties if the prescriptive solution proposed by Austria *et al* (MSC 81/5/11) were to be adopted. However, in their view the issue could be resolved if the development of the solution were to be approached from the angle of the designated recipient of the ship security alert.

5.47 The Committee instructed the MSWG to prepare, taking into account the concerns expressed in document MSC 81/5/9 (Austria *et al*) and the discussions in plenary, a draft MSC circular providing guidance in relation to the information which needed to be transmitted by ships, which were required to comply with the provisions of SOLAS regulation XI-2/6, for identification purposes in connection with ship security alerts for consideration by the Committee with a view to approval.

***Obligation to inform the Administration when imposing control or compliance measures imposed***

5.48 Belgium *et al* (MSC 81/5/12) pointed out that a considerable number of SOLAS Contracting Governments, when taking control measures or steps pursuant to the provisions of SOLAS regulation XI-2/9, had failed to notify the flag State of the ship in question, as required by the aforesaid regulation and as provided for in resolution MSC.159(78) on Interim guidance on control and compliance measures to enhance maritime security.

In addition, this failure, in their view, inhibited the early detection of ships which, although they might be certificated, failed to fully implement the required security measures and prevented Administrations from taking promptly corrective actions. Belgium *et al* proposed that the Committee should remind SOLAS Contracting Governments of their obligation to immediately inform the Administration of any control or compliance measures imposed other than administrative or corrective measures.

5.49 The Committee recalled that MSC 79 had considered (MSC 79/23, paragraphs 5.51 to 5.53) the same issue following a submission by the Marshall Islands (MSC 79/5/11) and had approved (MSC 79/23, paragraph 5.96), as a result, MSC/Circ.1133 on Reminder of the obligation to notify flag States when exercising control and compliance measures.

5.50 The Committee instructed the MSWG to examine, taking into account the concerns expressed in document MSC 81/5/12 (Belgium *et al*), the adequacy of MSC/Circ.1133 and, if necessary, prepare a new draft MSC circular on Reminder of the obligation to notify flag States when exercising control and compliance measures and submit it to the Committee for consideration with a view to approval.

**REVISION OF THE INTERIM GUIDANCE ON VOLUNTARY SELF-ASSESSMENT BY SOLAS CONTRACTING GOVERNMENTS AND BY PORT FACILITIES**

5.51 The Committee recalled that MSC 79 approved MSC/Circ.1131 on Interim Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities (the Interim Guidance), *inter alia*, inviting SOLAS Contracting Governments, international organizations and non-governmental organizations with consultative status to bring to the attention of the Committee, at the earliest opportunity, the results of experience gained from the use of the Interim Guidance so as to assist the Committee in deciding on any action to be taken.

5.52 The Committee also recalled that MSC 80 considered (MSC 80/24, paragraph 5.53) suggestions from Germany (MSC 80/5/6), Japan (MSC 80/5/13 and MSC 80/5/14) and Canada (MSC 80/5/15) on corrections, improvements and guidance in relation to the use of the Interim Guidance; endorsed the summary of lessons learnt from the use of the Interim Guidance, until that stage, as set out in annex 7 to document MSC 80/WP.7; and recommended that those undertaking self-assessments should bear these in mind.

5.53 The Committee further recalled that, MSC 80, noting the close proximity to MSC 79, when the Interim Guidance was approved, agreed that it was not prudent to embark, at that stage, on any revision of the Interim Guidance or to consider the termination of its interim status; and urged (MSC 80/24, paragraph 5.91) SOLAS Contracting Governments to submit the results of the experience gained from the use of the Interim Guidance for consideration by the present

session, to enable it to review and improve, if necessary, the Interim Guidance and to bring to an end its interim status.

5.54 Vanuatu (MSC 81/5/2) reported that it had used the Voluntary self-assessment questionnaire for Contracting Governments (MSC/Circ.1131, annex, appendix 1) and the Voluntary self-assessment tool for port facility security (MSC/Circ.1131, annex, appendix 2) and found these to be very helpful in the assessment of the integrity of the security arrangements. Vanuatu also advised that it considered the Interim Guidance to be adequate for its purpose and had no suggestions for its amendment.

5.55 The Islamic Republic of Iran (MSC 81/5/3) reported that it had conducted a trial use of the Voluntary self-assessment tool for port facility security (MSC/Circ.1131, annex, appendix 2) in all Iranian port facilities and required all port facility security officers to undertake a self-assessment exercise and to complete the related self-assessment questionnaires separately with the aim of collating their understanding, perception and views in a thorough and objective manner. Following a review of the information and an analysis of the information received, the Islamic Republic of Iran suggested that SOLAS Contracting Governments should be able to modify some items of the self-assessment tool to suit the specific national circumstances and the level of involvement of the private sector in operating/managing port facilities. In addition, in view of the time lapsed since the entry into force of SOLAS chapter XI-2 and the ISPS Code and in the light of experience gained thus far, the Islamic Republic of Iran suggested that a few questions of the self-assessment tool appeared, at this stage, to be very elementary. Hence, in their view it would be reasonable to substitute these, for example most of those set out in question 1, part A of the self-assessment tool, with new ones addressing functional issues and/or with ones based on the individual needs of each SOLAS Contracting Government.

5.56 The Committee instructed the MSWG to consider and, if necessary, revise, taking into account the summary of lessons learnt from the use of MSC/Circ.1131 on Interim Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities endorsed by MSC 80 (MSC 80/WP.7, annex 7); and the views expressed in documents MSC 81/5/2 (Vanuatu) and MSC 81/5/3 (Islamic Republic of Iran), the MSC circular on Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities (to bring the interim status of the guidance to an end, consolidate the various suggestions, and supersede MSC/Circ.1131) for consideration by the Committee with a view to approval.

#### **PROPOSED GUIDANCE ON VOLUNTARY SELF-ASSESSMENT BY ADMINISTRATIONS AND FOR SHIP SECURITY**

5.57 Austria *et al* (MSC 81/5/6) pointed out that the need to ensure uniform and consistent implementation of SOLAS chapter XI-2 and the ISPS Code applied equally to Administrations and on board ships as it did in respect of SOLAS Contracting Governments, Designated Authorities and port facilities and, in an effort to achieve this, they proposed the adoption of Guidance on voluntary self-assessment by Administrations and for ship security. As with the existing Interim Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities (MSC/Circ.1131), two separate questionnaires were proposed. The first one, at appendix 1, would be used by Administrations for them to self-assess whether and to what extent they had implemented the requirements of SOLAS chapter XI-2 and part A of the ISPS Code, including the issue of appropriate instructions and/or guidance to industry to enable it to fully implement the ISPS Code. The second one, at appendix 2, would be used to assess the security status of ships flying the flag of that Administration. It was designed to be used by the Company security officer, the ship security officer or the recognized security organization authorized to approve or verify the ship security plan (SSP), review the status and effectiveness

of implementation and establish an overview of security of the ship or ships. The person completing the self-assessment tool had responsibility for, and formed part of, the process of reviewing the previously approved SSP.

5.58 The Committee instructed the MSWG to prepare, taking into account the proposals contained in the annex to document MSC 81/5/6 (Austria *et al*), a draft MSC circular on Guidance on voluntary self-assessment by Administrations and for ship security for consideration by the Committee with a view to approval.

#### **ENHANCEMENT OF THE SECURITY OF SHIPS OTHER THAN THOSE ALREADY COVERED BY SOLAS CHAPTER XI-2 AND THE ISPS CODE**

5.59 The Committee recalled that it had noted the request of the Tokyo Ministerial Conference on International Transport Security for the Organization to undertake a study and make, as necessary, recommendations to enhance the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code and agreed to consider the matter separately (see paragraph 5.17 above).

5.60 Japan (MSC 81/INF.10) provided information on the outcome of the Seminar on maritime security measures for non-SOLAS vessels, which was held on 10 May 2005 at IMO Headquarters by the Japan International Transport Institute, under the auspices of the Ministry of Land, Infrastructure and Transport of Japan and the Maritime and Port Authority of Singapore.

5.61 The Committee:

- .1 acknowledged that the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code and their interactions with ships and port facilities which were required to comply with the aforesaid provisions was an area of varying concerns to a number of SOLAS Contracting Governments;
- .2 agreed that the development of recommendations aimed at enhancing the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code would be desirable and would contribute to the efforts of the Organization to enhance maritime security. However, such recommendations would need to be practical, sustainable and proportionate to the risks and threats involved; and
- .3 invited proposals on how to address the security aspects of the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code.

#### **THE EFFECTIVE IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE**

##### ***Stowaways and illegal entrants in ports***

5.62 Brazil (MSC 81/5/13) recalled that SOLAS chapter XI-2 and the ISPS Code addressed stowaway matters in ports as security incidents; and reported that, based on the conclusions of the Brazilian Federal Police Department as a result of a statistical study of the stowaways arriving in Brazil on ships calling at Brazilian ports, the way they had been implemented and were enforced, thus far, had had a limited effect, at least in reducing the number of stowaways.

In addition, Brazil pointed out that, in their view, this showed weaknesses in the implementation and enforcement of SOLAS chapter XI-2 and the ISPS Code. Brazil also expressed the view that in cases of illegal entry into a country, the responsibility should be shared with ports of origin and the ships that failed to make the appropriate security arrangements to prevent stowaways from entering their territory. Furthermore, Brazil also suggested that in view of the increasing sophistication of terrorist acts, security mechanisms should be seriously reinforced, as a stowaway could be a refugee, an adventurer or a terrorist and thus, security should not be compromised, as it was the prime concern at the heart of SOLAS chapter XI-2 and the ISPS Code.

5.63 The Committee recalled that, when considering the outcome of FAL 32, it had noted that FAL 32 had agreed (FAL 32/22, paragraph 8.16) that the reports of trafficking or transport of illegal migrants by sea might also serve as a useful measure of the effectiveness, or otherwise, of access control and other special measures to enhance maritime security, in ports and port facilities (MSC 81/5, paragraphs 7 and 29.2).

5.64 The Committee concurred with the view of Brazil that the number and frequency of stowaway incidents was one of the indicators that could be used in assessing the effective implementation, compliance with, and enforcement of the provisions of SOLAS chapter XI-2 and the ISPS Code; and urged SOLAS Contracting Governments to closely monitor developments and report to the Committee any emerging patterns.

5.65 Following a variety of suggestions on matters primarily related to stowaways from the delegations of Peru, Uruguay and Venezuela, who also shared the concerns expressed by Brazil (MSC 81/5/13) in connection with the weaknesses in the implementation and enforcement of SOLAS chapter XI-2 and the ISPS Code, the Committee instructed the MSWG to consider and recommend the approach to be taken in addressing the issues raised in document MSC 81/5/13 (Brazil), as expanded during the discussion in plenary.

### ***Shore leave and access to ships by seafarers & implementation of the provisions of SOLAS chapter XI-2 and the ISPS Code***

5.66 ICFTU (MSC 81/5/8) reported that the International Transport Workers' Federation in response to the general concerns of seafarers, as a result of the impact of SOLAS chapter XI-2 and the ISPS Code, conducted a survey on maritime security of Union affiliates and seafarers. A report containing the responses received had been circulated as a publication entitled "Access Denied" copies of which had been made available by ICFTU during A 24.

ICFTU advised that it shared the concerns identified in the replies to the questionnaire used for the survey, particularly in respect of the failure of port facilities, terminals and administrations, to facilitate crew shore leave and to ensure the access of legitimate visitors to vessels.

ICFTU also reported that, since the report was compiled in 2005, there had been ongoing actions against crew or unrealistic measures had been applied to prevent crew from coming ashore, particularly in one of the SOLAS Contracting Governments. These included levying fees for seafarers for transiting a terminal, "lock down" of crews for extensive periods on ships as small as tugs, and placing crew members under 24 hour guard for the duration of the stay of the ship in port. In addition, ICFTU reported that there had been incidences where crew members had been refused access to telephones or even medical advice and companies had been unable to carry out a crew change or were fined for allowing crew to load stores.

ICFTU stated that there was undoubtedly an overall significant detrimental effect on seafaring as a profession. ICFTU also advised that despite the approval, by the Committee, of MSC/Circ.1112 on Shore leave and access to ships under the ISPS Code, the problem continued unabated in the same ports and the guidance appeared to be ignored.

ICFTU invited the Committee to consider, once more, the salient provisions of the ISPS Code and the undertakings contained in 2002 SOLAS Conference resolution 11 on Human element-related aspects and shore leave for seafarers and, taking into consideration the failure of past guidance to influence some port facilities, to undertake more appropriate and effective action and to co-operate with the International Labour Organization to further promote the ratification and adoption of Seafarers' Identity Documents Convention (Revised), 2003 (No.185).

5.67 The Committee recalled that MSC 78, at the request of the representative of ILO supported by the observers from ISF, ICFTU and IFSMA, urged (MSC 78/26, paragraph 7.88) Member States to become parties to the Seafarers' Identity Documents Convention (Revised), 2003 (No.185) as soon as possible and reiterated its recommendation for Member States to consider becoming parties to the aforesaid treaty.

5.68 A number of delegations shared the concerns expressed by ICFTU (MSC 81/5/8) and indicated that SOLAS Contracting Governments need to initiate the necessary action so as to resolve the difficulties encountered by seafarers in relation to shore leave and by seafarers and legitimate visitors in relation to access to and from ships.

5.69 ICS (MSC 81/5/15) reported the outcome of an ISPS survey conducted between October 2005 and March 2006 which gave an overview of the implementation of SOLAS chapter XI-2 and the ISPS Code worldwide, highlighted areas of concern and complimented the findings detailed in MSC 81/5/8 (ICFTU).

In particular, ICS reported that the problems varied in severity from those which were easily remedied by either immediate or consequential action, to those of sufficient seriousness to affect the security and operational efficiency of the ship experiencing them.

In a number of cases port facilities were reported as lacking fundamental security measures such as lighting and access controls, or the port facility security officer (PFSO) was absent or arrangements were not in place to contact the PFSO. In some ports, the PFSOs rarely visited ships calling at their facilities and in two cases port facilities remained unresponsive to calls for assistance from ships under attack by robbers.

ICS also pointed out that concern over the identification of officials and their behaviour when carrying out their duties continued to exist and the problems encountered were similar to those identified during MSC 79 (MSC 79/5/7 (ICS *et al*)). ICS advised that despite the approval and promulgation of MSC/Circ.1156 on Guidance on the access of public authorities, emergency response services and pilots onboard ships to which SOLAS chapter XI-2 and the ISPS Code apply, officials continued to arrive without identification, refused to wear visitor identification and sign their names in the visitors books where required by the ship security plan.

ICS stated that any shortfall in the application of SOLAS chapter XI-2 and the ISPS Code by port facilities, as manifested in the incidents they detailed, was not acceptable. This shortfall jeopardized, in their view, the wider effort to enhance maritime security and compromised the security of ships. Whilst provisions existed within the ISPS Code to account for ships calling at

non-compliant ports, in their opinion it was unfair that ships had to enact these provisions when calling at supposedly compliant ports. Such reported incidents unfairly increased the burden of responsibility for security on ships and their crews, with possible detrimental impact on their welfare and ability to perform their duties. ICS expressed the view that the provisions of the ISPS Code had to be properly enforced by all stakeholders if maritime security was to be assured.

#### 5.70 The Committee:

- .1 reiterated and stressed the need for all SOLAS Contracting Governments to implement, and comply with their obligations under SOLAS chapter XI-2 and the ISPS Code;
- .2 urged all SOLAS Contracting Governments to establish, if they have not yet done so, as a matter of priority national oversight programmes which aim at:
  - .1 ensuring that they meet their obligations under SOLAS chapter XI-2 and the ISPS Code;
  - .2 verifying that port facilities located within their territories meet their obligations under SOLAS chapter XI-2, the ISPS Code and the related approved port facility security plans;
  - .3 verifying that ships entitled to fly their flag meet their obligations under SOLAS chapter XI-2, the ISPS Code and the related approved ship security plans;
  - .4 ensuring that their officials conduct themselves in a manner which is conducive to the aims and objectives of SOLAS chapter XI-2 and the ISPS Code; and
  - .5 promptly identifying any non-conformities and initiating and implementing the warranted corrective actions; and
- .3 agreed that the implementation of, and compliance with, the obligations under SOLAS chapter XI-2 and the ISPS Code is a responsibility shared by all stakeholders.

5.71 The Committee also instructed the MSWG to prepare a draft MSC circular, stressing the need for rigorous implementation of, compliance with, and enforcement of, the provisions of SOLAS chapter XI-2 and the ISPS Code for consideration by the Committee with a view to approval.

#### **ISO SUPPLY CHAIN AND FREIGHT CONTAINER INITIATIVES**

5.72 ISO (MSC 81/5/4) provided updated information on its initiatives in contributing to the work undertaken with a view to enhancing security in the supply chain and in relation to the transport of freight containers. The ISO Technical Committee 8 on Ships and marine technology (ISO/TC 8) was leading a broad intermodal system approach to secure the movement of cargo throughout the supply chain from point of manufacture, including sources of financing, to the final consumer and its work was governed by the belief that the transport security problem was one that was shared by Government and industry, and meaningful solutions had to reflect that global partnership. ISO provided details of a number of ISO publicly available specifications



(PAS) which addressed maritime security and the supply chain, which had been developed or which were being developed by ISO/TC 8; and a number of ISO freight container standards which had been developed or which were being developed or amended by ISO Technical Committee 104 on Freight containers.

5.73 The Committee invited ISO to continue to provide information on the various initiatives it pursued in an effort to contribute to the global efforts to enhance security; and in particular, in connection with the enhancement of security in the supply chain and in relation to the transport of freight containers.

## **LONG-RANGE IDENTIFICATION AND TRACKING OF SHIPS**

### ***Background***

5.74 The Committee recalled that it had been discussing the issue of long-range identification and tracking of ships (LRIT) since February 2002. The matter had also been debated by the 2002 SOLAS Conference which had adopted Conference resolution 10 on Early implementation of long-range ship's identification and, last year, in an effort to make progress on the issue, COMSAR 9 and MSC 80 had extensively debated the matter.

5.75 The Committee also recalled that MSC 79 agreed (MSC 79/23, paragraph 5.68) that the purpose and scope of LRIT should be extended ultimately to include safety and environmental protection applications, subject to resolution of the technical issues by the COMSAR Sub-Committee. However, before being able to embark on the detailed technical consideration of the extension of LRIT it would be necessary for the Committee to define the safety applications and for the Marine Environment Protection Committee to define the environmental protection applications for which LRIT would be used.

5.76 The Committee further recalled that MSC 79 also agreed (MSC 79/23, paragraph 5.72) that, in the interim, the development of LRIT as a tool which SOLAS Contracting Governments may use for the enhancement of maritime security should proceed.

5.77 The Committee additionally recalled that MSC 80, after extensively discussing the issue and recognizing that, in the light of developments at the time, it would not be in a position to approve any draft SOLAS amendments on LRIT for circulation in accordance with SOLAS article VIII with a view to adoption at MSC 81 and taking into account the recommendations of the MSWG which debated the issue at length:

- .1 instructed (MSC 80/24, paragraph 5.107) COMSAR 10 to finalize, with the highest priority, all the work which needed to be completed and brought before the Committee for consideration and adoption of the proposed SOLAS regulation on LRIT;
- .2 authorized (MSC 80/24, paragraph 5.113.1) the convening of an MSC intersessional working group on LRIT, from 17 to 19 October 2005, for the purpose of developing draft SOLAS amendments on LRIT; and
- .3 authorized (MSC 80/24, paragraph 5.113.2) the convening of a five-day intersessional COMSAR working group on LRIT during the week preceding

COMSAR 10, so as to enable the completion during COMSAR 10 of all the technical work relating to LRIT.

5.78 The Committee noted that MEPC 53 had expressed the wish to see, at an appropriate time, the use of LRIT being extended to have environmental applications. However, at that stage, the MEPC did not wish to put forward any specific proposals as it had recognized the priorities set by the Committee in relation to development of the LRIT system. MEPC 53 had also pointed out that the LRIT system would need to be developed in a manner that, when it would be extended to cater for environmental applications, it should be capable of easily being expanded so as to incorporate a data storage capability and capacity (MSC 81/2/3, paragraphs 13 and 19.2).

### ***Consideration of proposed amendments***

5.79 The Committee recalled that the United States (MSC 80/3/3) had proposed for consideration by MSC 80, in accordance with SOLAS article VIII(b), the adoption of SOLAS amendments on LRIT. The Committee noted that as MSC 80 had not made any decision in relation to the proposed amendments these were formally still under consideration.

5.80 The delegation of the United States confirmed that their proposal remained in effect only as far as those issues which were not already addressed in either the draft SOLAS amendments proposed by the United Kingdom (MSC 81/3/5) or the draft Performance standards developed by COMSAR 10 (COMSAR 10/16, annex 17); and that as and when necessary they would remind the Committee accordingly. A full text of the statement by the delegation of the United States is reproduced in annex 42.

5.81 The Committee noted that the United Kingdom (MSC 81/3/5), taking into account the outcome of the work of the MSC/ISWG/LRIT, formally proposed, in accordance with SOLAS article VIII(b), the adoption of a new SOLAS regulation V/19-1 which had been circulated by circular letter No.2681, to establish the required SOLAS provisions for the long-range identification and tracking of ships. The United Kingdom had stated (MSC 80/WP.7/Add.1, paragraph 52), during the deliberation of the MSWG at MSC 80, that it was prepared, in an effort to assist the consideration and adoption of the required SOLAS amendments by MSC 81, to submit to the Secretary-General proposed SOLAS amendments on LRIT, as proposals of the United Kingdom and had indicated that such amendments would be based on the outcome of the then proposed MSC/ISWG/LRIT. In this manner, they could be circulated by the Secretary-General under SOLAS article VIII(b)(i), six months before MSC 81 and thus the procedural requirements of SOLAS article VIII would be met. The SOLAS amendments, which had consequently been submitted by the United Kingdom (MSC 81/3/5), only proposed the provision of LRIT information to a SOLAS Contracting Government in a flag and a port State capacity and to search and rescue services, as there had been the elements on which agreement appeared to have been reached at the MSC/ISWG/LRIT.

5.82 The Chairman suggested that one option, at that stage, would have been to invite comments on the draft SOLAS amendments proposed by the United Kingdom (MSC 81/3/5). However, as the proposals by the United Kingdom were essentially what had been agreed during the MSC/ISWG/LRIT, and in view of the fact that, with the exception of the proposals by Norway (MSC 81/3/7), Brazil (MSC 81/3/8 and Corr.1) and the pending elements of the proposal by the United States (MSC 80/3/3), no proposals had been put forward for any other modifications to the proposals submitted by the United Kingdom, and since no SOLAS Contracting Governments had raised any specific objections to the amendments proposed by the United Kingdom, he concluded that the Committee had agreed to adopt, before the end of the

session, the amendments proposed by the United Kingdom subject to any consequential amendments as a result of the consideration of (1) the other proposals before the Committee (MSC 80/3/3 (United States), MSC 81/3/7 (Norway) and MSC 81/3/8 and Corr.1 (Brazil)); and (2) the outcome of COMSAR 10 relating to LRIT (COMSAR 10, section 10 and annexes 17 to 19).

5.83 The Committee agreed with the analysis and course of action proposed by the Chairman.

5.84 Norway (MSC 81/3/7) provided a comprehensive analysis and arguments in favour of modifying the amendments proposed by the United Kingdom (MSC 81/3/5, annex), so as to include provisions for allowing SOLAS Contracting Government(s) in coastal State capacity to have, under certain conditions, access to LRIT information. In particular, Norway proposed that SOLAS Contracting Governments should be entitled to receive LRIT information about ships not intending to enter a port facility or a place under their jurisdiction navigating within a distance not exceeding 1,200 nautical miles off their coast, provided such ships were not located within the internal waters of another SOLAS Contracting Government. Norway also proposed, as a caveat, that an Administration might decide, on the basis of security concerns, and communicate to the Organization the name(s) of the SOLAS Contracting Government(s) which should not receive LRIT information about some, all or certain types of ships entitled to fly its flag.

5.85 Brazil (MSC 81/3/8 and Corr.1) provided arguments in favour of modifying the amendments, proposed by the United Kingdom (MSC 81/3/5, annex), so as to include provisions for allowing a SOLAS Contracting Government in coastal State capacity to have access to LRIT information. In particular, Brazil proposed that a SOLAS Contracting Government should be entitled to receive information about all ships, not intending to enter a port facility, navigating within a distance not exceeding 200 nautical miles of its coast, provided that such ships are not located within the internal waters of another SOLAS Contracting Government. Brazil also suggested that an Administration might notify the Organization that it consented for SOLAS Contracting Government(s) to have access, in coastal State capacity, to LRIT information transmitted by ships entitled to fly its flag for navigating at a distance beyond 200 nautical miles off the coast of a State.

5.86 The delegation of China expressed their view on the issue, as set out in annex 43.

5.87 The Committee recognized that the submissions of Norway (MSC 81/3/7), Brazil (MSC 81/3/8 and Corr.1) and the United States (MSC 80/3/3) raised essentially two issues, namely:

- .1 whether the SOLAS amendments on LRIT, to be adopted at the current session, should include provisions enabling a SOLAS Contracting Government, to obtain, if it wished, LRIT information from ships navigating within a certain distance off its coast and not intending to enter a port facility or a place under the jurisdiction of that SOLAS Contracting Government; and
- .2 the parameters governing such a provision and the safeguards, conditions, caveats or restrictions which would need to be set out in the related SOLAS regulation on LRIT.

The Committee agreed, in principle, that the SOLAS amendments on LRIT to be adopted, at the current session, should include such provisions subject to agreement of the parameters, safeguards, conditions, caveats and restrictions governing such a provision being reached.

5.88 After an in-depth debate, the Committee acknowledged that although there were a variety of philosophies on how to approach the issue, there was, at the same time, a clear willingness to make progress and resolve the issue at the current session. The Committee therefore instructed the MSWG to work on the matter and find an agreed and workable solution. No other firm or definitive decisions could be drawn from discussions apart from referring the matter to the MSWG.

5.89 The Committee instructed the MSWG to prepare, based on the text submitted by the United Kingdom (MSC 81/3/5) and taking into account the proposals from Norway (MSC 81/3/7) and Brazil (MSC 81/3/8 and Corr.1); the pending elements of the proposal from the United States (MSC 80/3/3); and the related outcomes of COMSAR 10 (COMSAR 10/16, annex 18), draft SOLAS amendments on long-range identification and tracking of ships (including any required consequential amendments) for consideration by the Committee with a view to adoption.

### ***Decision of other IMO bodies***

#### ***OUTCOME OF MSC/ISWG/LRIT***

5.90 The Committee noted the information provided in the report of the MSC/ISWG/LRIT and approved it in general (MSC 81/5/1, paragraph 66).

#### ***OUTCOME OF COMSAR 10***

5.91 The Committee noted that COMSAR 10 had invited IMSO to keep the Committee abreast of its discussions in relation to possible assumption of oversight functions in connection with the LRIT system (MSC 81/5/Add.1, paragraph 4.1 and COMSAR 10/16, paragraphs 10.11 and 10.12).

5.92 The Committee agreed that search and rescue services should be able to seek the provision of LRIT information on demand and free of charge, i.e., information other than those already available at an LRIT Data Centre (MSC 81/5/Add.1, paragraph 4.2 and COMSAR 10/16, paragraphs 10.46 and 10.47).

5.93 The Committee recognized that the use of “the period of time prior to the expected arrival of ship” as a criterion for providing the LRIT information to a SOLAS Contracting Government presented practical difficulties in its implementation by the LRIT Data Centres and instructed the MSWG, as none of the SOLAS Contracting Governments raised any issues of principle, to consider and recommend the approach to be taken (MSC 81/5/Add.1, paragraph 4.3 and COMSAR 10/16, paragraph 10.55 and annex 17).

5.94 The Committee subsequently instructed the MSWG, as none of the SOLAS Contracting Governments raised any issues of principle, to:

- .1 review and finalize the draft Performance standards and functional requirements for the Long-range identification and tracking of ships (draft Performance standards) prepared by COMSAR 10 (COMSAR 10, annex 17), taking into account the need to align them with the text of the SOLAS amendments on LRIT

to be presented to the Committee, at the current session, for adoption and any salient aspects from the pending elements of the proposal from the United States (MSC 80/3/3) (MSC 81/5/Add.1, paragraph 4.4 and COMSAR 10/16, paragraph 10.58 and annex 17);

- .2 consider the issues which needed to be dealt with in order to ensure the establishment and functioning of the LRIT system and which were either not addressed in the proposed draft SOLAS amendments on LRIT or were matters which fall outside the scope of the draft Performance standards and to incorporate them, as appropriate, in the text of the SOLAS amendments on LRIT to be presented to the Committee, at the current session, for adoption (MSC 81/5/Add.1, paragraph 4.5 and COMSAR 10/16, paragraph 10.60 and annex 18); and
- .3 review and to finalize, taking into account any issues which might be identified during its discussion in relation to LRIT, the draft terms of reference of the proposed *ad hoc* LRIT Engineering Task Force (MSC 81/5/Add.1, paragraph 4.6 and COMSAR 10/16, paragraphs 10.61 to 10.64 and annex 19).

5.95 The Committee noted the information provided by the Secretariat (MSC 81/5/Add.2) in relation to the establishment and maintenance of the LRIT Data Distribution Plan by the Organization and instructed the MSWG to bear it in mind during its discussion in relation to LRIT and to bring to the attention of the Committee any issues which might arise in this respect.

