



MARITIME SAFETY COMMITTEE
87th session
Agenda item 26

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

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The eighty-seventh session of the Maritime Safety Committee was held from 12 May to 21 May 2010 under the chairmanship of Mr. Neil Ferrer (Philippines). The Committee Vice-Chairman, Mr. Christian Breinholt (Denmark) was also present.

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

ALGERIA	IRELAND
ANGOLA	ISRAEL
ANTIGUA AND BARBUDA	ITALY
ARGENTINA	JAMAICA
AUSTRALIA	JAPAN
AZERBAIJAN	JORDAN
BAHAMAS	KENYA
BAHRAIN	KUWAIT
BANGLADESH	LATVIA
BARBADOS	LIBERIA
BELGIUM	LIBYAN ARAB JAMAHIRIYA
BELIZE	LITHUANIA
BOLIVIA (PLURINATIONAL STATE OF)	LUXEMBOURG
BRAZIL	MALAYSIA
BRUNEI DARUSSALAM	MALTA
BULGARIA	MARSHALL ISLANDS
CAMBODIA	MEXICO
CANADA	MONTENEGRO
CHILE	MOROCCO
CHINA	NETHERLANDS
COLOMBIA	NEW ZEALAND
COOK ISLANDS	NIGERIA
CÔTE D'IVOIRE	NORWAY
CROATIA	OMAN
CUBA	PANAMA
CYPRUS	PAPUA NEW GUINEA
CZECH REPUBLIC	PERU
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	PHILIPPINES
DENMARK	POLAND
ECUADOR	PORTUGAL
EGYPT	QATAR
ESTONIA	REPUBLIC OF KOREA
ETHIOPIA	ROMANIA
FINLAND	RUSSIAN FEDERATION
FRANCE	SAINT KITTS AND NEVIS
GEORGIA	SAINT VINCENT AND THE GRENADINES
GERMANY	SAN MARINO
GHANA	SAUDI ARABIA
GREECE	SENEGAL
ICELAND	SERBIA
INDIA	SIERRA LEONE
INDONESIA	SINGAPORE
IRAN (ISLAMIC REPUBLIC OF)	SOUTH AFRICA
IRAQ	SPAIN
	SWEDEN

SWITZERLAND	UNITED KINGDOM
SYRIAN ARAB REPUBLIC	UNITED REPUBLIC OF
THAILAND	TANZANIA
TONGA	UNITED STATES
TRINIDAD AND TOBAGO	URUGUAY
TUNISIA	VANUATU
TURKEY	VENEZUELA (BOLIVARIAN
TUVALU	REPUBLIC OF)
UKRAINE	YEMEN
UNITED ARAB EMIRATES	

the following Associate Members of IMO:

HONG KONG, CHINA

FAROE ISLANDS

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

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)
 WORLD METEOROLOGICAL ORGANIZATION (WMO)
 INTERNATIONAL LABOUR ORGANIZATION (ILO)
 FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

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

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
 EUROPEAN COMMISSION (EC)
 MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA (MOWCA)
 LEAGUE OF ARAB STATES
 INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)
 AFRICAN UNION (AU)
 REGIONAL CO-OPERATION AGREEMENT ON COMBATING PIRACY AND
 ARMED ROBBERY AGAINST SHIPS IN ASIA (ReCAAP-ISC)
 MARINE ACCIDENT INVESTIGATORS' INTERNATIONAL FORUM (MAIIF)

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
 INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
 INTERNATIONAL SHIPPING FEDERATION (ISF)
 INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
 INTERNATIONAL CHAMBER OF COMMERCE (ICC)
 INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND
 LIGHTHOUSE AUTHORITIES (IALA)
 COMITÉ INTERNATIONAL RADIO-MARITIME (CIRM)
 INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
 BIMCO
 INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
 ICHCA INTERNATIONAL (ICHCA)
 OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
 INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
 INTERNATIONAL COUNCIL OF MARINE INDUSTRY ASSOCIATIONS (ICOMIA)

INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL LIFESAVING APPLIANCES MANUFACTURERS'
ASSOCIATION (ILAMA)
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
INTERNATIONAL GROUP OF P&I ASSOCIATIONS (P&I CLUBS)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL
OPERATORS LIMITED (SIGTTO)
INTERNATIONAL MARITIME RESCUE FEDERATION (IMRF)
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (InterManager)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
INTERNATIONAL SAILING FEDERATION (ISAF)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERFERRY
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)
INTERNATIONAL ASSOCIATION OF MARITIME UNIVERSITIES (IAMU)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
INTERNATIONAL PAINT AND PRINTING INK COUNCIL (IPPIC)
THE INTERNATIONAL ASSOCIATION OF AIRPORT AND SEAPORT
POLICE (IAASP)
THE NAUTICAL INSTITUTE
WORLD SHIPPING COUNCIL (WSC)

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

Opening address of the Secretary-General

1.6 The Secretary-General welcomed the participants and delivered his opening address, the full text of which is reproduced in document MSC 87/INF.22.

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.

Statements by delegations

1.8 The delegation of the United States referred to the explosion and sinking of the mobile offshore drilling unit **Deepwater Horizon** in the Gulf of Mexico on 20 April 2010 that

has resulted in the tragic loss of the lives of nine crew members and two engineers and a massive oil spill. The delegation expressed its condolences to the families, friends and colleagues of the victims who perished in this tragic casualty, as echoed by the Committee as a whole. The delegation stated that the flow of oil was still continuing although there had been a number of attempts to stop and reduce it and emphasized that the engineers continue to develop innovative options to reduce the rate of oil escaping into the environment, including plans to seal the blown-out well. The delegation informed the Committee that the casualty investigation had started and, once the investigation was completed, a copy would be forwarded to IMO for information and consideration, so that any lessons learned may be used to help improve the international maritime governance and benefit the global maritime community. The delegation finally expressed its concern on the risk of ships transiting the Gulf of Mexico encountering the oil slick and informed the Committee that the United States Coast Guard was continually updating and providing information, including through IMO, to enable ship masters operating in the Gulf of Mexico to better plan their voyages in order to protect their ships from encountering the oil slick and, thus, help prevent the further spread of the oil and damage to the marine environment.

1.9 The delegation of the Marshall Islands expressed, having conveyed appreciation for condolences received, its appreciation to the United States for their consideration and spirit of co-operation in the very serious casualty of **Deepwater Horizon** and affirmed its fulfilment of its obligations under the Casualty Investigation Code and UNCLOS by participating in a co-operative manner in the marine safety investigation being conducted by the United States. The delegation affirmed that both the United States and the Marshall Islands wanted to accomplish a comprehensive and definitive investigation, out of which valuable lessons may be learned and recommendations made to further improve the safety of such offshore operations.

Adoption of the agenda and related matters

1.10 The Committee adopted the agenda (MSC 87/1) and agreed to be guided during the session by the provisional timetable referred to in the annex to document MSC 87/1/2. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 87/INF.23.

1.11 The Committee agreed to the arrangement for the working, drafting and experts groups as proposed by the Secretariat in document MSC 87/1/2 and further reflected under respective sections of this report.

Credentials

1.12 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-NINTH SESSION OF THE TECHNICAL CO-OPERATION COMMITTEE

2.1 The Committee noted (MSC 87/2) the outcome of the fifty-ninth session of the Technical Co-operation Committee. The actions taken by the Committee with respect to the decisions and comments of TC 59 on items related to its work are reported under the relevant agenda items.

OUTCOME OF THE ONE HUNDRED AND SECOND, ONE HUNDRED AND THIRD REGULAR SESSIONS AND TWENTY-FIFTH EXTRAORDINARY SESSION OF THE COUNCIL

2.2 The Committee noted (MSC 87/2/1) the decisions of the one hundred and second, one hundred and third regular sessions and twenty-fifth extraordinary session of the Council. The actions taken by the Committee with respect to the decisions and comments of C 102, C 103 and C/ES.25 on items related to its work are reported under the relevant agenda items.

PROTECTION OF VITAL SHIPPING LANES CO-OPERATIVE MECHANISM FOR THE STRAITS OF MALACCA AND SINGAPORE

2.3 The Committee noted (MSC 87/2/1/Add.1) the information relating to the Protection of vital shipping lanes and the Co-operative Mechanism for the Straits of Malacca and Singapore.

2.4 In this context, the delegation of Indonesia advised the Committee that the thirty-fifth meeting of the Tripartite Technical Experts Group, the third meeting of the Co-operative Forum and the third project coordination meeting were scheduled to be held in Yogyakarta in early October and the invitation letters to user States and other stakeholders would be issued shortly. Furthermore, the delegation of Singapore appreciated the contribution by various countries, the IMO Straits Fund and the Round Table of shipping industry towards the Co-operative Mechanism, including the Aids to Navigation Fund for the establishment, maintenance, repair and replacement of appropriate aids to navigation in the Straits of Malacca and Singapore.

2.5 Referring to the IMO Straits Fund, the delegation of South Africa expressed the view that it should serve as an example for other regions and consideration should be given to expanding the scope of this fund sometime in the future to provide funds to upgrade aids to navigation in other parts of the world.

2.6 The Committee invited the Secretariat to keep it updated on any relevant developments in respect of the projects under the Co-operative Mechanism; and Member States and the industry to continue contributing to the projects under the Co-operative Mechanism, the Aids to Navigation Fund and the IMO Straits Fund.

OUTCOME OF THE FIFTY-NINTH AND SIXTIETH SESSIONS OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE

2.7 The Committee noted (MSC 87/2/2 and Add.1) the outcome of MEPC 59 and MEPC 60. The action taken by the Committee with respect to decisions and comments of MEPC 59 and MEPC 60 on items related to its work are reported under the relevant agenda items.

OUTCOME OF THE NINETY-SIXTH SESSION OF THE LEGAL COMMITTEE

2.8 The Committee noted (MSC 86/2/3) the information of the outcome of the ninety-sixth session of the Legal Committee.

OUTCOME OF THE TWENTY-SIXTH REGULAR SESSION OF THE ASSEMBLY

2.9 The Committee (MSC 87/2/4 and Corr.1) noted the decisions of the twenty-sixth session of the Assembly. The action taken by the Committee with respect to decisions and comments of A 26 on items related to its work are reported the relevant agenda items and, in particular, under agenda item 24 (Work programme).

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 the proposed amendments to:

- .1 chapters II-1, II-2 and III of the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention;
- .2 the International Code for Fire Safety Systems (FSS Code), in accordance with the provisions of article VIII and regulation II-1/3.22 of the 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; and
- .4 the International Maritime Dangerous Goods (IMDG) Code (resolution MSC.122(75)), 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 the 1974 SOLAS Convention and to the codes 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 letters No.2978 of 17 July 2009 and No.2999 of 6 October 2009.

3.4 The Committee was also invited to consider and adopt the proposed International Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers, with a view to making it mandatory under the SOLAS Convention.

3.5 The Committee was further invited to consider and adopt amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)), in conjunction with the adoption of the amendments to the LSA Code.

3.6 The Committee was also invited to consider the draft consequential amendments to the 1988 SOLAS Protocol and the 1974 SOLAS Convention, following the acceptance of the amendments contained in annex 3 to resolution MSC.216(82), relating to alternative design and arrangements, with a view to approval and subsequent adoption.

CONSIDERATION OF AMENDMENTS TO, AND PROPOSED NEW, MANDATORY INSTRUMENTS**PROPOSED GBS-RELATED AMENDMENTS TO THE 1974 SOLAS CONVENTION AND INTERNATIONAL GOAL-BASED SHIP CONSTRUCTION STANDARDS FOR BULK CARRIERS AND OIL TANKERS****GENERAL**

3.7 The Committee recalled that MSC 86 had approved draft amendments to SOLAS chapter II-1 (MSC 87/3, annex 1) and the draft International Goal-Based Ship Construction Standards for Bulk Carriers and Oil Tankers (the Standards) (MSC 87/3/2), which had been developed by the Committee, noting that the Standards would become mandatory upon entry into force of the above SOLAS amendments.

3.8 The Committee agreed that, after consideration of related documents submitted under this agenda item, the GBS Working Group established under agenda item 5 (Goal-based new ship construction standards) be instructed to prepare the final text of the draft amendments to the SOLAS Convention and the Standards, taking into account any relevant comments and decisions made in plenary, for adoption at this session.

AMENDMENTS TO THE 1974 SOLAS CONVENTION**PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1****Regulation II-1/2 – Definitions****Regulation II-1/3-10 – Goal-based ship construction standards for bulk carriers and oil tankers**

3.9 The Committee considered document MSC 87/3/11 (Japan), proposing to harmonize the wording of paragraph 3 of the proposed new regulation II-1/3-10 with the wording of existing regulation II-1/3-1 and, consequently, suggesting that the words "an organization which is recognized by the Administration" be replaced with the words "a classification society which is recognized by the Administration".

3.10 In this connection, the Committee recalled that MSC 83, when considering the report of the GBS Working Group, had noted that the group had agreed that the draft SOLAS amendments should refer to a recognized organization authorized by the Administration instead of a classification society, to maintain consistency with the approach followed in SOLAS. Consequently, from then on, the term "recognized organization" was used in all GBS-related instruments.

3.11 Following discussion of the proposal by Japan, the Committee agreed to retain the term "recognized organization" for the purpose of the proposed amendments. In the course of discussion, several delegations, in expressing sympathy with the Japanese proposal, were of the view that this matter may need to be considered holistically in a wider context at a later point in time.

3.12 In considering document MSC 87/3/5 (CESA), suggesting modifications to paragraph 4 of the proposed new SOLAS regulation II-1/3-10 concerning the storage and update of the Ship Construction File, the Committee agreed to the proposal by CESA.

Draft MSC resolution on adoption of amendments

3.13 The Committee considered the draft MSC resolution contained in annex 1 to document MSC 87/3, in particular the date of entry into force of the amendments and agreed that the amendments to SOLAS chapter II-1 proposed for adoption at the current session should be deemed to have been accepted on 1 July 2011 and should enter into force on 1 January 2012. Consequently, the Committee instructed the GBS Working Group to prepare the final text of the draft MSC resolution, containing, in the annex, the relevant SOLAS amendments, for the Committee's consideration and adoption.

DRAFT INTERNATIONAL GOAL-BASED SHIP CONSTRUCTION STANDARDS FOR BULK CARRIERS AND OIL TANKERS

3.14 The Committee had for its consideration the following documents:

- .1 MSC 87/3/9 (Japan), proposing, consequential to their corresponding proposal regarding new draft SOLAS regulation II-1/3-10 (see paragraphs 3.9 to 3.11), that the words "recognized organization" as they appear in the Standards be replaced with the words "recognized classification society" or "classification society"; that the covering MSC resolution be modified accordingly; that any reference to verification of national ship construction rules of Administration in the Standards be deleted; and that this matter be addressed in the context of the further development of the IMO Member State Audit Scheme (see document MSC 87/3/10);
- .2 MSC 87/3/10 (Japan), proposing to defer the decision on whether national ship construction rules should be subject to verification; to handle the issue in the context of the IMO Member State Audit Scheme; and to amend the Standards and the Guidelines for verification of conformity with goal-based construction standards for bulk carriers and oil tankers (see paragraph 5.3) accordingly; and flagging up potential legal implications of the verification of national rules, in particular whether the Committee should take a decision or make an observation concerning the conformity of rules with the GBS; and
- .3 MSC 87/5/3 (IACS), proposing to delete footnote No.2 to the Preamble of the Standards, which refers to document MSC 78/6/2, since they were of the view that the contents of the document had been overtaken by developments and the reference may, therefore, lead to confusion and anomalies.

3.15 Following consideration of the documents, the Committee, with regard to:

- .1 the proposal to replace the term "recognized organization" with "classification society" (MSC 87/3/9), reiterated its earlier decision (see paragraph 3.11) to retain the term "recognized organization";
- .2 the proposal to delete any reference to verification of national ship construction rules of Administration in the Standards to address this matter in the context of the further development of the IMO Member State Audit Scheme (MSC 87/3/9 and MSC 87/3/10), agreed to retain the relevant provisions on verification of national ship construction rules in the Standards; and

- .3 the issue of "decision" versus "observation", agreed to retain the word "decision" in the proposed Standards.

In taking the decision, the Committee noted the explanation by the Secretariat that any decision of the MSC would be the result of consideration by the Committee, be it as a recommendation, an agreement, an approval or a resolution. Under paragraph 16 of the Verification Guidelines, the Committee is expected to take a decision as to whether the information provided by the submitter demonstrates that the rules conform to the Standards, and, in this context, the MSC must take a decision. The effect of such an action by the Committee was not clearly provided in the word "decision" in relevant paragraphs of the Verification Guidelines, however, paragraph 6.1 of the GBS Standards (MSC 87/3/2) states that "the final decision on verification of conformity shall be taken by the MSC which shall inform all Contracting Governments of the decision". In this respect, as reflected in paragraph 11 of the document MSC 87/3/10, clarification was already provided at MSC 86 that it was generally acknowledged that the final responsibility for ships lies ultimately with the flag State, meaning that the decision of the MSC should not be regarded as pre-empting, or conflicting with, the sovereign rights of the flag State.

3.16 Concerning the deletion of footnote No.2 to the Preamble of the Standards proposed by IACS (MSC 87/5/3), the Committee, following discussion, agreed to the proposal.

Draft MSC resolution on adoption of the Standards

3.17 The Committee considered the draft MSC resolution on adoption of the Standards, contained in the annex to document MSC 87/3/2, noting that the Standards would take effect upon entry into force of the new SOLAS regulation II-1/3-10 considered earlier (see paragraph 3.13).

3.18 In this context, the Committee recalled the proposal by Japan to modify the draft resolution to accommodate a possible self-assessment of national ship construction rules by Administrations (MSC 87/3/9, annex 2) and the earlier decision of the Committee regarding the inclusion of references to national rules in the Standards (see paragraph 3.15.2).

3.19 Consequently, the Committee instructed the GBS Working Group to prepare the final text of the draft MSC resolution containing, in the annex, the Standards for the Committee's consideration and adoption.

PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION OTHER THAN THE GBS-RELATED AMENDMENTS

3.20 The Committee recalled that the proposed amendments to SOLAS Convention (annex 2 to document MSC 87/3) had been developed by DE 52 and FP 53, and approved by MSC 86.

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1

Regulation 3-11 – Corrosion protection of cargo oil tanks of crude oil tankers

3.21 In considering document MSC 87/3/7 (IACS), proposing revisions to draft new SOLAS regulation II-1/3-11, i.e. the addition of a definition of crude oil tanker and the modification of paragraph 3 of the proposed regulation in relation to the exemption of

combination carriers from the regulation, the Committee noted the views of the delegation of the Russian Federation, supported by some delegations, that crude oil tanker was already defined in Annex I to MARPOL, and in introducing the definition in SOLAS, it would be necessary to further amend SOLAS for other ship types.

3.22 With regard to the proposal by the delegation of the Russian Federation to modify the title of the regulation to read "Corrosion protection of cargo oil tanks of tankers carrying crude oil", the Committee noted the concerns of some delegations about the proposal, as it would incur detailed consideration of corrosion protection of tankers carrying crude oil, besides the fact that consequential amendments would also be necessary to the Performance standard for protective coatings for cargo oil tanks of crude oil tankers and the Performance standard for alternative means of corrosion protection for cargo oil tanks of crude oil tankers.

3.23 Following the above discussion, while the Committee did not agree to the addition of the definition of crude oil tanker in the 1974 SOLAS Convention, as amended, it generally agreed to the proposal by the Russian delegation, and instructed the drafting group accordingly.

3.24 The Committee, having considered document MSC 87/3/8 (IPPIC), proposing that the application date of the regulation should not be based on the expected date of entry into force of the amendments but be later date for preparation to ensure the appropriate implementation of the new regulation, and following discussion, agreed that the contract date should be 1 January 2013, and the delivery date 1 January 2016, in order to provide sufficient time for the implementation of the regulation, and instructed the drafting group accordingly.

3.25 In the context of the proposed regulation, the Committee noted that the Performance standard for protective coatings for cargo oil tanks of crude oil tankers and the Performance standard for protective coatings for alternative means of corrosion protection for cargo oil tanks of crude oil tankers, with the associated draft MSC resolutions (MSC 87/7/1, paragraphs 2.8 and 2.9), referred to in this regulation, had been considered, in conjunction with relevant submissions, and adopted under agenda item 7 (Ship design and equipment).

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-2

Regulation 4 – Probability of ignition

3.26 The Committee, having noted that there were square brackets around the word "date" in the proposed paragraph 5.7.3.1 of regulation II-2/4, agreed to replace them by the date of entry into force, and instructed the drafting group accordingly.

3.27 In noting that paragraph 5.7.1 had no clear scope of application, the Committee, following discussion, agreed that this paragraph of the regulation should apply to all tankers and instructed the drafting group accordingly.

3.28 The Committee noted that no comments had been submitted on the draft amendments to regulation II-2/4, and confirmed its contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER III**Regulation 1 – Application**

3.29 The Committee, having noted that no comments had been submitted on the draft amendments, agreed to decide on the adoption of the proposed new paragraph 5 of SOLAS regulation III/1 after it has decided on the approval of the draft Guidelines for evaluation and replacement of lifeboat on-load release mechanisms, which is referred to in the aforementioned proposed paragraph 5, under agenda item 7 (Ship design and equipment), bearing in mind that relevant documents on the matter were submitted under item 7 (see paragraph 7.15).

EDITORIAL MATTERS

3.30 Except for the aforementioned regulations, the Committee, noting that no further comments had been submitted on the draft amendments to the SOLAS Convention, confirmed its contents, subject to editorial improvements, if any.

DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

3.31 The Committee agreed that the SOLAS amendments, proposed for adoption at the current session should be deemed to have been accepted on 1 July 2011 and should enter into force on 1 January 2012 and instructed the drafting group to prepare the final text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE MANDATORY CODES***PROPOSED AMENDMENTS TO THE FSS CODE***

3.32 The Committee recalled that the proposed amendments to the FSS Code (MSC 87/3, annex 3) had been developed by FP 53 and approved by MSC 86, and, having noted that no comments had been submitted on the draft amendments to the FSS Code, confirmed its contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.33 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 July 2011 and should enter into force on 1 January 2012, and instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE LSA CODE

3.34 The Committee recalled that the proposed amendments to the LSA Code (MSC 87/3, annex 4) had been developed by DE 52 and approved by MSC 86, and, having noted that no comments had been submitted on the draft amendments to the LSA Code, confirmed its contents, subject to editorial improvements, if any. In this context, the Committee noted the intervention by the observer from ILAMA who, referring to the time required for manufacturers of liferafts to make modifications to, or to redesign their products, and to gain relevant re-approval, proposed that the date of entry into force of the amendments be extended to 1 July 2012.

Date of entry into force of the proposed amendments

3.35 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 July 2011 and should enter into force on 1 January 2012, and instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE IMDG CODE

3.36 The Committee recalled that the proposed amendments to the IMDG Code had been agreed by DSC 14 and circulated in accordance with the amendment procedure for the IMDG Code approved by MSC 75 (MSC 75/24, paragraph 7.36.3), and, having noted that no comments had been submitted on the draft amendments to the IMDG Code, confirmed its contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.37 The Committee agreed that the amendments to the IMDG Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2011 and should enter into force on 1 January 2012, noting that the operative paragraph 4 of the draft resolution also states that Contracting Governments to the SOLAS Convention may apply the amendments in whole or in part on a voluntary basis as from 1 January 2011. Subsequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

3.38 The Committee, noting the intervention by the observer from IAEA to the effect that in paragraph 1.5.1.1 of the annex to document MSC 87/3/1, the reference to "Advisory Material for the IAEA Regulations for the Safe Transport of Radioactive Material" should be amended, according to the updated Edition of the Advisory Material for the IAEA regulations for the Safe Transport of Radioactive Materials, instructed the drafting group accordingly.

3.39 The Committee noted that the delegation of the United Kingdom had withdrawn document MSC 87/3/6 and advised the Committee that the matter raised in the document would be brought to the attention of DSC 15.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE REVISED RECOMMENDATION ON TESTING OF LIFE-SAVING APPLIANCES

3.40 The Committee recalled that the draft amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)) (document MSC 87/3/3) had been prepared by DE 52 and approved, in principle, by MSC 86 for formal adoption at this session, in conjunction with the adoption of the amendments to the LSA Code.

3.41 Having noted that no comments had been submitted on the draft amendments to the Revised recommendation, the Committee confirmed its contents, subject to editorial improvements, if any, and instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption (see also paragraph 3.57).

CONSIDERATION OF CONSEQUENTIAL AMENDMENTS TO THE 1988 SOLAS PROTOCOL AND THE 1974 SOLAS CONVENTION

3.42 The Committee recalled that MSC 83 had requested the Secretariat to prepare, following the acceptance of the amendments contained in annex 3 to resolution MSC.216(82), the necessary consequential amendments to the 1988 SOLAS Protocol, relating to alternative design and arrangements.

3.43 The Committee had for its consideration document MSC 87/3/4 (Secretariat), containing the draft consequential amendments to the 1988 SOLAS Protocol (annex 1) and the draft amendments to the 1974 SOLAS Convention (annex 2), aiming at harmonization of the safety certificates under the 1974 SOLAS Convention and the 1988 SOLAS Protocol, prepared by the Secretariat as requested by the Committee.

3.44 Following discussion, the Committee, having noted that no comments had been submitted on the draft consequential amendments to the 1988 SOLAS Protocol and the 1974 SOLAS Convention, confirmed its contents, subject to editorial improvements, if any, and instructed the drafting group to prepare the text of the draft requisite MSC resolution on adoption of amendments, containing annex 1 with amendments to the 1974 SOLAS Convention and annex 2 with amendments to the 1988 SOLAS Protocol, for consideration by the Committee, with a view to approval at this session and subsequent adoption at MSC 88.

ESTABLISHMENT OF A DRAFTING GROUP

3.45 Following discussion, the Committee established an *ad hoc* drafting group under the chairmanship of Mr. J. Cubisino (Argentina) and instructed it to prepare:

- .1 the final text of the draft amendments to the 1974 SOLAS Convention other than the GBS-related amendments and the associated draft MSC resolution;
- .2 the final text of the draft amendments to the FSS Code, the LSA Code and the IMDG Code and the associated draft MSC resolutions;
- .3 the final text of the draft amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)) and the associated draft MSC resolution; and
- .4 the draft amendments to the 1988 SOLAS Protocol and 1974 SOLAS Convention and the associated draft MSC resolutions,

for consideration by the Committee with a view to adoption and approval, as appropriate.

ADOPTION OF A NEW MANDATORY INSTRUMENT AND PROPOSED AMENDMENTS TO MANDATORY INSTRUMENTS**REPORT OF THE WORKING AND DRAFTING GROUPS**

3.46 Having considered the report of the GBS Working Group (MSC 87/WP.4) dealing with the agenda item and the report of the drafting group (MSC 87/WP.3), the Committee took action as indicated hereunder.

ADOPTION OF A NEW MANDATORY INSTRUMENT***ADOPTION OF THE INTERNATIONAL GOAL-BASED SHIP CONSTRUCTION STANDARDS FOR BULK CARRIERS AND OIL TANKERS***

3.47 The Committee considered the final text prepared by the GBS Working Group (MSC 87/WP.4, annex 2) and adopted the International Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers, by resolution MSC.287(87), set out in annex 1.

ADOPTION OF AMENDMENTS TO THE 1974 SOLAS CONVENTION

3.48 The expanded Committee, including the delegations of 106 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 1974 SOLAS Convention, prepared by the GBS Working Group (MSC 87/WP.4, annex 1) and the drafting group (MSC 87/WP.3, annex 1), and, having agreed to delete square brackets around the date 1 July 2013 in paragraph 1.2 of SOLAS regulation II-1/3-11 in annex 1 to document MSC 87/WP.3, adopted the amendments unanimously by resolutions MSC.290(87) and MSC.291(87), set out in annexes 4 and 5, respectively.

3.49 In adopting resolution MSC.290(87) and MSC.291(87), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to chapters II-1 and II-2 of the SOLAS Convention should be deemed to have been accepted on 1 July 2011 (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 2012, in accordance with the provisions of article VIII thereof.

ADOPTION OF AMENDMENTS TO THE MANDATORY CODES***ADOPTION OF AMENDMENTS TO THE FSS CODE***

3.50 The expanded Committee, including delegations of 106 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the International Code for Fire Safety Systems, prepared by the drafting group (MSC 87/WP.3, annex 2), and adopted the amendments unanimously by resolution MSC.292(87), set out in annex 6.

3.51 In adopting resolution MSC.292(87), 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 July 2011 (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 2012, in accordance with the provisions of article VIII thereof.

ADOPTION OF AMENDMENTS TO THE LSA CODE

3.52 The expanded Committee, including delegations of 106 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the International Life-Saving Appliance (LSA) Code, prepared by the drafting group (MSC 87/WP.3, annex 3), and, having recalled that it had agreed to hold an intersessional meeting of the working group on Lifeboat Release Hooks and having recognized that the outcome of the group might require a modification to the draft amendments relating to hook release mechanism, decided to postpone the adoption of the amendment to MSC 88, and

adopted only the amendments referred to in paragraph 1 of the aforementioned proposed amendments, unanimously by resolution MSC.293(87), set out in annex 7.

3.53 In adopting resolution MSC.293(87), 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 July 2011 (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 2012, in accordance with the provisions of article VIII thereof.

ADOPTION OF AMENDMENTS TO THE IMDG CODE

3.54 The expanded Committee, including 106 delegations of Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the International Maritime Dangerous Goods (IMDG) Code, prepared by the drafting group (MSC 87/WP.3, annex 4), and adopted the amendments unanimously by resolution MSC.294(87), set out in annex 8.

3.55 In adopting resolution MSC.294(87), 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 2011 (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 2012, in accordance with the provisions of article VIII thereof.

3.56 The Committee noted that, in accordance with the procedure adopted by MSC 75 for the adoption of amendments to the IMDG Code with regard, *inter alia*, to voluntary application of new amendments one year prior to their date of entry into force, it agreed, as stated in the operative paragraph 4 of the resolution, that Contracting Governments may apply the aforementioned amendments in whole or in part on a voluntary basis from 1 January 2011, pending their entry into force on 1 January 2012.

ADOPTION OF AMENDMENTS TO THE AMENDMENT-RELATED NON-MANDATORY RECOMMENDATION

ADOPTION OF AMENDMENTS TO THE REVISED RECOMMENDATION ON TESTING OF LIFE-SAVING APPLIANCES (RESOLUTION MSC.81(70))

3.57 The Committee considered the final text of the proposed amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)), prepared by the drafting group (MSC 87/WP.3, annex 5), and adopted the amendments by resolution MSC.295(87), set out in annex 9.

APPROVAL OF AMENDMENTS TO THE 1988 SOLAS PROTOCOL AND THE 1974 SOLAS CONVENTION

3.58 The Committee considered the text of the proposed amendments to the 1988 SOLAS Protocol and 1974 SOLAS Convention, prepared by the drafting group (MSC 87/WP.3, annexes 6 and 7) and approved the draft amendments and the associated draft MSC resolution, set out in annexes 10 and 11, respectively, for subsequent adoption at MSC 88.

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.

4 MEASURES TO ENHANCE MARITIME SECURITY

Outcome of FSI 17

4.1 In considering the maritime security-related outcomes of FSI 17, the Committee agreed that it would be appropriate to include a reference to the need for FPSOs/FSUs to comply with SOLAS chapter XI-2 and the ISPS Code, as applicable (with a footnote referencing MSC/Circ.1111), in the proposed draft MSC-MEPC.2 circular on Guidance for the application of safety, security and environmental protection provisions to FPSOs and FSUs.

Communication of information to the Organization

4.2 The Committee recalled that MSC 86 (document MSC 86/26, paragraphs 4.31 to 4.36) had urged SOLAS Contracting Governments to meet their obligations under the provisions of SOLAS regulation XI-2/13 and to communicate the relevant information to the Organization and to update these as and when changes occur.

4.3 The Committee also recalled that SOLAS regulation XI-2/13.4 requires that Contracting Governments shall, at five-year intervals after 1 July 2004, communicate to the Organization a revised and updated list of all approved port facility security plans for the port facilities located in their territory together with the location or locations covered by each approved port facility security plan and the corresponding date of approval (and the date of approval of any amendments thereto) which will supersede and replace all information communicated to the Organization, pursuant to SOLAS regulation XI-2/13.3, during the preceding five years.

4.4 The Committee recalled further that MSC 86 had requested the Secretariat to prepare, for consideration at this session, a list showing which SOLAS Contracting Governments had met their obligations under the provisions of SOLAS regulation XI-2/13, in general and SOLAS regulation XI-2/13.4, in particular.

4.5 The Secretariat informed the Committee that an assessment of the information in the Maritime Security Module of GISIS had revealed that a significant proportion of the port facilities and locations, declared as being covered by port facility security plans, referred to plans which had been approved by the SOLAS Contracting Government concerned prior to 1 April 2009, and many of those approvals were given prior to 1 July 2004. The assessment found that less than 50 out of the 159 Contracting Governments to SOLAS had provided information updating their port facility security plans since 1 April 2009. The Committee also noted that a significant number of SOLAS Contracting Governments had not updated other information required by SOLAS regulation XI-2/13, for example contact details for national authorities responsible for ship and port facility security where, in many cases, the incumbents had moved on.

4.6 The Committee noted that the list of "partially compliant" Contracting Governments given in document MSC 87/4/Add.1 was offered with the strong caveat that plans which had

been approved prior to 1 April 2009 were not listed, even though these might have been still valid; and also that a State which had decertified port facilities but had not deleted them from the database might have been logged as not having a valid security plan. The information provided made no presumption on the work done by Contracting Governments to update port facility security plans *per se*, merely on whether the information relating to that work had been entered into the GISIS maritime security module correctly. The Committee noted the interventions of the delegations of Australia and the United Kingdom advising that they had commenced the recertification of port facility security plans prior to April 2009, and that they were fully compliant. The Committee further noted that regrettably Brazil had been omitted erroneously from the list of partially compliant Contracting Governments.

4.7 The Committee recalled that, in 2004, Circular letter Nos. 2514 dated 8 December 2003 and 2529 dated 12 February 2004 had invited all Contracting Governments to nominate a single national point of contact for security-related communication with the Organization. In this regard, the Committee noted the request by the Secretariat for Contracting Governments to verify the details of their single national point of contact. If the details of the designated single national point of contact were unknown or no longer valid, delegations were invited to advise the Secretariat, by e-mail to marsec@imo.org, so that this information could be updated and, if necessary, a new passcode could be issued to enable the information required to be entered into GISIS.

4.8 The Committee also noted the offer by the Secretariat to assist any SOLAS Contracting Governments experiencing difficulties in inputting information pursuant to SOLAS regulation XI-2/13 or having any other technical difficulties with the GISIS maritime security module.

4.9 The Committee urged SOLAS Contracting Governments to meet their obligations under the provisions of SOLAS regulation XI-2/13 and to communicate the relevant information to the Organization and to update these as and when changes occur.

4.10 The Committee also urged SOLAS Contracting Governments to confirm that their nomination for single national point of contact remained valid and, if necessary, to submit new details to the Secretariat. Furthermore, the Committee urged SOLAS Contracting Governments to review, as soon as possible, the information which they had provided to the maritime security module of GISIS to ensure that it was complete and accurate and to ensure that the information was updated as and when changes occurred.

Implementation of SOLAS chapter XI-2 and the ISPS Code

Report of the Third Latin American Forum on Maritime and Port Security

4.11 The Committee noted that Colombia (MSC 87/4/1) had provided information on the main conclusions and certain organizational aspects of the Third Latin American Forum on Maritime and Port Security, held in Cartagena de Indias, Colombia, from 28 to 30 September 2009. The Forum had focused on issues that had arisen in the region after five years' implementation of maritime security measures under the ISPS Code. Particular focus was placed on considering the necessity of establishing new regulations or amending the existing ones. The basic conclusion of the Forum was that, as these measures are still going through the implementation stage, it would be premature to draft new regulations, but that it was important to continue to review the ways in which the Code was being implemented.

4.12 The delegation of Spain, while supporting in general the conclusions of the Forum, emphasized the need expressed in the document for port facility personnel to be adequately trained by the PFSO. The Committee referred document MSC 87/4/1 to the Working Group on Maritime security including piracy and armed robbery against ships (MSPWG) for its further consideration in the context of seeking ways to improve the implementation of SOLAS chapter XI-2 and the ISPS Code.

4.13 The Committee noted the report by the observer from the African Union (AU) on the efforts of African States to implement IMO instruments and, in particular, those pertaining to maritime security. In this respect, the AU informed the Committee that maritime security issues had been addressed at the last meeting of the AU held in Durban in April 2010, which had adopted an updated African Charter on Maritime Transport, details of which can be found on the AU's website. The observer from the AU assured the Committee that the AU would continue to increase its efforts to ensure maritime safety and security in waters off the coast of Africa.

