



MARITIME SAFETY COMMITTEE  
82nd session  
Agenda item 24

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

<b>Section</b>	<b>Page</b>
1 INTRODUCTION – ADOPTION OF THE AGENDA	6
2 DECISIONS OF OTHER IMO BODIES	10
3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS	11
4 MEASURES TO ENHANCE MARITIME SECURITY	30
5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS	45
6 IMPLEMENTATION OF THE REVISED STCW CONVENTION	54
7 SHIP DESIGN AND EQUIPMENT (report of the forty-ninth session of the Sub-Committee)	56
8 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE (report of the tenth session of the Sub-Committee)	57
9 BULK LIQUIDS AND GASES (report of the tenth session of the Sub-Committee)	69
10 FLAG STATE IMPLEMENTATION (report of the fourteenth session of the Sub-Committee)	72
11 SAFETY OF NAVIGATION (report of the fifty-second session of the Sub-Committee)	80
12 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY (report of the forty-ninth session of the Sub-Committee)	84
13 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (urgent matters emanating from the eleventh session of the Sub-Committee)	87

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<b>Section</b>	<b>Page</b>
14 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY	89
15 ROLE OF THE HUMAN ELEMENT	91
16 FORMAL SAFETY ASSESSMENT	102
17 PIRACY AND ARMED ROBBERY AGAINST SHIPS	103
18 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS	107
19 RELATIONS WITH OTHER ORGANIZATIONS	107
20 APPLICATION OF THE COMMITTEE'S GUIDELINES	108
21 WORK PROGRAMME	110
22 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2007	123
23 ANY OTHER BUSINESS	123

#### **LIST OF ANNEXES**

ANNEX 1	RESOLUTION MSC.215(82) – PERFORMANCE STANDARD FOR PROTECTIVE COATINGS FOR DEDICATED SEAWATER BALLAST TANKS IN ALL TYPES OF SHIPS AND DOUBLE-SIDE SKIN SPACES OF BULK CARRIERS
ANNEX 2	RESOLUTION MSC.216(82) – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED
ANNEX 3	RESOLUTION MSC.217(82) – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CODE FOR FIRE SAFETY SYSTEMS
ANNEX 4	RESOLUTION MSC.218(82) – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL LIFE-SAVING APPLIANCE (LSA) CODE
ANNEX 5	RESOLUTION MSC.219(82) – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK

- ANNEX 6 RESOLUTION MSC.220(82) – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING LIQUEFIED GASES IN BULK
- ANNEX 7 RESOLUTION MSC.221(82) – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CODE OF SAFETY FOR HIGH-SPEED CRAFT (1994 HSC CODE)
- ANNEX 8 RESOLUTION MSC.222(82) – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CODE OF SAFETY FOR HIGH-SPEED CRAFT, 2000
- ANNEX 9 RESOLUTION MSC.223(82) – ADOPTION OF AMENDMENTS TO THE PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966, AS AMENDED
- ANNEX 10 RESOLUTION MSC.224(82) – ADOPTION OF AMENDMENTS TO THE CODE OF SAFETY FOR DYNAMICALLY SUPPORTED CRAFT, AS AMENDED
- ANNEX 11 RESOLUTION MSC.225(82) – ADOPTION OF AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING LIQUEFIED GASES IN BULK, AS AMENDED
- ANNEX 12 RESOLUTION MSC.226(82) – ADOPTION OF AMENDMENTS TO THE REVISED RECOMMENDATION ON TESTING OF LIFE-SAVING APPLIANCES, AS AMENDED
- ANNEX 13 RESOLUTION MSC.227(82) – ADOPTION OF AMENDMENTS TO THE PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974
- ANNEX 14 RESOLUTION MSC.228(82) – REVISED GUIDELINES FOR THE PREVENTION AND SUPPRESSION OF THE SMUGGLING OF DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR CHEMICALS ON SHIPS ENGAGED IN INTERNATIONAL MARITIME TRAFFIC
- ANNEX 15 PLAN FOR THE PILOT PROJECT ON TRIAL APPLICATION OF THE GBS TIER III VERIFICATION PROCESS USING THE IACS COMMON STRUCTURAL RULES
- ANNEX 16 ROAD MAP FOR THE TIMELY IMPLEMENTATION OF THE LRIT SYSTEM
- ANNEX 17 DRAFT SOLAS REGULATION VI/5-1 (MATERIAL SAFETY DATA SHEETS)

- ANNEX 18 DRAFT AMENDMENTS TO THE PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974
- ANNEX 19 NEW AND AMENDED TRAFFIC SEPARATION SCHEME AND ASSOCIATED ROUTING MEASURES
- ANNEX 20 ROUTING MEASURES OTHER THAN TRAFFIC SEPARATION SCHEMES
- ANNEX 21 RESOLUTION MSC.229(82) – ADOPTION OF A NEW MANDATORY SHIP REPORTING SYSTEM “IN THE GALAPAGOS PARTICULARLY SENSITIVE SEA AREA (PSSA) (GALREP)”
- ANNEX 22 RESOLUTION MSC.230(82) – ADOPTION OF AMENDMENTS TO THE EXISTING MANDATORY SHIP REPORTING SYSTEM “IN THE STOREBÆLT (GREAT BELT) TRAFFIC AREA”
- ANNEX 23 RESOLUTION MSC.231(82) – ADOPTION OF AMENDMENTS TO MANDATORY SHIP REPORTING SYSTEM “IN THE GULF OF FINLAND”
- ANNEX 24 RESOLUTION MSC.232(82) – ADOPTION OF THE REVISED PERFORMANCE STANDARDS FOR ELECTRONIC CHART DISPLAY AND INFORMATION SYSTEMS (ECDIS)
- ANNEX 25 RESOLUTION MSC.233(82) – ADOPTION OF THE PERFORMANCE STANDARDS FOR SHIPBORNE GALILEO RECEIVER EQUIPMENT
- ANNEX 26 DRAFT ASSEMBLY RESOLUTION – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972, AS AMENDED
- ANNEX 27 DRAFT AMENDMENTS TO THE INTERNATIONAL CODE FOR THE SAFE CARRIAGE OF PACKAGED IRRADIATED NUCLEAR FUEL, PLUTONIUM AND HIGH-LEVEL RADIOACTIVE WASTES ON BOARD SHIPS (INF CODE)
- ANNEX 28 RESOLUTION MSC.234(82) – RECOMMENDATIONS CONCERNING TONNAGE MEASUREMENT OF OPEN-TOP CONTAINERSHIPS
- ANNEX 29 RESOLUTION MSC.235(82) – ADOPTION OF THE GUIDELINES FOR THE DESIGN AND CONSTRUCTION OF OFFSHORE SUPPLY VESSELS, 2006
- ANNEX 30 RESOLUTION MSC.236(82) – ADOPTION OF AMENDMENTS TO THE GUIDELINES FOR THE TRANSPORT AND HANDLING OF LIMITED AMOUNTS OF HAZARDOUS AND NOXIOUS LIQUID SUBSTANCES IN BULK ON OFFSHORE SUPPORT VESSELS

- ANNEX 31 RESOLUTION MSC.237(82) – ADOPTION OF AMENDMENTS TO THE CODE OF SAFE PRACTICE FOR THE CARRIAGE OF CARGOES AND PERSONS BY OFFSHORE SUPPLY VESSELS (OSV CODE)
- ANNEX 32 RESOLUTION MSC.238(82) – ADOPTION OF AMENDMENTS TO THE CODE OF SAFE PRACTICE FOR THE SAFE LOADING AND UNLOADING OF BULK CARRIERS
- ANNEX 33 WORK PROGRAMMES OF THE SUB-COMMITTEES
- ANNEX 34 PROVISIONAL AGENDAS FOR THE SUB-COMMITTEES
- ANNEX 35 ADDRESS OF THE SECRETARY-GENERAL AT THE OPENING OF THE EIGHTY-SECOND SESSION OF THE MARITIME SAFETY COMMITTEE
- ANNEX 36 STATEMENT BY THE COMMUNICATIONS AND TRANSPORT MINISTER OF TURKEY
- ANNEX 37 STATEMENT BY THE DELEGATION OF THE RUSSIAN FEDERATION
- ANNEX 38 STATEMENT BY THE DELEGATION OF SINGAPORE

## 1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The Committee held its eighty-second session at the Polat Renaissance Istanbul Hotel, Istanbul, Turkey, from 29 November to 8 December 2006. The Committee Vice-Chairman, Mr. N. Ferrer (Philippines) chaired the meeting as acting Chairman, in accordance with rule 17 of the Rules of Procedures of the Committee, due to the sudden and untimely passing of the Committee Chairman, Mr. Igor Ponomarev (Russian Federation).

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

ALGERIA	JORDAN
ANGOLA	KENYA
ANTIGUA AND BARBUDA	LATVIA
ARGENTINA	LIBERIA
AUSTRALIA	LIBYAN ARAB JAMAHIRIYA
AZERBAIJAN	LITHUANIA
BAHAMAS	LUXEMBOURG
BAHRAIN	MALAYSIA
BELGIUM	MALTA
BELIZE	MARSHALL ISLANDS
BRAZIL	MAURITIUS
BULGARIA	MEXICO
CANADA	MONACO
CHILE	MOROCCO
CHINA	MYANMAR
COLOMBIA	NETHERLANDS
CÔTE D'IVOIRE	NEW ZEALAND
CROATIA	NIGERIA
CUBA	NORWAY
CYPRUS	OMAN
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	PANAMA
DENMARK	PHILIPPINES
DOMINICA	POLAND
ECUADOR	PORTUGAL
EGYPT	QATAR
ESTONIA	REPUBLIC OF KOREA
FINLAND	ROMANIA
FRANCE	RUSSIAN FEDERATION
GEORGIA	SAINT KITTS AND NEVIS
GERMANY	SAINT VINCENT AND THE GRENADINES
GHANA	SAUDI ARABIA
GREECE	SINGAPORE
HONDURAS	SOUTH AFRICA
ICELAND	SPAIN
INDIA	SWEDEN
INDONESIA	SWITZERLAND
IRAN (ISLAMIC REPUBLIC OF)	SYRIAN ARAB REPUBLIC
IRELAND	THAILAND
ISRAEL	TUNISIA
ITALY	TURKEY
JAMAICA	TUVALU
JAPAN	UKRAINE

UNITED KINGDOM  
UNITED REPUBLIC OF  
TANZANIA  
UNITED STATES

VANUATU  
VENEZUELA  
YEMEN

the following Associate Members of IMO:

HONG KONG, CHINA  
FAROE ISLANDS

MACAO, CHINA

and the following State not Member of IMO:

COOK ISLANDS

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

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

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

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)  
EUROPEAN COMMISSION (EC)  
MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA (MOWCA)  
LEAGUE OF ARAB STATES  
PORT MANAGEMENT ASSOCIATION OF EASTERN AND SOUTHERN AFRICA  
(PMAESA)  
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)  
MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN  
THE BLACK SEA REGION (BS MoU)  
WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING  
ON PORT STATE CONTROL (ABUJA MoU)

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 CONFEDERATION OF FREE TRADE UNIONS (ICFTU)  
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND  
LIGHTHOUSE AUTHORITIES (IALA)  
INTERNATIONAL RADIO-MARITIME COMMITTEE (CIRM)  
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)  
BIMCO  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)  
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)  
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)  
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)  
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)  
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)  
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)

INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)  
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)  
INTERNATIONAL MARITIME LECTURERS ASSOCIATION (IMLA)  
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY (IMarEST)  
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)  
INTERNATIONAL SAILING FEDERATION (ISAF)  
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)  
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)  
INTERFERRY  
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)

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

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

1.6 In welcoming the participants, the Secretary-General extended a special welcome to His Excellency Mr. Binali Yildirim, Minister for Transport and Communications in the Government of the Republic of Turkey, a graduate of the World Maritime University himself; and, on behalf of the Organization, he expressed deep appreciation for Turkey's offer to host the meeting in Istanbul and for bearing the substantial cost of moving the IMO staff over to assist in the preparation and running of the session.

The Secretary-General went on to pay a special tribute to the Committee's Chairman, Mr. Igor Ponomarev, the Permanent Representative of the Russian Federation to IMO, whose sudden, unexpected and untimely demise had deeply shocked and saddened the entire maritime community. He referred to Mr. Ponomarev as a friend and colleague, whose short life had been entirely dedicated to his family and shipping, of which he had been a committed, tireless servant. Mr. Ponomarev's high standards of leadership, professionalism and technical knowledge, combined with a great sense of humour and integrity, had synthesized an amalgam that would ensure a cherished memory of those who knew him for a long time. It was the combination of his talent and charisma, seen against his young age that made all feel his loss very deeply. As a token of respect to the memory of its demised Chairman, the first ever to pass away while on active service, the Committee joined the Secretary-General in rising for a minute of silence; and signed a book of condolence to be passed to his family.

The Secretary-General praised the Vice-Chairman of the Committee, Mr. Neil Ferrer of the Philippines, who, in accordance with the Committee's Rules of Procedures, would take over the chair for the current session, for his hard work to prepare for the meeting and pledged the Secretariat's full support and co-operation.

Having referred to Istanbul as a city of unparalleled beauty, history and culture, he outlined the various safety and environmental protection measures put in place in the approaches and the Strait itself, one of great strategic importance and significance. He mentioned, in particular, the vessel traffic system established by the Government of Turkey to ensure the uninterrupted flow of traffic through the area from the Aegean to the Black Seas and vice-versa, soon to be enhanced by full AIS coverage in the near future; as well as the measures agreed by the Committee and the NAV Sub-Committee, including the adoption of traffic separation schemes and other routing measures and mandatory ship reporting systems, aiming at establishing a sound infrastructure for the prevention of safety and environmental risks within the Strait and its approaches.



Having touched upon the ongoing Headquarters refurbishment project and the efforts of the Secretariat to continue providing the membership with quality services and the usual effective support to all meetings, he outlined the most important topics on the Committee's agenda for the current session, such as the safety of passenger ships; the development of the goal-based standards concept; the draft performance standard for protective coatings for dedicated seawater ballast tanks and double-side skin spaces of bulk carriers; the revision of resolution A.888(21) on Criteria for the provision of mobile communication systems in the GMDSS; the long-range identification and tracking of ships system; the consideration of the maritime aspects of the supply chain security in co-operation with the World Customs Organization; extending special measures to enhance maritime security to ships outside SOLAS chapter XI-2 and the ISPS Code; implementation of security measures in port facilities; co-operation with ILO on the Seafarers Identity Document (revised) Convention (No.185) and the consolidated Maritime Labour Convention; developments concerning piracy and armed robbery against ships and the protection of vital shipping lanes; human element and operational issues; the review of the ISM Code; the carriage of IMDG Code class 7 radioactive materials; technical co-operation; and the provision of assistance to persons in distress at sea.

Once again, he stressed the continued need for compliance with the security measures in place during IMO meetings and updated the Committee on recent developments concerning the implementation of the Voluntary IMO Member State Audit Scheme to which he attributed great importance of high priority.

The Secretary-General concluded his address by paying special tribute to all the Sub-Committees reporting to the current session, their Chairmen, Vice-Chairmen and other officers as well as the Secretariat that served them for their excellent work; and expressing confidence in the Committee's ability, in its usual spirit of co-operation and commitment, to provide the expected direction, guidance and assistance to all those concerned with enhancing safety, security and, indirectly, the protection of the marine environment. (The full text of the Secretary-General's opening address is set out in annex 35).

### **Address of the Transport and Communications Minister of Turkey**

1.7 In his statement, the Transport and Communications Minister of Turkey, Mr. Binali Yildirim, extended a warm welcome to the participants to the eighty-second session of the Committee in Istanbul (this being its first ever outside London) and paid a special tribute to its late Chairman, Mr. Ponomarev as a distinguished and respectful member of the maritime community and expressed condolences to his family and the Russian Federation for this tragic, sudden loss.

He then referred to the city of Istanbul, its world cultural heritage that must be protected, with its critically important Straits used for international navigation, and its 12 million people and the Committee's responsibility in protecting this heritage by enhancing maritime safety and protecting the marine environment in the Straits. The Minister highlighted the important work of the Committee in the field of maritime safety and security and its importance to world trade, as well as maritime training; IMO's contribution to the establishment and continued operation of the World Maritime University, to which he attributed personally greatest importance; and Turkey's work in preventing maritime accidents from happening through its various measures to enhance the safety in the Straits in co-operation with IMO but also its preparedness for unavoidable maritime accidents to which Turkey was paying particular attention.

In thanking the Secretary-General for organizing the current session in Istanbul, he wished the meeting every success and the participant a pleasant stay in his country. (The full statement of the Turkish Minister for Transport and Communications is set out in annex 36.)

### **Statement by the delegation of the Russian Federation**

1.8 Mr. A. Yu. Klyavin, Head of the Russian Federation delegation and Director of the Department for State Policy in Maritime and River Transport, Russian Ministry of Transport, at the opening of the eighty-second session of the Maritime Safety Committee, Istanbul, on 29 November 2006, said that relatives, friends and colleagues would forever mourn the untimely demise at the age of 41, on 30 October 2006, of Igor Ponomarev, Permanent Representative of the Russian Federation to IMO. Mr. Klyavin also informed those present that Mr. Ponomarev had been buried in his home city of St. Petersburg on 4 November 2006. For those who had been unable to attend the funeral, the Secretary-General of IMO, together with friends and colleagues, had organized a memorial service held in London on 24 November 2006. Mr. Klyavin called upon the Committee to take important decisions to further enhance the safety of navigation, emphasizing that that would be the best way for his colleagues to commemorate Mr. Ponomarev. (The full statement of the Head of the Russian Federation delegation is set out in annex 37.)

### **Ceremony for the opening of the Book of Condolences**

1.9 There was a ceremony for the opening and signature of the Book of Condolence for Mr. Igor Ponomarev. The Secretary-General, the Minister, the Chairman and Director, Maritime Safety Division signed the book which was subsequently opened for delegates for signature.

### **Chairman's remark**

1.10 The Chairman expressed his condolences to the family of the late Igor Ponomarev and also to the delegations of the Russian Federation. He thanked the Secretary-General for his words of welcome and stated that his advice and request would be given every consideration in the deliberations of the Committee and its working groups.

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

1.11 The Committee adopted the agenda (MSC 82/1) and a provisional timetable for guidance during the session (MSC 82/1/1, annex). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 82/INF.16.

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

### **Credentials**

1.13 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-sixth session of the Technical Co-operation Committee**

2.1 The Committee noted the outcome of the fifty-sixth session of the Technical Co-operation Committee (MSC 82/2) and considered the information provided under agenda 14 (Technical assistance sub-programme in maritime safety and security).

### **Outcome of the ninety-sixth and ninety-seventh regular sessions of the Council**

2.2 The Committee noted the outcome of the ninety-sixth and ninety-seventh regular sessions of the Council (MSC 82/2/1 and Add.1) on matters pertaining to its work.

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

2.3 The Committee noted the outcome of the thirty-third session of the FAL Committee (MSC 82/2/2) and considered the information provided under the relevant agenda items.

### **Outcome of the fifty-fifth session of the Marine Environment Protection Committee**

2.4 The Committee noted the outcome of the fifty-fifth session of the MEPC (MSC 82/2/3) and considered the information provided under the relevant agenda items.

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

2.5 The Committee noted the outcome of the ninety-second session of the Legal Committee (MSC 82/2/4) and considered the information provided under the relevant agenda items.

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

### ***GENERAL***

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

- .1 chapters II-1, II-2, III and XII of, and the Appendix to the Annex to, 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-2/3.22 of the 1974 SOLAS Convention;
- .3 the International Life-Saving Appliance (LSA) Code, in accordance with the provisions of article VIII and regulation III/3.10 of the 1974 SOLAS Convention;
- .4 the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), in accordance with the provisions of article VIII and regulation VII/8.1 of the 1974 SOLAS Convention;
- .5 the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), in accordance with the provisions of article VIII and regulation VII/11.1 of the 1974 SOLAS Convention;
- .6 the International Code of Safety for High-Speed Craft, 1994 (1994 HSC Code), in accordance with the provisions of article VIII and regulation X/1.1 of the 1974 SOLAS Convention; and
- .7 the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code), in accordance with the provisions of article VIII and regulation X/1.2 of the 1974 SOLAS Convention.

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

3.3 The proposed amendments to SOLAS chapters II-1, II-2, III and XII of, and the Appendix to the Annex 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 letter No.2716 of 25 May 2006.

3.4 With regard to the amendments to SOLAS chapter IV proposed by the United States in document MSC 82/3/2, the delegation of Cyprus pointed out that acceptance of document MSC 82/3/2 was conditional upon agreement that this should not constitute a precedent and did not change the procedural practice for circulation of the proposed amendments.

3.5 The Committee, having concurred with the delegation of Cyprus, agreed to consider, with a view to adoption, the aforementioned amendments to SOLAS chapter IV proposed by the United States, which were circulated by Circular letter No.2715 of 8 June 2006 and issued by means of document MSC 82/3/2.

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

3.7 The proposed amendments to the 1988 Load Lines Protocol were circulated, in accordance with article VI of the Protocol, to all IMO Members and Parties to the Protocol by Circular letter No.2717 of 23 May 2006.

3.8 The Committee was also invited to consider and adopt the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers, with a view to making them mandatory under SOLAS chapter II-1.

3.9 The Committee was further invited to consider and to adopt the proposed amendments to the following non-mandatory IMO instruments:

- .1 the Code of Safety for Dynamically Supported Craft (DSC Code);
- .2 the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code); and
- .3 the Revised Recommendation on testing of life-saving appliances.

3.10 The Committee was also invited to consider and approve the following non-mandatory instruments, in conjunction with the adoption of the amendments to the relevant aforementioned mandatory instruments referred to in paragraph 3.1:

- .1 the Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III;

- .2 the Performance standards for the systems and services to remain operational on passenger ships for safe return to port and orderly evacuation and abandonment after a casualty; and
- .3 the Interpretation or application of the IGC Code for ships carrying liquefied carbon dioxide in bulk.

## ***CONSIDERATION OF THE PROPOSED AMENDMENTS TO INSTRUMENTS AND OF NEW MANDATORY STANDARDS***

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

#### ***PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1***

3.11 The Committee recalled that the proposed amendments to SOLAS chapter II-1 (MSC 82/3, annex 1) had been developed by the DE and SLF Sub-Committees and approved by MSC 81.

#### **Regulation 8-1 – Return to port capability for passenger ships in the damaged condition**

3.12 The Committee, having recalled that the proposed amendments to SOLAS regulation II-1/8-1 approved by MSC 81 as part of the passenger ship safety initiative, had been further considered by SLF 49, noted that:

- .1 SLF 49, in considering the draft amendments for matters related to flooding with a view towards finalization of the draft amendments at MSC 82, had agreed to the modifications to the draft amendments to SOLAS chapters II-1 and II-2 prepared by MSC 81, as set out in annex 1 to document MSC 82/3/8, for consideration by MSC 82 and action as appropriate; and
- .2 as instructed by MSC 81, SLF 49 had also finalized the draft MSC circular on Performance standards for the systems and services to remain operational on passenger ships for safe return to port and orderly evacuation and abandonment after a casualty, as set out in annex 2 to document MSC 82/3/8, for approval simultaneously with the adoption of the draft amendments to SOLAS chapter II-2 related to the passenger ship safety initiative,

and agreed to use the text prepared by SLF 49 (MSC 82/3/8, annex 1) as the basis for draft regulation 8-1 in lieu of the text approved at MSC 81 (MSC 82/3, annex 1), taking into account the comments submitted to the session on the above matters referred to the text prepared by SLF 49.

#### ***Paragraph 1***

3.13 The Committee considered a modification proposed by Norway and Sweden (MSC 82/3/9), aiming at removing the requirement for return to port ability, and agreed with the proposed modification to paragraph 1, as contained in annex 1 to the document.

3.14 With regard to the views by Japan (MSC 82/3/22) and the United Kingdom (MSC 82/3/31) on the need to clarify the term “any single watertight compartment”, the Committee agreed to instruct the SLF Sub-Committee to include guidance on the aforementioned term in the Explanatory Notes for the harmonized SOLAS chapter II-1.

3.15 The Committee also considered a proposal by France (MSC 82/3/23) to base the damage extents on “length of damage” in lieu of a “single compartment” criteria and did not agree to the proposal.

### ***Paragraph 2***

3.16 The Committee considered the submissions by Germany (MSC 82/3/27) and the United Kingdom (MSC 82/3/31), proposing to strengthen the stability threshold criteria developed by SLF 49, and, having agreed to delete paragraph 2 pending further consideration (MSC 82/WP.13), included a new item in the SLF Sub-Committee’s work programme (see also paragraph 21.57) and instructed SLF 50 to give a preliminary consideration to the matter under the existing agenda item on “Time dependent survivability of passenger ships in damaged condition”.

3.17 In considering the issue of application of draft SOLAS regulation II-1/8-1, taking into account the proposals by SLF 49 (MSC 82/3/8) and Japan (MSC 82/3/22), the Committee, having agreed that the application of the regulation should be based on a combination of ship length and the number of main vertical zones, agreed to harmonize the application of draft SOLAS regulation II-1/8-1 with that of draft SOLAS regulation II-2/21.

### **Regulation 22-1 – Water ingress detection and flood level monitoring system for passenger ships**

3.18 The Committee agreed to use the text of draft regulation 22-1 prepared by SLF 49 (MSC 82/3/8, annex 1) as the base text in lieu of the text approved at MSC 81 (MSC 82/3, annex 1).

### **Regulation 41 – Main source of electrical power and lighting systems**

3.19 The Committee considered a proposal by Norway (MSC 82/3/24) to modify the draft regulation in order to clarify whether a source of power (i.e., batteries) other than the emergency source of power can be used to illuminate the auxiliary lighting for cabins, and agreed to the proposal.

### **General**

3.20 Noting that no further comments had been submitted on the proposed amendments to SOLAS chapter II-1, the Committee confirmed its content, subject to editorial improvements, if any.

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

3.21 The Committee recalled that the proposed amendments to SOLAS chapter II-2 related to passenger ship safety initiative (MSC 82/3, annex 1) had been developed by the FP Sub-Committee and approved by MSC 81.

3.22 The Committee also recalled that the proposed amendments to SOLAS chapter II-2 related to cabin balconies on passenger ships (MSC 82/3, annex 1) had been developed by the MSC Working Group on Passenger Ship Safety and approved by MSC 81.