#### **ESTABLISHMENT OF THE MSWG**

5.96 The Committee re-established the MSWG under the chairmanship of Mr. J. Grubb (United Kingdom). The Committee instructed the MSWG, taking into account the related discussions of the various issues in plenary, to:

- .1 consider and recommend, taking into account the related decisions of the 2002 SOLAS Conference, the WCO Framework of Standards, document MSC 81/5/4 (Secretariat), the salient aspects of document MSC 81/5/9 (Japan), the approach to be taken in developing measures which further enhance the security of closed cargo transport units and of freight containers transported by ships whilst simultaneously achieving positive gains in the facilitation of maritime transport;
- .2 consider and recommend, taking into account the discussions during the consideration of the issue by STW 37 (STW 37/18, paragraphs 7.40 to 7.51), the approach to be taken when developing provisions for security-related training for shipboard personnel (other than the ship security officer) for eventual inclusion in the STCW Convention and the STCW Code as amendments;
- .3 consider and recommend, taking into account the discussions during the consideration of the issue by STW 37 (STW 37/18, paragraphs 7.52 and 7.53), the approach to be taken in relation to the granting of dispensations to ship security officers (SSOs). In this context, the MSWG should consider the text of the draft amendments to the STCW Convention and the STCW Code (MSC 81/3/1 (Secretariat)) and should develop, if need be, appropriate modifications thereto in line with its decisions. In such a case, the MSWG should

liaise with the Drafting Group, established under agenda item 3, so as to include, in a clearly identifiable manner, the suggested modifications in the text of the draft of the amendments to the STCW Convention and the STCW Code which the latter group would be presenting to the Committee, for consideration with a view to adoption;

- .4 review the draft MSC circular on Guidelines on training and certification for port facility security officers, prepared by STW 37 (STW 37/18, annex 3) for consideration by the Committee with a view to approval;
- .5 prepare, taking into account the proposals contained in document MSC 81/5/7 (Austria *et al*), whether special purpose ships as defined in the SPS Code should be required to comply with the provisions of SOLAS chapter XI-2 and the ISPS Code and, if so, to prepare a draft MSC circular on Interim scheme for the compliance of special purpose ships with the special measures to enhance maritime security, for consideration by the Committee with a view to approval;
- .6 prepare, taking into account the concerns expressed in document MSC 81/5/11 (Austria *et al*), a draft MSC circular providing guidance in relation to the information which needs to be transmitted by ships, which is required to comply with the provisions of SOLAS regulation XI-2/6, for identification purposes in connection with ship security alerts, for consideration by the Committee with a view to approval;
- .7 examine, taking into account the concerns expressed in document MSC 81/5/12 (Belgium *et al*), the adequacy of MSC/Circ.1133 and, if necessary, prepare a new draft MSC circular on Reminder of the obligation to notify flag States when exercising control and compliance measures, for consideration by the Committee with a view to approval;
- .8 consider and, if necessary, revise, taking into account the summary of lessons learnt from the use of the MSC/Circ.1131 on Interim Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities endorsed by MSC 80 (MSC 80/WP.7, annex 7); and the views expressed in documents MSC 81/5/2 (Vanuatu) and MSC 81/5/3 (Islamic Republic of Iran), the MSC circular on Interim Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities (so as to bring the interim status of the guidance to an end, to consolidate the various suggestions and agreed amendments and supersede MSC/Circ.1131), for consideration by the Committee with a view to approval;
- .9 prepare, taking into account the proposals contained in the annex to document MSC 81/5/6 (Austria *et al*), a draft MSC circular on Guidance on voluntary self-assessment by Administrations and for ship security, for consideration by the Committee with a view to approval;
- .10 prepare a draft MSC circular stressing the need for rigorous implementation of, compliance with, and enforcement of, the provisions of SOLAS chapter XI-2 and the ISPS Code, for consideration by the Committee with a view to approval;
- .11 consider and recommend the approach to be taken in addressing the issues raised in document MSC 81/5/13 (Brazil);

- .12 prepare, based on the text submitted by the United Kingdom (MSC 81/3/5) and taking into account the proposals from Norway (MSC 81/3/7) and Brazil (MSC 81/3/8 and Corr.1); the pending elements of the proposal from the United States (MSC 80/3/3); and the related outcomes of COMSAR 10 (COMSAR 10/16, annex 18), draft SOLAS amendments on long-range identification and tracking of ships (including any needed consequential amendments), for consideration by the Committee with a view to adoption;
- .13 prepare, based on the proposals of COMSAR 10 (COMSAR 10/16, annex 17) and taking into account the pending elements of the proposal from the United States (MSC 80/3/3), draft Performance standards and functional requirements for long-range identification and tracking of ships, for consideration by the Committee with a view to adoption; and
- .14 review, based on the proposals of COMSAR 10 (COMSAR 10/16, annex 19), the draft terms of reference of the proposed *ad hoc* LRIT Engineering Task Force, for consideration by the Committee with a view to approval.

#### **ACTION AFTER CONSIDERATION OF THE MSWG'S REPORT**

5.97 Having received the report of the group (documents MSC 81/WP.5 and Add.1), the Committee, having approved the report in general, noted the actions taken on the various documents and proposals submitted and the outcome of the group's considerations; and took action as indicated in the ensuing paragraphs.

#### **WCO Framework of Standards**

5.98 With regard to the group's proposal to instigate a joint MSC/FAL Working Group on the carriage of closed cargo transport units and freight containers transported by ships, the Committee agreed to invite FAL 33 to consider referring the matter to the SPI Working Group with terms of reference, as set out in annex 1 to document MSC 81/WP.5, as modified.

#### **Security-related training for shipboard personnel**

5.99 The Committee agreed that all shipboard personnel should receive appropriate security-related training relevant to their shipboard duties and adequate security shipboard familiarization; and instructed the STW Sub-Committee to observe the principles outlined in paragraph 6 of document MSC 81/WP.5 when developing provisions relating to the security-related training for shipboard personnel (other than the ship security officer) for eventual inclusion in the STCW Convention and the STCW Code, as amended.

5.100 The Committee instructed the STW Sub-Committee to prepare and submit for consideration any consequential amendments to the ISPS Code which might need to come into force when the eventual amendments to the STCW Convention and the STCW Code, as amended would become effective, so as to avoid any potential conflicts between the salient provisions of the various instruments regulating the training and certification of shipboard personnel in connection with security-related matters.

### **Granting of permit to perform the duties and responsibilities of ship security officer**

5.101 The Committee agreed that granting of permits to perform the duties and responsibilities of a ship security officer would on occasion be necessary, but should be restricted to the shortest possible period of time and that Administrations should provide documentary evidence to prove that such a permit had been granted.

5.102 The Committee agreed that the best method for providing guidance on the issue would be through the inclusion of appropriate provisions in part B of the STCW Code and, thus, adopting the amendments to part B of the STCW Code relating to the certificate of proficiency for ship security officer together with the associated STCW.6 circular, in lieu of those set out in the annex to document MSC 81/3/4 (Secretariat)(see also paragraphs 3.33 and 3.58 above).

### **Guidelines on training and certification for port facility security officers**

5.103 The Committee approved MSC.1/Circ.1188 on Guidelines on the training and certification of port facility security officers.

### **Special purpose ships**

5.104 The Committee decided that special purpose ships, as defined in the SPS Code, of 500 gross tonnage and upwards engaged in international voyages other than those owned or operated by a SOLAS Contracting Government on non-commercial service, irrespective of the date on which their keel was laid, should:

- .1 be required to comply with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code; and
- .2 be subject to control and compliance measures pursuant to the provisions of SOLAS regulation XI-2/9 and the term “ship” in the aforesaid regulation should be construed as including also special purpose ships.

5.105 Consequently, the Committee adopted an Interim Scheme for the compliance of special purpose ships with the Special measures to enhance maritime security and approved the corresponding MSC.1/Circ.1189 thereon.

5.106 The Committee agreed to consider, at the appropriate time after the current revision of the SPS Code has been completed, adopting appropriate amendments to SOLAS chapter XI-2 and the ISPS Code so as to include therein explicit provisions in relation to the application of the latter to special purpose ships and the port facilities serving them.

5.107 The delegation of the Bahamas, observing that for the second time the group, when considering the potential consequences of their recommendations in relation to the provisions of SOLAS chapter IX and the application of the ISM Code, had pointed out that SOLAS chapter IX and the ISM Code were outside of its sphere of expertise; and recalling that safety took precedence over security, expressed concern that no specific documents on this issue had been submitted to the Committee. The delegation of the Bahamas was invited by the Committee to submit such corresponding proposals to MSC 82.



### **Ship security alerts**

5.108 The Committee approved MSC.1/Circ.1190 on Guidance on the provision of information for identifying ships when transmitting ship security alerts.

### **Obligation to notify flag States when exercising control and compliance measures**

5.109 The Committee approved MSC.1/Circ.1191 on Further reminder of the obligation to notify flag States when exercising control and compliance measures.

### **Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities**

5.110 The Committee approved MSC.1/Circ.1192 on Guidance on voluntary self-assessment by SOLAS Contracting Governments and port facilities, thus ending the interim status of, and revoking MSC/Circ.1131 on Interim Guidance on voluntary self-assessment by SOLAS Contracting Governments and port facilities.

### **Guidance on voluntary self-assessment by Administrations and for ship security**

5.111 Agreeing that the Voluntary self-assessment tool for ship security is not a document which can be requested or required to be produced during the exercise of control pursuant to the provisions of SOLAS regulation I/19 or of control and compliance measures pursuant to the provisions of SOLAS regulation XI-2/9; and noting that certain aspects of the guidance had been aligned with the corresponding provisions of MSC.1/Circ.1192 on Guidance on voluntary self-assessment by SOLAS Contracting Governments and port facilities; the Committee approved MSC.1/Circ.1193 on Guidance on voluntary self-assessment by Administrations and ship security.

### **Effective implementation of, compliance with, and enforcement of, the provisions of SOLAS chapter XI-2 and the ISPS Code**

5.112 Agreeing that there was the need for a rigorous and effective implementation of, compliance with, and enforcement of, the provisions of SOLAS chapter XI-2 and the ISPS Code by all SOLAS Contracting Governments and all parties concerned; and for providing guidance on basic elements of national oversight programmes for SOLAS chapter XI-2 and the ISPS Code, the Committee approved MSC.1/Circ.1194 on Effective implementation of SOLAS chapter XI-2 and the ISPS Code. The Committee further agreed that to a large extent, the issues raised in document MSC 81/5/13 (Brazil) on illegal entrants in Brazilian ports, were addressed by this MSC circular.

### **Long range identification and tracking of ships**

5.113 The Committee agreed that the proposed SOLAS regulation on LRIT established a multilateral agreement for sharing LRIT information amongst SOLAS Contracting Governments. Such an agreement should meet the maritime security needs and other concerns of the SOLAS Contracting Governments. It maintained the right of flag States to protect information about the ships entitled to fly their flag where appropriate, while allowing coastal States' access to information about ships navigating off their coasts. The proposed SOLAS regulation on LRIT was not creating or affirming any new rights of States over ships beyond what was existing in

international law, particularly UNCLOS, nor was it altering or affecting the rights, jurisdiction, duties and obligations of States in connection with the law of the sea.

5.114 The Committee noted that the group had shown an exemplary spirit of understanding, co-operation and collaboration prevailed and with the group desiring to reach consensus in the interest of furthering the purpose, objectives and mission of the Organization, the Chairman of the group had been able to propose an alternative text for the proposed SOLAS regulation on LRIT which was unanimously agreed by the group. The Committee noted that the delegations of Brazil, Norway and the United States had informed the group that in the light of the development they were prepared to formally withdraw, before the plenary, their own proposals in favour of the alternative text.

5.115 The Committee agreed that the draft SOLAS amendments on LRIT, the draft Performance standards, the draft MSC resolution relating to the arrangements for the timely establishment of the LRIT system and the establishment of an *ad hoc* Working Group on Engineering Aspects of LRIT constituted an indivisible package and should be adopted as such.

5.116 As indicated in paragraphs 3.39 to 3.41 above, the Committee adopted the SOLAS amendments on LRIT, set out in annex 2. The Committee also adopted resolution MSC.210(81) on Performance standards and functional requirement for the long-range identification and tracking of ships, set out in annex 13; and resolution MSC.211(81) on Arrangements for the timely establishment of the long-range identification and tracking system, set out in annex 14.

5.117 The Committee approved the establishment of an *ad hoc* Working Group on Engineering Aspects of LRIT with the terms of reference, set out in annex 4 to document MSC 81/WP.5/Add.1. The Committee agreed that, if the LRIT system was to become operational by 31 December 2008, the *ad hoc* working group needed to complete all its work on time and submit it for consideration by MSC 82 with a view to approval. As a result and bearing in mind the volume of work required, the Committee agreed that the *ad hoc* working group would need at least three meetings (June, July and September 2006) and should also endeavour, between meetings, to advance the work by correspondence. Hence and notwithstanding the provisions of the Guidelines on the organization and method of work and as an exceptional case, the Committee, agreed to allow the *ad hoc* working group to submit its final report to the Secretariat not later than 7 weeks before and Member Governments and international organizations to submit their comments thereon not later than 4 weeks before the opening of MSC 82.

5.118 The Committee, bearing in mind that, at this stage, the purpose of the proposed SOLAS amendments on LRIT was to contribute to the enhancement of security and to aid search and rescue services, agreed that the new SOLAS regulation on LRIT should enter into force on 1 January 2008. The Committee recognized that for the LRIT system to become operational it was necessary to establish the International LRIT Data Centre and the International LRIT Data Exchange as well as to carry out tests and confirm the functioning of the system as envisaged in the LRIT architecture. The Committee also noted that certain milestones in the establishment of the LRIT system were also requiring certain decisions of the Committee. As a result the Committee agreed that the provisions of the SOLAS regulation on LRIT should start to become effective, with respect to the transmission of LRIT information by ships, as from 31 December 2008.

5.119 The Committee noted that the group, when reaching agreement on the text of the new SOLAS regulation on LRIT, had recalled the discussions during MSC/ISWG/LRIT in relation to the articles 33, on Stoppage of telecommunications, and 34 on Suspension of service, of the Constitution of the International Telecommunications Union (ITU) and agreed that the SOLAS regulation on LRIT, although it did not explicitly curtail the entitlement of a SOLAS Contracting Government, in a “port” or “coastal” State capacity (see paragraphs 8.2 and 8.3 of SOLAS regulation V/19-1), to receive LRIT information from a ship when the ship was within the “territorial sea” of another SOLAS Contracting Government (save only as otherwise provided for in paragraph 8.4 of SOLAS regulation V/19-1), this should not, in any way, be understood or interpreted as affecting or limiting the rights any State may enjoy, within its territorial sea, under the Constitution of the ITU or the International Radio Regulations or any other provisions of international law. In fact, paragraph 1 of SOLAS regulation V/19-1 (previously paragraph 3) on the position of the regulation *vis-à-vis* other provisions in international law should be considered as providing the required framework for the State concerned to act as it deemed fit under the prevailing circumstances. The Committee concurred with the view of the group that if a SOLAS Contracting Government were to invoke its rights under the provisions of articles 33 and/or 34 of the Constitution of ITU, in the interests of continuity of radio communications particularly for distress, urgency and safety, LRIT Data Centres were required and expected not to provide LRIT information to those otherwise entitled to such information when informed by the SOLAS Contracting Government invoking such provisions.

5.120 The delegation of China pointed out and the Committee agreed that although the new SOLAS regulation V/19-1 on Long-range identification and tracking of ships indicated that the systems and equipment used to meet the requirements for the transmission of LRIT information shall be capable of being switched off on board or be capable of ceasing the distribution of LRIT information under certain conditions, paragraph 7.2 (when read in association with SOLAS regulation V/34.3 and/or XI-2/8.1) was establishing also the right of the master to switch-off the systems and equipment used or to take such action as to lead to ceasing the distribution of LRIT information.

5.121 The Committee, noting that the previously used term “oversight of the LRIT system” had now been replaced by the term “performance review and audit of certain aspects of the LRIT system”; and mindful of the importance of having in place from the outset, the necessary arrangements for the review of the performance and the auditing of the LRIT system, invited IMSO, as a possible candidate, to advise not later than at MSC 82 whether IMSO would be willing and able, bearing in mind the envisaged entry into force of the SOLAS regulation, to undertake the performance review and audit of certain aspects of the LRIT system on behalf of the Organization.

5.122 The observer from IMSO expressed their views on the certain aspects of the Performance standards, as set out in annex 44.

## **6 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS**

6.1 The Committee recalled that MSC 80 had agreed, in principle, on the basic principles for goal-based new ship construction standards (GBS) and on the Tier I goals for new ship construction standards and had approved the work plan for future work on GBS. MSC 80 had further noted the Tier II functional requirements as developed by its GBS Working Group, for further consideration at this session.

6.2 The Committee also recalled that, concerning Tier III (Verification of compliance), MSC 80 had established a correspondence group and instructed it to develop draft Tier III criteria for the verification of compliance. With regard to the application of the safety level approach, MSC 80 had invited further submissions by Member Governments and international organizations to this session, in particular with regard to the determination of the current safety levels inherent in IMO instruments.

6.3 The Committee noted that the documents submitted to the session generally fell into one of the following two groups: comments on the development of Tier III as presented in the correspondence group report; and comments on the issue of the prescriptive/design parameter approach versus the safety level approach. The Committee agreed that, as decided at MSC 80, a basic debate on the application of the prescriptive versus the safety level approach should take place at this session in order to agree on a way forward concerning the development of goal-based new ship construction standards and, therefore, started its consideration with the introduction of all the documents relating to the issue of the prescriptive/design parameter approach versus the safety level approach, followed by a debate on the matter.

### **General strategy for setting safety standards for ships**

6.4 The Committee had for its consideration relevant submissions by Denmark and Germany (MSC 81/6/8), Denmark, Germany, Norway and Sweden (MSC 81/6/2), Germany (MSC 81/6/13, MSC 81/6/14 and MSC 81/6/18), Greece (MSC 81/6/15 and MSC 81/6/16), Japan (MSC 81/6/3, MSC 81/6/4, MSC 81/6/10 and MSC 81/INF.7), the United Kingdom (MSC 81/6/7) and IACS (MSC 81/6/6 and MSC 81/INF.6).

6.5 The Committee noted with appreciation that a well-attended workshop (MSC 81/INF.4) to promote the understanding of the “safety level approach”, organized jointly by Denmark, Germany, Japan, Norway, Sweden and the United Kingdom, had taken place on 9 May 2006 at IMO Headquarters, and thanked the organizing countries for this useful initiative.

6.6 Following the introduction of the documents referred to in paragraph 6.4, the Chairman, having stated that all the documents submitted provided an ample basis for discussion and offered viable comments on the way forward, advised the Committee that, in his view, the following four options had emerged on how to proceed with the work on GBS:

- .1 to continue with the safety level approach only and discontinue any work based on the prescriptive approach;
- .2 to continue with the prescriptive approach only and disregard the safety level approach;
- .3 to continue working, in parallel, on both the prescriptive approach for GBS for bulk carriers and oil tankers and the safety level approach; and
- .4 to postpone the ongoing work completely until appropriate guidelines for the methodology of goal-based standards have been developed,

and invited comments on the options so that the Committee could decide on the option to proceed further with the work on GBS.

6.7 In the ensuing debate, various views on the matter were expressed, including the following:

- .1 the aim of the current work was the development of GBS provisions for hull construction which is currently regulated by the classification societies' rules and, therefore, this should be finalized as a matter of priority;
- .2 the safety level approach, while being a very valid method, would probably take several years to finalize and should, therefore, be developed separately;
- .3 the safety level approach should be applied to the entire ship and not only to the ship's hull construction;
- .4 the two approaches were not competing with each other but were complementary and both should be recognized as viable methods; and
- .5 the development of prescriptive functional requirements would be a step back compared with the development of classification societies' rules based on Structural Reliability Analysis (SRA).

6.8 The Committee, finally, agreed to work on the prescriptive approach and the safety level approach in parallel, namely to continue with the development of GBS for bulk carriers and oil tankers, based on the work done so far on the subject, with a view to finalization at MSC 83; and also to work on GBS based on the safety level approach.

#### **GBS for oil tankers and bulk carriers**

6.9 The Committee had for its consideration part 2 of the report of the GBS Working Group at MSC 80 (MSC 81/6) and the report of the correspondence group (MSC 81/6/1), discussing the draft Tier III criteria for the verification of compliance and proposing framework and process for such verification, as well as relevant comments by Greece (MSC 81/6/17), the Islamic Republic of Iran (MSC 81/6/9), Japan (MSC 81/6/4 and MSC 81/6/5), and the Republic of Korea (MSC 81/6/11 and MSC 81/6/12).

6.10 Following a brief discussion of the above documents, the Committee agreed to refer the documents to the GBS Working Group for detailed consideration.

#### **Safety level approach**

6.11 The Committee discussed the establishment of a correspondence group to start preparing the relevant framework for the safety level approach for consideration at the next session and instructed the GBS Working Group to discuss the matter further, taking into account the relevant documents referred to in paragraph 6.4 and to develop a work plan for the safety level approach and terms of reference for a safety level correspondence group, as appropriate, and also to exchange views regarding the development of guidelines for the methodology of GBS.

#### **Establishment of the GBS Working Group**

6.12 As agreed at MSC 80, the Committee established the GBS Working Group and instructed it:

- .1 taking into account documents MSC 81/6, MSC 81/6/1, MSC 81/6/4, MSC 81/6/5, MSC 81/6/9, MSC 81/6/11, MSC 81/6/12 and MSC 81/6/17 as well

as the relevant decisions, comments and proposals made in plenary, to further develop GBS for bulk carriers and oil tankers and, in particular, to:

- .1.1 finalize the Tier I goals and Tier II functional requirements, for approval by the Committee;
- .1.2 further develop Tier III; and
- .1.3 prepare the outline for a Ship Construction File (SCF);
- .2 to provide recommendations on how GBS for bulk carriers and oil tankers could be incorporated in the appropriate IMO instrument(s), in order to make them mandatory, and to prepare relevant options for consideration by the Committee;
- .3 to consider the establishment of a correspondence group to progress work intersessionally and to draft terms of reference for the group, for consideration by the Committee;
- .4 taking into account documents MSC 81/6/2 to MSC 81/6/4, MSC 81/6/6 to MSC 81/6/10, MSC 81/6/13 to MSC 81/6/16, MSC 81/6/18, MSC 81/INF.6 and MSC 81/INF.7, and the relevant comments and proposals made in plenary, to prepare a work plan for the safety level approach and draft terms of reference for a correspondence group, for consideration by the Committee; and
- .5 to exchange views on the development of guidelines for the GBS methodology, taking into account document MSC 81/6/10, and advise the Committee as appropriate.

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

6.13 Upon receipt of the report of the working group (MSC 81/WP.7), the Committee approved it in general and took action as outlined in the following paragraphs.

### **GBS for bulk carriers and oil tankers**

#### ***Goals (Tier I)***

6.14 The Committee approved the Tier I goals, as set out in annex 1 to document MSC 81/WP.7, keeping in mind that the goals might need to be adjusted following completion of Tier III (Verification of compliance).

#### ***Functional requirements (Tier II)***

6.15 The Committee approved the Tier II functional requirements, as set out in annex 2 to document MSC 81/WP.7, including a new requirement concerning recycling, keeping in mind that they might need to be adjusted following completion of Tier III (Verification of compliance).

6.16 The delegations of Denmark, Germany, Norway and Sweden reserved their position regarding functional requirement II.1 (design life), because they considered the design life to be a commercial issue. They were of the view that, for reasons of transparency, the design life should

be clearly stated elsewhere, e.g., in the classification society rules or the building contract, rather than in a top level tier as a functional requirement.

### ***Verification of compliance (Tier III)***

#### *Scope of Tier IV and Tier III*

6.17 The Committee acknowledged that Tier IV might consist of classification society rules, IMO requirements and Administration standards and noted that this raised a number of issues related to Tier III. The first issue was whether or not Tier III should address verification of classification society rules, IMO requirements and Administration requirements. The Committee noted that the group had concluded that, at this juncture, IMO needed to only develop Tier III for the verification of the classification society rules. The Committee also noted that, in coming to this conclusion, the group had recalled that one of the original purposes of developing goal-based standards for new ship construction was to provide Administration's oversight of the rules applied by classification societies for the design and construction of new ships.

6.18 It was noted by IACS that not all Tier II functional requirements are currently addressed by the rules of all classification societies. Since, as previously noted, only classification society rules will be verified in Tier III, this means that IMO will not be able to verify that all Tier II functional requirements are addressed by Tier IV. Some delegations commented that classification society rules should be required to address all Tier II requirements, however, it was agreed that that was not practical. The Committee noted that the group had also discussed whether it was necessary for IMO to specify which of the Tier II requirements needed to be addressed by classification society rules, noting that there could be variance between the classification societies. It was agreed that this was not necessary; instead, classification societies would need to identify the Tier II functional requirements that their rules address and that would be the extent of verification. The Committee noted that this would help IMO to identify gaps in the Tier IV detailed requirements and to decide how those gaps should be filled.

#### *Recognition and recognized organization*

6.19 The Committee noted that the group had discussed the interaction between verification of a classification society's rules complying with GBS and that classification society being recognized for the purposes of SOLAS regulation II-1/3-1, considering a proposal by Japan (MSC 81/6/4) that the Guidelines for the authorization of organizations acting on behalf of the Administration (resolution A.739(18)) be amended to require verification of compliance of a classification society's rules with GBS as an element of becoming a recognized organization (RO), and that the group had concluded that a classification society, when acting as a recognized organization for new ship construction, must have its rules verified as complying with GBS, however, the group had also noted that acceptance as an RO was more extensive than ship construction, and therefore did not agree that amending the aforementioned Guidelines was necessary.

6.20 The Committee noted that the group had discussed the issue of the authority of verification of compliance of a classification society's rules with GBS by IMO, i.e., whether it should be mandatory or recommendatory, and agreed that the main purpose of the verification was to determine whether or not the classification society's rules complied with the goal-based standards, and that was the straightforward purpose and meaning of the decision by IMO.

However, the group had also agreed that the decision of IMO concerning the outcome of the verification does not pre-empt the decision or actions by an Administration with respect to the status of the classification society as an RO for that Administration, although it had agreed that a classification society should not be authorized as an RO for the purpose of ship structure standards unless its rules met the goal-based standards.

6.21 The Committee noted that the group had concluded that the purpose for goal-based standards to contain quality construction requirements is to ensure the ship construction meets certain quality standards and agreed that it was the shipyard's responsibility to have construction quality standards, but that these need to be verified. The majority of delegations expected this verification to be done by classification societies and that their rules should contain the necessary provisions. It was also agreed that such verification only extended to the quality construction requirements as contained in Tier II, and not the complete quality construction standards of a shipyard, which may exceed Tier II requirements.

#### *Liability*

6.22 Concerning the issue of liability by IMO with regard to decisions of the group of experts, relating to verification (see also paragraph 6.24), the Committee noted that, if a function is consistent with the objective and purpose of the Organization and its Convention, the Organization is immune from legal process. If a function of the Organization, like the work of an expert group under the auspices of the Committee, is covered by a mandatory instrument, e.g., the SOLAS Convention, no liability issues would arise.

#### *Tier III process*

6.23 The Committee noted that the group had discussed the verification framework for classification societies as developed by the correspondence group (MSC 81/6/1, annex 3), going through its three sections, i.e. verification standards, initial verification and maintenance of verification, and reached agreement as outlined in the following paragraphs and as shown in annex 3 to document MSC 81/WP.7.

#### *Verification standards – Verification authority and group of experts criteria*

6.24 The Committee noted that the group had agreed that the verification authority needed to be a group of experts operating under the auspices of the Committee. It was further noted that the expert group would be composed of independent experts nominated by Administrations according to their knowledge and expertise relevant to the subject under consideration. In addition, the expert group should have no conflict of interest. The Secretary-General would select and appoint experts from the pool to review the information and documentation provided by a classification society and prepare recommendations for the consideration of the Committee. The set-up of the expert group could be modelled on similar groups already in existence or planned to be established at IMO, e.g., the panel of experts under the STCW Convention or the FSA expert group.

6.25 The selected experts should be furnished with the information and documentation provided by the classification society applying for verification, well in advance, so that there is sufficient time to prepare for the meetings of the expert group.



6.26 Observers should be allowed to attend the meetings of the expert group, however, they should not take part in the discussions. Relevant criteria for admission of observers should be developed with a view not to be overly restrictive.

6.27 Experts, including those from classification societies, might be consulted for advice, however, they would not take part in the decision making. It was not considered appropriate to have experts from competing classification societies as members of the expert group. Also, the authors of the rules submitted should be available to answer questions from the expert group.

*Verification standards – Tier III verification criteria*

6.28 The Committee noted that the group had agreed that the Tier III verification criteria should contain the information necessary to guide the group of experts to complete the verification of the classification society rules. In general, the Tier III verification criteria would include the appropriate acceptance criteria for the verification process and the information and documentation that needs to be provided by the classification society. The Committee noted that the group had also agreed that, due to the detail of the information and the need to be able to amend the verification criteria in a timely fashion, they should be developed in the form of recommended guidelines rather than mandatory requirements. The finalization of such criteria might necessitate adjustments to the Tier I goals and Tier II functional requirements.

6.29 The Committee noted that the group had examined the input from the correspondence group concerning the information and documentation requirements as contained in annex 5 of document MSC 81/6/1 and had noted that it was a compilation of comments received in response to the co-ordinator's original proposal. Noting that further development was needed, the group had agreed that the proposal of the correspondence group co-ordinator should be the basis for further development and, in addition, all comments and input previously received also needs to be considered.

*Initial verification*

6.30 The Committee noted that the group had agreed that requests for verification may be submitted by a single classification society or by a group of classification societies in cases where they are the authors of the same set of rules and also that an appeal process should be introduced, giving classification societies the means to appeal against the findings of the expert group.

*Maintenance of verification*

6.31 The Committee noted that the group had discussed the issue of a classification society maintaining verification of its rules when making changes to the rules which had previously been verified as complying with GBS. It was agreed that the classification society should submit documentation of the changes to the expert group and the expert group would then determine whether or not the changes were of sufficient magnitude to require verification of compliance with GBS. If the expert group determined that verification was necessary, the classification society would need to provide the relevant information on the rule changes to the expert group such that the group could complete the verification process.

6.32 In addition, the Committee noted that there might be instances in which a classification society may wish to introduce modifications to its rules promptly in order to address an urgent matter and this could be hampered if it had to wait for completion of the verification process.

Verification of those changes should not hold up the classification society from implementing the changes, but the classification society would still need to provide the information and go through the process as described in paragraph 6.30 above.

#### *Ship Construction File (SCF)*

6.33 Regarding the development of a Ship Construction File (SCF) (MSC 81/6/5), there was general agreement that such a file would be very useful and the concept proposed was supported, however, views varied with regard to who should prepare the file and where it should be referenced. It was agreed that specific reference in Tier II was not needed since functional requirement II.9 (design transparency) already included a general requirement to make this information available, but that details of the SCF should be incorporated in the Tier III verification guidelines.

6.34 The delegation of Germany, while supporting the idea of an SCF, considered this to be a ship specific requirement (Tier IV) which would subsequently be better placed in SOLAS as a proper requirement under the Convention.

#### *Incorporation of GBS in IMO instruments*

6.35 The Committee endorsed the group's view that Tier I should be prepared in the form of amendments to SOLAS chapter II-1, whereby Tiers II and III could be included in a separate Code or a resolution, to be made mandatory under the SOLAS amendments to be developed. The Tier III process details as well as the Tier III verification guidelines should be footnoted as guidelines to be developed by the Organization so that they could be easily amended if necessary.

#### *Finalization of the GBS for bulk carriers and oil tankers*

6.36 The Committee considered the body of work outstanding in order to implement goal-based standards for new ship construction for bulk carriers and oil tankers, noting that carrying out a pilot project using the IACS Common Structural Rules (CSR) would be advantageous to help uncover issues that have not been discussed and resolved previously and to also determine what, if any, changes were needed. It was also agreed that this pilot project should be completed before amending SOLAS. IACS offered to fully participate in such a project. Based on this, the Committee agreed that the following tasks remained to be completed in the following order:

- .1 to finalize Tier III, including Tier III verification guidelines, Ship Construction File and details and criteria for the IMO group of experts;
- .2 to adjust Tier I and II, if needed;
- .3 to carry out pilot project using CSR in co-operation with IACS;
- .4 to adjust Tiers I, II and III as necessary; and
- .5 to develop SOLAS amendments.