Guidelines on security-related training and familiarization for shore-based personnel

4.14 In considering the proposals of Austria *et al* (MSC 87/4/2) which proposed the adoption of guidelines on security-related training and familiarization training for both shore-based company personnel as defined in SOLAS regulations IX/1 and XI-2/1, and port facility personnel, and, in particular, a draft MSC circular on Guidelines on security-related training and familiarization for shore-based company and port facility personnel, the Committee considered whether the proposed training and knowledge requirements outlined in the proposed draft MSC circular were already sufficiently covered in the existing IMO regulations, and in particular in section A/18.1 and paragraphs B/18.1 to B/18.3 of the ISPS Code.

4.15 The Committee recalled that the IMDG Code amendments had already been aligned with the provisions of the ISPS Code. The Committee also noted the view of the observer from ICS, supported by Panama, that although it remained unclear which shore personnel needed to be trained, especially company personnel, it was not felt that a case was made to warrant the development of further security guidelines as the guidance for training of company security officers was more than sufficient to cover the alleged discrepancy. The Committee referred the issue to the MSPWG for more detailed consideration.

Role of the human element

4.16 In considering the proposals of INTERTANKO and ITF (MSC 87/17/2) on the human element in respect to maritime security-related issues which had been submitted under agenda item 17 (Role of the Human Element), and, in particular the issue of shore leave for seafarers which in the past had been addressed by the Committee as a maritime security issue, the Committee recalled the interventions made by some NGOs at previous sessions of the Committee where it had been claimed that seafarers continued to face serious difficulties in relation to shore leave and access to ships.

4.17 The Committee noted the concerns from INTERTANKO and ITF and considered revising MSC/Circ.1112 and MSC.1/Circ.1194 in order to develop a single circular. In addition, the Committee gave consideration to strengthening the ISPS Code by requiring Contracting Governments, Designated Authorities and Companies, when developing ship or port security plans, to pay due cognizance to the fact that ships' crew members lived and worked on the vessel and are entitled to and needed shore leave and access to shore-based seafarers' welfare facilities. The Committee decided to refer the issue of the potential amendment of the ISPS Code to the joint MSC/MEPC Working Group on Human Element.

4.18 The Committee also noted the concerns of other observers seafarers' welfare organizations and the shipping industry in that seafarers and seafarers' welfare and labour organizations continued to face difficulties in connection with shore leave and gaining access to ships due to the manner in which the provisions of SOLAS chapter XI-2 and the ISPS Code were being interpreted and implemented in some States. In addition, they advised that their research had shown that the increasing regulatory requirements; the emerging criminalization of seafarers; the security measures which were being implemented in order to meet the requirements of SOLAS chapter XI-2 and of the ISPS Code; and acts, and attempted acts, of piracy and armed robbery against ships, were increasingly becoming impediments in attracting new and young entrants in the seafaring profession and have led seafarers to seek employment in other professions.

4.19 A number of delegations also highlighted the difficulties encountered by seafarers who had been refused shore leave and, bearing in mind IMO's decision to declare 2010 as the Year of the Seafarer, stated that seafarers should be granted shore leave regardless of their nationality and that being denied shore leave was demoralizing to seafarers and put the safety of ships and their crews at risk.

4.20 The observer from ILO referred the Committee to existing international conventions and codes addressing the issues, and, in particular, the Maritime Labour Convention 2006 and ILO Convention 185 on Seafarers' identity documents.

4.21 The delegation of Cyprus stated that, as in the past, it continued to support the resolution of issues relating to shore leave and access to ships. However, the manner in which the submission was written appeared to imply that all SOLAS Contracting Governments were failing to put adequate arrangements in place to facilitate these. The delegation pointed out that the guidance provided in MSC/Circ.1112 invited Contracting Governments, Member States of the Organization, and non-governmental organizations in consultative status with the Organization to report to the Organization any instances where the human element had been adversely impacted by the implementation of the provisions of SOLAS chapter XI-2 and the ISPS Code and had requested that such instances should be brought to the attention of the Committee and the Facilitation Committee. In this respect, the delegation pointed out that, so far, no such reports had been received. Continuing to make general allegations was not helpful in resolving the problems.

4.22 The delegation of Cyprus advised that merging MSC/Circ.1112 with MSC/Circ.1194 would not be an appropriate approach. MSC/Circ.1194 formed, together with MSC/Circ.1192 and 1193, a structure of documents relating to the effective implementation and the verification of the implementation of the provisions of SOLAS chapter XI-2 and of the ISPS Code. Merging MSC/Circ.1194 with MSC/Circ.1112 without updating MSC/Circ.1194 to reflect the developments since it had been approved would send the wrong signal. In addition, such a merging exercise would not be easy. During a subsequent intervention, the delegation of Cyprus suggested that a better course of action would be to revise and update MSC/Circ.1112.

4.23 In connection with the suggestion that the related provisions of the ISPS Code should be strengthened, the delegation of Cyprus stated that this should not be done without making justified cases in this respect and thus far there was no evidence that the related provisions were inadequate. The delegation suggested that the matter should be referred to the FAL Committee for consideration in view of the comprehensive revision of the FAL Convention which was about to commence.

4.24 The Committee agreed to develop a new mechanism to address the problems related to denial of shore leave to seafarers in port and instructed the MSPWG to develop a new MSC circular based upon MSC/Circ.1112 and MSC.1/Circ.1194.

Issues relating to the Continuous Synopsis Record

4.25 In considering the proposals of Belgium *et al* (MSC 87/4/3), the Committee recalled that at MSC 86, Belgium *et al* (MSC 86/26, paragraphs 4.25 to 4.30) had identified a number of problems and difficulties encountered with the issue of Continuous Synopsis Records (CSR) and proposed development of an MSC circular stressing the need to observe the related provisions of resolution A.959(23), as amended by resolution MSC.198(80). However, taking into account the working arrangements for MSC 86, the Committee had agreed that it was not practically possible to develop such a circular during that session.

4.26 The Committee recalled further that MSC 86 had invited SOLAS Contracting Governments to bring for consideration at this session all cases where they considered that the provisions of SOLAS regulation XI-1/5 and resolutions A.959(23) and MSC.198(80) had not been observed with a view to deciding what actions needed to be taken.

4.27 The Committee recalled also that MSC 86 had also agreed to consider, at this session, the consolidation of the Guidelines for the maintenance of the Continuous Synopsis Record in a single MSC resolution and the incorporation therein of any additional guidance to address the difficulties which SOLAS Contracting Governments might continue to encounter.

4.28 The delegation of Cyprus advised that, although they were agreeing with a considerable number of the suggestions put forward in paragraph 4 of document MSC 87/4/3 (Belgium *et al*), they had serious reservations as to the soundness and/or practicality of some of these suggestions, for example the proposal that all the previous CSRs should be reissued. The delegation advised that it was obvious from the submission that the underlying issue was the lack of understanding and the incorrect implementation of the provisions of SOLAS regulation XI-1/5 and of the related guidance adopted by A 23 and MSC 80. Thus adopting guidance detailing the correct implementation without addressing the root causes would not achieve the envisaged results. In addition, the delegation questioned the suggestion that the Organization might issue a list of national requirements concerning bareboat charter registration especially in view of the fact that the Organization was not even compiling national requirements or practices in connection with the registration of ships. In this respect, it pointed out that a considerable number of the Member States had lodged reservations since the 1950s in connection with certain provisions of Article 1 of the IMO Convention and stated that they were accepting the IMO Convention as long as the activities of the Organization were limited to matters of a technical and nautical nature. In addition, they had stated their intention to withdraw from the Organization if it was to address issues of commercial or economic nature. In addition, the delegation of Cyprus pointed out that the issue of bareboat charter registration had been discussed on a number of occasions by the Legal Committee and the Council and any discussions within the FSI Sub-Committee should take into account the related discussions and decisions of the Legal Committee and the Council.

4.29 Pending further consideration of the issue by the FSI Sub-Committee, the Committee agreed that all SOLAS Contracting Governments should correctly implement the provisions of SOLAS regulation XI-1/5 and of the related guidance set out in resolution A.959(23), as amended by resolution MSC.198(80). In addition, the Committee agreed that in case the SOLAS Contracting Governments were to voluntarily communicate to the Organization the contact details of those in charge of the issue of CSRs and

amendments thereto enabling such information to be circulated by the Secretariat, this could alleviate some of the problems encountered thus far.

Establishment of the Working Group on maritime security including piracy and armed robbery against ships (MSPWG)

4.30 Following consideration of agenda items 4 and 19, the Committee established the MSPWG and, with respect to maritime security, instructed the Group, taking into account the relevant decisions taken and comments made in plenary, to:

- .1 taking into account the conclusions of Colombia (MSC 87/4/1), to consider ways to improve the implementation of SOLAS chapter XI-2 and the ISPS Code, and advise the Committee accordingly with a view to generating detailed proposals to subsequent sessions of the Committee for consideration;
- .2 taking into account the proposals of Austria *et al* (MSC 87/4/2) and the draft MSC circular therein, to consider and advise the Committee whether the development and adoption of guidelines on security-related training and familiarization training for both shore-based company personnel, as defined in SOLAS regulations IX/1 and XI-2/1, and port facility personnel, is warranted and, if so, suggest how the matter should be progressed; and
- .3 using MSC/Circ.1112 as a basis, to develop a new MSC circular to provide guidance on addressing the issue of the denial of shore leave for seafarers.

REPORT OF THE MSPWG

4.31 Having received and approved, in general, the report of the MSPWG (MSC 87/WP.6), the Committee took action as indicated in the ensuing paragraphs.

4.32 The delegation of Bahamas expressed concern that the report contained a number of references to Member Governments and observers and in other places to SOLAS Contracting Governments, stating that such separation was rare and normally only occurred when there was a specific difference. It was explained by the chairman of the Working Group that some Government delegates had objected to any observer views being included in the report unless those views were supported by a Member Government. The delegation expressed concern with this way of working, stating that it did not give the Committee a full picture of discussions in the Group. Generally, all views should be reflected and this separation set a precedent which should not be repeated. This view was supported by a number of delegations.

4.33 The observer from ITF stated that whereas plenary had strongly supported the development of guidance on shore leave and access to ships, the proposal to include provisions in the annex to the draft MSC circular on Guidelines on security-related training and familiarization for port facility personnel in relation to seafarer had been rejected by the group.

4.34 The Committee noted that the delegation of the Bahamas had not raised this issue during the consideration of the report of the MSPWG, which had been agreed by the group. The Committee further noted that the proposals by ITF had been considered but had not received support from Member States.

4.35 The delegation of Cyprus stated that apparently their comments in paragraph 4 of MSC 87/WP.6 in the French and Spanish-language versions might be misunderstood and, as it was not possible to amend the report of the MSPWG, it wished to clarify that the reference to "veracity" did not refer to either the submission of Colombia (MSC 87/4/1) on the Third Latin American Forum on Maritime and Port Security or to that Forum.

Improving the implementation of SOLAS chapter XI-2 and the ISPS Code

4.36 The Committee, having noted the decision of the group that it would not be appropriate to identify or make recommendations on specific issues which may warrant further development of guidance, agreed to invite proposals on how to enhance maritime security for future consideration by the Committee. In this regard, the Committee agreed that such proposals should be submitted in accordance with the Guidelines on the organization and method of work and, in particular, the guidance on the submission of new work programme items.

Guidelines on security-related training and familiarization for shore-based company and port facility personnel

4.37 The Committee approved MSC.1/Circ.1341 on Guidelines for security-related training and familiarization for port facility personnel.

Shore leave for seafarers

4.38 The Committee approved MSC.1/Circ.1342 on Reminder in connection with shore leave and access to ships, and requested the Secretariat to bring the issue to the attention of the Facilitation Committee for consideration at its next session.

5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

General

5.1 The Committee recalled that MSC 86 had:

- .1 approved draft amendments to SOLAS chapter II-1, which will make the GBS for bulk carriers and oil tankers mandatory (MSC 87/3, annex 1), and also the associated draft International Goal-Based Ship Construction Standards for Bulk Carriers and Oil Tankers (the Standards) (MSC 87/3/2), noting that the Standards would become mandatory upon entry into force of the above SOLAS amendments. In this connection, the Committee recalled that the draft amendments and the draft Standards, as well as document MSC 87/5/3, had been dealt with under agenda item 3 (see paragraphs 3.7 to 3.19, 3.47 and 3.48);
- .2 approved, in principle, draft Guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers (MSC 87/5/1), for consideration at this session with a view to adoption, in conjunction with the adoption of the aforementioned SOLAS amendments and Standards, following consideration of further improvements to the verification process at this session; and

- .3 agreed that the draft MSC circular on Guidelines for the information to be included in a Ship Construction File (SCF) (MSC 86/5, annex 4), referred to in the aforementioned proposed SOLAS amendments, should also be finalized at this session.

5.2 The Committee further recalled that MSC 86 had agreed to re-establish the GBS Working Group at this session to finalize the draft MSC circular on Guidelines for the information to be included in a Ship Construction File and to prepare consequential changes to the Verification Guidelines, as appropriate, and any further amendments, as necessary.

Guidelines for verification of conformity with goal-based construction standards for bulk carriers and oil tankers (Verification Guidelines)

5.3 The Committee considered document MSC 87/5/7 (Japan), containing proposals for consequential amendments to the Verification Guidelines, following their proposals in document MSC 87/3/11, to replace the words "recognized organization" with the words "classification society"; to remove references to national ship construction rules; and to change the approval action of the MSC, in paragraph 14 of the Guidelines, from "final decision" to "final observation".

5.4 In this connection, the Committee recalled its earlier discussions under agenda item 3 on the matter (see paragraphs 3.11 and 3.15), in particular that it had agreed to retain the words "recognized organization" and "final decision" and also the references to national ship construction standards of an Administration in the text of the Standards.

5.5 Following discussion, the Committee instructed the GBS Working Group to prepare the final text of the draft MSC resolution containing, in the annex, the Guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers for the Committee's consideration and adoption.

Guidelines for the information to be included in a Ship Construction File (SCF)

5.6 The Committee had for its consideration two documents submitted jointly by CESA, ICS, INTERCARGO, INTERTANKO, BIMCO, OCIMF and IACS, as follows:

- .1 MSC 87/5/4, describing a cross industry model in relation to the implementation of the SCF with the purpose of balancing the legitimate goals of improving design transparency and safeguard intellectual property protection; and
- .2 MSC 87/5/5 and Corr.1, containing detailed proposals for amendments to the draft Guidelines for the information to be included in a Ship Construction File and consequential amendments to the Verification Guidelines, with a view to providing both design transparency and intellectual property protection precautions.

5.7 In considering the proposals, the Committee stressed the importance of balancing the need for design transparency with intellectual property rights, supported the cross-industry model presented in the aforementioned document submissions and, noting the general support for the proposed amendments to the draft Guidelines regarding the information to be included in a Ship Construction File and the consequential amendments to the Verification Guidelines, endorsed these proposals.

5.8 In this connection, the Committee noted the view of the delegation of the Cook Islands, inviting it to recognize the important role played by non-governmental industry organizations as a technical resource to the Organization, which gave their time and expertise freely for the benefit of all Member States and the international maritime community at large.

5.9 Following discussion, the Committee instructed the GBS Working Group to prepare the final text of the draft MSC circular on Guidelines for the information to be included in a Ship Construction File, for the Committee's consideration and approval, and any consequential amendments to the aforementioned Verification Guidelines, as appropriate.

Resource requirements and timing of GBS verification audits

5.10 The Committee had for its consideration the following documents:

- .1 MSC 87/5/2 (Secretariat), prepared in order to facilitate the Committee's discussions and final decisions with regard to funding, timing and other organizational matters relating to the conduct of GBS verification audits, in conjunction with the adoption of the respective SOLAS amendments and the Standards, and discussing, in particular, the staff resources needed in the Secretariat to implement the scheme, presenting funding options for its financing and detailing issues related to the timing of verification audits, attaching a proposed timetable and schedule of activities in annex 3 for the consideration of the Committee;
- .2 MSC 87/5/6 (IACS), informing the Committee of the ongoing IACS project to develop Harmonized Common Structural Rules (HSR) for oil tankers and bulk carriers, which are based on the current two separate sets of IACS Common Structural Rules (CSR) for oil tankers and bulk carriers. The project is expected to be completed in 2013 which means that IACS societies would not be able to submit the HSR for verification by the date envisaged in the proposed timetable for the implementation of the GBS verification scheme (MSC 87/5/2, annex 3), i.e. 31 December 2012. IACS is, therefore, proposing that submission of the rules for verification by the end of 2013 would be realistic; and
- .3 MSC 87/5/8 (IACS), commenting on aspects of timing and resource requirements for the verification scheme, including verification fees, staff resources of the IMO Secretariat, securing of a sufficient number of suitably qualified auditors, and costs for "combined" audits involving verification of rules of groups of individual ROs.

Resources necessary in the IMO Secretariat to manage the GBS verification scheme

5.11 The Committee considered the resources necessary in the IMO Secretariat to manage the GBS verification scheme (MSC 87/5/2, paragraph 10), with the proviso that this will be reconsidered when the initial verification process has been completed (MSC 87/5/2, paragraph 19) and agreed with the assessment of the Secretariat that a P.4 professional officer and a G.7 administrative assistant would be required for the implementation of the verification scheme.

Funding mechanism for the GBS verification

5.12 The Committee considered the two funding options for the GBS verification as presented in document MSC 87/5/2, paragraphs 17 and 18, taking into account the comments and proposals made by IACS (MSC 87/5/8).

5.13 In this connection, the Committee noted comments by the IMO's Legal Affairs and External Relations Division, in response to the request in paragraph 8 of document MSC 87/5/8, informing the Committee that the Legal Office had examined the funding mechanism proposed in option 2 in the context of Article 55(b) (now Article 60(b)) of the amended IMO Convention and had concluded that there was no legal conflict or impediment arising from that article. They also stated that, in reaching this conclusion, they had taken note of the variety of funding mechanisms outside of the regular budget which were already in use to support the Organization's functions and the fact that the proposed funding arrangement would be agreed by the Contracting Governments to SOLAS in the framework of the amendments to that Convention.

5.14 The Committee further noted the view of the Secretariat that appropriate funding for the verification process was absolutely essential for the successful establishment and conduct of the verification scheme envisaged under the GBS package to be adopted at this session, which required the IMO Secretariat to shoulder major responsibilities for the proper implementation of the relevant SOLAS amendments; that, in this context, option 1 was the most straightforward and preferred option, which would not entail any complicated charging mechanisms; and that the necessary resources for the fulfilment of the functions given to the Secretariat could be allocated in the regular budget of the Organization, whereby the Council could be invited to take the necessary action in this regard.

5.15 The ensuing discussion showed that views were divided in the Committee with a slight majority in favour of option 2 of the two options presented, i.e. option 1 where the two posts referred to in paragraph 5.11 would be established under the regular budget and option 2 where the cost for the two posts to carry out administrative work would be covered by an additional contribution of US\$30,000 from the submitters of verification requests, on top of the US\$50,000 audit fee per request already agreed by the Committee.

5.16 The delegations supporting option 1 stressed that this was the clearer and simpler option which would not cause any problems in the future and would not set an undesired precedent with regard to the funding of functions of the Secretariat required under mandatory instruments. Furthermore, the ethical dimension of this decision would not be compromised, as it was stressed that the Organization was obliged to bear the cost of its staff and should not rely on outside sources of financing.

5.17 The delegations supporting option 2 stressed that this practice was acceptable and already employed in other existing similar arrangements, for example the GESAMP-Ballast Water Working Group; and that the recovery of the cost of the staff could be included in the fee and the discussion would have been unnecessary. It was further stressed that, in their opinion, there was no ethical issues involved and could not share the views of those who raised them.

5.18 In the light of the foregoing discussions, the Committee agreed to refer the matter for further consideration to the GBS Working Group, instructing the group to make appropriate recommendations, taking into account the outcome of the plenary discussions and documents MSC 87/5/2 and MSC 87/5/8.

Time frame and schedule of activities for the implementation of the GBS verification scheme

5.19 The Committee considered the proposed time frame and schedule of activities for the implementation of the GBS verification scheme (MSC 87/5/2, paragraph 24 and annex 3), taking into account the comments and proposals made by IACS (MSC 87/5/6) in connection with the ongoing work on the Harmonized Common Structural Rules (HSR) for oil tankers and bulk carriers (see paragraph 5.10.2).

5.20 During the discussion, the majority of delegations supported the IACS proposal to set the deadline for submission of verification requests to the end of 2013, taking into account that the introduction of the HSR would reduce the volume of work involved in the conduct of the verification and the resources required, and that such action would not affect the contemplated application date.

5.21 Following discussion, the Committee instructed the GBS Working Group to finalize the time frame and schedule of activities, on the basis of document MSC 87/5/2, annex 3, and taking into account document MSC 87/5/6 and comments made and decisions taken in plenary.

Combination of rule reviews

5.22 The Committee briefly considered the issue of providing the Secretariat with the flexibility to combine rule reviews in an efficient manner, as and when appropriate (MSC 87/5/2, paragraph 25), taking into account the relevant comments made by IACS in document MSC 87/5/8 and instructed the GBS Working Group to discuss this matter further and advise the Committee accordingly.

Generic guidelines for developing goal-based standards

5.23 The Committee recalled that MSC 86 had agreed to have a principal debate at this session on how to proceed with the work on the item and invited Member Governments and international organizations to submit relevant proposals and also had, in order to facilitate the submission of such proposals, requested the Secretariat to prepare a document containing a consolidated version of the Generic Guidelines for developing [IMO] goal-based standards for this session.

5.24 The Committee noted that the Secretariat had, in pursuance of the Committee's request, prepared the document (MSC 87/5), based on the report of the GBS Working Group at MSC 84 (MSC 84/WP.4) and taking into account amendments to the Guidelines proposed by the GBS Correspondence Group established at MSC 84 (MSC 86/5/2).

5.25 In this connection, the Committee recalled that MSC 84 had agreed to a prioritized work plan to finalize the Generic Guidelines, addressing verification of compliance, monitoring the effectiveness of GBS, refinement of the generic framework, development of definitions and terminology, and incorporation of lessons learned from the development of the GBS for bulk carriers and oil tankers (MSC 84/24, paragraph 5.18).

5.26 The Committee agreed that the Generic Guidelines need further intensive work and invited Member Governments and international organizations to submit relevant comments and proposals to MSC 88.

Future work on GBS

5.27 The Committee, in considering how to proceed with the work on the agenda item, recalled that MSC 84, when agreeing a work plan for the continued development of GBS (MSC 84/24, paragraph 5.20), had listed the following issues under long-term considerations of the agenda item:

- .1 assessment of the experience gained from the application of GBS and incorporation of lessons learned into the generic guidelines for developing goal-based standards;
- .2 validation of the results of the safety level approach by comparing with the prescriptive approach;
- .3 determination of the current safety level of the rules/regulations;
- .4 application of GBS to other ship types on an incremental basis;
- .5 expansion of GBS to cover every aspect of the design and construction of new ships;
- .6 consideration of whether all new or revised IMO regulations, classification rules and other mandatory standards should be followed by a commentary in an agreed format, explicitly stating which functional requirements are addressed and providing the substantial basis for the regulation; and
- .7 consideration of whether any changes to the IMO process for submitting proposals for new work programme items are needed after approval/adoption of the Guidelines.

5.28 Consequently, the Committee agreed to keep the item on its agenda to:

- .1 monitor the progress made with the implementation of the GBS SOLAS amendments and Standards, and in particular the verification scheme, taking into account the regular progress reports by the Secretariat as stipulated in the timetable and schedule of activities for the implementation of the GBS verification scheme (see paragraph 5.34 and annex 13) and take action as may be necessary;
- .2 further develop/finalize the Generic Guidelines for developing goal-based standards; and
- .3 further consider the issues under long-term considerations agreed at MSC 84 (see paragraph 5.27),

and invited Member Governments and international organizations to submit relevant comments and proposals to MSC 88.

Establishment of the GBS Working Group

5.29 The Committee established the GBS Working Group under the chairmanship of Mr. J. Sirkar (United States) and instructed it, taking into account comments, proposals and decisions made in plenary, to:

- .1 prepare the final text of the draft Guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers and the requisite draft MSC resolution, on the basis of document MSC 87/5/1 and taking into account document MSC 87/5/5, for the Committee's consideration and adoption;
- .2 prepare the final text of the draft MSC circular on Guidelines for the information to be included in a Ship Construction File, for the Committee's consideration and approval, on the basis of document MSC 86/5 (annex 4) and taking into account documents MSC 87/5/4 and MSC 87/5/5 and Corr.1;
- .3 finalize the time frame and schedule of activities for the implementation of the GBS verification scheme, on the basis of document MSC 87/5/2 (annex 3) and taking into account document MSC 87/5/6, for the Committee's consideration and approval;
- .4 consider the matter of providing the Secretariat with the flexibility to combine rule reviews in an efficient manner, as and when appropriate (MSC 87/5/2, paragraphs 25 and 33.4), taking into account document MSC 87/5/8, and advise the Committee accordingly; and
- .5 consider the two options for the funding of the verification process as set out in document MSC 87/5/2, taking into account document MSC 87/5/8, and make appropriate recommendations to the Committee.

Report of the GBS Working Group

5.30 Having received the report of the GBS Working Group (MSC 87/WP.4), the Committee approved it in general and took action as outlined in the following paragraphs.

5.31 The Committee noted that the International Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers and the amendments to the 1974 SOLAS Convention making the Standards mandatory had been adopted under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) by resolutions MSC.287(87) and MSC.290(87) respectively (see paragraphs 3.47 and 3.48).

Guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers

5.32 The Committee adopted, by resolution MSC.296(87), the Guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers, set out in annex 12.

Guidelines for the information to be included in a Ship Construction File

5.33 The Committee approved MSC.1/Circ.1343 on Guidelines for the information to be included in a Ship Construction File.

Timetable and schedule of activities for the implementation of the GBS verification scheme

5.34 The Committee approved the timetable and schedule of activities for the implementation of the GBS verification scheme, set out in annex 13.

5.35 A proposal by the delegation of Greece to set the rule submission deadline six months earlier than December 2013, in order to maintain the original application dates, did not receive sufficient support.

Combination of rule reviews in an efficient manner

5.36 The Committee agreed to grant to the Secretariat flexibility to combine rule reviews in an efficient manner, with a view to improving the efficiency of the verification process, and further agreed that submitters of verification requests should be encouraged to identify sections of their submitted rules that are common with other rule sets, e.g., the IACS structural rules.

Funding of the verification scheme

5.37 The Committee recalled the extensive earlier plenary debate in the matter (see paragraphs 5.11 to 5.18) and recalled its agreement that the submitter of a request for verification should pay an audit fee of US\$50,000 into a GBS Trust Fund to be established at IMO and that a P.4 professional officer and a G.4 administrative assistant should be made available in the Secretariat for the implementation of the verification scheme. It further recalled that views had been divided concerning how the costs for the Secretariat staff should be covered, i.e. by the regular budget (option 1) or by additional payments from submitters (option 2), with a slight majority of delegations favouring option 2.

5.38 In the ensuing discussion, a majority of delegations proposed that the final decision in the matter of funding should be taken by the Council, following a thorough assessment by the Secretary-General of the staffing needs for the implementation of the verification scheme, taking into account that the forthcoming completion of the IACS HSR (see paragraphs 5.19 and 5.20) might reduce the workload involved and that the staffing needs might change in the longer term.

5.39 Some delegations expressed concerns about the ethical aspects of IMO Secretariat staff being paid for by the submitters of verification requests. Some other delegations did not share the view.

5.40 Some delegations questioned the link between the improvement/harmonization of the IACS CSR by means of the HSR and the commencement of GBS verifications and were of the view that verification of whether the currently used Tier IV standards were in line with the GBS could go ahead regardless.

5.41 In his summary, the Chairman acknowledged that during the earlier plenary discussions there had been a slight majority in favour of option 2, however, he also pointed out that neither the plenary nor the GBS Working Group had been able to come to an agreement on the matter. Consequently, the Committee, having agreed on the need for staff resources to respond to the requirements of the scheme, recognized that the decision on how to secure such staff and their finances was the prerogative of the Council, which, at C 104, should be invited to act on the basis of a relevant assessment provided by the Secretary-General.

5.42 In his intervention, the Secretary-General expressed the view that, following adoption of the GBS Standards by the Committee, what the Council should be invited to consider was the issue of funding of the verification scheme, in particular:

- .1 the financing of staff resources needed, including consideration of the possibility of re-deployment of existing Secretariat staff;

- .2 the time when such staff resources would be needed; and
- .3 whether the posts would be of a permanent or temporary nature.

Furthermore, he was of the view that, whatever decision was made would be such as not to compromise the integrity of the staff concerned.

6 LRIT-RELATED MATTERS

REVIEW OF THE PROGRESS IN RELATION TO THE ESTABLISHMENT OF THE LRIT SYSTEM

6.1 The Secretariat (MSC 87/6 and MSC 87/INF.21) reported on the main actions it had taken pursuant to the decisions and instructions of MSC 86 in relation to the establishment of the LRIT system and provided a summary of information communicated to the Organization; information in relation to the establishment of LRIT Data Centres (DCs) and their position with respect to developmental and integration testing or the production environment of the LRIT system; and a list of the authorized testing Application Service Providers (ASP).

6.2 The Committee noted the information provided and:

- .1 urged SOLAS Contracting Governments, in particular those which had not communicated any information to the Organization or had communicated part of the information they were obliged to communicate pursuant to the provisions of SOLAS regulation V/19-1, the Revised performance standards and functional requirements for the long-range identification and tracking of ships (the Revised performance standards), approved by resolution MSC.263(84), or other related decisions of the Committee, to do so and to promptly update these as and when changes occurred;
- .2 urged SOLAS Contracting Governments, which had communicated to the Organization their decision to establish DCs and which were not operating in the production environment of the LRIT system, to use the services of an existing DC, or to take the necessary actions to accelerate the establishment of their DCs and/or the completion of the testing required;
- .3 reminded SOLAS Contracting Governments, in order to prevent malfunctions in the testing and production environments of the LRIT system and before entering the information in the testing and/or production environments of the LRIT Data Distribution Plan (DDP), to ask their DC to ascertain whether the polygons of the geographical areas which would be included by the Contracting Government in the DDP fully complied with the provisions of SOLAS regulation V/19-1; paragraph 11.2.2 of the Revised performance standards; and those set out in the Technical specifications of the LRIT Data Distribution Plan, in particular, the constraints specified in section 5 thereto;
- .4 invited SOLAS Contracting Governments to officially communicate to the Organization cases where the provisions of the Technical specification of the LRIT Data Distribution Plan with respect to the determination of geographical areas within the DDP were not observed; and

- .5 instructed the Working Group on LRIT-related matters to develop specific procedures for National LRIT Data Centres (NDCs) applying for conversion to Co-operative or Regional DCs, and for SOLAS Contracting Governments which were already operating in the production environment of the LRIT system and wishing to join or start using the services of another DC or to establish their own DC, in order to address the issue and ensure the continuous and uninterrupted provision of LRIT information.

6.3 The Committee, following a proposal by the delegation of Cyprus, requested the Secretariat to continue updating the information contained in document MSC 87/INF.21 and to make available, in a manner accessible to all Contracting Governments and to the LRIT Coordinator, a summary of information communicated to the Organization in relation to the establishment of DCs and their position with respect to developmental and integration testing or the production environment of the LRIT system and a list of authorized testing ASP.

6.4 Australia (MSC 87/INF.16) provided information on the implementation of the Australia NDC and the results of trials conducted by Australia, as coastal State, and by the Australia Rescue Coordination Centre (RCC).

6.5 The Committee noted the information provided and thanked Australia for sharing with the Committee its experiences in the implementation and use of the LRIT system.

AMENDMENTS APPROVED BY MSC 86 AND PENDING IMPLEMENTATION

6.6 The Committee recalled that MSC 86 had approved amendments to the XML (*eXtensible Markup Language*) schemas (MSC 86/26, paragraph 6.50 and MSC 86/6/1, annex 5) and concurred that these should be implemented before the end of 2009, but after the completion of the integration testing of all DCs which were undergoing or would need to undergo developmental testing.

6.7 The Committee also recalled that MSC 86, whilst considering the request of COMSAR 13, had agreed that search and rescue (SAR) services should be able to request and receive LRIT information in cases other than those specified in SOLAS regulation V/19-1.12; approved, in that respect, amendments to the Technical specifications for communications within the LRIT system, the Protocols and arrangements for the prototype, developmental, integration and modification testing phases of the LRIT system, and to the Guidance to search and rescue services in relation to requesting and receiving LRIT information (MSC 86/26, paragraph 6.51 and MSC 86/6/1, annex 6); and agreed that, at MSC 87, it would decide the date as from which the related amendments should be implemented.

6.8 The Committee noted that, in order to implement the above-mentioned amendments, all DCs would be required to conduct additional testing and, in accordance with the information provided by the Secretariat, a few DCs were still undergoing testing or pending to be tested, for the first time.

6.9 The delegation of Cyprus was of the opinion that the fact that some DCs were still undergoing or would need to undergo testing should not be an excuse to delay the implementation of the amendments approved by MSC 86 and urged their earliest implementation in order to allow SAR services to start receiving and using LRIT information in cases other than those specified in SOLAS regulation V/19-1.12.

6.10 The Committee agreed to instruct the Working Group on LRIT-related matters to consider, taking into account the comments made in plenary, the amendments approved by MSC 86 and recommend the approach to be taken.

MATTERS RELATED TO THE ESTABLISHMENT AND OPERATION OF THE INTERNATIONAL LRIT DATA EXCHANGE (IDE)

6.11 The Committee recalled that MSC 86 had requested the LRIT Coordinator to issue a request for the submission of proposals for the establishment and operation of the IDE (RSP), as from a date to be decided by it, provided such a date was not earlier than 1 September 2010 and not later than 31 December 2010.

6.12 The Committee considered a proposal by Austria *et al* (MSC 87/6/2), submitted in response to the RSP, for the IDE to be hosted, operated and maintained by the European Maritime Safety Agency (EMSA) in Lisbon, Portugal, as from 2011. The proposal was based on the assumption that the IDE software developed by the United States would be transferred to EMSA and would be on a free-of-charge basis for the first three years of operation (2011-2013). This also included the initial set-up and installation of the IDE and would represent a financial contribution by the European Union to the establishment of the LRIT system.

6.13 The Committee also considered the submission by IMSO (MSC 87/6/4), as the LRIT Coordinator and in accordance with the decisions of the Committee, reporting on the evaluation of the proposal submitted by Austria *et al* for the establishment and operation of the permanent IDE. The LRIT Coordinator assessed, *inter alia*, that the proposal was meeting the technical requirements of the Organization, as well as the technical design and implementation requirements for establishing, operating and maintaining the permanent IDE.

6.14 The Committee further considered the proposal by the Russian Federation (MSC 87/6/3), suggesting the establishment of a backup for the IDE to improve the redundancy of one of the critical components of the LRIT system and make the LRIT network reasonably geographically distributed.

6.15 The Committee noted that in accordance with the Criteria for the location of the International LRIT Data Centre and the International LRIT Data Exchange (MSC.1/Circ.1259/Rev.2, annex 5), the IDE should have both local and remote backup servers, as well as a disaster recovery site accessible every day of the year 24 hours a day.

6.16 The Committee further noted that IMSO had also recommended that the Committee should consider seeking advice from the IMO Legal Office in relation to the sufficiency of the protection of LRIT data against judicial interference offered by the founding Regulation for EMSA and Protocol signed with the Government of Portugal.

6.17 The Legal Office advised that it had examined the Protocol between EMSA and the Government of Portugal; the Protocol on privileges and immunities of the European Communities, and EMSA's founding Regulation, and confirmed that the existing legal framework could provide a certain amount of protection from judicial interference in the operation of the IDE by EMSA. However, while the existing legal framework ensured that EMSA could function as a European Agency, it was less clear whether the operation of the IDE (a function which was not specific to the European Community) would be considered as a component of EMSA for purposes of the privileges and immunities provided under the above-mentioned Protocols.

6.18 The Secretariat also advised that, in the event EMSA decided to contract out functional arrangements for the operation of the IDE to companies outside of Portugal, it was unlikely that such arrangements would fall exclusively within the scope of EMSA's agreement with Portugal. However, taking into account the "guarantee" provided in the proposal (MSC 87/6/2, paragraph 4 and elsewhere), the Legal Office had considered that this document provided adequate assurance for the record that the existing legal and administrative framework guaranteed the protection of any data from judicial interference or other access not authorized by the 1974 SOLAS Convention, as well as the integrity and protection of data communications for the whole international LRIT system. The Legal Office understood that this would apply to LRIT data received from any source around the world and distributed to any destination around the world, and regardless of the location of any of the operational components of the IDE as operated by EMSA. Taking all of this into account, there was no need for the Committee to request the Legal Office to engage in further legal analysis.