## **Fire safety risk assessments of cruise ship balconies**

3.23 The Committee noted with appreciation the submission by ICCL (MSC 82/3/14), containing the fire safety risk assessments of cruise ship balconies, and agreed to forward it to FP 51 for information purposes in the context of their work on the fire safety of external areas.

### **Regulation 3 – Definitions**

3.24 The Committee considered the submission by the United Kingdom (MSC 82/3/20), proposing to include a new definition for cabin balcony in regulation 3, and agreed to the proposed modifications.

### **Regulation 4 – Probability of ignition**

3.25 The Committee considered the submission by the United Kingdom (MSC 82/3/20), proposing to include an application date in paragraph 4.4, and agreed to the proposed modifications.

### **Regulation 5 – Fire growth potential**

3.26 The Committee considered the submission by the United Kingdom (MSC 82/3/20), proposing modifications to the draft amendments to regulation 5 on matters related to cabin balconies, and agreed to the proposals related to regulations II-2/3.1 and II-2/3.4.

### **Regulation 6 – Smoke generation potential and toxicity**

3.27 The Committee considered the submission by the United Kingdom (MSC 82/3/20), proposing to include an application date in the draft amendments related to cabin balconies, and agreed to the proposed modifications.

### **Regulation 7 – Detection and alarm**

3.28 The Committee considered the submission by the United Kingdom (MSC 82/3/20), proposing modifications consequential to the proposed amendments to regulation II-2/5.3.4, and agreed to the proposed modifications.

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

3.29 The Committee considered the submission by the United Kingdom (MSC 82/3/20), proposing to modify the draft amendments to regulation 9 by replacing the words “Partitions not forming part of the ship’s structure” by the words “non-load bearing partial bulkheads”, and agreed to the proposed modifications.

### **Regulation 10 – Fire fighting**

3.30 The Committee considered the submission by the United Kingdom (MSC 82/3/20), proposing modifications consequential to the proposed changes to regulation II-2/5.3.4, and agreed to the proposed modifications.

**Regulation 21 – Casualty threshold, safe return to port and safe areas**

3.31 The Committee considered the submission by Japan (MSC 82/3/22), proposing to exempt the wheelhouse and control stations from the redundancy requirements, and did not agree with the proposed modifications.

3.32 Following consideration of the proposals by SLF 49 (MSC 82/3/8) for minor modifications to regulation II-2/21 to incorporate matters related to flooding casualties, the Committee agreed to the proposed modifications.

**Regulation 22 – Design criteria for systems to remain operational after a fire casualty**

3.33 The Committee considered the submission by Argentina (MSC 82/3/13), proposing to harmonize regulation II-2/22 with the provisions contained in SOLAS chapters II-1 and II-2, and agreed with the proposed modifications to guidance systems for evacuation.

**Regulation 23 – Safety centre on passenger ships**

3.34 The Committee considered the submission by Japan (MSC 82/3/22), proposing to limit the application of the new draft regulation II-2/23 to passenger ships carrying more than 36 passengers, and did not agree with the proposed modification.

3.35 With regard to the proposals by SLF 49 (MSC 82/3/8) for minor modifications to regulation II-2/23 to incorporate matters related to flooding casualties, the Committee agreed to the proposed modifications.

**General**

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

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

3.37 The Committee recalled that the proposed amendments to SOLAS chapter III were developed by DE 49 and FP 50 and were approved by MSC 81.

**Regulation 3 – Definitions**

3.38 The Committee recalled that the new definition for the term “unfavourable conditions of trim and list” was developed by FP 50 to clarify the meaning of term used throughout SOLAS chapter III and, having considered the submissions by Germany (MSC 82/3/7), Norway (MSC 82/3/16), the United States (MSC 82/3/28) and IACS (MSC 82/3/30) and the recommendations of the drafting group (MSC 82/WP.3), decided to refer the following draft amendments back to the DE and SLF Sub-Committees for further consideration:

- .1 SOLAS chapter III: draft amendments to regulations 3.25, 13, 15 and 16; and
- .2 LSA Code, chapter VI: draft amendments to paragraphs 6.1.7.6 and 6.2.



## **Regulation 19 – Emergency training and drills**

3.39 The Committee considered the submission by Norway (MSC 82/3/15), proposing to clarify the requirements and to minimize the risks associated with emergency training and drills with free-fall lifeboats, and agreed to the proposal.

### **General**

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

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

3.41 The Committee noted that the proposed amendments to SOLAS chapter IV had been submitted by the United States (MSC 82/3/2) for consideration with a view to adoption at this session (see paragraphs 3.4 and 3.5), and decided to deal with this matter under agenda item 8 (Radiocommunications and search and rescue) (see also paragraphs 8.13 to 8.24).

### ***PROPOSED AMENDMENTS TO SOLAS CHAPTER XII***

3.42 The Committee recalled that the proposed amendments to SOLAS chapter XII had been developed by DE 49 and approved by MSC 81 and, noting that no comments had been submitted on the proposed amendments to SOLAS chapter XII, confirmed its contents subject to editorial improvements, if any.

### ***PROPOSED AMENDMENTS TO THE APPENDIX TO THE ANNEX TO THE 1974 SOLAS CONVENTION***

3.43 The Committee recalled that the proposed amendments to the Appendix to the Annex to the 1974 SOLAS Convention had been developed by DE 49 and the MSC Group of Experts on Protective Coatings and approved by MSC 81 and, noting that no comments had been submitted on the proposed amendments to the Appendix, confirmed its contents subject to editorial improvements.

### ***FOOTNOTE TO SOLAS REGULATION V/34***

3.44 The Committee noted the footnote to SOLAS regulation V/34, referring to the Guidelines on voyage planning for passenger ships operating in remote areas, and requested the Secretariat to incorporate the footnote in the relevant publication after A 25 has adopted the Guidelines.

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

3.45 The Committee noted that SLF 49 had considered the date of entry into force of the proposed amendments related to passenger ship safety, taking into account the entry-into-force date of the revised SOLAS chapter II-1 (parts A, B and B-1), and that:

- .1 with regard to the possible options for bringing the revised draft SOLAS regulations II-1/8-1 and II-1/22-1 into effect, SLF 49, noting that the revised SOLAS chapter II-1 (parts A, B and B-1) would not be accepted until 1 July 2008, was of the opinion that the revised SOLAS chapter II-1 should be readopted with the inclusion of the aforementioned revised draft regulations II-1/8-1 and II-1/22-1, bearing in mind that this will not affect the entry-into-force date of the revised SOLAS chapter II-1 nor would it delay the adoption of the other amendments prepared as part of the passenger ship safety initiative; and

- .2 in this context, SLF 49 was also of the view that the draft amendments to SOLAS chapters II-1, II-2 and III related to the passenger ship safety initiative should be adopted as a package, with the entry-into-force date of the revised SOLAS chapter II-1 (i.e., 1 January 2009).

3.46 The Committee also considered the submission by ICCL (MSC 82/3/10), proposing that the passenger ship safety-related amendments be adopted as a package with the same entry-into-force date as that for the probabilistic stability amendments (1 January 2009), and took decisions as indicated in paragraphs 3.47 to 3.49.

3.47 The Committee agreed that all amendments to SOLAS chapters II-2 and III related to the passenger ship safety initiative, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2010 and should enter into force on 1 July 2010. In this context, the Committee agreed to readopt the revised SOLAS chapter II-1 (parts A, B and B-1), adopted by resolution MSC.194(80), with the inclusion of the new regulations II-1/8-1 and II-1/22-1, which should enter into force on 1 January 2009.

3.48 In regard to the proposed amendments related to regulation II-1/3-2 on protective coatings, SOLAS chapters II-2, III and XII and the Appendix to the Annex to the Convention, proposed for adoption at the current session, the Committee agreed that the aforementioned proposed amendments should be deemed to have been accepted on 1 January 2008 and should enter into force on 1 July 2008.

3.49 Subsequently, the Committee instructed the drafting group to prepare the text of the requisite draft MSC resolution on adoption of amendments and the relevant annexes in line with the above decisions.

## **PROPOSED AMENDMENTS TO MANDATORY CODES**

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

3.50 The Committee recalled that the proposed amendments to the International Code for Fire Safety Systems (FSS Code) (MSC 82/3, annex 2) had been developed by FP 50 and approved by MSC 81 and, having agreed to the proposal by the United Kingdom (MSC 82/3/20) to modify the draft amendments to chapters 4 (Fixed pressure water-spraying fire-extinguishing systems) and 9 (Fixed fire detection and fire alarm systems) for matters related to cabin balconies, confirmed its contents, subject to editorial improvements, if any.

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

3.51 Having recalled the decision regarding the entry-into-force date of the relevant amendments to SOLAS chapter II-2 (see also paragraph 3.48), the Committee agreed that the amendments to the FSS Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2008 and should enter into force on 1 July 2008.

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

## **Chapter IV – Launching and embarkation appliances**

3.52 The Committee recalled that the proposed amendments to the International Life-Saving Appliance (LSA) Code (MSC 82/3, annex 3) had been developed by the DE and FP Sub-Committees and approved by MSC 81 and, having agreed with the proposal by Norway

(MSC 82/3/29) to delete the draft new paragraph 4.4.7.7 of chapter IV requiring fast rescue boats to be fitted with an on-load release mechanism, confirmed its contents, subject to editorial improvements, if any.

#### **Footnote to chapter IV**

3.53 The Committee noted the footnotes to chapter IV of the LSA Code and requested the Secretariat to incorporate them, in due course, in the relevant publication.

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

3.54 The Committee, following consideration of document MSC 82/3/21 (Canada, Finland and the United States), which invited Administrations to give early effect to the amendments to the LSA Code adopted at MSC 81 by resolution MSC.207(81), nevertheless, agreed that the amendments to the LSA Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2008 and should enter into force on 1 July 2008.

#### ***PROPOSED AMENDMENTS TO THE IBC CODE***

3.55 The Committee recalled that the proposed amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) (MSC 82/3, annex 4) had been developed by the BLG Sub-Committee and approved by MSC 81.

3.56 The Committee noted that MEPC 55 (MSC 82/3/32), having made modifications to the proposed amendments to chapters 17, 18 and 19 of the IBC Code approved by MSC 81, had approved the modified proposed amendments which are set out in annex 28 to document MEPC 55/23, and agreed to use the proposed amendments to chapters 17, 18 and 19 to the IBC Code approved by MEPC 55 as the basis so that, once adopted by the Committee, they will have the identical text with that to be adopted by MEPC 56. In this context, the Committee noted the explanations by the delegation of the Netherlands regarding further editorial corrections to the substances in chapter 19 and requested the Secretariat to effect the necessary editorial modifications to the authentic text of the amendments, following the adoption of the amendments by MEPC 56.

3.57 Noting that no further comments had been submitted on the proposed amendments to the IBC Code, the Committee confirmed its contents, subject to editorial improvements, if any.

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

3.58 The Committee, taking into account that the proposed amendments to the IBC Code should have the same entry-into-force date as the amendments to be adopted by MEPC 56, agreed that the amendments to the IBC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2008 and should enter into force on 1 January 2009.

#### ***PROPOSED AMENDMENTS TO THE IGC CODE***

3.59 The Committee recalled that the proposed amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) (MSC 79/3/1, annex 6) had been prepared by BLG 9 and approved by MSC 81.

3.60 Noting that no comments had been submitted on the proposed amendments to the IGC Code, the Committee confirmed its contents, subject to editorial improvements, if any.

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

3.61 The Committee agreed that the amendments to the IGC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2008 and should enter into force on 1 July 2008.

#### ***PROPOSED AMENDMENTS TO THE 1994 HSC CODE***

3.62 The Committee recalled that the proposed amendments to the International Code of Safety for High-Speed Craft, 1994 (1994 HSC Code) (MSC 82/3, annex 6) had been developed by DE 49, in co-operation with the FP, COMSAR, NAV and SLF Sub-Committees, and approved by MSC 81 and, noting that no comments had been submitted on the proposed amendments to the 1994 HSC Code, confirmed its contents, subject to editorial improvements, if any.

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

3.63 The Committee agreed that the amendments to the 1994 HSC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2008 and should enter into force on 1 July 2008.

#### ***PROPOSED AMENDMENTS TO THE 2000 HSC CODE***

3.64 The Committee recalled that the proposed amendments to the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code) (MSC 82/3, annex 7) had been prepared by DE 49, in co-operation with the FP, COMSAR, NAV and SLF Sub-Committees, and approved by MSC 81.

#### **Chapter 4 – Accommodation and escape measures**

3.65 The Committee considered the submissions by Argentina (MSC 82/3/6 and Corr.1), proposing modifications to the evacuation time contained in chapter 4, and Australia (MSC 82/3/26), commenting on the aforementioned submission, and agreed with the proposed modifications.

#### **Chapter 7 – Fire safety**

3.66 The Committee also considered the submission by Japan (MSC 82/3/12), proposing modifications to tables 7.17-2 and 7.17-3 in chapter 7 and the inclusion of a new appendix (Standard format for Document of Compliance), and agreed with the proposed modifications.

3.67 Having noted that no further comments had been submitted on the proposed amendments to the 2000 HSC Code, the Committee confirmed its contents, subject to editorial improvements, if any.

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

3.68 The Committee agreed that the amendments to the 2000 HSC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2008 and should enter into force on 1 July 2008.

## **PROPOSED AMENDMENTS TO THE 1988 LOAD LINES PROTOCOL**

3.69 The Committee recalled that the proposed amendments to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (MSC 82/3/1, annex) had been approved by MSC 81 and, noting that no comments had been submitted on the proposed amendments to the 1988 Load Lines Protocol, confirmed its contents, subject to editorial improvements, if any.

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

3.70 The Committee agreed that the amendments to the 1988 Load Lines Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2008 and should enter into force on 1 July 2008.

## **CONSIDERATION OF A NEW MANDATORY STANDARD**

### ***PERFORMANCE STANDARD FOR PROTECTIVE COATINGS***

3.71 The Committee recalled that the draft Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers (MSC 82/3/3, annex) had been prepared by DE 49 and approved by MSC 81 with a view to making the aforementioned standard mandatory under SOLAS regulation II-1/3-2.

### **Section 3 – General principles**

3.72 The Committee considered the submission by Greece (MSC 82/3/18), proposing a modification to paragraph 3.2 regarding the authorization of coating inspectors, and referred the matter to an informal group for further consideration (see paragraph 3.102).

### **Section 5 – Coating system approval**

3.73 The Committee considered the submission by the Republic of Korea (MSC 82/3/17), proposing modifications to section 5 concerning the recognition of test laboratory carrying out coating pre-qualification tests and how to ensure the quality of the paint, and referred the matter to an informal group for further consideration (see paragraph 3.102).

### **Section 6 – Coating inspection requirements**

3.74 The Committee considered the relevant proposals by Greece (MSC 82/3/18) and the Republic of Korea (MSC 82/3/17), regarding the qualification and experience of coating inspectors, and referred the matter to an informal group for further consideration (see paragraph 3.102).

### **List of editorials**

3.75 The Committee considered the list of editorial changes proposed by the Republic of Korea in paragraph 7 of document MSC 82/3/17 and agreed with the proposed modifications listed in paragraphs 7.1 to 7.3 of their submission.

### **International standards referred to in the draft performance standard**

3.76 The Committee noted that a number of references to ISO and other industry standards were contained in the draft performance standard, which should, in accordance with the usual practice and resolution A.911(22) on Uniform wording for referencing IMO instruments, be included in footnotes, unless the Committee decides to make such standards mandatory, and agreed to place the aforementioned standards in footnotes.

### **Other matters**

3.77 The Committee, having noted the proposal by the observer from IACS that it consider developing an interpretation of the expression “unforeseen delay in delivery of ships”, similar to that under MARPOL Annex I (Unified Interpretations of Annex I, regulation 1.28), agreed to discuss further the above proposal at MSC 83.

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

3.78 In considering the draft MSC resolution on adoption of the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers, the Committee referred it to the drafting group for editorial modifications, if any.

### **Establishment of an informal group**

3.79 The Committee established an informal group and instructed it, taking into account decisions taken and proposals and comments made in plenary, to further consider the submissions by Greece (MSC 82/3/18) and the Republic of Korea (MSC 82/3/17) and the associated draft MSC resolution (MSC 82/3/3) and advise the Committee accordingly.

### **Report of the informal group**

3.80 Having considered the report of the group (MSC 82/WP.14), the Committee approved it in general, and:

- .1 endorsed the modifications to paragraph 3.2 of the draft Performance standard, for referral to the drafting group;
- .2 instructed the drafting group to review the term “the Administration or its recognized organization” with a view to developing a consistent provision throughout the draft Performance standard;
- .3 noted the outcome of the group’s discussion on the modifications to sections 5 and 6 of the draft Performance standard, in particular that the group did not support the proposed modifications, but was of the opinion that the respective views might be considered when subsequent performance standards are developed; and
- .4 noted the group’s views that the proposed modifications to table 1 of the draft Performance standard do not constitute the modifications of an editorial nature and, therefore, are not reflected in the draft Performance standard,

and instructed the drafting group to take the above decisions into account when preparing the final text of the draft Performance standard and the associated draft MSC resolution.

## **CONSIDERATION OF AMENDMENTS TO NON-MANDATORY IMO INSTRUMENTS**

### ***PROPOSED AMENDMENTS TO THE DSC CODE***

3.81 The Committee recalled that the proposed amendments to the Code of Safety for Dynamically Supported Craft (DSC Code) (MSC 82/3/4, annex 1) had been prepared by DE 49, in co-operation with the FP, COMSAR, NAV and SLF Sub-Committees, and approved by MSC 81.

3.82 Noting that no comments had been submitted on the proposed amendments to the DSC Code, the Committee confirmed its contents, subject to editorial improvements, if any.

#### **Application date of the proposed amendments**

3.83 The Committee agreed that the amendments to the DSC Code, proposed for adoption at the current session, should become effective on 1 July 2008.

### ***PROPOSED AMENDMENTS TO THE GC CODE***

3.84 The Committee recalled that the proposed amendments to the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code) (MSC 82/3/4, annex 2) had been developed by BLG 9 and approved by MSC 81.

3.85 Noting that no comments had been submitted on the proposed amendments to the GC Code, the Committee confirmed its contents, subject to editorial improvements, if any.

#### **Application date of the proposed amendments**

3.86 The Committee agreed that the amendments to the GC Code, proposed for adoption at the current session, should become effective on 1 July 2008.

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

3.87 The Committee recalled that the proposed amendments to the Revised Recommendation on testing of life-saving appliances (resolution MSC.81(70)) (MSC 82/3/4, annex 3) had been prepared by the DE and FP Sub-Committees and approved by MSC 81.

3.88 The Committee considered the submission by Canada, Finland and the United States (MSC 82/3/21, annex 2), proposing amendments to the introduction to the annex to the Revised recommendation to resolve inconsistency between the above amendments to the Revised recommendation and the date of entry into force of the amendments to SOLAS chapter III and the LSA Code (resolutions MSC.201(81) and MSC.207(81)), and agreed to the proposal.

3.89 Noting that no further comments had been submitted on the proposed amendments to the Revised Recommendation, the Committee confirmed its contents, subject to editorial improvements, if any.

**Application date of the proposed amendments**

3.90 The Committee agreed that the amendments to the Revised Recommendation, proposed for adoption at the current session, should become effective on 1 July 2008.

**CONSIDERATION OF AMENDMENT-RELATED GUIDELINES, PERFORMANCE STANDARDS AND INTERPRETATIONS****Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III**

3.91 The Committee recalled that the draft Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III (MSC 82/3/5, annex 1) had been prepared by DE 49 and the MSC Working Group on Passenger Ship Safety for approval simultaneously with the adoption of the proposed amendments to SOLAS chapters II-1 and III.

3.92 In this context, the Committee considered the submission by the United Kingdom (MSC 82/3/19), proposing that relevant performance criteria be developed to support the Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III, and did not agree with the proposal. However, recognizing that relevant performance criteria would benefit the approval process, agreed to the inclusion of a new work item in the DE Sub-Committee's work programme (see also paragraph 21.52).

3.93 Noting that no further comments had been submitted on the draft Guidelines, the Committee confirmed its contents, subject to editorial improvements, if any.

**Performance standards for the systems and services to remain operational on passenger ships for safe return to port and orderly evacuation and abandonment after a casualty**

3.94 The Committee recalled that the draft Performance standards for the systems and services to remain operational on passenger ships for safe return to port and orderly evacuation and abandonment after a casualty (MSC 82/3/8, annex 2) had been prepared by SLF 49 for approval at this session, simultaneously with adoption of the proposed amendments to SOLAS chapters II-1 and II-2.

3.95 Noting that no comments had been submitted on the draft Performance standards, the Committee confirmed its contents, subject to editorial improvements, if any.

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

3.96 The Committee recalled that the draft MSC circular on Interpretation or application of the IGC Code for ships carrying liquefied carbon dioxide in bulk (MSC 82/3/5, annex 2) had been prepared by BLG 9 for approval at this session, simultaneously with the adoption of the proposed amendments to the IGC Code.

3.97 Noting that no comments had been submitted on the above draft MSC circular, the Committee confirmed its contents, subject to editorial improvements, if any.



## CONSIDERATION OF NEW PROPOSALS

### **Early implementation of amendments to SOLAS chapter III and the LSA Code adopted by resolutions MSC.201(81) and MSC.207(81)**

3.98 The Committee considered the submission by Canada, Finland and the United States, (MSC 82/3/21, annex 1), proposing that Administrations be invited to give early effect to the amendments to SOLAS chapter III and the LSA Code adopted by resolutions MSC.201(81) and MSC.207(81), and agreed with the proposal.

### **PROPOSED AMENDMENTS TO THE APPENDIX TO THE ANNEX TO THE 1974 SOLAS CONVENTION AND THE 1988 SOLAS PROTOCOL**

3.99 The Committee considered the submission by Japan (MSC 82/3/11), proposing that the Long-range identification and tracking (LRIT) system be recorded in the certificates contained in the Appendix to the Annex to the 1974 SOLAS Convention and the 1988 SOLAS Protocol, and instructed the drafting group to prepare the proposed amendments for adoption at this session.

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

3.100 Following discussion in plenary, the Committee established an *ad hoc* drafting group to prepare the final text of the draft amendments to the 1974 SOLAS Convention, the 1988 SOLAS Protocol, the 1988 Load Lines Protocol, the mandatory codes and non-mandatory codes and recommendations, together with the associated draft MSC resolutions and MSC circulars, as appropriate, the final texts of the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers and the associated MSC resolution, and the final text of amendment-related guidelines, performance standards and interpretations and associated MSC circulars for consideration by the Committee for adoption and approval, as appropriate.

### ***ADOPTION OF NEW MANDATORY STANDARDS AND PROPOSED AMENDMENTS TO MANDATORY AND NON-MANDATORY INSTRUMENTS***

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

3.101 Having received the report of the drafting group (MSC 82/WP.3 and Add.1), the Committee took action as indicated hereunder.

#### **ADOPTION OF NEW MANDATORY STANDARD**

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

3.102 The Committee considered the text of the aforementioned Performance standard together with the modifications thereto prepared by the drafting group (MSC 82/WP.3, annex 1) and adopted the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers, by resolution MSC.215(82), as set out in annex 1.

**ADOPTION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION, THE 1988 SOLAS PROTOCOL AND THE 1988 LOAD LINES PROTOCOL****Adoption of amendments to the 1974 SOLAS Convention**

3.103 The expanded Committee, including the delegations of 91 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to SOLAS chapters II-1, II-2, III and XII of, and to the Appendix to the Annex to, the Convention prepared by the drafting group (MSC 82/WP.3, annex 2) and adopted the amendments unanimously by resolution MSC.216(82), as set out in annex 2.

3.104 In adopting resolution MSC.216(82), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that:

- .1 the adopted amendments to SOLAS chapters II-1 (regulation 3-2), II-2, III and XII of, and to the Appendix to the Annex to, the Convention (MSC 82/WP.3, annex 1 to annex 2) should be deemed to have been accepted on 1 January 2008 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2008;
- .2 the adopted amendments to SOLAS chapters II-1 (parts A, B and B-1), (MSC 82/WP.3, annex 2 to annex 2) should be deemed to have been accepted 1 July 2008 (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 2009, in accordance with the provisions of article VIII thereof; and
- .3 the adopted amendments to SOLAS chapters II-1 (parts D and F), II-2 and III (MSC 82/WP.3, annex 3 to annex 2) should be deemed to have been accepted 1 January 2010 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2010, in accordance with the provisions of article VIII thereof.

**Adoption of amendments to the 1988 SOLAS Protocol**

3.105 The expanded Committee, including delegations of 60 Parties to the 1988 SOLAS Protocol, considered the final text of the proposed amendments to the appendix to the Annex to the Protocol prepared by the drafting group (MSC 82/WP.3, annex 17) and adopted the amendments unanimously by resolution MSC.227(82), as set out in annex 13.

3.106 In adopting resolution MSC.227(82), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 January 2008 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol) and should enter into force on 1 July 2008, in accordance with the provisions of SOLAS article VIII and article VI of the 1988 SOLAS Protocol.

### **Adoption of amendments to the 1988 Load Lines Protocol**

3.107 The expanded Committee, including delegations of 55 Parties to the 1988 Load Lines Protocol, considered the final text of the proposed amendments to the 1988 Load Lines Protocol prepared by the drafting group (MSC 82/WP.3, annex 9) and adopted the amendments unanimously by resolution MSC.223(82), as set out in annex 9.

3.108 In adopting resolution MSC.223(82), the expanded Committee determined, in accordance with article VI of the 1988 Load Lines Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 January 2008 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VI of the 1988 Load Lines Protocol) and should enter into force on 1 July 2008, in accordance with the provisions of article VI of the 1988 Load Lines Protocol.

### **ADOPTION OF THE PROPOSED AMENDMENTS TO THE MANDATORY CODES**

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

3.109 The expanded Committee, including the delegations of 91 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the FSS Code prepared by the drafting group (MSC 82/WP.3, annex 3) and adopted the amendments unanimously by resolution MSC.217(82), as set out in annex 3.

3.110 In adopting resolution MSC.217(82), 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, set out in annex 1 and annex 2 to the resolution, should be deemed to have been accepted on 1 January 2008 and 1 January 2010 respectively (unless, prior to those dates, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2008 and 1 July 2010 respectively, in accordance with the provisions of SOLAS article VIII.

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

3.111 The expanded Committee, including the delegations of 91 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the LSA Code prepared by the drafting group (MSC 82/WP.3, annex 4) and adopted the amendments unanimously by resolution MSC.218(82), as set out in annex 4.