### ***Establishment of a correspondence group***

6.37 The Committee agreed, in order to progress work on the goal-based standards for new ship construction for bulk carriers and oil tankers intersessionally, to establish a correspondence group under the co-ordination of the United States<sup>\*</sup>, with the following terms of reference:

- .1 to continue with the development of Tier III (Verification of compliance), including any necessary adjustments to Tiers I and II;
- .2 to further develop the Ship Construction File (SCF) and prepare relevant provisions for inclusion in Tier III;
- .3 to develop guidelines and details for carrying out the pilot project using the IACS CSR; and
- .4 to submit a report to MSC 82.

### **Safety level approach**

6.38 The Committee noted that the group had an extensive and wide ranging discussion on the safety level approach with the view to identify those things that needed to be done in order to develop goal-based standards using the safety level approach, with the understanding that these items would form the basis for a long-range work plan. Throughout, the understanding was that the group was discussing goal-based standards for all ship types and, while there may be a need to consider the level of safety for the ship holistically, the objective is to develop goal-based standards for the design and construction of new ships, as identified in the High-level action plan of the Organization (resolution A.971(24)). The Committee agreed on the following list of items, that needed to be considered in order to develop goal-based standards using the safety level approach:

- .1 to develop risk model, considering, *inter alia*, such factors as assumptions, models, scatter diagrams, random variables and their probability distributions, failure scenarios and terminology;
- .2 to develop goal-based standards guidelines;
- .3 to determine the current safety level in a holistic high-level manner and determine the relationship between the different design measures, e.g., structure, stability, manoeuvrability, fire protection, etc.;
- .4 to examine and reconsider the five-tier system and, if needed, adapt appropriately to develop a structure suitable for the safety level approach;

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- .5 to examine and, if appropriate, modify Tier I and Tier II as developed for oil tankers and bulk carriers for use in the safety level approach;
- .6 to consider the relationship between overall failure of the ship and the contribution of individual failure modes; and
- .7 to further develop and refine the long-range work plan.

#### *GBS guidelines*

6.39 The Committee recalled that resolution A.971(24) on High-level action plan of the Organization and priorities for the 2006-2007 biennium included, as action, item 10 “IMO will establish goal-based standards for the design and construction of new ships” which would deal with all aspects of the design and construction of all types of ships, including equipment and structural matters. In this regard the delegation of Japan presented the case for the development of guidelines for GBS in the IMO rule-making process (MSC 81/6/10, paragraph 12), which should be of a generic nature, covering issues like scope of GBS, definitions, methodology and risk model and, noting the general support for the proposal, expressed its intention to submit a draft of such guidelines to MSC 82 and invited contributions from any other delegations that might want to join in the effort.\*

#### *Establishment of a correspondence group*

6.40 The Committee agreed, in order to progress work on the safety level approach intersessionally, to establish a correspondence group under the joint co-ordination of Germany and Sweden\*\*, with the following terms of reference:

- .1 to collect information on the current level of safety of ships;
- .2 to examine Tiers I and II as agreed for the GBS for bulk carriers and oil tankers and identify any changes necessary to adapt them to the safety level approach;

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- .3 to develop a long-term work plan for the development of GBS based on the safety level approach; and
- .4 to submit a report to MSC 82.

## **7 SHIP DESIGN AND EQUIPMENT**

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

#### **General**

7.1 The Committee, recalling that MSC 80 had considered urgent matters emanating from the forty-eighth session of the Sub-Committee on Ship Design and Equipment (DE), approved, in general, the report of that session of the Sub-Committee (DE 48/25) and took action on all remaining items (MSC 81/7) as indicated hereunder.

#### **Draft amendments to the OSV Guidelines**

7.2 The Committee, noting that DE 48 had agreed to draft amendments to sections 4 and 6 of the OSV Guidelines for referral to the SLF Sub-Committee for co-ordination purposes, recalled that SLF 48, taking into account the contribution of DE 48, had prepared the draft revised OSV Guidelines and referred them to DSC 11 for finalization and submission to the Committee for adoption.

#### **Safety aspects of ballast water management**

7.3 Noting the DE 48's view that remaining areas of transitory non-compliance with safety regulations when conducting ballast water exchange were dealt with by other sub-committees and that, therefore, the Sub-Committee did not need to consider the matter any further, the Committee recalled that MSC 80, in view of the need to reduce the workload of DE 49, had moved the item on "Safety aspects of ballast water management" to the agenda of BLG 10 (see paragraph 23.47).

#### **Mandatory requirements for gas-fuelled ships**

7.4 The Committee noted the progress made at DE 48 with regard to the development of mandatory requirements for gas-fuelled ships, in particular that DE 48 had agreed to consider the draft provisions for gas-fuelled ships further at DE 49 and invited Members and international organizations to submit relevant comments and proposals to that session.

#### **Life-saving appliances**

7.5 The Committee endorsed the DE 48's recommendation to Member Governments that they should instruct the notifying bodies engaged in the tests of life-saving appliances to approve only products complying with the relevant test procedures and criteria, in particular the requirements in the LSA Code that visual distress signals shall be so designed as not to cause discomfort to the person holding the casing and not endanger the survival craft by burning or glowing residues.

7.6 The Committee also endorsed the DE 48's recommendation to Member Governments that all parties concerned should provide appropriate life-saving appliance training manuals suitable for their ships in accordance with SOLAS regulation III/35 (Training manual and on-board training aids).

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

##### **General**

7.7 The Committee considered urgent matters referred to it (MSC 81/7/1 and Add.1) emanating from the forty-ninth session of the Sub-Committee (DE 49/20) and took action as indicated hereunder.

##### **Amendments to the ESP Guidelines (resolution A.744(18))**

7.8 The Committee noted that DE 49 had established a correspondence group and instructed it to prepare concrete proposals, for consideration at DE 50, for draft amendments to the ESP Guidelines (resolution A.744(18)), based on the relevant IACS unified interpretation, in particular concerning procedural requirements for surveyor monitoring of thickness measurements; procedures for hull surveys of double-skin bulk carriers; and requirements for provision and maintenance of as-built drawings covering items such as machinery installations, electrical installations and control systems, etc.

##### **Passenger ship safety and related matters**

7.9 The Committee noted that the outcome of DE 49 regarding passenger ship safety had been considered in detail under agenda item 4 (Passenger ship safety).

7.10 The Committee approved the draft amendments to SOLAS regulation III/21.1.4 to clarify the existing time requirement for the boarding and launching of survival craft, set out in annex 15, with a view to adoption together with the set of draft amendments to SOLAS chapter III prepared by FP 50 (see paragraph 13.13), and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII, for consideration at MSC 82 with a view to adoption.

##### **High-speed craft and related matters**

7.11 The Committee approved MSC.1/Circ.1195 on Guidelines for the conduct of high-speed craft model tests.

7.12 The Committee approved:

- .1 the draft amendments to the 2000 HSC Code, set out in annex 16; and
- .2 the draft amendments to the 1994 HSC Code, set out in annex 17,

and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII, for consideration at MSC 82 with a view to adoption.

7.13 The Committee approved draft amendments to the DSC Code, set out in annex 18, and, since most of the proposed amendments are consequential to the draft amendments to the 2000 HSC Code, agreed to adopt the amendments to the DSC Code simultaneously with the amendments to the 2000 and 1994 HSC Codes, referred to in paragraph 7.12 above, at MSC 82 and requested the Secretariat to issue an appropriate MSC document annexing the draft amendments to the DSC Code.

#### **Mandatory emergency towing systems in ships other than tankers of not less than 20,000 dwt**

7.14 The Committee noted the outcome on the development of provisions for mandatory emergency towing systems in ships other than tankers of not less than 20,000 dwt as reflected in paragraphs 7.3 to 7.18 of document DE 49/20, in particular that DE 49 had established a correspondence group to progress the work intersessionally, and that the matter would be further considered at DE 50 on the basis of the report of the group.

#### **Inspection and survey requirements for accommodation and pilot ladders**

7.15 The Committee noted the progress made on the issue of inspection and survey requirements for accommodation and pilot ladders, in particular that DE 49 had invited the delegations of Australia and the Republic of Korea to submit, to DE 50, a joint proposal for inspection and survey requirements for accommodation and pilot ladders.

7.16 In the context of this item, the Committee approved MSC.1/Circ.1196 on Means of embarkation on and disembarkation from ships, drawing attention of Member Governments to the need for adequate maintenance and inspection of accommodation and pilot ladders, pending finalization of the requirements referred to in paragraph 7.15 above.

#### **Unified interpretations to SOLAS chapters II-1 and XII**

7.17 The Committee approved MSC.1/Circ.1197 on Amendments to unified interpretations to SOLAS chapters II-1 and XII approved by MSC/Circ.1176, based on revised and new IACS unified interpretations.

#### **Amendments to SOLAS regulations XII/12.1.2 and XII/13.1 and the form of Safety Certificate for Nuclear Passenger Ships**

7.18 The Committee approved draft amendments to SOLAS regulations XII/12.1.2 and XII/13.1 and the form of Safety Certificate for Nuclear Passenger Ships, set out in annex 19, and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII, for consideration at MSC 82 with a view to adoption.

#### **Performance standard for protective coatings of dedicated seawater ballast tanks in all new ships and of double-side skin spaces of bulk carriers**

##### ***General***

7.19 The Committee noted that DE 49 had agreed to a draft MSC resolution on Performance standard for protective coatings of dedicated seawater ballast tanks in all new ships and of double-side skin spaces of bulk carriers, set out in the annex to documents MSC 81/7 and Add.1;

and related draft amendments to SOLAS regulations II-1/3-2 and XII/6 and a draft MSC circular on Application of SOLAS regulation XII/6.3, set out in annexes 14 and 16, respectively, to document DE 49/20. The Committee also noted that DE 49 could not unanimously agree on a number of issues and, consequently, had left them in square brackets for decision by the Committee.

7.20 The Committee had for its consideration submissions by China (MSC 81/7/11, MSC 81/7/12 and MSC 81/7/13), Denmark (MSC 81/7/4), Greece (MSC 81/7/15), Japan (MSC 81/7/5 and MSC 81/7/6), the Republic of Korea (MSC 81/7/8, MSC 81/7/9 and MSC 81/7/10), ICS, BIMCO, OCIMF, INTERCARGO and INTERTANKO (MSC 81/7/2), CEFIC (MSC 81/7/3), CESA (MSC 81/7/7) and IACS (MSC 81/7/14), containing various comments and proposals concerning the draft Performance standard and the associated draft SOLAS amendments.

### ***Draft amendments to SOLAS regulations II-1/3-2 and XII/6***

7.21 The Committee considered annex 14 to the report of DE 49 (DE 49/20), containing the draft amendments to SOLAS regulations II-1/3-2 and XII/6 as prepared by DE 49, and agreed in principle to the proposal by Japan (MSC 81/7/5) and China (MSC 81/7/11) that the Performance standard should apply to ships for which the building contract is placed on or after 1 July 2008, or, in the absence of a building contract, the keels of which are laid on or after 1 January 2009, or the delivery of which is on or after 1 July 2012.

7.22 The Committee also agreed to the following:

- .1 the term “protective coating” should be used in lieu of “corrosion prevention”;
- .2 the Performance standard should apply to ships of not less than 500 gross tonnage; and
- .3 appropriate amendments to the SOLAS safety certificates are needed to include an entry regarding date of contract and other relevant provisions.

7.23 Concerning the proposal by China (MSC 81/7/13) to include, in the draft amendments to SOLAS regulation II-1/3-2, an additional paragraph regarding maintenance of coatings, the Committee agreed to the proposed amendments as modified in the course of the discussion in plenary and further agreed that the DE Sub-Committee should develop guidelines for maintenance and repair of protective coatings (see also paragraph 23.48).

7.24 With regard to the request by IACS (MSC 81/7/14) for clarification regarding the application of the Performance standard to permanent means of access, the Committee instructed DE 50 to consider the matter under the agenda item on “Performance standard for protective coatings” and to develop a relevant interpretation to the Performance standard.

### ***Draft MSC resolution on Performance standard for protective coatings of dedicated seawater ballast tanks in all new ships and of double-side skin spaces of bulk carriers***

7.25 The Committee considered annex 15 to the report of DE 49 (DE 49/20), containing the draft Performance standard, noting that the text had also been reproduced in the annexes to documents MSC 81/7/1 and Add.1, and instructed the group of experts to finalize the draft text, addressing all square brackets and taking into account comments and proposals submitted to this session.



### ***MSC circular on Application of SOLAS regulation XII/6.3***

7.26 The Committee considered the draft MSC circular on application of SOLAS regulation XII/6.3, set out in annex 16 to the report of DE 49 (DE 49/20) and, having agreed to the modifications proposed by the group of experts (MSC 81/WP.13), approved MSC.1/Circ.1198 on Application of SOLAS regulation XII/6.3 on corrosion prevention of double-side skin spaces and dedicated seawater ballast tanks of bulk carriers and application of the performance standard for protective coatings for dedicated seawater ballast tanks in all new ships and double-side skin spaces of bulk carriers.

#### **Establishment of a group of experts**

7.27 The Committee established a group of experts and instructed it, taking into account decisions taken and proposals and comments made in plenary:

- .1 to finalize the draft amendments to SOLAS regulations II-1/3-2 and XII/6 concerning the mandatory Performance standard for protective coatings, for approval by the Committee;
- .2 to finalize the draft MSC resolution on Performance standard for protective coatings of dedicated seawater ballast tanks in all new ships and of double-side skin spaces of bulk carriers, for approval by the Committee; and
- .3 to consider the consequences of the introduction of the date of contract in the draft SOLAS regulation II-1/3-2 for SOLAS safety certificates and prepare appropriate recommendations, for consideration by the Committee.

#### **Report of the group of experts**

7.28 Having received the report of the group of experts (MSC 81/WP.13), the Committee approved it in general and took specific action as outlined in the following paragraphs.

#### **Amendments to SOLAS regulations II-1/3.2 and XII/6.3 and form of safety certificates**

7.29 Following consideration of the outcome of the group on the matter, as outlined in paragraphs 5 and 6 of document MSC 81/WP.13, the Committee approved the draft amendments to SOLAS regulations II-1/3-2 and XII/6, concerning the mandatory Performance standard for protective coatings, and to the form of SOLAS safety certificates, introducing the date of contract in the text of the certificates, set out in annex 20, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration at MSC 82 with a view to adoption.

#### **Performance standard for protective coatings**

7.30 Having discussed the outcome of the group on the issue, as outlined in paragraphs 7 to 23 of document MSC 81/WP.13, the Committee approved the draft Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and of double-side skin spaces of bulk carriers and the associated draft MSC resolution, set out in annex 21, for adoption at MSC 82 and requested the Secretariat to act accordingly.

7.31 The delegation of the Marshall Islands stated that they wished to note for future reference that when the Ballast Water Management Convention would enter into force, the Performance standard may need to be reviewed in relation to those BWM systems that could involve the use of certain active substances and that such systems may also be limited in use by the capacity of existing coatings to withstand certain active substances.

7.32 Regarding the concern by the delegation of Greece that the responsibility for providing coating inspectors is undefined between owner, shipyard and coating manufacturer, and that recognized organizations should be involved in the matter, the Committee, noting information by the observer from IACS that they were not prepared to carry out coating inspection, invited comments and proposals to MSC 82 on how this issue could be resolved.

7.33 The Committee agreed with a proposal by the delegation of China that the Performance standard should be kept under review in light of experience gained, also taking into account technical developments in the coating sector.

7.34 As advised by the group, the Committee agreed that the DE Sub-Committee should consider the development of requirements and standard for corrosion protection of permanent means of access arrangements that are not part of structural strength elements, and took the relevant decision under agenda item 23 (Work programme).

## **8 FLAG STATE IMPLEMENTATION**

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

8.1 The Committee, recalling that MSC 80 had considered urgent matters emanating from the thirteenth session of the Sub-Committee, approved, in general, the report of that session of the Sub-Committee (FSI 13/23 and Corr.1) and, having noted MEPC's relevant decisions and approval of that report, as outlined in documents MSC 81/2/3 and Add.1, took action on all remaining items (MSC 81/8) as indicated hereunder.

#### **Casualty-related data**

8.2 As requested by the Sub-Committee, the Committee, in order to assist the Organization in receiving the information needed on casualties, endorsed the Sub-Committee's reminder to Member States on the provision of casualty-related information, as follows:

- .1 ensure that the information on reports on marine casualties and incidents are provided to the Secretariat in accordance with the reporting requirements and the revised format annexed to MSC-MEPC.3/Circ.1;
- .2 provide information on whether human element was an underlying cause of a casualty or injury;
- .3 provide the Secretariat with information on the number of fishing vessels, fishermen, total losses and lives lost, so that updated information on the matter can be incorporated in the relevant circulars;
- .4 provide the Secretariat with preliminary information on casualties derived from RCCs, according to MSC/Circ.802 – MEPC/Circ.332, to enable the Organization to provide its Member States with timely and accurate information on casualties;

- .5 indicate in the reports of investigations into casualties whether fraudulent certificates have been involved; and
- .6 use the available direct reporting facilities of the IMO Global Integrated Shipping Information System (GISIS) module on casualty.

### **Comprehensive index of IMO instruments**

8.3 Having endorsed the Sub-Committee's instructions to the Secretariat related to the comprehensive index of IMO instruments, the Committee recommended that the Secretariat make the information contained in the Assembly and Council documents on the status of IMO conventions and other instruments available electronically on the IMO website. However, should this information still not entirely cover the scope of the request by FSI 13, the Committee instructed the Sub-Committee to provide the Secretariat with appropriate guidance.

### **Casualty analysis procedure**

8.4 While endorsing the Sub-Committee's approval of the amended Casualty analysis procedure based on the review of the reports by the FSI Correspondence and Working Groups on Casualty Analysis, which could be used for the evaluation of issues and the identification of the changes or modifications necessary to the existing regulatory framework for consideration by the sub-committees, the Committee noted that the amended Casualty analysis procedure contains:

- .1 the determination of whether there are potential safety issues in the way of trends or recurring causes or contributing factors; and
- .2 the evaluation of the safety issues, through the gathering of information, the identification of a hazard, the assignment of an estimated risk level and the preparation of a report of a draft safety recommendation.

### **Harmonization of port State control activities**

8.5 Having noted that the Sub-Committee had agreed to establish a working group on port State control (PSC) at FSI 14 to review, in greater detail, the report of the third IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres, the second Joint Ministerial Conference of the Paris and Tokyo MoUs, the methodology for the in-depth analysis of annual PSC reports, the world fleet database question and global harmonization and co-ordination of PSC activities, the Committee concurred with the related Sub-Committee's views, recommendations and decisions, including the review of the developments in the Equasis information system.

8.6 With regard to the development of guidelines for PSC officers related to the arrangements of flag States on ships' survey and certification, the Committee concurred with the Sub-Committee's decision calling for written proposals to progress the matter further, and for the gathering of experience from the usage of the GISIS module on recognized organizations (ROs).

### **Carriage of publications on board ships**

8.7 Having noted that, in the context of the carriage of publications on board ships, FSI 13 had considered a series of issues such as the identification of additional publications

(i.e., ISGOTT), the need to retain copies of publications for emergency use in a printed form, as well as the concern expressed regarding the reliability of the software used in the context of electronic media, the Committee, taking into account MEPC 53's concurrent decision, approved MSC-MEPC.2/Circ.2 on IMO requirements on carriage of publications on board ships.

### **Revised Survey Guidelines under the HSSC (resolution A.948(23))**

8.8 Considering that operative paragraph 3 of resolution A.948(23) on Revised Survey Guidelines under the HSSC requests the MSC and the MEPC to keep the Revised Survey Guidelines under review and amend them as necessary, the Committee, while concurring with the Sub-Committee's decision concerning the standard methodology to be followed for the adoption of amendments to the Revised Survey Guidelines and taking into account MEPC 53's concurrent decision, agreed that:

- .1 amendments addressing elements of the Revised Survey Guidelines, which clearly fall under the purview of one Committee, should be adopted by either an MSC or an MEPC resolution, as appropriate; and
- .2 amendments addressing matters under the purview of both Committees in parts of the Revised Survey Guidelines, such as the part "General", should be adopted in accordance with the procedure used to adopt amendments to instruments being mandatory under both the SOLAS and MARPOL Conventions, such as the IBC Code. In such cases, the same amendments should be adopted by two separate MSC and MEPC resolutions.

### **Definition of bulk carriers and the approval for the carriage of dry cargoes in bulk**

8.9 The Committee considered the views, recommendations and decisions of the Sub-Committee, concerning the definition of bulk carriers based on the fact that, on 1 July 2006, with the entry into force of the revised SOLAS chapters II-1, III and XII, there will be a definition of bulk carrier contained in the revised regulations II-1/2 and XII/1.1, which differs from the existing definition contained in regulation IX/1.6 applicable to ships built before 1 July 2006.

8.10 In this context, the Committee noted that FSI 13, while recognizing that, whereas the revised regulation II-1/2 made reference to regulation XII/1.1, the revised regulation III/31 made reference to SOLAS regulation IX/1.6, as far as the definition of bulk carriers was concerned, for ships constructed on or after 1 July 2006, thereby creating a possible distinction between two different types of bulk carriers, had recommended that the definition of bulk carriers in chapter IX and in the revised regulation III/31 be checked and co-ordinated with the definition in regulation XII/1.1.

8.11 The Committee acknowledged the concern reported by the Sub-Committee that, while a ship is identified as a bulk carrier through its Safety Construction and Safety Equipment Certificates and its Safety Management Certificate, the status of a ship which was not certified as a bulk carrier but nevertheless carries a cargo in bulk, might cause problems and be questioned by port State control officers for non-compliance with SOLAS chapter XII.

8.12 In this context, the Committee noted that FSI 13 had recommended that further consideration of the definition of bulk carrier should be directed to an appropriate IMO body, other than itself, also taking into account the question on whether a ship which is not a bulk carrier, as shown by its statutory certificates, but carries a cargo in bulk, is in compliance with

SOLAS, if the corresponding loading case is part of its loading and stability manual approved by the Administration.

8.13 The Committee considered the related submission from IACS (MSC 81/8/3) which recommended that the following would need to be clarified, owing to the entry into force of the 2004 amendments to SOLAS on 1 July 2006:

- .1 the terminology “constructed generally” as it will still apply to SOLAS regulations II-1/3-6, III/31 and chapters XI-1 and XI-2;
- .2 the terminology “intended primarily to carry dry cargo in bulk” as it will apply to SOLAS chapter II-1 (except regulation II-1/3-6) and chapter XII after 1 July 2006; and
- .3 the requirements/standards to be applied for compliance with the revised chapter XII for non-conventional bulk carriers.

8.14 Having agreed, in principle, with the need to develop a suitable working definition of bulk carrier and a common interpretation thereof, the Committee considered various views expressed, as detailed comments on the information submitted.

8.15 In this context, the attention of the Committee was called upon the pros and cons of the three definitions shown in the matrix contained in paragraph 7 of document MSC 81/8/3, with emphasis on the potential merits of moving away from design- and profile-based definitions, which was supported by the Committee, in principle.

8.16 The Committee agreed to refer the recommendations of the FSI Sub-Committee concerning the definition of bulk carriers and the approval for the carriage of dry cargoes in bulk, and the document MSC 81/8/3 to DE 50 for consideration under its agenda item on “Any other business” and reporting to MSC 83.

8.17 On the specific issue of potential problems of alleged non-compliance of ships with SOLAS chapter XII to be raised by port State control officers until an interpretation is accepted, the Committee reaffirmed that, in the interim, the appropriate interpretation and application of the relevant SOLAS requirements were the responsibility of flag Administrations and approved MSC.1/Circ.1199 on Interim Guidance on compliance of ships carrying dry cargo in bulk with requirements of SOLAS chapters II-1, III, IX, XI-1 and XII.

### **PSC Guidelines on seafarers’ working hours**

8.18 The Committee, having noted that the 2006 International Labour Conference adopted a comprehensive new Consolidated Maritime Labour Convention and a resolution calling for the development of harmonized guidance in the conduct of PSC inspections of hours of work/rest, concurred with the decision of the Sub-Committee regarding the development of PSC Guidelines on seafarers’ working hours and, in particular, concerning the proposed preparation of an MSC circular.

## **IMO/FAO Working Group on IUU Fishing and Related Matters**

8.19 Having recalled that, at the eightieth session, when considering the urgent matters referred to the Committee by the Sub-Committee, it was informed by the Secretariat that the IMO and FAO Secretariats were expected to meet in July 2005 for the preparation of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, the Committee noted that, based on the first preparatory meeting of the IMO and FAO Secretariats and further contacts between the two agencies, the following proposals had been put forward:

- .1 venue: according to established practices in the case of joint meetings involving several UN agencies, FAO, being the leading agency for this joint working group, would again host the meeting at its Headquarters;
- .2 date and duration of the meeting: tentatively three days in 2007, taking into account the FAO programme of meetings for 2007;
- .3 tentative list of items for discussion:
  - .3.1 proposed FAO Global Fishing Vessel Record (for identification of fishing vessels) including potential components such as identification number, information on shipowner;
  - .3.2 establishment of an international fishery management system;
  - .3.3 consideration of an evaluation mechanism to determine compliance with relevant FAO standards;
  - .3.4 monitoring control and surveillance, including vessel monitoring of seafarers/fishers;
  - .3.5 legal framework:
    - .1 the 1993 Torremolinos Protocol;
    - .2 the 1995 STCW-F Convention;
    - .3 the Code of Safety for Fishermen and Fishing Vessels, 2005;
    - .4 the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005;
    - .5 draft Safety standards for small fishing vessels (applicable to decked fishing vessels of less than 12 m in length and un-decked fishing vessels of any length); and
    - .6 next steps;
  - .3.6 ILO Work in Fishing Convention 2005;
  - .3.7 marine debris (MARPOL Annex V) – Lost and discarded fishing gear;

- .3.8 progress on implementation of FAO Model Scheme on Port State Measures; and
- .3.9 any other business; and
- .4 participants: the composition of the participants would be based on participation in the last joint working group, subject to confirmation of availability to participate. IMO was represented by participants from Argentina, Canada, China, Denmark, Liberia, the Republic of Korea and Turkey. FAO was represented by participants from Australia, Chile, Japan, Malta, the Philippines, South Africa and the United States.

8.20 Having also noted that, according to the tentative schedule, a second preparatory meeting of the IMO and FAO Secretariats for substantive discussions on timing, agenda and composition of delegations should take place in May 2006, the Committee instructed the Sub-Committee to review the IMO and FAO Secretariats' progress on the preparation of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters at its next session, in particular, concerning the preparation of a joint FAO/IMO document to be submitted to the respective Governing Bodies, and to report to MSC 82.

#### **STUDY ON INCIDENTS OF EXPLOSIONS ON CHEMICAL AND PRODUCT TANKERS**

8.21 The Committee considered documents MSC 81/8/1 and MSC 81/INF.8 (ICS, IAPH, IACS, CEFIC, OCIMF, INTERTANKO and IPTA) containing the report of the Inter-Industry Working Group (IIWG), established to study the reported incidents of explosions on chemical and product carriers, which could not be finalized in time for prior consideration by FP 50, STW 37, DE 49 and BLG 10.

8.22 In introducing the document the representative of OCIMF, on behalf of the co-sponsors, indicated that the IIWG had concluded that the failure to follow procedures was the primary cause of the incidents in question and that the IIWG had established a Human Factors Task Group which is looking into ways of addressing this issue in the context of tankers. He further informed the Committee that the IIWG recommended that, as an additional safety measure, the Committee give consideration to amending SOLAS to provide for the application of inert gas to new chemical tankers and new product tankers of less than 20,000 dwt.

8.23 With regard to the issue of inert gas systems to be fitted on board existing tankers (MSC 81/8/1, paragraph 14), the Committee noted the view that the recommended formal safety assessment (FSA) study and cost/benefit analysis should be carried out before decisions are made.

8.24 The delegation of Norway expressed the view that, for certain chemicals and products, application of inert gas systems should apply to existing ships as well as new ships, and suggested that there should be a new way of thinking for the regulatory system on such tankers, such as the development of precautionary measures to be solely based on the properties and dangers of the cargoes to be carried.

8.25 The delegation of Norway made the proposal, which in the opinion of some delegations might have potential merit, that a correspondence group be established to progress the matter intersessionally. However, in the absence of sufficient support for the aforementioned proposal,

the delegation of Norway informed the Committee that it would make a relevant submission to MSC 82 for a new work programme item.

8.26 In further support to the consideration of the subject of the IIWG's study, the Committee was informed by the delegation of France that, in addition to the reported explosion on board the tanker of less than 20,000 dwt **Chassiron** (MSC 79/22/8), another case of explosion, having occurred within the two last years on board a tanker of less than 20,000 dwt, was being investigated.

8.27 The delegation of Singapore was of the view that a single safety management system, based on generic procedures, could only lead to unsafe practices on board, and that, instead, two sets of separate procedures to cover chemical and petroleum operations should be developed.

8.28 Concerning the recommended anonymous sharing of data relating to incidents and near misses (MSC 81/8/1, paragraph 17), the delegation of Sweden informed the Committee that a system of data collection had been established at a national level, in collaboration with the industry, leading to the recording of 1,500 reports.

8.29 With regard to the issue of the use of the correct product name (MSC 81/8/1, paragraph 12), the Committee took into account the information provided by the Chairman of the Working Group on Evaluation of Safety and Pollution Hazards (ESPH) that BLG 10 had developed and approved a BLG circular on the use of the correct product name in offering bulk liquid cargoes for shipment.

8.30 The Committee, based on the recommendations listed in paragraphs 13 to 17 of document MSC 81/8/1, in conjunction with the corresponding paragraphs in document MSC 81/INF.8, took the decision to refer both documents to the joint MSC/MEPC Working Group on Human Element and to BLG 11, DE 50, FP 51, FSI 14 and STW 38 for review and, in particular, agreed to refer:

- .1 the human element issues identified to the joint MSC/MEPC Working Group on the Human Element;
- .2 the issues related to the proposals on inert gas (MSC 81/8/1, paragraphs 6.9 and 14) to FP 51 and DE 50, for consideration under the agenda item dealing with casualty analysis and reporting to MSC 83;
- .3 the issues related to ignition sources (MSC 81/8/1, paragraphs 6.5, 6.6, 9 and 16), taking into account the willingness expressed by IACS to develop a unified requirement on the subject, to FP 51 and DE 50, for consideration under the agenda item dealing with casualty analysis and reporting to MSC 83; and
- .4 the issues relating to availability of casualty data (MSC 81/8/1, paragraphs 3 and 17) to FSI 14, for review and recommendation under its agenda item on "Casualty statistics and investigations" and reporting to MSC 83.



## **INSPECTION OF VDRs UNDER THE HSSC**

8.31 The Committee noted that the FSI Correspondence Group on Revised Survey Guidelines under the HSSC (resolution A.948(23)), which will report to FSI 14, had identified the need, based on the requirements contained in SOLAS regulation V/18(8), for an annual performance test for the voyage data recorder system (VDR) and for better guidance as to what needs to be done during the annual performance test, including the adoption of a standard format for the required certificate of compliance.