6.19 The delegation of Spain confirmed that the legal and administrative framework provided by EMSA's founding Regulation, together with EMSA's technical and operational expertise, guaranteed the protection of any data from judicial interference or other access not authorized by the 1974 SOLAS Convention, as well as the integrity and protection of data and communications for the whole international LRIT system.

6.20 The delegation of the Cook Islands suggested seeking clarifications on the relationship between EMSA and the European Commission.

6.21 The observer from the European Commission confirmed that the relationship between EMSA and the European Commission provided guaranties for data protection through the Protocols under consideration.

6.22 The Committee invited the co-sponsors of the document to provide further clarification with respect to the financial commitments made in the proposal.

6.23 The observer from the European Commission advised that the proposal was made on a free-of-charge basis for the first three years of operation (2011-2013) taking into consideration that the current financial arrangements would end in 2013 and the budget of the European Union would need to be reviewed for the subsequent years. However, the Committee would be advised well in advance of future financial arrangements.

6.24 The Committee agreed with a proposal by the delegation of the Bahamas, supported by several delegations, suggesting that the Committee, at its ninetieth session, considering the financial commitments made in the proposal, should review the continuation of operation of the IDE by EMSA after 2013 together with associated new information from the European Union.

6.25 The delegation of Panama expressed concerns on the use of the term "permanent", bearing in mind that the proposal for the establishment and operation of the IDE would probably have to be reviewed in the future. This was endorsed by the Committee.

6.26 Pursuant to a corresponding request by the Committee, the delegation of the United States confirmed that it would transfer the source code and set of instructions developed and used for the operation of the interim IDE and offered technical support during the transferring of the IDE. The delegation also confirmed that it was prepared to make the interim IDE available as the disaster recovery site for the IDE after the transfer of operations, subject to the United States national procurement regulations.

6.27 The delegation of Spain advised that, from the technical point of view, it was not necessary to amend the Technical specifications for the LRIT system with respect to the requirements of the disaster recovery site for the IDE as these were already provided in annex 5 to the annex of MSC.1/Circ.1259/Rev.2.

6.28 The delegation of China, in thanking the United States for their continuous support and for considering the host and operation of the disaster recovery site for the IDE, advised that, taking into account that only 10% of LRIT information was currently being requested, the Committee should consider whether it would be necessary to establish a backup for the IDE, taking into account that the requirements of a backup for the IDE could have financial implications in future and thus, that delegation did not support the establishment of a disaster recovery site for the IDE at this stage.

6.29 After detailed discussion, the Committee welcomed the proposal for the establishment and operation of the IDE by EMSA for the years 2011, 2012 and 2013 and instructed the Working Group on LRIT-related matters to consider, taking into account the relevant decisions taken and comments made in plenary, the establishment of the IDE by EMSA and of the disaster recovery site (or backup) for the IDE, recommend the approach to be taken and prepare the relevant draft MSC resolution for adoption (MSC 87/6/2 (Austria *et al*), MSC 87/6/3 (Russian Federation) and MSC 87/6/4 (IMSO), in particular paragraphs 15.6 and 15.7).

OUTCOME OF THE EIGHTH SESSION OF THE *Ad Hoc* LRIT GROUP

6.30 The Committee considered the report of the outcome of the eighth session of the *Ad Hoc* LRIT Group (MSC 87/6/1) and took action as outlined in the ensuing paragraphs.

Provision of, and request or demand for, LRIT information

6.31 The Committee noted the discussions of the group in relation to the provision of, and request or demand for, LRIT information, and instructed the Working Group on LRIT-related matters to explore ways and means of increasing the use of and, by implication, the demand for LRIT information by all SOLAS Contracting Governments (MSC 87/6/1, paragraph 12.1.1).

Testing and operation of shipborne equipment and issues relating to exemptions

6.32 The Committee noted the discussions of the Group on matters relating to the testing and operation of shipborne equipment and issues relating to exemptions and instructed the Working Group on LRIT-related matters to consider, taking into account the comments and advice of the group in connection to matters relating to the testing and operation of shipborne equipment, the development of an appropriate guidance to port State control officers on LRIT-related matters and recommend the approach to be taken (MSC 87/6/1, paragraphs 12.1.3 and 12.1.4).

Issues relating to special administrative regions or non-metropolitan territories

6.33 The Committee considered the three options discussed and reviewed by the Group in connection with the existing relationship between SOLAS Contracting Governments and special administrative regions or non-metropolitan territories and instructed the Working Group on LRIT-related matters to consider the issue and to recommend the approach to be taken (MSC 87/6/1, paragraph 12.1.5).

Amendments to MSC.1/Circ.1259/Rev.2 and MSC.1/Circ.1294***Amendments to the Technical specifications for communications within the LRIT system and to the Protocols and arrangements for the prototype, developmental, integration and modification testing phases of the LRIT system (Version 2)***

6.34 The Committee formally adopted the amendments to MSC.1/Circ.1259/Rev.2 and MSC.1/Circ.1294 accepted by the group (MSC 87/6/1, annex 5), urged DCs, the IDE and the DDP server to implement the aforesaid amendments at the earliest opportunity, and requested the Secretariat to issue MSC.1/Circ.1259/Rev.3 and MSC.1/Circ.1294/Rev.1.

Amendments to the Technical specifications for the International LRIT Data Exchange

6.35 The delegation of Spain supported the work done by the *Ad Hoc* LRIT Group in relation to the additional Administrative capabilities for the IDE. However, considering that the proposal for the establishment and operation of the IDE had been submitted, taking into account the relevant provisions of the Technical specifications for the LRIT system that were applicable at the time of the issuance of the request for proposal by the LRIT Coordinator, the co-sponsors of the proposal were of the view that the proposed amendments should not be accepted at this stage because they could have an impact on the implementation and operation costs of the IDE.

6.36 The Chairman of the *Ad Hoc* LRIT Group advised that the group, whilst preparing the draft amendments, was well aware of the issuance of the request for proposal by the LRIT Coordinator and had considered and agreed that the additional Administrative capabilities for the IDE would contribute to the efficiency of the LRIT system and should be included as a mandatory requirement for the IDE.

6.37 The delegation of the United States confirmed that some of the additional Administrative capabilities were already part of the interim IDE and would be fully developed and implemented before transferring the IDE.

6.38 The Committee agreed, in principle, to the proposed amendments to the Technical specifications for the LRIT Data Exchange (MSC 87/6/1, annex 6) and instructed the Working Group on LRIT-related matters to consider them, taking into account the relevant decisions taken and comments made in plenary, and recommend the approach to be taken (MSC 87/6/1, paragraph 12.1.7).

Continuity of service plan for the LRIT system on an interim basis

6.39 The Committee approved MSC.1/Circ.1344 on Interim continuity of service plan for the LRIT system, for the period between MSC 87 and MSC 88, on the understanding that the Continuity of service plan for the LRIT system should be reviewed and finalized at MSC 88, taking into account the experience gained with its use and implementation.

USE OF LRIT INFORMATION IN THE REPRESSION OF PIRACY AND ARMED ROBBERY AGAINST SHIPS IN WATERS OFF THE COAST OF SOMALIA

6.40 The Chairman of the *Ad Hoc* LRIT Group advised that the group, at its eighth session, whilst discussing a number of options for the provision of LRIT information to security forces operating in waters of the Gulf of Aden and the western Indian Ocean to aid their work in combating piracy and armed robbery against ships, had agreed to invite the Committee to consider the establishment and operation of a DC with a limited functionality at

the IMO Headquarters which could serve as a portal for providing LRIT information to security forces authorized to receive LRIT information.

6.41 The Committee considered a proposal developed by the Secretariat (MSC 87/6/7), on the basis of the discussions during the eighth session of the *Ad Hoc* LRIT Group, providing detailed information on one of the options which was available for providing LRIT information to security forces responding to Assembly resolution A.1026(26) and United Nations Security Council resolution 1897 (2009).

6.42 The Committee noted that the Secretariat had proposed to set up a facility at IMO Headquarters which might be considered, for discussion purposes, as a Co-operative DC (IMO CDC), established by all SOLAS Contracting Governments interested, to enhance the protection of ships navigating in the Gulf of Aden and the western Indian Ocean. In essence, the proposed IMO CDC would only have the capability to receive and store LRIT information sent to it by the other DCs through the IDE and without requiring any amendments to the Revised performance standards or the Technical specifications for the LRIT system.

6.43 Several delegations supported the proposal by the Secretariat and the provision of LRIT information to security forces operating in waters of the Gulf of Aden and the western Indian Ocean to aid their work in combating piracy and armed robbery against ships. However, some delegations expressed concerns on possible legal implications under the provisions of the 1974 SOLAS Convention, as well as any future financial implications for the budget of the Organization.

6.44 The Committee instructed the Working Group on LRIT-related matters to consider, taking into account the relevant decisions taken and comments made in plenary, the establishment of a DC with a limited functionality at the IMO Headquarters, recommend the approach to be taken and prepare the associated draft MSC resolution (MSC 87/6/1, paragraph 12.1.2 and MSC 87/6/7 (Secretariat)).

6.45 The Committee approved the report of the eighth session of the *Ad Hoc* LRIT Group, in general.

MATTERS RELATED TO THE LRIT DATA DISTRIBUTION PLAN, INCLUDING ISSUES RELATED TO THE POLYGONS OF GEOGRAPHICAL AREAS

6.46 The Committee considered document MSC 87/6/5 submitted by Greece reporting, in accordance with the provisions of SOLAS regulation V/19-1.13 and, taking into account the relevant decisions of MSC 84 and MSC 86, on a number of inconsistencies it had identified with respect to the territorial sea and internal waters geographical areas submitted by Turkey in the production environment of the DDP.

6.47 The delegation of Greece, having referred to document MSC 87/6/5 and the need for Turkey to bring its polygons into line with international law, in accordance with the recommendations of MSC 86 in this respect, recognized that the geographical coordinates of the territorial sea polygon which Turkey had included in the production environment of the DDP and which extended up to 100 nm from its coasts, had recently been removed, and considered this as a positive step.

6.48 The delegation of Cyprus advised that their submission (MSC 87/6/6) was based on the information which Turkey had posted on the DDP which was published on 22 March 2010 by the DDP server operating in the production environment of the LRIT system. As Turkey had recently removed from the DDP the *Territorial/Sea* LRIT geographical polygon and there were no related

entries of Turkey in the, at the time, current version of the DDP, there was no reason for Cyprus to either introduce their submission or seek its discussion. As a result document MSC 87/6/6 should be considered as being in abeyance. Cyprus, should the need arise, would, depending on the prevailing circumstances, either request consideration of the submission or make a further submission for consideration by the Committee. In addition, the delegation of Cyprus suggested that the Committee should remind all SOLAS Contracting Governments of its previous decisions, especially the ones during MSC 86, in connection with the determination of the geographical coordinated points of the *InternalWater* and *TerritorialSea* LRIT geographical polygons which need to be posted by each SOLAS Contracting Government on the DDP, which is published by the DDP server operating in the production environment of the LRIT system and, in case they opt to provide such information, that they should observe and adhere to the aforesaid decisions.

6.49 The delegation of Turkey made a statement in response to, and commenting on, the document submitted by Greece and requested the Committee and the Secretariat to address the situation and come up with a practical solution in the Aegean Sea so that Turkey would be able to monitor the maritime traffic, particularly the Greek-flagged vessels through the LRIT system. The text of the statement made by Turkey is reproduced in annex 41.

6.50 The delegation of Greece made a statement in response to, and commenting on, the above statement made by Turkey and emphasized that the LRIT system applies to all seas and oceans indiscriminately. Greece has submitted its territorial sea polygons in accordance with the requirements established by the Organization for the LRIT system and would expect Turkey to do the same. The text of the statement made by Greece is reproduced in annex 42.

6.51 The delegation of Turkey made a statement in response to and commenting on the above statement made by Greece and underlined the need for Turkey to track the movements of the Greek-flagged vessels in the Aegean Sea and repeated its request to the Committee and the Secretariat to address the issue and called upon Greece not to upload territorial water polygons in the Aegean Sea any longer. The text of the statement made by Turkey is reproduced in annex 41.

6.52 The delegation of the Russian Federation commented on the statement made by Turkey, in particular, the terminology used by Turkey, and stated that such a terminology should comply with the terminology agreed by the 1936 Montreux Convention.

6.53 The delegation of Turkey, in reply to the comments made by the delegation of the Russian Federation, stated that the position of Turkey on this issue had been widely reflected in relevant IMO documents.

6.54 The Committee, having noted the discussions and comments made with respect to the determination of the LRIT polygons, reminded all Contracting Governments of its related decisions at MSC 86 (MSC 86/26, paragraph 6.25) and urged them to comply therewith.

PERFORMANCE REVIEW AND AUDIT OF DCs AND OF THE IDE

Audit reports

6.55 The Committee recalled that MSC 86 had approved the Principles and guidelines relating to the review and audit of the performance of LRIT Data Centres and of the LRIT Data Exchange (the Principles and guidelines), set out in annex 6 to document MSC 86/26/Add.1, and invited the LRIT Coordinator to submit:

- .1 to the Secretary-General, a detailed audit report for each of the audited DCs and for the IDE, if audited; and
- .2 to the Committee, through the Secretary-General, a summary audit report for each of the audited DCs and for the IDE, if audited.

6.56 The Committee also recalled that MSC 86 had requested the LRIT Coordinator to report to each session of the Committee on the review and audit of the performance of DCs and/or of the IDE which had been conducted and completed since the previous session of the Committee. In addition, the Revised performance standards provide that the LRIT Coordinator should report its findings to the Committee, at least annually, with appropriate recommendations, based on an analysis of its findings, with a view to improving the efficiency, effectiveness and security of the LRIT system.

6.57 The Committee recognized that it was the first time that IMSO, acting as LRIT Coordinator, had submitted the results of the review and audit of DCs and, thus, there had been different interpretations by IMSO and the Secretariat of the procedures for reporting, as set out in the Principles and guidelines approved by the Committee.

6.58 The Committee noted that the Secretariat, in order to enable the reports to go forward to the Committee, had submitted the IMSO reports, as received, rather than following exactly the Principles and guidelines, due to time constraints. Pending decision of the Committee on the procedure to be followed in future, the Secretariat would act accordingly.

6.59 The IMSO observer (MSC 87/6/8 and MSC 87/6/9), as the LRIT Coordinator, provided information on the audits conducted, as well as the summary audit reports of the DCs audited by IMSO during the period from 18 November 2009 to 9 April 2010. IMSO had submitted, to the Secretary-General, the detailed audit reports; and to the Committee, through the Secretary-General, the summary audit reports of the NDCs of the Bahamas, Brazil, Canada and the Marshall Islands.

6.60 The Committee further noted the conclusions of the LRIT Coordinator that all the audited DCs were substantially in compliance with the technical and operational requirements of the audit criteria and the LRIT system during the audit period; and, pursuant to the provisions of the Revised performance standards and the Principles and guidelines, provided recommendations and conclusions arising from its experience gained in auditing the performance of some DCs, with the view to improving the efficiency, effectiveness and security of the LRIT system.

6.61 The Chairman suggested that the Committee should note the information provided by IMSO and that IMSO and the Secretariat should review the procedures for reporting, as set out in the Principles and guidelines relating to the review and audit of the performance of LRIT Data Centres and the International LRIT Data Exchange, and recommend the approach to be taken.

6.62 The delegation of Cyprus pointed out that the two reports from the LRIT Coordinator (MSC 87/6/8 and MSC 87/6/9) should have been presented to the Committee by the Secretary-General in accordance with the related decisions of MSC 86. As far as the suggestion that the Secretariat and the LRIT Coordinator should discuss and resolve issues relating to the submission of the reports of the LRIT Coordinator in connection with the performance review and audit of DCs and the IDE, the delegation pointed out that the matter related to instructions of the Committee to the LRIT Coordinator stemming from decisions of the SOLAS Contracting Government during MSC 86. Thus, the Secretariat had no authority to either negotiate or agree changes to the instructions of the Committee to the LRIT Coordinator. As the matter related to

instructions of the SOLAS Contracting Governments, in case the LRIT Coordinator considered that the instructions of the Committee namely, the Principles and guidelines adopted by MSC 86 were difficult to implement or excessively complex, it should make an appropriate submission in this respect for consideration during MSC 88 or, at a later stage, when ready to do so. In addition, the delegation suggested that the issues referred to in paragraph 15 of document MSC 87/6/9 should be discussed by the working group and the Committee should not simply note these as recommended by the LRIT Coordinator. The matters raised in the aforesaid paragraph needed to be resolved in order to ensure that all DCs implemented appropriate changes, where this was necessary, otherwise DCs would not be operating in the same manner and this would lead to incorrect and inconsistent implementation of the provisions of SOLAS regulation V/19-1. The delegation also pointed out that it would be unwise to leave these issues unattended and to ask DCs, at the next or subsequent sessions, to implement, where necessary, corrective actions. Furthermore, it recommended that the special arrangements, which MSC 86 had put in place for the submission of the reports of the LRIT Coordinator in relation to the review and audit of the performance of DCs and the IDE, should be incorporated in the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies and appear as notes to the provisional agenda for future sessions of the Committee.

6.63 The Committee, taking into account the comments provided by the delegation of Cyprus, noted the information provided by IMSO in documents MSC 87/6/8 and MSC 87/6/9 and instructed the Working Group on LRIT-related matters to consider matters as a result of the absence of audit evidence from SAR services and other technical issues and recommend the approach to be taken (MSC 87/6/9, in particular paragraphs 17.3 and 17.6).

Standards and procedures for auditing the performance of DCs and of the IDE

6.64 The Committee recalled that MSC 86 had decided that the LRIT Coordinator should determine, taking into account the operational characteristics and capabilities of all DCs and of the IDE, the most convenient, expedient and secure method to be followed by DCs and the IDE when sending to the LRIT Coordinator the data, which it was requesting in relation to the review and audit of their performance. MSC 86 had also decided that the LRIT Coordinator should provide, in this respect, relevant information to all DCs and to the IDE and should inform the Committee accordingly at its next session.

6.65 The Committee noted the information provided by IMSO (MSC 87/INF.5) on the Standards and procedures for auditing the performance of DCs and of the IDE, as agreed by the twenty-fifth session of the IMSO Advisory Committee. These standards and procedures contained, *inter alia*, the auditor and auditee responsibilities; details of the required audit evidence; the annual audit schedule and planning; and information on pre-audit arrangements and the conduct of the audit.

Financial matters

6.66 The Committee noted that paragraph 14.7 of the Revised performance standards provided for the LRIT Coordinator to establish and communicate to the Committee the charges it would be levying in order to recover the expenditure it incurred for providing the services specified in paragraphs 14.2 to 14.5 of the Revised performance standards.

6.67 The Committee also noted the information provided by IMSO (MSC 87/INF.6 and MSC 87/INF.20) on the outcome of the consideration of a number of LRIT-related issues during the twenty-fifth and twenty-sixth sessions of the IMSO Advisory Committee (2 to 4 November 2009 and 17 to 19 March 2010, respectively). In particular, IMSO had provided information on the fees and other charges for LRIT-related work undertaken by the LRIT Coordinator during the period from 1 January to 31 December 2010, as well as the

revised interim formula for calculating the fee for the audit and review of DCs for the years 2011 and 2012, which the IMSO Advisory Committee had recommended for adoption by the next session of the IMSO Assembly in July 2010.

ESTABLISHMENT OF THE WORKING GROUP ON LRIT-RELATED MATTERS

6.68 Having considered the various issues relating to LRIT-related matters, the Committee established the Working Group on LRIT-related matters and instructed it, taking into account the relevant decisions taken, proposals and comments made in plenary, to:

- .1 develop specific procedures for NDCs applying for its conversion to Cooperative or Regional DCs, and for SOLAS Contracting Governments which were already operating in the production environment of the LRIT system and wishing to join or start using the services of another DC or to establish their own DC, in order to address the issue and ensure the continuous and uninterrupted provision of LRIT information (MSC 87/6 (Secretariat));
- .2 consider the amendments approved by MSC 86 and recommend the approach to be taken (MSC 86/26, paragraphs 6.50 and 6.51 and MSC 86/6/1, annexes 5 and 6);
- .3 consider the establishment of the IDE by EMSA and of the disaster recovery site (or backup) for the IDE, recommend the approach to be taken and prepare the relevant draft MSC resolution (MSC 87/6/2 (Austria *et al*), MSC 87/6/3 (Russian Federation) and MSC 87/6/4 (IMSO));
- .4 explore ways and means of increasing the use of and, by implication, the demand for LRIT information by all SOLAS Contracting Governments (MSC 87/6/1, paragraph 12.1.1);
- .5 consider, taking into account the comments and advice of the *Ad Hoc* LRIT Group in connection to matters relating to the testing and operation of shipborne equipment, the development of an appropriate guidance to port State control officers on LRIT-related matters and recommend the approach to be taken (MSC 87/6/1, paragraphs 12.1.3 and 12.1.4);
- .6 consider the options discussed and reviewed by the *Ad Hoc* LRIT Group in connection with the existing relationship between SOLAS Contracting Governments and special administrative regions or non-metropolitan territories, and recommend the approach to be taken (MSC 87/6/1, paragraph 12.1.5);
- .7 consider the proposed amendments to the Technical specifications for the International LRIT Data Exchange and recommend the approach to be taken (MSC 87/6/1, paragraph 12.1.7);
- .8 consider the establishment and operation of a DC with a limited functionality at the IMO Headquarters, recommend the approach to be taken and prepare the relevant draft MSC resolution (MSC 87/6/1, paragraph 12.1.2, and MSC 87/6/7 (Secretariat)); and

- .9 consider matters as a result of absence of audit evidence from SAR services and other technical issues and recommend the approach to be taken (MSC 87/6/9, in particular paragraphs 17.3 and 17.6).

Report of the working group

6.69 Upon receipt of the report of the working group (MSC 87/WP.5), the Committee approved it in general and took action as outlined in the ensuing paragraphs.

Matters relating to the developmental and integration testing of DCs

6.70 The Committee requested SOLAS Contracting Governments to put in place the necessary arrangements well in advance in order to ensure the continuous and uninterrupted provision of LRIT information during the integration testing phase of their DCs.

6.71 In this connection, the Committee also requested the Secretariat to incorporate the necessary provisions within the relevant Guidance notes for the developmental and integration testing of LRIT Data Centres approved by the Committee, in particular with respect to the notification requirements for DCs wishing to undergo additional testing, as well as for the list of test cases and procedures required for DCs wishing to undergo additional testing for changing their recognized APS, and to advise the Committee accordingly.

Amendments approved by MSC 86 pending implementation

6.72 The Committee agreed that the amendments approved by MSC 86 should be fully tested and implemented before MSC 88, which should consider, taking into account the results of its testing and implementation, the adoption of the amendments to MSC.1/Circ.1308 on Guidance to search and rescue services in relation to requesting and receiving LRIT information.

***Ad Hoc* LRIT Group**

6.73 The Committee authorized a meeting of the *Ad Hoc* LRIT Group, during the period between MSC 87 and MSC 88, to deal with the various technical aspects of the LRIT system and approved its terms of reference, as follows:

- .1 to consider issues relating to Technical specifications for the LRIT system, including the XML schemas, including proposals for the adoption of amendments, and to agree, adopt and issue any amendments thereto as deemed warranted, and in particular:
- .1 develop and accept amendments to the Technical specifications for the LRIT system with respect to the existing relationship between SOLAS Contracting Governments and special administrative regions or non-metropolitan territories provided in the XML schemas and, if necessary, prepare additional test cases and procedures for DCs in order to check their proper implementation;
 - .2 consider the differences of interpretation in the usage of Message Types 1 to 5 and recommend the approach to be taken;
 - .3 consider the methods for calculating the shape of a polygon, in particular the line joining two vertices, and recommend the approach to be taken; and

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- .4 consider the timestamp parameter that should be used for determining the valid DDP version when processing ship position reports and recommend the approach to be taken;
 - .2 to consider issues relating to the Protocols and arrangements for the prototype, development, integration and modification testing phases of the LRIT system (Version 2), including proposals for the adoption of amendments, and agree, adopt and issue amendments thereto as deemed warranted, and, in particular:
 - .1 develop appropriate procedures for the modification testing phase of the LRIT system;
 - .2 decide and accept the test cases and procedures required during the developmental and integration testing phases of the IDE;
 - .3 to review and finalize the Continuity of service plan for the LRIT system, taking into account the experience gained in its use and implementation, as well as any other recommendations from SOLAS Contracting Governments, for consideration by the Committee with a view to adoption;
 - .4 to identify any issues which may warrant the amendment of the Revised performance standards and to prepare related draft amendments for consideration by the Committee with a view to adoption; and
 - .5 to consider any other issues which might affect the continuation of the establishment of the LRIT system and to agree related recommendations and guidance to be applied in the interim,

on condition that the group is not authorized in any way to consider or agree any matters which have an impact on consequence or entail the need for adoption of amendments to SOLAS regulation V/19-1, and on the understanding that the Committee would consider and, unless it deemed such to be unreasonable, approve, accept and endorse, as the case may be, the actions taken by the group (other than those which were subject to further consideration by the Committee), in retrospect, as if they had been taken by the Committee.

6.74 The Committee also authorized the *Ad Hoc* LRIT Group to decide matters relating to the LRIT system on behalf of the Committee during the period between its eighty-seventh and eighty-eighth sessions, subject to consideration and approval, acceptance or endorsement of the actions and decisions taken, by the Committee, in retrospect, where such decisions of the Committee are necessary.

Matters relating to the establishment of the IDE and the disaster recovery site for the IDE

6.75 The Committee noted, bearing in mind that MSC 85 had agreed that the United States should continue to provide the IDE, on an interim basis, until 31 December 2011 (resolution MSC 276(85)), that the transfer of operation of the IDE should be completed before that date.

6.76 The Committee, whilst considering the draft MSC resolution on Establishment of the International LRIT Data Exchange, as prepared by the Working Group, noted the concerns expressed by some delegations with respect to operative paragraphs 3, 5 and 7, in particular, where EMSA was invited to report to the Committee on different issues through

the European Commission. These delegations were of the view that any communication related to the establishment and operation of the IDE should be submitted through the SOLAS Contracting Governments which had submitted the proposal for the establishment and operation of the IDE.

6.77 The delegations of Spain and Sweden advised that the participation of the European Commission in the process for reporting to the Committee was necessary to be included because of the financial responsibilities of the European Commission for EMSA's budget.

6.78 The Committee approved resolution MSC.297(87) on Establishment of the International LRIT Data Exchange, set out in annex 14.

6.79 The Committee invited EMSA to establish a close liaison with the United States in order to start, at the earliest opportunity, the transfer of the relevant source codes and associated set of instructions of the IDE and start developmental testing as soon as practicable after the test cases and procedures for the IDE have been reviewed and accepted by the *Ad Hoc* LRIT Group.

6.80 The Committee also invited the SOLAS Contracting Governments which had submitted the proposal for the establishment, maintenance and operation of the IDE and the European Commission, to report on the progress of the establishment and testing of the IDE at the next session of the *Ad Hoc* LRIT Group, at MSC 88 and at MSC 89.

6.81 The Committee expressed appreciation to the United States for:

- .1 transferring the source codes and associated set of instructions they had developed for the interim IDE and for offering technical support and assistance during the transfer process of the IDE; and
- .2 confirming, subject to their national procurement regulations, that they would continue to provide the disaster recovery site for the IDE free of charge after the transfer of operations of the IDE.

Use of, and demand for, LRIT information

6.82 The Committee encouraged SOLAS Contracting Governments, which were not operating in the production environment of the LRIT system, to make the necessary arrangements for using the services of an existing DC, or to take the necessary actions to accelerate the establishment of their own DCs and/or the completion of the required tests.

6.83 The Committee invited SOLAS Contracting Governments, in particular those which had either faced difficulties in completing the implementation process or not yet taken any action in connection with the implementation of the provisions of SOLAS regulation V/19-1, to request technical assistance under the Integrated Technical Co-operation Programme of the Organization.

6.84 The Committee urged DCs to accelerate the establishment of the necessary financial arrangements with other DCs and to put in place the required purchase orders or contracts.

6.85 The Committee reminded SOLAS Contracting Governments that if the two parties involved in the provision of and payment for the LRIT information could not agree on the price for the LRIT information being provided, the prices published in the IDE should apply;

not having a contractual arrangement in place did not obviate the need for provision of, and payment for, the LRIT information.

6.86 In addition, and taking into account the comments provided by the delegation of India, the Committee agreed that the above-mentioned recommendations should also apply if the two parties involved in the provision of, and payment for, LRIT information had not yet concluded any agreement on the price for the LRIT information being provided.

6.87 The Committee further encouraged SOLAS Contracting Governments which are operating in the production environment of the LRIT system, in order to promote the use of, and demand for, LRIT information, to:

- .1 determine, upload and activate in the DDP their coastal State standing orders or request LRIT information, as port State, about ships which had indicated their intentions to enter a port, port facility or place under their jurisdiction;
- .2 promote the use of LRIT information at the national level for the purposes agreed by the Committee;
- .3 review the charges for the LRIT information they were providing, taking into account the recommendations made by the Committee in this respect and, in particular, the information provided during the third session of the IMSO organized informal meeting of DC operators on financial matters held at IMO Headquarters on 11 May 2010; and
- .4 activate their coastal State standing orders for a period of, e.g., a month, and advise the Committee, at its next session, of the experiences gained with the use of LRIT information at the national level for the purposes agreed by the Committee.

6.88 The delegation of the Bahamas, supported by the delegation of China, suggested that, whilst welcoming the recommendations of the Committee for promoting the use of LRIT information and taking into account the limited use of the LRIT system by SOLAS Contracting Governments, the LRIT system should be subject to a fundamental review at a future session of the Committee.

6.89 Furthermore, some delegations advised on a number of difficulties they had experienced on establishing the cost of LRIT information they were providing, as well as on the conclusion of agreements with other DCs for the provision of, and request for, LRIT information.

6.90 The delegation of Brazil suggested that the charge to be levied for providing LRIT information at preset intervals should not exceed twice the ship-to-shore communication cost, as previously recommended by the Committee.

6.91 The delegation of Chile advised that the costs advertised in the LRIT system by some DCs for providing LRIT information transmitted at preset intervals were sometimes four or five times more than the ship-to-shore communication cost and suggested that SOLAS Contracting Governments should consider reducing the cost of the LRIT information in order to allow others to activate their standing orders and request LRIT information.

6.92 The delegation of India suggested that the Committee should consider establishing a cap on the cost of LRIT information transmitted at preset intervals which, taking into account the information provided by IMSO on the results of the third session of an informal meeting of DC operators on financial matters, should not normally exceed USD0.25.

6.93 The Committee agreed, whilst noting the comments provided by some delegations, that the LRIT system was not mature enough to be subject to a fundamental review and invited SOLAS Contracting Governments to submit proposals on this matter for further consideration by the Committee, at a future session.

Guidance to port State control officers on LRIT-related matters

6.94 The Committee noted that some legacy shipborne equipment was not operating as expected within the LRIT system and that it would take some time before all the operational difficulties with shipborne equipment could be identified and completely resolved.

6.95 The Committee urged Administrations to put in place appropriate arrangements so that the various equipment malfunctions were dealt with in a prompt and effective manner, including, if necessary, the replacement or the installation of dedicated equipment for transmitting LRIT information if the efforts to rectify the various malfunctions were not resolved within a reasonable period.

6.96 The Committee invited SOLAS Contracting Governments to instruct their port State control officers accordingly, bearing in mind that, except as provided in SOLAS regulations I/7(b)(ii), I/8 and I/9, malfunctions of shipborne equipment should not be considered as rendering the ship unseaworthy or as a reason for delaying the ship in port until the equipment was repaired and a new conformance testing was satisfactorily completed, provided suitable arrangements were made, to the satisfaction of the Administration and the port State concerned, so that the issue would be dealt with as soon as practically possible.

6.97 The Committee referred to the Sub-Committee on Flag State Implementation, for consideration, the issue of whether Guidance on LRIT-related matters for port State control officers, including the understanding of technical difficulties with shipborne equipment, would be required and, if so, to prepare appropriate guidance for port State control officers on this matter, taking into account the provisions of SOLAS regulation V/19-1, the Revised performance standards, MSC.1/Circ.1298 and the information provided in this report and the report of the eighth session of the *Ad Hoc* LRIT Group therein.

Issues relating to special administrative regions or non-metropolitan territories

6.98 The Committee requested all DCs to make the necessary arrangements (with respect to the existing relationship between SOLAS Contracting Governments and special administrative regions or non-metropolitan territories provided in the XML schemas), taking into account the information provided in document MSC 87/WP.5 (paragraphs 8.1 to 8.3), in order to start considering and developing the required amendments to the design of their DCs in advance and without waiting for the amendments to the Technical specifications for the LRIT system to be developed and accepted by the *Ad Hoc* LRIT Group.

6.99 In this respect, the Committee agreed that the design of all DCs should be amended and fully tested, as necessary, before MSC 88.

6.100 The Committee expressed appreciation to China for making its DC available to other DCs for testing the proper implementation of the relationship between SOLAS Contracting Governments and non-metropolitan territories or special administrative regions in the testing environment of the LRIT system.

Amendments to the Technical specifications for the International LRIT Data Exchange

6.101 The Committee formally approved the proposed amendments to the Technical specifications for the LRIT Data Exchange, as set out in document MSC 87/6/1, annex 6, and requested the Secretariat to include them in MSC.1/Circ.1259/Rev.3 (see also paragraph 6.34).

Establishment and operation of a distribution facility at the IMO Headquarters for the provision of LRIT information to security forces operating in waters of the Gulf of Aden and the western Indian Ocean to aid their work in the repression of piracy and armed robbery against ships (the distribution facility)

6.102 The Committee, whilst considering the draft MSC resolution on Establishment and operation of a distribution facility at the IMO Headquarters for the provision of LRIT information to security forces operating in waters of the Gulf of Aden and the western Indian Ocean (the area) to aid their work in the repression of piracy and armed robbery against ships (the distribution facility), as prepared by the Working Group on LRIT-related matters, noted the concerns expressed by the delegation of the Islamic Republic of Iran on the procedures for considering and granting request for access to the distribution facility to security forces operating in the area to aid their work in the repression of piracy and armed robbery against ships.

6.103 The delegation of the Marshall Islands, in clarifying the issue, highlighted that the right for receiving LRIT information would be determined by SOLAS Contracting Governments, as the technical implementation of the system would be an "opt-in" arrangement.

6.104 The Committee noted that the aim of the proposed distribution facility was to facilitate the access of security forces to LRIT information.

6.105 The Committee approved resolution MSC.298(87) on the Establishment of a distribution facility for the provision of LRIT information to security forces operating in waters of the Gulf of Aden and the western Indian Ocean to aid their work in the repression of piracy and armed robbery against ships, set out in annex 15.

6.106 The Committee requested the Secretariat to put in place the necessary arrangements in order to:

- .1 test the distribution facility at the earliest opportunity;
- .2 advise all SOLAS Contracting Governments accordingly, using the contact information available in the DDP, once the facility was available in the production environment of the LRIT system; and
- .3 advise the *Ad Hoc* LRIT Group, at its next session, on the progress made in the establishment and testing of the facility.

Other technical issues

6.107 The Committee noted that audit evidence from SAR services would be requested in future audits, when SAR services would make more use of the LRIT system.

6.108 The Committee reminded SOLAS Contracting Governments that the United States, as interim operator of the IDE, had developed and made available to all SOLAS Contracting Governments, a polygon validation tool in the web interface of the IDE that could be used for the technical validation of geographical polygons.

6.109 The Committee noted that the LRIT Coordinator had identified delays in the transmission of many reports from ships to the recognized ASP that had exceeded the maximum 15 minutes allowed by the Technical specifications for the LRIT system, and invited the LRIT Coordinator to investigate the issue further.

6.110 The Committee expressed appreciation to IMSO for conducting the LRIT audits and for providing recommendations and conclusions arising from its experience gained in auditing the performance of some DCs, with a view to improving the efficiency, effectiveness and security of the LRIT system; and to the Bahamas, Brazil, Canada and the Marshall Islands for sharing with the Committee information in relation to the audit and review of their National LRIT Data Centres.

STATEMENTS MADE

6.111 The delegation of Argentina, at the end of the consideration of the draft report of the Committee (MSC 87/WP.10), made a statement in relation to the information provided in document MSC 87/INF.21 (Secretariat), in particular, regarding the information communicated to the Organization by the United Kingdom with respect to inclusion of the Falkland Islands (Malvinas)¹ as part of the European Union LRIT Data Centre. The text of the statement made by Argentina is reproduced in annex 43.

6.112 The delegation of the United Kingdom made a statement in response to, and commenting on, the statement made by the delegation of Argentina. The text of the statement made by the United Kingdom is reproduced in annex 44.