3.112 In adopting resolution MSC.218(81), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the LSA Code should be deemed to have been accepted on 1 January 2008 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2008, in accordance with the provisions of SOLAS article VIII.

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

3.113 The expanded Committee, including delegations of 91 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IBC Code prepared by the drafting group (MSC 82/WP.3, annex 5) and adopted the amendments unanimously by resolution MSC.219(82), as set out in annex 5.

3.114 In adopting resolution MSC.219(82), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IBC Code should be deemed to have been accepted on 1 July 2008 (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 2009, in accordance with the provisions of SOLAS article VIII.

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

3.115 The expanded Committee, including delegations of 91 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IGC Code prepared by the drafting group (MSC 82/WP.3, annex 6) and adopted the amendments unanimously by resolution MSC.220(82), as set out in annex 6.

3.116 In adopting resolution MSC.220(82), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IGC Code should be deemed to have been accepted on 1 January 2008 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2008, in accordance with the provisions of SOLAS article VIII.

#### **Adoption of amendments to the 1994 HSC Code**

3.117 The expanded Committee, including delegations of 91 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 1994 HSC Code prepared by the drafting group (MSC 82/WP.3, annex 7) and adopted the amendments unanimously by resolution MSC.221(82), as set out in annex 7.

3.118 In adopting resolution MSC.221(82), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 1994 HSC Code should be deemed to have been accepted on 1 January 2008 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2008, in accordance with the provisions of SOLAS article VIII.

#### **Adoption of amendments to the 2000 HSC Code**

3.119 The expanded Committee, including delegations of 91 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 2000 HSC Code prepared by the drafting group (MSC 82/WP.3, annex 8) and adopted the amendments unanimously by resolution MSC.222(82), as set out in annex 8. In this context the Committee noted the list of footnotes to be added or amended in the 2000 HSC Code, set out at the end of annex 8 to document MSC 82/WP.3/Add,1, and requested the Secretariat to incorporate them, in due course, in the relevant publication.

3.120 In adopting resolution MSC.222(82), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 2000 HSC Code should be deemed to have been accepted on 1 January 2008 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2008, in accordance with the provisions of SOLAS article VIII.

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

3.121 The Committee considered the final text of amendments to non-mandatory IMO instruments prepared by the drafting group (MSC 82/WP.3, annexes 10 to 12) and adopted the amendments to:

- .1 the Code of Safety for Dynamically Supported Craft (DSC Code), by resolution MSC.224(82), as set out in annex 10;
- .2 the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code), by resolution MSC.225(82), as set out in annex 11; and
- .3 the Revised Recommendation on testing of life-saving appliances, by resolution MSC.226(82), as set out in annex 12.

### **APPROVAL OF NEW NON-MANDATORY IMO INSTRUMENTS**

3.122 The Committee considered the final text of new non-mandatory IMO instruments prepared by the drafting group (MSC 82/WP.3, annexes 13 to 16) and approved:

- .1 MSC.1/Circ.1212 on Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III;
- .2 MSC.1/Circ.1213 on Interpretation and application of the IGC Code for ships carrying liquefied carbon dioxide in bulk;
- .3 MSC.1/Circ.1214 on Performance standards for the systems and services to remain operational on passenger ships for safe return to port and orderly evacuation and abandonment after a casualty; and
- .4 MSC/Circ.1215 on Early implementation of amendments to SOLAS chapter III and the International Life-Saving Appliances (LSA) Code.

### **PROTECTIVE COATINGS PERFORMANCE STANDARD-RELATED MATTERS**

3.123 The delegation of China expressed its congratulations on the adoption of the Performance standard for protective coatings (PSPC) and the related amendment to the SOLAS Convention, which would apply to ships for which the building contract is placed on or after 1 July 2008. Noting that the PSPC took into account the need of shipyards, shipowners, paint manufacturers and inspection bodies to have sufficient time to prepare for implementation, the delegation of China was of the opinion that the complete and effective implementation of the new SOLAS amendment and the PSPC would play an important role in the improvement of structural safety of ships. In this context, the delegation of China pointed out that IACS had already included the PSPC as a requirement in its Common Structural Rules and required that on the date of its adoption by this expanded MSC, it would become mandatory for all IACS members, which is 18 months in advance of the mandatory implementation date decided by IMO. As a consequence, this would leave no time for the shipyards, shipowners, paint manufacturers and inspection bodies to make preparations for its implementation.

The delegation of China emphasized that the PSPC is quite different from the current practice in the shipyards and includes new requirements for shipyards, paint manufactures and inspection bodies, resulting in the need of adding new facilities in the shipyards, adjusting working processes and training inspectors, etc. All of this work can not be completed within the IACS

timeframe. Therefore, the delegation of China expressed its strong belief that early mandatory implementation of PSPC through the IACS Common Structural Rules without the prerequisite conditions would unavoidably be detrimental to its complete and effective implementation and, at the same time, damaging to the authoritativeness and seriousness of IMO standards. Consequently, the delegation of China, through the Committee, urged IACS to reconsider the relevant requirements in its Common Structural Rules.

3.124 The delegations of the Republic of Korea and Singapore associated themselves with the above statement by the delegation of China.

3.125 With regard to the Chinese delegation's statement, the observer from IACS pointed out that matters related to the Common Structural Rules were beyond the purview of IMO.

#### **INSTRUCTIONS TO THE SECRETARIAT**

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

#### **FURTHER PROPOSALS TO AMEND THE 1994 AND 2000 HSC CODES**

3.127 The Committee noted the further amendments to the 1994 and 2000 HSC Codes proposed by the delegation of Greece, to harmonize the Codes with the new amendments to SOLAS chapter III for matters related to the inspection and maintenance of falls and release mechanisms, as adopted by resolution MSC.152(78), and invited the delegation of Greece to submit the appropriate proposal for circulation with a view to consideration and adoption in accordance with SOLAS article VIII.

### **4 MEASURES TO ENHANCE MARITIME SECURITY**

#### **General**

4.1 The Committee recalled that, at MSC 81, it had considered various matters which had arisen following the entry into force, on 1 July 2004, of the special measures to enhance maritime security and had instructed a number of sub-committees to consider and report on salient issues.

4.2 The Committee considered documents MSC 82/4 and MSC 82/4/Add.1 (Secretariat) before referring matters raised therein to the Working Group on Maritime Security (MSWG). In this respect, the Committee considered the relevant parts of the reports of FAL 33, FSI 14, DSC 11 and C 97.

4.3 The Committee further considered documents MSC 82/4/1 and MSC 82/INF.14 (Islamic Republic of Iran), MSC 82/4/2 and MSC 82/4/5 (Japan), MSC 82/4/3, MSC 82/4/4, MSC 82/INF.5 and MSC 82/INF.7 (United States), MSC 82/4/6 and MSC 82/INF.15 (United Kingdom) and MSC 82/INF.2 (ISO).

## Outcome of FAL 33

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

4.4 The Committee recalled that MSC 79 had noted the efforts of FAL 30 and FAL 31 to review, in response to the request contained in operative paragraph 1(h) of the 2002 SOLAS Conference resolution 3, the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)).

4.5 The Committee also recalled that MSC 81 had noted that A 24 had adopted, following proposals from FAL 32, resolution A.985(24)/Rev.1 on Revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)), which, *inter alia*, requested the Committee and the FAL Committee to work jointly and expeditiously on the revision of the Guidelines and authorized them to adopt jointly the necessary amendments to the Guidelines and to promulgate these by appropriate means.

4.6 The Committee recalled further that MSC 81 had also noted that FAL 32 had established a correspondence group, co-ordinated by Colombia, whose terms of reference included, *inter alia*, the preparation of appropriate amendments to the Guidelines and the submission of these for consideration by the Committee and the FAL Committee and that Colombia had provided information on the progress of the work undertaken by the correspondence group in relation to the revision of the Guidelines.

4.7 The Committee noted that FAL 33, in reviewing the draft amendments to the Guidelines for the prevention and suppression of smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)), had agreed to the substantive and editorial amendments to the Guidelines proposed by the correspondence group, (MSC 82/4, paragraph 2).

4.8 The Committee noted also that FAL 33, in line with the practice for the joint adoption of new guidelines or the adoption of revisions to existing ones, had:

- .1 approved, from the FAL Committee point of view, the draft revised Guidelines and the associated draft FAL resolution as set out in annex 2 to document FAL 33/19;
- .2 decided to forward to MSC 82, the draft revised Guidelines and the associated draft MSC resolution on their adoption, as set out in annex 2 to document FAL 33/WP.4 for consideration with a view to adoption; and
- .3 agreed to adopt the revised Guidelines at FAL 34, subject to review of any amendments agreed by the MSC when adopting them.

4.9 The Committee instructed the MSWG to review the draft revised Guidelines and the associated draft MSC resolution on their adoption and to submit them to the plenary for consideration with a view to adoption.

## **Outcome of FSI 14**

### ***Integration of the safety management and ship security systems***

4.10 The Committee noted that, during FSI 14, Argentina (FSI 14/3) had proposed (FSI 14/19, paragraph 3.18) the development of Guidelines for integrated implementation of the safety management system and the ship security plan and a list of areas where the ISM and ISPS Codes may have actions and provisions in common and the promulgation of an FSI circular in this respect.

4.11 The Committee noted also that, following consideration of the issue at FSI 14, some delegations had expressed concerns on the security aspects, as Parties may not be ready to combine the respective audit procedures of the safety management system and the ship security plan, as the merging of audits may lead to an unacceptable dilution of the level of detail in the respective audit areas due to time constraints, and as the proposed integration may go beyond what would be practicable to envisage at this stage. However, FSI 14 had recognized that the proposal from Argentina may contain some elements of merit and agreed to request MSC 82 (MSC 82/10, paragraph 2.1) to consider the proposal from the maritime security point of view and, if appropriate, to refer the proposal to the Joint MSC/MEPC Working Group on Human Element.

4.12 In the ensuing discussions, those delegations in favour of merging ISM and ISPS audit functions cited the benefits of a reduction in bureaucracy, which would be of benefit particularly in those States where port State control inspections and maritime security control and compliance inspections were conducted by the same authority. Other delegations took the view that the purpose and objectives of the ISM Code and ISPS Code were divergent and that there would not be significant benefits through treating them in the same manner.

4.13 Whereas it was generally acknowledged that the proposals of Argentina (FSI 14/3) contained useful information, the majority of delegations was of the view, and the Committee agreed, that it would be premature to pursue the matter further at this stage and, therefore, the Committee decided not to refer the proposal to the MSWG or to the aforementioned Joint Working Group.

### ***Survey of ship security alert systems***

4.14 The Committee noted that, during FSI 14, whilst the FSI Sub-Committee was discussing issues under the agenda item on “Review of the Survey Guidelines under the HSSC (resolution A.948(23))”, the delegation of Greece had suggested in the context of the development of survey guidelines, *inter alia*, that the ship security alert system (SSAS) should also be surveyed by radio inspectors.

4.15 The Committee noted that FSI 14 had concurred with the unanimous views of the Working Group on Review of the Survey Guidelines under the HSSC (resolution A.948(23)) that, as far as the survey of SSAS by radio inspectors was concerned and, due to confidentiality concerns and other specificities of the ISPS Code, it would be premature to decide in this respect, without prejudice to reviewing this issue in future and had agreed to invite MSC 82 to endorse this view.

4.16 The Committee referred the issue to the MSWG for advice, before deciding whether ship security alert systems should be surveyed by radio inspectors.



## **Outcome of DSC 11**

### ***Revision of the Recommendations on the safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675)***

4.17 The Committee recalled that MSC 75 had instructed DSC 7, *inter alia*, to review the Recommendations on the safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675) in light of any security measures to be included.

4.18 The Committee noted that DSC 9 had completed the security-related work (DSC 9/15, annex 7). Since then, the revision of the recommendations had addressed other aspects which had been raised by the DSC Sub-Committee, the MEPC and the FAL Committee. The Committee, therefore, agreed that, it would address issues related to the revision of the Recommendations at its future sessions under the corresponding agenda item relating to the work of the DSC Sub-Committee, rather than under the measures to enhance maritime security.

4.19 The Committee noted that DSC 11 had agreed to the draft Revised recommendations on the safe transport of dangerous cargoes and related activities in port areas, and the associated draft MSC circular, set out in annex 4 to document DSC 11/19, for submission to MSC 82 for approval and had requested the Secretariat to conduct a further editorial review of the draft Revised recommendations, with particular reference to reviewing, amending and updating the list of documents referenced therein, which had subsequently been completed. The Committee noted further that this had been reported to MEPC 55 (MEPC 55/10/6) and that MEPC 55 had noted the information provided.

4.20 The Committee instructed the MSWG to finalize editorially the draft MSC circular on Revised recommendations on the safe transport of dangerous cargoes and related activities in port areas, as set out in annex 4 to document DSC 11/19, for approval at this session.

### ***Draft amendments to the 2004 BC Code***

4.21 The Committee recalled that MSC 79, within the framework of resolution A.924(22) on Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships:

- .1 concurred with the view of DSC 9 that the BC Code should, in the context of enhancing maritime security, be reviewed in order to bring it in line with the IMDG Code, complementing the existing security-related provisions of the IMDG Code; and
- .2 instructed the DSC Sub-Committee to prepare, as part of the revision of the BC Code, appropriate amendments to the BC Code so as to include therein appropriate security-related provisions similar to those found in chapter 1.4 (Security provisions) of the IMDG Code.

4.22 The Committee noted that DSC 11 had prepared draft amendments to the BC Code on security provisions for inclusion as a new section 11 (Security provisions) in the BC Code. DSC 11 also established a Correspondence Group on Amendments to the BC Code and its mandatory applications and instructed it to complete the related work and submit it for consideration by DSC 12.

4.23 The Committee decided that once the DSC Sub-Committee had completed the preparation of all amendments to the BC Code currently in hand, the final draft of the proposed new section 11 (Security provisions) would need to be forwarded to the MSWG for examination, at the Committee level, from the security point of view.

***Draft amendments to the IMO/ILO/UN ECE Guidelines for packing of cargo transport units (MSC/Circ.787)***

4.24 The Committee recalled that MSC 79, again within the framework of resolution A.924(22), had instructed:

- .1 DSC 10 to carry out, as a first step, a review of the IMO/ILO/UN ECE Guidelines for packing of cargo transport units (MSC/Circ.787) (the Packing Guidelines) for the purpose of identifying those parts of the Packing Guidelines, which should be amended and to develop, if necessary, subsequently appropriate amendments thereto;
- .2 the Secretariat, once the DSC Sub-Committee had completed its work, to propose to ILO and UN ECE the revision of the Packing Guidelines, offering, as a basis for discussion, the preparatory work done by the DSC Sub-Committee; and
- .3 the Secretariat, subject to the agreement of ILO and UN ECE, to consider inviting other agencies or organizations which may have an interest in the matter to participate in the work.

4.25 The Committee noted that DSC 11 had finalized the draft amendments to the Packing Guidelines and the associated draft MSC circular, as set out in annex 5 to document DSC 11/19, for consideration and approval by the Committee before these were forwarded to ILO and UN ECE for their consideration.

4.26 The Committee referred the draft amendments to the MSWG for final review and recommendation on their suitability for approval by the Committee.

***Work programme***

4.27 In the context of this item, the Committee noted the report of DSC 11 that the DSC Sub-Committee had completed all the work assigned to in relation to Measures to enhance maritime security and, considered the deletion of the item from the work programme of the DSC Sub-Committee under agenda item 21 (Work programme).

***Outcome of C 96 and C 97***

4.28 The Committee noted the report by the Secretariat (MSC 82/4/Add.1) on the outcomes of C 96 and C 97 which related to the work of the Committee on the enhancement of maritime security, namely in relation to the future development of the Voluntary IMO Member State Audit Scheme; the High-level action plan of the Organization for the current and 2008-2009 biennium; and the United Nations Global Counter-Terrorism Strategy.

4.29 Following the adoption by A 24 of resolution A.975(24) on Future development of the Voluntary IMO Member State Audit Scheme, C 96 had requested the Committee and the MEPC to provide progress reports on their consideration of operative paragraph 1 of the resolution which directed the two Committees to review the future feasibility of including, within the scope of the Audit Scheme, security-related and other functions not presently covered and to identify any implications of broadening the scope of the Audit Scheme in this way.

4.30 The Committee also noted that A 24 had also adopted resolution A.970(24) on Strategic plan for the Organization (for the six-year period 2006 to 2011) and resolution A.971(24) on High-level action plan of the Organization and priorities for the 2006-2007 biennium. Through the latter resolution, A 24 had requested the Committee, when reporting on its work to A 25, to report progress towards fulfilling the Organization's aims and objectives using the framework of the high-level actions and planned biennial outcomes. As a result, in line with the information MSC 81 provided to C 96, the Committee would need to prepare a report on progress made on items related to maritime security in the High-level action plan of the Organization for the 2006-2007 biennium and proposals for the High-level action plan and priorities, including planned output, for the 2008-2009 biennium (see also document MSC 82/21/1).

4.31 The Committee noted further that, following the adoption by the General Assembly of the United Nations of resolution A/Res/60/288 on The United Nations Global Counter-Terrorism Strategy (the UN Global Strategy), C 97 had requested the Committee, the Legal Committee, the Technical Co-operation Committee and the Facilitation Committee to study the UN Global Strategy, as well as related United Nations General Assembly and Security Council resolutions; and to prepare and submit, through the *ad hoc* Working Group on the Organization's Strategic Plan, where practicable, for consideration by the twenty-fourth extraordinary session of the Council, specific proposals in association with a plan of action, within the framework of the Strategic Plan of the Organization, on how the Organization could respond and contribute to the implementation of the UN Global Strategy.

4.32 In further considering the issues, the Committee decided to:

- .1 urge Member Governments and international organizations to make appropriate submissions for consideration at MSC 83 so as to enable the Committee to report accordingly to the twenty-fourth extraordinary session of the Council on future development of the Voluntary IMO Member State Audit Scheme and on the United Nations Global Counter-Terrorism Strategy; and
- .2 instruct the MSWG to examine the information on the progress made for the items indicated in the High-level action plan for the 2006-2007 biennium and the proposals for the High-level action plan for the 2008-2009 biennium (contained in document MSC 82/21/1), with a view to providing advice to the Committee on the matter.

#### **Enhancement of the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code**

4.33 The Committee recalled that MSC 81 had:

- .1 acknowledged that the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code and their interactions with ships and port facilities which were required to comply with the aforesaid provisions was an area of varying concerns to a number of SOLAS Contracting Governments;

- .2 agreed that the development of recommendations aimed at enhancing the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code would be desirable and would contribute to the efforts of the Organization to enhance maritime security. However, such recommendations would need to be practical, sustainable and proportionate to the risks and threats involved; and
- .3 invited proposals on how to address the security aspects of the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code.

4.34 The Committee considered the proposals of the United States (MSC 82/4/4), which:

- .1 supported the work of the Organization in enhancing the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code;
- .2 offered for consideration:
  - .2.1 various security measures for inclusion in a set of recommendations addressing the security aspects of such ships;
  - .2.2 details of measures currently in place in the United States; and
  - .2.3 measures worthy of further consideration; and
- .3 invited other Member States to provide suggestions for additional security measures and take action, as appropriate, aimed at developing a set of security recommendations for ships less than 500 gross tonnage which travel on international routes.

4.35 The Committee also considered a proposal of Japan (MSC 82/4/5) which had started a study on security measures for ships not covered by SOLAS chapter XI-2 and provided the interim results of the study in the annex to document MSC 82/4/5. Japan considered that the development of a list of possible security measures and best practices for ships not covered by SOLAS chapter XI-2 and the ISPS Code would be helpful in implementing and enforcing appropriate measures, and suggested the establishment of a correspondence group to develop such a list, taking into account the information set out in the annex to their submission.

4.36 The Committee further considered a proposal by the United Kingdom (MSC 82/4/6), which supported enhancing the security of ships other than those already regulated by SOLAS chapter XI-2 and the ISPS Code, in a proportionate and pragmatic manner. The United Kingdom in their submission provided an indication of some of the research being conducted into technologies that could be used to protect ships against seaward attack from small craft and summarized the security guidance recently issued to the operators of passenger vessels operating on the River Thames. The United Kingdom (MSC 82/INF.15) also provided examples of the security guidance for leisure craft operating on the River Thames.

4.37 In the ensuing discussions, there was considerable support for the need to establish a correspondence group to develop guidance on enhancing the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code, both from the viewpoint of protecting such vessels from attack and also for protecting port facilities and SOLAS vessels from attack by such vessels. A number of delegations pointed out that procedures for protecting SOLAS vessels should form part of ship security plans and port facility security plans.

4.38 A number of delegations expressed concern that the proposals of the United States and Japan were too prescriptive and that, given the wide variety of types, functions and sizes of the vessel concerned, any measures should be focussed, realistic and pragmatic and should be developed as guidance.

4.39 The Committee instructed the MSWG, taking the comments contained in the documents submitted by Japan (MSC 82/4/5), the United Kingdom (MSC 82/4/6 and MSC 82/INF.15) and the United States (MSC 82/4/4) into account, to consider and make proposals on how to progress the issue of security aspects of the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code, including the development of guidelines, establishment of a correspondence group and the development of its terms of reference.

### **Security and facilitation of the movement of closed cargo transport units and freight containers transported by ships**

#### ***General***

4.40 The Committee recalled that MSC 81 had considered background information on a strategy for developing maritime cargo security procedures in the context of the WCO SAFE Framework of Standards to secure and facilitate global trade\* (the SAFE Framework of standards), provided by the Secretariat and the related outcome of the Ministerial Conference on International Transport Security, held in Tokyo on 12 and 13 January 2006, presented by Japan.

4.41 The Committee also recalled that MSC 81 had referred the matter to MSWG to consider and recommend the approach to be taken in developing measures which would further enhance the security of closed cargo transport units and freight containers transported by ships whilst simultaneously achieving positive gains in the facilitation of maritime transport.

4.42 The Committee further recalled that MSC 81 had considered the recommendations of the MSWG and had decided, in lieu of instigating a Joint MSC/FAL Working Group on the security and facilitation of the carriage of closed cargo transport units and freight containers transported by ships, to invite FAL 33 to consider referring the matter to the Working Group on Ship/Port Interface (SPI Working Group) with the terms of reference proposed by the MSWG in relation to the Joint MSC/FAL Working Group.

#### ***Outcome of FAL 33***

4.43 The Committee noted that FAL 33 had discussed the background information on a strategy for developing maritime cargo security procedures in the context of the SAFE Framework of standards provided by the Secretariat (FAL 33/8/2), taking into account the related discussions during MSC 81. During the debate of the issue, a summary of which is set out in paragraphs 5 to 12 of document MSC 82/4:

- .1 the majority of delegations had expressed the opinion that it would be premature to consider amendments to SOLAS, the ISPS Code and the FAL Convention at that stage, however, had agreed that it would be appropriate to develop associated guidelines; and
- .2 delegations had expressed concern that, whereas the SPI Working Group may be able to address the facilitation related issues, it lacked the expertise to address security-related issues, and that the development of suitable guidance material should be a joint venture by the FAL Committee and the MSC.

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\* Formerly referred to as "WCO Framework of Standards".

4.44 The Committee also noted that FAL 33 (FAL 33/19) had:

- .1 approved, from its point of view, the terms of reference for the Joint MSC/FAL Working Group, to take place during MSC 82, as set out in the annex to MSC 82/4. The terms of reference constituted a revision of the terms of reference proposed by the MSWG during MSC 81;
- .2 urged Member Governments and international organizations to consult with their experts in all aspects of the security and facilitation of maritime cargo and to submit their proposals on the security and facilitation of the movement of closed cargo transport units and freight containers to MSC 82 for consideration by the Joint MSC/FAL Working Group; and
- .3 agreed that, subject to the discussions and developments during MSC 82, the second session of the Joint MSC/FAL Working Group may take place, subject to relevant decision of MSC 82, during FAL 34 under agenda item on “Securing and facilitating international trade”.

4.45 The Committee further noted that, when the matter was debated by FAL 33, the Chairman of the Committee had recalled that at MSC 81, the MSWG had supported the establishment of a Joint MSC/FAL Working Group, and invited the Members of the FAL Committee to liaise with their respective heads of delegations to the MSC, to ensure the effectiveness of such a joint venture.

4.46 Japan (MSC 82/4/2) proposed that interim guidance be developed, so as to incorporate the following ideas:

- .1 the interim guidance should apply to all maritime container transport-related operators. Nevertheless, it would be practical that, firstly, the interim guidance applicable to the operators working within port areas be considered with a view to adoption, and during implementation, this interim guidance could be utilized as best practice for the other operators working outside port areas. Then full consideration could be given to the completion of the interim guidance for all maritime container transport-related operators including operators who are working outside port areas;
- .2 the interim guidance should be designed according to type of operators;
- .3 measures described in the interim guidance should not be limited to seal management. Examples to be considered regarding measures other than seal management should include cargo room management, access management, cargo load inventory work management, employee management and documentation management; and
- .4 all maritime container transport-related operators should be recommended to establish rules security plans to be used for their own efforts.

4.47 Japan further suggested that in order to achieve smooth and efficient transport, it was important to consider a framework in which, for example, maritime container transport-related operators who took security measures based on the interim guidance would be certified by neutral bodies and beneficial incentives would be given to them, such as a guarantee of uninterrupted transport.

4.48 The United States (MSC 82/4/3) supported the work of the Organization in improving supply chain security by considering the relevance of WCO documents in relation to IMO instruments. The United States endorsed the terms of reference for, and supported the work of, the Joint MSC/FAL Working Group.

4.49 In addition, the United States proposed several focus areas to begin that work, taking into account the work of WCO and other programmes and initiatives. These included:

- .1 maintaining the integrity of containers while within the port facility's or vessel's control;
- .2 container seals, both mechanical and electronic (e-seals), and developing measures that would facilitate the chain-of-custody for a properly applied seal as part of an end-to-end programme;
- .3 facilitation of container movement rather than installing burdensome measures that slow down container operations; and
- .4 single window and information security and, in particular, the need to elevate the importance of technical co-operation to bring about wider and more rapid implementation of the single window.

4.50 The Committee noted that the United States (MSC 82/INF.7) had catalogued, based on extensive validations and site visits, supply chain security best practices and was making the catalogue available at the following website address:

[http://www.cbp.gov/linkhandler/cgov/import/commercial\\_enforcement/ctpat/ctpat\\_best\\_practices.ctt/ctpat\\_best\\_practices.pdf](http://www.cbp.gov/linkhandler/cgov/import/commercial_enforcement/ctpat/ctpat_best_practices.ctt/ctpat_best_practices.pdf).