8.32 Having also noted the FSI Correspondence Group's opinion that the above-referred matter was beyond the remit of the group, the Committee considered the proposal contained in document MSC 81/8/2 (United Kingdom) on the inspection of VDRs under the HSSC and referred it to FSI 14 and NAV 52 for review and recommendation under their agenda items on "Review of the Survey Guidelines under the HSSC (resolution A.948(23))" and "Any other business", respectively, and reporting to MSC 82.

## **REVIEW OF THE CODE FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS**

8.33 The Committee noted that LEG 91 had adopted, by resolution LEG.3(91), the Guidelines on fair treatment of seafarers in the event of a maritime accident and had instructed the Secretariat to bring the adopted Guidelines to the attention of the bodies undertaking a review of the Code for the Investigation of Marine Casualties and Incidents.

8.34 In this context, the Committee, taking into account the ongoing work of the Sub-Committee on the review of the Code for the Investigation of Marine Casualties and Incidents, and in consultation with the Chairman of the MEPC, referred, subject to concurrent decision of the MEPC, the Guidelines on fair treatment of seafarers in the event of a maritime accident to FSI 14 for consideration, as appropriate.

## **9 BULK LIQUIDS AND GASES**

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

#### **General**

9.1 The Committee approved, in general, the report of the ninth session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 9/17 and MSC 81/9) and took action as indicated hereunder, noting that MEPC 53 had approved the report and had taken decisions relevant to its work.

#### **Protection of personnel involved in the transport of cargoes containing toxic substances in all types of tankers**

9.2 The Committee noted the Sub-Committee's course of action on requirements for the protection of personnel involved in the transport of cargoes containing toxic substances in all types of tankers, in particular:

- .1 the decision to develop a draft MSC circular on Structural recommendations for new ships carrying liquids in bulk containing benzene and the establishment of a correspondence group to prepare a draft circular for consideration at BLG 10;

- .2 the decision to develop mandatory requirements for the use of marine safety data sheets (MSDS) for ships carrying MARPOL Annex I type cargoes and marine fuel oils, after consideration of proposed revisions to the Guidelines for the completion of MSDS for MARPOL Annex I type cargoes and marine fuel oils; and
- .3 the agreement on the draft Guidelines on the basic elements of a shipboard occupational health and safety programme, taking into account the views of the Joint MSC/MEPC Working Group on Human Element, for the Committee's approval (see paragraph 9.3 below).

### **Guidelines on the basic elements of a shipboard occupational health and safety programme**

9.3 The Committee approved MSC-MEPC.2/Circ.3 on Guidelines on the basic elements of a shipboard occupational health and safety programme, noting that MEPC 53 had approved, subject to the Committee's concurrent decision, the draft circular with modifications as reflected in paragraph 11.7 of document MSC 81/2/3 and paragraphs 13 to 15 of document MSC 81/17.

### **Interpretation or application of the IGC Code for ships carrying liquefied carbon dioxide in bulk**

9.4 The Committee noted the draft MSC circular on Interpretation or application of the IGC Code for ships carrying liquefied carbon dioxide in bulk, set out in annex 8 to document BLG 9/17, which was prepared by the Sub-Committee for approval at MSC 82 when the draft amendments to the IGC Code, to which the circular provides the interpretation, would have been adopted and requested the Secretariat to submit the aforementioned draft MSC circular to MSC 82 for formal approval.

### **Amendments to the IGC and GC Codes**

9.5 The Committee approved the draft amendments to the IGC and GC Codes, set out in annexes 22 and 23, respectively, and requested the Secretary-General to circulate the draft amendments to the IGC Code, in accordance with SOLAS article VIII and SOLAS regulation VII/11.1, for consideration at MSC 82 with a view to adoption and also requested the Secretariat to submit the draft amendments to the GC Code to MSC 82 for formal adoption.

### **Amendments to the BCH Code**

9.6 Bearing in mind that the BCH Code is a recommendatory instrument for safety purposes but is mandatory under MARPOL Annex II and having noted that MEPC 54 had adopted the proposed draft amendments to the BCH Code, with minor editorial modifications, the Committee unanimously adopted, by resolution MSC.212(81), the amendments to the BCH Code, set out in annex 24.

### **Amendments to the IBC Code and related matters**

9.7 The Committee approved, in principle, draft amendments to the fire protection requirements of the IBC Code, set out in annex 25, noting that MEPC 53 had approved them in principle, subject to the Committee's concurrent decision, with a view to adoption at MEPC 56, and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII, for consideration at MSC 82 with a view to adoption.

9.8 Following the BLG 9's recommendation that the amendments to fire protection requirements of the IBC Code, referred to in paragraph 9.7 above, should be applied prior to their formal entry into force date and having noted MEPC 53's concurrent decision, the Committee approved MSC-MEPC.2/Circ.4 on Early application of the amendments to the fire protection requirements of the IBC Code.

### **Review of the OSV Guidelines and the LHNS Guidelines**

9.9 The Committee noted that the review of the relevant parts of the OSV Guidelines (resolution A.469(XII)) and the LHNS Guidelines (resolution A.673(16)) had been completed and forwarded to the SLF Sub-Committee for co-ordination purposes, recalling that MEPC 53 had noted the proposed amendments and agreed, subject to the Committee's concurrent decision, to instruct the SLF Sub-Committee, as the co-ordinator, to finalize these amendments for appropriate action by the MEPC and the Committee. The Committee also recalled that further action taken by SLF 48 had been considered under agenda item 11 (Stability, load lines and fishing vessel safety) (see also paragraph 11.4).

9.10 In the context of this issue, the Committee, following discussion of the relevant proposal by the delegation of the Netherlands, requested the Secretariat to issue all existing IMO instruments, pertaining to offshore supply vessels, in a single IMO publication. Furthermore, the Committee noted a view that it would be advantageous to develop, in the future, a single IMO instrument which would incorporate the provisions for offshore supply vessels contained in the existing IMO instruments, updated as necessary.

### **Terms of reference of the Sub-Committee**

9.11 Being invited by the Sub-Committee to consider the draft terms of reference of the Sub-Committee and take appropriate action, the Committee recalled that this had been overtaken by events since MSC 80 and MEPC 53 approved the final terms of reference of the Sub-Committee.

### **Intersessional meeting of the ESPH Working Group in 2006**

9.12 The Committee approved the holding of an intersessional meeting of the ESPH Working Group in September 2006, noting that MEPC 54, having approved the holding of the intersessional meeting in 2006, had requested the group to report directly to MEPC 55.

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

### **General**

9.13 The Committee considered urgent matters referred to it (MSC 81/9/1) emanating from the tenth session of the Sub-Committee (BLG 10/19) and took action as indicated hereunder.

### **Proposed amendments to the revised IBC Code**

9.14 The Committee recalled that, as outlined in paragraph 3.31.3 of document BLG 9/17 and paragraph 11.4 of document MSC 81/2/3, BLG 9 had invited MSC 81 and MEPC 55 to approve, in principle, the products, following their evaluation, for inclusion in chapters 17, 18 and 19 of the revised IBC Code. In this context, the Committee noted that BLG 10 had agreed to the

proposed timescale for the next set of amendments to the IBC Code and to the draft amendments to chapters 17, 18 and 19 of the revised IBC Code, set out in annexes 13 and 7, respectively, to document BLG 10/3 and that, in view of the fact that more amendments to chapters 17, 18 and 19 had been agreed at BLG 10, the Sub-Committee requested the Secretariat to prepare a consolidated text of the draft amendments to the revised IBC Code for approval, in principle, by MSC 81 and, subsequently, by MEPC 55.

9.15 Having considered the aforementioned consolidated text of the draft amendments to chapters 17, 18 and 19 of the revised IBC Code prepared by the Secretariat (MSC 81/9/1), the Committee approved, in principle, the proposed draft amendments, set out in annex 26, and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII and SOLAS regulation VII/8.1, for consideration, with a view to adoption, at MSC 82, in time for their entry into force on 1 January 2009.

### **Items to be reported on by the ESPH Working Group directly to MSC 82**

9.16 The Committee noted that BLG 10, taking into account the meeting schedule and the decisions that needed to be taken by the Committee on certain items to be considered by the ESPH Working Group at its intersessional meeting in September 2006, before entry into force of the revised IBC Code, had identified the items, as indicated in paragraph 6 of document MSC 81/9/1 that need to be reported on directly to MSC 82; and concurred with the BLG 10's proposal.

## **10 SAFETY OF NAVIGATION**

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

#### **General**

10.1 The Committee approved, in general, the report of the fifty-first session of the Sub-Committee on Safety of Navigation (NAV) (NAV 51/19 and MSC 81/10) and took action as indicated hereunder.

10.2 The delegation of Colombia requested the Committee not to consider the recommendations referred to in paragraphs 19.1.1.1 and 19.1.1.8 of the report of NAV 51 (NAV 51/19), in view of the fact that Colombia had fully withdrawn the proposals relating to the Traffic Separation Schemes and Areas to be Avoided as contained in documents NAV 51/3/9 and NAV 51/3/10, respectively.

10.3 Based on the above full withdrawal of the aforementioned proposals on the ground that a complete technical review was required by Colombia, the Committee did not consider the recommendations contained in paragraphs 19.1.1.1 and 19.1.1.8 of the NAV 51 report.

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

10.4 In accordance with resolution A.858(20), the Committee adopted the proposed new traffic separation schemes, including associated routeing measures "The Canary Islands" (as associated protective measures for the Canary Islands PSSA), as set out in annex 27, for dissemination by means of COLREG.2/Circ.57.

10.5 The Committee noted that, following the approval, in principle, by MEPC 51, MEPC 53 had designated the waters of the Canary Islands as a PSSA, by resolution MEPC.134(53), and expected that the Committee adopts the associated protective measures.

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

10.6 In accordance with resolution A.858(20), the Committee adopted amendments to the existing traffic separation schemes, including associated routing measures, as follows:

- .1 “In the Strait of Juan de Fuca and its approaches”;
- .2 “Off Cabo de Gata”;
- .3 “Off Porkkala Lighthouse”; and
- .4 “In the Strait of Dover and Adjacent Waters”;

as set out in annex 27, for dissemination by means of COLREG.2/Circ.57.

#### **Routing measures other than TSSs**

10.7 In accordance with resolution A.858(20), the Committee adopted the following amendments to existing routing measures other than traffic separation schemes including new routing measures other than traffic separation schemes:

- .1 the proposed amended Area to be Avoided around the CS4 buoy in the Dover Strait; and
- .2 the proposed new Areas to be Avoided by ships transiting the Canary Islands (as associated protective measures for the Canary Islands PSSA),

as set out in annex 28, for dissemination by means of SN.1/Circ.253.

#### **Implementation of the adopted routing measures**

10.8 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 10.4 and 10.6, respectively (annex 27) and the routing measures other than traffic separation schemes referred to in paragraph 10.7 (annex 28), should be implemented six months after their adoption, i.e., on 1 December 2006 at 0000 hours UTC.

#### **Mandatory ship reporting systems**

##### ***Amendments to the existing mandatory ship reporting system “In the Great Belt Traffic Area”***

10.9 The Committee noted that, as authorized at its eightieth session, the Sub-Committee had approved the draft relevant Assembly resolution for submission to the twenty-fourth session of the Assembly for adoption, which had adopted, by resolution A.978(24), the amendments to the existing mandatory ship reporting system “In the Great Belt Traffic Area”. The Committee also noted that the adopted amendments to the existing mandatory ship reporting system would be

implemented at 0000 hours UTC on 1 July 2006 and that this information had already been conveyed to Member Governments through SN.1/Circ.251.

### ***New mandatory ship reporting system***

10.10 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.213(81), the new mandatory ship reporting system for the Canary Islands (as an associated protective measure for the Canary Islands PSSA) as set out in annex 29, for dissemination by means of SN.1/Circ.254. The Committee also decided that the new mandatory ship reporting system should be implemented six months after its adoption, i.e., on 1 December 2006 at 0000 hours UTC.

### **Associated protective measure for the Galapagos Archipelago PSSA**

10.11 The Committee noted that, as authorized at its eightieth session, the Sub-Committee had approved the draft Assembly resolution on the proposed Area to be Avoided as an associated protective measure for the Galapagos Archipelago PSSA, for submission to the twenty-fourth session of the Assembly for adoption, which had adopted resolution A.976(24) on Ships' Routeing – Establishment of an Area to be Avoided in the Galapagos Archipelago. The Committee also noted that the adopted routeing system would be implemented at 0000 hours UTC on 1 July 2006 and that this information had already been conveyed to Member Governments through SN.1/Circ.250.

### **Associated protective measures for the Baltic Sea Area PSSA**

10.12 The Committee noted that, as authorized at its eightieth session, the Sub-Committee had approved the draft Assembly resolution on the associated protective measures for the Baltic Sea Area PSSA, for submission to the twenty-fourth session of the Assembly for adoption, which had adopted resolution A.977(24) on Ships' Routeing. The Committee also noted that the adopted new traffic separation schemes and amendments to existing traffic separation schemes and routeing measures other than traffic separation schemes would be implemented at 0000 hours UTC on 1 July 2006 and that this information had already been conveyed to Member Governments through COLREG.2/Circ.56 and SN.1/Circ.250.

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

10.13 The Committee endorsed the action taken by the Sub-Committee in submitting the outcome of its deliberations on the issue of the review of the 2000 HSC Code and amendments to the DSC Code and 1994 HSC Code to DE 49 and noted that DE 49 had included the draft amendments from NAV 51 in the set of amendments to the 2000 HSC Code completed at DE 49.

### **Amendment to the footnote to paragraph 2.1.5 of SOLAS regulation V/19**

10.14 The Committee endorsed the action taken by the Sub-Committee in amending the footnote to paragraph 2.1.5 of SOLAS regulation V/19 to reflect the clarifications and definitions to the term "appropriate portfolio of up-to-date paper charts" as ECDIS backup.

### **Draft proposed amendments to the 2000 HSC Code, chapter 13**

10.15 The Committee considered the draft amendments to chapter 13 of the 2000 HSC Code to implement a phased possible carriage requirement for ECDIS for high-speed craft as part of the complete set of draft amendments to the 2000 HSC Code, as well as the 1994 HSC Code and the

DSC Code, as prepared by DE 49, under agenda item 7 (Ship design and equipment) with a view to approval and subsequent adoption at MSC 82 (see also paragraphs 7.12 and 7.13).

### **IHO online chart catalogue**

10.16 The Committee invited Member Governments to consider and consult with relevant hydrographic authorities on which paper charts would meet the “appropriate portfolio of up-to-date charts” criteria in waters under their jurisdiction and where ENC’s did not exist, and communicate this information to the IHO for inclusion in the online chart catalogue.

### **Terms of reference for the Correspondence Group on ECDIS**

10.17 The Committee noted the terms of reference for the Correspondence Group on ECDIS as approved by the Sub-Committee.

### **Review of the OSV Guidelines**

10.18 The Committee noted the action taken by the Sub-Committee in submitting the outcome of its deliberations on the issue of the review of the OSV Guidelines to SLF 48 and noted that SLF 48 took into account the outcome of NAV 51 in its review.

### **Review of the SPS Code**

10.19 The Committee noted the action taken by the Sub-Committee in submitting the outcome of its deliberations on the issue of the review of the SPS Code to DE 49 and noted that DE 49 had included the outcome of NAV 51 in its review.

## **PASSENGER SHIP SAFETY**

### **Guidelines on voyage planning for passenger ships operating in remote areas**

10.20 The Committee considered the draft Assembly resolution on Guidelines on voyage planning for passenger ships operating in remote areas, under agenda item 4 (Passenger ship safety) (see also paragraph 4.48).

### **Performance standards for essential systems and equipment on passenger ships for safe return to port after a casualty and for a three-hour time to remain habitable after a casualty**

10.21 The Committee noted the action taken by the Sub-Committee in submitting the outcome of its deliberations on the issue of performance standards for essential systems and equipment on passenger ships for safe return to port after a casualty and for a three-hour time to remain habitable after a casualty to DE 49 and noted that DE 49 took into account the outcome of NAV 51 in its relevant consideration of passenger ship safety (see also paragraphs 4.5 and 4.46).

### **Recognition process for Galileo**

10.22 The Committee endorsed the Sub-Committee’s view that the recognition process for the Galileo system could be achieved in a timely manner once the system had become operational

and invited the operators of that system to commence the process as soon as they were able to do so.

### **Casualty analysis**

10.23 The Committee noted the action taken by the Sub-Committee in submitting the outcome of its deliberations on the issue of casualty analysis to STW 37 and observed that STW 37 had noted the outcome of NAV 51.

### **Recommended means for extracting stored data from voyage data recorders (VDRs) and simplified voyage data recorders (S-VDRs) for investigation authorities**

10.24 The Committee endorsed the action taken by the Sub-Committee in circulating SN/Circ.246 on Recommended means for extracting stored data from voyage data recorders (VDRs) and simplified voyage data recorders (S-VDRs) for investigation authorities.

### **NEW AND AMENDED PERFORMANCE STANDARDS FOR NAVIGATIONAL EQUIPMENT**

### **Revised performance standards for shipborne voyage data recorders (VDRs) (resolution A.861(20)) and simplified voyage data recorders (S-VDRs) (resolution MSC.163(78))**

10.25 In accordance with resolution A.886(21), the Committee adopted resolution MSC.214(81) on Amendments to the Revised performance standards for shipborne voyage data recorders (VDRs) (resolution A.861(20)) and simplified voyage data recorders (S-VDRs) (resolution MSC.163(78)), set out in annex 30.

### **SHIPS' ROUTEING SYSTEMS**

10.26 The Committee recalled that the Secretariat currently forwarded all proposals for ships' routeing systems to IHO for analysis as to the adequacy of hydrographic surveys and charting in the area.

10.27 The Committee considered a proposal, by IHO (MSC 81/10/1), for an amendment to the Guidance note on the preparation of proposals on ships' routeing systems and ship reporting systems for submission to the Sub-Committee on Safety of Navigation (MSC/Circ.1060). This would avoid an unnecessary duplication of effort with respect to the provision of an analysis of the hydrographic accuracy by IHO for ships' routeing system proposals. The amendment to subparagraph .3 of paragraph 3.4.2 of the Guidance note (MSC/Circ.1060) was proposed to read:

“.3 adequacy of the state of hydrographic surveys and nautical charts in the area of the proposed routeing system. Governments, who do not have the necessary hydrographic information may, at a very early stage in the formulation of the routeing system, seek the assistance of the IHO in obtaining such information;”.

10.28 The Committee agreed with the proposal by IHO and, having considered document MSC 81/WP.12, approved MSC.1/Circ.1060/Add.1 on Amendment to the Guidance note on the preparation of proposals on ships' routeing systems and ship reporting systems for submission to the Sub-Committee on Safety of Navigation (MSC/Circ.1060).



10.29 In addition, the Committee:

- .1 reminded Governments of the requirement to provide “information on the adequacy of the state of hydrographic surveys and nautical charts in the area of a proposed routeing system”, as set out in MSC/Circ.1060;
- .2 advised the NAV Sub-Committee that it might seek, where necessary, guidance from IHO regarding hydrographic surveying and nautical charting in areas of proposed routeing systems; and
- .3 noted that IHO would comment on proposed routeing systems where it considered this to be appropriate.

#### **CLOSE COLLISION ALARM (CCA) AIS BINARY MESSAGE**

10.30 The Committee considered the proposal by Egypt (MSC 81/10/2) on the use of AIS equipment as a means to detect and report the existence of a close collision situation and the use of a new AIS binary message for triggering an alarm on detecting such a situation.

10.31 In this context, the Committee recalled that, at its seventy-eighth session, it had approved the Guidelines on the application of AIS binary messages (SN/Circ.236), as prepared by NAV 49, which had selected seven binary messages to be used as a set of messages for a trial period of four years with no change. In addition to these seven messages and four system-related messages, the NAV Sub-Committee had agreed to allow two additional messages in the four-year trial period to test the process of introducing new binary messages to users, manufacturers and the Organization. By the end of the trial period, all SOLAS ships and a large number of non-SOLAS vessels were expected to be equipped with AIS, allowing IMO to evaluate the benefit and practicability of AIS binary messages, as well as the capacity of AIS frequencies. The Guidelines also recommended that if the evaluation was positive, the use of binary messages could be extended. Should a Member Government see the need to propose a new binary message, it should submit to the NAV Sub-Committee a demonstrated operational need and provide the proposed format and content of the message. The Organization may then accept it, assign an identifier and publish it in an updated SN circular for the benefit of the maritime industry.

10.32 There was some discussion on the Egyptian proposal regarding the use of AIS equipment as a means to assist in the avoidance of a close collision situation. A number of delegations who spoke on the issue were of the opinion that extreme caution was necessary in recommending the use of AIS as an anti-collision device for the following reasons:

- .1 AIS alarms would be useless in narrow fairways and dense traffic areas;
- .2 multiple alarms on the navigation bridge could cause confusion to the bridge team;
- .3 vessels transmitting incorrect AIS data; and
- .4 there had been insufficient operational experience gained since the introduction of AIS equipment.

10.33 Hence, the Committee was of the opinion that it was rather premature to take any action at this stage.

10.34 The Committee, therefore, suggested that Egypt might wish to review its proposal and re-submit it as an appropriate new work programme item proposal to MSC 82, in accordance with the Guidelines on the organization and method of work, with the necessary information on justification for the approval of a new work programme item for the NAV Sub-Committee.

#### **MALACCA AND SINGAPORE STRAITS - OFFICIAL ELECTRONIC NAVIGATIONAL CHARTS**

10.35 The Committee noted the information provided by IHO (MSC 81/INF.3), concerning the release of new electronic navigational charts (ENCs) by the Hydrographic Offices of Indonesia, Malaysia and Singapore together with the Japan Hydrographic Association and the availability of 6 official ENC cells covering the Malacca and Singapore Straits with effect from 26 December 2005, which would contribute significantly to the safety of navigation and protection of the marine environment in the Malacca and Singapore Straits.

10.36 The Secretariat expressed its appreciation for the release of such ENCs in the Malacca and Singapore Straits and further stated that:

- .1 this latest development was a good model of co-operation among relevant Hydrographic Offices of the littoral States;
- .2 the Marine Electronic Highway (MEH) project was expected to be launched within the year;
- .3 under the MEH Demonstration Project, an extensive hydrographic survey would be conducted and the latest hydrographic information would be collected so that ENCs with a scale of 1:10,000 could be expected to be developed to cover certain important navigational areas along the length of the TSS of the Malacca Strait; and
- .4 the Committee would be kept informed of the progress of the MEH project.

10.37 The delegation of Singapore expressed appreciation to IHO and Japan for the assistance rendered for the development of new electronic navigational charts (ENCs) covering the Malacca and Singapore Straits. The delegation was of the view that this was a good example of co-operation between the littoral States and other concerned parties and looked forward to further such co-operative efforts.

## **11 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY**

### **Report of the forty-eighth session of the Sub-Committee**

11.1 The Committee approved, in general, the report of the forty-eighth session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 48/21 and MSC 81/11) and took action as indicated hereunder.

### **Development of Explanatory Notes for the harmonized SOLAS chapter II-1**

11.2 The Committee noted the progress made on the development of the Explanatory Notes for the harmonized SOLAS chapter II-1, in particular the Sub-Committee's decision to finalize the

Interim Explanatory Notes at SLF 49 to be issued as an MSC circular after approval at MSC 82, with the possibility of regular revisions of the Notes, until the entry into force of the revised SOLAS chapter II-1 in 2009, in the light of experience gained with the application of the requirements of that chapter.

### **Revision of the Intact Stability Code**

11.3 The Committee, having noted the progress made on the development of the revisions of the Intact Stability (IS) Code, including the updated plan of action for intact stability work, concurred with the Sub-Committee's view that there was an urgent need for providing the industry with the guidelines for alternative assessment of the weather criterion (e.g., model experiments) before finalizing the revised IS Code and approved MSC.1/Circ.1200 on Interim Guidelines for alternative assessment of the weather criterion.

### **Review of the LHNS Guidelines and the OSV Guidelines**

11.4 The Committee noted the Sub-Committee's referral of:

- .1 the draft revised OSV Guidelines to the DSC Sub-Committee for finalization and subsequent submission to the Committee, for adoption; and
- .2 the draft amendments to the LHNS Guidelines to the DSC Sub-Committee for finalization and subsequent submission to MSC 82 and MEPC 55, for adoption, and the Sub-Committee's referral of the model form of Certificate of Fitness contained in the draft amendments to the LHNS Guidelines to the BLG Sub-Committee for comments and referral to the DSC Sub-Committee.

### **Passenger ship safety**

11.5 The Committee noted the outcome of the Sub-Committee on matters relating to passenger ship safety, which had been dealt with in detail under agenda item 4 (Passenger ship safety).

### **Harmonization of damage stability provisions in other IMO instruments**

11.6 The Committee noted that, in the context of the work on the harmonization of damage stability provisions in IMO instruments, the Sub-Committee had agreed, with regard to the MARPOL Convention and the IBC and IGC Codes, that these instruments should not be subject to harmonization and, in respect of the 2000 HSC Code, the MODU Code and the OSV Guidelines, not to pursue the matter further; and whilst, with regard to the INF Code and the SPS Code had agreed to consider further harmonization through amendments to these Codes, in respect of the 1988 LL Protocol had agreed to give further consideration to the matter only for type "B" ships assigned reduced freeboards, carrying solid bulk cargoes.

### **Revision of technical regulations of the 1966 LL Convention**

11.7 The Committee approved the proposed draft amendments to Annex B to the 1988 LL Protocol, concerning regulations 22(4) (Scuppers, inlets and discharges) and 39(1) (Minimum bow height and reserve buoyancy), set out in annex 31, and requested the Secretary-General to circulate them, in accordance with article VI of the Protocol, for consideration at MSC 82 with a view to adoption.

11.8 With regard to the proposed amendments to the 1988 LL Protocol concerning special consideration for self-elevating MODUs, the Committee, having noted that SLF 48 had supported, in principle, the concept of providing relaxation for self-elevating MODUs and the Sub-Committee's conclusion that these matters would be more appropriately dealt with in the MODU Code which is under review by the DE Sub-Committee, endorsed the Sub-Committee's referral of the proposal for amendments to the DE Sub-Committee for consideration under the item on "Amendments to the MODU Code".

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

11.9 The Committee noted that the Sub-Committee had prepared the draft amendments to the 2000 HSC Code, relating to stability and cross-flooding issues, and forwarded them to the DE Sub-Committee for co-ordination purposes.

### **Safety aspects of ballast water management**

11.10 The Committee, having noted the Sub-Committee's view that the safety aspects of ballast water exchange should be viewed from a holistic safety perspective and that no methodology had been presented which would enable shipboard aspects of transitory non-compliance with safety standards (particularly safety standards within the purview of the SLF Sub-Committee) to be addressed from such a perspective, concurred with the Sub-Committee's recommendation that no transitory deviation from safety standards (i.e., intact and damage stability and load line standards), within the Sub-Committee's purview, should be permitted during ballast water exchange. In this context, the Committee noted that MEPC 54 had also agreed to the aforementioned recommendation of the Sub-Committee.

### **Safety of small fishing vessels**

11.11 The Committee noted the progress made on safety of small fishing vessels, in particular the timeframe agreed by the Sub-Committee for the development of the Safety standards for small fishing vessels, and the Sub-Committee's decision to progress the item as a matter of urgency with the intention of finalizing the new standards well before the target completion date.

11.12 In this context, the Committee concurred with the recommendation that the International Labour Organization (ILO) should be invited to participate in the development of the Safety standards for small fishing vessels and noted that the IMO Secretariat had already informed ILO of the outcome of SLF 48 on this matter.

### **Revision of MSC/Circ.650**

11.13 The Committee noted that, in the context of the item on the revision of MSC/Circ.650 (Interpretation of alterations and modifications of a major character), the Sub-Committee had requested the DE Sub-Committee to deal with the matter of applicability of SOLAS regulation II-1/3-6 (Access to and within spaces in, and forward of, the cargo area of oil tankers and bulk carriers) in case of the conversion of single-hull tankers into double-hull tankers to comply with regulations 13G and 13H of MARPOL Annex I.

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

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

#### **General**

12.1 The Committee approved, in general, the report of the tenth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 10/17 and MSC 81/12) and took action as indicated hereunder.

#### **Amendments to SOLAS regulation II-2/19 (II-2/54) as a result of the change to the flashpoint in the IMDG Code**

12.2 The Committee noted that the adoption of various amendments to the UN Recommendations on the transport of dangerous goods, whereby the flash point of 61°C in various places within the IMDG Code would read 60°C, would require consequential amendments to SOLAS regulation II-2/19 (II-2/54) and, perhaps, to other IMO instruments and that the adoption of the consequential amendments would align relevant provisions of the IMDG Code with those of SOLAS (other than SOLAS regulation II-2/19 (II-2/54)) and the IBC Code and, thus, harmonize the IMDG Code with the GHS criteria.

12.3 In view of the above, the Committee instructed the FP Sub-Committee to develop appropriate amendments to SOLAS regulation II-2/19 (II-2/54) as a result of the change to the flashpoint in the IMDG Code (see also paragraph 23.14).

#### **Contact information for the designated competent authority**

12.4 The Committee approved MSC.1/Circ.1201 on Contact information for the designated competent authority and invited Member Governments who had not submitted the contact information for incorporation in the draft MSC circular or those Member Governments whose contact information had changed, to submit the relevant information to the Secretariat as soon as possible.

#### **Mandatory application of chapter 1.3 (Training) of the IMDG Code**

12.5 The Committee noted that DSC 10 had agreed that mandatory training of shore-based personnel involved in the handling of dangerous goods, in accordance with the relevant provisions of the IMDG Code was desirable and in the interests of maritime safety. However, a substantial number of delegations at DSC 10 who spoke on the issue, although in favour of mandatory training requirements, were of the view that mandating dangerous goods training for shore-based personnel was perhaps beyond the scope of the Organization.

#### **Amendments to MARPOL Annex III**

12.6 The Committee noted that DSC 10 had agreed to the text of the draft amendments to MARPOL Annex III and that MEPC 54, having approved the draft amendments, had endorsed the DSC 10's proposed timeframe for entry into force of the amended MARPOL Annex III.

### **Amendment (33-06) to the IMDG Code**

12.7 The Committee noted that the proposed amendment (33-06) to the IMDG Code had been dealt with under agenda item 3 (Consideration and adoption of amendments to mandatory instruments).

### **Review of recommendations on the safe use of pesticides in ships**

12.8 The Committee noted that the justification for inclusion in the Sub-Committee's work programme of a new item on "Review of the recommendations on the safe use of pesticides in ships" had been considered under agenda item 23 (Work programme).

### **Carriage of direct reduced iron fines**

12.9 The Committee endorsed the issuance of DSC/Circ.36 on Accidents involving transport of direct reduced iron (DRI) fines, which alerted Administrations and other parties concerned about the dangers involved in the shipment and transport of DRI fines, following an incident that occurred to m.v. **Ythan** (MSC 79/12/1), and urged Member Governments and organizations to submit relevant information regarding safe handling and transportation of DRI fines to DSC 11 for further consideration.