7 SHIP DESIGN AND EQUIPMENT

REPORT OF THE FIFTY-SECOND SESSION OF THE SUB-COMMITTEE

General

7.1 The Committee approved, in general, the report of the fifty-second session of the Sub-Committee on Ship Design and Equipment (DE 52/21, DE 52/21/Add.1 and MSC 87/7) and took action as indicated hereunder, recalling that MSC 86 had already taken action on urgent matters emanating from DE 52.

Unified interpretation of SOLAS regulation II-1/27.5

7.2 The Committee approved MSC.1/Circ.1345 on Unified interpretation of SOLAS regulation II-1/27.5, concerning machinery automatic shut-off arrangements.

¹ A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

Interpretation of the 2000 HSC Code

7.3 The Committee approved MSC.1/Circ.1346 on Interpretation of the 2000 HSC Code, concerning the application of the amendments to the 2000 HSC Code adopted by resolution MSC.222(82) to new and existing high-speed craft.

7.4 The Committee noted in this connection that the Secretariat, following a request by DE 52, had taken appropriate action to amend the foreword to the 2008 edition of the 2000 HSC Code in line with the interpretation referred to in paragraph 7.3, whereby a supplement sheet containing the amended foreword had been included in the publication of the 2008 edition of the 2000 HSC Code, as well as relevant information on the IMO website.

URGENT MATTERS EMANATING FROM THE FIFTY-THIRD SESSION OF THE SUB-COMMITTEE

General

7.5 The Committee considered urgent matters referred to it (MSC 87/7/1) emanating from the fifty-third session of the Sub-Committee (DE 53/26) and took action as described in the following paragraphs.

Amendments to the Guidelines for the construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation, proposed by NAV 55

7.6 The Committee noted that the Sub-Committee had not agreed to the draft amendments to the Guidelines for the construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation (MSC.1/Circ.1331) proposed by NAV 55 (MSC 87/9, paragraph 2.19) and decided to discuss the matter further under agenda item 9 (see also paragraphs 9.30 to 9.37).

Measures to prevent accidents with lifeboats

Guidelines for evaluation and replacement of lifeboat on-load release mechanisms

7.7 In considering the draft MSC circular on Guidelines for evaluation and replacement of lifeboat on-load release mechanisms, the Committee noted that it would, under agenda item 3, consider the proposed new paragraph 5 of SOLAS regulation III/1 (MSC 87/3, annex 2) which referred, in a footnote, to the draft Guidelines under consideration (see also paragraph 3.29).

7.8 The Committee had for its consideration the following commenting documents:

- .1 MSC 87/7/3 (Norway), proposing to add a new paragraph 5 to raise awareness that the design review may not be sufficient; to add a new subparagraph 6.3 to address the "flat to flat cam incorrect reset problem"; and to modify paragraph 10 regarding the hook stability test;
- .2 MSC 87/7/4 (Bahamas), referring to the design review as the primary tool in the evaluation of existing on-load release mechanisms and making recommendations relating to principles which may be adopted to facilitate consistent application of the Guidelines, including specifications of the design review output and format and of agreed definitions and verification of the release mechanism installed against the drawings examined;

- .3 MSC 87/7/5 (ICS), proposing that the Guidelines should be considered to be an interim solution and should be subject to further consideration to identify criteria associated with the root cause of previous hook failures in addition to those associated with critical component's wear in excess of design tolerances; should continue to include recommendations for hook stability tests taking into account specific factors in addition to the wear rate of such mechanisms; and should incorporate assessment criteria for release mechanisms that fully address design failures that may be known to LSA manufacturers and to other bodies and organisations who have participated in the technical assessment of release mechanisms that have failed in service;
- .4 MSC 87/7/8 (ILAMA), proposing modifications to the draft Guidelines concerning the design review and the hook stability test;
- .5 MSC 87/7/9 (ILAMA), visualizing by use of flow charts, attached in the annex to the document, the procedure for evaluation and replacement of lifeboat on-load release mechanisms; and
- .6 MSC 87/7/10 (ILAMA), commenting on the execution of the actual hook stability test as contained in the Guidelines.

7.9 In the following discussion, many delegations, while stating their principal agreement with the proposed Guidelines, raised concerns with regard to certain technical aspects thereof, particularly pertaining to the suggested simplified test method (i.e. the hook stability test) and the test criteria, and felt that further consideration and development of the draft Guidelines was necessary. In this context, it was also pointed out that the provisions of the draft Guidelines should not go beyond the requirements of the LSA Code.

7.10 At the same time, many delegations that spoke stressed the urgent need for the Guidelines and, consequently, the need for a speedy solution to the concerns raised, so that the draft Guidelines could be approved, preferably at MSC 88.

7.11 The observer from IACS pointed out that, in this context, further modifications to the associated proposed new paragraph 5 of SOLAS regulation III/1 should also be considered (see paragraph 7.7), in particular concerning the setting of a deadline for the completion of the hook evaluation. The observer also requested clarification on which organization should conduct the hook evaluation.

7.12 The Committee recognized that this item, being of a very complex technical nature, had been discussed for several years in the DE Sub-Committee and needed to be concluded comprehensively, i.e. any interim solution would not be acceptable. It noted, in particular, that the possible replacement of a large number of hooks would affect the entire world fleet and that all involved parties, e.g., flag States, manufacturers, shipowners, surveyors, etc., needed to work together on this.

7.13 Subsequently, the Committee agreed that an intersessional meeting of an MSC Working Group on Lifeboat Release Hooks should be held from 20 to 22 October 2010, back-to-back with the forthcoming fifty-fourth session of the DE Sub-Committee, and, having considered document MSC 87/WP.11, pertaining to the instructions for the working group, agreed to the following terms of reference:

- .1 to finalize the draft MSC circular on Guidelines for evaluation and replacement of lifeboat on-load release mechanisms, referred to in the

proposed new paragraph 5 of SOLAS regulation III/1 (DE 53/26, annex 1), taking into account:

- .1.1 documents MSC 87/7/3, MSC 87/7/4, MSC 87/7/5, MSC 87/7/8, MSC 87/7/9 and MSC 87/7/10 and comments and proposals made in the relevant plenary discussions at MSC 87 (MSC 87/26, section 7);
 - .1.2 any documents submitted to the meeting of the working group; and
 - .1.3 background information on the discussions on lifeboat release hooks in previous sessions of the DE Sub-Committee;
- .2 to review the proposed new paragraph 5 of SOLAS regulation III/1 (MSC 87/3, annex 2) in the light of the discussions on the draft Guidelines and prepare relevant modifications, as appropriate; and
- .3 to submit a report to MSC 88,

and determined that the deadline date for the receipt of submissions for the meeting by the Secretariat should be 15 September 2010.

7.14 In order to facilitate the work of the group (see also paragraph 7.13.1.2), the Secretariat was requested to prepare a comprehensive document containing background information on the discussions on lifeboat release hooks in previous sessions of the DE Sub-Committee for the intersessional meeting.

7.15 In the light of the above decisions, the Committee agreed to postpone consideration, with a view to adoption, of the proposed new paragraph 5 of SOLAS regulation III/1 (see paragraph 3.29) to MSC 88, in order to consider that proposed new paragraph in conjunction with the Guidelines for evaluation and replacement of lifeboat on-load release mechanisms as would be prepared by the intersessional working group and requested the Secretariat to act accordingly.

Amendments to the Revised recommendation on testing of life-saving appliances

7.16 The Committee considered the draft MSC resolution on Amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)), concerning test procedures for evaluation of release hooks, together with document MSC 87/7/11 (ILAMA), proposing modifications to paragraph 6.9.4 of the draft amendments, with regard to the preparation and testing of release mechanisms.

7.17 Following discussion of the ILAMA proposal the Committee, having recognized that this was a highly technical matter with no straightforward solution, agreed to refer the issue back to DE 55 for further consideration, taking into account the ILAMA proposal.

Other LSA-related matters

Unfavourable conditions of trim and list

7.18 The Committee noted that the Sub-Committee had agreed to discontinue work on a definition of the term "unfavourable conditions of trim and list", concerning conditions of trim and list for the purpose of the deployment of LSA, since no generally accepted solution to the problem could be found.

Counterfeit LSA products

7.19 The Committee, noting the Sub-Committee's discussion regarding counterfeit LSA products, in particular that awareness should be raised concerning this problem, invited Member Governments and international organizations to submit comments and proposals on the matter to DE 54, for further consideration. The observer from ILAMA informed the Committee of their intention to submit additional information on the subject to DE 54.

Determination of the required safe working load of liferaft launching appliances on passenger ships

7.20 The Committee approved MSC.1/Circ.1348 on Determination of the required safe working load of liferaft launching appliances on passenger ships.

Amendments to the LSA Code

7.21 The Committee considered draft amendments to the LSA Code, concerning lifeboat exterior colour, and noted in this connection a statement by the observer from CLIA, pointing out that aesthetics were an important commercial consideration for the cruise ship industry and that numerous cruise ships utilized bright yellow for their lifeboats as a part of their overall theme. They recalled the provisions of paragraph 1.2.2.6 of the LSA Code, requiring LSA equipment to be of "international or vivid reddish orange or a comparably highly visible colour ..." and considered yellow to be such a comparably highly visible colour, which would no longer be permitted. They also felt that the proposed amendments should be referred to the COMSAR Sub-Committee, as they viewed the matter of visibility of life-saving appliances to be a search and rescue matter. CLIA was of the view that, with required AIS, LRIT, EPIRBs, and all the other requirements for ships and with RADAR reflectors required for lifeboats and SARTs required for liferafts, the search part of search and rescue was minimized for most ships, and passenger ships in particular, where the ships position would be well known and in any emergency situation there would be multiple lifeboats and liferafts deployed. Accordingly, they recommended that the matter should be further discussed within the COMSAR Sub-Committee before any final decision was reached, as, in their view, the above elements and other SAR aids might indeed be more relevant than the prohibition of the use of bright yellow as a lifeboat colour.

7.22 The view of the observer from CLIA was supported by several other delegations, and, consequently, the Committee decided to refer the proposed LSA Code amendments to the COMSAR Sub-Committee for detailed consideration and advice before the Committee considered and approved them with a view to subsequent adoption.

Performance standards for recovery systems

7.23 The Committee noted that, due to time constraints, the Sub-Committee could not finalize the performance standards for recovery systems and the associated new SOLAS regulation III/17-1 and would consider the matter further at DE 54.

Cargo oil tank coating**Performance standard for protective coatings for cargo oil tanks of crude oil tankers**

7.24 The Committee considered the draft MSC resolution on Performance standard for protective coatings for cargo oil tanks of crude oil tankers, noting that it would become mandatory upon entry into force of the associated new SOLAS regulation II-1/3-11 (see paragraphs 3.21 to 3.25 and 3.48), together with the following commenting documents:

- .1 MSC 87/7/2 (IPPIC), referring to footnote 5.2 to table 1.2.2 of the Performance Standard, referencing the NACE Standard practice methods of validating equivalence to ISO 8502-9 on measurement of the level of soluble salts, which was kept in square brackets for the final decision by the Committee, and proposing that the factor *c* (proportionality between conductivity and salt contamination) used in the ISO standard be further investigated;
- .2 MSC 87/7/6 (NACE International), informing the Committee that they are currently revising their Standard SP0508-2008, Item No.21134, entitled "Methods of Validating Equivalence to ISO 8502-9 on Measurement of the Levels of Soluble Salts", in order to expand the equivalency testing around 50 mg/m² to include two new tests of 30 mg/m² and 85 mg/m² and that the formal approval of the revised Standard is expected for September 2010;
- .3 MSC 87/7/7 (China), proposing to replace "benzene" by "xylene" as test liquid in paragraph 6.3 of the Test Procedures for Coating Qualification for Cargo Oil Tanks of Crude Oil Tankers annexed to the Performance Standard; and
- .4 MSC 87/INF.9 (IPPIC), presenting the results of their work carried out in support of the development of a test protocol for the development of the Performance standard for protective coating for cargo oil tanks of oil tankers.

7.25 Following discussion, the Committee, with regard to:

- .1 footnote 5.2 to table 1.2.2 of the Performance Standard, referencing the NACE Standard practice methods of validating equivalence to ISO 8502-9 on measurement of the level of soluble salts, agreed, taking into account the information submitted by NACE International in document MSC 87/7/6 regarding the status of the revision of the Standard, to delete the footnote for the time being and to invite NACE International to submit information on the formal approval of the revised Standard to MSC 88 for consideration, following which the Secretariat would be requested to insert a relevant footnote referring to the revised Standard in the Performance Standard; and
- .2 the proposal by China to replace "benzene" by "xylene" as test liquid (MSC 87/7/7), did not agree to the proposal, but invited the delegation of China to report the results of further investigations concerning the suitability of xylene as test liquid to a future session of the DE Sub-Committee.

7.26 Subsequently, the Committee adopted resolution MSC.288(87) on Performance standard for protective coatings for cargo oil tanks of crude oil tankers, set out in annex 2.

Performance standard for protective coatings for alternative means of corrosion protection for cargo oil tanks of crude oil tankers

7.27 The Committee adopted resolution MSC.289(87) on Performance standard for protective coatings for alternative means of corrosion protection for cargo oil tanks of crude oil tankers, set out in annex 3, noting that it would become mandatory upon entry into force of the associated new SOLAS regulation II-1/3-11 (see paragraph 3.48).

Guidelines for the assessment of technical provisions for the performance of an in-water survey in lieu of bottom inspection in dry-dock

7.28 The Committee considered the draft MSC circular on Guidelines for the assessment of technical provisions for the performance of an in-water survey *in lieu* of bottom inspection in dry-dock to permit one dry-dock examination in any five-year period for passenger ships other than ro-ro passenger ships and, following approval of modifications to paragraphs 3.2.3 and 5.1.7 of the draft Guidelines proposed by IACS, approved them for dissemination by means of MSC.1/Circ.1348.

Progress in the development of a mandatory Polar Code

7.29 The Committee noted that the Sub-Committee had established a correspondence group to advance the work on the development of a mandatory Polar Code intersessionally and agreed, as requested by the Sub-Committee in view of the close proximity of DE 53 and DE 54, to relax the deadline for the submission of the correspondence group's report to DE 54 to 6 August 2010.

Application of amendments to SOLAS chapter III and the LSA Code

7.30 The Committee noted the view of the Sub-Committee that a more in-depth discussion on the clarification of the scope of the application of amendments to SOLAS chapter III and supporting codes and recommendations in general was necessary; that, since the same problems should be solved for a number of other amendments to SOLAS and related codes, a general solution of the problem is necessary; and that the Sub-Committee had invited the Committee to decide which Sub-Committee should consider the matter further in a holistic manner.

7.31 Subsequently, the Committee agreed to instruct the FSI Sub-Committee to consider the issue of the scope of application of amendments to SOLAS and related codes and guidelines in a holistic manner.

Adoption of amendments to the 2008 SPS Code

7.32 The Committee adopted resolution MSC.299(87) on Adoption of amendments to the 2008 SPS Code, set out in annex 16, developed by the Sub-Committee to clarify the provisions of paragraphs 5.1, 8.3 and the Record of Equipment for Special Purpose Ship Safety Certificate of the 2008 SPS Code and determined that the amendments should become effective on the date of their adoption, i.e. 14 May 2010.

8 FLAG STATE IMPLEMENTATION

8.1 The Committee approved, in general, the report of the seventeenth session of the Sub-Committee on Flag State Implementation (FSI) (MSC 87/8 and FSI 17/20 and Corr.1) and, taking into account relevant decisions and comments made by MEPC 59 (MSC 87/2/2), took action as indicated hereunder.

Support to the Organization's outreach

8.2 Having considered the Sub-Committee's recommendation, for referral to the Council, that, in order to support the Organization's outreach for a better understanding and knowledge of IMO, more formal and regular arrangements should be established to invite students to observe meetings of IMO, thereby, also potentially contributing to the "Go to Sea!" campaign, the

Committee was informed by the Secretariat about the existing programmes for visits by students and for internships.

8.3 While noting the increasing number of applications for internships (10 interns in 2008 and 24 interns in 2009) and the significant number of group visits (39 and 40 visits in 2008 and 2009, respectively), the Committee agreed to invite the Council to consider the recommendation by the Sub-Committee.

Study on the assessment of the performance of international standards

8.4 With regard to the study on the assessment of the performance of international standards making use of the information collected through port State control activities and the analysis of casualty-related data, the Committee also concurred with the Sub-Committee's decision to consider a more robust proposal by the World Maritime University to address the expressed need for greater clarity in the objectives of the study as well as the data to be used at its next session.

Casualty-related matters

8.5 The Committee requested the Secretariat to pursue the electronic storage of hard copies of casualty reports received on a continuous basis and to establish an internet platform for the Correspondence Group on Casualty Analysis.

Terminologies in the United Nations

8.6 The Committee requested the Secretariat to provide the secretariats of the PSC regimes with guidance on the applicable use of terminologies in the United Nations, in general, and the Organization, in particular, on the basis of the list of names of States, Territories and other areas maintained by the Legal Affairs and External Relations Division; and the PSC regimes to refrain from using improper terminologies in the document submitted to the Organization.

Progress report on regional PSC agreements

8.7 Taking into account the recommendations expressed by the Fourth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres, the Committee requested the Secretariat to review the layout of the tables annexed to its document on Progress report on regional PSC agreements (FSI 17/INF.8).

Concentrated inspection campaigns conducted by PSC regimes

8.8 While endorsing the Sub-Committee's decision to make the outcome of concentrated inspection campaigns conducted by PSC regimes available to relevant IMO bodies for further consideration, as appropriate, the Committee instructed the Sub-Committee to analyse the information collected so far in order to propose a methodology on how to streamline such information to make it easier to be considered by relevant IMO bodies.

Guidelines or codes addressing PSC-related matters

8.9 Having considered the Sub-Committee's recommendation to request other IMO bodies to provide advice regarding guidelines or codes which may address PSC-related matters and that would need to be reviewed and/or consolidated within the revised procedures for PSC, the Committee requested the Sub-Committee to prepare with the support of the

Secretariat a list of possible instruments relevant to the revised Procedures for PSC for review by all sub-committees prior to consideration by MSC 89.

Format to summarize the outcome of PSC activities at a global level

8.10 The Committee requested the Secretariat to elaborate and coordinate among PSC regimes the development of a format to summarize the outcome of PSC activities at a global level to be used by the PSC regimes.

Format of the Procedures on PSC

8.11 The Committee requested the Secretariat to analyse and advise, as appropriate, on the best mechanism or suitable vehicle to maintain the Procedures on PSC in a more flexible and dynamic format.

Development or amendment in relation to PSC-related instruments

8.12 Having agreed that the Sub-Committee's involvement from the initial stage into any future development or amendment in relation to PSC-related instruments to be considered by any other IMO bodies was not feasible from the practical point of view, the Committee invited interested delegations attending the Sub-Committee's sessions to monitor the developments in all other sub-committees and to participate in the discussion in other sub-committees.

Clarification of the term "bulk carrier"

8.13 The Committee agreed that resolution MSC.277(85) on Clarification of the term "bulk carrier" and guidance for application of regulations in SOLAS to ships which occasionally carry dry cargoes in bulk and are not determined as bulk carriers in accordance with regulation XII/1.1 and chapter II-1 should be distributed within all PSC regimes, and that PSCOs should be guided by the ship's type indicated in the ship's certificates in determining whether a ship is a bulk carrier.

PSC guidelines on seafarers' working hours

8.14 With regard to the development of PSC guidelines on seafarers' working hours, the Committee concurred with the Sub-Committee's decision to await the outcome of the consideration by the STW Sub-Committee of the requirements relating to proper maintenance of records of hours of rest with a view to harmonizing them with the relevant provisions in the ILO Maritime Labour Convention (MLC), 2006, as well as clarifying the minimum time that constitutes a period of rest.

Safety, security and environmental protection provisions applicable to FPSOs and FSUs

8.15 The Committee, taking into account MEPC 59's concurrent decision, approved MSC-MEPC.2/Circ.9 on Guidance for the application of safety, security and environmental protection provisions to FPSOs and FSUs.

Review of consolidated audit summary reports

8.16 With regard to the review of consolidated audit summary reports, the Committee requested the Secretariat to follow the Guidance developed when conducting a preliminary study on the ways to develop a consistent methodology for analysis of findings, best practices and effectiveness of implementation (see paragraph 24.45).

Number of correspondence groups

8.17 The Committee requested the Secretariat to advise FSI 18 on possible options for the Sub-Committee to continue carrying out its work intersessionally, while better addressing the issue of the number of correspondence groups.

Fulfilment of reporting requirements

8.18 Having further requested the Secretariat to keep the comprehensive list of reporting requirements prepared in 1997 (FSI 5/8) updated, while identifying the areas potentially covered by the Global Integrated Shipping Information System (GISIS), the Committee endorsed the Sub-Committee's decision to consider the issue of the fulfilment of reporting requirements through GISIS for harmonization with the existing collection and dissemination of information to be reported to the Organization by the Parties to IMO instruments.

9 SAFETY OF NAVIGATION

REPORT OF THE FIFTY-FIFTH SESSION OF THE NAV SUB-COMMITTEE

General

9.1 The Committee approved, in general, the report of the fifty-fifth session of the Sub-Committee on Safety of Navigation (NAV) (NAV 55/21 and Add.1 and MSC 87/9) and took action as indicated hereunder.

Adoption of new traffic separation schemes (TSSs)

9.2 In accordance with resolution A.858(20), the Committee adopted the proposed new traffic separation schemes, including associated routeing measures, as follows:

- .1 "Adlergrund" and "Slupska Bank";
- .2 Midsjobankarna", "West Klintehamn" and "South HoburgsBank" surrounding Gotland Island including changing the name of the existing traffic separation scheme "Off Gotland Island" to "North Hoburgsbank"; and
- .3 "In the area off the south-western coast of the Crimea",

set out in annex 17, for dissemination by means of COLREG.2/Circ.61.

Amendments to existing traffic separation schemes (TSSs)

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

- .1 "Off Cape Roca" and "Off Cape S. Vicente"; and
- .2 "Off Kalbådagrund Lighthouse", "Off Porkkala Lighthouse" and "Off Hankoniemi Peninsula",

set out in annex 17, for dissemination by means of COLREG.2/Circ.61.

Routeing measures other than TSSs

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

- .1 new two-way route "Salvorev" in the waters north of Gotland island;
- .2 new Area To Be Avoided and two new mandatory No Anchoring Areas in the vicinity of the proposed "Neptune deepwater port" in the western North Atlantic Ocean, off the coast of the United States;
- .3 new deep-water route including associated routeing measures consisting of a traffic separation scheme, two Areas To Be Avoided and a precautionary area leading to the new Jazan Economic City Port (JEC Port); and
- .4 amendments to the existing deep-water route leading to Ijmuiden,

set out in annex 18, for dissemination by means of SN.1/Circ.286.

Implementation of the adopted routeing measures

9.5 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 9.2 and 9.3, respectively (annex 17), and the routeing measures other than traffic separation schemes referred to in subparagraphs 9.4.2 and 9.4.4 (annex 18), should be implemented six months after their adoption, i.e. on 1 December 2010 at 0000 hours UTC. The Committee further noted that Sweden and Saudi Arabia had requested that the effective date of new traffic separation schemes and routeing measures other than traffic separation schemes in subparagraphs 9.2.2, 9.4.1 and 9.4.3 respectively would be 1 January 2011 at 0000 hours UTC.

Mandatory ship reporting systems

Amendments to the existing ship reporting system "In the Strait of Gibraltar" (GIBREP) and "In the Western European Particularly Sensitive Sea Area" (WETREP)

9.6 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.300(87), the proposed amendments to the existing mandatory ship reporting system "In the Strait of Gibraltar" (GIBREP) and by resolution MSC.301(87) the proposed amendments to the existing mandatory ship reporting system "In the Western European Particularly Sensitive Sea Area" (WETREP), set out in annexes 19 and 20, respectively for dissemination by means of SN.1/Circ.287. The Committee also decided that the amendments to both these existing mandatory ship reporting systems should be implemented six months after adoption, i.e. on 1 December 2010 at 0000 hours UTC.

Internationally recommended transit corridor (IRTC) for ships transiting the Gulf of Aden

9.7 The Committee endorsed the action of the Sub-Committee in approving SN.1/Circ.281 on Information on internationally recommended transit corridor (IRTC) for ships transiting the Gulf of Aden and instructing the Secretariat to circulate it expeditiously. The Committee noted that the circular had been issued by the Secretariat on 3 August 2009.

Draft Assembly resolution on Information on internationally recommended transit corridor (IRTC) for ships transiting the Gulf of Aden

9.8 The Committee noted the action of the Sub-Committee in endorsing the draft Assembly resolution on Information on internationally recommended transit corridor (IRTC) for ships transiting the Gulf of Aden and requesting the Secretary-General to convey it to C/ES.25 for approval and submission to A 26 for adoption. The Committee noted that A 26 adopted resolution A.1026(26) – Piracy and armed robbery against ships in waters off the coast of Somali on 2 December 2009, incorporating the essential parts of the draft Assembly resolution prepared by NAV 55.

Guidelines for bridge equipment and systems, their arrangement and integration

9.9 The Committee considered a proposal by the United Kingdom (MSC 87/9/3) stating that the submitted work on this subject did not completely cover the MSC resolution it was intended to replace and suggested an alternative text to the covering SN circular to ensure that the new guidelines were only applied to the relevant, specified operations. The United Kingdom was further of the view that these guidelines should enhance the existing performance standards for IBS (resolution MSC.64(67), annex 1), and were only to be applied to the sections that it defined. The proposed SN circular should not supersede but rather it should enhance resolution MSC.64(67), annex 1, on the Recommendation on performance standards for integrated bridge systems (IBS).

9.10 The Committee noted that NAV 55 had agreed that these Guidelines superseded the existing performance standards for IBS (resolution MSC.64(67), annex 1). NAV 55 had further agreed that the footnote in SOLAS chapter V, regulation 15 and regulation 19, should be updated, providing reference to the new Guidelines for bridge equipment and systems, their arrangement and integration, and instructed the Secretariat accordingly. The Committee further noted the reservation by the United Kingdom on aspects of resolution MSC.64(67), annex 1, not being fully covered in the current proposed Guidelines and, as such, they believed that the resolution should be superseded only to the extent to which these Guidelines applied.

9.11 The delegation of Germany supported by the delegations of the Netherlands and Norway were of the view that the Guidelines supported the design of an integrated system based on a flexible modular concept with operational/functional and sensor/source modules.

9.12 After an exchange of views, the Committee endorsed the Sub-Committee's decision and approved SN.1/Circ.288 on Guidelines for bridge equipment and systems, their arrangement and integration.

Performance standards for bridge alert management

9.13 In accordance with resolution A.825(19), the Committee adopted resolution MSC.302(87) on Performance standards for bridge alert management, set out in annex 21.

High-Speed Craft (HSC) Compliance with the provisions of SOLAS regulations V/18 to V/20

9.14 The Committee approved MSC.1/Circ.1349 on High-speed craft (HSC) compliance with the provisions of SOLAS regulations V/18 to V/20.

Guidance on procedures for updating shipborne navigation and communication equipment

9.15 The Committee noted the progress made in the development of the draft MSC circular on Guidance on procedures for updating shipborne navigation and communication equipment. The Committee also noted that COMSAR 14 had reviewed this circular and endorsed the minor amendment to insert the words "and firmware" after the word "software" in the second line of paragraph 1, which NAV 56 should take it into account when finalizing the draft MSC circular.

ITU matters***Satellite detection of AIS***

9.16 The Committee endorsed the action by the Sub-Committee in sending a liaison statement to ITU-R WP 5B, concerning Improved satellite detection of AIS.

Assuring safety during demonstrations, protests, or confrontations on the high seas

9.17 The Committee adopted resolution MSC.303(87) on Assuring safety during demonstrations, protests, or confrontations on the high seas, set out in annex 22.

Draft amendments to SOLAS regulation V/18 to reflect annual testing of the AIS equipment

9.18 The Committee approved the draft amendments to SOLAS regulation V/18 to reflect annual testing of the AIS equipment, set out in annex 23, with a view to adoption at MSC 88. To this effect, the Committee invited the Secretary-General to circulate the aforementioned draft amendments in accordance with SOLAS article VIII.

Development of an e-navigation strategy implementation plan

9.19 The Committee noted the progress made in the development of an e-navigation strategy implementation plan and the establishment of a correspondence group to further progress the work intersessionally.

Guidance on the use of AIS Application-Specific Messages

9.20 The Committee considered a proposal by Australia (MSC 87/9/3) suggesting the addition of a new paragraph 5 to the cover note of the draft SN circular on Guidance on the use of AIS Application-Specific messages. Since ITU Recommendation ITU-R M.1371 provided the reference for technical characteristics of the AIS, it was necessary for clarifications to be published with regard to the technical elements of the ITU Recommendation. Hence, it would, in Australia's view, seem appropriate that the ITU should be invited to incorporate these messages, as deemed appropriate, within their technical standards; and to develop clarifying guidance on technical implementation, should the need arise.

9.21 The Committee noted that there was, in general, no support for the Australian proposal to amend the draft circular and subsequently approved SN.1/Circ.289 on Guidance on the use of AIS Application-Specific Messages, revoking SN/Circ.236 as from 1 January 2013. However, the Secretariat was instructed to prepare the relevant liaison statement for forwarding to ITU.

Guidance for the presentation and display of AIS Application-Specific Messages information

9.22 The Committee approved SN.1/Circ.290 on Guidance for the presentation and display of AIS Application-Specific Messages information.

9.23 The Committee also endorsed the Sub-Committee's view that the draft submission Form for the AIS International Application (IA) Catalogue could serve as the basis for an IA Catalogue.

Proposed amendments to SOLAS regulation V/23, relating to pilot transfer arrangements

9.24 The Committee approved the draft amendments to SOLAS regulation V/23 relating to pilot transfer arrangements, as set out in annex 23, with a view to adoption at MSC 88. To this effect, the Committee invited the Secretary-General to circulate the aforementioned draft amendments in accordance with SOLAS article VIII.

9.25 In this context, the Committee also:

- .1 recommended that each Administration should review all pilot ladder designs they had approved and determine whether they were meeting the requirements of SOLAS chapter V;
- .2 requested IMPA to provide detailed information to the DE and NAV Sub-Committees relative to specific ladders which their members were asked to "climb" and that were not up to the SOLAS standard. IMPA was also encouraged to ask their member organizations to provide the above information to port State control officials in the ports where they provide pilotage services;
- .3 requested shipowner organizations (IMO NGOs) to encourage their members to review the pilot ladders on their ships with a view to determining if they were meeting the requirements of SOLAS chapter V; and
- .4 instructed the FSI Sub-Committee to take appropriate action in encouraging port State control organizations to formally include pilot ladders as part of the safety equipment that their port State control officers would be examining in the course of a port State inspection.

Pilot transfer arrangements

9.26 The Committee approved the draft Assembly resolution on Pilot transfer arrangements, set out in annex 24, for submission to A 27 for adoption.

9.27 In this context, the Committee also considered a proposal by Australia (MSC 87/9/1) suggesting two options for, and providing two proposed separate drafts for an MSC.1 circular to improve the safety of pilot transfer arrangements by encouraging early implementation of the standards, as agreed by NAV 55, with a view to their adoption by A 27 and implementation under the amended SOLAS regulation V/23. Australia was of the view that these improved provisions should be made available to industry at the earliest practicable date to facilitate their early implementation, thereby minimizing the risk of injury and loss of life in these transfers.

9.28 The delegations of Brazil, France, the Cook Islands, the Bahamas, Italy, Turkey and the observer from the Nautical Institute fully supported the Australian proposal outlined in annex 1 of document MSC 87/9/1 and stated that the information on the improved safety of Pilot transfer arrangements should be circulated as soon as possible.

9.29 The Committee concurred with the view that the earliest practicable date for dissemination of information on the improved arrangements would be after MSC 88, when the amendments to SOLAS regulation V/23 have been adopted and the draft Assembly resolution to replace resolution A.889(21) had been forwarded to A 27 for consideration with a view to adoption. Such an approach would not pre-empt the actions of the Assembly, since it would simply inform industry of the decisions and recommendations of the Committee and invite early implementation of the improved standards. Accordingly, the Committee agreed that it would formally approve and circulate the proposed MSC circular on Improved safety of pilot transfer arrangements at MSC 88.

Review of Guidelines for construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation (MSC.1/Circ.1331)

9.30 The Committee considered the proposed amended text of paragraph 3.1 of the Guidelines for construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation (MSC.1/Circ.1331), as amended by NAV 55.

9.31 The Committee recalled that at its eighty-sixth session it had approved MSC.1/Circ.1331 on Guidelines for the construction, installation, maintenance and inspection/ survey of means of embarkation and disembarkation, with a view to providing specific guidance for accommodation ladders and gangways required under the new SOLAS regulation II-1/3-9. At MSC 86, IACS had pointed out the possible conflict between the provisions of paragraph 3.1 of the Guidelines and SOLAS regulation V/23 and the matter was referred to NAV 55.

9.32 The Committee noted that DE 53 in March 2010 had considered a proposal by the United Kingdom (DE 53/2/3) highlighting concerns on the proposed amended text by NAV 55 for paragraph 3.1 of the Guidelines, aiming at resolving the possible conflict between SOLAS regulation V/23 and the new SOLAS regulation II-1/3-9.

9.33 The Committee further noted that DE 53 had expressed the view, that the amendment, as proposed by NAV 55, defeated the objective and purpose of paragraph 3.1 of the Guidelines, which was to ensure that as far as practicable the means of embarkation was located clear of the working area, overhead loads and cargo, in order to protect personnel embarking/disembarking during port operations.

9.34 The Committee recognized that DE 53 had shared the concerns of the United Kingdom, informed MSC 87 that it did not agree with NAV 55 and invited the Committee to take this into account when considering the proposed amendment. DE 53 had further agreed to recommend to the Committee that NAV 56 be requested to reconsider the proposed amendment, taking into account this view.

9.35 The delegation of the United States stated that, with regard to paragraph 3.1 of the Guidelines for construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation, they agreed with the DE Sub-Committee that the Committee should not approve amended text as recommended by the NAV Sub-Committee. The delegation was of the view that there was no conflict between SOLAS V/23 and MSC.1/Circ.1331 and therefore no change was needed. This was a circular which contained non-mandatory guidance and could not take precedence over a SOLAS regulation.

Therefore, when an accommodation ladder was used as part of the pilot boarding arrangement SOLAS regulation V/23 had to be followed.

The United States was of the view that the circular provided the Administrations, shipowners and operators with the necessary guidance, flexibility and options to ensure that when people were embarking or disembarking a ship in port, they were protected from the risk of suspended loads passing overhead. These options could include taking the appropriate cargo and embarkation operational measures or locating the accommodation ladder appropriately. As non-mandatory guidance, it was not necessary nor was it appropriate to try and prescriptively detail all options available.

Hence, the United States recommendation was to leave paragraph 3.1 in the Guidelines as it is; no change was needed. It did not conflict with SOLAS regulation V/23 and it provided the necessary guidance for provisions to be taken to provide for the safety of people embarking and disembarking a ship in port.

9.36 The delegation of the United Kingdom together with the observer from INTERTANKO supported the views of the delegation of the United States.

9.37 Accordingly, the Committee decided to leave paragraph 3.1 in the Guidelines as it was.

Unified Interpretations of SOLAS regulation V/22.1.6 relating to navigation bridge visibility

9.38 The Committee considered a proposal by IACS (MSC 87/9/2) to refine the draft Unified Interpretation of SOLAS regulation V/22 by revising the last sentence of paragraph 3 thereof.

9.39 There was general support for the IACS proposal to revise the last sentence of paragraph 3 including the deletion of the word "etc." from the second line of the first sentence of paragraph 3 and the suggested replacement of the word "lowest" with "lightest" in the fourth line of the first sentence.

9.40 The observer from IACS stated that their understanding was that the removal of the word "etc." still meant that the list of ship types was indicative as it was preceded by the phrase "such as". Further, IACS understood that the list of ship types was indicative of those ships that, during normal operations, regularly operate close to, or come alongside, other ships/vessels and structures at sea.

9.41 The Committee agreed to the IACS proposal along with the aforementioned minor amendments and approved MSC.1/Circ.1350 on Unified Interpretations of SOLAS regulation V/22.1.6 relating to navigation bridge visibility.

NAV-related codes, recommendations and guidelines of non-mandatory instruments

9.42 The Committee endorsed the action by the Sub-Committee in instructing the Secretariat to take appropriate action with regard to the existing NAV-related codes, recommendations and guidelines of non-mandatory instruments.

STCW matters

9.43 The Committee noted the view of the Sub-Committee that SOLAS regulation V/19.2.2.2 should be retained without change along with the current training requirements in the STCW Convention and Code; and endorsed the action of the Sub-Committee in instructing the Secretariat to inform STW 41 accordingly.

9.44 The Committee noted the view of the Sub-Committee that it was important that mariners acquired and retained a working knowledge in recognition of Morse Code characters including single-letter signals of the International Code of Signals, however, that there was no need to demonstrate proficiency in the transmission/reception of Morse Code; and endorsed the action of the Sub-Committee in requesting the Secretariat to inform STW 41 accordingly.