4.51 The Committee agreed to establish the joint MSC/FAL Working Group on the security and facilitation of the carriage of closed cargo transport units and freight containers transported by ships, to work as part of an expanded MSWG, and instructed it, in the context of its terms of reference (as set out in the annex to document MSC 82/4 and taking into account the comments made in plenary, the proposals and comments submitted by Japan (MSC 82/4/2) and the United States (MSC 82/4/3 and MSC 82/INF.7)), to consider and advise the Committee on how the matter should be progressed, subject to the concurrence of the FAL Committee.

### ***ISO supply chain and freight container initiatives***

4.52 The Committee recalled that MSC 81 had invited ISO to continue to provide information on the various initiatives it pursued in an effort to contribute to the global efforts to enhance security; and in particular, in connection with the enhancement of security in the supply chain and in relation to the transport of freight containers.

4.53 The Committee noted that ISO (MSC 82/INF.2) had provided the Committee with the July/August 2006 edition of ISO FOCUS, containing a number of articles on ISO's work in the field of supply chain security, and providing an update on the latest developments in the work of ISO in connection with the enhancement of the security in the supply chain and in relation to the transport of freight containers.

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

#### **Voluntary self-assessment checklist for companies and company security officers**

4.55 The Islamic Republic of Iran (MSC 82/4/1) proposed the development of a standard checklist for use by the Companies and the company security officer (CSO) as an aid in assessing, documenting and improving the implementation of the provisions of the ISPS Code and recommended the establishment of a correspondence group to carry out the task. The Islamic Republic of Iran (MSC 82/INF.14) further provided an example which may be used as a basis to develop such a checklist and offered to chair a correspondence group to progress the issue, if appropriate.

4.56 In considering this issue, the Committee recalled that, in addition to the obligations and guidance on the roles of Companies and CSOs contained in SOLAS chapter XI-2 and the ISPS Code, the Organization had issued IMO Model Course 3.20 on Company Security Officer and MSC 80 had approved the Guidelines on training and certification for company security officers (MSC/Circ.1154).

4.57 The Committee supported the development of a standard self-assessment checklist for use by the Company and the CSO, following the format used in MSC.1/Circ.1192 on Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities and MSC.1/Circ.1193 on Guidance on voluntary self-assessment by Administrations and for ship security, for adoption at this session if possible.

4.58 The Committee instructed the MSWG to consider the development of a standard checklist for use by the CSO as an aid in assessing, documenting and improving the implementation of the provisions of SOLAS chapter XI-2 and the ISPS Code and, if unable to finalize it for adoption at this session, the development of terms of reference for establishing a correspondence group to advance the matter.

#### **Port security best practices for ISPS Code compliance**

4.59 The Committee noted that the United States (MSC 82/INF.5) had catalogued, based on extensive validations and site visits, port security best practices and was making the catalogue available at the following website address: <http://www.uscg.mil/hq/g-m/mp/xfaqs.html>.

#### **Establishment of the MSWG and Joint MSC/FAL Working Group**

4.60 The Committee noted that Mr. John Grubb (United Kingdom) had advised the Secretariat, with regret, that he would not be able to continue serving the Committee in the capacity of the chairman of the MSWG.

4.61 The Committee expressed, and requested the delegation of the United Kingdom to convey, its deep and sincere appreciation to Mr. J. Grubb for the services he had rendered to the Committee by chairing and steering the MSWG and wished him a long and happy retirement and the best for the future.



4.62 The Committee re-established the MSWG and Joint MSC/FAL Working Group under the chairmanship of Mr. Jeremy Parkinson (Australia) and instructed the MSWG, taking into account the related discussions of the various issues in plenary, to:

- .1 review the draft Revised guidelines (resolution A.872(20)), set out in annex 2 to document FAL 33/19 and the associated draft MSC resolution on their adoption, set out in annex 2 to document FAL 33/WP.4, and to submit them to the plenary for consideration with a view to adoption;
- .2 in view of the deliberations during FSI 14 (FSI 14/19, paragraph 11.27.4), consider and advise the Committee whether ship security alert systems (SSAS) should be surveyed by radio inspectors;
- .3 review the draft amendments to the IMO/ILO/UN ECE Guidelines for packing of cargo transport units (MSC/Circ.787) and the associated draft MSC circular, set out in annex 5 to document DSC 11/19, and submit them to the Committee for endorsement and transmission to ILO and UN ECE for their consideration;
- .4 finalize editorially the draft MSC circular on Revised recommendations on the safe transport of dangerous cargoes and related activities in port areas, set out in annex 4 to document DSC 11/19, for approval at this session;
- .5 examine the information on the progress made for the items indicated in the High-level action plan for the 2006-2007 biennium (MSC 82/21/1, annex 1) and the proposals for the High-level action plan for the 2008-2009 biennium (MSC 82/21/1, annex 2) with a view to providing advice to the Committee on the matter;
- .6 consider and make proposals, taking into account the comments contained in documents MSC 82/4/4, MSC 82/4/5, MSC 82/4/6 and MSC 82/INF.15 on how to progress the issue of security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code, including the development of guidelines, establishment of a correspondence group and the preparation of its terms of reference;
- .7 consider, taking into account the comments contained in documents MSC 82/4/1 and MSC 82/INF.14, the development of a standard checklist for use by the Company and CSO as an aid in assessing, documenting and improving the implementation of the provisions of SOLAS chapter XI-2 and the ISPS Code and, if unable to finalize it for adoption at this session, the preparation of terms of reference for establishing a correspondence group to advance the matter; and
- .8 submit a report to plenary by Wednesday, 6 December 2006.

4.63 The Committee instructed the Joint MSC/FAL Working Group on the security and facilitation of the movement of closed cargo transport units and freight containers transported by ships, in the context of its terms of reference, set out in the annex to document MSC 82/4, to consider, taking into account the comments made in plenary, the proposals and comments submitted in documents MSC 82/4/2, MSC 82/4/3 and MSC 82/INF.7 and to advise the Committee on how the matter should be progressed, subject to the concurrence of the FAL Committee.

## **Report of the MSWG**

4.64 Having received and approved in general the report of the MSWG (MSC 82/WP.4), the Committee noted the actions taken on the various documents and proposals submitted and the outcome of the MSWG's considerations; and took action as indicated in the ensuing paragraphs.

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

4.65 The Committee adopted resolution MSC.228(82) on Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic, as set out in annex 14.

### ***Survey of ship security alert systems (SSAS)***

4.66 The Committee agreed with the conclusions of the MSWG that the survey of the SSAS by radio inspectors would require the disclosure to a radio inspector of almost all details relating to the SSAS and would open the possibility of recording the related information in the radio survey report which was not necessarily subject to the same protection of confidentiality as the information contained in the ship security plan (SSP). In the absence of a compelling need to subject the SSAS to survey by radio inspectors, instituting an additional survey scheme beyond that provided for in ISPS Code section A/19.1.1 was not necessarily producing any tangible benefit which would outweigh the compromise of the confidentiality of the details relating to the SSAS.

4.67 The Committee also agreed with the conclusions of the MSWG that, given the multiplicity of equipment and the security implications of the issue, the survey of SSAS should remain a matter for individual Administrations.

4.68 The Committee decided that it would not be appropriate at this time to make it mandatory for SSAS to be included in the list of items to be surveyed by radio inspectors. However, it noted the recommendation of the MSWG that the Committee may wish to re-examine the issue on a future date on the basis of information to be provided by SOLAS Contracting Governments attesting to the need to instigate a system of inspections for all or for specific types of SSAS.

### ***Draft amendments to the IMO/ILO/UN ECE Guidelines for packing of cargo transport units (MSC/Circ.787)***

4.69 The Committee approved, from the IMO point of view, amendments to the IMO/ILO/UN ECE Guidelines for packing of cargo transport units, and the associated MSC.1 circular, subject to the concurrence of ILO and UN ECE, as set out in annex 2 to document MSC 82/WP.4 and, having instructed the Secretariat to transmit these to ILO and UN ECE for their consideration and acceptance, authorized the Secretariat to issue the circular once ILO and UN ECE have confirmed their agreement to the proposed amendments.

### ***Revision of the Recommendations on the safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675)***

4.70 The Committee approved MSC.1/Circ.1216 on Revised recommendations on the safe transport of dangerous cargoes and related activities in port areas.

***High-level action plan for the 2006-2007 biennium and proposals for the High-level action plan for the 2008-2009 biennium***

4.71 The Committee noted the suggestions of the MSWG as detailed in annex 3 to MSC 82/WP.4 and considered them under agenda item 21 (Work programme).

4.72 The Committee agreed to recommend the inclusion, as a high level action for the 2008-2009 biennium, the development of model legislation on maritime security.

***Enhancement of the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code***

4.73 The Committee agreed with the view of the MSWG that non-SOLAS vessels shared the same operational environment as ships which fall within the scope of application of SOLAS chapter XI-2 and the ISPS Code and the operations of the former affect the security of the latter. Thus, it was necessary to address the security aspects of the operation of non-SOLAS ships in a systematic and analytical manner, so as to achieve a tangible enhancement of the global security net which the provisions of SOLAS chapter XI-2 and the ISPS Code were seeking to establish.

4.74 The Committee agreed also that, *inter alia*, any guidelines developed should be non-mandatory and that their application should be the purview of the individual Contracting Governments concerned and proportionate to the assessed levels of threat and risk.

4.75 The Committee agreed to establish a Correspondence Group on Security Aspects of the Operation of Ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code, under the co-ordination of the United Kingdom<sup>\*\*</sup>, supported by Japan<sup>\*\*\*</sup> and the United States<sup>\*\*\*\*</sup> with the following terms of reference:

The correspondence group on security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code (non-SOLAS ships) is

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instructed, taking into account the relevant discussions of the Maritime Security Working Group and decisions of MSC 82, to undertake a scoping study and develop recommendatory guidelines on measures to enhance maritime security to complement measures required by SOLAS chapter XI-2 and the ISPS Code, which could be utilized by Contracting Governments and/or Administrations at their own discretion. The correspondence group should:

- .1 define the scope, taking into account, *inter alia*, the following threat scenarios:
  - .1.1 threat to non-SOLAS ships;
  - .1.2 threat posed by non-SOLAS ships to SOLAS ships; and
  - .1.3 threat posed by non-SOLAS ships to port facilities, onshore facilities and offshore facilities;
- .2 categorize the types of non-SOLAS ships that the guidelines are intended for, and prioritize, if possible given different national perceptions of risk, the development of guidelines;
- .3 prepare draft guidelines, including a list of possible security measures and best practices, for non-SOLAS ships categorized as requiring such guidelines including, as appropriate:
  - .3.1 procedural measures; and
  - .3.2 physical measures;
- .4 identify what additional guidance, if any, might be offered to ISPS Code compliant ships and port facilities in relation to the interface with non-SOLAS ships; and
- .5 submit a written report to MSC 83.

#### ***Voluntary self-assessment checklist by Companies and company security officers***

4.76 The Committee approved MSC.1/Circ.1217 on Interim Guidance on voluntary self-assessment by Companies and company security officers (CSOs) for ship security.

4.77 The Committee agreed to invite Administrations, international organizations and non-governmental organizations with consultative status to bring to the attention of the Committee, at the earliest opportunity, the results of the experience gained for the use of the Interim Guidance for consideration of action to be taken.

#### **Report of the MSWG as the Joint MSC/FAL Working Group**

##### ***Security and facilitation of the movement of closed cargo transport units and freight containers transported by ships***

4.78 The Committee noted the record of the deliberations of the Joint MSC/FAL Working Group on security of closed cargo transport units and of freight containers transported by ships based on proposals outlined in documents MSC 82/4/2 (Japan), MSC 82/4/3 and MSC 82/INF.7

(United States) and MSC 82/INF.2 (ISO) and in the wider context of supply chain security and the SAFE Framework of Standards.

4.79 The Committee noted that the record of deliberations was a work in progress for further consideration by the Joint MSC/FAL Working Group at its next session and that no specific decisions were asked of the Committee with respect to the security of closed cargo transport units and of freight containers transported by ships, at this time.

4.80 The Committee urged Member Governments and international organizations to consult with their experts in all aspects of the security and facilitation of maritime cargo and to submit their proposals on the security and facilitation of the movement of closed cargo transport units and of freight containers to FAL 34 for consideration by the Joint MSC/FAL Working Group.

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

### **General**

5.1 The Committee recalled that MSC 81, following an intensive debate on the method of approach, had agreed to work on the prescriptive approach and the safety level approach in parallel, namely to continue with the development of GBS for bulk carriers and oil tankers, based on the work done so far on the subject, and also to work on GBS for all other types of ships based on the safety level approach. Consequently, MSC 81 had established two correspondence groups, one on GBS for bulk carriers and oil tankers and the other on the safety level approach and instructed them to report to this session.

5.2 The Committee also recalled that MSC 81, with regard to GBS for bulk carriers and oil tankers, had approved the Tier I goals and the Tier II functional requirements and progressed consideration of Tier III (verification of compliance). MSC 81 had also endorsed the view of the GBS Working Group that Tier I should be prepared in the form of amendments to SOLAS chapter II-1, whereas Tiers II and III could be included in a separate instrument to be made mandatory under the SOLAS amendments to be developed.

5.3 The Committee noted that MSC 81, following a proposal by Japan, had also considered the development of guidelines for GBS in the IMO rule-making process and that, noting the general support for the proposal, Japan had expressed the intention to submit a draft of such guidelines to this session.

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

5.4 The Committee had for its consideration the report of the correspondence group on GBS for bulk carriers and oil tankers (document MSC 82/5 by the United States), containing outlines of Tier III information and documentation requirements (annex 1) and of the Ship Construction File (SCF) (annex 2) and notes concerning the envisaged pilot project with the IACS CSR (paragraphs 25 to 31). The Committee, having noted that the co-ordinator of the group, Mr. J. Lantz of the United States, would not be available to continue chairing the GBS Working Group, thanked him for his intensive work over the years.

5.5 The Committee also had for its consideration a number of documents commenting on the report of the correspondence group and making further proposals, submitted by China (MSC 82/5/9), Japan (MSC 82/5/10), the Islamic Republic of Iran (MSC 82/5/4), Liberia (MSC 82/5/3), the Republic of Korea (MSC 82/5/6), IACS (MSC 82/5/11) and the Secretariat (MSC 82/5/2). Following discussion of the correspondence group report (MSC 82/5) together with the comments and proposals made in the aforementioned documents, the Committee took

action as indicated in paragraphs 5.6 to 5.17, bearing in mind that the documents commenting on the report of the correspondence group would be referred to the GBS Working Group for detailed consideration.

### ***Tier III information and documentation requirements***

5.6 Concerning the Tier III information and documentation requirements, including the establishment of the Group of Experts, as reported in paragraphs 6 to 17 of, and set out in annex 1 to, document MSC 82/5, the Committee, noting the comments and proposals made in documents MSC 82/5/2, MSC 82/5/4, MSC 82/5/6, MSC 82/5/9 and MSC 82/5/10, recalled that the purpose of Tier III was the verification whether the Tier I and Tier II standards were complied with by the classification rules in Tier IV.

5.7 In the ensuing discussion, delegations expressed, *inter alia*, the following views:

- .1 the Tier I goals and Tier II functional requirements are a standard for the rules in Tier IV and do not apply directly to ships;
- .2 the final decision on whether the rules of recognized organizations comply with GBS lies with the Administration;
- .3 while some delegations felt that the Tier III documentation and information requirements should be recommendatory, others were of the opinion that they should be mandatory; and
- .4 the Tier III requirements should not be too detailed so as not to impede technical development,

and agreed that the Tier III requirements should be further considered by the working group.

5.8 The delegation of Greece referred to document MSC 82/5/10 (Japan) and, in particular, to the view expressed in the document that the GBS Working Group at MSC 81 had agreed that Tier III verification criteria should be in the format of guidelines and, consequently, non-mandatory. They were of the opinion that, on the contrary, the majority of the working group at MSC 81 and in the relevant correspondence group had expressed the view that specific acceptance criteria should be mandatory, as reflected in paragraph 28 of the report of the GBS Working Group at MSC 81 (MSC 81/WP.7), where it is stated that items to be in the format of guidelines would be the Tier III process details and verification guidelines, not the Tier III acceptance criteria.

### ***Ship Construction File***

5.9 With regard to the Ship Construction File (SCF) as discussed in paragraphs 18 to 24 of, and set out in annex 2 to, document MSC 82/5, the Committee, noting the comments and proposals made in document MSC 82/5/6, agreed to refer the SCF, together with the comments and proposals to the working group for finalization.

### ***Pilot project with the IACS CSR***

5.10 Concerning the envisaged pilot project with the IACS Common Structural Rules (CSR) as discussed in paragraphs 25 to 31 of document MSC 82/5, the Committee, noting the relevant comments and proposals made in documents MSC 82/5/2, MSC 82/5/4, MSC 82/5/6, MSC 82/5/9 and MSC 82/5/10, noted the following views expressed in the course of discussion:

- .1 in order to keep the pilot project manageable, it should not include the whole of the CSR, but only certain sections, preferably those common to both bulk carriers and oil tankers;
- .2 the execution of the pilot project should be considered as a priority since its results were of utmost importance for the finalization of Tier III; and
- .3 the purpose of the pilot project was not the detailed consideration of the CSR but the assessment of the adequacy of the Tier III requirements and the identification of weaknesses in the GBS verification process,

and agreed that the preparation of an outline for the execution of the pilot project should be considered by the working group as a priority issue.

### ***Ergonomic design principles***

5.11 The Committee, following a debate on the proposal by Liberia (MSC 82/5/3) to include ergonomic design principles in the Tier II functional requirements, agreed with the proposal and instructed the working group to incorporate ergonomic design requirements in Tier II.

### ***Verification of classification societies***

5.12 Concerning the proposal by the Islamic Republic of Iran (MSC 82/5/4) to distinguish between the verification of “international” and “national” classification societies, the Committee, having noted the clarification by the delegation of Iran with regard to these two categories of classification societies, agreed that there should be one single system of verification and approval of the rules of recognized organizations.

### ***Definition of “net scantlings” in Tier II***

5.13 With regard to the proposal by IACS (MSC 82/5/11) to include a new definition of “net scantlings” in functional requirement II.3 (Structural strength), the Committee, noting that a number of delegations were of the view that the existing definition was adequate and there was no need for its revision, agreed that the working group should discuss the matter further.

### **Safety level approach**

5.14 The Committee considered the report of the correspondence group on the safety level approach for GBS (document MSC 82/5/1 by Germany and Sweden) and noted that the group had come to the following conclusions:

- .1 concerning its first task, i.e., to collect information on the current level of safety of ships, the group discussed information on safety levels referring to different ship types and to different risk categories based on statistical data from different sources as contained in annex 1 of the report. The group found that existing data on risk levels for ship types needed to be consolidated according to an agreed systematic process before the data could be interpreted at the IMO level. To facilitate this consolidation, clear definitions of risk terminology and ship types were needed;
- .2 concerning its second task, i.e., to examine Tiers I and II as agreed for GBS for bulk carriers and oil tankers and identify any changes necessary to adapt them to the safety level approach, the group concluded that the proposals, ideas and

comments submitted needed a more thorough examination and that the matter should be dealt with as a high priority in the work plan for the item; and

- .3 concerning its third task, i.e., to develop a long-term work plan for the development of GBS based on the safety level approach, the group was not able to propose a new detailed long-term work plan but identified priority actions.

5.15 The Committee also had for its consideration documents MSC 82/5/5 (IACS), examining Tiers I and II of the current GBS for bulk carriers and oil tankers and identifying any changes necessary to adapt them with the safety level approach for GBS, and MSC 82/5/7 (Republic of Korea), providing comments on the report (MSC 82/5/1) and generally supporting the conclusions of the correspondence group.

5.16 In the ensuing discussion, some delegations expressed the view that a common terminology was needed in order to enable a more efficient consideration of the subject, and the Committee agreed that this special issue should be considered by the working group. Some delegations stated that available techniques, such as the FSA methodology, and the analysis of available information, such as casualty statistics, should be used as much as possible.

5.17 The delegation of France stressed that the goal-based standards approach was a very complex and complicated long-term exercise and, therefore, the Committee should keep in mind the risk of losing focus regarding the necessary critical, overall and global look at the issue. In particular port State control and accident investigations should not be complicated but instead facilitated.

### **GBS guidelines**

5.18 The Committee considered document MSC 82/5/8 (Japan), containing draft Guidelines for goal-based standards (see paragraph 5.3) and, while appreciating the proposal as a good starting point, agreed that it needed further consideration and instructed the working group accordingly. In this context, the Committee agreed to the opinion that the guidelines should, to the extent possible, use the FSA terminology.

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

5.19 The Committee established the GBS Working Group and instructed it, taking into account decisions, comments and proposals made in plenary, to:

- .1 further develop the GBS for bulk carriers and tankers, taking into account documents MSC 82/5, MSC 82/5/2, MSC 82/5/3, MSC 82/5/4, MSC 82/5/6, MSC 82/5/9, MSC 82/5/10 and MSC 82/5/11, and in particular:
  - .1.1 further develop the Tier III information and documentation requirements, including necessary adjustments to the Tier I goals and Tier II functional requirements approved at MSC 81, based on annex 1 to document MSC 82/5;
  - .1.2 finalize the sample list of items to be included in the Ship Construction File, based on annex 2 to document MSC 82/5;
  - .1.3 prepare an outline for the execution of the envisaged pilot project with the IACS CSR;



- .1.4 include ergonomic design principles in the Tier II functional requirements, based on the proposals in document MSC 82/5/3;
- .1.5 consider the IACS proposal for a new definition of net scantlings (MSC 82/5/11);
- .1.6 consider how the envisaged Group of Experts for the verification of GBS could be funded;
- .1.7 consider the development of SOLAS chapter II-1 amendments to make GBS for bulk carriers and oil tankers mandatory; and
- .1.8 prepare draft terms of reference for the correspondence group on GBS for bulk carriers and oil tankers, as appropriate;
- .2 further develop GBS based on the safety level approach, taking into account documents MSC 82/5/1, MSC 82/5/5 and MSC 82/5/7, and, in particular:
  - .2.1 prepare a long-term work plan for the development of GBS based on the safety level approach, taking into account the priority actions identified by the correspondence group;
  - .2.2 consider the development of a common terminology for the safety level approach; and
  - .2.3 prepare draft terms of reference for the correspondence group on the safety level approach, as appropriate;
- .3 further develop the Guidelines for goal-based standards, using the draft contained in the annex to document MSC 82/5/8; and
- .4 submit a written report to plenary on Thursday, 7 December 2006.

### **Related matters**

5.20 The Committee noted and appreciated the offer of the Secretariat to prepare a document for MSC 83 providing updated information on evolution and development of the GBS concept (i.e., historical background, objectives and scope, outline of its structure, gradual progress achieved at various sessions, actual position, etc.).

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

5.21 Upon receipt of the report of the working group (MSC 82/WP.5), the Committee approved it, in general, and took action as outlined in the following paragraphs.

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

#### ***Tier III information and documentation requirements***

5.22 The Committee noted that the discussion in the group indicated that there were two main alternatives, either that the Tier III requirements should be as detailed as possible in order to guide the envisaged Group of Experts (GoE) in the verification, or that they should be sufficiently broad in order to open up for different ways of demonstrating that the rules in Tier IV to be verified fulfilled the functional requirements in Tier II.

5.23 The Committee agreed with the view of the group that it was impossible to develop and agree on a consolidated version of the information and documentation requirements before the pilot project (see paragraph 5.29) had been executed. In order not to lose any of the comments or alternatives submitted, it was agreed to forward them to the pilot project and that it should be one of the tasks for that project to examine and evaluate these proposals, taking into account the experience gained, and make further recommendations on the necessary Tier III requirements.

### ***Tier II functional requirements***

5.24 The Committee, recalling that it had already principally decided to do so (see paragraph 5.11), agreed to include ergonomic principles as functional requirement II.9 (Human element considerations) in Tier II, renumbering the following requirements (see annex 1 to document MSC 82/WP.5).

5.25 Regarding the proposed addition of an ergonomic-based requirement within the existing structural accessibility functional requirement, the Committee noted the view of the group that it was not necessary to make any changes since the new design requirement II.9 would also cover accessibility. The Committee also noted that a brief discussion took place on the inclusion of bridge and engine-room layout in the new functional requirement, however, since the current GBS cover structural items only, the group had agreed to not include this in the requirement at this time.

5.26 Concerning the proposal for a revised definition of the term “net scantlings” to be included in Tier II (MSC 82/5/11), the Committee noted that several delegations had pointed out that the term was already defined in Tier II and that the proposed definition would change the functional requirement II.3 (Structural strength) in substance and that the group therefore had agreed not to make any changes to the footnote of the functional requirement at this stage, but had recommended that the pilot project should consider the net scantling approach in the trial verification of how the IACS CSR meet the functional requirements.

### ***Ship Construction File***

5.27 The Committee noted that the group had considered the Ship Construction File (SCF) as prepared by the correspondence group (MSC 82/5, annex 2) and had agreed on a revised version of the SCF as set out in annex 2 to document MSC 82/WP.5.

5.28 The Committee also noted that the group had agreed that the SCF, as a result of GBS, could become an independent mandatory requirement under SOLAS chapter II-1 and not part of the classification rules, but that, however, most of the content in the file would emerge from the application of classification rules. Subsequently, the preparation of relevant draft SOLAS amendments was included in the terms of reference for the proposed correspondence group on GBS for oil tankers and bulk carriers (see paragraph 5.37).

### ***Pilot project with IACS CSR***

5.29 The Committee approved the Plan for the pilot project on trial application of the Tier III verification process using the IACS Common Structural Rules (CSR), as set out in annex 15, containing project objectives, terms of reference, deliverables, organizational issues, membership issues and a project timetable. The Committee agreed that the invitation to nominate candidates for the Pilot Panel should be issued as a Circular letter.

5.30 Concerning the composition of the Pilot Panel, the Committee agreed that the nomination of candidates for the Panel should be open to all and that the selection of members by the MSC Chairman in consultation with the Secretariat (see paragraph E.1.2 of the pilot project plan

in annex 15) would assure that the Panel would be balanced. It was further agreed that the nomination of members of the Panel should be open to both IMO Member States and international organizations.