### **Inspection programmes for cargo transport units carrying dangerous goods**

12.10 Having approved amendments to MSC/Circ.859, set out in annex 6 to document DSC 10/17, the Committee requested the Secretariat to issue MSC.1/Circ.1202 on Inspection programmes for cargo transport units carrying dangerous goods, which would supersede MSC/Circ.859, and urged Member Governments and organizations concerned to give further consideration to issues relevant to reporting procedures on serious structural deficiencies and to submit proposals to DSC 11.

### **Consequential amendments as a result of the extension of the BLU Code to include grain**

12.11 The Committee endorsed the course of action taken by DSC 10 whereby the development of the amendments to the BLU Code; the Manual on loading and unloading of solid bulk cargoes for terminal representatives; and SOLAS chapter VI is consequential to the work of the Sub-Committee on the extension of the BLU Code to include grain, as tasked by MSC 79, and to the adoption of the 2004 BC Code.

### **Intersessional meetings of the Editorial and Technical Group**

12.12 The Committee approved the holding of two one-week meetings of the Editorial and Technical Group (E&T) in 2007, which had been tentatively scheduled to take place in May and September 2007, at venues to be announced in due course.

### **Guidance on protective clothing**

12.13 The Committee noted the view of the Sub-Committee that, if the amendment to paragraph 7.17.3.6.1 of the 2000 HSC Code, as prepared by FP 49, is included in the revised Code, a consequential amendment to SOLAS regulation II-2/19.3.6.1 should also be prepared by the FP Sub-Committee; and that, if the aforementioned amendments to SOLAS and the HSC Code are approved by the Committee, the DSC Sub-Committee's work programme should

include an item on the development of the associated guidance concerning protective clothing and:

- .1 instructed FP 51 to consider the aforementioned view of DSC 10 regarding consequential amendments to SOLAS regulation II-2/19.3.6.1 and advise MSC 83 as appropriate; and
- .2 agreed to include, in the DSC Sub-Committee's work programme, a high priority item on "Guidance on protective clothing", with two sessions needed to complete the item.

### **Disposal of fumigants**

12.14 Having noted the recommendations of DSC 10 and the MEPC 54's concurrent decision, the Committee approved MSC-MEPC.2/Circ.1 on Disposal of fumigants.

### **CONSEQUENTIAL AMENDMENTS TO THE REVISED EMERGENCY RESPONSE PROCEDURES FOR SHIPS CARRYING DANGEROUS GOODS (EMS GUIDE) (MSC/CIRC.1025)**

12.15 The Committee noted that, as requested by DSC 10, the Editorial and Technical Group, having finalized the draft amendment (33-06) to the IMDG Code for adoption at this session and noting that the revised EmS Guide needed consequential amendments to align it with the aforementioned amendments, had prepared draft amendments to the revised EmS Guide and requested the Secretariat to prepare draft amendments to MSC/Circ.1025 incorporating such consequential amendments for approval at this session of the Committee. In pursuance of this request, the Secretariat prepared a consolidated text of amendments, as set out in the annex to document MSC 81/12/2, which also included amendments to the revised EmS Guide which are consequential to amendment (32-04) to the IMDG Code adopted by MSC 78. Following consideration of the proposed draft amendments, the Committee approved MSC.1/Circ.1025/Add.1 on Amendments to the Revised emergency response procedures for ships carrying dangerous goods (EmS Guide) (MSC.1/Circ.1025).

### **FACILITATION OF THE CARRIAGE OF IMDG CODE CLASS 7 RADIOACTIVE MATERIALS INCLUDING THOSE IN PACKAGED FORM USED IN MEDICAL OR PUBLIC HEALTH APPLICATIONS**

12.16 The Committee recalled that the issue of delays and denials of shipments of class 7 radioactive material had been considered by the DSC Sub-Committee, the FAL Committee and the Assembly and that, as a result, resolution A.984(24) entitled "Facilitation of the carriage of IMDG Code class 7 radioactive materials including those in packaged form used in medical or public health applications" was adopted.

12.17 The Committee noted that operative paragraph 7 of that resolution requested the Secretary-General to explore the possibility of establishing an *ad hoc* mechanism within the Organization to co-ordinate efforts to speedily resolve difficulties in the carriage of class 7 radioactive materials, in close co-operation with the IAEA.

12.18 Having received an oral explanation by the Secretariat on the initiative taken by the Secretariat for the *ad hoc* mechanism, the Committee noted that a way forward might be the establishment of a contact point at the Secretariat whereby sectors of the industry experiencing difficulties in the shipments of class 7 radioactive materials would provide information as to the

causes of such delays and denials and make proposals on how to progress with the issue. In that context, IMO, in its capacity as a facilitator, would monitor the situation in accordance with the reports provided and take appropriate action which might include contacting the relevant national authorities with the view to facilitating the carriage of such materials.

12.19 With regard to the negative perceptions associated with the carriage of class 7 radioactive materials, the Committee noted the view of the Secretariat that it might be appropriate to assign a specific UN number to radioactive material(s), in packaged form, which are solely used in medical or public health applications and further noted that the IAEA, in considering the view of the IMO Secretariat, at its technical meeting held from 8 to 12 May 2006, expressed caution because such a move would not alleviate the problem and would be an unusual use of UN ID numbers. However, at that IAEA technical meeting some of the participants expressed support, while others did not support the approach.

12.20 The Committee, having noted the proposed aforementioned *ad hoc* mechanism to co-ordinate efforts to speedily resolve difficulties in the carriage of the IMDG Code class 7 radioactive materials, noted the intention of the Secretariat to submit an appropriate document to FAL 33 (FAL 33/12/2) and DSC 11 for further consideration of the issue.

## **13 FIRE PROTECTION**

### **Report of the fiftieth session of the Sub-Committee**

13.1 The Committee approved, in general, the report of the fiftieth session of the Sub-Committee on Fire Protection (FP) (FP 50/21 and MSC 81/13) and took action as indicated hereunder.

#### **Passenger ship safety**

13.2 The Committee noted the outcome of the Sub-Committee on matters relating to passenger ship safety, including the draft amendments to SOLAS chapter II-2 and the FSS Code, which had been dealt with in detail under agenda item 4 (Passenger ship safety).

#### **Amendments to the FSS Code**

13.3 The Committee approved the draft amendments to the International Code for Fire Safety Systems (FSS Code), set out in annex 32, and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 82.

#### **Evacuation analyses for new and existing passenger ships**

13.4 The Committee noted the progress made on matters related to the review of the Interim Guidelines on evacuation analyses for new and existing passenger ships (MSC/Circ.1033) and agreed to extend the target completion date for this item to 2008.



## **Unified interpretations to SOLAS chapter II-2 and the fire test procedures referred to in the FTP Code**

13.5 The Committee approved MSC.1/Circ.1203 on Unified interpretations to SOLAS chapter II-2 and the fire test procedures referred to in the FTP Code, deciding on the date of approval of the circular (paragraph 2 of the MSC circular) as the date of application of the unified interpretations.

## **Amendments to SOLAS chapter II-2**

13.6 The Committee considered the recommendation of the Sub-Committee to amend SOLAS chapter II-2 to ensure consistent application of regulations II-2/4 and II-2/9 and an appropriate justification for a new work programme on “Protection of exterior boundaries of superstructures and deckhouses”.

13.7 Having noted that FP 50, in lieu of approving by the Committee of the aforementioned new work programme item under which the Sub-Committee would undertake the development of the appropriate draft amendments to SOLAS chapter II-2, had prepared a draft amendment to SOLAS regulation II-2/4 for consideration at this session, the Committee approved the proposed draft amendment to SOLAS regulation II-2/4.5.2.3, set out in annex 33 and requested the Secretary-General to circulate the proposed amendment, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 82.

13.8 Following approval of the above draft amendment to SOLAS regulation II-2/4.5.2.3, the Committee approved MSC.1/Circ.1204 on Early application of the amendment to SOLAS regulation II-2/4.5.2.3. In this context, the Committee agreed that the early application of the amendment, which is voluntary for the Administrations, does not imply a provisional application under the Vienna Convention on the Law of Treaties.

## **Guidelines for developing operation and maintenance manuals for lifeboat systems**

13.9 The Committee approved MSC.1/Circ.1205 on Guidelines for developing operation and maintenance manuals for lifeboat systems.

## **Measures to prevent accidents with lifeboats**

13.10 The Committee approved MSC.1/Circ.1206 on Measures to prevent accidents with lifeboats, which consolidated and updated the provisions of the previous MSC circulars on the subject.

13.11 In this context, the Committee endorsed the Sub-Committee’s recommendation to refer matters related to the issue of whether the provisions of MSC.1/Circ.1206 should be made mandatory under the SOLAS Convention and/or the ISM Code to the FSI and STW Sub-Committees for consideration and appropriate action.

## **Early implementation of draft SOLAS regulation III/19.3.3.4**

13.12 In view of the fact that MSC/Circ.1115 which addressed free-fall launching from high-launch heights will expire on 25 May 2006, the Committee, having acknowledged that its provisions have been superseded by the new draft SOLAS regulation III/19.3.3.4

(see paragraph 13.13), agreed to invite Member Governments to implement the draft SOLAS regulation III/19.3.3.4 early, taking into account that considerable time will pass before the amendments enters into force and that the new regulation will improve the safety of abandon ship drills involving free-fall lifeboats. Consequently, the Committee approved MSC.1/Circ.1207 on Early implementation of the draft SOLAS regulation III/19.3.3.4, having agreed to replace, in the first sentence of the proposed draft amendments to SOLAS regulation III/19.3.3.4, the word “the” between the words “commence” and “launch” by the word “simulated”.

### **Amendments to SOLAS chapter III**

13.13 The Committee approved the draft amendments to SOLAS chapter III, set out in annex 34, which were developed by the Sub-Committee to address inconsistencies in SOLAS chapter III (see also the modification to the draft amendments to SOLAS regulation III/19.3.3.4 referred to in paragraph 13.12), the LSA Code and the Revised recommendation on testing of life-saving appliances (see also paragraphs 13.15 and 13.16) and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 82.

13.14 In this context, the Committee noted that FP 50, with regard to the definition for *unfavourable conditions of trim and list*, as contained in draft SOLAS regulation III/3, in view of its limited experience with the new probabilistic damage stability requirements in SOLAS chapter II-1, invited SLF 49 to consider the aforementioned draft regulation and forward any comments to MSC 82 so that they can be taken into account when the SOLAS amendments are prepared for adoption.

### **Amendments to the LSA Code**

13.15 The Committee approved the draft amendments to the LSA Code, set out in annex 35 (see also paragraph 13.13), and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 82.

### **Amendments to the Revised recommendation on testing of life-saving appliances**

13.16 Having agreed to delete the word “cold” from paragraph 9 of annex 11 to the report of FP 50 (document FP 50/21), the Committee approved the draft amendments to the Revised Recommendation on testing of life-saving appliances (resolution MSC.81(70)), set out in annex 36 (see also paragraph 13.13), for consideration, with a view to adoption, at MSC 82, when the draft amendments to SOLAS chapter III and the LSA Code are adopted.

### **Proposed modifications to the draft amendments to the LSA Code**

13.17 The Committee agreed to consider the proposed modifications to the draft amendments to the LSA Code, which were approved by MSC 80 for adoption at this session, under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) when considering document MSC 81/3/6.

## 14 TRAINING AND WATCHKEEPING

### Report of the thirty-seventh session of the Sub-Committee

14.1 The Committee approved, in general, the report of the thirty-seventh session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 37/18 and MSC 81/14) and took action as indicated hereunder.

### Unlawful practices associated with certificates of competency

14.2 While considering the Sub-Committee's recommendation to seek the concurrence of the Council on the need to include the nationality of the individual holding a fraudulent certificate in the proposed reporting format, the Committee was advised by the Legal Division of the Secretariat that:

- .1 the nationality should be considered as an extension of individual data. It involved a number of complex issues such as birth, marriage, proof of nationality, dual nationality, conditions upon which nationality was granted, refugee and asylum seeker status, etc. Furthermore, nationality could be acquired through many different ways and was not subject to scrutiny, registration or control similar to the training of seafarers;
- .2 noting a suggestion at STW 36, that such an inclusion would assist in prosecution of the individual identified as the holder of a fraudulent certificate, it should not be expected to be done through documents issued by IMO but by direct presentation of evidence before a competent court. Documents issued by international organizations for statistical purposes should not and cannot be used as evidence in procedures against individuals;
- .3 IMO's mandate extended solely to jurisdiction on the issue of certificates by flag States and control by port States and issues relating to nationality were well beyond its remit; and
- .4 the Legal Division had offered tentative advice for the consideration of the Sub-Committee at its thirty-seventh session. The purpose of this advice was to enable further discussions by the Sub-Committee. However, the Sub-Committee decided to refer the matter to the Council without any in-depth consideration of the technical issues. In light of the foregoing, it was not advisable to include the nationality of the individual identified as holder of a fraudulent certificate in the reports issued by the Secretariat.

Accordingly, the Committee agreed that there was no need to include the nationality of the individual identified as the holder of a fraudulent certificate in reports issued by the Secretariat, nor was there a need to refer the matter to the Council.

14.3 Having considered the information provided by the United Kingdom (MSC 81/14/2) on the investigations conducted by the United Kingdom into the types of fraud associated with certificates of competency and how they might effectively be identified and prevented, including a proposed revised IMO reporting format to assist in focusing the effort on the prevalent types of

fraud, the Committee invited Member States, Administrations and seafarers' employers to identify fraudulent certificates, and in particular to:

- .1 encourage routine verification of certificates of competency by employers before employing a seafarer;
- .2 encourage training in fraud detection for all personnel involved in certification and inspection, and communicate principles of best practice to industry; and
- .3 work closely together to identify and report incidences of unlawful practice, and take appropriate and effective action to deter fraud,

and referred the document to STW 38 for detailed consideration with a view to updating the reporting format to enable Administrations with a more proactive approach to target fraud prevention.

### **Passenger ship safety**

14.4 The Committee agreed to instruct the Joint MSC/MEPC Working Group on Human Element to consider the need for guidelines for abandonment of ships alongside in port, under ISM Code provisions, at MSC 82.

### **Measures to prevent accidents with lifeboats**

14.5 The Committee adopted amendments to part B of the STCW Code relating to guidance on familiarization and training for seafarers serving on board ships fitted with free-fall lifeboats, for circulation by means of STCW.6/Circ.10.

### **Measures to enhance maritime security**

14.6 The Committee recalled that, under agenda item 5 (Measures to enhance maritime security), it had taken appropriate action relating to this item as reflected in paragraphs 5.20 to 5.33 and 5.99 to 5.103.

### **Development of competences for ratings**

14.7 The Committee noted the progress made towards the development of competences for ratings.

### **Revalidation of GMDSS operator's certificate**

14.8 The Committee approved MSC.1/Circ.1208 on Promoting and verifying continued familiarization of GMDSS operators on board ships.

14.9 The Committee endorsed the decision of the Sub-Committee in advising COMSAR 10 to include the issue of standardization of GMDSS equipment and operating procedures in the IMO liaison statement to WRC 2007.

### **Amendment to the STCW Convention chapter III**

14.10 The Committee endorsed the decision of the Sub-Committee that there was no need to amend chapter III of the STCW Convention.

## **Review of operational and training requirements for the revision of the Intact Stability Code**

14.11 The Committee endorsed the views and comments of the Sub-Committee relating to chapter 5 of the draft revised Intact Stability Code and instructed the Secretariat to convey them to SLF 49.

### **Information on simulators available for use in maritime training**

14.12 The Committee approved MSC.1/Circ.1209 on Information on simulators available for use in maritime training.

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

### **Secretary-General's report to the Committee**

14.13 The Committee noted that no reports pursuant to STCW regulation I/7, paragraph 2 had been submitted by the Secretary-General at this session.

## **SECRETARY-GENERAL'S REPORT PURSUANT TO STCW REGULATION I/8**

14.14 In introducing his report (MSC 81/WP.2), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. Each report, as required by MSC/Circ.997, was comprised of:

- .1 the Secretary-General's report to the Committee;
- .2 a description of the procedures followed; and
- .3 a summary of the conclusions reached in the form of a comparison table.

14.15 The Committee was subsequently invited to consider the reports attached to document MSC 81/WP.2 for the purpose of confirming that the information provided by the STCW Parties pursuant to STCW regulation I/8 confirmed that full and complete effect was given to the provisions of the STCW Convention.

14.16 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; 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.

14.17 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 24 STCW Parties and four overseas territories of another STCW Party and instructed the Secretariat to update MSC/Circ.1164 accordingly and issue it as MSC.1/Circ.1164/Rev.1.

#### **APPROVAL OF COMPETENT PERSONS**

14.18 The Committee approved additional competent persons nominated by Governments (MSC 81/14/1 and Add.1) and instructed the Secretariat to update MSC/Circ.797/Rev.12 accordingly and issue the updated circular as MSC.1/Circ.797/Rev.13.

### **15 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE**

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

##### **General**

15.1 The Committee considered urgent matters referred to it (MSC 81/15) emanating from the tenth session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) (COMSAR 10/16) and took action as indicated hereunder.

##### **Radiocommunication matters**

###### ***Broadcast of tsunami and other natural disaster warnings***

15.2 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to convey a letter to IOC/UNESCO stating that the options to use the IMO GMDSS communication facilities for promulgating tsunami warnings through the relevant NAVAREA/METAREA co-ordinators remain available to national or regional centres, if required.

15.3 The Committee also noted that the Secretariat had written to IOC in this regard and intend to attend the next meeting of the Executive Council of IOC in June 2006, in order to emphasize that IMO's GMDSS communication facilities would be available for promulgation of Tsunami warnings through NAVAREA/METAREA co-ordinators.

##### **ITU matters**

###### ***IMO liaison statements to the ITU and IEC***

15.4 The Committee approved the draft IMO position on WRC-07 agenda items concerning matters relating to maritime services, set out in annex 37 and authorized the Secretariat to convey the approved IMO position to the appropriate ITU bodies for consideration.

###### ***Joint IMO/ITU Experts Group***

15.5 The Committee also approved the re-establishment of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, with the agreed terms of reference, for the development of further requirements for maritime radiocommunications and authorized an intersessional meeting of the group from 5 to 7 July 2006 at IMO Headquarters, instructing it to submit its report directly to MSC 82, since COMSAR 11 was scheduled to meet only in February 2007.

### **COSPAS-SARSAT International 406 MHz Beacon Registration Database**

15.6 The Committee approved the MSC.1/Circ.1210 on the COSPAS-SARSAT International 406 MHz Beacon Registration Database, and expressed its appreciation to COSPAS-SARSAT for its initiative in this regard.

### **Amendments to resolution A.888(21) - Criteria for the provision of mobile-satellite communication systems in the Global Maritime Distress and Safety System (GMDSS)**

15.7 The Committee considered the proposed amendments to resolution A.888(21) and took action, as indicated hereunder.

15.8 The Committee agreed with the proposal from the co-ordinator of the correspondence group on the revision of resolution A.888(21) to remove the COSPAS-SARSAT EPIRB system from the list of legacy systems which would be subject to IMSO oversight, in accordance with the proposed amendments to resolution (COMSAR 10/16, paragraph 7.1.5 of annex 10).

15.9 The delegation of the United States was of the opinion that the draft revision of the resolution had failed to establish an orderly and expeditious procedure for the enhancement of the GMDSS through the addition of new satellite service providers. The United States expressed concern at the proposed role of IMSO in approving new satellite systems and also carrying out the oversight function. The United States was concerned that participation in the GMDSS by new service providers would be discouraged.

In addition, the United States did not agree with the legal interpretation that IMO has a different legal risk than the IMSO and, therefore, did not share the view that it was somehow necessary to isolate IMO from decisions that might be taken in relation to participation by commercial satellite providers in the GMDSS. The delegation of the United States also noted that amendments to SOLAS in respect of additional satellite providers, would be necessary and suggested that the draft resolution should be referred back to the COMSAR Sub-Committee.

A full text of the statement by the delegation of the United States is reproduced in annex 42.

15.10 The delegation of South Africa in supporting the views of the United States reiterated its opinion as expressed at COMSAR 10 on the potential conflict, in its view, between the approval process and oversight by IMSO.

15.11 The delegation of the Russian Federation also reiterated the views expressed by that delegation at COMSAR 10 in relation to the evaluation and recognition of new systems being placed with IMSO, although it supported the role of IMSO in the oversight function.

15.12 The delegations of Germany and Turkey supported the views expressed by the delegation of the United States.

15.13 The observer from IMSO informed the Committee in detail on the fundamental differences between the IMSO Convention and the IMO Convention in respect of liability and contractual arrangements with private companies and the “clean-break” principle which had been endorsed by COMSAR 10 (COMSAR 10/16, paragraphs 5.31 and 5.32). A full text of the statement by the observer from IMSO is reproduced in annex 44.

15.14 The delegation of Cyprus, supported by many delegations, considered that there was no point in instructing the COMSAR Sub-Committee to review the resolution again, in that the technical aspects had been completed and that the issues under discussion were political and legal, not technical, in nature and therefore should be considered by the Committee. The delegation of Cyprus proposed that the resolution should be reconsidered at MSC 82, when the opinion of the Legal Affairs and External Relations Division would also be provided.

15.15 The Director, Legal Affairs and External Relations Division of the Secretariat, noted that she was concerned to uphold the traditional privileges and immunities enjoyed by IMO and to protect the Organization from any possible legal liability and that her comments should be received in this spirit and not as an attempt to curtail the Organization's legitimate activities.

The Director informed the Committee that IMO's immunity from judicial suit stemmed from its status as a specialized agency of the United Nations. In this connection, the IMO Convention was relevant in that it established the mandate of the Organization. Provided the Organization continued to act within the framework of this mandate, namely in its traditional regulatory role in the field of international shipping, it would enjoy the privileges and immunities set out in the Convention on Privileges and Immunities of the Specialized Agencies.

If, however, IMO were to stray outside of its regulatory functions and into the commercial arena, it could run the risk of exposing the Organization to a claim for damages, as its immunity from judicial process is based on the fact that IMO is not a commercial entity but an international organization with a regulatory mandate. Accordingly, the Committee should bear these factors in mind in deciding what precise role the MSC should play in relation to the establishment of mobile satellite communication systems in the GMDSS. In this connection, the Director suggested that, if the current regulatory framework was regarded as inadequate for these purposes, the Committee might consider a relevant amendment to the SOLAS Convention as one possibility. The Legal Office would be happy to provide the Committee with any additional advice on the subject, at the next session.

15.16 The Committee, recognizing that any revised resolution could not be adopted until the twenty-fifth session of the Assembly in November 2007, accordingly agreed to reconsider the proposed revised text of resolution A.888(21) at MSC 82 on the basis of further comments and proposals from Member Governments and legal advice.

### **Long-range identification and tracking of ships**

15.17 The Committee endorsed the view of the Sub-Committee that access to LRIT and AIS data by both aeronautical and maritime SAR Authorities would provide considerable benefits to SAR services and agreed to take this view into account when developing LRIT standards under agenda item 5 (Measures to enhance maritime security).

15.18 The Committee recalled that it had considered the outcome of the work of the Sub-Committee regarding long-range identification and tracking (LRIT) of ships and adopted the Performance standards and functional requirements for the long-range identification and tracking of ships, under agenda item 5 (Measures to enhance maritime security) (see also paragraphs 5.113 to 5.118).



## **SAR matters**

### ***Thirteenth session of the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR***

15.19 The Committee approved the convening of the 13th intersessional meeting of the ICAO/IMO JWG on Harmonization of Aeronautical and Maritime SAR, presently planned to be held in Singapore from 28 August to 1 September 2006.

### ***Adoption of amendments to the IAMSAR Manual***

15.20 The Committee recalled that, under agenda item 4 (Passenger ship safety), it had considered the draft MSC circular on Adoption of amendments to the IAMSAR Manual (paragraph 8.6 and annex 16) prepared by the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime Search and Rescue at its 12th session and subsequently endorsed by COMSAR 10.

15.21 The Committee noted that the proposed draft amendments have already been approved by ICAO with some minor editorial changes.

15.22 As indicated in paragraph 4.49, the Committee adopted the proposed amendments to the IAMSAR Manual, in accordance with procedures prescribed in the annex to resolution A.894(21), for circulation by means of MSC.1/Circ.1181, having decided that they should enter into force on 1 July 2007.

### ***Passenger ship safety***

15.23 The Committee considered the outcome of the Sub-Committee regarding passenger ship safety and took appropriate action under agenda item 4 (see also paragraph 4.6).

## **16 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY**

### **DEVELOPMENTS CONCERNING TECHNICAL CO-OPERATION ACTIVITIES**

#### **General**

16.1 The Committee noted the information provided in document MSC 81/2 on the outcome of TC 55 and document MSC 81/16 on the safety-, security- and facilitation-related activities executed in 2005 and those planned for 2006 under the Integrated Technical Co-operation Programme (ITCP) for the biennium 2006-2007 and was advised by the Secretariat of additional information on technical co-operation activities. During the period 2004 and 2005, a total of 97 missions were carried out through the ITCP activities; 115 courses, seminars and workshops were held at the national, regional and global levels, and 4,181 participants were trained worldwide.

### **Integrated coastguard network for West and Central Africa**

16.2 The Committee noted that, as a follow-up to the 2003 Meeting on Piracy and armed Robbery held in Accra, a two-man mission on evaluation and assessment of the feasibility to establish an Integrated coastguard network in West and Central African countries aimed at strengthening regional co-operation for the maritime safety of Coastal States and, in particular, combating piracy and armed robbery against ships was organized to Senegal, Côte d'Ivoire, Ghana, Nigeria and Angola in January 2006. This activity was jointly financed by the United Kingdom and the IMO Technical Co-operation Fund.

### **Maritime security-related matters**

16.3 The Committee noted that a total of 19 regional and 55 national seminars/workshops, as well as 32 country advisory missions were successfully and effectively delivered and some 3,800 persons were trained from 2003 to 2005. Under the train-the-trainer programme, 19 training courses have been conducted successfully with some 240 persons trained with funds in 2005. Whilst this showed an excellent delivery, on the situation of the International Maritime Security Trust (IMST) Fund established in 2003, it was recognized that there is still a great demand for assistance in the implementation of the maritime security regime, and Member States and industry were urged to contribute generously to the IMST Fund.

16.4 The Director, Technical Co-operation Division, informed the Committee that since the launching of the Maritime Security Technical Co-operation Programme in January 2002, the IMO Technical Co-operation (TC) Fund had provided a total of US\$3,859,793 for the programmes, whilst donors had contributed a total of US\$1,513,525, which consisted of:

- .1 US\$854,845 to the International Maritime Security Trust Fund by 11 donors (Denmark, Egypt, Germany, the Netherlands, Poland, the Republic of Korea, the Russian Federation, Sweden, the United Kingdom, the United States and Northeast Marine Institute); and
- .2 US\$658,680 contributed directly to selected ITCP activities on maritime security by three donors (Canada, Germany and the United Kingdom).

He further informed the Committee that following a signed Grant Agreement with IMO on 16 March 2006, the Government of Canada through its Counter-Terrorism Capacity Building Programme, has agreed to provide \$500,000 Canadian Dollars for the delivery of six activities under the IMO global technical assistance programme on maritime security, and that the Government of the United Kingdom, in addition to its previous contributions, had recently contributed £196,296 for seven ITCP maritime security activities.

### **Marine Electronic Highway project**

16.5 The Committee noted that the IMO Secretariat is directly involved and assisting the Governments involved in the Marine Electronic Highway (MEH) project in the identification of proper equipment and the appropriate areas on the Sumatra coast of the Straits of Malacca and Singapore to be located. It also noted that the MEH project would be launched once the World Bank Board meeting in May 2006 approved the MEH Demonstration Project and the Grant Agreements have been signed by the parties concerned.

### **Domestic ferry safety pilot project**

16.6 The Committee was informed by the Secretariat that though IMO's technical co-operation programme had gone some way to improving the safety of domestic ferry operations, the continual loss of life resulting from casualties involving these ferries had prompted a change in approach. In pursuance of this new approach, IMO and INTERFERRY signed a Memorandum of Understanding (MoU) on 20 January 2006, formalizing the two Organizations' intent to work together towards enhancing the safety of non-Convention domestic ferries by collaborating, through IMO's Integrated Technical Co-operation Programme (ITCP), on related capacity-building activities within developing countries. Following the signing of the MoU, the two Organizations have already conducted a detailed, research-based analysis of the problems prior to the establishment of a working group in the pilot country in September 2006, in which a variety of stakeholders, as well as experts, will be invited to participate. At this stage, three pilot projects were anticipated in different parts of Bangladesh and the lessons learnt from this project will serve as a model for projects in other countries needing to address ferry safety.

16.7 The Committee expressed its appreciation to the donors and invited Governments and industry to contribute to the ITCP and requested the Secretariat to continue providing the Committee with updated information on that programme.

### **IMO MODEL COURSE PROGRAMME**

16.8 The Committee noted the updated information on the IMO model course project provided in document MSC 81/16/1 and requested the Secretariat to follow-up the project and to report developments to MSC 82.

## **17 ROLE OF THE HUMAN ELEMENT**

### **Outcome of MEPC 53 (Report of the Joint MSC/MEPC Working Group on Human Element)**

17.1 The Committee recalled that MSC 78 had agreed that the Joint MSC/MEPC Working Group on Human Element should be convened at least once a year, preferably at alternate sessions of the MSC and the MEPC, as appropriate, following consultations between the Chairmen of the two Committees.

17.2 The Committee further recalled that MEPC 53 had reconvened the Joint MSC/MEPC Working Group on Human Element to develop the Organization's strategy to address the human element.

17.3 The Committee approved, in general, the report of the Joint MSC/MEPC Working Group on Human Element (MEPC 53/WP.12, MSC 81/17 and MSC 81/WP.3) and took action as indicated hereunder.

17.4 The Committee approved MSC-MEPC.7/Circ.1 on Checklist for considering human element issues by IMO bodies, along with the associated checklist and instructed all Sub-Committees and working groups to use this checklist when developing or amending mandatory and non-mandatory IMO instruments.

17.5 The Committee noted the possible future link between the checklist referred to in paragraph 17.4 above and the Guidelines on the organization and method of work (MSC/Circ.1099 – MEPC/Circ.405). Accordingly, the Committee requested the Chairmen’s Meeting/Secretariat to prepare appropriate amendments to these Guidelines.

17.6 The Committee approved:

- .1 MSC-MEPC.7/Circ.2 on Strengthening of human element input to the work of IMO;
- .2 MSC-MEPC.7/Circ.3 on Framework for consideration of ergonomics and work environment; and
- .3 MSC-MEPC.7/Circ.4 on the Organization’s strategy to address the human element and instructed the subsidiary bodies to take action accordingly.

17.7 The Committee recalled that under agenda item 9 (Bulk liquids and gases), it had approved Guidelines on the basic elements of a shipboard occupational health and safety programme (see paragraph 9.3).