10 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS**REPORT OF THE FOURTEENTH SESSION OF THE SUB-COMMITTEE****General**

10.1 The Committee approved, in general, the report of the fourteenth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 14/22 and MSC 87/10 and Add.1) and took action as indicated hereunder.

Harmonization of the future versions of the IMDG Code

10.2 The Committee, having noted that the Sub-Committee had identified minor discrepancies between the texts of the published version of the IMDG Code and its electronic version as well as the text contained in document DSC 13/INF.3 (and its addenda) and that, in order to avoid such discrepancies and to ensure that versions of the IMDG Code are fully harmonized in the future, the Secretariat had proposed to establish a feedback mechanism on a dedicated website, where users could report cases of disparities when noticed, agreed to request the Secretariat to ensure that future versions of the IMDG Code, that is, the texts in IMO document, publication, CD-ROM and internet versions are fully harmonized.

Interpretation of stowage and segregation requirements for BROWN COAL BRIQUETTES and COAL related to "hot areas" in the IMSBC Code

10.3 The Committee approved MSC.1/Circ.1351 on Interpretation of stowage and segregation requirements for BROWN COAL BRIQUETTES and COAL related to "hot areas" in the IMSBC Code.

Amendments to the Code of Safe Practice for Cargo Stowage and Securing (CSS Code)

10.4 Having agreed to minor editorial modifications, the Committee approved MSC.1/Circ.1352 on Amendments to the Code of Safe Practice for Cargo Stowage and Securing (CSS Code).

Revised Guidelines for the preparation of the Cargo Securing Manual

10.5 The Committee approved MSC.1/Circ.1353 on Revised Guidelines for the preparation of the Cargo Securing Manual.

Amendments to the Elements to be taken into account when considering the safe stowage and securing of cargo units and vehicles in ships

10.6 The Committee approved MSC.1/Circ.1354 on Amendments to the Elements to be taken into account when considering the safe stowage and securing of cargo units and vehicles in ships (resolution A.533(13)).

Amendments to the Guidelines for securing arrangements for the transport of road vehicles on ro-ro ships

10.7 The Committee approved MSC.1/Circ.1355 on Amendments to the Guidelines for securing arrangements for the transport of road vehicles on ro-ro ships (resolution A.581(14)).

Amendments to the BLU Code

10.8 The Committee adopted resolution MSC.304(87) on Amendments to the Code of Practice for the Safe Loading and Unloading of Bulk Carriers (BLU Code), set out in annex 25.

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

10.9 The Committee, having agreed to minor editorial modifications, approved MSC.1/Circ.1356 on Amendments to the Manual on loading and unloading of solid bulk cargoes for terminal representatives.

Additional considerations for the safe loading of bulk carriers

10.10 Having noted the pertinent view of IBTA (MSC 87/10/4), the Committee approved MSC.1/Circ.1357 on Additional considerations for the safe loading of bulk carriers.

Revised Recommendations on the safe use of pesticides in ships

10.11 The Committee approved MSC.1/Circ.1358 on Revised Recommendations on the safe use of pesticides in ships. In this context, the Committee noted that the Sub-Committee had agreed that the Revised Recommendations should supplement the IMDG Code, the IMSBC Code and the Grain Code.

References to the Revised Recommendations on the safe use of pesticides in ships and Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo transport units

10.12 The Committee agreed that references to the Revised Recommendations on the safe use of pesticides in ships and the Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo transport units, in the footnote to SOLAS chapter VI, the IMDG Code and the IMSBC Code should be amended and requested the Secretariat to act accordingly.

Revised Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended

10.13 The Committee approved CSC.1/Circ.138 on Revised Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended.

Amendments to the International Convention for Safe Containers, 1972, as amended

10.14 The Committee approved the draft amendments to the International Convention for Safe Containers, 1972, as amended, set out in annex 26, and requested the Secretary-General to circulate the draft amendments, in accordance with article X of the Convention, for consideration at MSC 88 with a view to adoption.

1993 amendments to the International Convention for Safe Containers, 1972

10.15 Having noted that, in pursuance of the relevant decision of the twenty-sixth session of the Assembly, the Secretariat had submitted document MSC 87/21/1, proposing options to facilitate the entry into force of the 1993 amendments to the International Convention for Safe Containers 1972, for consideration under agenda item 21 (Implementation of instruments and related matters) (see paragraphs 21.7 to 21.10), the Committee urged Contracting Parties to the Convention to deposit a document of acceptance of the 1993 amendments to the Convention.

Amendments to SOLAS regulation VII/4

10.16 The Committee approved the draft amendments to SOLAS regulation VII/4, set out in annex 27, with the envisaged entry-into-force date of 1 January 2014, in order to align the entry-into-force date of the aforementioned SOLAS amendments with that of the amendments to the IMDG Code scheduled to be adopted in 2012; and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration at MSC 90 with a view to adoption, in conjunction with aforementioned amendments to the IMDG Code.

10.17 The delegation of the Russian Federation, in agreeing with the sense of the proposed new regulation VII/4, indicated that the existing SOLAS regulation VII/4 and the proposed new regulation had been identically entitled "Documents". However, while the existing regulation used the term "transport documents", the proposed new regulation referred to "transport information" which, in the opinion of the delegation, was outside the sense of the contents of the new regulation and did not correspond to the expression "transport documents", and sought a clarification of the Chairman of the DSC Sub-Committee on the matter.

10.18 In this regard, the Committee noted the explanation by the Chairman of the DSC Sub-Committee, provided in response to the request of the delegation of the Russian Federation, that the main reason for replacing the existing text of SOLAS regulation VII/4 was to harmonize the provisions of SOLAS with those incorporated within the amendments to the IMDG Code to be adopted at this session, where the word "information" was introduced throughout chapter 5.4 of the Code to avoid any duplication of text and to refer to the IMDG Code for detailed provisions. The Chairman of the DSC Sub-Committee also indicated that a dangerous goods transport document might not be required for specific dangerous goods as the appropriate information may be given by means of any document (e.g., bill of lading or waybill) and added that the same provision was incorporated in the amended MARPOL Annex II regulation 4. The Committee further noted that reference to "documents" in this regulation does not preclude the use of electronic data processing (EDP)

and electronic data interchange (EDI) transmission techniques as an aid to paper documentation.

Common frequency band for the use of RFID devices on cargo containers

10.19 Noting the concerns expressed by the observer from WSC regarding designation of a single frequency for container RFID applications, the Committee agreed to the Sub-Committee's action in giving a positive signal to the COMSAR Sub-Committee, ITU and other interested bodies that there was a need to support initiatives to obtain a common frequency band for the use of RFID devices on cargo containers to enhance safety and security and for a future efficient and economically effective use of these devices, bearing in mind that more technical work needed to be done.

Information on local regulations

10.20 Having noted that the corresponding GISIS module had already been set up by the Secretariat, the Committee approved MSC.1/Circ.1359 on Information on local regulations.

Future amendments to the IMDG Code

10.21 The Committee agreed that amendments to the IMDG Code should be a consolidated text of the Code every four years, replacing the earlier version of it and incorporating the relevant amendments adopted or approved by that time, as appropriate.

Editorial corrections to the IMDG Code and amendments thereto

10.22 In considering the Sub-Committee's opinion that the procedure of introducing editorial corrections and urgent safety-related amendments to the IMDG Code by existing means of issuing errata and corrigenda to the Code was not strictly in line with the procedures prevalent in the Organization, the Committee decided that future editorial corrections to the IMDG Code and amendments thereto should be affected by means of a *note verbale* issued before the mandatory entry into force of the amendments to the Code.

ICS/WSC guide "Safe transport of containers by sea – Guidelines on best practices"

10.23 In endorsing the relevant Sub-Committee's recommendation, the Committee invited Member Governments to urge shipowners and operators to make the ICS/WSC guide "Safe transport of containers by sea – Guidelines on best practices", published jointly by the International Chamber of Shipping (ICS) and the World Shipping Council (WSC), available on board all ships carrying containers.

Meetings of the E and T Group

10.24 The Committee approved two meetings of the E and T Group to take place in 2011, with the first meeting in May/June 2011 and the second meeting held back-to-back with DSC 16.

AMENDMENTS TO THE EMERGENCY RESPONSE PROCEDURES FOR SHIPS CARRYING DANGEROUS GOODS (EMS GUIDE)

10.25 The Committee, having considered document MSC 87/10/1 (Secretariat), providing the draft amendments to the Emergency response procedures for ships carrying dangerous goods (EmS Guide), finalized by the Editorial and Technical Group as instructed by DSC 14,

approved MSC.1/Circ.1360 on Amendments to the Emergency response procedures for ships carrying dangerous goods (EmS Guide).

REVISED RECOMMENDATIONS ON THE SAFE USE OF PESTICIDES IN SHIPS APPLICABLE TO THE FUMIGATION OF CARGO TRANSPORT UNITS

10.26 Having considered document MSC 87/10/2 (Secretariat), providing the draft Revised Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo transport units, finalized by the Editorial and Technical Group, as instructed by DSC 14, the Committee approved MSC.1/Circ.1361 on Revised Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo transport units. In this context, the Committee noted that the Sub-Committee had agreed that the Revised Recommendations should update the respective supplement to the IMDG Code and requested the Secretariat to act accordingly.

REVISION OF THE IMO/ILO/UNECE GUIDELINES FOR PACKING OF CARGO TRANSPORT UNITS (CTUs)

10.27 In considering document MSC 87/10/3 (UNECE Secretariat), the Committee recalled that MSC 76 had approved IMO/ILO/UNECE Guidelines for Packing of Cargo Transport Units (MSC/Circ.787), which were prepared in co-operation with the UNECE Working Party on Combined Transport (WP.24), and that these Guidelines were subsequently endorsed by the Inland Transport Committee of the UNECE and by the Governing Body of the ILO.

10.28 In their document MSC 87/10/3, the UNECE Secretariat, welcoming the updating and revision of the IMO/ILO/UNECE Guidelines, proposed that the work should be undertaken by a joint IMO/ ILO/UNECE group of experts, which will build upon the work done by the E and T Group of the DSC Sub-Committee with the support of the IMO, ILO and UNECE Secretariats as well as by consultants, as appropriate. It is envisaged that the composition of the joint group of experts could be tripartite (Government, employer and workers); that terms of reference and work plan of the joint expert group could be established following consultations between the Secretariats of the three collaborating organizations; and that the update and revision of the IMO/ILO/UNECE Guidelines should be completed by 2013.

10.29 Following consideration of the proposal by the UNECE Secretariat and having noted that the E and T Group had prepared the draft amendments to the Guidelines for consideration by DSC 15, the Committee referred document MSC 87/10/3 to DSC 15 for consideration and advice to MSC 88 on how work on the revision of the IMO/ILO/UNECE Guidelines should be undertaken.

COMPUTER-BASED (E-LEARNING) PACKAGE

10.30 In responding to the observer from ICHCA International, the Secretariat informed the Committee that the Computer-based (e-learning) package for the preparation, handling and transport of class 7 radioactive materials was ready for downloading (free of cost) by interested stakeholders, by clicking on the link: <http://www.class7elearning.com>.

11 TRAINING AND WATCHKEEPING

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

11.1 The Committee approved, in general, the report of the forty-first session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 41/16 and MSC 87/11) and took action as indicated hereunder.

Additional training requirements for entry into enclosed spaces

11.2 With reference to any need for additional training requirements relating to entry into enclosed spaces, the delegation of the United States, supported by others, expressed the view that, as the proposed texts in chapters V and VI of the STCW Convention and Code already provided the basic knowledge requirements for entry into enclosed spaces, there was no need for additional training requirements.

11.3 In this context, the observer from ITF, while agreeing with the views expressed by the United States, expressed the view that this issue should be covered under the training requirements within the ISM Code. Furthermore, in their opinion this was not a training issue, but was related to imbuing a safety culture in pursuance of the objectives of the ISM Code and that further training modules should not be added for seafarers.

11.4 The delegation of the Cook Islands expressed the view that while the basic safety knowledge was included in the proposed amendments to the STCW Convention and Code, training should be provided and supplemented by onboard drills rather than the other way around, otherwise drills would not have the desired impact. Furthermore, the FP Sub-Committee had also considered matters relating to entry into closed spaces and its work was linked to that of the STW Sub-Committee. Accordingly, there was a need for the STW Sub-Committee to consider this issue so as not to put the onus on the master to ensure that seafarers were properly trained before undertaking drills.

11.5 The delegation of Sweden, acknowledging the views expressed by the Cook Islands, stressed the need for all seafarers to be properly trained in this area. Therefore, the STW Sub-Committee could consider this issue as soon as possible.

11.6 After an in-depth discussion, the Committee agreed that, since the proposed text in chapters V and VI already provided the basic knowledge requirements for entry into enclosed spaces, no additional training was necessary at present. However, Member Governments were free to submit any proposal directly to the Conference to amend the text of amendments to the STCW Convention and Code or a relevant Conference resolution, if they wish to do so.

Comprehensive review of the STCW Convention and Code

11.7 The Committee endorsed the draft amendments to:

- .1 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978;
- .2 Part A of Seafarers' Training, Certification and Watchkeeping Code; and
- .3 Part B of Seafarers' Training, Certification and Watchkeeping Code,

submitted to the Conference of Parties to the STCW Convention, as authorized by MSC 86, with a view to adoption, as set out in annexes 1 to 3 to document STW 41/16/Add.1.

11.8 The Committee also endorsed the thirteen draft Conference resolutions submitted to the Conference of Parties to the STCW Convention with a view to adoption, as set out in annex 4 to document STW 41/16/Add.1.

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

Secretary-General's report to the Committee

11.9 In introducing the Secretary-General's report (MSC 87/WP.2), the Director, Maritime Safety Division, advised the Committee that in preparing the report required by STCW regulation I/7, paragraph 2, the Secretary-General had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC.1/Circ.797. The report, as required by MSC.1/Circ.796/Rev.1, was comprised of:

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

11.10 The Committee was subsequently invited to consider the report attached to document MSC 87/WP.2 for the purpose of confirming that the information provided by those Governments concerned demonstrated that full and complete effect was given to the provisions of the STCW Convention.

11.11 As was the case with the Secretary-General's reports to its previous sessions, the Committee agreed to consider the report in order to:

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

11.12 The Committee confirmed that the procedures for the assessment of the information provided had been correctly followed in respect of the STCW Parties included in the Secretary-General's report and instructed the Secretariat to update MSC.1/Circ.1163/Rev.4 accordingly and issue it as MSC.1/Circ.1163/Rev.5.

SECRETARY-GENERAL'S REPORT PURSUANT TO STCW REGULATION I/8

11.13 In introducing the Secretary-General's report (MSC 87/WP.2/Add.1), the Director, Maritime Safety Division, advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 2, the Secretary-General had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC.1/Circ.797. Each report, as required by MSC.1/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.

11.14 The Committee was subsequently invited to consider the reports attached to document MSC 87/WP.2/Add.1 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.

11.15 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.

11.16 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 27 STCW Parties and one Associate Member of IMO, and instructed the Secretariat to update MSC/Circ.1164/Rev.6 accordingly and issue it as MSC.1/Circ.1164/Rev.7.

APPROVAL OF COMPETENT PERSONS

11.17 The Committee approved additional competent persons nominated by Governments (MSC 87/11/1 and Add.1) and instructed the Secretariat to update MSC/Circ.797/Rev.18 accordingly and issue the updated circular as MSC.1/Circ.797/Rev.19.

GO TO SEA! – A CAMPAIGN TO ATTRACT ENTRANTS TO THE SHIPPING INDUSTRY

11.18 The Committee noted information provided by the Secretariat (MSC 87/11/2) relating to the campaign to attract new entrants to the shipping industry and retain existing seafarers in the maritime profession.

11.19 The Committee noted with appreciation the information provided by Bangladesh *et al* (MSC 87/11/5), the Islamic Republic of Iran (MSC 87/11/3), the Philippines (MSC 87/11/4) and Hong Kong, China (MSC 87/INF.19), relating to activities that they had undertaken to

attract new entrants to the shipping industry and to retain existing seafarers in the maritime profession as well as by promoting the "Go to Sea!" campaign.

11.20 The ISF observer advised that, as it was evident that there would be a shortage of well-trained, quality seafarers around the world, the Round Table of international shipping associations, had agreed on an action plan to attract, train and retain the seafarers who will man the ships of the future. Accordingly, they had agreed a strategy on how the international associations can play their part in supporting these objectives. In line with this strategy, the following actions had been taken:

- .1 undertaking a survey of national recruitment methods and campaigns to share best practice with a view to encourage more such campaigns;
- .2 expanding their provision of generic international material such as DVDs, websites, presentation templates and careers promotional materials;
- .3 encouraging shipowners to ensure that there were sufficient cadet training berths on their vessels so that all cadets could complete the required service time at sea and to consider carefully how to provide career paths for officers which were sufficiently flexible to allow some time ashore during their career, to avoid their being lost to the industry;
- .4 setting up a working group to further improve the quality of life on board;
and
- .5 continuing to press for action on issues such as unwarranted criminalization, and piracy, which undoubtedly had an impact on both recruitment and retention of seafarers.

11.21 The delegation of Singapore, in appreciating the efforts by Japan in organizing the Asian Maritime Forum, advised the Committee of steps taken by them in this respect which included joint tripartite efforts involving the Government, employers and the unions to provide scholarships to young persons taking up a career at sea, as well as using the print and media channels to promote a career at sea.

11.22 The delegation of Indonesia, in appreciating the efforts by Japan in organizing the Asian Maritime Forum, advised the Committee that they were also experiencing a shortage of officers for their national fleet. In this context, they had taken steps to provide a fast track training programme leading to the issue of certificates of competency.

11.23 The delegation of Kenya, in appreciating the efforts of the Committee in confirming that they were giving "full and complete effect" to the provisions of the STCW Convention and Code, provided information on the various actions taken by them to promote a career at sea. In this context, they urged shipping companies to provide training berths for Kenyan seafarers to complete the sea service requirements as per the provisions of the STCW Convention.

11.24 The ILO observer, supporting the efforts of the Member States to promote a career at sea, urged them to improve conditions of work on board ships by ratifying the 2006 Maritime Labour Convention.

11.25 In light of the foregoing, the Committee urged Member Governments and international organizations to provide information on any activities they had undertaken or might propose to undertake in support of the goals of the campaign with a view to

transferring elements of best practices, positive examples and useful experience gained in one part of the world to benefit the activities of others elsewhere.

12 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

Report of the fifty-second session of the Sub-Committee

12.1 The Committee approved, in general, the report of the fifty-second session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 52/19, SLF 52/19/Add.1 and MSC 87/12) and took action as indicated hereunder.

Amendments to part B of the International Code on Intact Stability, 2008 (2008 IS Code)

12.2 The Committee, having noted that the 2008 IS Code is due to enter into force on 1 July 2010, approved the draft MSC resolution on Amendments to the International Code on Intact Stability, 2008 (2008 IS Code), to update the reference to the 2009 MODU Code in part B of the 2008 IS Code, set out in annex 28, for adoption at MSC 88, in accordance with the Rules of Procedure of the Maritime Safety Committee, as specified in SOLAS regulation II-1/2.27.2 (resolution MSC.269(85)) and subparagraph .2 of regulation 3(16) of the 1988 LL Protocol (resolution MSC.270(85)), and requested the Secretariat to take action as appropriate.

Safety of small fishing vessels

Safety Recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels

12.3 The Committee approved the Safety Recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels, set out in annex 29, and requested the Secretariat to forward them to FAO and ILO for concurrent approval, as appropriate.

12.4 The representative of FAO, who have participated actively in the development of the Safety Recommendations, informed the Committee that the FAO Committee on Fisheries (COFI) is looking forward to receiving the text of the Safety Recommendations at its next session, which would be held in January 2011 (from 31 January to 4 February 2011), and stated that the Safety recommendations would be a very useful guide for governments that are planning to develop or upgrade national laws and regulations on the design, construction, equipment, training and protection of the crew of small fishing vessels. He also thanked the correspondence and working groups of the SLF Sub-Committee that had developed the Safety Recommendations, and in particular their chairman Capt. Nigel Campbell (South Africa), for their excellent work. The representative of ILO, associating himself with FAO, thanked the Sub-Committee for the work done and stated that the Governing Body of ILO would consider the text of the Safety Recommendations upon its receipt.

12.5 With regard to the request by the Sub-Committee to make the Safety Recommendations available on the public side of the IMO website, the Committee agreed to the request and instructed the Secretariat to take action accordingly.

12.6 The Committee agreed to invite the Technical Co-operation Committee to consider including projects for the implementation of the Safety Recommendations within the Integrated Technical Co-operation Programme (ITCP) and, when implementing a related TC activity, securing funding for translation of the Safety Recommendations into the language of the recipient countries, if it is not one of the six official languages of IMO.

The Committee also requested the Technical Co-operation Committee to consider, when implementing the above TC activities, the issue of disseminating the Safety Recommendations by means of a CD-ROM at no cost to users.

Implementation Guidelines

12.7 The Committee noted the progress in development of the draft Guidelines to assist competent authorities in the implementation of Part B of the Fishing Vessels Safety Code, the Voluntary Guidelines and the Safety Recommendations (Implementation Guidelines) and the referral of the draft Implementation Guidelines to the FSI Sub-Committee for comments and proposals.

Development of options to improve effect on ship design and safety of the 1969 TM Convention

12.8 The Committee noted the Sub-Committee's consideration on the development of options to improve the effect of the 1969 TM Convention on ship design and safety, in particular that SLF 52 had generally agreed to the option aiming at preparing amendments to the interpretations of the provisions of the Convention (circular TM.5/Circ.5), instead of amending the Convention, and that the Sub-Committee had addressed the issue of the accommodation for trainees.

Guidance on the impact of open watertight doors on existing and new ship survivability

12.9 The Committee noted that the Sub-Committee had finalized the draft Guidance for the determination by Administrations of the impact of open watertight doors on passenger ship survivability under SOLAS regulation II-1/22.4 and previous SOLAS regulation II-1/15.9.3 and referred it to DE 54 for incorporation in the related Guidance under development by the DE Sub-Committee, to be issued under the cover of a single MSC circular.

Guidelines for verification of damage stability for tankers and bulk carriers

12.10 The Committee noted the progress on the development of the design and operational guidelines for verification of damage stability for tankers and bulk carriers, and, taking into account the concerns regarding planned port State control concentrated inspection campaign, urged Member Governments to bear in mind the current work being undertaken to develop design and operational guidelines.

Development of an Agreement/Assembly resolution on the implementation of the 1993 Torremolinos Protocol

12.11 The Committee noted that the Sub-Committee had considered the development of an Agreement/Assembly resolution on the implementation of the 1993 Torremolinos Protocol, together with the associated amendments to the Protocol, to facilitate the entry into force of the Protocol, and approved the holding of an intersessional meeting of the Working Group on Fishing Vessel Safety (tentatively scheduled to meet from 20 to 24 September 2010 at IMO Headquarters) to finalize the above Agreement/Assembly resolution for the implementation of the Protocol and to develop the associated amendments thereto.

Consideration of IACS unified interpretations

Unified interpretation of SOLAS chapter II-1

12.12 The Committee approved MSC.1/Circ.1362 on Unified interpretation of SOLAS chapter II-1, concerning the occupied volume by flooded water of a flooded space in relation to SOLAS regulation II-1/2.14.

Unified interpretations of the 1966 LL Convention and the 1988 LL Protocol

12.13 The Committee approved LL.3/Circ.194 on Unified interpretations of the 1966 LL Convention and the 1988 LL Protocol as modified by resolution MSC.143(77), concerning permeability of store space in the damage stability calculation and cargo manifold gutter bars-freeing arrangements under relevant regulations.

13 BULK LIQUIDS AND GASES

Report of the fourteenth session of the BLG Sub-Committee

13.1 The Committee approved, in general, the report of the fourteenth session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 14/17 and MSC 87/13) and took action as indicated in the ensuing paragraphs.

Intersessional meeting of the ESPH Working Group

13.2 The Committee approved, subject to MEPC 61's concurrent decision, the future work programme for an intersessional meeting of the ESPH Working Group in October 2010.

13.3 Having noted the proposal of the Sub-Committee, in the context of meeting schedules for the Sub-Committee and GESAMP/EHS, the Committee approved, subject to MEPC 61's concurrent decision, the holding of an intersessional meeting of the ESPH Working Group in 2011.

Review of chapter 19 of the IBC Code

13.4 The Committee noted that the Sub-Committee had agreed with the review of chapter 19 of the IBC Code to be incorporated into the next revision of the IBC Code and had endorsed the ESPH Working Group's proposals with respect to undertaking a systematic review of chapters 17 and 18 of the IBC Code.

Development of provisions for gas-fuelled ships

13.5 The Committee considered the justification for, and approved the expansion of, the scope of the item on "Development of provisions for gas-fuelled ships" as well as the change of the title of that item to "Code of safety for ships using gas or other low-flash point fuels with properties similar to liquefied natural gas".

13.6 In this context, the Committee noted the intervention of the Swedish delegation that, although BLG 14 had agreed to their proposal for expansion of the scope and framework for the work on developing the Code for Gas-Fuelled Ships, the Sub-Committee did not address, in full, their other proposal regarding safety issues while bunkering low flashpoint fuels taking into consideration movements of passengers and cargo, which they consider to be an issue of high importance. While the BLG Sub-Committee concurred that the part of the re-fuelling operation related to the ship itself was within the scope of the IMO's work, it did not agree that the whole

re-fuelling operation was within the scope of IMO. The delegation was of the view that the matter of bunkering of gases and other flammable liquids is of great concern and its aspects need to be considered with focus on safety for crew, passengers, as well as bystanders. The delegation of Sweden believed that the issue of bunkering is particularly important especially with regard to safety situations when re-fuelling gases and other flammable liquids. In the opinion of the delegation, IMO is not limited to regulate only issues related to the ship itself as IMO has a number of regulations that cover matters beyond this limitation – such as regulations for port reception facilities, ship recycling facilities, port facility security plans, and it believed that MSC needs to take a decision on this issue.

Interim Guidelines for the construction and equipment of ships carrying natural gas hydrate pellets (NGHP) in bulk

13.7 The Committee approved MSC.1/Circ.1363 on Interim Guidelines for the construction and equipment of ships carrying natural gas hydrate pellets (NGHP) in bulk.

13.8 The Committee noted the view of the Sub-Committee that, after the finalization of the revision of the IGC Code, the Interim Guidelines for the construction and equipment of ships carrying natural gas hydrate pellets (NGHP) in bulk should be revised, with a view to developing definitive Guidelines, taking into consideration the requirements of the revised IGC Code.

Recommendations for entering enclosed spaces aboard ships

13.9 The Committee noted that the Sub-Committee, at this stage, had proposed no amendments to the Recommendations for entering enclosed spaces aboard ships; and that, in recognizing the importance of the issue, it would, however, welcome further work in areas where it has expertise if such needs are identified by the Committee.

13.10 In the context of the issue, the Committee, having noted that FP 54 had recognized that the expertise on such tanker-related issues lies with the BLG Sub-Committee and that the appropriate work on the issue is being undertaken by the DSC Sub-Committee, agreed, following debate, to consider the retention of the item in the biennial agenda of the BLG Sub-Committee and inclusion in the provisional agenda for BLG 15, as appropriate, under agenda item 24 (Work programme) (see paragraph 24.7).

Amendments to the FSS Code regarding the application of fixed deck foam systems to oil tankers and chemical tankers

13.11 The Committee noted the outcome of the Sub-Committee's consideration of amendments to the FSS Code regarding the application of fixed deck foam systems to oil tankers and chemical tankers, in particular the Sub-Committee's request to consider the justification for, and approve the inclusion of, an unplanned output on "Fixed deck foam systems for ships carrying liquid substance as listed in IBC Code" in the Sub-Committee's biennial agenda and decided to deal with the matter under agenda item 24 (Work programme) (see also paragraph 24.6).

14 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

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

General

14.1 The Committee considered urgent matters referred to it (MSC 87/14) emanating from the fourteenth session of the Sub-Committee (COMSAR 14/17) and took action as indicated hereunder.

Operational and technical coordination provisions of maritime safety information (MSI) services, including review of the related documents

Review of the International SafetyNET Manual

14.2 The Committee approved MSC.1/Circ.1364 on Revised International SafetyNET Manual.

Guidelines on operational procedures for the promulgation of maritime safety information concerning acts of piracy and piracy counter-measure operations

14.3 The Committee adopted resolution MSC.305(87) on Guidelines on operational procedures for the promulgation of maritime safety information concerning acts of piracy and piracy counter-measure operations, as set out in annex 30, to overcome difficulties in arranging the broadcast of navigational safety information originated by naval forces to merchant ships.

Revised performance standards for enhanced group call (EGC) equipment

14.4 The Committee adopted resolution MSC.306(87) on Revised performance standards for enhanced group call (EGC) equipment, set out in annex 31, applicable for EGC equipment installed on or after 1 July 2012. The Committee noted that EGC equipment, installed before 1 July 2012, still needed to conform to performance standards not inferior to those specified in the annex to resolution A.664(16).

NAVAREA Coordinators

14.5 The Committee endorsed the Sub-Committee's action in requesting the Secretariat to circulate COMSAR.1/Circ.51 on the list of NAVAREA Coordinators.

ITU World Radiocommunication Conference (WRC) matters

Draft IMO position on WRC-12 Agenda items concerning matters relating to maritime services

14.6 The Committee endorsed the draft IMO position on WRC-12 Agenda items concerning matters relating to maritime services.

14.7 The delegation of the World Shipping Council inquired whether IMO had the intention to support an allocation in the frequency band 415 kHz to 526.5 kHz for electronic seals to be used on freight containers, since this frequency band would not be adequate to fulfil the requirements. The Committee noted the information provided by the Secretariat that the interest in the frequency band 415 kHz to 526.5 kHz was, in particular, to support the implementation of future systems providing safety and security related communications,

which among others would provide an extension of the current NAVTEX service. It was not to support an allocation for electronic seals to be used on freight containers.

14.8 The Committee further endorsed the Sub-Committee's action in instructing the Secretariat to submit the draft IMO position to ITU directly after COMSAR 14, recalling that MSC 86 had authorized the Secretariat accordingly, to enable ITU-R Working Party 5B to include relevant text into the draft Conference Preparatory Meeting (CPM) report, to be finalized by WP 5B in May 2010.

14.9 The Committee noted that the CPM report contained the outcome of technical studies in ITU regarding matters to be discussed at the World Radiocommunication Conference in 2012 (WRC-12) and that the CPM report formed the most important submission to ITU's CPM for WRC 12, which was scheduled to take place from 14 to 25 February 2011.

14.10 With regard to the draft IMO position on WRC-12 Agenda items, the Committee noted also that:

- .1 the Joint IMO/ITU Experts Group on maritime radiocommunication matters, at its meeting from 14 to 16 September this year, would be instructed to consider necessary updates to the document in the light of developments in IMO and ITU and develop a Supplementary advice on the draft IMO position;
- .2 after the meeting of the Joint IMO/ITU Experts Group, MSC 88 would be invited to approve the Supplementary advice on the draft IMO position;
- .3 following the approval by MSC 88, the draft IMO position, updated by the Supplementary advice, would be submitted to ITU's CPM;
- .4 COMSAR 15, planned to be held after ITU's CPM, would finally update the draft IMO position in the light of developments in IMO and ITU, and in particular the outcome of ITU's CPM;
- .5 MSC 89 would be invited to approve the final IMO position; and
- .6 following the approval by MSC 89, the IMO position would be submitted to WRC-12, which was scheduled to take place from 23 January to 17 February 2012.

Joint IMO/ITU Experts Group on maritime radiocommunication matters

14.11 The Committee approved the continuation of the Joint IMO/ITU Experts Group on maritime radiocommunication matters, along with its terms of reference, to be held from 14 to 16 September 2010 at IMO Headquarters.

14.12 The Committee authorized the Secretariat to submit the Supplementary advice on the draft IMO position, as prepared by the Joint IMO/ITU Experts Group at its meeting from 14 to 16 September 2010, to MSC 88 for approval.

Harmonization of aeronautical and maritime search and rescue procedures, including SAR training matters

Commercially available locating, tracking and emergency notification devices

14.13 The Committee approved MSC.1/Circ.1365 on commercially available locating, tracking and emergency notification devices, addressing the emerging technologies in commercially available alerting devices, which fall outside of the established international SAR system. The Committee further noted that these devices were not compliant with internationally accepted performance standards and operational criteria for global distress alerting and therefore might be ineffective in emergency situations. The information might be made available to providers, users and potential users of emergency notification devices by IMO Member Governments, and might be included in State public relations campaigns on the subject.

Medical assistance at sea – yacht racing

14.14 The Committee approved MSC.1/Circ.1366 on Medical assistance at sea – Yacht racing, containing recommendations for the organization of medical assistance for offshore racing to ensure that the telemedical assistance service (TMAS) can provide the best possible telemedical assistance together with the MRCC in charge of a SAR operation.

Seventeenth session of the ICAO/IMO Joint Working Group

14.15 The Committee endorsed the terms of reference and provisional agenda for, and the convening of, the seventeenth session of the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime SAR, which was tentatively scheduled to be held in Bremen, Germany from 27 September to 1 October 2010.

Revision of the IAMSAR Manual

14.16 The Committee noted that the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime SAR, at its sixteenth session held in Wales, United Kingdom from 28 September to 2 October 2009, had prepared draft amendments to the IAMSAR Manual which were subsequently endorsed by COMSAR 14.

14.17 In accordance with the procedures prescribed in the annex to resolution A.894(21) and, being advised of ICAO's concurrence to the inclusion of the proposed amendments into the IAMSAR Manual, the Committee approved them for dissemination by means of MSC.1/Circ.1367, and decided that the amendments should become applicable on 1 June 2011.

Measures to protect the safety of persons rescued at sea

14.18 The Committee noted the outcome of discussions with regard to the issue of Measures to protect the safety of persons rescued at sea and, in particular, that the Secretary-General had made available his good offices to take the matter forward with a group of interested parties, for informal consultations, in the consideration of the primary concern of IMO for the integrity of the search and rescue and, consequentially, the safety of life at sea regime.

14.19 The Committee noted further that the IMO Secretariat would conduct urgent consultations among interested parties in order to:

- .1 confirm the availability of all interested Parties to participate in the development of regional arrangements;
- .2 establish the terms of reference for a group involving all the interested parties, relevant agencies and the regional institutions to draft regional arrangements; and
- .3 convene such a group at the earliest opportunity.

14.20 The Committee noted also that the Secretariat had meanwhile established the terms of reference for such a group, in co-operation with interested parties, as appropriate, including Italy, Malta and Spain, and was ready to move the process forward expeditiously.

14.21 The delegation of Italy stated that, since there was agreement on the terms of reference, it was time to initiate further progress in the matter. The Secretary-General, in response, assured the Committee that appropriate steps would be taken with maximum speed.

15 FIRE PROTECTION

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

General

15.1 The Committee, having recalled that MSC 86 had approved, in general, the report of the fifty-third session of the Sub-Committee on Fire Protection (FP) (FP 53/23 and Add.1 and MSC 86/10) and had taken action on matters FP 53 referred to the eighty-sixth session of the Committee, took action on the remaining matters (MSC 87/15) as indicated hereunder.

Amendments to SOLAS regulation II-2/7.4.1

15.2 The Committee approved the draft amendments to SOLAS regulation II-2/7.4.1, set out in annex 32, regarding fixed fire detection and fire alarm systems, 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 88.

Amendments to chapter 9 of the FSS Code

15.3 The Committee approved the draft amendments to chapter 9 of the FSS Code, set out in annex 33, regarding fixed fire detection and fire alarm systems, 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 88.

URGENT MATTERS EMANATING FROM THE FIFTY-FOURTH SESSION OF THE SUB-COMMITTEE

General

15.4 The Committee considered urgent matters referred to it (MSC 87/15/1) emanating from the fifty-fourth session of the Sub-Committee (FP 54/25/Add.1) and took action as indicated hereunder.

Measures to prevent explosions on oil and chemical tankers transporting low-flashpoint cargoes

15.5 The Committee noted the Sub-Committee's discussion regarding measures to prevent explosions on oil and chemical tankers transporting low-flashpoint cargoes and, in particular:

- .1 noted that IMO regulations and guidelines regarding inert gas are frequently complex and located in a variety of locations within different instruments, considered the need to update, revise and consolidate references to inert gas in appropriate IMO instruments, and instructed FP 55 to prepare an appropriate justification for the planned output for the Committee's consideration; and
- .2 considered the matter of the cargo-specific element of the training for chemical tanker endorsements, including the specifics of hazardous chemicals, including low-flashpoint cargoes, as an urgent matter in the context of the work on the revised STCW Convention and Code, and, noting that STW 41 had already considered a similar request from FP 53 and had decided that the appropriate training requirements had been addressed then and there, decided that no further action was required. Notwithstanding the above, the Committee noted that in order to take any action, it would be necessary to have a clear, concrete proposal of amendments for consideration; and that Member Governments could submit proposals directly to the STCW Conference to amend the text of the draft amendments to the STCW Convention and Code already submitted to the Conference, if they wished to do so.