5.31 The delegation of the Bahamas stated that the principle purpose of the GBS initiative was the setting of ship construction standards against which the international community, through IMO, could measure the rules of classification societies for the construction of new ships. A major part of that process was the establishing of a methodology by which classification societies could demonstrate that their rules meet the standards set by IMO. The pilot project was the practical test for this exercise. The example to be used were the IACS CSR and the project needed to be as credible and as realistic, i.e., as close to the real verification process, as possible. This meant that the experts examining the documentation provided by IACS must be totally independent of those providing such documentation. It would be wrong, in principle, to have representatives of the body being verified also being part of the verification panel because this would raise doubts regarding the verification. The delegation was, therefore, of the view that the Pilot Panel should not contain representatives of IACS since this would not produce a true test of the verification process.

5.32 The delegation of Panama stated that not allowing employees of IACS member societies to be nominated for the Pilot Panel would not mean that IACS has been excluded from the project. In their view, it was an unusual situation that representatives from an organization the rules of which were to be used for the verification project would also be members of the Panel and they expressed concern regarding such procedures.

5.33 The Committee noted that, while the group was in agreement that the further development of GBS for oil tankers and bulk carriers would, to a large extent, depend on the outcome of the pilot project, several delegations had raised concerns that the time available until MSC 83 was not sufficient for conducting the pilot project with the necessary thoroughness and were in favour of extending the finalization to MSC 84. However, in view of the importance of the pilot project for the further progress, other delegations were in favour of submitting the report to MSC 83. Taking into account these two views, the group had agreed that the pilot project could consider to limit the scope of the trial verification in order to be able to deliver a report to MSC 83, but that the project could also in its recommendations propose a continuation of the project if deemed necessary.

5.34 Having considered that the pilot project report, due to the extraordinary tight time schedule, should be submitted by the Project Co-ordinator, the Committee agreed that, as a continuation of previous correspondence group reports under the co-ordination of the United States, the pilot project should be co-ordinated by Mr. P. Little (United States)<sup>\*\*\*\*</sup>. In view of the need for assistance to the Project Co-ordinator from the beginning, the Committee also agreed that Mr. K. Yoshida (Japan), who had been involved in the GBS discussions from the outset, should participate in the project from the start and directly selected him for the Pilot Panel. The other members of the Pilot Panel would be nominated and selected as outlined in the pilot project plan (see annex 15).

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### ***Funding of the group of experts***

5.35 The Committee noted that the group had briefly discussed how the envisaged group of experts to verify the rules of recognized organizations could be funded, noting concerns that the cost of verification by the group of experts could be significant and that this should be accounted for in the further development of GBS, and had agreed that the matter should be further discussed at MSC 83. Consequently, the Committee invited the Secretariat to submit a document to MSC 83, outlining available funding options, including how other, already existing, group of experts or similar groups in IMO are funded.

### ***Draft amendments for incorporation of GBS in SOLAS***

5.36 The Committee noted that the group had briefly discussed draft amendments to incorporate GBS in the SOLAS Convention, taking into account documents MSC 82/5/2 (Secretariat) and MSC 82/5/4 (Islamic Republic of Iran) and noting the general agreement of the Committee that GBS should be incorporated in SOLAS chapter II-1, agreed that the matter should be discussed in detail at MSC 83. The issue has been included in the terms of reference of the correspondence group (see paragraph 5.37).

### ***Correspondence group***

5.37 The Committee agreed that a correspondence group on GBS for oil tankers and bulk carriers, under the co-ordination of Sweden <sup>\*\*\*\*\*</sup>, should be established with the following terms of reference:

- .1 monitor the pilot project and disseminate information on its progress;
- .2 develop draft amendments for the incorporation of GBS for oil tankers and bulk carriers in SOLAS chapter II-1, taking into account documents MSC 82/5/2 (Secretariat) and MSC 82/5/4 (Islamic Republic of Iran) and including the Ship Construction File; and
- .3 submit a report to MSC 83.

### **GBS based on the safety level approach**

#### ***Provisional long-term work plan***

5.38 The Committee agreed on a list of items to be included in a provisional long-term work plan for the development of GBS based on the safety level approach, as set out in annex 4 to document MSC 82/WP.5, noting that priority items had been identified and included in the terms of reference for the correspondence group (see paragraph 5.40).

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### ***Common terminology***

5.39 The Committee noted that the group had discussed the development of common terminology for the safety level approach and had agreed that there should be no re-defining of definitions already existing in IMO instruments, in particular regarding FSA, and that the terminology should be placed in a proper context. Therefore, the group had agreed to incorporate the common terminology in the guidelines for goal-based standards to be developed and to instruct the correspondence group accordingly (see paragraph 5.40).

### ***Establishment of the correspondence group and terms of reference for the group***

5.40 The Committee agreed to establish the Correspondence Group on the Safety Level Approach, under the co-ordination of Germany<sup>\*\*\*\*\*</sup>, with the following terms of reference:

- .1 progress work to determine the current safety level in a holistic high-level manner divided by ship types in order to develop Tier I goals by:
  - .1 distinguishing ship types in a clear manner resulting in definitions of generic ship types for the purpose of statistical analysis;
  - .2 determine time windows to be used for historical data when establishing statistics for risk categories;
  - .3 review available statistical data in accordance with .1.1 and .1.2, taking also into consideration the results of previous FSA studies as applicable;
- .2 consider the linkage between FSA and GBS, identifying which elements are relevant for both, and, in particular, consider risk acceptance criteria based on the Committee's work on FSA;
- .3 consider the tier structure so far agreed for GBS for oil tankers and bulk carriers for use in the safety level approach, using document MSC 81/6/14 (Germany) as the basis and taking into account the proposals in documents MSC 81/6/8 (Denmark and Germany) and MSC 82/5/5 (IACS);
- .4 progress the development of goal-based standard guidelines for the safety level approach, taking into account document MSC 82/5/8 (Japan), including development of a common terminology, taking into account documents MSC 76/INF.3 (IACS) and MSC 81/6/14 (Germany); and
- .5 submit a report to MSC 83.

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## **Guidelines for goal-based standards**

5.41 The Committee noted that the group had considered the draft Guidelines for goal-based standards (MSC 82/5/8, annex), and that some delegations had questioned the mandate for the development of guidelines as presently drafted, noting that they were outside the present agenda item on new ship construction standards, while other delegations did not agree with this view, noting that the consideration of the guidelines had been included in the terms of reference of the group. It was further noted that the guidelines were directed solely towards the safety level approach.

5.42 The Committee noted that the group, noting that MSC 81 had agreed to include the development of such guidelines in the list of items to be considered under the safety level approach, had not discussed the proposal in detail, and had instead agreed to include the development of goal-based standard guidelines in the provisional long-term work plan (see paragraph 5.38) and in the terms of reference for the correspondence group (see paragraph 5.40).

## **6 IMPLEMENTATION OF THE REVISED STCW CONVENTION**

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

#### **Secretary-General's report to the Committee**

6.1 In introducing his report (MSC 82/WP.2), the Secretary-General advised the Committee that in preparing the report required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the 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.

6.2 The Committee was subsequently invited to consider the report attached to document MSC 81/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.

6.3 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.

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

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

6.5 In introducing his report (MSC 82/WP.2/Add.1), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC.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.

6.6 The Committee was subsequently invited to consider the reports attached to document MSC 82/WP.2/Add.1 for the purpose of confirming that the information provided by the STCW Parties pursuant to STCW regulation I/8 demonstrated that full and complete effect was given to the provisions of the STCW Convention.

6.7 As was the case with the Secretary-General's reports to its previous sessions, 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.

6.8 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of five STCW Parties and instructed the Secretariat to update MSC.1/Circ.1164/Rev.1 accordingly and issue it as MSC.1/Circ.1164/Rev.2.

#### **APPROVAL OF COMPETENT PERSONS**

6.9 The Committee approved additional competent persons nominated by Governments (MSC 82/6, Add.1 and 2) and instructed the Secretariat to update MSC.1/Circ.797/Rev.13 accordingly and issue the updated circular as MSC.1/Circ.797/Rev.14.

## **7 SHIP DESIGN AND EQUIPMENT**

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

7.1 The Committee approved, in general, the report of the forty-ninth session of the Sub-Committee on Ship Design and Equipment (DE) (DE 49/20 and MSC 82/7) and took action as indicated hereunder, recalling that MSC 81 had already taken action on urgent matters emanating from DE 49.

### **Development of provisions for gas-fuelled ships**

7.2 The Committee noted that DE 49 had invited BLG 10 to take into account the comments made by IACS in document DE 49/10/1 and that Member Governments and international organizations had been invited to submit comments and proposals on the development of provisions for gas-fuelled ships to DE 50, taking into account the outcome of BLG 10, as appropriate.

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

7.3 The Committee noted that DE 49, following consideration of the item, had established a correspondence group and instructed it to develop draft amendments to the SPS Code and to submit a report to DE 50.

### **Amendments to the MODU Code**

7.4 The Committee noted that, following consideration of the item, DE 49 had established a correspondence group and instructed it to further develop the draft amendments to the MODU Code on the basis of document DE 49/14; to consider whether other sub-committees should be requested to review certain parts of the Code where their expertise was required and advise the Sub-Committee accordingly; and to submit a report to DE 50.

### **Comments on the draft revised Intact Stability (IS) Code**

7.5 The Committee noted that, as requested by the SLF Sub-Committee, the comments of DE 49 on chapter 4 (Stability calculations performed by stability instruments) of the draft revised Intact Stability Code had been referred to the SLF Sub-Committee and that SLF 49 had taken the comments into account when continuing its work on the revision of the IS Code and had agreed to modify chapter 4 of part B of the draft revised Code accordingly.

### **Exemption Certificates**

7.6 In order to reflect recent amendments to SOLAS chapter III, the Committee approved SLS.14/Circ.115/Add.3 on Issue of Exemption Certificates under the 1974 SOLAS Convention and amendments thereto, amending circular SLS.14/Circ.115.

### **Applicability of SOLAS regulation II-1/3-6 to single-hull tankers being converted to double-hull tankers**

7.7 With regard to the applicability of SOLAS regulation II-1/3-6 to single-hull tankers being converted to double-hull tankers, the Committee endorsed the view of DE 49, which had been noted by MEPC 54, that the regulation should not apply to tankers converting from single-hull to double-hull or tankers converting to FPSOs/FSUs and that, if in the course of the conversion substantial new structures were to be added, these new structures should comply with the regulation.



7.8 In the context of this issue, the Committee considered document MSC 82/7/1, in which IACS proposed interpretations to SOLAS regulation II-1/1.3, concerning the term “repairs, alterations and modifications of a major character”, and to SOLAS regulation II-1/3-6, concerning the applicability of the regulation to single-hull tankers being converted to double-hull tankers and the term “substantial new structures” and, having agreed to refer the document to the DE Sub-Committee, decided to include, in the Sub-Committee’s work programme, a high priority item on “Interpretation of SOLAS regulations II-1/1.3 and II-1/3-6”, with a target completion date of 2008 and instructed DE 50 to give preliminary consideration to the item under the agenda item on “Any other business” and to include it in the provisional agenda for DE 51.

7.9 In view of the above decision, the Committee, having noted the intention of the European Commission to submit, to DE 50, a document regarding what would constitute major alterations and modifications as proposed by IACS in document MSC 82/7/1, which was referred to DE 50 for consideration, and difficulties they might experience in submitting the document to meet the deadline for non-bulky documents of 29 December 2006, agreed that the aforementioned document of the European Commission should be accepted by the Secretariat, if received by 12 January 2007.

7.10 In this regard, the Committee noted IACS’ intention to develop a relevant unified interpretation, pending finalization of the issue by the Committee.

## **8 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE**

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

#### **General**

8.1 The Committee, recalling that MSC 81 had considered urgent matters emanating from the tenth session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR), approved, in general, the report of that session (documents COMSAR 10/16 and MSC 82/8) and took action on all remaining items as indicated hereunder.

#### **List of Land Earth Station (LES) Co-ordinators**

8.2 The Committee endorsed the Sub-Committee’s action in issuing COMSAR/Circ.38 on List of Land Earth Station (LES) operation co-ordinators in the Inmarsat system, superseding COMSAR/Circ.11 and Corrigenda.

#### **ITU matters**

#### ***IMO liaison statements to the ITU and IALA***

8.3 The Committee endorsed the Sub-Committee’s action in instructing the Secretariat to convey, for consideration:

- .1 the liaison statement addressing the issue of DSC complexity to ITU-R WP.8B and IEC TC 80;
- .2 the following liaison statements to ITU-R WP.8B:

- .1 concerning the preliminary draft revision of Recommendation ITU-R M.585-3 on Assignment and use of Maritime Mobile Service Identities;
  - .2 addressing the recommendation ITU-R M.1371-1 concerning satellite detection of AIS messages; and
  - .3 on the developments in maritime radiocommunication systems and technology and implications on methods to satisfy Resolution 351 (WRC-03) under WRC-07 agenda item 1.13;
- .3 the liaison statement concerning the use of cellular phones in SAR services to the ITU Study Group 2; and
  - .4 the liaison statements to WP.8B and IALA, inviting comments on the preliminary draft performance standards for survival craft AIS search and rescue transmitter (AIS-SART).

8.4 The Committee was informed by the Secretariat that the liaison statements had already been conveyed to the IEC, ITU and IALA for consideration by the appropriate bodies and the outcomes should be submitted to COMSAR 11.

#### **Telemedical assistance services**

8.5 The Committee approved MSC.1/Circ.1218 on Guidance on exchange of medical information between telemedical assistance services involved in international SAR operations.

#### **Ships' compulsory medical supplies**

8.6 The Committee also endorsed the action taken by the Sub-Committee in instructing the Secretariat to convey the liaison statement on replenishing ships' compulsory medical supplies and status of medical supplies on board: problems encountered and proposals to WHO and ILO for their advice, which had already been done intersessionally.

#### **Revision of resolution A.888(21) on Criteria for the provision of mobile-satellite communication systems in the Global Maritime Distress and Safety System (GMDSS)**

8.7 The Committee recalled that MSC 77 had agreed that an intergovernmental oversight, similar to the oversight presently carried out by IMO in respect of Inmarsat Ltd., would be needed when other providers of GMDSS satellite services would, in future, be accepted and recognized by the Organization. It had, therefore, instructed the Secretariat to communicate with IMO enquiring if that organization could carry out the oversight of future providers of satellite services for the GMDSS.

8.8 Subsequently the IMO Assembly, at its seventeenth session, agreed by an overwhelming majority that IMO was willing to carry out the oversight of future providers of mobile-satellite communications systems services for the GMDSS.

8.9 The Committee further recalled that MSC 79 had considered the issue again and confirmed and reiterated its decision that IMO was the appropriate organization to carry out the required oversight and it had, therefore, instructed the Secretariat to communicate with IMO formally inviting that organization to carry out such oversight. The Secretary-General of IMO therefore wrote to the Director of IMO on 31 January 2005 inviting IMO to carry out that oversight role forthwith.

8.10 The Committee also recalled that MSC 81 had considered the proposed amendments to resolution A.888(21), but was unable to finalize the matter. After extensive discussion, the Committee, recognizing that any revised resolution could not be adopted until the twenty-fifth Assembly, had agreed to reconsider the revision of resolution A.888(21) at MSC 82, on the basis of further comments and proposals from Member States and legal advice.

8.11 IMSO (MSC 82/8/10) advised the Committee on the outcome of the recent IMSO Assembly, held from 25 to 29 September 2006, in relation to aspects covered by the revision of resolution A.888(21). The required amendments to the IMSO Convention to enable oversight of additional satellite providers and LRIT had been adopted. However, the IMSO Assembly had yet to make a decision on the provisional implementation of these adopted amendments and an extraordinary session of the IMSO Assembly would be convened in March 2007 to consider the measures required.

8.12 The observer from IMSO, as the Co-ordinator of the COMSAR correspondence group on the revision of resolution A.888(21), briefly introduced the revised resolution (COMSAR 10/16, annex 10). He stated, however, that the present draft of the revision was based upon the respective roles of IMO and IMSO, as had been agreed by the majority of delegations at COMSAR 10. However, in the light of discussion of the issues at MSC 81 and the further consideration at the current session, this would need further revision, especially in the introductory parts.

#### ***Consequential amendments to SOLAS chapter IV***

8.13 The United States (MSC 82/3/2) proposed the inclusion of the following new regulation *4bis* in SOLAS chapter IV:

“The Organization shall establish performance standards for RMSSPs (Recognized Mobile Satellite Service Providers), and shall establish procedures to provide for the review of the performance of RMSSPs. The Organization may perform such review directly itself, or with the participation of Contracting Governments and/or the participation of other entities it may designate.”

8.14 The delegation of the United States was of the view that such an amendment was necessary in order to allow other satellite providers into the GMDSS in the future. It was also the view of the United States that oversight of such providers by the Organization itself could be permitted by an amendment of SOLAS.

8.15 IMSO (MSC 82/8/10) proposed the following draft in respect of evaluation, recognition and oversight of GMDSS satellite service providers:

“The Maritime Safety Committee shall determine the criteria, procedures and arrangements for evaluating and recognizing satellite services for participation in the GMDSS. Services which have been recognized by the Committee shall be subject to oversight by the International Mobile Satellite Organization.”

8.16 IMSO also advised the Committee of the dangers inherent in having two different oversight schemes, should IMO take on the role of oversight of future satellite providers.

8.17 Spain (MSC 82/3/25), commenting on MSC 82/3/2, highlighted some of the unintended consequences of adopting the United States proposal to the present operation of GMDSS and previous decisions of the Committee.

8.18 The delegation of Spain, supported by several delegations, also queried whether the Organization had the legal basis to conduct the oversight of satellite providers, as their opinion, the Committee did not have such competence.

8.19 The delegations of the Russian Federation and South Africa also reiterated their concerns over the functions of evaluation and recognition being undertaken by the same organization.

8.20 The delegation of the United States stressed that if the GMDSS should be opened up to other satellite service providers, the oversight needed to be organized now without delay, to ensure to have a system in place as safe as the present one. According to them, IMSO was not able to provide such an oversight function, as the ratification process of the corresponding amendments to the IMSO Convention was in progress and it would take a considerable time before they would enter into force, allowing IMSO to take on that role.

8.21 A considerable debate ensued, during which the overwhelming majority of delegations, in fact, all delegations who spoke except the delegation of the United States reiterated the previous decisions of the Committee that IMSO was the appropriate Organization to undertake the oversight of future satellite providers in the GMDSS. Accordingly the Committee invited IMSO to undertake that role forthwith.

8.22 The delegation of the United States reserved its position on the appointment of IMSO to undertake such a role of oversight of future satellite providers.

8.23 Accordingly, the Committee decided in principle as follows:

- .1 applications from a new satellite provider by a Member State should be submitted to MSC;
- .2 the evaluation of the potential satellite provider should be undertaken by MSC through an appropriate mechanism according to the provisions of resolution A.888(21);
- .3 the recognition of the satellite provider to operate in the GMDSS should be undertaken by MSC on the basis of evaluation by an appropriate mechanism; and
- .4 the oversight, as decided by MSC 77, in all its context, should be undertaken by IMSO.

8.24 Following the debate, the Chairman proposed that:

- .1 resolution A.888(21) should be redrafted to reflect the decision on the respective responsibilities of MSC and IMSO. The Committee accordingly, instructed COMSAR 11 to finalize the resolution and submit to MSC 83 with a view to adoption by 25th Assembly; and
- .2 any corresponding amendments to chapter IV should be considered and finalized by COMSAR 11 in February 2007. Accordingly, the Committee authorized the Secretariat to circulate the finalized amendments after COMSAR 11 in accordance with SOLAS article VIII(i) with a view to adoption by MSC 83.

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

8.25 The Committee recalled that MSC 81, by resolution MSC.202(81), had adopted amendments to SOLAS chapter V in respect of the long-range identification and tracking of ships. The Committee had also adopted resolution MSC.210(81) on Performance standards and functional requirement for the long-range identification and tracking of ships; and resolution MSC.211(81) on Arrangements for the timely establishment of the long-range identification and tracking system.

8.26 The Committee also recalled that the SOLAS amendments were under the tacit amendment process and would enter into force on 1 January 2008, if they are deemed accepted by 1 July 2007 in accordance with the provisions of the resolution.

#### ***Aspects of resolution MSC.211(81)***

8.27 The Committee recalled that MSC 81, in adopting resolution MSC.211(81) on Arrangements for the timely establishment of the long-range identification and tracking system, *inter alia*, had invited Contracting Governments to the Convention:

- .1 to advise the Committee, at its eighty-second session, of their firm intentions in relation to the establishment of National, Regional and Co-operative LRIT Data Centre(s); and
- .2 to submit proposals on the issues which need to be addressed in relation to the establishment of the International LRIT Data Centre and of the International LRIT Data Exchange or on any other issues relating to the establishment, operation, performance review and audit of the LRIT system for consideration by the Committee at its eighty-second session.

8.28 The Committee also recalled that MSC 81 had agreed that it would make the necessary decisions at MSC 82, in relation to the assignment of the performance of the functions of the LRIT Co-ordinator.

8.29 The Committee further recalled that the resolution also requested the Secretariat to provide information for consideration by the Committee, at its eighty-second session, on the arrangements for the establishment and maintenance of the LRIT Data Distribution Plan so as to enable Contracting Governments to commence populating the plan with data as from 1 January 2008.

8.30 In response to this, the Secretariat advised the Committee that the LRIT Data Distribution Plan (DPP) would be established and maintained by the Secretariat, possibly as part of the GISIS website. The DPP was a crucial element of the LRIT system.

The DDP module of GISIS would provide:

1. A web interface for Contracting Governments to update their data.
2. On-demand automated transfers to the International LRIT Data Exchange and LRIT data centres of the current Data Plan.

It was anticipated that the DDP could be developed using in-house resources. Development and deployment time was estimated to take about 12 man-weeks, including the integration testing phases, based on the final version of the technical requirements documentation. Close co-operation with the LRIT Co-ordinator and the IDC and IDE operators was essential in setting up the DDP.

The Secretariat would need to ensure that the GISIS website, hosting DDP is available 99.9% over a year, and 95% over any one day, i.e., maximum ~8 hours downtime per year, and maximum ~1.2 hours downtime over any one day. This requirement could be achieved by procuring two additional servers (main server and a backup server in a cluster) for this purpose, and as part of the project.

### ***Report of the intersessional working group on engineering aspects of LRIT***

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

8.32 The Committee considered the report of the *ad hoc* Working Group on Engineering Aspects of LRIT (MSC 82/8/1) reporting on the outcome of all the intersessional meetings of the Working Group that took place after MSC 81 and presenting an overview of the conclusions and recommendations.

8.33 It was the opinion of the working group that this consolidated document should form the basis of the International LRIT system, and as such the group recommended that the Committee should forward the document in its entirety to the nominated LRIT Co-ordinator and Members interested in further development of the system.

8.34 The delegation of the Russian Federation, supported by several delegations, while appreciating the efforts of the group to produce such a detailed report in the short time available, nevertheless considered that further technical development was necessary before the technical specifications could be sent to industry for tendering purposes. Canada, as co-ordinator of the group, also agreed that further consideration by experts was needed.

8.35 Finland (MSC 82/8/11) highlighted the possibility of the establishment of a Regional European LRIT data centre associating IMO Contracting Governments. It also provided comments and a proposal for the development of a set of implementation guidelines in the form of detailed interface specifications to be used by Contracting Governments when implementing National and Regional LRIT Data Centres.

8.36 In considering the report of the group, the Committee recognized that there might be additional work for the group to facilitate early implementation of LRIT, including developing guidance for Contracting Governments planning to associate with an LRIT Data Centre.

8.37 The Committee, after some debate, approved MSC.1/Circ.1219 on Interim LRIT Technical Specifications and other matters, including:

- .1 technical specification for the International LRIT Data Exchange;

- .2 technical specification for the International LRIT Data Centre;
- .3 technical specification for communications within the LRIT System network;
- .4 protocols for the development testing of the LRIT System and for testing the integration into the system of new LRIT data centres; and
- .5 guidance on setting up and maintaining the Data Distribution Plan.

8.38 Recognizing that the technical specifications and other matters required further expert development by the group to be established, the Committee agreed to circulate the technical specifications, on an interim basis, by means of MSC.1/Circ.1219 to the nominated LRIT Co-ordinator and all Member States and instructed the Secretariat accordingly.

### ***LRIT costing***

8.39 CIRM (MSC 82/8/6) stated that it was CIRM's view that with the system architecture in place the question of how to resolve the issue of communication costs and their billing now needed to be studied in order for LRIT to be implemented. In their view, there was a pressing need to look at the costs involved in employing the various types of data exchange proposed and who pays. The absence of discussion relating to communications billing thus far was of concern to CIRM members working on LRIT. It was for this reason that CIRM proposed that the question of "communications billing" possibly be added to the terms of reference of the *ad hoc* engineering group.

8.40 The Committee, noting that, apart from the earlier agreed need for further work on the deliverables approved in paragraph 8.37, there were still some other outstanding issues which could only be progressed intersessionally in order to meet the timely implementation of LRIT, approved the re-establishment of the *ad hoc* Engineering Working Group on LRIT with amended terms of reference, as given in paragraph 8.61.

### ***LRIT Co-ordinator***

8.41 The Committee recalled that MSC 78 had instructed the COMSAR Sub-Committee to develop and propose a robust intergovernmental oversight scheme for the approved LRIT Tracking Service(s) and LRIT Data Centre(s) through which their adherence to the conditions imposed on them, at the stage of their approval, could be verified in a transparent manner to the satisfaction of all SOLAS Contracting Governments and had:

- .1 agreed that the LRIT Co-ordinator should carry out the oversight of the LRIT Data Centre, the LRIT Tracking Services and relevant elements of the communications systems used and, as appropriate, of the contracts between participants in the system;
- .2 agreed that oversight by the LRIT Co-ordinator should include verification that the security requirements established by the Organization for the entire LRIT system are adhered to; and that the LRIT Co-ordinator should report to the Organization on its findings;
- .3 requested IMSO to advise the Committee whether IMSO would be willing and able to undertake the oversight of the LRIT system on behalf of the Organization; and

- .4 invited IMSO, if it was not already doing so, to contribute to the work of the COMSAR Correspondence Group on LRIT.

8.42 The Committee also recalled that MSC 81, noting that the previously used term “oversight of the LRIT system” had now been replaced by the term “performance review and audit of certain aspects of the LRIT system”; and mindful of the importance of having in place from the outset, the necessary arrangements for the review of the performance and the auditing of the LRIT system, had invited IMSO, as a possible candidate, to advise not later than at MSC 82 whether IMSO would be willing and able, bearing in mind the envisaged entry into force of the SOLAS regulation, to undertake the performance review and audit of certain aspects of the LRIT system on behalf of the Organization.