17.8 The Committee endorsed the decision of MEPC 53 to refer document MEPC 53/INF.7 to the FSI Sub-Committee for appropriate action under its agenda item on “Casualty statistics and investigations”.

17.09 Recalling the Committees’ decision relating to the continuation of the joint MSC/MEPC working group (see paragraph 17.1 above), the Committee agreed that this would ensure that the actions identified in the Organization’s strategy to address the human element could be effectively conducted.

### **Assessment of the impact and effectiveness of implementation of the ISM Code**

17.10 The Committee recalled that:

- .1 MSC 75 had agreed that after the second implementation phase of the ISM Code on 1 July 2002 covering the balance of the world’s merchant fleet, an analysis to assess the impact of the ISM Code on the safety of ships should be carried out to provide a clear indication of its contribution to the enhancement of safety and quality of shipping;
- .2 in order to collect relevant data and information and have a meaningful assessment on the status of implementation of the ISM Code and its impact, the Secretary-General had established a Group of Independent Experts selected from Administrations, organizations, academia and the shipping industry; and
- .3 MSC 80, having received an interim report on the activities of the group, had instructed the Secretariat to submit the final report of the group to this session.

17.11 The Committee considered the report of the Group of Independent Experts (MSC 81/17/1) in general, and was advised by the Chairman of the group that:

- .1 the group, at its three meetings held at IMO, had recognized that the so called 'hard data' to be collected, for example from PSC detention records, would have had serious limitations in indicating any effects of the ISM Code implementation. Therefore, the group had recognized the need to rely on the experts' judgement on the impact of the ISM Code based on collectively gathered subjective opinions from various levels of the shipping industry;
- .2 the group had developed four questionnaires for shipboard personnel, shore-based personnel, shipping companies and Administrations. All data received in response to the questionnaires was collated by the World Maritime University (WMU) and submitted to the IMO Secretariat for preliminary analysis. The group was then invited to scrutinize and validate the data and preliminary analysis;
- .3 the group had found that the overwhelming majority of responses were supportive of the ISM Code and this had been widely discussed. The consensus among the group was that interest shown in the study was highest amongst those who had generally enjoyed some benefit from the implementation of the ISM Code. It was the group's considered opinion that whilst the results could not be claimed to be a representative sample from across the industry, they nevertheless represented a model of collective experience from amongst those that support the Code. The group had also agreed that this was a limitation in the methodology of the data gathering exercise and believed that it could only be addressed by investing in a study employing researchers in the field to ensure that the views of non-supporters could be specifically captured;
- .4 based on the data collected, the group concluded that:
  - 4.1 where the ISM Code had been embraced as a positive step toward efficiency through a safety culture, tangible positive benefits were evident;
  - 4.2 ISM Code compliance could be made easier through a reduction in the administrative process by:
    - .1 streamlining and reducing the paperwork that supported ISM Code compliance, particularly the SMS;
    - .2 greater use of technology and IT to reduce paperwork;
    - .3 identifying common areas in the ISM Code and, for example, the ISPS Code and integrating documentary requirements;
    - .4 motivating seafarers to use the reporting and monitoring systems towards the improvement of safety management systems;
    - .5 involving the seafarers in the development and continuous improvement of ISM manuals;
    - .6 increased integrated training for all concerned;
    - .7 exploring measures to reduce the cost of compliance; and

- .8 improving ISM Code compliance monitoring and developing performance indicators; and
- 4.3 the impact of PSC in this area had not been explored but certainly appeared to merit further study;
- .5 the group recommended that:
  - 5.1 a further study should be undertaken, at a later date, specifically to examine:
    - .1 cause and effect between ISM Code implementation and flag State safety records;
    - .2 the relationship between PSC and ISM Code compliance; and
    - .3 whether textual changes in the requirements of the Code could make compliance easier and lead to an improved safety culture;
  - 5.2 in response to data produced for this study:
    - .1 methods to streamline the implementation of the Code through technology and increased use of IT should be explored;
    - .2 the alignment of ISM and ISPS Codes in shipboard documentation should be considered;
    - .3 a reduction in paperwork should be encouraged;
    - .4 guidelines for Administrations should be revised to make them more user friendly; and
    - .5 new guidelines to assist companies to implement the Code should be developed;
  - 5.3 the results of the study be given widespread publicity across the industry in order to show how positive attitudes to ISM Code could yield tangible operational, financial and safety benefits.

17.12 The observer from ICFTU, while expressing support for the results of the study, expressed reservations about the ability of the seafarers to respond to questionnaires without fear of possible action by the port State control authorities.

17.13 The delegation of Greece expressed the opinion that the further study recommended by the group should also include all other “parallel quality systems”, i.e., Tanker Management and Self-Assessment (TMSA), ISO 9000, etc., mainly requested by oil majors, which result in additional unnecessary paperwork. In this context, there was a need for guidance to Administrations, classification societies and companies for better implementation of the ISM Code together with a reduction of a paperwork.

17.14 The Committee expressed appreciation to the Secretary-General and the independent experts of the group and, in particular, its Chairman for the comprehensive work completed in the short time available to the group and agreed that the report should be considered in detail by the Joint MSC/MEPC Working Group on Human Element at its next session.

#### **An update on human element research into leadership qualities**

17.15 The Committee noted with appreciation the information provided in document MSC 81/INF.12 (United Kingdom) on human element research into leadership qualities and the publication of a booklet “Leading for Safety” and agreed that the document should be considered in detail by the Joint MSC/MEPC Working Group on Human Element at its next session.

#### **Other matters**

17.16 The ISF observer informed the Committee that the 94<sup>th</sup> ILO Conference, 2006 had adopted a resolution to establish a joint ILO/IMO working group to consider human element issues within the scope of both Organizations.

### **18 FORMAL SAFETY ASSESSMENT**

#### **GENERAL**

18.1 The Committee recalled that MSC 80, having considered the report of the working group (MSC 80/WP.9), in particular:

- .1 approved the draft amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process, which were also approved by MEPC 53;
- .2 agreed that any remaining issues relating to the FSA Guidelines should be further considered by a correspondence group intersessionally;
- .3 agreed that amendments to the Guidance on the use of human element analyzing process (HEAP) and formal safety assessment (FSA) in the IMO rule-making process (MSC/Circ.1022) were only necessary, if the establishment of an FSA group of experts is decided; and
- .4 concerning the linkage between FSA and GBS, noted the group’s view that the first three FSA steps (HAZID, risk assessment, RCOs) are suitable for informing the development of high-level goals (Tier I) and functional requirements (Tier II) of GBS. Equally, the last three steps (RCOs, CBA, Recommendations) could feed into Tiers IV and V of GBS, by helping to select between alternative technical or regulatory solutions to specific problems.

18.2 The Committee also recalled that MSC 80, having considered the report of the working group (MSC 80/WP.9) on matters related to the FSA group of experts, in particular:

- .1 had agreed that a group of experts on FSA would only be established when necessary and should only review an FSA study, if the Committee plans to use the study for making a decision on a particular issue;

- .2 with respect to the terms of reference and FSA review process, had agreed that guidance should be developed by a correspondence group intersessionally;
- .3 regarding the structure of the expert group, noting that the working group had prepared three options on the structure (paragraphs 14 and 15 of , and annex 2 to, document MSC 80/WP.9), had invited Member Governments and international organizations to submit comments and proposals thereon to MSC 81; and
- .4 concerning the selection of the experts and procedures for establishing the expert group, had agreed, in principle, that, when the Committee decides to establish an FSA group of experts for a specific project, it should determine the number of meetings necessary to meet the target completion date and appoint a chairman and a vice-chairman. Member Governments and international organizations were invited to submit, to MSC 81, comments and proposals on these matters, taking into account paragraphs 18 to 24 of document MSC 80/WP.9.

18.3 The Committee further recalled that MSC 80 had established a correspondence group to progress the work intersessionally with the terms of reference set out in paragraph 7.21 of document MSC 80/24 and had agreed to establish a drafting group on FSA at this session.

#### **REPORT OF THE CORRESPONDENCE GROUP**

18.4 The Committee considered the report of the correspondence group (MSC 81/18) and, having approved the report in general, took the specific action as indicated in paragraphs 18.5 to 18.13.

#### **Amendments to the FSA Guidelines (MSC/Circ.1023)**

18.5 Following consideration of the draft amendments to the FSA Guidelines (MSC/Circ.1023), as specified in paragraphs 7 to 25 and annexes 1 and 2 to the report of the correspondence group (MSC 81/18), the Committee, with regard to:

- .1 interdependences and combination of risk control options (RCOs), endorsed the proposed amendments for new paragraphs 7.2.3.3 and 7.3.3 of the FSA Guidelines;
- .2 clarification of a particular technology, agreed to the group's conclusion that no amendments to the Guidelines were needed;
- .3 balance between stakeholders, agreed to the group's conclusion that, being a safety organization, this was not an issue for IMO and that no further action on the issue of finding balance between stakeholders should be taken;
- .4 cost effectiveness and risk acceptance criteria, endorsed the proposed draft amendments to appendices 5 and 7 to the FSA Guidelines;
- .5 matters related to expert concordance, endorsed the proposed draft amendments for a new appendix on the degree of agreement between experts and an appropriate new paragraph referring to the appendix in the FSA Guidelines;



- .6 bias caused by recent events, agreed to the group's conclusion that no amendments to the FSA Guidelines were needed as the FSA process is designed to cover biases; and
- .7 draft amendments that failure and accident scenario in the generic model should be accompanied by a quantitative probability or risk of occurrence, agreed to the group's conclusion that no amendments to the FSA Guidelines were needed.

18.6 In considering document MSC 81/18/1 (Japan), the Committee noted the information on the investigation of the effectiveness of the Bayesian network and the proposal to use the term "Risk Contribution Diagram (RCD)" in lieu of the current term "Risk Contribution Tree (RCT)" in the FSA Guidelines.

18.7 The Committee agreed to refer the above outcomes to the drafting group and instructed it to take them into account when finalizing the proposed draft amendments to the FSA Guidelines.

#### **Amendments to the Use of HEAP and FSA Guidance (MSC/Circ.1022)**

18.8 In considering the outcome of the correspondence group (MSC 81/18), together with the outcome of the working group at MSC 80 (MSC 80/WP.9, paragraphs 10, 14, 15 and 18 to 24, and annex 2), the Committee, with regard to the issues relating to the FSA group of experts, in particular, the guidance for carrying out an FSA review, the structure of the expert group, the procedures for selection of the experts and project management issues for large FSA studies, took actions as outlined in paragraphs 18.9 to 18.12 below, and instructed the drafting group to take the actions into account when preparing the draft amendments to the Use of HEAP and FSA Guidance (MSC/Circ.1022). In this context, the delegation of Japan, indicating that there were only a few cases when the Guidelines were used, stressed the need to apply the Guidelines as much as possible.

#### ***Guidance for carrying out an FSA review***

18.9 The Committee agreed, in principle, to the draft guidance for carrying out an FSA review by the FSA group of experts proposed by the group, as set out in paragraphs 11 and 12 of document MSC 80/WP.9, and modified by the correspondence group in annex 3 to document MSC 81/18; and referred the draft guidance to the drafting group for appropriate action in the context of the revision of the aforementioned Guidance.

#### ***Structure of the FSA group of experts***

18.10 The Committee considered the following three options related to the structure of an FSA group of experts, set out in paragraphs 15 and 16 of document MSC 80/WP.9:

- *Option 1*     *Participation open to all Member Governments and international organizations:* Member Governments and international organizations would be invited to nominate one representative to participate in the expert group;
- *Option 2*     *Participation limited to selected candidates:* Member Governments would be invited to nominate a candidate(s) for inclusion in a permanent "list of FSA experts", but only a limited number of candidates would be selected to participate in the work of the expert group; or

- *Option 3* *Participation open to all Member Governments and international organizations, but approval of the final report limited to selected candidates:* Member Governments and international organizations would be invited to nominate one representative to participate in the expert group, but only a core group of selected FSA experts would approve the final report, which is a combination (compromise proposal) of options 1 and 2 above,

and, following discussion on the proposed options, agreed to option 1.

### ***Selection of the experts and procedure for establishing the FSA group of experts***

18.11 The Committee considered the proposals for selection of the experts and procedures for establishing an FSA group of experts, as set out in paragraphs 18 to 24 of document MSC 80/WP.9, and, having agreed to the proposals, referred them to the drafting group for appropriate action.

### ***Project management issues for large FSA studies***

18.12 With regard to the project management issues for large FSA studies proposed by the correspondence group in annex 4 to document MSC 81/18, the Committee agreed to the group's proposal for inclusion of the project management issues in annex 3 to the aforementioned Guidance and instructed the drafting group accordingly.

### **Risk index relevant to the protection of the marine environment**

18.13 The Committee noted the correspondence group's decision to submit the results related to the development of a risk index relevant to the protection of the marine environment directly to MEPC 55.

## **OTHER MATTERS**

### **Linkage between risk analysis, FSA and GBS**

18.14 The Committee noted document MSC 81/18/2 (Greece) suggesting that, whereas FSA methodology is well established, this should not be confused with the status of "Risk analysis" techniques, and supporting independent development of risk analysis and GBS; and forwarded it to the drafting group and the GBS Working Group for information purposes.

### **Information on SAFEDOR**

18.15 The Committee noted the information provided by Denmark (MSC 81/INF.13 and MSC 81/INF.14) on the project SAFEDOR, which is related to IMO activities on FSA and GBS, and agreed to forward the documents to the drafting group and the GBS Working Group for information purposes.

## **ESTABLISHMENT OF THE DRAFTING GROUP**

18.16 As agreed at MSC 80, the Committee established the drafting group and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 finalize the revisions to the FSA Guidelines (MSC/Circ.1023), based on the report of the correspondence group (MSC 81/18), taking into account document MSC 81/18/1 (Japan); and
- .2 finalize the revisions to the Guidance on the use of HEAP and FSA in the IMO rule-making process (MSC/Circ.1022), based on the report of the correspondence group (MSC 81/18) and the report of the MSC 80 working group (MSC 80/WP.9).

#### **REPORT OF THE DRAFTING GROUP**

18.17 Having considered the report of the drafting group (MSC 81/WP.8), the Committee approved it in general and took action as outlined in the following paragraphs.

#### **Amendments to MSC/Circ.1023 – MEPC/Circ.392 (FSA Guidelines)**

18.18 The Committee approved, subject to MEPC's concurrent decision, the draft amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023 – MEPC/Circ.392) and the associated draft MSC-MEPC.2 circular, as set out in annex 1 to document MSC 81/WP.8.

#### **Amendments to MSC/Circ.1022 – MEPC/Circ.391 (Use of HEAP and FSA Guidance)**

18.19 The Committee approved, subject to MEPC's concurrent decision, the draft amendments to the Guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the IMO rule-making process (MSC/Circ.1022 – MEPC/Circ.391) and the associated draft MSC-MEPC.2 circular, as set out in annex 2 to document MSC 81/WP.8.

18.20 With regard to the structure of the group of experts specified in paragraph 33 of the Guidance contained in the aforementioned annex 2 to document MSC 81/WP.8, the Committee agreed to add, in the beginning of the paragraph, a sentence to read "the group of experts, when established, should be treated as a working group, in accordance with the Guidelines on the organization and method of work".

#### **Risk index relevant to the protection of the marine environment**

18.21 The Committee, having considered the modified annex 5 (Environmental risk evaluation criteria) to document MSC 81/18, agreed to refer the document to the MEPC for consideration and requested the Secretariat to act accordingly.

#### **Linkage between risk analysis, FSA and GBS and information on SAFEDOR**

18.22 The Committee encouraged Member Governments and international organizations to submit, to the MSC and the MEPC, proposals and comments to facilitate the work on the development of risk evaluation criteria relevant to the protection of the marine environment, linkage between FSA and GBS and information provided by SAFEDOR.

## **Retention of the agenda**

18.23 The Committee agreed to the recommendation of the group to include the item in the agenda for MSC 82 to further improve the FSA Guidelines (MSC/Circ.1023 – MEPC/Circ.392) and the Guidance on the use of HEAP and FSA in the IMO rule-making process (MSC/Circ.1022 – MEPC/Circ.391) particularly on the matter of risk index relevant to the protection of the marine environment and the review of an FSA study by the group of experts.

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

### **STATISTICAL INFORMATION**

19.1 The Committee recalled that since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships have been circulated under the MSC.4/Circ. series, the annual report for the calendar year 2005 having been issued under the symbol MSC.4/Circ.81.

19.2 The Committee also recalled that since June 2001 and in accordance with the instruction of MSC 74, the MSC circulars reporting on acts of piracy and armed robbery against ships differentiated (in separate annexes) between acts of piracy and armed robbery actually “committed” and “attempted” ones.

19.3 In considering document MSC 81/19 (Secretariat), the Committee noted that the number of acts of piracy and armed robbery against ships, which were reported to the Organization to have occurred or to have been attempted in 2005, was 266, a decrease of 64 (19%) over the figure for 2004. The total number of incidents of piracy and armed robbery against ships, reported to have occurred or to have been attempted from 1984 to the end of April 2006, was 4,081.

19.4 The Committee observed that although this 19% annual decrease in the reported acts of piracy and armed robbery against ships, and the fact that the number of attacks had decreased for the third year in succession was encouraging, the fact that the annual report indicated an increase in the violence of the attacks, and an increase in the incidence of kidnapping and ransom, was not. The incidence of such acts remained a cause for concern and the Committee, therefore emphasized, as at previous sessions, that much more still needed to be done to reduce this menace.

19.5 The Committee noted that, from the reports received, it had emerged that the most affected areas in 2005 (i.e. five incidents reported or more) were the Far East and, in particular, the South China Sea and the Malacca Strait, West Africa, South America and the Caribbean, the Indian Ocean, and East Africa, and that detailed statistical information was provided in MSC 81/19. The Committee further noted that most of the attacks worldwide had occurred or been attempted in territorial waters while the ships were at anchor or berthed.

19.6 The Committee expressed concern that in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. It was noted that during 2005, one hundred and fifty-two (152) crew members were reportedly injured/assaulted. About six hundred and fifty-two (652) crew members were reportedly taken hostage/kidnapped out of which eleven (11) crew members were reportedly still unaccounted for. Sixteen (16) ships were reportedly hijacked and a tug and barge were still unaccounted for.

19.7 The Committee observed that, although since the 11 September 2001 attacks emphasis had been placed on the enhancement of maritime security, piracy and armed robbery against ships continued to trouble seafarers and the shipping industry. However, the implementation in July 2004, of SOLAS chapter XI-2 and the ISPS Code did appear to have had a positive impact on the reduction of piracy and armed robbery incidents, particularly in port areas. Whereas the effect of the application of SOLAS regulation XI-2/7 on Threats to ships was difficult to quantify, the number of acts and attempted acts of armed robbery against ships allegedly committed against ships in port areas had decreased from 232 in 2003, to 173 in 2004 (a decrease of 25%), and to 135 in 2005 (a further decrease of 22%). Despite this improvement, Contracting Governments should be aware that any incidents of armed robbery taking place in their port areas would raise serious concerns as to the compliance of the ports and port facilities of the country concerned with the maritime security regime.

19.8 Noting that since MSC 80, the Secretariat had received very few reports from Member Governments on action they took with regard to incidents reported to have occurred in their territorial waters, the Committee reiterated the urgent need for all Governments to provide the Organization with the information requested.

#### **INITIATIVES TO COUNTER PIRACY AND ARMED ROBBERY AT SEA**

##### **Somalia**

19.9 In considering document MSC 81/19/1 (Secretariat), the Committee noted the action taken by the twenty-fourth session of the Assembly on piracy and armed robbery against ships in waters off the coast of Somalia and, in particular, the adoption of resolution A.979(24) on piracy and armed robbery against ships in waters off the coast of Somalia.

19.10 By that resolution, the IMO Assembly condemned and deplored all acts of piracy and armed robbery against ships and appealed to all parties, which may be able to assist, to take action, within the provisions of international law, to ensure that all acts or attempted acts of piracy and armed robbery against ships were terminated forthwith; that plans for committing such acts were abandoned; and any hijacked ships were immediately and unconditionally released and that no harm was caused to seafarers serving in them.

19.11 Resolution A.979(24) was considered at the 5387th meeting of the UN Security Council, held on 15 March 2006, in connection with its consideration of the item entitled "The situation in Somalia" and a Presidential statement on the situation in Somalia, issued on 15 March 2006 (UN document S/PRST/2006/11), concerning piracy and armed robbery was issued as given in paragraph 7 of document MSC 81/19/1.

19.12 The Committee noted the willingness of the ILO to co-operate with IMO in any future meetings or discussions on piracy and armed robbery.

19.13 In reporting to the Committee on the unlawful seizure of the fishing vessel **Dong Won No.628** off the coast of Somalia on 4 April 2006, the Republic of Korea, *inter alia*, thanked all parties concerned in rendering assistance to the crewmembers; emphasized its commitment to regional co-operation and co-ordination, and offered to fund fully, through the Organization's ITCF, a regional seminar/workshop on combating piracy and armed robbery against ships for East African States. A full text of the statement by the delegation of the Republic of Korea is reproduced in annex 45.

19.14 In this context, the Committee noted that the delegation of South Africa cautioned that any steps to address the problem should be taken through the Organization's ITCP in partnership with the regional Governments and should take regional activities into account.

19.15 The Committee noted a report by Kenya on a regional meeting held in Mombasa in January 2006, which had adopted short and long term work plans to combat piracy and armed robbery against ships, and planned to host a further meeting on this issue in the future.

19.16 The Committee noted that the Secretary-General urged that United Nations Member States in a position to render assistance should do so as soon as possible and that, in particular, visiting warships and military aircraft in the area should remain vigilant, respond to any requests for help from ships being attacked, and take action to deliver offenders to the nearest country for judicial action. In this regard, the United Kingdom advised the Committee that Royal Navy ships were currently in the region and would take the appropriate action.

19.17 The Secretary-General advised the Committee that the recently-inaugurated MRCC in Mombasa and the two sub-centres under construction in the United Republic of Tanzania and the Seychelles for SAR purposes would also have piracy-monitoring capability.

### **Yemen Seminar and Oman Workshop**

19.18 In considering document MSC 81/5/5, the Committee recalled that MSC 80 (MSC 80/INF.13) had received a preliminary report on the sub-regional seminar on piracy and armed robbery against ships and maritime security, held in Sana'a, Republic of Yemen, from 9 to 13 April 2005 (the Sana'a seminar). The Committee noted the reports on the Sana'a seminar and the follow-up workshop held in Muscat, Sultanate of Oman, from 14 to 18 January 2006 (the Muscat workshop).

19.19 The Committee noted that the seminar and workshop aimed at assessing, promoting and enhancing the standard of national legislation, and national and regional co-ordination, communication and co-operation within and between States in the sub-region. The Muscat workshop used as its agenda the agreed strategy detailed in a resolution agreed by the 10 participating States in the Sana'a seminar.

19.20 The Committee agreed that the ultimate success or otherwise of these events would be evaluated in the context of the follow-up action taken by participating Governments to improve co-operation, co-ordination and communication nationally and throughout the sub-region, including, where appropriate, the implementation of memoranda of understanding on regional co-operation.

19.21 The delegation of Yemen advised the Committee that following the Sana'a seminar, the Government of Yemen had submitted a draft memorandum of understanding (MoU) to the Muscat workshop and that this draft together with proposals by Egypt, had been developed into a draft MoU on Regional co-operation to enhance maritime security and to combat piracy and armed robbery against ships in the Red Sea and Gulf of Aden area.

19.22 The Committee noted that Government of Yemen was currently engaged in diplomatic consultations with the other Contracting Governments which had participated in the Sana'a and Muscat events in order to fix a date for the signature of the MoU, hopefully later in 2006. In the interim, Djibouti, Somalia, Sudan and Yemen had already concluded diplomatic agreements to co-ordinate efforts to combat piracy and armed robbery against ships.

19.23 The delegation of Yemen further reported that the Yemeni Coastguard had successfully captured a group of pirates involved in an attack against a yacht 27 miles off the coast of Yemen and that these had been taken to Yemen for judicial proceedings. A full text of the statement by the delegation of Yemen is reproduced in annex 46.

### **Malacca and Singapore Straits**

19.24 The Committee recalled that the Council, at its ninety-third session, when considering the issue of the Protection of Vital Shipping Lanes, had agreed, *inter alia*, that the Organization had and could play a role in the protection of shipping lanes of strategic importance and significance. To that effect, it had decided that the Organization's efforts should, at that stage, concentrate on the enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore and, having accepted an offer by the delegation of Indonesia, had agreed to convene an IMO-sponsored meeting in Jakarta in 2005 to consider ways and means to achieve the aforesaid objectives. To this end, it had authorized the Secretary-General to make appropriate arrangements.

### **The Jakarta Meeting**

19.25 The Committee noted that pursuant to the aforementioned decisions of the Council and following consultations between the Secretary-General and the Government of the Republic of Indonesia, the "Jakarta meeting" took place in Jakarta on 7 and 8 September 2005. The Meeting, which was organized in co-operation with the Governments of all three Malacca and Singapore Straits littoral States (i.e., Indonesia, Malaysia and Singapore), was attended by representatives of 34 States, two intergovernmental and seven non-governmental organizations.

The Jakarta Meeting consisted of a series of presentations and statements associated with open forum discussions on such topics as:

- .1 views of the littoral States: recent developments and the way forward;
- .2 perspective of the user States: reflections on co-operation;
- .3 perspective of the industry: social responsibilities; and
- .4 exploring modalities for co-operation: burden sharing for the Straits of Malacca and Singapore.

In addition, representatives of the defence agencies of the littoral States provided the meeting with information on the Malacca Strait Security Initiative; the representative of IHO made a presentation on the hydrographic and cartographic requirements for navigation through the Straits of Malacca and Singapore; and the IMO Secretariat representatives made a presentation of the Marine Electronic Highway demonstration project in the Straits of Malacca and Singapore.

The Meeting succeeded in attaining its main objective, namely to provide a forum for discussions with the aim of agreeing on a framework of co-operation to enhance the safety of navigation, environmental protection and security in the Straits of Malacca and Singapore, as reflected in the Statement unanimously adopted by the participants. Further meetings in this regard were planned. Preparations for the follow-on meeting in Malaysia in September 2006 were in progress and the next 3+1 (littoral States and IMO) preparatory meeting in that process would be held on 23 and 24 May 2006 in Kuala Lumpur.

## **Other IMO initiatives to counter piracy and armed robbery at sea**

19.26 The Committee noted that sub-regional seminars on Maritime security, piracy and armed robbery against ships had recently been conducted in Mumbai, India (3 to 7 April 2006) and Trinidad and Tobago (24 to 28 April 2006) and that plans for a regional meeting pursuant to co-operation with the Maritime Organisation of West and Central Africa (MOWCA) on an integrated coastguard network for States from the region were well advanced.

## **20 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS**

### **Status of safety-related conventions, protocols and amendments thereto and of codes/recommendations**

20.1 The Committee noted the information on the status of acceptance, as at 31 March 2006, of safety-related conventions, protocols and amendments thereto and of the implementation of codes, recommendations, guidelines and other safety related non-mandatory instruments (MSC 81/20 and MSC 81/INF.15), and was advised orally by the Secretariat of additional information on instruments of ratification, acceptance, approval of, or accession to, safety-related IMO conventions and protocols deposited with the Secretary-General received on or after the date the above documents were prepared.

20.2 On the specific issue of the status of implementation of codes, recommendations, guidelines and other safety related non-mandatory instruments which the Secretariat introduces once every two years at the first session of the Committee following every Assembly session, the Committee recalled that MSC 78, having noted the small number of updates received, had requested the Secretariat to issue MSC/Circ.1150 on Provision of information on the implementation of codes, recommendations, guidelines and other non-mandatory instruments, to encourage Member States to provide relevant information to the Secretariat and, if there was a sufficiently large response, to provide the Committee with updated information on the status of such instruments.

20.3 In this context, the Committee noted the reported absence of updated information on the status of the implementation of the codes, recommendations, guidelines and other safety related non-mandatory instruments relating to the work of the Committee received since the issuance of document MSC 78/INF.17 and MSC/Circ.1150, so that document MSC 81/INF.15 did not include information on the status of implementation of these instruments.

20.4 Having considered whether the Secretariat should continue preparing information on the status of implementation of the non-mandatory instruments, in view of the very limited updated information, the Committee instructed the Secretariat to prepare a new comprehensive list of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments and submit it to MSC 82, for consideration with a view to referring the list to the relevant sub-committees for them to suggest instruments on which information on the status of implementation should be submitted to the Committee.

20.5 The Committee also gave the instruction to the Secretariat that, in addition to the release of the information on the status of conventions and protocols on the IMO website, the information on the status of the implementation of codes, recommendations, guidelines and other non-mandatory instruments should also be made publicly available on the website.



20.6 The delegations of Jordan and Tunisia invited the Secretariat to take necessary action in order to accelerate the translation into Arabic of mandatory, as a matter of urgency, and non-mandatory instruments in order to facilitate the promulgation of domestic laws, decrees, orders and regulations.

**Need for uniform interpretation of, and amendments to, SOLAS requirements pertaining to bow doors and the extension of the collision bulkhead as per SOLAS regulations II-1/10.3, 10.4 and 10.5**

20.7 The Committee considered document MSC 81/20/1 referring to the differing interpretations, applied by Administrations, of present SOLAS regulation II-1/10 (regarding the extension of the collision bulkhead) and proposing to develop a uniform interpretation, and document MSC 81/20/2 suggesting amendments to regulation 12 of the revised SOLAS chapter II-1 adopted by resolution MSC.194(80) (similar to the aforementioned existing regulation II-1/10), which is expected to enter into force on 1 January 2009, to align with the aforementioned interpretation to the existing regulation II-1/10.

20.8 The Committee agreed that a unified interpretation of SOLAS regulation II-1/10 and regulation 12 of the revised SOLAS chapter II-1 regarding bow doors and the extension of the collision bulkhead should be developed, based on documents MSC 81/20/1 and MSC 81/20/2, and requested the drafting group to prepare a draft unified interpretation and an associated draft MSC circular.

20.9 With regard to the amendments to regulation 12 of the revised SOLAS chapter II-1 referred to in paragraph 20.7 above, the Committee invited the interested Member Governments to consider submitting to the Committee an appropriate proposal in accordance with the Guidelines on the organization and method of work.

20.10 Having considered the report of the drafting group (MSC 81/WP.16), the Committee approved MSC.1/Circ.1211 on Unified interpretations to SOLAS regulation II-1/10 and regulation 12 of the revised SOLAS chapter II-1 regarding bow doors and the extension of the collision bulkhead, with the modification of the second date in paragraph 2 of the unified interpretations to read 1 October 2006.

20.11 With regard to the view that, in regulation 12 of the revised SOLAS chapter II-1, the definition of “steps” and “recesses” should be added or supplemented, as appropriate (MSC 81/WP.16, paragraph 5), the Committee agreed to refer the matter to the SLF Sub-Committee for consideration and action as appropriate.