15.6 In this context, the Committee noted the concerns expressed by the observer from IPTA, which was supported by other delegations, regarding the cargo specific element of training for chemical tanker endorsements, in particular the provision that allows the seetime element to be reduced to one month. It was pointed out that the seetime element would normally be three months, but there was a possibility for this to be reduced to one month, providing it was carried out in a supernumerary capacity on an approved training ship with three loading and three unloading operations carried out during that time. In their opinion, this could, in theory, lead to someone with no previous chemical tanker experience being able to do basic and advanced chemical tanker training ashore, followed by one month spent on, for example, a coaster carrying easy chemicals, and thereafter be considered qualified to take charge of cargo operations on a vessel carrying a full complement of IBC Code cargoes. It was also pointed out that while chemical tanker operators accept that they have a duty to provide onboard training, it is expected that any prospective crewmember that holds a qualification in advanced chemical tanker operations should have an adequate level of experience in the often complex cargo operations of chemical tankers and, in their view, the provisions do not provide them with the confidence in the capabilities of holders of such qualifications.

Interim Clarifications of SOLAS chapter II-2 requirements regarding interrelation between the central control station, navigation bridge and safety centre

15.7 The Committee approved MSC.1/Circ.1368 on Interim Clarifications of SOLAS chapter II-2 requirements regarding interrelation between the central control station, navigation bridge and safety centre, to provide additional guidance for the uniform implementation of SOLAS regulation II-2/23, adopted by resolution MSC.216(82), due to enter into force on 1 July 2010.

Interim Explanatory Notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty

15.8 In considering the draft Interim Explanatory Notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty, as contained in annex 10 to document FP 54/25/Add.1, the Committee noted the information provided by the delegation of the United Kingdom that, at FP 54, they had registered their objection to the assessment of essential systems under the new concept of "critical systems", which is not found in any regulations and allows for any or all essential systems to *not* remain operational if they can be brought into service within one hour from the occurrence of the casualty, with the aid of manual intervention. Notwithstanding the above, the delegation of the United Kingdom, in taking a pragmatic view that some systems are more essential than others, proposed that propulsion and steering systems be removed from the relaxation provided by the "*critical systems*" method of assessment such as the above systems "*remain operational*" as required by SOLAS regulation II-2/21.4. The above statement was supported by the delegations of Germany, the Netherlands, Norway, Spain and South Africa.

15.9 In commenting on the above statement, the delegation of Italy, supported by the Bahamas, Finland, Iran (Islamic Republic of) and IACS, pointed out that the experts in the FP Sub-Committee had spent more than two years extensively discussing the above, and other, issues during the preparation of the Explanatory Notes, bearing in mind that the new SOLAS regulations were due to enter into force on 1 July 2010.

15.10 The Committee, taking into account the urgent need to approve the draft Interim Explanatory Notes at this session and that additional guidance was needed to ensure consistent implementation by Administrations, agreed to the proposal by the United Kingdom to exclude propulsion and steering systems from the relaxation provided under the "*critical systems*" method of assessment, taking into account that the Explanatory Notes are interim guidance and will be revised in the future, based on the experience gained with the implementation of the new SOLAS regulations.

15.11 Having considered the above issues, the Committee approved MSC.1/Circ.1369 on Interim Explanatory Notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty, with modifications (MSC 87/WP.12), to provide interim guidance for the uniform implementation of SOLAS regulations II-1/8-1, II-2/21 and II-2/22, as adopted by resolution MSC.216(82), due to enter into force on 1 July 2010.

Guidelines for the design, construction and testing of fixed hydrocarbon gas detection systems

15.12 The Committee approved MSC.1/Circ.1370 on Guidelines for the design, construction and testing of fixed hydrocarbon gas detection systems (with minor editorial modifications proposed in document MSC 87/WP.3, annex 8), referred to in the new chapter 16 of the FSS Code, which was adopted under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see paragraph 3.50).

International Code for the Application of Fire Test Procedures, 2010 (2010 FTP Code)

15.13 The Committee approved the draft International Code for the Application of Fire Test Procedures, 2010 (2010 FTP Code) and associated draft MSC resolution, set out in annex 34, with a view to adoption at MSC 88, in conjunction with adoption of the relevant SOLAS amendments to make the Code mandatory and requested the Secretariat to act accordingly.

OTHER MATTERS

15.14 With regard to matters related to the Revision of the Recommendations for entering enclosed spaces aboard ships (resolution A.864(20)), the Committee noted the views of the delegation of the Bahamas, which is the coordinator of the DSC Correspondence Group, established at DSC 14 on this matter, that there was no need to refer document FP 54/17/1 to BLG 15, as it was being discussed by the above correspondence group and would be further considered at DSC 15. They pointed out that, through this process, the above document would have been substantially revised by the experts in the DSC Sub-Committee. They also reassured the Committee that the experts taking part in the correspondence group come from every section of the tanker industry. Further, as the group has analysed the document, certain areas had been rejected, some had been strengthened and others had been seen to be applicable to all ship types and not just tankers. Therefore, this document would be extensively reviewed by DSC 15, to the extent that document FP 54/17/1 would no longer exist in its present form. It was also expressed that another detrimental effect of the aforementioned document being referred to BLG 15 in its present form was related directly to delaying the conclusion of the revision of resolution A.864(20). Therefore, the delegation of Bahamas proposed that, as the Revision of the Recommendations for entering enclosed spaces aboard ships is on the agendas of STW 42 and FP 55, that this issue should also be on the agenda of BLG 15, with a completion date of 2011. However, rather than referring document FP 54/17/1 to BLG 15, it was proposed that the outcome of DSC 15 should be forwarded to STW 42, BLG 15 and FP 55 for their expert consideration.

15.15 In responding to the views of the delegation of the Bahamas in paragraph 15.14 above, the delegation of the Cook Islands was of the opinion that the statement made by the Coordinator of the DSC Correspondence Group was misleading and inaccurate and that the group was not following its instructions in that FP 54 had agreed that, in pursuing the revision of the Recommendation (resolution A.864(20)), the DSC Correspondence Group should take into account aspects of document FP 54/17/1 that may be generic in nature, however the FP Sub-Committee had recognized that expertise on such tanker-related issues lies within the BLG Sub-Committee and that the draft guidance contained in document FP 54/17/1 should be referred to BLG 15 for its expert consideration, with a view to making the specific guidance for entry into tanks after nitrogen inerting applicable to all tankers for subsequent annexing to the revised Recommendation (resolution A.864(20)). It was further pointed out that the approach being pursued by the Bahamas, through the Coordinator of the DSC Correspondence Group was inconsistent in that the DSC Sub-Committee developed specific recommendations to be supplemented to the IMDG Code, e.g., Safe use of pesticides applicable to the fumigation of cargo transport units, and that chemical tanker crews would deserve the comfort of similar provisions in the event of the Organization mandating the use of nitrogen gas. It was, therefore, important that the decision of FP 54 to refer document FP 54/17/1 in its entirety directly to BLG 15 for its expert consideration was followed.

15.16 In light of the above, the Committee also noted the views of the Chairman of the DSC Sub-Committee, who pointed out that the DSC Sub-Committee (coordinator of the item), established a correspondence group to report to DSC 15 (13 to 17 September). The DSC Chairman recommended caution and prudence in the way this matter was discussed and, in considering the quality of the work produced, recommended that the outcome of DSC 15 be forwarded to STW 42, BLG 15 and FP 55 so that their expert views can be considered at MSC 89 with a view towards finalization at that session.

15.17 The Committee, in noting that this issue was not one of the urgent matters to be considered at this session, agreed to the above recommendation so that the work on the

revision of the Recommendations for entering enclosed spaces aboard ships could be completed at MSC 89 (see also paragraph 24.7).

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 87/2 on the outcome of TC 59 and document MSC 87/16 on progress on the safety-, security- and facilitation of maritime traffic-related activities executed during the period March to December 2009 and those planned for 2010.

ITCP for 2010-2011

16.2 The Committee noted that the TCC at its fifty-ninth session considered the proposed ITCP for 2010-2011 (TC 59/4), which included the regional and global programmes reflecting the revised thematic priorities and medium-term goals that had been approved by the Committees. The Committee recalled that MSC 85 approved the thematic priorities (MSC 85/14/Add.1) for inclusion in the ITCP for 2010-2011. Included also in the ITCP were the High-level Actions relevant to the ITCP, the linkages between the ITCP and MDGs and a description of IMO's role in promoting sustainable socio-economic development through institutional capacity-building and human resource development. The TCC welcomed the efforts of the Secretariat to prepare a comprehensive and realistic programme and approved the ITCP for 2010-2011.

Progress report on TC activities

16.3 The Committee noted the information provided by the Secretariat (MSC 87/16) on technical co-operation activities covering maritime safety-, security- and facilitation of maritime traffic-related activities implemented between March to December 2009 as well as those planned for 2010 under the ITCP for 2010-2011.

16.4 The Committee noted that during the period under review, the Secretariat had continued to coordinate and manage the programme through the ITCP. A number of activities had taken place aimed at assisting Member States in the implementation of the provisions of the relevant IMO instruments (SOLAS, STCW, SAR, FAL, IMDG Code, Casualty Investigation Code, etc.) and to enhance the countries' capacity-building for maritime safety, security and facilitation of maritime traffic as a whole. Particular emphasis had been given to the establishment of maritime rescue centres in the African region to implement the 2000 Florence Conference resolution on SAR and GMDSS in addition to maritime security including the implementation of the Djibouti Code, safety of non-convention ships and fishing vessels, flag State implementation, port State control and marine casualty investigation.

16.5 Many delegations expressed appreciation to the Secretary-General, members of the Secretariat and, in particular, the Directors of the Maritime Safety and Technical Co-operation Divisions for their initiatives and support towards the provision of technical assistance to developing countries, with special reference to the establishment of search and rescue (SAR) facilities along the African coast. The Secretariat informed the Committee of the progress made towards the conclusion of a multilateral agreement on SAR services between the six States under the Morocco Regional Maritime Rescue Coordination Centre

(RMRCC) to complete the associated developments in accordance with the provisions (Agreement on co-operation regarding maritime SAR services between neighbouring States) of annex 2 to Resolution 1 of the 2000 Florence Conference.

16.6 A number of delegations called on the Organization to consider the long-term financial sustainability of the technical co-operation programme, to the benefit of both Member States and institutions such as IMLI and WMU, since the support provided by both the ITCP and the institutions can substantially improve the performance of maritime Administrations.

16.7 The Secretary-General paid tribute to the collaboration between, and involvement of, the Maritime Safety, Marine Environment, Legal Affairs and External Relations, and Technical Co-operation Divisions in the implementation of IMO's technical co-operation programmes. In particular, he highlighted the efforts of staff in the Maritime Safety and Technical Co-operation Divisions towards the conclusion of the multilateral agreement on SAR services for the States under the Morocco RMRCC. On the issue of long-term financial sustainability, in particular of the WMU, he informed the Committee that a document to that effect had been submitted to the 104th session of the Council.

16.8 The Committee urged Governments and industry to contribute to the IMO's technical co-operation programme, with special donations to the SAR fund to enable the project to be completed successfully and requested the Secretariat to continue providing the Committee with updated information on the programme.

IMO MODEL COURSE PROGRAMME

16.9 The Committee noted the updated information on the IMO model course in document MSC 87/16/1 (Secretariat) that one new model course 3.22 on Flag State Implementation had been published, 35 model courses had been translated into French and 38 model courses into Spanish. Of these translated model courses, 32 French versions and 35 Spanish versions have been published. The Committee requested the Secretariat to keep the Committee informed of future activities.

17 ROLE OF THE HUMAN ELEMENT

Outcome of MEPC 59 (Report of the Joint MSC/MEPC Working Group on Human Element)

17.1 The Committee recalled that MSC 78 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 MEPC, as appropriate, following consultations between the Chairmen of the two Committees and, accordingly, MEPC 59 had reconvened the Joint MSC/MEPC Working Group on the Human Element.

17.2 The Committee approved, in general, the report of the Joint MSC/MEPC Working Group on the Human Element (JWG) (MEPC 59/WP.11 and MSC 87/17) and took action as indicated in the ensuing paragraphs.

Report of an investigation into the casualty of MSC Napoli

17.3 The Committee noted the JWG's view on the report on investigation into the casualty of the **MSC Napoli** and that no further guidance was needed.

Joint IMO/ILO Ad Hoc Working Group

17.4 The Committee noted the discussions of the JWG relating to the establishment of a Joint IMO/ILO *Ad Hoc* Working Group on Guidelines for medical examination of seafarers leading to the issue of medical certificates and revision of existing Recommendation No.105 (No.158) relating to ships' medicine chests, and approved the convening thereof together with the terms of reference, as set out in annex 1 of document MEPC 59/WP.11, and nominated Germany, Japan, Liberia, the Marshall Islands, Panama, the Philippines, the United Kingdom and the United States, to represent IMO in the aforesaid *Ad Hoc* Joint IMO/ILO Working Group.

17.5 The Committee noted that ILO had informed the Secretariat that the first meeting of the aforesaid *Ad Hoc* ILO/IMO Working Group would be held from 5 to 7 October 2010 in Geneva, subject to the approval of the Committee, and observers from the World Health Organization would be invited to attend.

17.6 In this context, the ILO observer advised the Committee that the relevant preparatory work for the first meeting of the Joint IMO/ILO *Ad Hoc* Working Group would be taken after the forthcoming Conference of STCW Parties had adopted amendments to the STCW Convention and Code. The proposed guidelines would take into account the relevant provisions of the 2006 Maritime Labour Convention, as well as the adopted STCW amendments.

Shipboard Safety Representative (SSR)

17.7 The Committee endorsed the JWG's view that there was no need to include the requirements for SSR in the ISM Code and invited Member Governments and international organizations to submit comments and proposals relating to revision of the existing guidelines to include consideration of the SSR to the next session of the JWG, scheduled to be convened during MSC 88.

17.8 The Committee noted the preliminary draft MSC-MEPC.7 circular relating to Guidance on Seafarer Safety Representative training and invited Member Governments and international organizations to submit comments and proposals for consideration by the JWG, at its next session.

Outcome of LEG 96

17.9 The Committee agreed, as proposed by the JWG and LEG 96, that there was no need to alter the past practice of establishing *Ad Hoc* Joint IMO/ILO working groups as and when they were determined to be necessary and with terms of reference agreed by the relevant Committee and the Governing Body of ILO.

Shore leave for seafarers

17.10 The Committee recalled that document MSC 87/17/2 had been considered under agenda item 4 (Measures to enhance maritime security) (see paragraphs 4.16 to 4.24 and 4.34).

Consideration of the human element in the rule-making process

17.11 INTERTANKO and ITF (MSC 87/17/3) expressed the view that it would be prudent and appropriate to incorporate the human element principles into the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection

Committee and their subsidiary bodies (MSC-MEPC.1/Circ.2). They therefore suggested incorporating elements of documents MSC-MEPC.7/Circ.1 and MSC/Circ.763-MEPC/Circ.313 in paragraph 2.10 of document MSC-MEPC.1/Circ.2 to ensure that the human element was thoroughly taken into account when considering new work programme items.

17.12 The delegation of India, supported by others, expressed the view that careful consideration should be given to the human element when developing or amending technical regulations. They also highlighted a number of issues that affected seafarers, *inter alia*, proper training, the availability of training berths on board, effective communications, job opportunities ashore for seafarers on leaving careers at sea, grant of shore leave and facilities for crew change.

17.13 The ILO observer, supporting the proposal, reiterated the need for the establishment of a Joint IMO/ILO *Ad Hoc* Working Group on Human Element, pursuant to the relevant resolution of the 2006 Maritime Labour Conference, to improve co-operation between the two Organizations with a view to dealing with human element issues in a holistic manner.

17.14 After some discussion, the Committee agreed that an appropriate amendment to the Committee's Guidelines (MSC-MEPC.1/Circ.2) would need to be developed at the next session of the Joint MSC/MEPC Working Group on the Human Element, scheduled to be convened at MSC 88, and invited Member Governments and international organizations to submit comments and proposals for consideration at its next session.

Guide to human behaviour in the shipping industry

17.15 The Committee noted with appreciation the information provided by the United Kingdom (MSC 87/INF.10) on comprehensive and effective human element guidance for practitioners in all areas and at all levels in the maritime industry.

18 FORMAL SAFETY ASSESSMENT

General

18.1 The Committee recalled that MSC 86 had established the FSA Experts Group to review FSA studies carried out by SAFEDOR and submitted by Denmark (MSC 83/21/1, MSC 83/21/2, MSC 83/INF.3, MSC 83/INF.8, MSC 85/17/1, MSC 85/17/2, MSC 85/INF.2 and MSC 85/INF.3), and approved the intersessional arrangements through correspondence and an intersessional meeting, coordinated and chaired by Japan, to finalize the review of FSA studies.

18.2 With regard to the FSA study on crude oil tankers (MEPC 58/17/2 and MEPC 58/INF.2), the Committee was informed that MEPC 60 could not finalize the issue of CATS (cost to avert one tonne of oil spilled) and had not referred the FSA study to the FSA Experts Group (MSC 87/18/6).

Report of the FSA Experts Group

18.3 The Committee had for its consideration the report of the FSA Experts Group (MSC 87/18), providing the outcome of reviews of FSA studies on cruise ships, Ropax ships, LNG carriers and containerships, in accordance with the FSA Guidelines (MSC/Circ.1023-MEPC/Circ.392, as amended) and the Guidance on the use of HEAP and FSA, as amended (MSC-MEPC.2/Circ.6), which reported the common aspects identified by the group and the group's view on the final recommendations in each FSA study, together

with the group's recommendation on improvements to the FSA Guidelines and the Guidance on use of HEAP and FSA.

18.4 The delegation of Greece, in commenting on the FSA studies carried out by SAFEDOR, expressed their appreciation for the results and recommendations of the FSA Experts Group and noted that the Experts Group had identified several weaknesses, which generally occur in FSAs, and also identified, as Greece had also pointed out in the past, the difficulty for FSA authors to follow up the HAZID scenarios since these were usually not always addressed by the existing databases. Furthermore it pointed out that the databases used were not originally made to be suitable for FSA use, lacking information on the root causes of the casualties and, thus, suggested the need to establish more suitable databases for FSA use under the auspices of IMO. In cases where the historical data for a particular issue or novel design was limited, the FSA authors should be urged to use other methods, such as modelling, experiments or first principles in order to reduce the number of expert's assumptions used in the FSA.

18.5 The Committee also considered documents MSC 87/18/2, MSC 87/18/3, MSC 87/18/4 and MSC 87/18/5, submitted by Denmark, providing responses from the SAFEDOR experts who performed the FSAs on LNG carriers, cruise ships, containerships and Ropax ships, respectively, on the report of the FSA Experts Group, and referred the documents to the FSA Experts Group for consideration, as necessary.

18.6 Having considered the above documents and issues that were indicated in the FSA Experts Group's report (MSC 87/18, paragraph 53) and comments made in plenary, the Committee with references in this paragraph to paragraphs of, and annexes to, document MSC 87/18:

- .1 noted the group's review of FSA studies, in particular the common aspects identified by the group (paragraphs 6 to 38 and annexes 1 to 4). In this regard, the Committee urged Member States to report their casualty investigations to the GISIS casualty database and, concerning various points listed in the group's report (paragraphs 22 and 23) to improve the GISIS casualty data, referred them to the FSI Sub-Committee for consideration and advice;
- .2 endorsed the group's view of the final recommendations in each FSA study (paragraphs 11 to 15, paragraphs 14 to 16 in annex 1, paragraphs 11 to 14 in annex 2, paragraphs 11 to 15 in annex 3, and paragraphs 10 to 13 in annex 4), and decided that the recommendations in the FSA studies, if necessary, should be proposed by Member Governments to the Committee or relevant sub-committees (in case there are appropriate agenda items);
- .3 noted the group's appreciation of the former SAFEDOR FSA team and the group's additional questions to the team, taking into account documents MSC 87/18/2 to MSC 87/18/5, which provide responses from SAFEDOR on the report of the FSA Experts Group; and
- .4 endorsed the group's recommendation on improvements to the FSA Guidelines and the Guidance on use of HEAP and FSA, with a view to future amendments (paragraph 49), and agreed that the FSA Experts Group preliminarily consider amendments to the FSA Guidelines and the Guidance on use of HEAP and FSA, based on the FSA Experts Group's report (MSC 87/18), to advise the Committee how best to proceed with the matter.

FSA studies on dangerous goods transport with open-top containerships

18.7 The Committee considered documents MSC 87/18/1 and MSC 87/INF.2 (Denmark), reporting on the FSA study on dangerous goods transport with open-top containerships carried out within the research project SAFEDOR, the study of which focused on the transport of packaged dangerous goods classified "on-deck stowage only" in the holds of open-top containerships and agreed to refer the documents to the FSA Experts Group for review.

Outcome of MEPC 60

18.8 The Committee noted the outcome of MEPC 60 (MSC 87/18/6) that MEPC 60, having considered and approved in general the report of the Working Group (MEPC 60/WP.11), had noted, in particular, the progress regarding CATS (cost to avert one tonne of oil spilled) and agreed to re-establish a working group at MEPC 62; and that MEPC 60, noting that there was no clear majority on how to proceed with the FSA study on oil tankers, had agreed to adhere to its early decision, which was to defer consideration of the study until the environmental risk criteria are finalized.

Establishment of the FSA Experts Group

18.9 Subsequently, the Committee established the FSA Experts Group and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 review the FSA study provided in documents MSC 87/18/1 and MSC 87/INF.2 and, in particular, to:
 - .1 consider whether the methodology was applied in accordance with the FSA Guidelines and the Guidance on the use of HEAP and FSA;
 - .2 check the reasonableness of the assumptions and whether the scenarios adequately addressed the issues involved;
 - .3 check the validity of the input data and its transparency (e.g., historical data, comprehensiveness, availability of data, etc.);
 - .4 check whether risk control options and their interdependence were properly evaluated and supported by the assessment;
 - .5 check whether uncertainty and sensitivity issues have been properly addressed in the FSA study;
 - .6 check whether the scope of the assessment was met in the FSA study; and
 - .7 check whether expertise of participants in the FSA study was sufficient for the range of subjects under consideration,

and report on the above issues, including a discussion on any strengths and weaknesses, the lessons learned regarding the FSA Guidelines and the Guidance on the use of HEAP and FSA;

- .2 consider the proposed final recommendations in the FSA study and advise the Committee as appropriate;
- .3 preliminarily consider amendments to the FSA Guidelines and the Guidance on use of HEAP and FSA, based on the report of the FSA Experts Group (MSC 87/18), and advise the Committee on how best to proceed with the matter; and
- .4 consider whether it is necessary to re-establish the FSA Experts Group in future and, if so, advise the Committee as appropriate.

Report of the FSA Experts Group

18.10 Having received the report of the FSA Experts Group (MSC 87/WP.7), the Committee approved the report in general and took action as indicated below.

Review of the FSA study on dangerous goods transported in the holds of open-top containerhips

18.11 The Committee noted the group's review of the FSA study on dangerous goods transported in the holds of open-top containerhips (MSC 87/18/1 and MSC 87/INF.2), in particular the group's agreement that the FSA was in line with the FSA Guidelines. In relation to this FSA, the Committee, having endorsed the group's view that worldwide databases containing accidents related to dangerous goods containers are necessary, referred this matter to the FSI Sub-Committee in conjunction with other recommendations by the FSA Experts Group, for action as appropriate (see also paragraph 18.6.1).

Final recommendations in the FSA study

18.12 With regard to the final recommendations in the FSA study on dangerous goods transported in the holds of open-top containerhips, the Committee, having noted that no single risk-control option (RCO) or combination of RCOs is suitable to address all types of hazards that originate from the dangerous goods classes which were the focus of the analysis, and that no recommendation can be made to generally allow the transport of dangerous goods in the holds of open-top containerhips, decided that the recommendations in the FSA studies, if necessary, should be further investigated and proposed by Member Governments or international organizations to the Committee or relevant sub-committees (see also paragraph 18.6.2).

General recommendation from the review based on the FSA studies carried out by SAFEDOR

18.13 The Committee, endorsing the group's recommendation that it would be premature to provide unequivocal endorsement of specific recommendations stemming from the FSA studies which were reviewed by the group, encouraged Member Governments and non-governmental organizations to conduct specific FSA studies with a view to improving regulations relating to maritime safety and protection of the marine environment.

Comments by SAFEDOR on the FSA Experts Group's report

18.14 The Committee noted that the group had generally accepted with appreciation the answers prepared by SAFEDOR on the FSA Experts Group's report and found some points to be included in the future amendments to the FSA Guidelines (see paragraph 18.15).

Amendments to the FSA Guidelines and the Guidance on use of HEAP and FSA

18.15 The Committee endorsed the group's recommendation, based on its experience on the review of FSA studies, to further consider the FSA Guidelines and the Guidance on use of HEAP and FSA, with a view to future amendments (see also paragraph 18.6.4).

Establishment of the FSA Correspondence Group

18.16 Subsequently, the Committee agreed to establish a Correspondence Group on Formal Safety Assessment (FSA), under the coordination of Japan*, and instructed it, taking into account the comments made and decisions taken by the Committee, based on documents MSC 87/18 (paragraphs 40 to 49) and MSC 87/WP.7 (paragraph 21), to:

- .1 prepare a draft revised FSA Guidelines (MSC/Circ.1023 – MEPC/Circ.392, as amended);
- .2 prepare a draft revised Guidance on the use of HEAP and FSA relating to the review of FSA studies (MSC-MEPC.2/Circ.6); and
- .3 submit the report to MSC 89.

Future arrangement of the FSA Experts Group

18.17 The Committee noted that, since the review task assigned to the group was finalized at this session, the FSA Experts Group may need to be re-established at future sessions to review possible FSA studies to be submitted to the Organization, when instructed by the Committees (see also paragraph 20.4).

19 PIRACY AND ARMED ROBBERY AGAINST SHIPS

19.1 The Committee recalled that, at both MSC 85 and MSC 86, many delegations had eloquently and comprehensively condemned piracy and armed robbery in waters off the coast of Somalia and elsewhere. The Committee unanimously agreed to reiterate its condemnation of all such acts, particularly off the coast of Somalia where piracy and armed robbery continued to be a menace to shipping.

Statistical information and reports of initiatives to suppress piracy and armed robbery

19.2 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 circular series.

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19.3 The Committee recalled further that, since June 2001 and in accordance with the instructions of MSC 74, the MSC.4 circulars reporting on acts of piracy and armed robbery differentiated (in separate annexes) acts of piracy and armed robbery actually "committed" from "attempted" ones.

19.4 The Committee noted that the Assembly, at its twenty-sixth session, had adopted resolution A.1025(26) on the Code of practice for investigation of crimes of piracy and armed robbery against ships which, *inter alia*, gave a new definition of armed robbery against ships, which now included a reference to inciting and facilitating such acts, to align it with the definition of piracy in UNCLOS article 101.

19.5 The Committee noted that the number of acts of piracy and armed robbery against ships reported to the Organization and which occurred in 2009 was 406 against 306 during the previous year, representing an increase of 32.7% from the figure for 2008. In the first four months of 2010, 135 incidents had been reported to the Organization.

19.6 The Committee also noted that during the period under review (i.e. 1 January 2009 to 31 December 2009), it had emerged that the areas most affected (i.e. five incidents reported or more) in 2009 were East Africa; the Far East, in particular the South China Sea; West Africa; South America and the Caribbean; and the Indian Ocean. Detailed statistical information were provided in document MSC 87/19. The Committee noted further that the majority of actual attacks reported worldwide during 2009 had occurred in international waters, largely as a result of pirate activity in the waters off the coast of Somalia and that the numbers of attacks reported that had occurred in port facilities while the ships were at anchor or berthed, had shown a steady downward trend since the introduction of the ISPS Code in 2004.

19.7 The Committee expressed its 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. From the same information, it emerged that, during the period under review, 8 crew members were killed and 59 crew members were reportedly injured/assaulted. About 746 crew members were reportedly taken hostage/kidnapped and about nine crew members were still unaccounted for. Two vessels were reportedly still unaccounted for, and 56 ships were reportedly hijacked, mostly off the coast of Somalia.

19.8 The Committee urged, once again, all Governments and the industry to intensify and coordinate their efforts to eradicate piracy and armed robbery against ships.

19.9 The Committee noted that despite numerous requests at previous sessions of the Committee, the Secretariat still received very few, if any, reports from Member Governments on action taken with regard to incidents reported to have occurred in their territorial waters. Therefore, the Committee reiterated the urgent need for all Governments to provide the Organization with the information requested.

Piracy and armed robbery against ships in waters off the coast of Somalia

Outcome of meetings of the Assembly and the United Nations Security Council

19.10 The Committee noted (MSC 87/19/1) that with respect to piracy and armed robbery against ships in waters off the coast of Somalia, A 26 had, *inter alia*, adopted resolution A.1026(26) on Piracy and armed robbery against ships in waters off the coast of Somalia.

19.11 As well as effectively extending the provisions of resolution A.1002(25) on Piracy and armed robbery against ships in waters off the coast of Somalia, resolution A.1026(26), *inter alia*, urges Governments to issue IMO recommendations and guidance including the industry-developed "Best Management Practices" (BMP) to ships; to broadcast advice and warnings of attacks to shipping; to advise ships to use the internationally recommended transit corridor; and to report attacks, investigate any such acts and to prosecute offenders. The Committee noted that A 26 had also expressed deep appreciation for the work done by naval vessels and other military assets towards repressing piracy and armed robbery against ships in the Gulf of Aden and elsewhere off the coast of Somalia and in escorting ships carrying humanitarian aid to Somalia.

19.12 The Committee recalled that A 26 had also requested the Secretary-General to endeavour to compile, make publicly available and, as and when possible, update, a list indicating the names and contact details of the organizations which are providing humanitarian aid to Somalia in cases where those on board have been involved or affected by acts and attempted acts of piracy and armed robbery against ships in western Indian Ocean and the Gulf of Aden. The Committee noted that the Secretariat had made a number of attempts to contact such organizations and to request assistance from various organizations with local representation in East Africa or which provide help to the region through other means. Various UN agencies and programmes such as the UNAIDS, UNHCR, UNOCHA, WFP, WHO, and non-Governmental organizations (including the Red Cross) and relief organizations (including Médecins Sans Frontières) had been contacted and requested to provide humanitarian assistance to seafarers. Disappointingly, most of the organizations contacted were not able to help as the resources of these organizations were very limited and the current security situation in Somalia had already constrained their activities in the region. However, the Secretariat was investigating the capacity of the Center for Peace and Democracy to assist. The Committee was requested to advise the Secretariat of any organizations which would be in a position to provide assistance to those on board who have been involved or affected by acts and attempted acts of piracy and armed robbery against ships.

19.13 The Committee recalled that on 30 November 2009, the United Nations Security Council adopted resolution 1897 (2009) which extended the provisions of United Nations Security Council resolutions 1846 (2008) and 1851 (2008). Resolution 1897 (2009) also, *inter alia*, recognized Somalia's rights to offshore resources including fisheries; called for capacity building, including in the Somali regions; and welcomed the Djibouti Code of Conduct.

19.14 Since then, the Security Council had adopted three more resolutions in respect of Somalia: resolution 1910 (2010) (28 January 2010) which extended the mandate of the African Union military presence in Somalia; resolution 1916 (2010) (19 March 2010) which reinforced the arms embargo on Somalia and extends the mandate of the Monitoring Group established by resolution 1558 (2004); and resolution 1918 (2010) (27 April 2010) which, *inter alia*, welcomed the progress being made to implement the IMO Djibouti Code of Conduct; and "Requests the Secretary-General (of the United Nations) to present to the Security Council within three months a report on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including, in particular, options for creating special domestic chambers possibly with international components, a regional tribunal or an international tribunal and corresponding imprisonment arrangements, taking into account the work of the CGPCS, the existing practice in establishing international and mixed tribunals, and the time and the resources necessary to achieve and sustain substantive results".

Outcome of meetings of the Contact Group on piracy off the coast of Somalia

19.15 The Committee noted that since MSC 86 the Contact Group on Piracy off the Coast of Somalia (CGPCS) and its four working groups had met formally and informally on a number of occasions.

19.16 The Committee recalled that the CGPCS was served by four Working Groups:

- group 1, addressing civil/military co-operation and capacity building;
- group 2, addressing legal issues;
- group 3, addressing strengthening shipping self-awareness and other capabilities; and
- group 4, addressing improving diplomatic and public information efforts.

19.17 The Committee noted that since MSC 86, there had been meetings of the CGPCS plenary in New York in September 2009 and January 2010 chaired by Japan and Norway, respectively. The next plenary session was scheduled to take place in New York on 10 June 2010.

19.18 The Committee also noted that the IMO Secretariat was a Member of the Contact Group and had been fully engaged in the various meetings of the Contact Group and its Working Groups, most recently at the WG1 meeting on 10 May 2010. The Secretariat had also participated as a non-voting Member of the Board of the International Trust Fund, established by Working Group 2, which had initiated a number of projects focusing on development of legal framework and implementation of a public mechanism/media project developed by Working Group 4.

19.19 The Committee welcomed the efforts of the CGPCS to address piracy and armed robbery by issuing various recommendations which, *inter alia*, include the promulgation of the industry's Best Management Practices or the legal toolbox for prosecuting pirates and armed robbers.

19.20 The delegation of the Islamic Republic of Iran raised the question of the status of the CGPCS and the Committee noted that the CGPCS had been formed as an international mechanism and had evolved in the context of UN Security Council resolution 1851 (2008) adopted on 16 December 2008.

Actions taken in waters off the coast of Somalia to suppress piracy armed robbery against ships

19.21 In considering the information provided by the Secretariat on recent developments on the implementation of the Djibouti Code of Conduct, the Committee recalled that the Sub-regional meeting on maritime security, piracy and armed robbery against ships for western Indian Ocean, Gulf of Aden and Red Sea States, had met in Djibouti in January 2009 and developed a regional agreement, to co-operate in countering piracy pursuant to resolution A.1002(25) on Piracy and armed robbery against ships in waters off the coast of Somalia, which became known in the Djibouti Code of Conduct. During the January 2009 meeting 17 States had adopted and nine States had signed, the Djibouti Code of Conduct; putting it into immediate effect. Since then, five further States had signed the Djibouti Code of Conduct, bringing the total to 14 States namely: the Comoros, Djibouti, Egypt, Ethiopia, Jordan, Kenya, Madagascar, Maldives, Mauritius, Saudi Arabia, Seychelles, Somalia, Sudan, the United Republic of Tanzania and Yemen.

19.22 In order to fund the implementation of the Djibouti Code of Conduct, a multi-donor Djibouti Code Trust Fund has been established with a contribution of \$13.6 million from Japan along with generous contributions and pledges from France, the Netherlands, Norway and the Republic of Korea as well a small, but sincere donation from students of the Bay Point Elementary School in the United States of America.

19.23 The Committee noted that a Project Implementation Unit had been established within the Maritime Safety Division charged with developing and implementing a detailed action plan which will be supported by four key pillars: developing a robust legal framework, maritime situational awareness, exchange of information, and capacity-building to develop coast guard capabilities. Current focus was on establishing and developing the three information sharing centres in Sana'a, Mombasa and Dar es Salaam; and the regional training facilities to be established in Djibouti as these were the building blocks for overall coordination and co-operation within the region.

19.24 The Committee noted (MSC 87/19/2) the strategy adopted by the Government of the Islamic Republic of Iran to counter piracy against ships in waters off the coast of Somalia and the Gulf of Aden. The strategy focused on both non-military and military approaches. The non-military approach included participation in regional initiatives; anti-piracy training, drills and exercises for seafarers serving in Iranian-flagged ships; carriage of security teams and security equipment in Iranian-flagged ships; and establishment of a national focal point for piracy. The military approach included the escorting by warships of Iranian-flagged ships, ships carrying Iranian-owned cargoes or bounded to or from Iranian ports and also assist any seafarers, fishermen and passengers on foreign ships sailing in the region and seeking assistance against pirates.

19.25 The Committee also noted (MSC 87/19/INF.12) Australia's review of the implications of acts of piracy and armed robbery on Australian-related shipping trade and the measures taken by Australia to enhance the security and safety of shipping. This multi-agency review focused on the threat of piracy to Australia, Australian shipping and crew and included an international benchmarking assessment of the global piracy and armed robbery at sea situation. Australia had developed the *Australian Shipping Counter Piracy and Armed Robbery at Sea Advisory Guidelines* which were based on UN Security Council resolutions and IMO guidelines including the industry developed Best Management Practices; and which were supported by an information brochure.