8.43 The United States (MSC 82/8/5) proposed that, pursuant to SOLAS regulation V/19-1 (resolution MSC.202(81)) and the associated Performance standards and functional requirements (resolution MSC.210(81)), the Organization should be prepared to take on the roles and responsibilities of the LRIT Co-ordinator since they did not believe that IMSO would be in a position to fulfil that role until the respective amendments to the IMSO Convention had entered into force. Additionally, the United States was willing to build and operate an international LRIT data centre and international data exchange until such time as another centre/exchange was available.

8.44 IMSO (MSC 82/8/9) informed the Committee of the decisions of the eighteenth session of the IMSO Assembly in relation to LRIT matters and, in particular, that IMSO was willing to assume the functions and/or duties of LRIT Co-ordinator at no cost to the Parties and that the IMSO Assembly had adopted an amendment to the IMSO Convention accordingly, subject to the entry into force conditions under Article 18 of the IMSO Convention.

8.45 The delegation of the United States stressed that the technical, organizational and procedural issues related to the LRIT system implementation needed to be resolved and addressed honestly and in earnest. The LRIT clock was ticking towards 31 December 2008 and expeditious action was needed to guarantee timely implementation of the system. The corresponding amendments to the IMSO Convention, adopted last September, needed 59 ratifications for them to enter into force, which would take several years. Further amendments needed to be adopted, in their view, to enable IMSO to fulfil the LRIT Co-ordinator functions. By the planned March 2007 extraordinary session of the IMSO Assembly, an insufficient number of ratifications would be in place. In their view, provisional application of these recent amendments, however, required an unanimous decision. There was, therefore, an unacceptable high risk that IMSO would legally not be able to fulfil the LRIT Co-ordinator function by 1 January 2008. A contingency plan for SOLAS Contracting Governments needed therefore to be in place for them to fulfil that function in case of need.

For the same reason the United States had offered, in the absence of other candidates, to provide the AMVER based technology to serve as International Data Centre and International Data Exchange until other options were available.

8.46 A considerable debate ensued, during which the overwhelming majority of delegations unequivocally supported the appointment of IMSO as the LRIT Co-ordinator. A significant minority of delegations, while in the main also supporting IMSO for that role, agreed with the United States that a contingency plan for SOLAS Contracting Governments was needed in case IMSO was unable to fulfil the legal requirements of undertaking LRIT matters in time for the implementation date of the LRIT system.



8.47 IMSO assured the Committee that, with the assistance of the Member States, IMSO would be in a position to provide the role of LRIT Co-ordinator in the required time frame. As with the amendments adopted in relation to future satellite providers, an extraordinary session of the IMSO Assembly would be convened in March 2007 to consider the measures required to fulfil the LRIT Co-ordinator functions, through provisional application of the above-mentioned amendments.

8.48 Many delegations encouraged the Parties to the IMSO Convention to ratify the convention amendments as soon as possible, so that the LRIT system could be implemented in the required timeframe.

8.49 Accordingly, after considerable discussion, the Committee decided to appoint IMSO as the LRIT Co-ordinator and invited IMSO to take whatever action it could in order to ensure the timely implementation of the LRIT system. The Committee also invited IMSO to submit a paper to its next session giving a detailed analysis of how it intended to undertake the role.

8.50 While there was considerable discussion on whether a contingency plan for SOLAS Contracting Governments was needed, the majority of delegations considered that, having just appointed IMSO as the LRIT Co-ordinator and with the assurances of the Director of IMSO, they had every confidence that IMSO would be able to fulfil the role of LRIT Co-ordinator and in the appropriate time frame, and that any such contingency plan should be under the purview and be the responsibility of IMSO. The Committee decided accordingly.

8.51 The United States delegation reserved its position on the appointment of IMSO as the LRIT Co-ordinator and without an appropriate contingency plan.

8.52 During the debate on LRIT, the question of funding of the LRIT Co-ordinator was raised by several delegations, given that the system was to be at no cost to the Member States of IMO, the Parties to IMSO or to the ships participating in the system. IMSO reiterated that the relevant provisions of the functions of the LRIT Co-ordinator in the Performance standards permitted the LRIT Co-ordinator to recover the costs of its services, and that, in that respect, only the funding of start-up costs would be necessary.

### **International LRIT Exchange and Data Centre**

8.53 In considering the offer by the United States (MSC 82/8/5) to build and operate an international LRIT data centre and international LRIT data exchange until such time as another centre/exchange was available, several delegations were of the view that such an international exchange and data centre should be neutral and truly international in nature, with a fair and transparent process of establishment and recognition in order to effectively fulfill the required functions.

8.54 The delegation of Cyprus, supported by several delegations was of the view that the reservation entered by the United States on the decision by the Committee to appoint IMSO as LRIT Co-ordinator would have the effect of denying the LRIT Co-ordinator the ability to perform the required performance review and audit of the International LRIT exchange and the International LRIT Data Centre, if such facilities were in the United States and that the United States should consider withdrawing the reservation in this respect. In response to this, the delegation of the United States, while not withdrawing the reservation, assured the Committee that if the offer of the international LRIT exchange and international LRIT data centre was accepted by the Committee, then the United States would meet all obligations aligned to the operations of such facilities, including oversight by IMSO, the LRIT Co-ordinator.

8.55 The Committee noted, with appreciation, the offer by the United States but considered that it was not in a position at this session to decide upon the location of the International LRIT Exchange and the International LRIT Data Centre. The Committee also noted the possibility of the establishment of a regional European LRIT Data Centre, as advised by several States, members of the European Union, and the European Commission (MSC 82/8/11). The delegation of Turkey stated that regional centres should be open to the participation of all able and willing countries.

8.56 During the debate and in response to the relevant provisions of resolution MSC.211(81), the delegations of Argentina, Brazil, Chile and China informed the Committee that they were intending to build or had already established a national LRIT data centre to fulfil their obligations. In the case of Brazil, this might subsequently be utilized as a Regional LRIT Data Centre. The delegation of the Russian Federation also advised that their present national LRIT Data Centre may be upgraded to an international centre.

8.57 In view of the time remaining at this session, the Committee agreed to establish an *ad hoc* Working Group on LRIT at this session, with the following terms of reference:

- .1 consider the terms of reference for further work by the intersessional *ad hoc* Working Group on Engineering Aspects of LRIT;
- .2 an interim road map following resolution MSC.211(81) on Arrangements for the timely establishment of the long-range identification and tracking system, in respect of actions required to be completed in the required timeframe; and
- .3 provide a progress report to plenary by Thursday, 7 December 2006.

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

8.58 On receipt of the report of the working group (MSC 82/WP.10), the Committee took the following action.

8.59 The Committee agreed with the Group's opinion that the arrangements for the timely establishment of the long-range identification and tracking (LRIT) system envisaged at MSC 81, as set out in operative paragraphs of resolution MSC.211(81) on Arrangements for the timely establishment of the LRIT system were behind schedule due to the lack of proposals on the issues that need to be considered.

8.60 However, the Committee considered that the appointment of an LRIT Co-ordinator should considerably assist in the timely implementation of the LRIT system, bearing in mind that the responsibilities of the LRIT Co-ordinator in the pre-implementation phase, as detailed in resolution MSC.210(81), on Performance standards and functional requirements for the long-range identification and tracking of ships (LRIT).

8.61 Subsequent to its decision to re-establish the group (see paragraph 8.40) the Committee approved the following revised terms of reference for the *ad hoc* Working Group on the Engineering Aspects of LRIT:

The *ad hoc* Working Group on Engineering Aspects of LRIT should, taking into account the provisions of SOLAS regulation V/19-1, resolution MSC.211(81) on Arrangements for the timely establishment of the long-range identification and tracking system, resolution MSC.210(81) on Performance standards and functional requirements for long-range identification and tracking of ships and the decisions and discussions at

MSC 82, specifically the comments on the draft technical specifications given in plenary, complete the following tasks and submit a report to MSC 83 for approval:

- .1 Further develop the draft technical specifications, as given in MSC 82/8/1.
- .2 Update the required technical documents taking into account MSC 82/8/11.
- .3 Prepare a technical costing and billing standard within the policy framework as decided by the Committee.
- .4 Address all items within square brackets within the draft technical specifications.
- .5 Consider technical issues and develop technical criteria to be taken into account when establishing the International LRIT Data Centre and the International LRIT Data Exchange.
- .6 Liaise with the IMO Secretariat regarding consistency, security and other aspects of the Data Distribution Plan with the technical specifications.
- .7 Ensure that the testing documents completely address the performance standards.

8.62 In view of the very short timeframe before the due date of the implementation of the LRIT system, the Committee instructed COMSAR 11 to consider LRIT issues and extended the deadline for submission of documents on LRIT issues to 22 December 2006 and the deadline for comments to 19 January 2007. Documents submitted to COMSAR 11 on LRIT matters would be considered under item 14 (Strategy for e-navigation). The Committee invited Member States to ensure that appropriate LRIT experts on matters other than the specific engineering aspects were included in their delegations to COMSAR 11.

8.63 The Committee agreed with the group's opinion and authorized the necessary two to four meetings of the intersessional *Ad Hoc* Working Group on Engineering Aspects to finalize the technical specifications in time for the deadline of the submission of the report to MSC 83. The Committee authorized the next meeting of that group to be held in the week prior to COMSAR 11 and appreciated the kind offer by CIRM to host the meeting.

8.64 Furthermore, the Committee agreed with the group's view that an additional intersessional MSC Working Group needed to be established for the finalization of legal and financial aspects of costing and billing and for the finalization of draft legal agreements in preparation for approval by MSC 83. The Committee authorized this group to meet in the May-June 2007 period, just prior to the deadlines for submission of documents to its next session.

8.65 The Committee agreed with the group that there were many issues on LRIT which needed to be finalized, at its next session, in order to ensure the timely implementation of LRIT and consequently decided to establish a Working Group on LRIT during MSC 83.

8.66 The Committee agreed that the assistance of the Legal Division of the Secretariat may be necessary in the development of the appropriate agreements between IMO and various bodies in the LRIT system. The Committee instructed the Secretariat accordingly.

8.67 In regard to the Data Distribution Plan to be established within the Organization, the Committee also agreed with the group's opinion that this should be operational by 1 January 2008 to allow for operational testing before the critical date of 1 July 2008 when, according to the provisions of resolution MSC.211(81), the operational testing of the system was to begin. The Committee instructed the Secretariat accordingly.

8.68 Recalling the provisions of resolution MSC.211(81) on Arrangements for the timely establishment of the LRIT system and recognizing the extensive development, procurement, installation and testing of the LRIT system which still needed to be completed, the Committee approved the updated Road map for the timely implementation of the LRIT system, set out in annex 16.

### **Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters**

8.69 The Committee recalled that, as approved by MSC 81, the third meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters was held from 5 to 7 July 2006, at IMO Headquarters, under the chairmanship of Mr. K. Fisher (United Kingdom).

8.70 The Committee also recalled that MSC 81 had approved the draft IMO position on WRC-07 agenda items concerning matters relating to maritime services and, as instructed, the Secretariat had conveyed the approved IMO position to the appropriate ITU bodies for consideration.

8.71 After discussion, the Committee approved the Supplementary Advice on the IMO position paper and instructed the Secretariat to submit it to the appropriate ITU bodies for consideration.

### **SAR Research Project**

8.72 The Committee recalled that, at its seventy-ninth session, it had noted information by the Secretariat that the World Maritime University (WMU) was, as requested by MSC 78, studying the possibility of it taking a role in co-ordinating SAR research projects to assist the Organization in its work on passenger ship safety. A question was raised at MSC 78 on the cost implications of such co-ordinating work to be carried out by WMU and, in this regard, the Secretariat was requested to provide further information on this aspect for consideration at MSC 80.

8.73 The Committee, at its eightieth session, had agreed to the WMU proposal to co-ordinate a search and rescue (SAR) research programme related to passenger ship safety and, in particular:

- .1 *inter alia*, decided that phase 1 of the proposal should be implemented from May 2005 to April 2006, and requested the WMU to proceed with phase 1 as defined in document MSC 80/INF.6; and
- .2 with regard to phase 2, in view of the fact that any work beyond phase 1 would require funds to carry out any further research, the Committee, while noting the WMU opinion that phase 2 could commence if sufficient funds are provided by donors and/or organizations, decided to request the Secretary-General to include in his budget proposal for the 2006-2007 biennium an amount equivalent to US\$90,000 in order to implement phase 2 of the project, and agreed to take a decision on the implementation of phase 2 after considering the results of phase 1 at MSC 82.

8.74 The Committee considered document MSC 82/8/4 providing the report on Phase 1 of the WMU Project on Search and Rescue Research related to Passenger Ships and document MSC 82/INF.6 providing an overview about current research and issues for future research related to search and rescue (SAR), as requested by MSC 80.

8.75 After discussion, the Committee:

- .1 endorsed the WMU recommendation to carry out an intermediate phase to gather further information on SAR research and to develop an information platform, taking into account that the aforementioned phase will cost US\$20,000 to undertake;
- .2 encouraged Member States to submit further information to WMU for inclusion in the proposed information platform, taking into account the information requested in Circular letter No.2650 and the subject areas highlighted in paragraph 16 of the annex to document MSC 82/8/4; and
- .3 instructed COMSAR 11 to consider the information collected in phase 1 and provide comments on the issues identified in the annex for further research, taking into account the above information platform would used to support the decision-making/regulatory development process.

### **Joint SAR Exercise**

8.76 The Committee noted information provided by the Russian Federation (MSC 82/INF.4) on the results of the Joint Russia-Turkey Exercise on Search and Rescue of People in Distress at Sea and on Oil Spill Response, which was conducted in the region of the Black Sea off the port of Novorossiysk on 15 June 2006.

### **Rescue at Sea Guidance**

8.77 The Secretariat (MSC 82/INF.13) informed the Committee of the recent joint publication by UNHCR and IMO, as part of the inter-agency initiative on persons rescued at sea, of a Guidance Leaflet on "Rescue at Sea" (English, French and Spanish versions), a guide to principles and practice as applied to migrants and refugees. This provided guidance on relevant legal provisions and on practical procedures to assist in the prompt disembarkation of survivors in rescue operations and measures to meet their specific needs, particularly in the case of refugees and asylum seekers.

8.78 The Secretariat had written to relevant industry organizations seeking assistance in the distribution of these leaflets to shipping companies and masters of ships and other parties concerned so that this information may hopefully assist in this very important humanitarian issue. The response was very positive and all the IMO allotted leaflets will be distributed through ICS, ICFTU, IFSMA, INTERTANKO, IPTA and ICCL in due course.

8.79 The Committee expressed its appreciation to UNHCR and the Secretariat for this initiative and noted the generous offers of industry organizations in assisting in the distribution of the leaflet.

## **9 BULK LIQUIDS AND GASES**

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

#### **General**

9.1 The Committee approved, in general, the report of the tenth session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 10/19 and MSC 82/9) and took action as indicated hereunder, recalling that MSC 81 had already taken action on urgent matters emanating from BLG 10.

### **Publication of the amended IBC Code**

9.2 The Committee, having noted that MEPC 55 had endorsed the relevant view of BLG 10, noted that BLG 10 had reconsidered its previous decision to issue a loose-leaf publication of the amended IBC Code and had, instead, agreed that the next edition of the Code should be published as a perfect-bound book, with the contents of chapters 17, 18 and 19 additionally included in electronic format on a CD-ROM.

### **Benzene in pyrolysis gasoline**

9.3 The Committee noted that BLG 10, in order to reflect concerns regarding benzene in pyrolysis gasoline, had agreed to revise MSC/Circ.1095 on Revised minimum safety standards for ships carrying liquids in bulk containing benzene.

### **BLG circulars**

9.4 Having noted MEPC 55's concurrent decisions, the Committee endorsed the issuance of the following BLG circulars:

- .1 BLG/Circ.17 on Use of the correct product name in the shipping document for bulk liquid cargoes;
- .2 BLG/Circ.18 on Example of an optional shipping document for the purposes of MARPOL Annex II and the IBC Code; and
- .3 BLG/Circ.19 on Products which have been classified or re-classified since the adoption of the amended IBC Code in 2004.

### **Material safety data sheets**

9.5 The Committee approved draft new SOLAS regulation VI/5-1 (Material safety data sheets), set out in annex 17, making the carriage of material safety data sheets (MSDS) mandatory for the transport of MARPOL Annex I cargoes and marine fuel oils, and requested the Secretary-General to circulate the draft new regulation, in accordance with SOLAS article VIII, for consideration at MSC 83 with a view to adoption.

9.6 In the context of this issue, the Committee considered document MSC 82/9/1 (IBIA), expressing concern regarding some examples of ambiguity or inappropriate requirements for authoring of MSDS and, therefore, requesting a review of the Recommendation for material safety data sheets for MARPOL Annex I cargoes and marine fuel oils (resolution MSC.150(77)) to ensure a common understanding for an unambiguous implementation.

9.7 Following debate, the Committee agreed to refer document MSC 82/9/1 to BLG 11, for consideration in conjunction with the draft SOLAS regulation VI/5-1, referred to in paragraph 9.6 and advise MSC 83 as appropriate, for the Committee to take the advice into account when adopting the aforementioned draft SOLAS regulation.

### **Voluntary structural guidelines for new ships carrying liquids in bulk containing benzene**

9.8 The Committee approved MSC.1/Circ.1220 on Voluntary structural guidelines for new ships carrying liquids in bulk containing benzene.

## **Development of provisions for gas-fuelled ships**

9.9 The Committee noted the progress made in the development of provisions for gas-fuelled ships and agreed, in view of the fact that the main expertise on the matter as a whole is available in the BLG Sub-Committee, to re-assign the role of the co-ordinator for the item to the BLG Sub-Committee.

### **Interpretation to SOLAS regulation II-2/4.5.1.1**

9.10 The Committee considered the draft MSC circular on Interpretation to SOLAS regulation II-2/4.5.1.1 and agreed to refer it to FP 51 for consideration and subsequent submission to MSC 83 for approval.

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

9.11 Having noted that MEPC 55 had agreed, in principle, to the need for holding an intersessional meeting of the ESPH Working Group in 2007, but had decided, in view of the current reduced workload of the group, to revisit this decision at MEPC 56, the Committee agreed that a meeting of the group should be held in 2007 if so decided by MEPC 56.

### **URGENT MATTERS EMANATING FROM THE TWELFTH SESSION OF THE ESPH WORKING GROUP**

9.12 The Committee recalled that MSC 81 had approved the holding of the twelfth session of the ESPH Working Group (ESPH 12) in September 2006 and had concurred with BLG 10's proposal regarding the items which needed to be directly reported to MEPC 55 and MSC 82 by ESPH 12, so that they could be taken into account for the adoption of the revised IBC Code. The ESPH Working Group held its twelfth session from 4 to 8 September 2006 and the report on that session has been circulated under the symbol BLG 11/3.

9.13 The Committee considered the action requested of it by the group as indicated in paragraph 3 of document MSC 82/9/2 and, having noted MEPC 55's concurrent decisions:

- .1 concurred with the decisions of ESPH 12 regarding classification and carriage requirements of new products, noting that the group had evaluated 33 new products and produced a summary of the observations on each of these products, together with the decisions made;
- .2 noting that the group had reviewed the latest MEPC.2 circular (Provisional classification of liquid substances transported in bulk and other related matters) and that the products in List 1 of the circular that apply to all countries with no expiry date will be incorporated in the set of amendments to the IBC Code which was considered at MEPC 55, agreed with the group's actions concerning the cover note and the different lists of MEPC.2/Circ.12;
- .3 agreed:
  - .3.1 that the entry for Potassium chloride solution (10% or more) be amended to Potassium chloride solution with consequential changes to the list of permitted cargoes found in appendix 1 in the LHNS Guidelines to which amendments were adopted at this session (see paragraph 13.6);

- .3.2 that the entry of Dodecyl, Tetradecyl, Hexadecyl-dimethylamine mixture be included as an index name for Alkyl (C12+) dimethylamine in chapter 19 of the IBC Code; and
- .3.3 that in order to avoid further changes to classifications of products, the rating of "Inorg" in column A2 in the GESAMP Hazard Profile would be taken to mean a product that would be readily biodegradable;
- .4 agreed to request the Secretariat to prepare, for BLG 11, a consolidated document reflecting the decisions taken by the group on the interpretations of the revised GESAMP Hazard Profiles for regulatory purposes;
- .5 agreed to the addition of a new footnote in chapter 17 of the IBC Code for the entries of Fatty acid methyl esters, Vegetable acid oils and Vegetable fatty acid distillates and to indicate that each entry only covers those derived from vegetable oils specified within the IBC Code;
- .6 agreed to the decisions of the group on the reclassification/classification of products following the re-evaluation/evaluation work carried out by the GESAMP/EHS Working Group and the incorporation of these classifications in List 1 of MEPC.2/Circ.12, as well as in the proposed amendments to the IBC Code (document MSC 82/3/32) (see also paragraphs 3.55 to 3.57, and 3.113 and 3.114); and
- .7 agreed to the updated list of vegetable oil synonyms to be included in annex 6 of the MEPC.2 circular and that the carriage requirements for such synonyms are identical to those of the vegetable oils specified in the IBC Code.

9.14 Regarding the MEPC.2 circular (see paragraph 9.13.2), the Committee noted a statement by the Chairman of the ESPH Working Group, informing it that the ESPH Working Group had agreed that new products for List 1 of the circular should be submitted to the Organization by 1 December 2006 to enable the Secretariat to include those entries in the next edition of the circular, which had been planned to be issued on 31 December 2006. However, based on the information that Administrations and the industry needed this information as soon as possible in order to issue the Certificates of Fitness, the Secretariat agreed that it would make an effort to issue MEPC.2/Circ.12 well before 31 December 2006, so as to facilitate matters, with the proviso that the data in the circular are only applicable to products carried after 1 January 2007.

## **10 FLAG STATE IMPLEMENTATION**

### **REPORT OF THE FOURTEENTH SESSION OF THE FSI SUB-COMMITTEE**

#### **General**

10.1 The Committee approved, in general, the report of the fourteenth session of the Sub-Committee on Flag State Implementation (FSI) (FSI 14/19 and MSC 82/10) and took action as indicated hereunder, noting that MEPC 55 had approved the report and had taken relevant decisions, as outlined in document MSC 82/2/3 (Secretariat).

#### **Integrated implementation of the safety management system and the ship security plan**

10.2 The Committee recalled that the proposal by Argentina (FSI 14/3) for Guidelines for integrated implementation of the safety management system and the ship security plan had been considered, from the maritime security point of view, under agenda item 4 (Measures to enhance maritime security), as per the recommendation of the Sub-Committee which had also been noted by MEPC 55 (see paragraphs 4.10 to 4.13).



### **Measures to prevent accident with lifeboats**

10.3 The Committee recalled that MSC 81 had approved MSC.1/Circ.1206 on Measures to prevent accidents with lifeboats, which consolidated and updated the provisions of the previous MSC circulars on the subject and, in this context, had endorsed the FP Sub-Committee's recommendation to refer matters related to the issue of whether the provisions of MSC.1/Circ.1206 should be made mandatory under the SOLAS Convention and/or the ISM Code to the FSI and STW Sub-Committees for consideration and appropriate action.

10.4 The Committee noted that FSI 14 could not reach a firm decision on whether the circular should become mandatory in its entirety or which part should or should not be made mandatory and had invited Members to submit to MSC 82 their recommendations on those areas of MSC.1/Circ.1206, which should or should not become mandatory under SOLAS.

10.5 In this context, the Committee considered documents MSC 82/10/2 (United Kingdom), MSC 82/10/5 (Republic of Korea), MSC 82/10/7 (IACS), MSC 82/10/8 (United States), MSC 82/10/10 (ICS) and MSC 82/10/11 (INTERTANKO and INTERCARGO) describing some practical difficulties in the implementation of MSC.1/Circ.1206, mainly related to the training and certification of servicing personnel by the manufacturer, and the suitability of the geographical coverage of manufacturers' representation. The documents also put forward some proposals on the way provisions related to measures to prevent accident with lifeboats could become mandatory, including proposed amendments to SOLAS regulation III/20.11 and the proposed development of guidance for approval of servicing stations for carrying out thorough examination and overhaul of on-load release mechanisms.

10.6 After a thorough discussion, the Committee, having recognized the existing difficulties in the implementation of the provisions contained in MSC.1/Circ.1206, and, while expressing support for the principle of making all or part of the above-mentioned provisions mandatory when the difficulties reported in the documents under consideration have been overcome, agreed to keep the circular non-mandatory at this stage. Concurrently, the Committee also agreed to refer the above-mentioned documents to the DE Sub-Committee for detailed consideration and advice, in order that the final decision of the Committee on the matter become effective by 2010, at the latest.

### **Ship identification number scheme**

10.7 Having noted MEPC 55's concurrent decision, the Committee approved Circular letter No.1886/Rev.3 on Implementation of resolution A.600(15) – IMO ship identification number scheme, formalizing the issuing of numbers at the new building order stage.

### **Unique company and registered owner identification number scheme**

10.8 The Committee considered the outcome of the review by FSI 14 of the procedures for obtaining the identification numbers, resulting in the addition of a web service to facilitate the provision of company and registered owner data from Lloyd's Register-Fairplay (LRF) and the reporting of the name of companies as recorded by national Administrations in their jurisdiction. The Committee approved Circular letter No.2554/Rev.1 on Implementation of IMO Unique Company and Registered Owner Identification Number Scheme, noting MEPC 55's concurrent decision. Having also considered that the operational aspects of the numbering scheme may need to be further developed, based on the experience gained, the Committee requested the Secretariat to make any necessary adjustments, in co-operation with the manager of the scheme, in order to improve the service provided to Member States.

### **Casualty-related data**

10.9 The Committee, in order to assist the Organization in receiving the information needed on casualties and noting MEPC 55's concurrent decision, endorsed the Sub-Committee's reminder to Member States to:

- .1 ensure that the information on reports on marine casualties and incidents are provided to the Secretariat in accordance with the reporting requirements and the revised format annexed to MSC-MEPC.3/Circ.1, bearing in mind that information can now be directly reported by Member States on GISIS, including the facility to attach the electronic version of full investigation reports;
- .2 provide information on whether human element was an underlying cause of a casualty or injury;
- .3 provide the Secretariat with information on the number of fishing vessels, fishermen, total losses and lives lost, so that updated information on the matter can be incorporated in the relevant circulars;
- .4 provide the Secretariat with preliminary information on casualties derived from RCCs, according to MSC/Circ.802-MEPC/Circ.332, to enable the Organization to provide its Member States with timely and accurate information on casualties;
- .5 indicate in the reports of investigations into casualties whether fraudulent certificates have been involved; and
- .6 use the available direct reporting facilities of the IMO Global Integrated Shipping Information System (GISIS) module on casualty.