**In-service damage stability verification for some oil, chemical and gas tankers**

20.12 The Committee considered document MSC 81/20/3 informing that significant number of operators were operating ships to loading conditions which have not been approved in stability information booklet and were using computers to check their loading conditions; and proposing that the Committee should be assured that the methods used to verify that some types of tankers, depending on the cargo loading formulation for a particular voyage, always comply with the damage stability requirements prescribed in SOLAS and MARPOL Conventions. The Committee noted the information provided and, having requested the Secretariat to issue a document to MSC 82 under the agenda item on “Implementation of instruments and related matters” reflecting the above decision of MSC 81 on the subject, invited Member Governments

and international organizations to provide for their information and comments on the issue to MSC 82.

## **21 RELATIONS WITH OTHER ORGANIZATIONS**

### **Relations with non-governmental organizations**

21.1 The Committee noted the decisions of the Council, when considering applications for consultative status, as specified in document MSC 81/21.

### **Applications**

21.2 The Committee recalled that MSC 80 had been advised that the Council at its 93rd session decided to allow the application of the International Association of Airport and Seaport Police (IAASP) to proceed for further screening by the Committee on the understanding that IAASP provided IMO with the latest updated official list of its membership, and other official documentation which indicated that it had aligned its practice with that of IMO with regard to the 'One China Policy' (MSC 79/2/1/Add.1).

21.3 The Committee also recalled that MSC 80, having considered the application of IAASP, including the additional information provided, and being informed that the application still did not meet the specific requirements of the Council (C 93/D, paragraph 17(c).3), had decided to defer consideration of the matter until MSC 81.

21.4 Having reconsidered the application of IAASP, the Committee was not satisfied with the additional information provided and decided to recommend to the Council that consultative status not be granted to IAASP, after being informed that the application still did not meet the specific requirements of the Council.

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

### **GENERAL**

22.1 The Committee recalled that, at its eightieth session, it had considered various issues relating to the Committee's and the sub-committees' work (improving the efficiency of meetings; control of new work programme items; documentation; terms of reference of the sub-committees; sub-committees' workload and work programme management; and other matters), using the report of the 2005 Chairmen's meeting (MSC 80/WP.3) as the baseline for its discussion, and took action as reflected in section 20 of document MSC 80/24.

22.2 The Committee was advised that a meeting of the Chairmen of the Committees and sub-committees had been held on Friday, 12 May 2006, and that the report thereof was contained in document MSC 81/WP.11. In this regard, the Committee noted that the issues set out in documents MSC 81/22 and Add.1, MSC 81/22/1, MSC 81/22/2 and document MSC 81/23/20 on the outcome of A 24 on the Strategic plan of the Organization and the High-level action plan and priorities, submitted by the Secretariat under agenda item 23, and others, had been addressed by the Chairmen's meeting. The Committee agreed to take into account the meeting's recommendations in the context of the specific issues considered under this item.

**DEADLINE FOR SUBMISSION OF DOCUMENTS CONTAINING PROPOSALS FOR NEW WORK PROGRAMME ITEMS**

22.3 The Committee noted that MEPC 53 had considered a proposal by Germany and the United Kingdom (MEPC 53/21) that, in view of the extensive requirements in the Committee's Guidelines, such as those on format and contents of the submissions, and the extensive internal consultation and approval process needed by some delegations, the 20-week deadline for proposals for new work programme items should be reduced to 13 weeks.

22.4 The Committee further noted that, in the discussion at MEPC 53, concerns were raised by several delegations that, although there would be significant benefits in reducing the 20-week deadline for proposals for new work programme items to 13 weeks, the consequential reduction in time for such submissions to be considered and the development of documents commenting on the proposal had not been considered in the joint document by Germany and the United Kingdom. The MEPC had agreed to defer further consideration to the next session.

22.5 Germany and the United Kingdom submitted the same document (MSC 81/22/1) to the Committee and additional information in support of the proposals made in that document was provided by the United Kingdom (MSC 81/22/2).

22.6 The Committee considered the proposal and agreed that the deadline for submission of documents containing proposals for new work programme items should be reduced from 20 weeks to 13 weeks and further agreed that this new deadline should take effect from MSC 82.

**AVAILABILITY OF DOCUMENTS ON THE IMO DOCUMENTS WEBSITE**

22.7 With regard to the issue of availability of documents on the IMO document website, the Committee agreed to the proposal by Germany and the United Kingdom (MSC 81/22/1) to modify paragraphs 4.10.2 to 4.10.7 of the Committee's Guidelines by replacing the words "at IMO Headquarters" by the words "at IMO Headquarters and the IMO document website".

**AMENDMENT TO THE COMMITTEES' GUIDELINES**

22.8 The Committee noted that, in the context of resolution A.971(24) - High-level action plan of the Organization and priorities for the 2006-2007 biennium, the Committees had been requested, *inter alia*, to take action as follows:

- .1 when considering proposals for new work programme items, to ensure that the issues to be addressed are those which fall within the scope of the Strategic plan (operative paragraph 4 of the resolution); and
- .2 to review the Guidelines for the organization and method of work, in order to require that submissions for new work programme items include an indication of how they relate to the scope of the Strategic plan (operative paragraph 5 of the resolution).

22.9 The Committee, having considered the relevant recommendation of the 2006 Chairmen's meeting (MSC 81/WP.11), approved the following amendments to the Guidelines on the organization and method of work, on the understanding that the Secretariat might find a more appropriate place in the Guidelines to include the amendments therein:

- .1 the existing text of paragraph 2.9.2 is replaced by the following text:

“is the subject addressed by the proposal considered to be within the scope of IMO's objectives and the Strategic Plan of the Organization?”; and
- .2 the following new subparagraphs are added after subparagraphs 2.1 and 2.2 of paragraph 2.20:

“2.1-1 how is the proposed item related to the scope of the Strategic Plan of the Organization and fits into the High-level plan?

2.2-1 has sufficient time been set aside at future sessions for consideration of high-level actions and associated priorities in order to ensure that they both accurately and concisely describe the planned activities?

and requested the Secretariat to include these amendments, as appropriate, in the set of amendments to the Guidelines referred to in paragraph 22.20.

## **IMPROVING THE EFFICIENCY OF MEETINGS**

### **Start of working groups' work on Monday mornings**

22.10 The Committee recalled that MSC 80 and MEPC 53 had agreed that working groups could start work on Monday mornings on the basis of the draft terms of reference presented by the Chairman of the Committee or sub-committee concerned, pending formal discussion of those terms of reference under the relevant agenda item. However, these measures should be decided by the chairman of the committee or sub-committee concerned, on a case-by-case basis.

22.11 The Committee noted that there had been cases where some working groups, pending formal terms of reference to be approved by the plenary, when started their work on Monday mornings, considered issues which were beyond the scope of or should have been addressed in the course of discussions in plenary thus pre-empting the conclusions of the Sub-Committee and, therefore, created confusion and disputes during the discussion in the plenary.

22.12 The Committee, having considered the recommendation of the Chairmen's meeting (MSC 81/WP.11), reaffirmed that the start of a working group's work on Monday is an option and should be decided at the meeting with caution. However, it should be encouraged that, whenever possible, terms of reference of working groups should be agreed at the previous sessions of the parent committee(s) or sub-committee(s). Another option would be that the draft terms of reference of working and drafting groups issued at the beginning of the session, in accordance with paragraph 3.39 of the Guidelines on the organization and method of work, also identify items on which the groups could start, if decided, working on Monday mornings, without prior consideration of the related agenda items in plenary.

### **Work method of a working group with splinter group(s)**

22.13 The Committee noted that some working groups, in order to facilitate their work, had established splinter group(s) which are not regulated by the Committees' Guidelines on the organization and method of work. However, in some cases, this work method causes concerns, in particular, to those delegations who have a limited number of delegates and, therefore, have difficulties in participating in the splinter groups.

22.14 Having considered the recommendation of the Chairmen's meeting (MSC 81/WP.11), the Committee agreed that there should be no official splinter group(s). However, where the establishment of a splinter group(s) was necessary for the facilitation and efficiency of the work, the working group should have a unanimous agreement on its establishment and the outcome of the group(s) work should be considered and agreed by members of the working group and incorporated in the report of the working group.

### **PROCESSING OF DOCUMENTATION: POSTING OF DOCUMENTS ON THE IMODOCS WEBSITE**

22.15 The Committee noted that, at MEPC 53 and MEPC 54, a concern had been raised on the need for the timely availability of session documents on the IMODOCS website, and that the MEPC Chairman had stated that, as an example, there could be 11 weeks' delay after receipt of a submission to posting on the website and that this issue would be considered at the next Chairmen's meeting and its outcome would be brought to the attention of MEPC 55.

22.16 The Committee noted that since 2005 all documents were placed on the IMODOCS website as soon as they were available electronically and that, indeed, the average span of documents in English from receipt and linking to IMODOCS was 4 working days. In this context, the Committee noted that the volume of documents for MSC 81 increased to 1,252 pages compared to the previous session of 878 pages.

22.17 The Committee, having considered the recommendation of the Chairmen's meeting (MSC 81/WP.11), requested the Secretariat to make every effort to ensure the timely posting of documents on the IMODOCS website and also requested Member Governments and international organizations to submit documents as early as possible and not just on the deadlines of the submission of documents.

### **REVIEW OF THE COMMITTEES' GUIDELINES**

22.18 The Committee recalled that the existing Guidelines on the organization and method of work were approved by MSC 77 and MEPC 49 and circulated by means of MSC/Circ.1099 -MEPC/Circ.405. It recalled further that MSC 80 and MEPC 53 in 2005, having considered the outcome of the 2005 Chairmen's meeting and other issues relating to the Committees' work and working methods, had taken a number of decisions, as reflected in documents MSC 80/24, section 20 and MEPC 53/24, section 21, which should be incorporated in the Guidelines.

22.19 The Committee noted that MEPC 54, recalling the establishment of the technical groups at that session and that, under the current Committees' Guidelines, only working groups and drafting groups can be established, had agreed to the MEPC Chairman's proposal that he and the Secretariat would prepare a document for the inclusion of technical groups and review groups in the Guidelines, which may be applicable only to the MEPC, for submission to MEPC 55 for consideration.

22.20 The Committee, having considered the relevant recommendation of the Chairmen's meeting (MSC 81/WP.11), agreed that the Committees' Guidelines should be amended accordingly and requested the Secretariat to prepare draft amendments to the Guidelines (see also paragraph 22.9), for submission to MEPC 55 and MSC 82 for consideration.

## **23 WORK PROGRAMME**

### **NEW WORK PROGRAMME ITEMS PROPOSED BY MEMBER GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS**

#### ***GENERAL***

23.1 Taking into account the recommendations made by the Sub-Committees which had met since MSC 80 (MSC 81/23 and Add. 1 and 2); various proposals for new work programme items submitted to the session by the Member Governments and international organizations; a preliminary assessment of such proposals, undertaken by the Chairman with the assistance of the Secretariat, in accordance with the relevant provisions of the Guidelines on the organization and method of work (MSC 81/WP.1) and in the light of the Strategic plan for the Organization and the High-level action plan of the Organization and priorities for the 2006-2007 biennium (MSC 81/WP.1/Add.1); and decisions taken during the session, the Committee reviewed the work programmes of the Sub-Committees and the provisional agendas for their forthcoming sessions and took action as indicated hereunder.

23.2 In this context the Committee, being informed of the relevant decisions by the Council, at its extraordinary twenty-third session, and the Assembly, at its twenty-fourth session, with regard to adoption of the Strategic plan for the Organization (for the six-year period 2006 to 2011) (resolution A.970(24)) and the High-level action plan of the Organization and priorities for the 2006-2007 biennium (resolution A.971(24)) (document MSC 81/23/20), noted the specific action requested of the Committee and took appropriate decisions as indicated in paragraph 23.73.

23.3 The Committee recalled that, with regard to the Committee's method of work relating to the consideration of proposals for new work programme items, it had agreed at MSC 78 that the objective of the Committee when discussing these proposals was to decide, based upon justification provided by Member Governments in accordance with the Guidelines on the organization and method of work, whether the new item should or should not be included in the sub-committee's work programme. A decision to include a new item in a sub-committee's work programme does not mean that the Committee agreed with the technical aspects of the proposal. If it is decided to include the item in a sub-committee's work programme, detailed consideration of the technical aspects of the proposal and the development of appropriate requirements and recommendations should be left to the sub-committee concerned.

23.4 The Committee noted that MEPC 54, having recalled that MEPC 53 had approved the work programmes of the BLG and FSI Sub-Committees as well as the provisional agendas for BLG 10 and FSI 14, and the environment-related items on the work programmes of other Sub-Committees, had agreed that the Sub-Committees' work programmes and the provisional agendas for their forthcoming sessions would be dealt with at MEPC 55.

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

##### **Outcome of MEPC 53**

23.5 The Committee noted that MEPC 53 had agreed, in view of the workload of the DE Sub-Committee, to transfer the item on "Guidelines on other technological methods verifiable or enforceable to limit SO<sub>x</sub> emissions" to the work programme of the BLG Sub-Committee.

##### **Work programme of the Sub-Committee and provisional agenda for BLG 11**

23.6 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38. The Secretariat was requested to inform the MEPC accordingly.

23.7 The Committee approved the provisional agenda for BLG 11, as set out in annex 39 and requested the Secretariat to inform the MEPC accordingly.

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

##### **New work programme items proposed by DSC 10**

23.8 Endorsing proposals by DSC 10, the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for DSC 11, a high priority item on "Review of the Recommendations on the safe use of pesticides in ships", with a target completion date of 2007, and further recalled its decision, under agenda item 12 ( Dangerous goods, solid cargoes and containers), to include, in the Sub-Committee's work programme, a high priority item on "Guidance on protective clothing", with two sessions needed to complete the item.

##### **Application of requirements for dangerous goods in packaged form**

23.9 The Committee recalled its decision, following consideration of document MSC 81/23/5 (Japan) in the context of the FP Sub-Committee's work programme, to include a high priority item on "Application of requirements for dangerous goods in packaged form in SOLAS and 2000 HSC Code", with a target completion date of 2007, in the work programmes of the FP (co-ordinator) and DSC Sub-Committees and the provisional agendas for their forthcoming sessions.

##### **Work programme of the Sub-Committee and provisional agenda for DSC 11**

23.10 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38.

23.11 The Committee approved the provisional agenda for DSC 11, as set out in annex 39.

## **Urgent matters to be considered by MSC 82**

23.12 Noting that, due to the close proximity between DSC 11 and MSC 82 and in accordance with the provisions of paragraph 4.9 of the Guidelines on the organization and method of work, it should consider, at its eighty-second session, only urgent matters emanating from DSC 11, the Committee agreed, as proposed by DSC 10, that the following should be urgent matters for consideration by MSC 82:

- .1 measures to enhance maritime security; and
- .2 revision of the LHNS Guidelines and the OSV Guidelines.

### ***SUB-COMMITTEE ON FIRE PROTECTION (FP)***

#### **Fire resistance of ventilation ducts**

23.13 Following consideration of a proposal by the United Kingdom (MSC 81/23/1) to amend SOLAS chapter II-2 to require ventilation system ducts to be of steel or equivalent material where the current requirement is for non-combustibility; and to amend both SOLAS chapter II-2 and the HSC Code, to specify a suitable limit on the calorific potential per unit area, in respect of the parts of ventilation ducts which are permitted to be combustible but of low flame spread, the Committee decided to include, in the FP Sub-Committee's work programme and the provisional agenda for FP 51, a high priority item on "Fire resistance of ventilation ducts", with a target completion date of 2007.

#### **Application of requirements for dangerous goods in packaged form**

23.14 The Committee considered document MSC 81/23/5 (Japan) wherein, indicating possible errors contained in table 19.3 of SOLAS chapter II-2 regarding the application of the requirements to various classes of dangerous goods and possible errors in table 7.17-3 of the 2000 HSC Code, Japan proposed to develop amendments to SOLAS regulation II-2/19 and chapter 7 of the 2000 HSC Code and an appropriate MSC circular on Document of compliance with the special requirements for ships carrying dangerous goods under the provisions of SOLAS regulation II-2/19; and, having recalled its pertinent decision under agenda item 12 (Dangerous goods, solid cargoes and containers) (see also paragraph 12.3), decided to include, in the FP and DSC Sub-Committees' work programmes and the provisional agendas for FP 51 and DSC 11, a high priority item on "Application of requirements for dangerous goods in package form in SOLAS and 2000 HSC Code", with a target completion date of 2007, and assigned the FP Sub-Committee as co-ordinator.

#### **Unified interpretation on the number and arrangement of portable fire extinguishers in accommodation spaces, service spaces and control stations, etc., on board**

23.15 The Committee considered document MSC 81/23/15, wherein China proposed to develop a unified interpretation on the number and arrangement of portable fire extinguishers in accommodation spaces, service spaces, control stations and spaces other than those covered by MSC/Circ.1120 on Unified interpretations of SOLAS chapter II-2, the FSS Code, the FTP Code and related fire test procedures or to develop unified interpretations on the number and arrangement of portable fire extinguishers for suitable spaces of all categories of ships; and to develop a unified interpretation of SOLAS regulation II-2/10.3.3 on the storage locations of the additional extinguishers, and their marks. Following consideration of the proposal, the



Committee decided to include, in the FP Sub-Committee's work programme and the provisional agenda for FP 51, a high priority item on "Unified interpretation on the number and arrangement of portable fire extinguishers in accommodation spaces, service spaces, control stations, etc.", with a target completion date of 2008.

23.16 In this context, the delegation of Greece suggested that the tables contained in the annex to document MSC 81/23/15 should be referred to the FP Sub-Committee for consideration with regard to fire control plans, and these or similar tables proposed by other Member Governments could be amended and completed in the course of consideration of the item by the FP Sub-Committee.

### **Passenger ship safety**

23.17 Having recalled that, under agenda item 4 (Passenger ship safety), following consideration of the report of the Working Group on Passenger Ship Safety, it had agreed to a number of issues being referred to the FP Sub-Committee for consideration (see also paragraph 4.77), the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for FP 51:

- .1 a high priority item on "Review of fire safety of external areas on passenger ships", with a target completion date of 2007; and
- .2 a high priority item on "Performance standards for fixed water-spraying, fire detection and fire alarm systems for cabin balconies", with a target completion date of 2008.

### **Work programme of the Sub-Committee and provisional agenda for FP 51**

23.18 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38.

23.19 The Committee approved the provisional agenda for FP 51, as set out in annex 39.

### ***SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)***

#### **Work programme of the Sub-Committee and provisional agenda for FSI 14**

23.20 The Sub-Committee's work programme, as approved by the Committee, is set out in annex 38.

23.21 The Committee confirmed the provisional agenda for FSI 14, as set out in annex 39.

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

#### **Guidelines on the control of ships in an emergency**

23.22 The Committee recalled its decision, following consideration of documents MSC 81/23/4 (Bahamas), MSC 81/23/22 (IFSMA) and MSC 81/23/24 (Spain) in the context of the NAV Sub-Committee's work programme, to include a high priority item on "Guidelines for the control of ships in an emergency", with a target completion date of 2007, in the work

programmes of the NAV (co-ordinator) and COMSAR Sub-Committees and the provisional agendas for NAV 53 and COMSAR 11.

### **Replacements for use of narrow-band direct-printing (radio telex) for maritime distress and safety communications in the maritime MF/HF bands**

23.23 Following discussion on a proposal by Denmark (MSC 81/23/8) to consider for which functions of the GMDSS one or more technologies for the replacement of the narrow-band direct printing (NBDP) will be required and, if needed, to develop performance standards for systems to replace the use of NBDP; and to develop proposals for deleting from SOLAS regulation IV/10.2.1.3 the carriage requirements for NBDP in the HF option for sea areas A3, without immediately invalidating existing installations, the Committee decided to include in the COMSAR Sub-Committee's work programme and the provisional agenda for COMSAR 11, a low priority item on "Replacements for use of NBDP (radio telex) for maritime distress and safety communications in the maritime MF/HF bands", with a target completion date of 2008.

### **Revision of the 1972 COLREGs**

23.24 The Committee recalled its decision, following consideration of document MSC 81/23/12 (Norway) in the context of the NAV Sub-Committee's work programme, to include a high priority item on "Amendments to COLREGs Annex IV relating to distress signals", with a target completion date of 2007, in the work programmes of the NAV (co-ordinator) and COMSAR Sub-Committees and the provisional agendas for NAV 53 and COMSAR 11.

### **Work programme of the Sub-Committee and provisional agenda for COMSAR 11**

23.25 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38.

23.26 The Sub-Committee approved the provisional agenda for COMSAR 11, as set out in annex 39.

### ***SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)***

#### **Bridge navigational watch alarm system (BNWAS)**

23.27 The Committee considered document MSC 81/23/2 (Bahamas and Denmark) proposing to amend the 1974 SOLAS Convention to require that all ships of 150 gross tonnage and upwards and passenger ships irrespective of size shall be fitted with a BNWAS, to be in operation when the ship is at sea, with a view to enhancing the safety of navigation, taking into account the human element. In this context, it was borne in mind that, whilst the Performance standards for a bridge navigational watch alarm system was adopted by resolution MSC.128(75), no carriage requirements or guidelines for the use of such systems had been adopted yet. Following consideration, the Committee decided to include, in the NAV Sub-Committee's work programme and the provisional agenda for NAV 53, a high priority item on "Carriage requirements for a bridge navigational watch alarm system", with a target completion date of 2008, and instructed NAV 52 to give a preliminary consideration to the matter.

### **Guidelines on the control of ships in an emergency**

23.28 The Committee considered document MSC 81/23/4 (Bahamas) proposing to develop guidelines covering the responsibilities of all parties in a maritime emergency, which will not create a chain of command but, if implemented by Member States as part of their emergency action plans, what the chain should be will be clarified. In the opinion of the Bahamas, the guidelines will not change the responsibilities of the master, but they may avoid misunderstandings as to what a master's role should be when coastal State laws will be enforced and what their effect will be on the master and others involved in an emergency. The Committee noted that, in commenting on the above proposal, IFSMA invited (MSC 81/23/22) the Committee, when considering the proposal, to make clear and distinct guidelines in order to avoid misunderstanding as to where the responsibility lies in cases where the master is being ordered to take action against his own decision.

23.29 The Committee considered document MSC 81/23/24 wherein Spain suggested that the inclusion of the work programme item is not justified or necessary, and that the development of the guidelines would interfere with the instruments at present in force. In introducing their document, the delegation of Spain highlighted extensively the formal, legal and technical aspects of the matter and, in concluding, stressed that the decision with regard to the development of the guidelines should be taken after the FSI Sub-Committee presents its analysis of the casualty report and its appropriate recommendations in this respect.

23.30 In the context of the above proposal, the delegation of the United Kingdom, referring to the **Sea Empress** incident, informed the Committee of the SOSREP system which was developed to establish the command, control and communication procedures that were needed during maritime emergencies. The delegation also advised that, since the establishment of the SOSREP system, six years ago, it had been put into action on more than 600 occasions of which about 30 were considered as very significant and, therefore, the delegation was of the opinion that the development of appropriate guidelines would not be a single incident issue.

23.31 In the course of the ensuing debate, a number of delegations, having referred to the information provided by the delegation of the United Kingdom, advised the Committee of the similar national systems and supported the idea that the appropriate measures should be taken to regulate internationally the issue of co-operation among parties involved in maritime emergencies.

23.32 In view of the above discussion, the Committee, having recognized the importance of the issue and that this matter should be addressed in a generic manner and not as a single incident issue, decided to include, in the work programmes of the NAV and COMSAR Sub-Committees and the provisional agendas for NAV 53 and COMSAR 11, a high priority item on "Guidelines for the control of ships in an emergency", with a target completion date of 2007, and assigned the NAV Sub-Committee as co-ordinator, instructing NAV 52 to give a preliminary consideration to the matter.

### **Performance standards for shipborne Galileo receiver equipment**

23.33 In considering document MSC 81/23/6 (France, Norway, United Kingdom) proposing to develop performance standards for Galileo satellite navigation system receiver equipment as a future part of the World-Wide Radionavigation System, the Committee noted that the proposal was submitted following consideration by the NAV Sub-Committee of the draft performance

standards and the proposal by NAV 51 to include an appropriate item in the Sub-Committee's work programme and the provisional agenda for NAV 52. Subsequently, the Committee, taking into account the aforementioned proposal, endorsed, as proposed by NAV 51, the inclusion in the NAV Sub-Committee's work programme and the provisional agenda for NAV 52, a high priority item on "Performance standards for shipborne Galileo receiver equipment", with a target completion date of 2006.

### **Development of an e-navigation strategy**

23.34 The Committee considered document MSC 81/23/10 (Japan, Marshall Islands, Netherlands, Norway, Singapore, United Kingdom, United States) proposing to develop a broad strategic vision for incorporating the use of new technologies in a structured way and ensuring that their use is compliant with the various navigational communication technologies and services that are already available, with the aim of developing an overarching accurate, secure and cost-effective system with the potential to provide global coverage for ships of all sizes.

23.35 The observer from IFSMA, in supporting the above proposal, drew the Committee's attention to MSC/Circ.1091 on Issues to be considered when introducing new technology on board ship, addressing matters of standardization, training needs and the human element, and stressed the need for these recommendations to be taken into account in all stages of the development of e-navigation.

23.36 Following discussion and having recalled the Secretary-General's opening remarks on this subject, the Committee decided to include, in the work programmes of the NAV and COMSAR Sub-Committees and the provisional agendas for NAV 53 and COMSAR 11, a high priority item on "Development of an e-navigation strategy", with a target completion date of 2008, and assigned the NAV Sub-Committee as co-ordinator, instructing NAV 52 to give preliminary consideration to the matter.

23.37 The Committee agreed that the two Sub-Committees should consider the issues with the aim of developing a strategic vision with their associated work programmes for taking this issue forward and to report to MSC 85, for it to develop the necessary policy direction for further progress of this important work.

### **Revision of Annex IV to the 1972 COLREGs**

23.38 Following consideration of a proposal by Norway (MSC 81/23/12) to amend the list of distress signals in Annex IV to the COLREGs to include GMDSS distress signals as required in SOLAS chapter IV, and also to amend Annex IV by deleting distress signals which have been made redundant by the introduction of the GMDSS distress signals, the Committee decided to include, in the work programmes of the NAV and COMSAR Sub-Committees and the provisional agendas for NAV 53 and COMSAR 11, a high priority item on "Amendments to COLREGs Annex IV relating to distress signals", with a target completion date of 2007, and assigned the NAV Sub-Committee as co-ordinator, instructing NAV 52 to give a preliminary consideration to the matter.

**Proposal for a new work programme item for the NAV Sub-Committee on carriage requirements for ECDIS, and for the STW Sub-Committee on ECDIS training and familiarization**

23.39 The Committee considered document MSC 81/23/13 (Denmark and Norway) proposing to develop carriage requirements for ECDIS equipment, for subsequent inclusion in SOLAS chapter V, where the lower size limit of ships and other ship parameters should be recommended by the NAV Sub-Committee based on the results of the FSA study as well as other relevant factors identified at NAV 51, while the factor of ECDIS training and familiarization should be dealt with by the STW Sub-Committee.

23.40 Having noted, in the context of the above proposal, the outcome of the FSA study on ECDIS/ENCs provided by Denmark and Norway (MSC 81/24/5 and MSC 81/INF.9), the Committee decided to:

- .1 include in the NAV Sub-Committee's work programme and the provisional agenda for NAV 53, a high priority item on "Development of carriage requirements for ECDIS", with a target completion date of 2008, instructing NAV 52 to give a preliminary consideration to the matter; and
- .2 instruct the STW Sub-Committee to consider the proposal in the context of the new item on "Comprehensive review of the STCW Convention and the STCW Code".

**Proposal for developing new provisions and performance standards on wind measuring equipment**

23.41 Following consideration of document MSC 81/23/14 (Republic of Korea) proposing to develop requirements for mandatory application of wind measuring equipment, by adding an item in the carriage requirements of SOLAS regulation V/19, and performance standards for wind measuring equipment, the Committee did not consider that the proposal met the provisions of the Guidelines on the organization and method of work and did not agree to the proposal.

**Passenger ship safety**

23.42 Having recalled that, under agenda item 4 (Passenger ship safety), following consideration of the report of the Working Group on Passenger Ship Safety, it had agreed to assign a task to the Sub-Committee related to the above matter (see also paragraph 4.26), the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for NAV 53, a high priority item on "Guidelines on the layout and ergonomic design of safety centres on passenger ships", with a target completion date of 2008.

**Work programme of the Sub-Committee and provisional agenda for NAV 52**

23.43 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38.

23.44 The Committee approved the provisional agenda for NAV 52, as set out in annex 39.

***SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)*****New work programme item proposed by DE 49**

23.45 Endorsing a proposal by DE 49, the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for DE 50, a high priority item on "Guidelines for uniform operating limitations of high-speed craft", with a target completion date of 2009, and also in the work programmes of the COMSAR, NAV and SLF Sub-Committees and the provisional agendas for COMSAR 11, NAV 53 and SLF 50, with a target completion date of 2008.

**Outcome of MEPC 53 and BLG 10 on work programme items regarding the guidelines under MARPOL Annex VI and ballast water management**

23.46 Having recalled the decision of MEPC 53, as indicated in paragraph 23.5 above, regarding the item on "Guidelines on other technological methods verifiable or enforceable to limit SO<sub>x</sub> emissions", the Committee noted that BLG 10 had invited the MEPC to delete the item on "Guidelines on equivalent methods to reduce on-board NO<sub>x</sub> emission" from the work programme of the DE Sub-Committee, as BLG 10 agreed that there was no need for such guidelines.

23.47 With regard to the item on "Safety aspects of ballast water management", the Committee noted that BLG 10, following consideration of the item which was transferred from the provisional agenda for DE 49 to the provisional agenda for BLG 10 (paragraph 1.3 of BLG 10/19) had agreed that no further action was necessary on the matter and, noting that the item was still on the work programme of the DE Sub-Committee, invited the Committee to delete the item from the DE Sub-Committee's work programme. Consequently, the Committee agreed to the BLG 10's proposal.

**Protective coatings-related matters**

23.48 Having recalled its relevant decisions under agenda item 7 (Ship design and equipment), the Committee decided to include in the Sub-Committee's work programme and the provisional agenda for DE 50:

- .1 a high priority item on "Guidelines for maintenance and repair of protective coatings", with a target completion date of 2008; and
- .2 a high priority item on "Requirements and standard for corrosion protection of permanent means of access arrangements", with a target completion date of 2008.

**Passenger ship safety**

23.49 Having recalled that, under agenda item 4 (Passenger ship safety), following consideration of the report of the Working Group on Passenger Ship Safety, it had agreed to a number of issues being referred to the DE Sub-Committee for consideration (see also paragraphs 4.38 and 4.40), the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for DE 50:

- .1 a high priority item on "Performance standards for recovery systems", with a target completion date of 2008; and

- .2 a high priority item on “Guidelines for the approval of novel life-saving appliances”, with a target completion date of 2008.

### **Work programme of the Sub-Committee and provisional agenda for DE 50**

23.50 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 38.