19.26 Australia had also decided that for ships flying the flag of Australia, any future ship security plans lodged with the designated authority (either new, revised or for re-approval) will need to include an acknowledgement that the *Australian Shipping and Counter Piracy and Armed Robbery at Sea Advisory Guidelines* had been taken into account. Australia had also issued a number of Marine Notices and Marine Security Notices for shipping industry members who intend to operate in and around the Somali Coast or the Gulf of Aden; and with respect to the security of the energy supply chain.

19.27 A large number of delegations expressed their gratitude towards the effort made by the UN Security Council, the IMO's Secretary-General, the international community and their navies and other Parties to repress piracy in the waters off the coast of Somalia and the western Indian Ocean.

19.28 The Russian Federation welcomed the adoption by the UN Security Council of resolution 1918 (2010) which had been the result of an initiative by the Russian Federation in order to study the feasibility of setting up piracy tribunals on an international, regional or national level, as a means to address shortcomings in the prosecution of pirates which are often released without charges.

19.29 The delegation of Yemen referred to the good co-operation between IMO and Yemen in relation to the Yemeni effort to repress piracy and armed robbery in the region of which the adoption and implementation of Djibouti Code of Conduct was a core element. In order to enhance international co-operation and to repress piracy and armed robbery against ships in a more robust way, efforts will be made by Yemen to work with other States in the region to make the Code a binding agreement. Yemen had finished all the construction works for the Sana'a Regional Maritime Information Sharing Centre and that all that remained was to equip the Centre. The Yemeni forces and Yemen Coast Guard had been active in protecting shipping and Yemen had prosecuted a number of pirates in accordance with its national law; 12 pirates having been sentenced in the preceding week.

19.30 In welcoming resolution A.1026(26) and the industry-developed Best Management Practices (BMP), the delegation of Greece drew attention to the importance of applying the BMP throughout the area and called upon all flag States to encourage their full implementation.

19.31 The delegation of Argentina, *inter alia*, drew attention to the exceptional legal situation existing in Somalia as the country had no functioning Government or appropriate legal system in place for the prosecution of alleged pirates. The delegation stated that caution should be exercised when broadening the scope of international frameworks on issues related to piracy and the specific situation in Somalia should not set a precedent for imposing a legal framework which could be applied elsewhere. The delegation of Argentina referred to three aspects which are of importance in relation to countering piracy in the waters off the coast of Somalia:

- .1 military aspects;
- .2 legal aspects including UNCLOS as international legal framework; and
- .3 capacity-building projects and technical co-operation programmes.

The delegation of Argentina stated that it did not support the deployment of armed private security personnel on board.

19.32 The Committee noted the suggestion by the delegation of Malta that one should not be disheartened by the number of successful attacks as one did not know how many attacks had been prevented or deterred by the actions of navies, however it was clear that the proportion of successful attacks had decreased. The delegation of Malta stated that it was important that each flag State established and promulgated details of a 24/7 point of contact for piracy in order to be able to react quickly to requests for assistance.

19.33 The Secretary-General briefed the Committee on the recent informal meeting on piracy held by the United Nations General Assembly, which had been convened by its President, thereby demonstrating that piracy, in particular the situation off the coast of Somalia, was now being addressed at the highest level within the United Nations. The General Assembly had noted, with appreciation, the efforts of the Security Council, IMO, naval forces, individual States and other organizations in preventing and repressing acts of piracy and armed robbery against ships.

During the meeting, the Secretary-General had made a presentation to, and moderated, a panel discussion on the *Global character of piracy and the crucial role of the United Nations and cooperation amongst Member States in combating the scourge*, one conclusion of which had been that a collective and coordinated response among Governments, under the leadership of the UN System, was necessary to address the problem effectively.

In commenting on recent ships' practice to keep as far away as possible from the Somali coast and even re-routing to avoid pirate-infested areas, he pointed out that ships were already diverting substantially from their routes and that this has had serious repercussions on shipping, maritime trade and the environment as it meant, *inter alia*, that ships routing via the Cape of Good Hope would incur an extra 12.5 days' journey time, at 15 knots, burning an extra 750 tonnes of fuel per voyage and with corresponding increased CO₂ emissions and freight rates. This would undoubtedly damage consumers and economies.

In expressing gratitude to the more than 25 States, which were providing naval assets and military aircraft to protect merchant vessels off Somalia, in the Gulf of Aden and the western Indian Ocean, the Secretary-General pointed out that, despite the ongoing attacks on ships, the international community's efforts had improved the situation, pointing out that, although there had recently been an increase in the number of attacks, there had been a decrease in those succeeding. Further, no ship chartered by the United Nations' World Food Programme (WFP) had been attacked or hijacked since they had started being escorted by warships from various nations and this positive outcome was only likely to continue as WFP-chartered ships were currently being protected by NATO forces.

He then provided information on the views expressed by Working Group 2 of the Contact Group on the proposal for an international tribunal to try pirates, in particular that such a decision would be costly and that the best option would be to establish international chambers within existing national courts, including, when circumstances allow, in Somalia. He also pointed out that the Legal Committee and the aforementioned Working Group 2 were collaborating on such issues to ensure the availability of adequate legislation and judicial systems and mechanisms to address the prosecution of alleged offenders.

The Secretary-General further noted that the Organization, through its Integrated Technical Co-operation Programme (ITCP), was helping to enhance maritime security and anti-piracy efforts, in particular through capacity-building activities in the affected regions. With respect to the situation off the coast of Somalia, and in addition to the support being provided through the ITCP, the Djibouti Code Trust Fund had been established, with generous contributions from Japan, France, Netherlands, Norway and the Republic of Korea, to promote the Code's full and effective implementation throughout the signatory States. To that same end, the Secretariat was also working very closely with other UN agencies such as FAO, UNDP, UNODC, the UN Office for Legal Affairs and UNPOS as well as EUROPOL, INTERPOL, ReCAAP and the industry itself.

He concluded by informing the Committee that a paper on the UN General Assembly informal meeting would be submitted to the forthcoming session of the Council.

Implications of the United States Executive Order 13536 of 12 April 2010 on Blocking Property of Certain Persons Contributing to the Conflict in Somalia

19.34 Having welcomed the efforts made by the international community and IMO to reduce the number of piracy attacks in the waters off the coast of Somalia, the observer from ICS stated that the deployed naval assets were not sufficient and that their rules of engagement not robust enough to address the piracy off the coast of Somalia satisfactorily. The observer from ICS further expressed great concern in the industry over the United States Executive Order 13536 due to the great uncertainty it imposed on shipowners, insurers and other entities involved in shipping ventures. He explained to the Committee that the Executive Order had already caused confusion in the international shipping community as its application was not completely clear. The impact on the insurance market was the greatest concern of the shipping industry. It was also unclear how the United States would respond in the event that a ransom payment was banned, on the grounds that it involved an

United States person, but where seafarers of other nations were being held and whose release would be prevented if the ransom payment could not be made. He called on the United States to provide more clarity on the broad application of the Executive Order.

19.35 The Committee noted that United States Executive Order 13536 which targets for designation and blocks all property within United States' jurisdiction of those designated individuals and entities who threaten peace and stability in Somalia, including by committing acts of piracy and armed robbery off the coast of Somalia.

19.36 The delegation of the United States responded to the concerns over the United States Executive Order 13536 by stating that it was issued to counter the threat posed by the deterioration of the security situation and the persistence of violence in Somalia. A similar effort is reflected in United Nations Security Council resolution 1844. It was recognized that piracy may be solved by the stabilization of Somalia over all. The United States provided an information paper, which is reproduced in annex 45, and arranged a presentation on the Executive Order 13536 from the United States Department of State and Treasury on Wednesday, 19 May 2010.

Piracy-related issues for further consideration by the Committee

19.37 The observer from IPTA reminded the Committee that chemical tankers are particularly vulnerable to pirate attacks, being on the whole small, relatively slow and having a low freeboard when fully laden. This inherent vulnerability had led to a number of vessels belonging to IPTA members being taken over the past few years, despite having followed the precautions recommended by the various authorities. An IPTA vessel had recently been attacked repeatedly by three or four pirate vessels at a time. On each occasion the pirates had eventually given up and approached another vessel. This demonstrated that we were no longer dealing with isolated attacks by opportunists but highly organized groups of pirates hunting in packs and picking off the weakest vessels. IPTA echoed the concerns expressed by ICS with regard to the recent US Executive Order in relation to Somalia.

19.38 The delegation of Malta pointed out that proper ship protection could be achieved by deploying military vessel protection detachment teams on board merchant ships. Such teams, however, were only warranted if authorized by the flag State on such merchant ships. Malta had already made bilateral agreements with flag States for the deployment of its vessel protection detachment teams but, in order to promote vessel detachment teams on other ships and from other States, the delegation of Malta encouraged representatives from Member Governments to appoint a point of contact for each flag State. Flag States seeking protection from other Member Governments' vessel protection detachment teams would then have a point of contact to which such requests could be directed.

19.39 The delegation of Kenya informed the Committee of the difficulties encountered in Kenya in the prosecution of pirates, stating that the Kenyan judicial system was overloaded with pirates awaiting trial. Kenya recommended the development of a more robust mechanism to tackle piracy off the coast of Somalia as piracy is only a symptom of a wider problem which comprises other criminal activities such as weapon smuggling.

19.40 A number of delegations suggested investigating the possibility of including the guidance on piracy in the ISM Code and the ISPS Code and encouraged proposals in this respect to the next session of the Committee.

19.41 The delegation of Turkey drew the Committee's attention to the alleged new practice on board ships whereby the crew seeks shelter in a safe room after stopping the main propulsion plant. It was the view of Turkey that such practice, which was to be distinguished

from the "citadel concept" and "secure areas" as outlined in other IMO guidance, was not intended to lock all the crew in a small compartment. The delegation of Turkey stressed that such practice, if applied in a remote sea area without nearby naval assistance, could put the crew and their ship at serious risk. It was therefore proposed that IMO should develop guidelines to this end. In this regard, the Committee noted that the industry-developed Best Management Practices were currently under review and that, *inter alia*, the issue of citadels would be addressed.

19.42 The Committee noted suggestions made in plenary regarding the barring of ships which are not fitted with LRIT-transmitters from entering the pirate-infested waters or the suggestions of developing alternative routes for high-risk ships and encouraged delegates to submit detailed proposals to the next session of the Committee.

19.43 The Committee recalled (MSC 87/19/3) that A 26 had adopted resolution A.1025(26) on Code of practice for investigation of crimes of piracy and armed robbery against ships; and resolution A.1026(26) on Piracy and armed robbery against ships in waters off the coast of Somalia. Furthermore, A 26 had also discussed issues relating to the treatment of seafarers during and after a piracy attack. The Committee noted that a number of issues alluded to in the resolutions indicated the need for further consideration by the Committee as detailed in the ensuing paragraphs.

Development of guidance to shipowners, masters and crews with respect to the investigation of piracy and armed robbery against ships

19.44 In considering the information provided by ReCAAP-ISC (MSC 87/19/4 and MSC 87/INF.17), the Committee noted the achievements of the ReCAAP-ISC since its inception and the work that had been done in co-operation with IMO. This co-operation had included provision of weekly updates to the IMO on incidents reported to the ReCAAP-ISC by the ReCAAP Focal Points and other agencies; active participation in meetings of the Committee and of the Council of IMO; participation in the Tanzania (April 2008), Djibouti (January 2009) and Seychelles (October 2009) meetings in relation to the development and implementation of the Djibouti Code of Conduct, which was, in part, modelled on the ReCAAP Agreement; and conducting training of Djibouti Code of Conduct signatory States' national focal points in Singapore and the Philippines (November 2009).

19.45 The Committee also noted ReCAAP-ISC's procedures for qualitative and quantitative analysis of incident reports and welcomed the common effort in the region to address piracy and armed robbery against ships. The case of the recovery of the hijacked tug **Asta** and barge **Callista** (MSC 87/INF.17) had shown the effectiveness of multi-channel reporting and the need for law enforcement agencies and the industry to co-operate and collaborate. It had also emphasized the need for proper information management to ensure the safety of crew and conduct of the maritime operations by the respective law enforcement agencies.

19.46 The Committee further noted that the Netherlands would become a party to the ReCAAP agreement on 3 July 2010, and that Denmark had also indicated its intention to become a ReCAAP Member State.

19.47 ICC (MSC 87/19/6) provided information on a proposal from the ICC-International Maritime Bureau to target the owners of piracy assets and businesses and to make their financial environment harsher by using existing anti-piracy legislation more effectively.

19.48 The delegation of Denmark pointed out that when developing guidance on legal issues it was important to take into account the work of Working Group 2 of the CGPCS. Working Group 2 was developing mechanism to address piracy and armed robbery from a legal perspective including a legal toolbox with information. Any efforts should be coordinated and take into account such work in order to avoid parallel work on identical issues.

19.49 The observer from BIMCO stated that the arrest and trial of pirates was supported by the industry as a deterrent to piracy. The current catch and release scheme provided little or no deterrent. To this end BIMCO strongly supported the work of IMO and ICC in pursuing the development of guidance with respect to the investigation of piracy and armed robbery. BIMCO had also been liaising directly with INTERPOL and assisting UNODC with the provision of witnesses. BIMCO recommended that a coordinated effort which included the work of the industry with INTERPOL, ICC and IMO would be of very real use to the Committee at MSC 88 in considering guidelines on the subject. BIMCO offered to coordinate this meeting and suggested that practical guidance could be developed in conjunction with the IMO, for consideration at MSC 88.

19.50 The Committee agreed that the development of practical guidance for masters and crews with respect to the investigation of piracy and armed robbery against ships should be referred to the MSPWG for further consideration.

Development of guidance with respect to the fitness of ships to proceed and the care of seafarers and other persons on board who have been subjected to acts of piracy and armed robbery against ships

19.51 The United States (MSC 87/19/5) provided information on its work pursuant to operative paragraph 5(i) of resolution A.1026(26) and, in particular, the development of guidelines for post-piracy care of seafarers. The United States intended to produce guidance to establish plans and procedures for putting in place measures and taking appropriate action with a view to providing for the welfare of any attacked or hijacked seafarers. ICMA and the United States highlighted (MSC 87/19/INF.14), in particular, the work that had been done in this regard by the Seamen's Church Institute (a member of ICMA).

19.52 On the issue of the fitness of ships to proceed after having been hijacked, the delegation of Cyprus pointed out that IMO had failed to address the fitness of ships to proceed following other incidents or periods of inactivity, for example, ships laid-up in port, and it would not be feasible to develop specific guidance in the absence of such a guidance. The fitness of ships to proceed was predominantly a flag State issue for consideration on a case-by-case basis, and there would therefore be little merit in developing generic guidelines for ships which had been hijacked.

19.53 The Committee referred the issue of the development of guidance on post-piracy care of seafarers and other persons on board, and on the fitness of ships which had been subjected to acts of piracy and armed robbery to proceed, to the MSPWG.

Procedures for updating and promulgating IMO guidance on piracy and armed robbery against ships

19.54 The Committee welcomed the efforts made by the industry to develop guidelines with respect to piracy and armed robbery against ships in waters off the coast of Somalia and noted that the industry group was currently working on the third edition of the BMP.

19.55 The delegation of Cyprus stated that the BMP developed by the industry had little or no reference to flag States or mechanisms established by Governments in the western Indian Ocean to repress piracy and armed robbery such as the MRCC Mombasa or the Sub-RCC in Dar es Salaam. The delegation from Cyprus claimed further that the industry had not considered the work of the Committee as references related to IMO guidance were missing.

19.56 The Committee agreed on the need to update and promulgate the guidance developed by the industry such as the BMP in a timely manner, without necessarily waiting for the next session of the Committee. The Committee therefore authorized the Chairman and the IMO Secretariat to distribute the revised BMP guidance as a new MSC circular, and to revoke the existing circular (currently MSC.1/Circ.1335) without having to wait for the Committee's prior approval. This would be subject to the cover note of the MSC circular bearing the caveat that "the circular does not necessarily reflect the policy of the Committee and has not been endorsed by the Committee". The Committee then would be invited to approve the new circular retrospectively at its next meeting.

19.57 The Committee agreed to revoke MSC.1/Circ.1332 as it had been made redundant by MSC.1/Circ.1335.

Summary of the Seoul International Seminar on Anti-Piracy

19.58 The Committee noted the report by the Republic of Korea (MSC 87/INF.18) on the outcome of a seminar on anti-piracy and armed robbery against ships at sea which was held in Seoul on 12 March 2010. It outlined the Republic of Korea's counter-piracy activities and identified the need to continue and enhance international efforts and co-operation to combat piracy.

Establishment of the Working Group on maritime security including piracy and armed robbery against ships (MSPWG)

19.59 The Committee established the MSPWG and, with respect to piracy and armed robbery against ships, instructed the Group, taking into account the relevant decisions taken and comments made in plenary, to:

- .1 taking into account the proposals of ICC and the "Industry Group" (MSC 87/19/6 and MSC 87/19/8, respectively), to consider and advise the Committee on the development of guidance to shipowners, masters and crews with respect to the investigation of piracy and armed robbery against ships, including, if appropriate, the development of terms of reference for a correspondence group, in order to facilitate the development of mature proposals for consideration and adoption by MSC 88;
- .2 taking into account the proposals of ICMA and the United States (MSC 87/19/5 and MSC 87/INF.14), to consider and advise the Committee on the development of guidelines for the care of seafarers exposed to piracy, including, if appropriate, the development of terms of reference for a correspondence group, in order to facilitate the development of mature proposals for consideration and adoption by MSC 88; and

- .3 consider and advise the Committee on the development guidance with respect to the fitness of ships to proceed after having been subject to an act of piracy or armed robbery against ships, including, if appropriate, the development of terms of reference for a correspondence group, in order to facilitate the development of mature proposals for consideration and adoption by MSC 88.

REPORT OF THE MSPWG

19.60 Having received the report of the MSPWG (MSC 87/WP.6), the Committee approved it, in general, and took action as indicated in the ensuing paragraphs.

19.61 In the general consideration of the report of the MSPWG, the delegation of Ukraine expressed disappointment that the proposal to discuss the inclusion in the ISPS Code and other IMO instruments, provisions requiring the implementation of IMO guidance on piracy and armed robbery against ships had not been supported. Despite repeated requests, the Group had declined to discuss the issue as it was not reflected in their terms of reference. The delegate of Ukraine stated that this year some 38 Ukrainian seafarers had been taken hostage, none of them on board Ukrainian-flagged ships. This indicated the need for the full implementation of the IMO guidance on all ships, irrespective of flag.

Development of guidance to shipowners, masters and crews with respect to the investigation of piracy and armed robbery against ships

19.62 The Committee noted the decision of the MSPWG that, due to the absence of concrete proposals and formal support for establishing a correspondence group on the investigation of piracy and armed robbery against ships, it would not be prudent to develop terms of reference at this time. Instead, the Committee requested submissions for the development of guidelines for shipowners, masters and crews with respect to the investigation of piracy and armed robbery against ships to the next session of the Committee.

Development of guidelines for the care of seafarers and other persons on board who have been subjected to acts of piracy and armed robbery against ships

19.63 The Committee requested that proposals for the development of Guidelines for the care of seafarers and other persons on board who have been subjected to acts of piracy and armed robbery against ships be submitted to the next session of the Committee; and invited Member Governments and interested parties to provide comments and advice to ICMA for further development of their guidelines, prior to their submission to the next session of the Committee.

20 GENERAL CARGO SHIP SAFETY

20.1 The Committee recalled (MSC 87/20) that MSC 84, having discussed the best way to proceed on the matter in light of the information received to date, had agreed, in principle, that:

- .1 there was an urgent need to consider the safety of general cargo ships, taking into account the current safety level of these types of ships and the documents submitted to date on the matter;
- .2 more detailed casualty information on the cause of accidents involving general cargo ships was needed to progress the matter, including the outcome of any related studies;

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- .3 the definition of the terms "bulk carrier" and "general cargo ship" are interrelated and, therefore, any outcome of discussion on the definition of "bulk carrier" under the provisions of the SOLAS Convention should be taken into account in the discussion of the definition of "general cargo ship"; and
 - .4 any FSA studies submitted on the matter should first be reviewed by the FSA Group of Experts before establishing a working group on general cargo ship safety.

20.2 The Committee also recalled that, following consideration of the documents submitted to MSC 86, in particular:

- .1 MSC 86/19/1 (Germany), providing comments on the initial steps of the IACS-led formal safety assessment study on general cargo ships relating to analysis of casualty data; and
- .2 MSC 86/INF.4 (IACS), containing the final report of Step 1 (Evaluation of historical data) from an FSA study that had been conducted by IACS regarding the safety of general cargo ships,

it had agreed that the IACS FSA study should be reviewed by the FSA Experts Group after the full study has been finalized. In this context, the Committee also recalled that, following an intervention by the observer from IACS on the need for greater access to casualty databases, it had encouraged Member Governments and international organizations to make their casualty databases available to assist IACS with the FSA and had invited them to submit further information and relevant proposals on the matter to MSC 87.

20.3 The Committee had for its consideration the following documents:

- .1 MSC 87/20/1 (IACS), providing a summary report of the Risk Analysis from the FSA study that had been conducted by IACS regarding General Cargo Ship Safety;
- .2 MSC 87/20/2 (Islamic Republic of Iran), in response to document MSC 87/20/1, proposing that a comprehensive study be conducted on the causes of incidents on non-IACS classed vessels so that the findings could be used in preventing and minimizing such occurrences;
- .3 MSC 87/INF.3 (IACS), providing an updated report of step 1 (Evaluation of Historical Data) of the IACS FSA study on general cargo ships; and
- .4 MSC 87/INF.4 (IACS), providing a report of step 2 (Risk Analysis) from the FSA study that had been conducted by IACS regarding study on general cargo ships.

20.4 Following a general discussion on the above submissions, the Committee noted the information provided by IACS on the progress made with regard to the FSA Study on General Cargo Ship Safety and reiterated that the above study should be reviewed by the FSA Experts Group after the full study has been finalized. It is anticipated that an update on the IACS FSA study will be provided to MSC 88.

20.5 The Committee invited Member Governments and international organizations to make their casualty data available, including casualty data on non-IACS classed vessels, to assist the Committee and IACS with their FSA study and invited them to submit further information and relevant proposals on the matter to MSC 88.

21 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Status of conventions

21.1 The Committee noted the information on the conventions and protocols and amendments thereto in respect of which IMO performs depositary functions and which are related to the work of the Committee as at 28 February 2010 (MSC 87/21 and MSC 87/INF.8) 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, i.e. the accession by Brazil and Canada to the Protocol of 1988 to the International Convention for the Safety of Life at Sea, 1974; the accession by Canada to the Protocol of 1988 to the International Convention on Load Lines, 1966 and the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995; and the accession by the Dominican Republic and Nauru to the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988, which will both enter into force on 28 July 2010.

Codes, recommendations, guidelines and other non-mandatory instruments

21.2 The Committee, having noted that all sub-committees had reviewed the list of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments prepared by the Secretariat (MSC 86/INF.11), considered documents MSC 87/21/2 and MSC 87/INF.7 containing a proposal by the Secretariat on the way forward in order to achieve the following objectives:

- .1 revise the list of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments, taking into account the outcome of the consideration of relevant extracts by all the sub-committees; and
- .2 keep the list updated, while making the list available at an appropriate time to IMO Members by means of a circular issued on an annual basis.

21.3 In this context, the Committee approved MSC.1/Circ.1371 on List of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments.

21.4 The Committee also approved the process for the updating of the list by the Secretariat with the issuance of further annual circulars only listing the amendments to the consolidated list and instructed sub-committees to review specific extracts of the list, as prepared by the Secretariat, every four years under their agenda item on "any other business" for subsequent approval of a revised consolidated list by the Committee.

21.5 Regarding the development of a GISIS module to contain information on requirements and recommendations, the Committee noted that a continuously updated consolidated list will be available for electronic download using the GISIS facilities and invited

individual Member States to enter information into GISIS, once the module has been developed, on the implementation of only those non-mandatory instruments adopted by means of Assembly or Committee resolutions and to upload the corresponding national legislation, as deemed appropriate.

21.6 The Committee agreed to invite the Facilitation, Legal and Marine Environment Protection Committees to take note of its decision concerning the list of comprehensive codes, recommendations, guidelines and other non-mandatory instruments and to consider initiating a similar process.

Facilitating the entry into force of the 1993 amendments to the International Convention for Safe Containers (CSC), 1972

21.7 The Committee noted that the Assembly, at its eighteenth session, adopted the 1993 amendments to the Convention (resolution A.737(18)) amending some of the definitions in the Convention and the associated texts in Annexes I and II thereof. The Committee noted that, as of 7 May 2010, there was 78 Contracting States to the Convention and only 9 have deposited acceptances, whereas 52 acceptances are needed for the amendments to enter into force.

21.8 Furthermore, the Assembly, at its twenty-sixth session, noting the slow pace of acceptances necessary for the entry into force of the 1993 amendments to the CSC, 1972, as amended, requested the Secretariat to propose to the Council measures that may be taken to facilitate the entry into force of these amendments.

21.9 The Committee considered document MSC 87/21/1 (Secretariat) that proposed options which, when pursued, should lead to an early entry into force of 1993 amendments to the CSC, 1972, as amended, and, after an extensive discussion on the issue, favoured the first option on holding a conference of Contracting Parties, provided there was willingness amongst Contracting Parties to hold the Conference and opt for the tacit acceptance procedure when adopting amendments to the Convention; and that appropriate arrangements should be made to minimize the duration and cost of such a Conference.

21.10 The Committee requested the Secretariat to contact Contracting Parties to the Convention to seek their views on holding the Conference and, in particular, their willingness to apply the tacit acceptance procedure for amendments to the Convention and report the outcome of such consultation to MSC 88.

Scope of application of SOLAS regulation II-1/41.6

21.11 IACS requested the Committee to clarify the scope of application of the new SOLAS regulation II-1/41.6 (Main source of electrical power and lighting systems) adopted by resolution MSC.216(82) (annex 3), which is due to enter into force on 1 July 2010. The Committee recognized that the application of the new provision on supplementary lighting was understood as being covered by regulation II-1/1-1, i.e. to ships constructed on or after 1 January 2009, while the intention of the Contracting Governments to SOLAS was to apply it to ships constructed on or after 1 July 2010.

21.12 In order to avoid any confusion due to the lack of clear application provisions for the above new requirements on supplementary lighting, the Committee approved MSC.1/Circ.1372 on Guidance for application of SOLAS regulation II-1/41.6. The Committee also approved the draft amendments to SOLAS regulation II-1/41.6, set out in annex 35, and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 88.

22 RELATIONS WITH OTHER ORGANIZATIONS

RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

Application for, and review of, consultative status

22.1 The Committee noted that C 102 had decided:

- .1 to grant consultative status to the Nautical Institute (NI), the World Shipping Council (WSC), NACE International, and the International Association of Airport and Seaport Police (IAASP);
- .2 to grant consultative status on a provisional basis to the Hot Briquetted Iron Association (HBIA) on a provisional basis, for no more than two years, after which a review should be conducted, and the International Spill Control Organization (ISCO) for an additional two years;
- .3 to convert consultative status from provisional basis to full status of the International Fund for Animal Welfare (IFAW) on a provisional basis to full consultative status; and
- .4 not to grant consultative status to Green Ship Recycling Association (GSRA), Inflatable Safety and Survival Equipment Technical Association Limited (ISSETA), the Regional Clean Sea Organization (RECSO), the International Dangerous Goods and Containers Association (IDGCA), the Certification Association "Russian Register" and MYBA.

22.2 The Committee also noted the action taken by C 102 with regard to the International Council of Marine Industries Associations (ICOMIA) and the International Navigation Association (PIANC); and that the name of the International Navigation Association (PIANC) had changed to PIANC, the World Association for Waterborne Transport Infrastructure with the acronym PIANC remaining unchanged.

22.3 The Committee further noted the strong concern expressed by C 102 over any activities which were incompatible with the conditions under which non-governmental organizations had been granted consultative status; and its request for Friends of the Earth International (FOEI) and Greenpeace International in the future to refrain from acting in a manner that may shed a negative light on the Organization.

22.4 The Committee also noted that the IUCN reverted to its original name, i.e. the International Union for Conservation of Nature, retaining the acronym IUCN.

New applications for consultative status

22.5 With regard to the application by the Bureau International des Containers et du Transport Intermodal (BIC) and the Superyacht Builders Association (SYBAss), the Committee recommended the Council to grant consultative status, on a provisional basis for two years at which time their status should be reviewed.

23 APPLICATION OF THE COMMITTEE'S GUIDELINES

GENERAL

23.1 The Committee recalled that MSC 86 had approved the Procedures for the assessment of implications of capacity-building requirements when developing new, or amending existing mandatory instruments, and also had approved amendments to the Guidelines on the organization and method of work (annex 22 of MSC 86/26). MEPC 59 concurred with the decision of MSC 86.

23.2 The Committee, in considering document MSC 87/23 (Secretariat), recalled that operative paragraph 2 of resolution A.1013(26) requests the Committees to review and revise, during the 2010-2011 biennium, the Guidelines on the organization and method of work, taking account of the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization, adopted by the above-mentioned resolution.

23.3 The Committee noted that, in pursuance of the above request, the Secretariat had prepared the draft revised Guidelines and the associated draft MSC/MEPC circular (MSC 87/23, annex 1), taking into account the provisions of the Migration Plan relating to the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization (MSC 87/23, annex 2) to facilitate the Committees' consideration of this matter.

23.4 The Committee also recalled that MSC 86 had discussed the draft amendments to the Committee's Guidelines in order to ensure that the sub-committees should focus their deliberations on the technical or operational aspects of the work assigned and had agreed to revisit the matter at MSC 87.

AMENDMENTS TO THE COMMITTEE'S GUIDELINES CONSIDERED AT MSC 86

23.5 The Committee recalled that MSC 86, in considering the draft amendments to the Committees' Guidelines, on the inclusion of new items in the work programme of the sub-committees, prepared by the 2009 Chairmen's Meeting (MSC 86/WP.11, annex 3), had agreed that the following general principles should serve as the basis for further consideration of the matter:

- .1 the consideration of the need and compelling need for new work programme items remains entirely with the Committees and should not be reopened by sub-committees, as such;
- .2 the Committees filter the proposals and decide on the inclusion of new items in the work programme and agenda of the sub-committees, without pre-deciding on the outcome of the technical or operational consideration, which may bring the sub-committees to recommend that the work cannot be completed; and
- .3 as much information as possible should be gathered by the proponent(s) when putting forward proposals for new work programme items but it should not be assumed that sufficient information is always available at the time of the proposals.

23.6 The Committee had for its consideration documents MSC 87/23/1 (Secretariat), providing background information on the outcome of MSC 86, and MSC 87/23/2 (Cook Islands, *et al*), proposing an alternative text to introduce flexibility and substantiating reference material with regard to the need or compelling need at the subsidiary bodies' level.

23.7 The delegation of the Netherlands, supported by other delegations, expressed the view this issue had been overtaken by event and that paragraphs 4.17 and 4.18 of the draft revised Guidelines on the organization and method of work (MSC 87/23, annex 1) now adequately address the concerns raised in document MSC 87/23/2. Other delegations expressed the view that the above provisions do not fully capture the essence of the alternative text provided in document MSC 87/23/2 because the new provisions do not ensure that sufficient and relevant information is available for the subsidiary body when embarking on its technical work, which those delegations felt was necessary in order to facilitate the work being carried out in an effective and efficient manner.

23.8 After an extensive debate, the Committee requested the Secretariat to review the draft revised Guidelines on the organization and method of work and prepare proposed amendments to capture the essence of the alternative text in document MSC 87/23/2, and propose any other editorial improvements, for consideration at MEPC 61 and MSC 88 (see also paragraph 23.10.2).

23.9 In this context, the Committee agreed to the proposal by INTERTANKO to amend paragraph 6.9.5 of the draft revised Guidelines on the organization and method of work, on comments to be submitted on non-bulky documents (paragraph 6.9.4), which was already agreed to by MEPC 59 (MEPC 59/24, paragraphs 21.11 and 21.12), and requested the Secretariat to effect the above change accordingly.

REPORT OF THE 2010 CHAIRMEN'S MEETING

23.10 The Committee was advised that the 2010 Chairmen's meeting had been held on 15 May 2010 and that its report had been issued under the symbol MSC 87/WP.9. The Committee considered the report of the meeting in general and, having taken appropriate action under agenda item 24, in particular under this agenda item:

- .1 endorsed, as appropriate, the meeting's recommendations on the revised Guidelines on the organization and method of work (paragraphs 6.1 to 6.10 and 7.1 of document MSC 87/WP.9) and requested the Secretariat to take action accordingly;
- .2 approved, in principle, the draft MSC/MEPC circular on Guidelines on the organization and method of work (MSC 87/23, annex 1, as modified by annex 3 to document MSC 87/WP.9), set out in annex 36, with a view to further consideration at MEPC 61 and final approval at MSC 88;
- .3 invited Member Governments to use the draft revised Guidelines when submitting proposals for new outputs, pending approval of the Guidelines by MEPC 61 and MSC 88; and
- .4 decided to further consider whether to make the Guidelines available as a publication that can be downloaded from the IMO website at MSC 88.

Matters related to the Migration Plan for the implementation of the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization

23.11 The Committee recalled that the Migration Plan relating to the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization, as set out in annex 2 to document MSC 87/23, prepared by the *Ad Hoc* Council's Working Group on the Strategic Plan to facilitate implementation of resolution A.1013(26), was developed with a

view towards achieving full implementation of the aforementioned Guidelines by the beginning of the 2012-2013 biennium.

Sub-Committees' proposals for the biennial agenda for the 2012-2013 biennium

23.12 In considering the actions that could be taken by the subsidiary bodies, the Committee agreed to the meeting's recommendation (MSC 87/WP.9, paragraph 13) that the subsidiary bodies should prepare their respective biennial agendas for the next biennium at their forthcoming sessions, in accordance with the revised Guidelines, taking into account that:

- .1 outputs selected for the biennial agenda should be phrased in SMART terms; and
- .2 where the target completion year for a specific output goes beyond that 2012-2013 biennium, an interim output should be placed in the biennial agenda with a target completion year of 2012 on 2013, as appropriate, and a related output should be placed in the Committee's post-biennial agenda with the anticipated completion year,

and requested the Secretariat, in consultation with the Chairmen, to prepare the initial proposals for consideration by the sub-committees accordingly.

Committees' proposals for the high-level action plan for the 2012-2013 biennium

23.13 Recognizing the need for achieving full implementation of the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization by the beginning of the 2012-2013 biennium, the Committee agreed to the meeting's recommendation (MSC 87/WP.9, paragraph 14) to finalize its proposals for the High-level Action Plan for the 2012-2013 biennium, based on the revised Guidelines, for consideration at MSC 89, taking into account the proposed biennial agendas prepared by the Sub-Committees, for submission to C 106. The Committee requested the Secretariat to take action, as appropriate, and inform MEPC 61 accordingly.

New GISIS module on Organizational Planning

23.14 The Committee noted information on the development of a new Global Integrated Shipping Information System (GISIS) module on Organizational Planning by the Secretariat to support the new strategic planning process, in accordance with paragraph 2.2.4 of the Migration Plan, and that the new GISIS module would be fully operational by 1 January 2012 and that all Chairmen, Vice Chairmen and the Secretariat would have access to the new database for planning purposes. In this context, the Committee reaffirmed that the new module should be developed at no extra cost for the Organization. The Committee requested the Secretariat to provide all relevant IMO bodies with the same information.

Any other business

23.15 The Committee noted that the *Ad Hoc* Council Working Group on the Organization's Strategic Plan at its eleventh session (7 to 9 April 2010) had considered the Organization's working arrangements and that the outcome of the Council Working Group (C 104/3) will be considered by C 104.

24 WORK PROGRAMME

BIENNIAL AGENDAS OF, AND PROVISIONAL AGENDAS FOR, THE FORTHCOMING SESSIONS OF THE SUB-COMMITTEES, INCLUDING CONSIDERATION OF NEW OUTPUTS PROPOSED BY MEMBER GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS AND SUB-COMMITTEES CONCERNED

GENERAL

24.1 Taking into account the recommendations made by the Sub-Committees which had met since MSC 86 (MSC 87/24, MSC 87/24/Add.1 and MSC 87/24/Add.2); the Guidelines on the application of the Strategic Plan and the High-level Action Plan (resolution A.1013(26)); various proposals for new work programme items (herewith called "outputs") submitted to the session by the Member Governments and international organizations and the sub-committees concerned; a preliminary assessment of such proposals (MSC 87/WP.1), 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-MEPC.1/Circ.2); and decisions taken during the session, the Committee reviewed the work programmes (herewith called "biennial agendas") of the sub-committees and the provisional agendas for their forthcoming sessions and took action as indicated hereunder.