10.10 The delegation of Singapore addressed the issue of the investigation into the listing of the Singapore registered vehicle carrier **Cougar Ace** on 24 July 2006. A full text of the statement by the delegation of Singapore is reproduced in annex 38.

### **Code of conduct for PSC activities**

10.11 Noting that FSI 14 had considered the recommendations made by the third Workshop for port State control MoU/Agreement Secretaries and Directors of Information Centres and the identification of the actors potentially involved in the follow-up to these recommendations, the Committee endorsed the Sub-Committee's decision to start developing a code of conduct for PSC activities at FSI 15. The Committee noted MEPC 55's concurrent decision; while being informed that the Paris and Tokyo MoUs had already developed such a code.

### **Inspection data for ships flying the flag of dependent territories**

10.12 The Committee endorsed the Sub-Committee's decision to consider at FSI 15 the issue of a grouped statistical presentation of the inspections of ships flying the flag of a flag State and of its dependent territories in the annual reports of the various PSC regimes, noting MEPC 55's concurrent decision.

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

10.13 The Committee, noting that FSI 14 had been informed about the basic principles of harmonization of coding systems developed by a joint working group of the Tokyo and Paris MoUs, endorsed the Sub-Committee's request to the Secretariat to contribute to the development of references concerning convention requirements for coding systems and tables of references concerning new convention requirements relevant to PSC activities, noting also MEPC 55's concurrent decision.

10.14 The Committee, having noted MEPC 55's concurrent decision, also endorsed the proposed framework on global harmonization and co-operation of PSC activities, with the understanding that the focus of the global harmonization and co-operation of PSC activities is the harmonization of the procedures, activities and practices of PSC regimes, with the aim of eradicating sub-standard ships, while achieving recognition of inspection results at a global level, with no lowering of the current standards of PSC activities.

### **Format of PSC workshop**

10.15 The Committee noted that FSI 14 had prepared draft terms of reference for the workshops, as well as a tentative agenda for the fourth workshop, which would be expected to be an open forum, taking place every two years, and to approve a written report and list of recommendations to be subsequently considered by the FSI Sub-Committee.

10.16 Having also noted that the workshop would not deal with policy matters, under the understanding that relevant IMO bodies, with the assistance of representatives of PSC regimes under their IGOs status, would carry out these duties, the Committee agreed with the recommendations concerning the format of the IMO workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres, subject to the rules of operation of the Technical Co-operation Fund and the general policy of targeting funding on developing countries under the responsibility of the Secretariat.

### **PSC guidelines on seafarers' working hours**

10.17 Recalling that the Sub-Committee had been tasked to develop PSC guidelines on seafarers' working hours, the Committee noted that FSI 14 had worked on the basis of the Paris MoU corresponding guidelines (FSI 13/14), and had developed a draft instrument in the open form of a draft MSC circular or draft IMO/ILO Guidelines.

10.18 Having listened to some views expressed whereby the draft guidelines might need further review, in particular on STCW-related matter, the Committee agreed to refer the matter to the FSI and STW Sub-Committees for consideration and report to MSC 83. The Committee requested the Secretariat to inform ILO accordingly.

### **Development of PSC guidelines in relation to the Maritime Labour Convention, 2006**

10.19 The Committee, recalling that the 2006 International Labour Conference had adopted the Maritime Labour Convention, 2006, noted that it had also adopted Resolution IV concerning the development of guidelines for port State control and requesting that the International Labour Office utilizes the technical expertise of IMO in the development of such guidelines.

10.20 Having considered the information provided by the Secretariat in document MSC 82/WP.12 on the invitation to co-operate with ILO in the development of PSC guidelines, as well as the confirmation by the representative from ILO of the continuation of the programme

of co-operation for the development of PSC guidelines, between ILO and the Paris MoU, the Committee requested the Secretariat to attend relevant meetings which will consider the development of such guidelines in the context of the Maritime Labour Convention, 2006, and to report to the FSI Sub-Committee, as appropriate.

### **Amendments to the Procedures for port State control**

10.21 The Committee noted that FSI 14 had agreed, in principle, to the revised Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)) consequential to the entry into force of the revised Annexes II and IV of MARPOL. The Committee endorsed the proposed course of action to incorporate all relevant amendments to the above-mentioned Procedures into a consolidated text, and to develop a simplified process for amending them, noting MEPC 55's concurrent decision.

### **Validity of Type Approval Certification**

10.22 The Committee, noting that FSI 14 had considered the issue of a possible misunderstanding among PSC officers regarding Type Approval Certificates issued for Marine Products, approved MSC.1/Circ.1221 on the Validity of Type Approval Certification for Marine Products, with a view to clarifying the issue.

### **Survey Guidelines under the HSSC**

10.23 The Committee endorsed the proposed course of action to develop a consolidated draft of the Revised Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) to replace the current Survey Guidelines (resolution A.948(23)), for consideration by the Committees for approval prior to adoption by the Assembly at its twenty-fifth session, noting MEPC 55's concurrent decision.

### **AIS inspection and test report**

10.24 The Committee noted that FSI 14 had developed some new text on inspection procedures of automatic identification systems (AIS) equipment by radio inspectors for inclusion in the Survey Guidelines under the HSSC (resolution A.948(23)).

10.25 Furthermore, having concurred with the decisions of FSI 14 and NAV 52 to agree to a draft Form for the AIS Test Report, the Committee decided to refer the matter on whether it should be included in the above-mentioned Survey Guidelines to FSI 15 for detailed consideration and reporting to MSC 83.

### **Survey of shipborne long-range identification and tracking of ships (LRIT) equipment**

10.26 As regards performance standards for shipborne long-range identification and tracking of ships (LRIT) equipment, the Committee endorsed FSI 14's views and agreed that it would be appropriate that such equipment be surveyed by radio inspectors and adequate provisions be included in the Survey Guidelines under the HSSC in future. The Committee instructed FSI 15 to act accordingly and to report to MSC 83.

### **Survey of ship security alert system (SSAS)**

10.27 The Committee recalled that it had dealt with the issue of the survey of ship security alert system (SSAS) by radio inspectors under agenda item 4 (Measures to enhanced maritime security) (see paragraphs 4.14 to 4.16 and 4.66 to 4.68).

### **Voyage data recorder performance test certificate**

10.28 Noting that FSI 14 and NAV 52 had agreed to the draft Guidelines on annual testing of voyage data recorders (VDR) and simplified voyage data recorders (S-VDR) incorporating the Form for the Voyage Data Recorder Performance Test Certificate, the Committee considered the proposal by CIRM (MSC 82/10/6) to amend both the draft Guidelines and the Form for the Voyage Data Recorder Performance Test Certificate, and agreed to the proposed amendments.

10.29 The Committee, being concerned that the amendments proposed in document MSC 82/10/6 were using the terminology “certificate” when referring to the document to be issued by the manufacturer and that this could possibly create some misunderstanding by flag States and port States, agreed to replace the word “certificate” with the words “completed test report” in paragraph 3 of the Guidelines and at the end of paragraph 9 of the appendix, and approved MSC.1/Circ.1222 on Guidelines on annual testing of voyage data recorders (VDR) and simplified voyage data recorders (S-VDR).

10.30 The delegation of the Russian Federation drew the Committee’s attention to the facts, that SOLAS regulation V/18.8 required annual testing of VDRs and/or S-VDRs at “an approved testing or servicing facility”, i.e., approved by the Administration, and that the draft Guidelines on annual testing of voyage data recorders (VDR) and simplified voyage data recorders (S-VDR), as prepared by FSI 14, stated that the above task should be carried out by the manufacturer of the equipment or a person authorized by the manufacturer. Assuming that, by the year 2010, a vast number of ships (about 80,000) will be outfitted with the equipment manufactured by quite a few companies having a limited number of representatives or certified personnel to carry out this work worldwide, the delegation expressed the view that, where the manufacturer’s representative or person authorized by the manufacturer are not available, the Administration might authorize an organization and its personnel to perform functions specified by the Guidelines, as amended.

### **Guidelines for pre-planning of survey in dry-dock of ships not subject to the Enhanced programme of inspections**

10.31 The Committee, while concurring with the Sub-Committee’s decision to agree to the draft Guidelines for pre-planning of surveys in dry-dock of ships which are not subject to the Enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18), as amended), approved MSC.1/Circ.1223 on Guidelines for pre-planning of surveys in dry-dock of ships which are not subject to the Enhanced programme of inspections.

### **Guidelines on alternative design and arrangements for fire safety**

10.32 On the issue of the Guidelines on alternative design and arrangements for fire safety (MSC.1/Circ.1002 and Corr.1), the Committee considered a course of action, including the approval of draft amendments to relevant safety certificates, proposed by FSI 14 which had noted that the attachment of a document to a certificate is already foreseen in SOLAS regulation II-2/19 (Carriage of dangerous goods).

10.33 In this context, the Committee approved the draft amendments to the Passenger Ship Safety Certificate and the Cargo Ship Safety Certificate, comprising the addition of the new subparagraphs at the end of the respective sections 2 of the certificates, set out in annex 18, 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 83.

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

10.34 The Committee considered the current status of the IMO and FAO Secretariats' preparatory work for the convening of the second Joint IMO/FAO Working Group on Illegal, Unregulated and Unreported (IUU) Fishing and Related Matters, in particular, concerning the composition of participants, recalling that, on the occasion of the first Joint Working Group meeting in 2000, IMO was represented by participants from seven Member States, namely Argentina, Canada, China, Denmark, Liberia, the Republic of Korea and Turkey, while FAO was represented by participants from Australia, Chile, Japan, Malta, the Philippines, South Africa and the United States.

10.35 In this context, the Committee noted that MEPC 55, taking into account the fact that, at FSI 14, the delegation of Norway had expressed its wish to be one of the delegations representing IMO at the Joint Working Group, had agreed to increase the number of participating delegations from seven to eight.

10.36 The Committee also noted that MEPC 55, bearing in mind that the meeting of the Joint IMO/FAO Working Group was also open to observer countries, had requested Member States which had expressed an interest to represent IMO to confirm their intention at MSC 82, when a firm list of IMO's participating countries could be agreed and subsequently concurred with by MEPC 56. The Committee further noted that, until the beginning of this session, only Argentina and China had notified their intentions to represent IMO.

10.37 Following the renewed invitation made to the delegations attending the session, the Committee agreed, subject to MEPC 56's concurrence, that participants from Argentina, Canada, China, Denmark, Liberia, Norway, the Republic of Korea and Turkey would represent IMO at the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters to be held in Rome, Italy, from 16 to 18 July 2007.

10.38 The Committee was presented with information on a draft joint FAO/IMO document prepared by the IMO and FAO Secretariats on the issues proposed to be addressed in the context of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters (MSC 82/10 and MSC 82/INF.10). The Secretariat indicated that a revised version of the annex to document MSC 82/INF.10 had been prepared for submission to the Joint IMO/FAO Working Group and would be submitted to FSI 15 and MEPC 56 for further review.

10.39 Having agreed in principle with the issues proposed to be addressed in the context of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, the Committee invited Members to participate actively and to make submissions to the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters on any subject of interest to them, bearing in mind that this meeting may be a unique opportunity to promote and achieve the entry into force of IMO instruments related to fishermen and fishing vessels safety.

### **Development and maintenance of an updated list of circular series**

10.40 The Committee, noting MEPC 55's concurrent decision, endorsed the Sub-Committee's request to the Secretariat regarding the development and maintenance of an updated list of circular series. It also noted that the information requested had been released by the Secretariat on IMODOCS and the IMO public website, and is now available and accessible to Members and the public at large.

### **Provisions of SOLAS chapter V in the Audit Standard**

10.41 The Committee noted that FSI 14 had considered the proposals by IHO and IALA relating to the provisions of SOLAS chapter V in the Audit Standard and had agreed to recommend that interested parties could be made aware of the existence of the two questionnaires developed by IHO and IALA. The purpose of such recommendation was to assist those Member States, volunteering for the audit, and auditors, in their preparatory work and in need of additional guidance, until such time when, on the basis of experience gained, a relevant proposal for amendments to the procedures for the voluntary IMO Member State audit could be prepared for consideration by the Council.

10.42 Having also noted NAV 52's concurrent decision, the Committee agreed to inform C 98 about the outcome of the consideration of this matter related to the Voluntary IMO Member State Audit Scheme and instructed the Sub-Committee to keep the proposed amendments to the annexes to the Code for the Implementation of Mandatory IMO Instruments (resolution A.973(24)) for future reference.

10.43 The observer from IALA informed the Committee that the Council of IALA had just adopted two new sets of guidelines, i.e., the IALA Guidelines on preparing for an IMO Audit for aids to navigation service delivery and the IALA Guidelines on preparing for an IMO Audit for Vessel Traffic Services, which should soon be available on the IALA website ([www.iala-aism.org](http://www.iala-aism.org)).

### **INFORMATION ON RISK ASSESSMENT COMPARISON BETWEEN MARITIME CASUALTIES AND PORT STATE CONTROL INSPECTIONS**

10.44 The Committee considered a study, as presented in document MSC 82/10/9 (Turkey), based on the comparison of actual casualty statistics/analyses and statistics of the port State inspections and analysing the risk profiles based on the lists developed by the Paris MoU. The Committee agreed to refer the above-mentioned document to FSI 15, for detailed consideration under its agenda item on "Responsibilities of Governments and measures to encourage flag State compliance".

10.45 As proposed by the Chairman of the FSI Sub-Committee, the Committee requested the Secretariat to compile additional information on the probabilities of PSC detentions and casualties which may assist the Sub-Committee in the context of its consideration of document MSC 82/10/9, for consideration of the FSI Sub-Committee.

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

10.46 The Committee recalled that it had considered document MSC 82/10/3 (ICS, IAPH, CEFIC, OCIMF, INTERTANKO and IPTA) under agenda item 15 (Role of the human element) (see paragraphs 15.2, 15.28.1.1 and 15.30 to 15.32).

### **AMENDMENTS TO THE STCW CODE TO INCLUDE BRIDGE RESOURCE MANAGEMENT AS A MANDATORY REQUIREMENT FOR MASTERS AND DECK OFFICERS**

10.47 The Committee noted that, at FSI 14, the delegation of Singapore, while referring to the high number of bridge resource management (BRM)-related casualty causes, as identified by the Correspondence Group on Casualty Analysis, had suggested that the STW Sub-Committee be instructed to look into the issue of making BRM training mandatory for deck officers under the STCW Convention, as reported in document MSC 82/10/4 (Singapore).

10.48 Having recalled that the work programme of the STW Sub-Committee contains an item on “Comprehensive review of the STCW Convention and the STCW Code”, the Committee agreed to refer document MSC 82/10/4 to the STW Sub-Committee for detailed consideration under the corresponding agenda item.

## **11 SAFETY OF NAVIGATION**

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

#### **General**

11.1 The Committee approved, in general, the report of the fifty-second session of the Sub-Committee on Safety of Navigation (NAV) (NAV 52/18 and MSC 82/11) and took action as indicated hereunder.

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

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

- .1 “Off the coast of Norway from Vardø to Røst”;
- .2 “In the SUNK area and northern approaches to the Thames estuary”; and
- .3 “Off Neist Point” in the Minches,

set out in annex 19, for dissemination by means of COLREG.2/Circ.58.

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

11.3 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 “In the Strait of Gibraltar”;
- .2 “In the approach to Boston, Massachusetts”;
- .3 “In the Adriatic Sea”;
- .4 “Off Cani Island” and “Off Cape Bon”, off the coast of Tunisia; and
- .5 “Off Botney Ground”,

set out in annex 19, for dissemination by means of COLREG.2/Circ.58.

#### **Routeing measures other than TSSs**

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



- .1 the proposed new Area to be Avoided/Mandatory No Anchoring Area in the approaches to the Gulf of Venice;
- .2 the proposed new Precautionary Area off the west coast of the North Island of New Zealand;
- .3 the proposed amendments to the Deep-Water route west of the Hebrides;
- .4 the proposed new Recommended Routes in the Minches;
- .5 the proposed amendments to the Recommendation on navigation around the United Kingdom coast; and
- .6 the proposed abolition of the Area to be Avoided around the EC2 Lighted Buoy including the consequential amendment relating to the cancellation of the Recommendations on directions of traffic flow in the English Channel,

set out in annex 20, for dissemination by means of SN.1/Circ.257.

### **Implementation of the adopted routeing measures**

11.5 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 11.2 and 11.3, respectively (annex 19) and the routeing measures other than traffic separation schemes referred to in paragraph 11.4 (annex 20), should be implemented six months after their adoption, i.e., on 1 July 2007 at 0000 hours UTC.

### **Mandatory ship reporting systems**

#### ***New mandatory ship reporting system “In the Galapagos Particularly Sensitive Sea Area (PSSA)”***

11.6 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.229(82), the new mandatory ship reporting system “In the Galapagos Particularly Sensitive Sea Area (PSSA)”, set out in annex 21, for dissemination by means of SN.1/Circ.258. The Committee also decided that the new mandatory ship reporting system should be implemented six months after its adoption, i.e., on 1 July 2007 at 0000 hours UTC.

#### ***Amendments to the existing mandatory ship reporting systems***

11.7 In accordance with resolution A.858(20), the Committee adopted:

- .1 by resolution MSC.230(82), the amendments to the existing mandatory ship reporting system “In the Storebælt (Great Belt) Traffic Area”, set out in annex 22; and
- .2 by resolution MSC.231(82), the amendments to the existing mandatory ship reporting system “In the Gulf of Finland”, set out in annex 23,

for dissemination by means of SN.1/Circ.258. The Committee also decided that the amendments to the existing mandatory ship reporting systems should be implemented six months after adoption, i.e., on 1 July 2007 at 0000 hours UTC.

## **XML format for ship reporting systems**

11.8 The Committee endorsed the action taken by the Sub-Committee in submitting the outcome of its deliberations on the issue of XML format for ship reporting systems to COMSAR 11.

## **Amended and new performance standards for navigational equipment (ECDIS and shipborne Galileo receiver equipment)**

11.9 In accordance with resolution A.886(21), the Committee adopted:

- .1 resolution MSC.232(82) on Adoption of the Revised performance standards for electronic chart display and information systems (ECDIS), set out in annex 24; and
- .2 resolution MSC.233(82) on Adoption of the Performance standards for shipborne Galileo receiver equipment, set out in annex 25.

11.10 With respect to the adopted Revised performance standards for Electronic Chart Display and Information Systems (ECDIS), the Committee further instructed the NAV Sub-Committee at its fifty-third session to review the performance standards and assess whether a common layout of controls, common names or symbols for controls and a common output on the display for each control could be appropriately included therein and advise MSC 83 accordingly.

## **Additional guidance on chart datums and the accuracy of position on charts**

11.11 The Committee endorsed the action taken by the Sub-Committee in issuing SN.1/Circ.255 on Additional guidance on chart datums and the accuracy of position on charts.

## **ITU-R matters**

11.12 The Committee endorsed the action taken by the Sub-Committee in submitting a liaison statement to ITU-R Working Party 8B on Maintenance and Administration of AIS binary messages.

## **IACS Unified Interpretations**

### **Unified Interpretations of COLREGs 1972, as amended**

11.13 The delegation of Japan stated that the draft MSC circular on Unified interpretation of COLREG rule 23(a) originally developed by IACS would exceed the existing provisions of the COLREGs. If the contents of this circular were considered appropriate, its text should exclude existing ships constructed on or after 1 July 2007. The delegation of the Russian Federation expressed the view that the unified interpretation would go beyond the provisions of COLREGs. Hence, it would be necessary to review the draft MSC circular.

11.14 A number of delegations supported the intervention by the Japanese delegation and the delegation of the Russian Federation. Accordingly, the Committee decided to refer the aforementioned draft MSC circular for further consideration by NAV 53 prior to approval.

## **Unified interpretations of SOLAS chapter V**

11.15 The Committee approved MSC.1/Circ.1224 on Unified interpretations of SOLAS chapter V.

## **Emergency wreck marking buoy**

11.16 The Committee approved SN.1/Circ.259 on Emergency wreck marking buoy.

## **AMENDMENTS TO THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972, AS AMENDED**

11.17 In accordance with COLREG article VI/(2), the Committee adopted the proposed amendments to the International Regulations for Preventing Collisions at Sea, 1972, as amended, relating to the revision of Annex IV to the COLREGs concerning the use of distress signals and approved the associated draft Assembly resolution, set out in annex 26, with the proviso that, if any substantial changes were suggested by COMSAR 11, these could be conveyed to MSC 83 for adoption and subsequent submission to the twenty-fifth session of the Assembly.

11.18 The Committee further requested the Secretary-General to circulate the adopted amendments, in accordance with article VI/2 of the COLREGs, for consideration at the twenty-fifth session of the Assembly with a view to adoption.

## **IALA Risk Management Tool for Ports and Restricted Waterways**

11.19 The Committee noted information provided by the IALA observer, who referred to paragraph 17.15 of the NAV 52 report (NAV 52/18) and advised that, with respect to the IALA Risk Management Tool for Ports and Restricted Waterways, further analysis had demonstrated that in certain circumstances, the IWRAP (IALA Waterways Risk Assessment Program) model could give unsatisfactory results. IALA wanted its Risk Management Tool to be simple to apply and produce reliable results consistently. Therefore, and only as an interim measure, it had been decided to withdraw IWRAP from the IALA Risk Management Tool. The PAWSA (Ports and Waterways Safety Assessment) model could, and should continue to be used. In the interest of maritime safety, IALA members would be advised not to use the IWRAP model, until a new and reliable version had been developed and IMO would be kept advised of the work on the subject.

## **NAVIGATIONAL WARNINGS CONCERNING OPERATIONS ENDANGERING THE SAFETY OF NAVIGATION**

11.20 The Committee noted that, at NAV 52, the delegation of Japan had reported a recent incident, where missiles were launched without navigational warnings and the safety of navigation had been endangered. NAV 52 had expressed support for, and the continued validity of resolution A.706(17), as amended, on World-Wide Navigational Warning Service and MSC/Circ.893 on Navigational warnings concerning operations endangering the safety of navigation; and urged Members to comply with their requirements.

11.21 The Committee considered the proposal by Australia, Japan, the United Kingdom and the United States (MSC 82/11/1), which was also supported by France, for the issuance of a new MSC circular for circulation to all Members in order to draw the attention of Members to resolution A.706(17), as amended, and MSC/Circ.893 to ensure that appropriate navigational warnings will be issued prior to operations which may threaten the safety of navigation.

11.22 The delegations who spoke on the issue supported the proposal. Accordingly, the Committee endorsed the proposal by Australia, France, Japan, the United Kingdom and the United States and approved MSC.1/Circ.1225 on Navigational warnings concerning operations endangering the safety of navigation.

11.23 The delegation of the Democratic People's Republic of Korea stated that, with regard to the issue mentioned in paragraph 1 of document MSC 82/11/1, it wished to draw the Committee's attention to the position made clear by their delegation at NAV 52 (NAV 52/18, paragraph 17.72 and annex 16) which remained as firm as ever and equally valid.

#### **DEVELOPMENT AND FUNDING OF A RADAR BENCHMARK TARGET SIMULATOR**

11.24 The Committee noted that, at NAV 52, the delegation of Norway had requested the observer from IEC to provide an update on the situation of the development of the new Radar test standard (IEC 62388), which was intended to supplement the Revised performance standards for radar equipment (resolution MSC.192(79)). The Revised performance standards would apply to radar equipment installed on or after 1 July 2008. The observer from IEC had advised that the IEC Marine Radar Working Group had made good progress in developing the radar equipment standard. However, one issue that had not been resolved to the complete satisfaction of the working group concerned, was the measurement of performance of a radar in the presence of sea and rain clutter (section 5.3.1.3.4 of the Revised performance standards for radar equipment). These specific conditions were difficult to obtain in a live situation and the working group had been investigating whether radars could be more readily and consistently tested by injecting simulated signals into the radar receiver system.

11.25 The Committee considered the proposal by Norway (MSC 82/11/2), outlining its concerns that the full positive effect of the Revised performance standards would not be realized unless a solution was found to the problem of funding a "Benchmark target simulator". Norway, the United Kingdom and Germany originally intended to fund the research work needed to produce such a simulator. However, initial work done on this simulator indicated that the cost of development would be approximately €500,000, which was far higher than initially estimated. For this reason, the development cost of such a simulator was beyond the funding capabilities of the three Administrations currently having contributed. Hence, Norway was urging other Administrations, as well as the industry and test houses verifying compliance with IMO performance standards to attempt to contribute to the funding of such a device. Provided a number of parties were willing and able to contribute, the financial contribution needed by each party might not be excessive.

11.26 The Chairman encouraged Member States to contribute to the project and the Committee took note of the information provided by Norway with respect to the current situation for the forthcoming new IEC Radar test standard (IEC 62388).

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

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

12.1 The Committee approved, in general, the report of the forty-ninth session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 49/17 and MSC 82/12) and took action as indicated hereunder.

## **Guidance on the impact of open watertight doors on survivability under regulation 22.4 of the revised SOLAS chapter II-1**

12.2 Noting the proposals of the Sub-Committee and the relevant justifications for new items, relating to the guidance on the impact of open watertight doors on survivability under regulation 22.4 of the revised SOLAS chapter II-1, for inclusion in the work programmes of the SLF and DE Sub-Committees, the Committee agreed to deal with the matter in detail under agenda item 21 (Work programme) (see paragraphs 21.47 and 21.56.2).

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

12.3 The Committee approved MSC.1/Circ.1226 on Interim Explanatory Notes to the SOLAS chapter II-1 subdivision and damage stability regulations.

### **Definitions of the terms “steps” and “recesses”**

12.4 The Committee noted that, pursuant to the relevant instructions of MSC 81, SLF 49 had considered the issue and agreed that no definitions of the terms “steps” and “recesses” referred to in regulation II-1/12 of the revised SOLAS chapter II-1 were necessary.