23.51 The Committee approved the provisional agenda for DE 50, as set out in annex 39.

### ***SUB-COMMITTEE ON STABILITY, LOAD LINES AND ON FISHING VESSEL SAFETY (SLF)***

#### **Review of the 1969 Tonnage Measurement Convention**

23.52 The Committee considered documents submitted by:

- .1 Australia (MSC 81/23/7) proposing that the SLF Sub-Committee be tasked with investigation of measures to improve marine safety associated with the effect of the provisions of the 1969 TM Convention on ship design and construction and developing a plan to give effect to appropriate measures, presuming that this task would involve amendments to the Convention which, in view of the explicit acceptance procedure, can be effected by way of adoption of a protocol to the Convention;
- .2 the Islamic Republic of Iran (MSC 81/23/9) proposing to revise the technical regulation for calculation of gross and net tonnages as well as areas which affect these calculation and to include, in the SLF Sub-Committee’s work programme, a new item on “Revision of the 1969 Tonnage Measurement Convention”;
- .3 the Netherlands (MSC 81/23/25) supporting the proposal by Australia; and
- .4 ICFTU (MSC 81/23/18) supporting the proposal by Australia and also expanding the task to include consideration of resolution A.947(23) on Human element vision, principles and goals of the Organization.

23.53 Following discussion, the Committee decided to refer the documents to the SLF Sub-Committee for detailed consideration and to include a high priority item on “Development of options to improve effect on ship design and safety of the 1969 TM Convention”, with a target completion date of 2008, in the SLF Sub-Committee’s work programme and the provisional agenda for SLF 50 to consider the matter along the lines of the instructions referred to in paragraph 19 of document MSC 81/23/7, taking into account the information provided in documents MSC 81/23/9, MSC 81/23/18 and MSC 81/23/25, and to make appropriate recommendations to MSC 85 on follow-up action.

#### **Passenger ship safety**

23.54 Having recalled that, under agenda item 4 (Passenger ship safety), following consideration of the report of the Working Group on Passenger Ship Safety, it had agreed to assign a task to the Sub-Committee related to the above matter (see also paragraph 4.79), the

Committee decided to include, in the Sub-Committee's work programme, a high priority item on "Time dependant survivability of passenger ships in damaged condition", with three sessions needed to complete the item.

### **Work programme of the Sub-Committee and provisional agenda for SLF 49**

23.55 The Sub-Committee's work programme, revised and approved by the Committee, is set out in annex 38.

23.56 The Committee approved the provisional agenda for SLF 49, as set out in annex 39.

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

#### **New work programme items proposed by STW 37**

23.57 Endorsing proposals by STW 37, the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for STW 38:

- .1 a high priority item on "Identification of areas in chapter VI of the STCW Code where training cannot be conducted on board", with a target completion date of 2008; and
- .2 a high priority item on "Comprehensive review of the STCW Convention and the STCW Code", with a target completion date of 2008, instructing the Sub-Committee to define, as a first step, the issues to be reviewed and to advise the Committee accordingly, before embarking on the actual work, for the Committee to endorse the scope of the review of the instruments; and, as a second step, following the Committee's endorsement, the Sub-Committee would undertake the authorized review in a systematic and organized manner.

The Committee also agreed that the proposed review of the STCW Convention and the STCW Code should not, in any way, delay the work already in the Sub-Committee's work programme.

#### **Review of the Principles for establishing the safe manning levels of vessels**

23.58 The Committee considered documents submitted by:

- .1 the United Kingdom *et al* (MSC 81/23/3) which, having indicated that from an analysis of recent accidents it had been identified that fatigue and manning levels are inextricably linked, proposed that the guidance for establishing vessel safe manning levels (as provided in resolution A.890(21), as amended, on Principles of safe manning) used by all Administrations in determining the safe manning levels in, as far as practicable, a global and consistent manner, should be reviewed in the light of the above evidence;
- .2 ICFTU (MSC 81/23/19) which, supporting, in principle, the proposal, suggested to consider the security and regulatory-related aspects in the context of the current situation and to take into consideration other aspects that have a bearing on the existing Sub-Committee's workload;



- .3 ICS, ISF and BIMCO (MSC 81/23/21) which proposed to also address fatigue in the longer term along with safe manning, rather than only addressing the review of resolution A.890(21); and
- .4 IFSMA (MSC 81/23/23) which, supporting, in principle, the proposal, suggested to include, in the revision of resolution A.890(21), goal-based standards against which Administrations can evaluate proposed manning levels to ensure that consistent results are advised when the principles are applied.

23.59 Following a detailed discussion, the Committee decided to include, in the STW Sub-Committee's work programme and the provisional agenda for STW 38, a high priority item on "Review of the principles for establishing the safe manning levels of ships", with a target completion date of 2008, in co-operation with the NAV Sub-Committee as necessary, and referred the aforementioned documents to STW 38 for detailed consideration, with a view to taking into account the information contained therein, along with the Guidance on fatigue mitigation and management (MSC/Circ.1014), during its deliberations.

23.60 In this context, the Netherlands informed the Committee of the results of a study regarding fatigue in the shipping industry. This study had been conducted to obtain an objective and more detailed view on fatigue aspects including their consequences and impact on board ships and possible remedial measures. The report, which was distributed during the session, would be made available in an electronic format on request (contact [sibrand.hassing@minvenw.nl](mailto:sibrand.hassing@minvenw.nl)).

#### **ECDIS training and familiarization**

23.61 With regard to the above issue, the Committee recalled the decision it had made following consideration of document MSC 81/23/13 in the context of the NAV Sub-Committee's work programme, as indicated in paragraph 23.40.2 above.

#### **LNG training and competency standards**

23.62 Following consideration of document MSC 81/23/16 (Liberia) proposing to develop international LNG competency and training standards, taking into account new technical advancements in LNG carrier design and operation and recent operational training standards developed by SIGTTO (STW 37/INF.2) and information on new LNG training facility initiatives (STW 37/INF.6), the Committee instructed the STW Sub-Committee to consider the matter in the context of the new item on "Comprehensive review of the STCW Convention and the STCW Code".

#### **Introduction of mandatory alcohol limits during watchkeeping and other shipboard duties**

23.63 The Committee considered document MSC 81/23/17 (Belgium, Denmark, Germany, Greece, Ireland, Latvia, Poland, Portugal and Sweden) proposing to amend the STCW Convention and the STCW Code to introduce mandatory alcohol limits on board seagoing ships for all watchkeeping personnel and providing draft amendments to STCW regulation VIII/1 (Fitness for duty) and sections A-VIII/1 and B-VIII/2 of the STCW Code, and instructed the STW Sub-Committee to consider the matter in the context of the new item on "Comprehensive review of the STCW Convention and the STCW Code".

## **Passenger ship safety**

23.64 Having recalled that, under agenda item 4 (Passenger ship safety), following consideration of the report of the Working Group on Passenger Ship Safety, it had agreed to assign a task to the STW Sub-Committee related to the above matter (see also paragraph 4.50), the Committee decided to include, in the Sub-Committee's work programme, a high priority item on "Development of training standards for recovery systems", with two sessions needed to complete the item.

## **Work programme of the Sub-Committee and provisional agenda for STW 38**

23.65 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38.

23.66 The Committee approved the provisional agenda for STW 38, as set out in annex 39.

## **FOLLOW-UP TO THE TWENTY-FOURTH SESSION OF THE ASSEMBLY**

23.67 Having considered the outcome of the twenty-fourth session of the Assembly (MSC 81/23/11 and MSC 81/23/20) and the action the Committee had been requested to take, the Committee made the following decisions as outlined in paragraphs 23.68 to 23.73 below.

## **Matters relating to specific requests for action in the context of resolutions adopted by A 24**

23.68 The Committee noted the Assembly's request, expressed in the context of resolutions A.973(24) – *Code for the Implementation of Mandatory IMO Instruments* and A.982(24) – *Revised Guidelines for the identification and designation of Particularly Sensitive Sea Areas*, to keep, in co-operation with the MEPC, the Code and the Revised Guidelines under review and amend them as appropriate.

23.69 The Committee recalled the action it had taken, under agenda item 5 (Measures to enhance maritime security), with regard to specific requests of the Assembly in the context of resolution A.975(24) – *Future development of the Voluntary IMO Member State Audit Scheme*, to review the future feasibility of including within the scope of the Audit Scheme security-related and other functions and to identify any implications of broadening the scope of the Audit Scheme in this way (see paragraph 5.19) and under agenda item 24 (Any other business) (see paragraphs 24.7 to 24.14).

23.70 In the context of resolution A.984(24) – *Facilitation of the carriage of IMDG Code class 7 radioactive materials including those in packaged form used in medical or public health applications*, the Committee noted that it had been requested to co-operate with the Facilitation Committee in its work with a view to resolving difficulties encountered in the carriage of all IMDG Code class 7 radioactive materials and recalled the outcome of the discussion, under agenda item 12 (Dangerous goods, solid cargoes and containers), regarding the *ad hoc* mechanism to co-ordinate efforts to speedily resolve difficulties in the carriage of such materials.

23.71 Having noted that, in the context of resolution A.985(24)/Rev.1 – *Revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20))*, it had been requested to:

- .1 work, jointly and expeditiously with the Facilitation Committee, on the revision of the Guidelines;
- .2 adopt, jointly with the Facilitation Committee, the necessary amendments to the Guidelines and to promulgate these by appropriate means;
- .3 note that, as from the date of the joint adoption by the Facilitation Committee and the Committee of the amendments to the Guidelines, resolution A.872(20) should be deemed as revoked; and
- .4 report, in co-operation with the Facilitation Committee, on action taken in accordance with the above resolution, to the twenty-fifth regular session of the Assembly,

the Committee requested the Secretariat to inform, in due course, of the developments on the matter within the FAL Committee, so that the Committee could contribute as appropriate.

23.72 The Committee noted that, in the context of resolution A.986(24) – *The importance and funding of technical co-operation as a means to support the United Nations Millennium Declaration and the Millennium Development Goals*, it has been requested, in co-operation with the Technical Co-operation Committee:

- .1 to consider and adopt measures relating to technical assistance, with the aim of promoting the ratification and implementation of IMO instruments; and
- .2 to consider and take appropriate action to assist in the provision of technical co-operation for Member States to implement the Audit Scheme,

and invited Member Governments, international organizations and the Secretariat to provide to MSC 82 their proposals for possible measures and actions requested of the Committees so that the Committee can contribute to the work of the Technical Co-operation Committee on the matter.

### **Strategic plan of the Organization and High-level action plan and priorities**

23.73 In the context of the requests of the Assembly made in resolution A.970(24) on Strategic plan for the Organization (for the six-year period 2006 to 2011) and resolution A.971(24) on High-level action plan of the Organization and priorities for the 2006-2007 biennium, the Committee considered the recommendations of the 2006 Chairmen's meeting (MSC 81/WP.11) for the review process for the High-level action plan and priorities for the 2006-2007 biennium, and agreed that:

- .1 the Secretariat should, in consultation with the Committees' Chairmen, prepare, for consideration by MSC 82 and MEPC 55, the information on progress made on items indicated in the High-level action plan for 2006-2007 biennium and proposals for the High-level action plan and priorities, including planned output, for the 2008–2009 biennium;

- .2 the outcome of discussions of the above-mentioned information and proposals at MSC 82 and MEPC 55 should be submitted to the Council, at its ninety-eighth session, for referral to the Council Working Group on the Strategic Plan to be held in September 2007; and
- .3 any further information on the progress and proposals for the High-level action plan and priorities for the 2008-2009 biennium, agreed at MSC 83 and MEPC 56, should be reported to the twenty-fourth extraordinary session of the Council,

and requested the Secretariat to act accordingly.

#### **INTERSESSIONAL MEETINGS**

23.74 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 3.40 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 intersessional meetings of the:

- .1 Working Group on Evaluation of Safety and Pollution Hazards of Chemicals (ESPH Group), to take place in September 2006;
- .2 Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR, to take place in Singapore, from 28 August to 1 September 2006;
- .3 Joint IMO/ITU Experts Group, to meet from 5 to 7 July 2006, at IMO Headquarters;
- .4 Working Group on Engineering Aspects of LRIT (three meetings, June, July and September 2006; first meeting hosted by Canada; and second and third meeting dates and venues to be decided in due course); and
- .5 Editorial and Technical Group (E and T Group), to take place in May and September 2007, at venues to be announced in due course.

#### **SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDA FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 82**

##### **Substantive items for inclusion in the agendas for MSC 82 and MSC 83**

23.75 The Committee agreed on the substantive items to be included in the agendas of its eighty-second and eighty-third sessions, as set out in document MSC 81/WP.9, as amended.

##### **Establishment of working and drafting groups during MSC 82**

23.76 Recalling the provisions of paragraphs 3.24 and 3.28 of the Guidelines on the organization and method of work, concerning the number of groups which may be established at any given session, the Committee, taking into account decisions made under various agenda items, agreed that working groups on the following items should be established at the Committee's eighty-second session:

- .1 goal-based new ship construction standards;
- .2 measures to enhance maritime security; and
- .3 human element,

and further agreed to establish a drafting group on consideration and adoption of the amendments to mandatory instruments.

#### **Duration and dates of the next two sessions**

23.77 The Committee noted that its eighty-second session had been scheduled to take place in Istanbul, Turkey, from 29 November to 8 December 2006; and its eighty-third session tentatively in October 2007.

### **24 ANY OTHER BUSINESS**

#### **Online access to certificates and documents required to be carried on board ships**

24.1 The Committee noted (MSC 81/24) that FAL 32, on the basis of a proposal by ICS, whereby the FAL Committee was invited to consider whether access by port State control officers to the information on certificates of ships engaged on international voyages would be facilitated and simplified through the use of modern technology, had agreed that such a system would have a number of advantages as outlined in paragraph 3 of document MSC 81/24.

24.2 The Committee further noted that FAL 32 had recognized that careful consideration should be given to who could access such electronic documents and had agreed that this matter was related to the work of the MSC and the MEPC and, before it could start to study the information technology requirements for such system, feedback on the acceptability, feasibility and practicability of the system would be required from the two Committees. In addition, FAL 32 requested the two Committees to advise the FAL Committee as to which certificates might be made accessible by electronic systems.

24.3 The Committee noted (MSC 81/24/10) that, at MEPC 54, a number of delegations had supported the proposal for on-line access to certificates and had expressed the view that the FAL Committee should explore the matter further, including reliability and security of such databases. However, the MEPC was not ready to advise the FAL Committee on the acceptability, feasibility and practicability of online access of certificates for inspection purposes, and it was agreed that the matter would be further discussed at MEPC 55.

24.4 In this context, INTERTANKO (MSC 81/24/9), providing information on the use of the internet for accessing to documents and certificates electronically, invited the Committee to consider the use of Q88.com to facilitate the validation and examination of the many mandatory certificates and documents currently required to be on board ships.

24.5 The Committee noted that MEPC 54 had expressed concerns to commercially operated and controlled systems, the access to which was restricted on the basis of subscription. The Committee noted that MEPC 54 had considered the information on the Q88.com system provided by INTERTANKO but could not endorse the system. The Committee agreed with the

decision of MEPC 54 and that the FAL Committee should explore the matter further, including reliability and security of databases on online access to ships' certificates and documents, and urged Member Governments and organizations to submit relevant proposals for consideration by the FAL Committee.

24.6 Furthermore, the Committee, being conscious of the potential of an online access to certificates and documents and having duly noted the technical feasibility of a system, recommended that a step-by-step approach should be applied and the emphasis should be given to the facilitation aspects of such a system. Concerning the potential use of such a system in PSC activities, the Committee noted the view that an electronic access to certificates would not be considered as an alternative to the physical inspection of the certificates and could, possibly, serve in the context of the prioritization of PSC inspections.

### **Voluntary IMO Member State Audit Scheme**

24.7 The Committee recalled that MSC 80 (MSC 80/24, paragraph 8.18.4), when considering the report of the joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme, had endorsed the proposal by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) to develop additional guidance for coastal States, in the context of paragraph 7.4.2 of the draft Framework for the Scheme. The Committee had invited the International Hydrographic Organization (IHO) to consider undertaking a similar initiative in its field of competence.

24.8 The Committee recalled also that the Assembly, at its twenty-fourth session, had adopted resolutions A.973(24) on the Code for the implementation of mandatory IMO instruments and A.974(24) on Framework and Procedures for the Voluntary IMO Member State Audit Scheme, which contain:

- .1 in part 3 of, and annex 3 to, the Annex of the Code, guidance on implementation, enforcement and evaluation and review of coastal States' rights and obligations, and a list of specific coastal State obligations, respectively; and
- .2 in paragraph 7.4.2 of the Framework (Part I of the Annex) a list of administrative, legal and technical areas which should provide the minimum scope for an audit and in appendix 2 of the Procedures (Part II of the annex) a section VIII dealing with information on coastal State activities.

24.9 The Committee recalled also that the Assembly, while adopting resolution A.973(24), had requested the MSC and the MEPC to keep the Code under review and, in co-ordination with the Council, to propose amendments thereto to the Assembly, and, while adopting resolution A.975(24) on Future development of the Voluntary IMO Member State Audit Scheme, requested:

- .1 the MSC and the MEPC to review the future feasibility of including, within the scope of the Audit Scheme, security-related and other functions not presently covered, to identify any implications of broadening the scope of the Audit Scheme in this way and to report to the Council, as appropriate; and

- .2 the Council to develop suitable provisions for the possible future inclusion of other safety-, environmental protection- and security-related issues in the Audit Scheme, taking into account the experience gained from the implementation of the Scheme and of any salient safety-, environmental protection- and security-related issues identified by the Committees,

and invited the Council, at an appropriate time, to consider whether and how to incorporate such matters in the Scheme.

24.10 The Committee recalled further that matters pertaining to the Framework and Procedures for the Audit Scheme are matters for the Council to decide on and not for the Committees to develop, approve and issue any guidance related to the Scheme by means of a circular, resolution or other instruments.

24.11 IALA informed the Committee (MSC 81/24/1) that it had developed additional guidance for coastal States in the context of paragraph 7.4.2 of Part I of the annex to resolution A.974(24), as invited by MSC 80, and proposed a draft MSC circular (MSC 81/24/1, annex), which provides guidance on those chapters of the pre-audit questionnaire that the Administrations in charge of Vessel Traffic Services (VTS) and Aids to Navigation (AtoN) should answer concerning their obligations contained in SOLAS regulations V/12 and V/13. The proposal also provided a checklist to assist the auditors when auditing those administrations. The Committee was invited to consider that, if the proposed MSC circular was approved, a footnote to the title of Appendix 2 – Part II of resolution A.974(24) be included.

24.12 IHO provided (MSC 81/24/4) additional guidance for the conduct of the Voluntary IMO Member State Audits in its field of competence, i.e., hydrographic surveys; nautical charting; and maritime safety information (SOLAS regulations V/4 and V/9) in the form of a questionnaire.

24.13 Having recognized that the issues raised in the two submissions (MSC 81/24/1 and MSC 81/24/4) were not currently developed enough by the Audit Standard, the Committee agreed, in principle, that further work should be carried out on the basis of the proposals made by IHO and IALA.

24.14 In this context, and while acknowledging that the areas covered by the aforementioned proposals were not currently auditable, the Committee instructed FSI 14 to consider these proposals in the context of a potential review of annex 3 to the Code for the Implementation of Mandatory IMO Instruments (annex to resolution A.973(24)), seeking any necessary complementary input from NAV 52, if deemed appropriate, for reporting to MSC 82.

### **IMO/IACS Co-operation on the IACS Quality System Certification Scheme (QSCS)**

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

24.16 The Committee recalled further that MSC 79 had noted the Secretariat's report on developments in the IMO/IACS co-operation relating to the Scheme (MSC 78/25/1), in particular the IMO consultant/observer's report on his continued participation in the implementation of the Scheme, and requested the Secretariat to report on any further developments to MSC 81.

24.17 The Committee noted information provided by the Secretariat (MSC 81/24/2) on the development of the IACS Quality System Certification System (QSCS) as far as it concerns the participation agreements between IMO and IACS and the IMO consultant/observer's report annexed to that document, in accordance with which the IMO consultant/observer had continued participating in the implementation of the Scheme. Regular progress reports on activities undertaken by the consultant/observer within the Scheme had been submitted to the IMO Secretariat and IACS, and it had been reported that the Scheme was mature and being implemented in a thorough and consistent manner. It was further noted that since the last report to the Committee, the Scheme had been further developed in a number of ways as reported in the annex to document MSC 81/24/2, in particular paragraphs 4 to 13 therein.

24.18 The Committee decided to extend the Organization's participation in the Scheme on the same basis as in the past, that is with no financial implications to the Organization; and instructed the Secretariat to report on developments to MSC 83.

### **Global Integrated Shipping Information System (GISIS)**

24.19 The Committee recalled that the Global Integrated Shipping Information System (GISIS) was developed by the Secretariat in July 2005, which allows public access to sets of data collected by the Secretariat and that the Manual for Member States' Administrations and associated disclaimer on the use of reporting facilities was circulated by circular letter No.2639.

24.20 The Committee noted information provided by the Secretariat on GISIS (MSC 81/24/3). It noted that the following modules were available to IMO Member States and the public at large: ISPS Code, Casualties, Recognized Organizations, Port reception facilities, CAS in respect of valid Statements of Compliance only and piracy and armed robbery against ships and that further modules were under development such as the ones on port State control, contact points, stowaway cases, illegal migrant cases and chemical products.

24.21 The Committee expressed its appreciation to those Members who had already taken the direct reporting facilities very seriously and act as data providers on a regular basis.

24.22 While referring to the presentation of GISIS to the Committee, which had been organized during the session, the Secretariat reiterated that GISIS had been developed on the basis of existing reporting requirements and authorized releases to the public. It further indicated that Member States, using their Administrator's password, have the possibility to monitor the creation of specific accounts per module and that, in order to make GISIS compatible with existing data collection systems and to avoid duplication of reporting requirements, the Secretariat has already been co-operating with developers and managers of PSC regional systems (Abuja, Black Sea and Tokyo MoUs), with national Authorities regarding the collection of preliminary data on casualties (RCC Stavanger, Norway) and with EMSA on the possible linkage of the respective databases.

24.23 The Committee noted the opinion that, with a view to continuous and sound developments of GISIS with necessary hardware and maintenance, appropriate provision of resources should be ensured. It was suggested that the presentation provided on GISIS should also be made during the Council and all other IMO bodies' forthcoming sessions.



24.24 The Secretariat stressed the importance of support to the system by the Member States and the Secretariat and the development of an information and data management policy.

#### **FSA study on ECDIS/ENCs**

24.25 The Committee recalled that documents MSC 81/24/5 and MSC 81/INF.9 (Denmark and Norway) relating to the FSA study on ECDIS/ENCs had already been considered under agenda item 23 (Work programme) in conjunction with document MSC 81/23/13 (see paragraph 23.40).

#### **Guidelines for dynamic positioning (DP) operator training**

24.26 The Committee recalled that MSC 66 in 1969 had approved MSC/Circ.738 on Guidelines for dynamic positioning system (DP) operator training, which contained the IMCA guidelines at annex, and invited the International Marine Contractors Association (IMCA) to keep IMO informed of future amendments to the IMCA guidelines.

24.27 The Committee noted the updated IMCA guidelines provided by IMCA in document MSC 81/24/6, and requested the Secretariat to issue an update to MSC/Circ.738 and ensure that the relevant footnote in section 4.12 of the MODU Code, which is currently under review by the DE Sub-Committee, is amended when the next edition of the Code is published.

#### **Outcome of the 94th session of the International Labour Conference: Adoption of the Maritime Labour Convention, 2006**

24.28 The Committee noted with appreciation the information provided by the International Labour Office (ILO) (MSC 81/24/7) on the outcome of the ninety-fourth (Maritime) session of the International Labour Conference which was held in Geneva from 7 to 23 February 2006. The Conference adopted the Maritime Labour Convention, 2006, which consolidated and updated 68 existing ILO maritime conventions and recommendations adopted since 1920. The Conference also adopted a number of resolutions and the ILO Governing Body considered the resolutions at its 295th session in March 2006. Those relevant to IMO would be communicated to the Secretary-General.

24.29 On the provisions on enforcement of, and compliance with, the requirements contained in the new Convention, the ILO representative indicated that the development of this instrument had benefited from the significant input of IMO's expertise and that further co-operation with regard to port State control-related matters would be of great value.

24.30 The delegation of Japan informed the Committee that as the new Convention covered broad and diverse areas, many countries may find it difficult to prepare for smooth implementation and, hence, it was necessary to enhance international technical co-operation to promote the understanding of the Convention, especially among developing countries. In this context, the Government of Japan, in co-operation with ILO and the Ocean Policy Research Foundation of Japan, was planning to hold an international seminar on seafarers' policy in Asia, to be held in Tokyo on 30 and 31 October 2006, under the theme "Promoting early ratification of ILO Maritime Labour Convention". Although the seminar was meant for countries in the Asian region, Japan would also welcome participation from other regions of the world.

24.31 The Secretary-General advised the Committee that he had attended the Conference in Geneva on 20 February 2006 and was of the opinion that an early entry into force of this consolidated ILO Maritime Convention was desirable. In this context, he appealed to all Member States to consider an early ratification of the Convention.

### **Model national law on maritime criminal acts**

24.32 The Committee noted with appreciation the information provided by CMI (MSC 81/24/8) on their work on a model national law on maritime criminal acts relating to criminal offences committed on foreign-flagged ships and that an appropriate document would be submitted to the Committee in 2007 for consideration.

### **Revision of the International Health Regulations (IHR)**

24.33 The Committee noted the information provided by the Secretariat (MSC 81/INF.2) on the adoption by the World Health Organization of the revised International Health Regulations (IHR) (2005) on 23 May 2005 at the fifty-eighth World Health Assembly (16 to 25 May 2005). The revised IHR will enter into force on 15 June 2007.

### **Bulk Carrier Casualty Report**

24.34 The Committee noted with appreciation the information provided by INTERCARGO (MSC 81/INF.11) on their annual bulk carrier casualty report covering 2005 and the previous ten years (1996-2005). The information showed that during 2005, six bulk carriers over 10,000 dwt were recorded as total losses accompanied by the tragic loss of eight lives. An analysis of the data to identify period trends of the last ten-year period (1996-2005) indicated that the annual average lives, deadweight and tonnage lost continued to fall and the average age increased from 20.4 to 21.11, while the annual average of ships lost slightly increased.

24.35 During the presentation of the report by INTERCARGO, the Committee's attention was called upon the recent casualty of the **Alexandros T** which occurred on 3 May 2006 with 26 of its crew reported missing. The condolences expressed were echoed by the representatives of the flag State and the State of nationality of a significant number of the crew who also stressed the importance of the casualty investigation report being received as soon as possible and analysed by the Organization.

### **Numbering of joint MSC/MEPC circulars**

24.36 The Committee noted the information provided by the Secretariat (MSC 81/24/11) on the new numbering of joint MSC/MEPC circulars. In order to facilitate the identification and retrieval of information circulated by means of joint MSC/MEPC circulars, since September 2005, the Secretariat started issuing joint MSC/MEPC circulars with the following symbols:

- .1 organization and methods of work, as MSC-MEPC.1/Circ.;
- .2 general matters, as MSC-MEPC.2/Circ.;
- .3 casualty-related matters, as MSC-MEPC.3/Circ.;
- .4 port State control-related matters, as MSC-MEPC.4/Circ.;

- .5 survey and certification-related matters, as MSC-MEPC.5/Circ.; and
- .6 national contact points for safety and pollution prevention and response, as MSC-MEPC.6/Circ.

24.37 The Committee was also informed that, based on the outcome of this session, a further circular series, i.e., MSC-MEPC.7/Circ., had to be created on human element-related matters and, as a reminder, that all circulars to be issued were now to be identified within a circular series, starting with the allocation of “.1” to its symbol, by default, where the circular would not be issued under any other existing circular series symbol.

24.38 The delegation of Venezuela called the Committee’s attention on the potential need for harmonization of terminologies used in various IMO circulars and, in particular, concerning marine casualties and incidents (see paragraph 24.35).

### **World Hydrography Day**

24.39 The observer from the International Hydrographic Organization (IHO) informed the Committee that the IHO would this year, for the first time, be celebrating “World Hydrography Day” on 21 June, the date that the International Hydrographic Organization was established in 1921. The United Nations General Assembly, on 29 November 2005, under its agenda item on the Oceans and the law of the sea, adopted Resolution A/60/30. This resolution includes the statement, “Welcomes the adoption by the International Hydrographic Organization of the “World Hydrography Day”, to be celebrated annually on 21 June, with the aim of giving suitable publicity to its work at all levels and of increasing the coverage of hydrographic information on a global basis, and urges all States to work with that organization to promote safe navigation, especially in the areas of international navigation, ports and where there are vulnerable or protected marine areas”. World Hydrography Day will be celebrated nationally by Hydrographic Offices around the world and internationally by the International Hydrographic Bureau (IHB) in Monaco. The theme for this first celebration will be “85 years of the IHO contributing to worldwide safety to navigation”.

### **Expressions of appreciation**

24.40 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, retired or were transferred to other duties or were about to, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Pawel Czerwinski (Poland) on return home;
- Mr. Clayton Diamond (United States) on transfer;
- Mr. Ian Finley (Panama) on relinquishing duties;
- Mr. Thomas Gilmour (United States) on retirement;
- Mr. Stein Isaksen (Norway) on retirement;
- Mr. Trygve Scheel (Norway) on retirement;
- Ms. Cynthia Stowe (United States) on transfer;
- Mr. Tadayuki Uemura (Japan) on return home;

- Mr. Hag-Bae Yoon (Republic of Korea) on return home;
- Mr. Vladimir Lebedev (Secretariat) on separation; and
- Mr. Youngso Kim (Secretariat) on return home.

### **Expressions of condolences**

24.41 The Committee noted with sadness the recent death of Professor Günther Zade (Germany), former Vice-Rector and Academic Dean of the World Maritime University (WMU). His dedication and foresight in the formative years of the University had helped to nurture WMU to become what it was today – a unique model of international learning and co-operation. Professor Zade was one of the true ‘Founding Fathers’ of WMU who made an outstanding contribution to the establishment, development and progress of this unique institution that served so well the global maritime community. His singular devotion to the development of maritime education and training was wholeheartedly acknowledged throughout the maritime community.

24.42 With equal sadness, the Committee has learnt of the death of Mr. Martin Böckenhauer (Germany), former Bulk Chemical (BCH) and Bulk Liquids and Gases (BLG) Sub-Committee Chairman, who brought an immense depth of technical knowledge to IMO from his long career at Germanischer Lloyd and his participation in IACS. He would be especially remembered for chairing the BCH and then the BLG Sub-Committee with a firm and fair hand through sensitive and complex issues, such as, most recently, the revision of Annex II of MARPOL. He was fully committed to the causes of maritime safety and environmental protection and made a major contribution over many years.

24.43 The Committee requested the delegation of Germany to convey the Committee’s condolences and sympathy to the family, friends and colleagues of the deceased who would be thoroughly missed by this Organization.

(The annexes will be issued as addenda to the document)