24.2 The Committee recalled that, with regard to the Committee's method of work relating to the consideration of proposals for new outputs, 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 output should or should not be included in the sub-committee's biennial agenda. A decision to include an output in a sub-committee's biennial agenda does not mean that the Committee agreed with the technical aspects of the proposal. If it is decided to include the output in a sub-committee's biennial agenda, 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.

24.3 The Committee noted that MEPC 59 and MEPC 60, as appropriate, had approved the biennial agendas of the BLG and FSI Sub-Committees as well as the provisional agendas for their forthcoming sessions, and the environment-related outputs on the biennial agendas of other sub-committees, as reported in documents MSC 87/2/2 and MSC 87/2/2/Add.1.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

Outcome of MEPC 60

24.4 The Committee recalled that MEPC 60 (MSC 87/2/2/Add.1) agreed to include, in the BLG Sub-Committee's biennial agenda and the provisional agenda for BLG 15, an unplanned output on "Development of a Code for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk in offshore support vessels", with a target completion year of 2012, and instructed the BLG Sub-Committee to seek technical advice from the DE Sub-Committee as necessary.

Amendments to SOLAS to mandate enclosed space entry and rescue drills

24.5 The Committee recalled that, following consideration of documents MSC 87/24/3 (Bahamas, Vanuatu, OCIMF and IACS) and MSC 87/24/15 (Chile, Cyprus, Islamic Republic of Iran, Italy, Netherlands, Panama and IPTA) in the context of the DSC Sub-Committee's biennial agenda, it had agreed to include in the biennial agenda of the BLG Sub-Committee

and provisional agenda for BLG 15, an unplanned output on "Amendments to SOLAS to mandate enclosed space entry and rescue drills", with a target completion year of 2012, assigning the DSC Sub-Committee as the coordinating organ (see also paragraph 24.11).

Fixed deck foam systems

24.6 Following consideration of the relevant justification for a new output provided by BLG 14, the Committee agreed to include, in the biennial agenda of the BLG Sub-Committee and the provisional agenda for BLG 15, an unplanned output on "Review of proposed amendments to chapter 14 of the FSS Code related to ships carrying liquid substances listed in the IBC Code", with a target completion year of 2011 (see also paragraph 13.11).

Revision of the Recommendations for entering enclosed spaces aboard ships

24.7 Following consideration of the outcomes of DSC 14, BLG 14 and FP 54 on matters related to the revision of the Recommendations for entering enclosed spaces aboard ships (resolution A.864(20)), the Committee agreed to reinstate the output 5.2.1.25 on "Revision of the Recommendations for entering enclosed spaces aboard ships", with a target completion date of 2011 (see also paragraphs 13.10 and 15.17).

Biennial agenda of the Sub-Committee and provisional agenda for BLG 15

24.8 The Sub-Committee's biennial agenda, as revised and approved by the Committee, is set out in annex 37.

24.9 The Committee approved the provisional agenda for BLG 15, as set out in annex 38 and requested the Secretariat to inform the MEPC accordingly.

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

Outcome of MEPC 60

24.10 The Committee recalled that MEPC 60 (MSC 87/2/2/Add.1) had agreed to instruct the DSC Sub-Committee to further consider document MEPC 60/6/5 (Islamic Republic of Iran), regarding the need to provide waste reception facilities for goods subject to MARPOL Annex III, under the agenda item on "Any other business" and to report the outcome to MEPC 62.

Amendments to SOLAS to mandate enclosed space entry and rescue drills

24.11 The Committee considered document MSC 87/24/3 (Bahamas, Vanuatu, OCIMF and IACS), proposing amendments to SOLAS to mandate enclosed space entry and rescue drills to ensure that seafarers who enter such spaces are familiar with the precautions to be taken prior to entry and in the event of an accident, together with document MSC 87/24/15 (Chile, Cyprus, Islamic Republic of Iran, Italy, Netherlands, Panama and IPTA), and agreed to include, in the BLG and DSC Sub-Committee's biennial agendas and the provisional agendas for BLG 15 and DSC 15, an unplanned output on "Amendments to SOLAS to mandate enclosed space entry and rescue drills", with a target completion year of 2012, assigning the DSC Sub-Committee as the coordinating organ (see also paragraph 24.5).

Biennial agenda of the Sub-Committee and provisional agenda for DSC 15

24.12 The Sub-Committee's biennial agenda, as revised and approved by the Committee, is set out in annex 37.

24.13 The Committee approved the provisional agenda for DSC 15, as set out in annex 38.

SUB-COMMITTEE ON FIRE PROTECTION (FP)**Use of composite materials in shipbuilding**

24.14 The Committee recalled that, following consideration of document MSC 87/24/9 (United Kingdom) in the context of the DE Sub-Committee's biennial agenda, it had agreed to include in the biennial agenda of the FP Sub-Committee and the provisional agenda for FP 55, an unplanned output on "Development of guidelines for use of fibre reinforced plastic (FRP) within ship structures", with a target completion year of 2013, assigning the DE Sub-Committee as the coordinating organ (see also paragraph 24.31).

Standards for approval of anti-splashing tape

24.15 Following consideration of document MSC 87/24/4 (Republic of Korea), proposing to develop standards for the approval of anti-splashing tape pertaining to heat resistance, flammability, aging and strength, the Committee did not agree to the proposal.

Unified interpretations of the 2000 HSC Code

24.16 The Committee considered document MSC 87/24/7 (Norway), proposing to develop a set of unified interpretations to chapter 7 (Fire safety) of the 2000 HSC Code, as amended, and agreed to include, in the biennial agenda of the FP Sub-Committee and the provisional agenda for FP 55, an unplanned output on "Unified interpretations of chapter 7 of the 2000 HSC Code", with a target completion year of 2012.

Communication between members of fire-fighting teams

24.17 Following consideration of document MSC 87/24/8 (Denmark, Finland and Sweden), proposing to develop amendments to chapter 3 of the FSS Code related to communication equipment for fire-fighting teams on cargo and passenger ships, the Committee agreed to include, in the biennial agenda of the FP Sub-Committee and the provisional agenda for FP 55, an unplanned output on "Amendments to the FSS Code for communication equipment for fire-fighting teams", with a target completion year of 2012.

Biennial agenda of the Sub-Committee and provisional agenda for FP 55

24.18 The Sub-Committee's biennial agenda, as revised and approved by the Committee, is set out in annex 37.

24.19 The Committee approved the provisional agenda for FP 55, as set out in annex 38.

Urgent matters to be considered by MSC 89

24.20 Noting that, due to the close proximity between FP 55 and MSC 89 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-ninth session, only urgent matters emanating

from FP 55, the Committee agreed that the following should be urgent matters for consideration by MSC 89:

- .1 Performance testing and approval standards for fire safety systems;
- .2 measures to prevent explosions on oil and chemical tankers transporting low-flashpoint cargoes; and
- .3 revision of the Recommendations for entering enclosed spaces aboard ships.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

Outcome of MEPC 60

24.21 The Committee recalled that MEPC 60 (MSC 87/2/2/Add.1) had agreed to instruct FSI 18 to further consider document MEPC 60/6/5 (Islamic Republic of Iran), proposing amendments to all regulations concerning port reception facilities in MARPOL Annexes I, II, IV, V and VI, under its agenda item on "Port reception facilities-related issues", and to report the outcome to MEPC 61.

Biennial agenda of the Sub-Committee and provisional agenda for FSI 18

24.22 The Sub-Committee's biennial agenda, as approved by the Committee, is set out in annex 37. The Secretariat was requested to inform the MEPC accordingly.

24.23 The Committee confirmed the provisional agenda for FSI 18, as set out in annex 38, and requested the Secretariat to inform the MEPC accordingly.

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

Measures to avoid false distress alerts

24.24 The Committee considered document MSC 87/24/5 (Republic of Korea), proposing to develop guidelines containing a unified set of specifications for distress alert buttons and safe test functions, and agreed to include, in the post-biennial agenda of the Committee, an output on "Measures to avoid false distress alerts", with two sessions needed to complete the work, assigning the COMSAR Sub-Committee as the coordinating organ, in co-operation with the NAV Sub-Committee, as necessary and when requested by the COMSAR Sub-Committee.

Biennial agenda of the Sub-Committee and provisional agenda for COMSAR 15

24.25 The Sub-Committee's biennial agenda, as revised and approved by the Committee, is set out in annex 37.

24.26 The Committee approved the provisional agenda for COMSAR 15, as set out in annex 38.

Urgent matters to be considered by MSC 89

24.27 Noting that, due to the close proximity between COMSAR 15 and MSC 89 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-ninth session, only urgent matters emanating

from COMSAR 15, the Committee agreed that the following should be urgent matters for consideration by MSC 89:

- .1 operational and technical coordination provisions of maritime safety information (MSI) services, including review of the related documents;
- .2 ITU World Radiocommunication Conference matters;
- .3 scoping exercise to establish the need for a review of the elements and procedures of the GMDSS;
- .4 revision of the IAMSAR Manual; and
- .5 revision of Performance Standards for float-free satellite EPIRBs operating on 406 MHz (resolution A.810(19)).

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

Biennial agenda of the Sub-Committee and provisional agenda for NAV 55

24.28 The Sub-Committee's biennial agenda, as approved by the Committee, is set out in annex 37.

24.29 The Committee confirmed the provisional agenda for NAV 56, as set out in annex 38.

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

Proposed amendments to the Recommendation on conditions for the approval of servicing stations for inflatable liferafts (resolution A.761(18))

24.30 The Committee considered document MSC 87/24/2 (Australia, Dominica, the United Kingdom and ILAMA), proposing amendments to the aforementioned Recommendation to overcome an anomaly with regard to date-expired items in the contents of packed inflatable liferafts following the promulgation of MSC.1/Circ.1328, and agreed to include, in the post-biennial agenda of the Committee, an output on "Revision of the Recommendation on conditions for the approval of servicing stations for inflatable liferafts", with one session needed to complete the work, assigning the DE Sub-Committee as the coordinating organ.

Use of composite materials in shipbuilding

24.31 Following consideration of document MSC 87/24/9 (United Kingdom), proposing to develop guidelines for use of the fibre reinforced plastic for ship structures, the Committee agreed to include, in the biennial agendas of the FP and DE Sub-Committees and the provisional agendas for FP 55 and DE 55, an unplanned output on "Development of guidelines for use of fibre reinforced plastic (FRP) within ship structures", with a target completion year of 2013, assigning the DE Sub-Committee as the coordinating organ (see also paragraph 24.14).

Biennial agenda of the Sub-Committee and the provisional agenda for DE 54

24.32 The Sub-Committee's biennial agenda, as revised and approved by the Committee, is set out in annex 37.

24.33 The Committee approved the provisional agenda for DE 54, as set out in annex 38.

SUB-COMMITTEE ON STABILITY AND LOAD LINES AND ON FISHING VESSELS SAFETY (SLF)**Biennial agenda of the Sub-Committee and the provisional agenda for SLF 53**

24.34 The Sub-Committee's biennial agenda, as approved by the Committee, is set out in annex 37.

24.35 The Committee approved the provisional agenda for SLF 53, as set out in annex 39.

SUB-COMMITTEE ON STANDARDS OF TRAINING AND WATCHKEEPING (STW)**Uniform understanding of the term "approved seagoing service"**

24.36 The Committee considered document MSC 87/24/6 (Norway), proposing to develop unified interpretations of the term "approved seagoing service", referred to in chapter 1 of the STCW Convention, as amended, and agreed to include, in the biennial agenda of the STW Sub-Committee and the provisional agenda for STW 42, an unplanned output on Development of unified interpretations for the term "approved seagoing service", with a target completion year of 2011.

Biennial agenda of the Sub-Committee and the provisional agenda for STW 42

24.37 The Sub-Committee's biennial agenda, as revised and approved by the Committee, is set out in annex 37.

24.38 The Committee approved the provisional agenda for STW 42, as set out in annex 38.

ENDORSEMENT OF THE UNPLANNED OUTPUTS

24.39 In accordance with the relevant provisions of the Guidelines on the application of the Strategic Plan and the High-level Action Plan (resolution A.1013(26)), the Committee invited the Council to endorse, for inclusion in the current High-level Action Plan, the following unplanned outputs agreed by the Committee:

- .1 amendments to SOLAS to mandate enclosed space entry and rescue drills (paragraphs 24.5 and 24.11);
- .2 review of proposed amendments to chapter 14 of the FSS Code related to ships carrying liquid substances listed in the IBC Code (paragraph 24.6);
- .3 development of guidelines for use of fibre reinforced plastic (FRP) within ship structures (paragraphs 24.14 and 24.31);
- .4 development of unified interpretations for chapter 7 of the 2000 HSC Code (paragraph 24.16);
- .5 development of amendments to the FSS Code for communication equipment for fire-fighting teams (paragraph 24.17); and
- .6 development of unified interpretations for the term "approved seagoing service" (paragraph 24.36).

FOLLOW-UP TO THE TWENTY-SIXTH SESSION OF THE ASSEMBLY

General

24.40 Having considered the outcome of the twenty-sixth session of the Assembly (MSC 87/2/4 and MSC 87/24/1) and the action it had been requested to take, the Committee made the following decisions as outlined in paragraphs 24.41 to 24.45 below.

Matters relating to specific requests for action in the context of the resolutions adopted by the twenty-sixth session of the Assembly

24.41 The Committee noted that it had been requested by A 26:

- .1 in the context of resolution A.1012(26) – *High-level Action Plan of the Organization and priorities for the 2010-2011 biennium*:
 - .1.1 when reporting on its work to the Assembly at its twenty-seventh regular session and to the Council at its sessions during the 2010-2011 biennium, to ensure that it reports progress towards fulfilling the Organization's aims and objectives using the framework of the strategic directions, high-level actions and planned biennial outputs;
 - .1.2 when considering proposals for unplanned outputs, to ensure that, in accordance with this resolution and the Committee's Guidelines on the organization and method of work, as appropriate, the issues to be addressed are those which fall within the scope of the Strategic Plan and the High-level Action Plan;
 - .1.3 to submit to the Council, for endorsement, the unplanned outputs, the Committee may approve during the 2010-2011 biennium, for inclusion in the High-level Action Plan for that biennium;
 - .1.4 to ensure that the high-level actions and related outputs, especially those involving amendments to existing conventions (particularly those which have been in force for a short period) take fully into account the directives in resolution A.500(XII); and that due attention is given to the requirement that a well-documented compelling need must be demonstrated for the development and adoption of new or revised standards;
 - .1.5 to review and revise, during the 2010-2011 biennium, the Committee's Guidelines on the organization and method of work in the light of this resolution; and
 - .1.6 when making recommendations for Committee's biennial agendas, to bear in mind the desirability of not scheduling more than one diplomatic conference in each year, save in exceptional circumstances;
- .2 in the context of resolution A.1013(26) – *Guidelines on the application of the Strategic Plan and the High-level Action Plan* to keep, to review and revise, during the 2010-2011 biennium, the Committee's Guidelines on the organization and method of work, taking account of the Guidelines on the

application of the Strategic Plan and the High-level Action Plan, and recalled that the matter had been dealt with under agenda item 23 (Application of the Committees Guidelines) (see also paragraph 23.10);

- .3 in the context of resolution A.1018(26) – *Further development of the Voluntary IMO Member State Audit Scheme*, to take appropriate action, under the coordination of the Council, to develop and establish the IMO Member State Audit Scheme in its institutionalized form within the established time frame, for the Council to report developments to the twenty-seventh regular session of the Assembly (see also paragraphs 24.42 to 24.44);
- .4 in the context of resolution A.1019(26) – *Amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007*, to keep, in cooperation with the MEPC, the Code under review and, under the coordination of the Council, to propose amendments thereto to the Assembly; and that a consolidated text of the Code, as amended, be published on the Organization's website;
- .5 in the context of resolution A.1020(26) – *Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2007*, to keep, in co-operation with the MEPC, the Survey Guidelines under review and amend them as necessary; and that a consolidated text of the Survey Guidelines, as amended, be published on the Organization's website;
- .6 in the context of resolution A.1021(26) – *Code on Alerts and Indicators, 2009*, to keep, in co-operation with the MEPC, the Code under review and update it as necessary;
- .7 in the context of resolution A.1022(26) – *Guidelines on implementation of the International Safety Management (ISM) Code by Administrations*, to keep, in co-operation with the MEPC, the annexed Guidelines under review and to amend them as necessary;
- .8 in the context of resolution A.1023(26) – *Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009 (2009 MODU Code)*, to amend the 2009 MODU Code, as appropriate, taking into consideration developments in design and technology, in consultation with appropriate organizations;
- .9 in the context of resolution A.1024(26) – *Guidelines for ships operating in polar waters*, to keep, in co-operation with the MEPC, the Guidelines under review and update them as necessary in light of experience gained in their application;
- .10 in the context of resolution A.1025(26) – *Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships*, to keep, in co-operation with the Legal Committee, the Code of Practice under review and adopt jointly any necessary amendments to the Code of Practice; and to report, in co-operation with the Legal Committee, on action taken in accordance with this resolution to the twenty-seventh regular session of the Assembly, and recalled that the matter had been dealt with under agenda item 19 (Piracy and armed robbery against ships) (see also paragraphs 19.43 to 19.57);

- .11 in the context of resolution A.1027(26) – *Application and revision of the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases (resolution A.871(20))*, to:
- .1 work expeditiously, and jointly with the Facilitation Committee, on the revision of the Guidelines;
 - .2 adopt, jointly with the FAL Committee, any necessary amendments to the Guidelines resulting from the aforementioned revision and to promulgate them by appropriate means; and
 - .3 report, in co-operation with the Facilitation Committee, on action taken in compliance with this resolution to the twenty-seventh regular session of the Assembly,

and decided to await the outcome of FAL 35, which will consider resolution A.1027(26) in detail, and advise MSC 88 accordingly; and

- .12 in the context of resolution A.1029(26) – *Global Integrated Shipping Information System (GISIS)*, to raise awareness of the existing and potential use of GISIS for compliance with reporting requirements and also as a tool to support research work and the adoption of international and national policies on maritime safety and security and environmental protection, and instructed the FSI Sub-Committee to consider the request of the Assembly and advise the Committee, as appropriate.

The Committee further noted that the Assembly had requested the Secretary-General to take appropriate action towards the continuing development of the system in close co-operation with Member States, the IMO organs, international organizations and all other shareholders of the global maritime community.

Voluntary IMO Member State Audit Scheme

24.42 The Committee noted the information in document MSC 87/24/10 (Secretariat), on the action requested by A 26 in the context of resolution A.1018(26) on Further development of the Voluntary IMO Member State Audit Scheme, which, in its operative paragraph 1, requests the MSC and MEPC, TC and FAL Committees, as necessary, under the coordination of the Council, to take appropriate action to develop and establish the IMO Member State Audit Scheme in its institutionalized form within the established time frame; and requested the Council to report developments to the next session of the Assembly.

24.43 In this connection, the Committee noted that, with regard to the time frame and schedule of activities to institutionalize the IMO Member State Audit Scheme, the Committee and the MEPC had been requested to:

- .1 commence the consideration on how to make the Code for the implementation of mandatory IMO instruments mandatory, including provisions for auditing;
- .2 identify mandatory IMO instruments through which the Code and auditing should be made mandatory; and

-
- .3 develop provisions to make the Code mandatory through the identified mandatory IMO instruments,

and that the Council had been requested to establish a Joint Working Group of the MSC and MEPC, FAL Committee and TCC to review the above framework and procedures for the scheme. In this context, the Committee encouraged Members to participation of Joint Working Group when established.

24.44 In considering the course of action to be followed in order to implement the requests by the Assembly on matters related to making the Code for the Implementation of Mandatory IMO Instruments and the auditing mandatory, the Committee decided to instruct FSI 18 to:

- .1 consider how to make the Code for implementation of mandatory IMO instruments and auditing mandatory, within the ten mandatory instruments currently covered by the Code and the Audit Scheme, and any possible revision of the Code, as a result; and
- .2 report to MSC 88 for further consideration by the Committee in connection with the Timeframe and schedule of activities to institutionalize the IMO Member State Audit Scheme, annexed to resolution A.1018(26), so that the Committee can report to the Council, in due course, on the outcome of its consideration,

and agreed to relax the deadline for submission of documents to FSI 18 for this matter in view of the time available to complete this work. Subsequently, the Committee agreed that the above documents should be two pages or less and received in the Secretariat by 11 June 2010.

24.45 The Committee noted that the Assembly had considered the third consolidated audit summary report (A 26/9/1) and decided to refer it to the Committee and the MEPC for detailed consideration and that the Committees should advise the Council, in due course, of the outcome thereof. In this regard, the Committee requested FSI 18 to consider the third consolidated audit summary report (A 26/9/1), under its agenda item on "Review of the Code for the Implementation of Mandatory IMO Instruments" and report to MSC 88, as appropriate.

MATTERS RELATING TO THE HIGH-LEVEL ACTION PLAN

Post-biennial agenda of the Committee

24.46 In the context of resolution A.1013(26) on Guidelines on the application of the Strategic Plan and the High-level Action Plan, the Committee noted that it had been requested to establish and maintain a post-biennial agenda, using the format set out in the aforementioned Guidelines and that the Secretariat had prepared the Committee's post-biennial agenda based on the proposals made by the Sub-Committees at their last sessions, which is set out in the annex to document MSC 87/24/11. In particular, the Committee noted that existing work programme items (outputs) designated with a number of sessions had been placed in the post-biennial agenda.

24.47 In the context of the above, the Committee, having noted intervention by the delegation of China regarding the priority for the development of mandatory application of the Performance standard for protective coatings for void spaces on bulk carriers and oil tankers, noted that DE 50 had agreed to keep this item on the post-biennial agenda until experience is gained in the application of the above Performance standard.

24.48 The Committee, having noted that the post-biennial agenda would be updated and annexed to its report in accordance with resolution A.1013(26), taking into account any new outputs that may be agreed at this session, invited the Council to note the Post-biennial agenda of the Maritime Safety Committee, set out in annex 39.

Report on the status of planned outputs for the 2010-2011 biennium

24.49 In considering the draft Report on the status of planned outputs for the 2010-2011 biennium (MSC 87/24/13), which was based on the outcomes of FSI 17, NAV 55, DSC 14, STW 41, SLF 52, BLG 14, DE 53, COMSAR 14 and FP 54, the Committee noted the progress made to date on the planned outputs in the High-level Action Plan, including the use of the new reporting format contained in the Guidelines on the application of the Strategic Plan and the High-level Action Plan (resolution A.1013(26)) and that the Secretariat would update the report to include unplanned outputs that had been at the session, which would be annexed to the Committee's report in accordance with resolution A.1013(26).

24.50 Subsequently, the Committee, having considered the recommendations made by the Chairmen's meeting (MSC 87/WP.9), invited the Council to note the Report on the status of planned outputs for the 2010-2011 biennium, set out in annex 40, which includes the unplanned outputs approved at this session, pending their endorsement by the Council (see also paragraph 24.39).

Proposals for the High-level Action Plan for the 2012-2013 biennium

24.51 The Committee, having considered the recommendations made by the 2010 Chairmen's Meeting (MSC 87/WP.9), agreed that the proposals for the High-level Action Plan for the 2012-2013 biennium should be prepared based on the revised Guidelines, for consideration at MSC 89, taking into account the proposed biennial agendas prepared by the sub-committees, for submission to C 106, and requested the Secretariat to take action accordingly (see also paragraph 23.13).

MATTERS RELATED TO CAPACITY-BUILDING

24.52 The Committee, having considered the recommendations made by the Chairmen's meeting (MSC 87/WP.9) on matters related to the procedures for the assessment of implications of capacity-building requirements when developing new, or amending existing, mandatory instruments, as set out in the revised Guidelines on the organization and method of work (MSC 87/23, as amended), requested the Committee Vice-Chairman, in consultation with the Committee Chairman and assisted by the Secretariat, to undertake a preliminary assessment of capacity-building implications, utilizing the checklist for the assessment of the need for capacity-building contained in appendix 2 of annex 2 to the revised Guidelines, for the outputs approved at this session related to mandatory instruments, for consideration by MSC 88 and the *ad hoc* Capacity-Building Needs Analysis Group (AGAG), if established by the Committee. Consequently, the Committee agreed to add this item to the agenda for MSC 88 (see also paragraph 24.57).

GUIDANCE FOR COASTAL STATES ON HOW TO RESPOND TO A MARITIME EMERGENCY INVOLVING RADIOACTIVE MATERIAL AT IAEA

24.53 The Committee considered document MSC 87/24/12 (Secretariat), inviting the IMO Secretariat to collaborate in the preparation of guidance for coastal States on how to respond to a maritime emergency involving radioactive materials, and noted that a meeting to initiate the work on the above guidance, involving multiple stakeholders, had been held in Vienna in March of this year.

24.54 In this connection, given the environmental and safety considerations associated with this initiative, the Committee noted the view of the Secretariat that, before it could engage in the development of such guidance, approval should be obtained from the appropriate IMO bodies, in particular the Committee and the MEPC, since development of the above guidance will have implications for, and require significant contribution from, both IMO Member States and the IMO Secretariat. In particular, the Committee and MEPC should first agree with the need for above guidance and, if agreed, establish an appropriate output on this issue and then involve various technical Sub-Committees in charge of the safety of navigation, telecommunications and the carriage of dangerous goods.

24.55 The Committee, having noted paragraph 8.2 of document MSC 87/2/2/Add.1 that MEPC 60 would further consider this matter at MEPC 61, agreed that the Secretariat should participate in the next IAEA meeting to be held on this matter and requested the Secretariat to prepare a document, for consideration at MSC 88, on the latest developments and provide recommendations on how best to proceed. The Committee requested the Secretariat to inform the MEPC accordingly.

INTERSESSIONAL MEETINGS

24.56 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 following intersessional meetings:

- .1 the Joint IMO/ITU Expert Group on Maritime Radiocommunications Matters to meet from 14 to 16 September 2010;
- .2 the SLF Working Group on Fishing Vessel Safety to meet from 20 to 24 September 2010;
- .3 the Joint ICAO/IMO Working Group to meet from 27 September to 1 October 2010;
- .4 the ESPH Working Group to meet from 18 to 22 October 2010;
- .5 two meetings of the E and T Group to take place in 2011, with the first meeting in May/June 2011 and the second back-to-back with DSC 16;
- .6 the MSC Working Group on Lifeboat Release Hooks, to meet from 20 to 22 October 2010; and
- .7 the *Ad Hoc* LRIT Group, to meet before MSC 88,

and invited the Council to endorse the above decision.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 88

Substantive items for inclusion in the agendas for MSC 88 and MSC 89

24.57 The Committee agreed on the substantive items to be included in the agendas of its eighty-eighth and eighty-ninth sessions, as set out in document MSC 87/WP.8, as amended (see also paragraph 24.51).

Establishment of working groups during MSC 88

24.58 Recalling the provisions of the Guidelines on the organization and method of work concerning the number of groups which may be established at any given session, the Committee, taking into account decisions made under various agenda items, agreed that working groups on the following items should be established at the Committee's eighty-eighth session:

- .1 LRIT;
- .2 human element; and
- .3 [maritime security] [piracy],

and agreed to establish drafting groups on the following item:

- .4 consideration and adoption of the amendments to mandatory instruments.

24.59 The Committee also agreed the following other groups may need to be established:

- .1 Formal Safety Assessment (FSA); and
- .2 Capacity-Building Needs Analysis Group (AGAG).

Duration and dates of the next two sessions

24.60 The Committee noted that its eighty-eighth session has been tentatively scheduled to take place from 24 November to 3 December 2010 and its eighty-ninth session is tentatively scheduled for May 2011.

25 ANY OTHER BUSINESS

Global Integrated Shipping Information System (GISIS)

25.1 The Committee recalled that the Global Integrated Shipping Information System (GISIS) had started to be developed by the Secretariat in July 2005 and allows public access to sets of data collected by the Secretariat as well as the direct recording of data by Member States.

25.2 The Committee noted the information contained in document MSC 87/25 (Secretariat) indicating that GISIS presently consisted of 24 modules, together with the introduction of two amendments related to the Dangerous Goods Carriage Difficulties module. The Committee further noted the information provided by the Secretariat on recent developments relating to GISIS.

25.3 The Committee further noted that the FSI Sub-Committee, at its next session, will consider the issue of the fulfilment of reporting requirements through GISIS.

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

25.4 The Committee recalled that MSC 86, noting the information provided by the Secretariat on developments relating to the IACS QSCS (MSC 86/INF.14), in particular on the possible significant changes to the structure and manner of operation of the current IACS QSCS, and the appointment of a new IMO consultant/observer by the Secretary-General, had requested the Secretariat to continue participation in the IACS QSCS on the same basis as in the past, namely with no financial implication for the Organization, and to report to MSC 87.

25.5 In considering document MSC 87/25/1 (Secretariat) regarding IMO/IACS co-operation on the IACS Quality System Certification Scheme (QSCS), the Committee noted information on the participation of the IMO representative in the work of the IACS QSCS Advisory Committee and on the significant changes to the structure and future manner of operation of the IACS QSCS (paragraphs 6 and 7 of document MSC 87/25/1).

25.6 The Committee, in considering document MSC 87/25/2 (IACS), noted information on the latest developments relating to the IACS QSCS. The key changes to the QSCS were:

- .1 IACS Quality Management System Requirement (IQMSR) is freely available to be adopted and applied by any classification society.
- .2 Audit and assessment of IACS member societies and the applicant societies will be carried out by independent Accredited Certification Bodies (ACBs), chosen and contracted by the society, which meet the requirements necessary for auditing a classification society in accordance with the QSCS requirements.
- .3 Any classification society (non-IACS member) may request any ACB to assess and certify their Quality Management System in compliance with the QSCS on a voluntary basis.
- .4 IACS will keep the ownership of QSCS and will maintain the Scheme through its Quality Committee supervised by the independent Quality Advisory Committee.
- .5 2010 will be a transitional year, i.e. IACS members and IACS applicant societies will be subject to audit both by their chosen ACB and by IACS auditors. From 2011 and beyond, audit and assessment will be exclusively undertaken by ACBs.

25.7 The Committee also noted that IACS, being cognizant of the recent initiative to make the QSCS wholly independent, believed it was time for IMO to consider the continued appropriateness of the current financial arrangements whereby IACS pays the full costs of the IMO observer, and invited the Committee to consider the ongoing participation of the IMO observer in QSCS and the most appropriate funding arrangements regarding this function.

25.8 Noting that the IACS QSCS had now been significantly changed, the Committee considered the issues of the need for continued involvement of the IMO consultant/observer in the new IACS QSCS system and the funding arrangement for the IMO observer.

25.9 Some delegations expressed the view that IMO should cover the costs for the IMO consultant/observer, while many other delegations were of the view that the current financial arrangement whereby IACS pays the costs for the IMO consultant/observer should be maintained at least for the period up to full implementation of the new IACS QSCS (2010 and 2011).

25.10 After some further discussion on the issue, the Committee agreed that the current funding arrangement for the IMO consultant/observer should be maintained for a transitional period, and requested IACS to continue to provide financial contributions during the current biennium. It further agreed that the need for the continued participation in the IACS QSCS either by the IMO observer or by the Secretariat with full co-operation of IACS after the current biennium should be reviewed in future, and requested the Secretariat to continue reporting to the Committee with updated information on IACS QSCS.

IHO membership

25.11 The Committee recalled that in December 2003, the IMO Assembly had adopted resolution A.958(23) inviting, *inter alia*, Governments that were not members of the IHO to consider joining the IHO. Also in 2003, the United Nations General Assembly adopted resolution A.58/240 on Oceans and Law of the Sea encouraging, *inter alia*, increased membership of the IHO.

25.12 The Committee also recalled that in 2003, when Assembly resolution A.958(23) and United Nations General Assembly resolution A.58/240 were adopted, the IHO membership stood at 74 States with seven applications pending (Bulgaria, Latvia, Mauritania, Qatar, Mauritius, Romania and Saudi Arabia). By 2010, the IHO membership had risen to 80 States with six applications pending.

25.13 The Committee considered document MSC 87/25/3 (IHO) outlining the need to encourage IMO Member States not already members of the IHO to give favourable consideration to becoming a Member, in view of the closeness of the IMO and IHO objectives and the complementary role the two organizations play in promoting enhanced navigational safety and environmental protection.

25.14 The Committee, noting that there was overwhelming support for the proposal, approved MSC.1/Circ.1373 on IHO membership, encouraging IMO Member States not already members of the IHO to give favourable consideration to becoming a member.

Protection of the AIS VHF data link

25.15 The Committee recalled that MSC 76 had adopted resolution MSC.140(76) to provide clarification for Administrations regarding the protection of the AIS VHF Data Link (AIS VDL) in anticipation of the large volume of Class B devices that could have a negative impact on the AIS VDL.

25.16 The Committee considered document MSC 87/25/4 (IALA), explaining the technical need for reviewing resolution MSC.140(76) because, since the adoption of resolution MSC.140(76) and as identified in Recommendation ITU-R M.1371, the following AIS were permitted:

-
- .1 AIS VHF data link (VDL) non-controlling stations:
 - .1.1 AIS shipborne station:
 - .1.1.1 Class A shipborne mobile equipment using SOTDMA technology; and
 - .1.1.2 Class B shipborne mobile equipment:
 - Class B "SO" using SOTDMA technology; and
 - Class B "CS" using CSTDMA;
 - .1.2 aids to navigation-AIS station;
 - .1.3 limited base station (no VDL control functionality);
 - .1.4 search and rescue mobile aircraft equipment;
 - .1.5 repeater station; and
 - .1.6 AIS Search and Rescue Transmitter (AIS-SART station); and
 - .2 AIS VDL controlling stations:
 - .2.1 base station.

25.17 The Committee, noting that there was general support for the proposal, invited IALA to submit a corresponding proposal for a new work programme item, co-sponsored by at least one Member Government, to MSC 88.

Recent developments concerning Wing-In-Ground (WIG) craft

25.18 The Committee considered document MSC 87/25/5 (Republic of Korea), informing it that in 2004 the Republic of Korea launched a government-sponsored special project on the development of WIG craft with the aim of researching further requirements regarding constructional, operational and safety aspects of WIG craft and introducing the experience and recommendations gained from the project. In particular, they point out that the project resulted in recommendations for improving the Interim Guidelines for WIG craft (MSC.1/Circ.1054) and that this might be the right time to revise the Guidelines, taking into account that the Committee, when approving them in 2002, had agreed that they should be reviewed at intervals preferably not exceeding four years.

25.19 The Committee noted the information provided and invited interested parties to submit a proposal for a new work programme item, in accordance with the Guidelines on the method of work (MSC-MEPC.1/Circ.2).

Bulk carrier benchmarking and casualty report

25.20 The Committee noted the information contained in document MSC 87/INF.11 (INTERCARGO) showing that during 2009, nine bulk carriers (>10,000 dwt) and a total of 39 lives were lost. The 2009 figures reflect deterioration from those for 2008, when 15 lives were lost on four vessels. Overall, the ten-year rolling average of losses remains on a downward trend, with an average of 24 lives and 6.6 ships per year lost in the period 2000-2009 compared with 78 lives and 14.5 ships per year in the previous decade.

Carriage of iron ore fines leading to marine casualties

25.21 The Committee considered document MSC 87/INF.13 (India) providing information on carriage of iron ore fines from Indian ports that had led to serious casualties and made a proposal to prevent such incidents on the basis of the key findings emanating from the safety investigation.

25.22 The Committee noted the information provided in the document and invited the delegation of India to submit full casualty investigation reports to the Secretariat for further consideration through the mechanism established under the FSI Sub-Committee, and to the DSC Sub-Committee for concomitant consideration and advice to the Committee.

Aids to navigation in Arctic waters

25.23 The Committee noted with appreciation the information provided by IALA (MSC 87/INF.15) on a meeting organized by IALA with the five countries responsible for marking the Arctic shipping routes, namely Canada, Denmark, Norway, the Russian Federation and the United States, with a view to finding the best way forward to achieve an internationally agreed system for providing the necessary Aids to Navigation in Arctic areas. IALA was also of the view that the issues raised should also be considered in relation to the development of the International Code of safety for ships operating in polar waters (Polar Code).

25.24 The Committee agreed to forward the document to the DE Sub-Committee for consideration during its development of the Polar Code.

Expression of appreciation

25.25 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. Klaus Grensemann (Germany) (on retirement);
- Capt. Raja Datuk Malik Sari Pulazan (Malaysia) (on return home);
- Ms. Maria Elena Bautista (Philippines) (on transfer);
- Mr. Matthew Lee (Singapore) (on transfer);
- Mr. Jock Whittlesey (United States) (on transfer);
- Mr. Niels Bjorn Mortensen of BIMCO (on transfer);
- Mr. Torsten Kruuse of IALA (on retirement);
- Mrs. Monica Mbanefo (Secretariat) (on retirement);
- Mr. Alexander Petrov (Secretariat) (on retirement); and
- Mr. Nicolaos Charalambous (Secretariat) (on return home).

(The annexes will be issued as addenda to this document)