### **Passenger ship safety**

12.5 The Committee noted that the outcome of the Sub-Committee related to passenger ship safety, regarding the definition of unfavourable conditions of trim and list; draft SOLAS regulations II-1/8-1 and II-1/22-1; re-adoption of the revised SOLAS chapter II-1 to include draft regulations II-1/8-1 and II-1/22-1; modifications to draft SOLAS regulations II-2/21 and II-2/23; and draft MSC circular on Performance standards for the systems and services to remain operational on passenger ships for safe return to port and orderly evacuation and abandonment after a casualty, had been considered under agenda item 3 (Consideration and adoption of amendments to mandatory instruments).

### **Revision of the Intact Stability Code and related matters**

12.6 Noting the progress made by the Sub-Committee on the revision of the Intact Stability Code, the Committee noted the Sub-Committee’s conclusion that both the 1974 SOLAS Convention and the 1988 LL Protocol should be amended to make part A of the Intact Stability (IS) Code mandatory, in order to gain the widest application of the mandatory criteria of the IS Code and that the Sub-Committee, having recognized the complexity of making the Code mandatory under the two instruments, had instructed the correspondence group to develop draft amendments to both instruments for consideration at SLF 50.

12.7 In the context of this item, the Committee approved:

- .1 MSC.1/Circ.1227 on Explanatory Notes to the Interim Guidelines for alternative assessment of the weather criterion;
- .2 MSC.1/Circ.1228 on Revised guidance to the master for avoiding dangerous situations in adverse weather and sea conditions; and
- .3 MSC.1/Circ.1229 on Guidelines for the approval of stability instruments.

12.8 The Committee also noted the Updated plan of action for the intact stability work, agreed by SLF 49.

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

12.9 The Committee noted the progress made on safety of small fishing vessels, in particular, that SLF 49 had agreed to the instrument's title "Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels", which is currently under development by the Sub-Committee.

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

12.10 Having noted that the SLF Sub-Committee, in considering IMO instruments in which damage stability provisions should be based on probabilistic principle, with regard to the 1988 LL Protocol, had agreed to the additional words "except ships intended for the carriage of deck cargo" at the end of .6 and .7 of the footnote relating to the revised SOLAS regulation II-1/4.1, the Committee approved the Sub-Committee's decision and requested the Secretariat to include the wording into the next relevant IMO publications.

12.11 With regard to the INF Code, the Committee approved the draft amendments to the INF Code with a view to adoption at MSC 83, set out in annex 27, and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII and regulation VII/14.1, for consideration at MSC 83 with a view to adoption.

### **Tonnage measurement of open-top containerships**

12.12 Having considered modifications to the definition of an open-top containership proposed in document MSC 82/12/1 (Germany) and further modifications by the delegation of the United Kingdom, the Committee agreed to replace the words "cargo hatches" by the words "total cargo hatchway clear opening area" and adopted resolution MSC.234(82) on Recommendations concerning tonnage measurement of open-top containerships, set out in annex 28.

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

12.13 The Committee noted the progress made on the review of the SPS Code, in particular, the Sub-Committee's referral of document SLF 49/11 and the outcome of its discussion thereon to the DE Sub-Committee for co-ordination purposes.

### **Revision of the IMO damage card**

12.14 The Committee noted that SLF 49 had finalized its work on the revision of the IMO damage card and forwarded it to the FSI Sub-Committee for appropriate action, aiming at the development of the respective amendments to MSC-MEPC.3/Circ.1.

### **Interpretation of alterations and modifications of a major character under the revised SOLAS chapter II-1**

12.15 The Committee noted that Sub-Committee's proposal for inclusion, in the Sub-Committee's work programme, of a new item on "Interpretation of alterations and modifications of a major character under the revised SOLAS chapter II-1" and the relevant justification for the proposal had been considered under agenda item 21 (Work programme) (see paragraph 21.56.1).

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

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

#### **General**

13.1 The Committee considered urgent matters emanating from the eleventh session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 11/19 and MSC 82/13) and, having noted that, in addition to the urgent matters agreed to by MSC 81 for consideration at this session of the Committee, DSC 11, taking into account that MSC 83 is scheduled to take place in October 2007, had invited the Committee to consider other urgent matters as indicated in paragraphs 4.1, 4.3, 4.4 and 4.6 to 4.9 of document MSC 82/13, took action as indicated in paragraphs 13.2 to 13.10.

#### **Mandatory application of the BC Code and amendments to SOLAS chapters VI and VII**

13.2 Having noted the progress made on the development of the mandatory BC Code and amendments to SOLAS chapters VI and VII to make it mandatory and having considered the relevant proposal by the Secretariat (MSC 82/13/4), the Committee endorsed the timetable on the development of the mandatory BC Code, as set out in the annex to document MSC 82/13/4. In that context, the Committee noted, in particular, the anticipated voluntary application date of the mandatory BC Code from 1 July 2008 pending its official envisaged mandatory application date of 1 January 2011.

#### **Revision of the Recommendations on the safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675)**

13.3 The Committee recalled that it had dealt with the issue under agenda item 4 (Measures to enhance maritime security).

#### **Amendments to IMO/ILO Guidelines for packing of cargo transport units**

13.4 The Committee recalled that it had dealt with the issue under agenda item 4 (Measures to enhance maritime security).

#### **Adoption of the Guidelines for the design and construction of offshore supply vessels**

13.5 The Committee adopted resolution MSC.235(82) on Adoption of the Guidelines for the design and construction of offshore supply vessels, 2006, set out in annex 29.

#### **Adoption of amendments to the LHNS Guidelines**

13.6 Having noted that MEPC 55 had adopted identical amendments to the LHNS Guidelines by resolution MEPC.158(55), with editorial changes to the names of chemicals in appendix 1 (table of permitted products) and having agreed to add two new substances to appendix 1, namely sodium silicate solution and triethylene glycol, the Committee adopted resolution MSC.236(82) on Adoption of amendments to the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (resolution A.673(16)), set out in annex 30. In this context, the Committee requested the Secretariat, in consultation with the MEPC Chairman, to ensure that appropriate measures are taken for the aforementioned new substances to be reflected in the amendments to the LHNS Guidelines adopted by resolution MEPC.158(55).

**Adoption of amendments to the OSV Code**

13.7 The Committee adopted resolution MSC.237(82) on Adoption of amendments to the Code of Safe Practice for the Carriage of Cargoes and Persons by Offshore Supply Vessels (OSV Code) (resolution A.862(20)), set out in annex 31.

**Adoption of amendments to the BLU Code**

13.8 The Committee adopted resolution MSC.238(82) on Adoption of amendments to the Code of Safe Practice for the Safe Loading and Unloading of Bulk Carriers (BLU Code) (resolution A.862(20)), set out in annex 32.

**Approval of amendments to the Manual on Loading and Unloading of Solid Bulk Cargoes for terminal representatives**

13.9 The Committee approved MSC.1/Circ.1230 on Amendments to the Manual on loading and unloading of solid bulk cargoes for terminal representatives.

**Urgent matters emanating from DSC 12 for consideration at MSC 83**

13.10 Having considered the proposal by the Secretariat (MSC 82/13/4) and noting, in particular, the close proximity between DSC 12 and MSC 83, the Committee agreed that, except for the work programme of the Sub-Committee and the provisional agenda for DSC 13, there should be no urgent matters emanating from DSC 12 for consideration at MSC 83.

**MANDATORY IMDG CODE TRAINING FOR SHORE-SIDE PERSONNEL**

13.11 The United Kingdom in their document MSC 82/13/2, recalling that at the time of reformatting the IMDG Code a decision was taken not to make the chapter on training in the Code mandatory for shore-side personnel and on the basis of feedback received from the industry, proposed that the time was right for making such training mandatory.

13.12 Having noted that the proposal by the United Kingdom has merit, the Committee instructed the DSC Sub-Committee to look further into the proposal bearing in mind that making the recommendatory training provisions in the mandatory IMDG Code might not be the only solution and, therefore, in addition, explore other avenues which would result in a better application of, and compliance with, the provisions of the Code ashore.

**DIFFICULTIES ENCOUNTERED WITH SHIPMENT OF THE IMDG CODE CLASS 7 RADIOACTIVE MATERIALS**

13.13 The Committee considered the proposal by the United Kingdom (MSC 82/13/1) which raised concern regarding the proposal to include an entry in the transport document and/or dangerous goods manifest (FAL Form 7) to confirm that shipment of radioactive materials is to be used in medical or public health applications, and the proposal by WNTI (MSC 82/13/3) which provided reasons as to why the expeditious transport of radioactive material should not be dependent on their end use.

13.14 The Committee thanked the delegation of the United Kingdom and the observer from WNTI for providing useful information in the context of facilitation of the shipments of IMDG class 7 radioactive materials and, having deliberated the matter and noting, in particular, that the issues surrounding the delays and denials of shipments of class 7 radioactive materials primarily concern facilitation matters, and not safety:



- .1 agreed to forward the proposals by the United Kingdom (MSC 82/10/1) and WNTI (MSC 82/10/3) to FAL 34 for consideration and action as appropriate; and
- .2 instructed the DSC Sub-Committee to elaborate on the training requirements for those associated with the shipments and handling of IMDG Code class 7 radioactive materials; to prepare suitable amendments to the Code which would avoid duplication of information already provided; and to develop appropriate guidance for all classes of dangerous goods, in the form of amendments to the IMDG Code, on providing additional information in the transport/shipment document to ensure, amongst others, that additional information does not clutter the documents, thereby suppressing safety-related information.

## **14 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY**

### **DEVELOPMENTS CONCERNING TECHNICAL CO-OPERATION ACTIVITIES**

#### **General**

14.1 The Committee noted the information provided in document MSC 82/2 on the outcome of TCC 56 and document MSC 82/14 on the safety-, security- and facilitation-related activities executed in 2006 and those planned for 2007 under the Integrated Technical Co-operation Programme (ITCP) for 2006-2007 biennium. It further noted that during the period 2004 and 2005, a delivery of technical co-operation activities worth US\$27 million was achieved, showing an increase of US\$1.5 million over the previous biennium and the highest level achieved to-date under the ITCP, marking a sharp increase in expenditure of 89.5% between 1999 and 2005. One of the key outcomes during the biennium was the outputs which included 107 national courses, seminars and workshops and a further 117 regional courses, resulting in the training of some 7,367 participants world-wide, an increase of around 1,000 over the results of the previous biennium.

#### **Linkage of the ITCP to the 2005 World Summit outcome and the achievement of relevant Millennium Development Goals (MDGs)**

14.2 The Committee noted that TC 56 considered the need to demonstrate the conceptual linkage between the goals of the ITCP and the Millennium Development Goals (MDGs), and requested the Secretariat to prepare a consolidated paper on the basis of documents submitted by Angola (TC 56/3/2), South Africa (TC 56/3/1) and the Secretariat (TC 56/3/3) respectively in consultation with other interested delegations which should be considered by an intersessional working group to be convened in London. The Secretariat informed the Committee that the meeting would be held from 26 February to 1 March 2007 at the South African House, the outcome of which would be reported to the fifty-seventh session of the TCC in June 2007.

#### **Integrated coastguard network for West and Central Africa**

14.3 The Committee recalled that in January 2005, IMO conducted a feasibility study on the establishment of an integrated coastguard network among the West and Central African States. The Committee noted that, as a follow-up to the study, the IMO Secretariat, in collaboration with the Secretariat of the Maritime Organization of West and Central Africa (MOWCA), had organized a high-level regional meeting of representatives of the MOWCA States, other UN agencies, non-governmental institutions and donors in Dakar, Senegal from 23 to 25 October 2006. The primary intention of the forum was for the participants to develop detailed action plans to establish an integrated coast guard network; and to develop an

appropriate architecture for establishing sustainable fisheries, civil/military co-operation to enhance maritime security (including countering piracy, armed robbery at sea and other maritime and trans-national crimes) and enhanced safety of life at sea. The participants were also able to develop further detailed action plans to progress implementation of national legislation; enhance inter-agency co-operation at national level; and ensure the correct treatment of refugees and other persons rescued at sea. This activity was financed by the Government of the United Kingdom.

14.4 The delegation of Côte d'Ivoire stated that in the context of the enhancement of maritime security in the sub-region of the West and Central Africa and the fight against piracy and armed robbery against ships, MOWCA, with the support of IMO, had organized several meetings, among which, the IMO/MOWCA seminar held in Dakar, Senegal. After this seminar, with regard to the establishment of the integrated network of coastguard in West and Central Africa, the Côte d'Ivoire agreed to host a regional workshop in March 2007 with a view to finalizing the memorandum of understanding on the integrated network, to considering the "Dakar resolution" at the level of the four co-ordinating countries in the West and Central Africa area, and to considering the implementation of Area II at an operational level. In this context, the Côte d'Ivoire requested IMO to incorporate the support to the organization of the above-mentioned workshop in the programme of technical co-operation activities for security-related matters for the year 2007.

#### **Domestic ferry safety pilot project**

14.5 The Committee recalled that at its last session (MSC 81/25, paragraph 16.6), it was informed of the Memorandum of Understanding (MoU) signed between IMO and Interferry on Non-convention ferry safety. A needs assessment mission was organized by IMO in 2005 and this was followed by a preparatory meeting from 23 to 31 July 2006 in Dhaka, Bangladesh in collaboration with Interferry. During the preparatory meeting, the team introduced the project to the maritime Administration and other stakeholders and, in particular, discussed the working methods and arrangements for the forthcoming working group meeting to be held in Bangladesh later in this year.

14.6 The Committee expressed its appreciation to the donors and urged Governments and industry to contribute to IMO's technical co-operation programme; invited interested parties to participate in the TCC intersessional meeting at the South African House; and requested the Secretariat to continue providing the Committee with updated information on the programmes.

#### **THEMATIC PRIORITIES FOR THE ITCP FOR 2008-2009**

14.7 The Committee recalled that, at its seventy-ninth session, it had agreed the safety and security-related thematic priorities which were subsequently included in the ITCP covering the 2006-2007 biennium. The Committee noted that the Secretariat was preparing the ITCP for 2008-2009 which will be developed on the assessed needs of beneficiaries, the approved work programme of the Organization, the interests of developing partners and the thematic priorities agreed by the Committees and input from the Secretariat for consideration by the Technical Co-operation Committee at its fifty-seventh session in 2007.

14.8 The Committee recalled also that, at its last session (MSC 81/25, paragraph 23.72), it had noted that the Assembly, in the context of resolution A.986(24) had requested the Committee in co-operation with the Technical Co-operation Committee:

- .1 to consider and adopt measures relating to technical assistance, with the aim of promoting the ratification and implementation of IMO instruments; and
- .2 to consider and take appropriate action to assist in the provision of technical co-operation for Member States to implement the Audit Scheme,

and had invited Member Governments, international organizations and the Secretariat to provide their proposals to this session. The Secretariat, in its response to the request, provided the information on relevant activities covered in the current ITCP for 2006-2007 (MSC 82/14/Add.1, paragraphs 5 and 6).

14.9 The Committee, taking into consideration the adoption of the frame work and procedures for the Voluntary IMO Member State Audit Scheme (resolution A.974(24)) and the request of the Assembly in resolution A.986(24) (paragraph 14.7 refers), agreed on amendments to the current thematic priorities for the ITCP covering the 2006-2007 biennium (MSC 82/14/Add.1, annex) as follows:

- .1 in the fourth item, delete the words “subject to their adoption by the Assembly”; and
- .2 in the fifth item, add the words “and implementation of IMO instruments with particular emphasis on” before the words “the 1993 Torremolinos Protocol”,

and approved the thematic priorities for 2008-2009.

## **IMO MODEL COURSE PROGRAMME**

14.10 The Committee noted the updated information on the IMO Model course project provided in document MSC 82/14/1 and requested the Secretariat to continue its follow-up and report developments on the project to MSC 83.

## **15 ROLE OF THE HUMAN ELEMENT**

15.1 The Committee recalled that:

- .1 MSC 81 and MEPC 53 had agreed that the Joint MSC/MEPC Working Group on Human Element should be convened at least once a year, preferably at alternate sessions of the MSC and the MEPC, as appropriate and that this would ensure that the actions identified in the Organization’s strategy to address the human element could be effectively conducted;
- .2 MSC 81 had referred the report of the Inter-Industry Working Group (IIWG) on the reported incidents of explosions on chemical and product carriers (MSC 81/8/1 and MSC 81/INF.8) to the Joint MSC/MEPC Working Group on Human Element and, in particular, the human element issues identified in the report;
- .3 MSC 81 had endorsed the views of STW 37 to instruct the Joint MSC/MEPC Working Group on Human Element to consider the need for guidelines for abandonment of ships alongside in port, under the ISM Code provisions;
- .4 MSC 81 and MEPC 55 had also agreed that the report of the Group of Independent Experts established by the Secretary-General to analyse the impact of the ISM Code and its effectiveness in the enhancement of safety of life at sea and protection of the marine environment (MSC 81/17/1) should be considered, in detail, by the Joint MSC/MEPC Working Group on Human Element at its next session; and

- .5 MSC 81 had further agreed that the information provided in document MSC 81/INF.12 (United Kingdom) on human element research into leadership qualities and the publication of a booklet “Leading for Safety” should be considered, in detail, by the Joint MSC/MEPC Working Group on Human Element at its next session,

and agreed that the Joint MSC/MEPC Working Group on Human Element should consider the issues referred to it by MSC 81 and MEPC 55.

15.2 ICS *et al* (MSC 82/10/3) advised the Committee that the Human Factors Task Group (HFTG) established by the Inter-Industry Group (IIG) had concluded that the most significant contribution to the incidents in question was a failure to follow cargo operation guidelines and procedures (at both shipboard and ship management level). Accordingly, the HFTG had agreed that as a short term measure requirements relating to the award of Dangerous Cargo Endorsements (DCEs) should be reviewed, and as a medium term, measures to make the ISM Code more effective should be addressed. Having briefly considered the information provided, the Committee agreed to forward the document to the joint working group for detailed consideration and advice.

## **THE ORGANIZATION’S STRATEGY TO ADDRESS THE HUMAN ELEMENT**

### **Ergonomic considerations of IMO instruments**

15.3 Liberia (MSC 82/15/4) proposed that in accordance with action point 6 of the Organization’s strategy to address the human element (MSC-MEPC.7/Circ.4) and the framework for consideration of ergonomics and work environment (MSC-MEPC.7/Circ.3), IMO should undertake a review of:

- .1 the Guidelines for engine-room layout, design and arrangement (MSC/Circ.834); and
- .2 the Guidelines on ergonomic criteria for bridge equipment and layout (MSC/Circ.982).

Furthermore, Liberia proposed a review of SOLAS regulation V/23 (Pilot transfer arrangements), taking into account significant advances in the ergonomic designs of ladders.

15.4 The observer from ICFTU drew the attention of the Committee to the fact that they had submitted document MSC 79/14/5 relating to the comprehensive consideration of the human element in the development of guidance, tools, mandatory and non-mandatory instruments. He informed the Committee that, in considering this document by ICFTU, MEPC 53 had agreed that this should be considered at a future session. Accordingly, ICFTU requested that this issue should be considered by the working group at this session. This was supported by a number of delegations.

15.5 The delegation of the Republic of Korea, supporting the proposal by the delegation of Liberia, advised the Committee that they had identified frequent problems in implementing SOLAS regulation V/15 and associated MSC/Circ.982 and, accordingly, had submitted, to MSC 78, appropriate comments (MSC 78/11/4).

15.6 The delegation of Finland, supported by others, agreed, in principle, to the proposal by Liberia and suggested that there should also be inputs from relevant committees and sub-committees on this issue.

15.7 The delegation of the United States, while appreciating the proposal by Liberia, expressed the opinion that prior to engaging in a review, the Committee should identify the instruments and potential specific areas within those instruments that might require ergonomics and work environment consideration. Furthermore, the United States delegation drew the attention of the Committee to the proposal set out in document MSC 82/21/17 to review SOLAS regulation V/23 to be considered under agenda item 21 (Work programme). They also drew attention to the fact that the NAV Sub-Committee was currently considering bridge equipment and layout as part of their work programme and that the review of fundamental ergonomics and work environment relating to bridge ergonomics could also be carried out by the NAV Sub-Committee.

#### **Near-miss data in accident and incident investigations**

15.8 Liberia (MSC 82/15/5) stated that paragraph 9.1 of the ISM Code requires that the safety management system should include procedures ensuring that non-conformities, accidents and hazardous situations are reported to the Company, investigated and analysed with the objective of improving safety and pollution prevention. However, for reasons mentioned in their document, there had been an overall lack of information being collected on near-misses where an accident had been avoided. In Liberia's opinion, IMO should consider preparing guidance to companies and seafarers encouraging them to document and record information on near-misses to prevent accidents.

15.9 The delegation of Sweden advised the Committee that, while there was a legislative requirement in Sweden for reporting accidents and certain incidents, there were few incidents reported. Therefore, the number of reports relating to near-miss incidents was negligible. Accordingly Sweden, in collaboration with the Swedish shipowners association, the unions, other interested parties and a private firm, developed a database wherein designated persons from shipping companies could report near-miss incidents anonymously. Sweden informed the Committee that they would be making a presentation to the FSI Sub-Committee on this issue.

15.10 The delegation of Finland, in supporting the views expressed by Sweden and the need for guidance, stated that masters were often reluctant to report near-miss incidents due to the fear of legislative action.

15.11 The delegation of Malta expressed the opinion that there was a need for guidance under the mandatory requirements of the ISM Code.

15.12 The United Kingdom (MSC 82/INF.8) provided information on their recent work on understanding the role of 'near-miss' information in designing safety initiatives and concluded that there were many circumstances when near-miss information was useful to help risk assessment, especially where accident information was unavailable or represents very small data sets. They further concluded that the degree to which near-miss data could be used depended on its validity and reliability, and the extent to which this data could be used to predict safety outcomes. Accordingly, the decision to use such data was normally made on a case-by-case basis.

15.13 Having briefly considered documents MSC 82/15/4 and MSC 82/15/5 (Liberia) and MSC 82/INF.8 (United Kingdom), the Committee agreed to forward them along with documents MSC 79/14/5 (ICFTU) and MSC 78/11/4 (Republic of Korea) to the joint working group for detailed consideration and advice.

## **INFORMATION ON RESEARCH RELATING TO THE HUMAN ELEMENT**

### **Research into interaction with automated systems**

15.14 The United Kingdom (MSC 82/15/2) provided information on recent research aimed at developing guidance for the mitigation of human error in automated shipborne maritime systems. The research had identified a range of problems which could result from inappropriate or incorrect specification, design, selection, installation and use of automated systems, and suggested some methods of mitigation. In their opinion, the findings of this research should be considered by designers, shipbuilders, trainers, shore-based company management, ship-based management, and seafarers themselves, to assist in the safe, effective and efficient use of automation on board ships. Furthermore, where appropriate, the guidance should be applied to support risk mitigation as part of proactive safety management procedures, and avoid inadvertently reducing safety margins or introducing new opportunities for error.

### **Research into the influence of organizational structures on safety management performance**

15.15 The United Kingdom (MSC 82/15/3) provided information on recent research which investigated the influence of internal and external organizational structures on safety management performance. The study provided recommendations intended for consideration by shipping companies and other organizations with an influence on the management of safety and, where appropriate, may help companies to improve their safety performance.

### **SMS Self Assessment – A Key To Human Element Management**

15.16 The Russian Federation (MSC 82/15/6) provided information on the recent research into the quantification of human element influence on the safety of shipping and the methods for upgrading safety management systems within shipping companies. In this context, the delegation of Turkey informed the Committee that they had tried the program and were of the opinion that further refinement was required before it could be meaningfully used by shipping companies to assess their safety management systems.

15.17 Having briefly considered documents MSC 82/15/2, MSC 82/15/3 and MSC 82/15/7 (United Kingdom) and MSC 82/15/6 (Russian Federation), the Committee agreed to forward them to the joint working group for detailed consideration and advice.

### **MCA Human Element Assessment Tool (HEAT)**

15.18 The Committee noted the updated information, provided by the United Kingdom (MSC 82/15/7) on the Human Element Assessment tool HEAT-S (complementing the ISM Safety Management Certificate for ships), to improve consideration of, and action on, the human element within the commercial shipping industry.

## **CARGO SHIPS AND SPECIAL PURPOSE SHIPS – INCLUSION IN THE ISM CODE**

15.19 The Committee considered documents submitted by:

- .1 the Bahamas (MSC 82/15/8), proposing solutions to the present anomalies existing between the application of SOLAS chapters IX and XI to align their application with that of chapter XI-2 and the ISPS Code; and

- .2 Finland *et al* (MSC 82/23/6), proposing a draft MSC circular similar to MSC.1/Circ.1189, on an Interim Scheme for the compliance of special purpose ships with SOLAS chapter IX and the ISM Code with the ultimate aim of amending SOLAS chapter IX to include special purpose ships in SOLAS regulation IX-2.

15.20 Sweden expressed the opinion that the ISM Code requirements cannot be applied to existing non-SOLAS ships without amending the mandatory requirements on the application of the ISM Code. This view was supported by the delegation of Greece who indicated that, since the ISM Code required support from the shore-side, and most of the non-SOLAS ships were family owned, it would be impossible to apply the requirements of the ISM Code without such shore-based support. However, the requirements for application of the ISM Code should be extended to special purpose ships.

15.21 The delegation of Japan expressed the opinion that the requirements of the ISPS Code and those of the ISM Code had different and separate roles and, therefore, the application date of the ISM Code requirements need not be the same as that of the ISPS Code.

15.22 The delegation of Germany supported the proposal for the issue of circulars on an interim scheme for the compliance of cargo ships and special purpose ships with SOLAS chapter IX and the ISM Code aiming at amending SOLAS chapter IX. A large number of delegations supported the views expressed by Germany.

15.23 The Committee agreed to forward documents MSC 82/15/8 (Bahamas) and MSC 82/23/6 (Finland *et al*), to the joint working group to finalize the proposed draft circulars with a view to approval by the Committee.

#### **HUMAN ELEMENT WORKING GROUP AND RELATIONSHIP WITH ILO**

15.24 ISF (MSC 82/15/1) reported on recent developments which were relevant to IMO's work on the human element, namely the adoption of the ILO Maritime Labour Convention, 2006 and the ILO Resolution on addressing the human element through co-operation between United Nations specialized agencies.

15.25 The Committee noted the above information and agreed to await official communication from ILO, before taking a decision on this matter.

#### **'ALERT' HUMAN ELEMENT AWARENESS PROJECT**

15.26 The Committee noted with appreciation the information provided by IFSMA (MSC 82/INF.9) on the 'Alert' Human Element Awareness project organized jointly by the Nautical Institute and Lloyds Register.

#### **OTHER ISSUES**

15.27 The delegation of India informed the Committee that of late, there had been a large number of criminal acts against seafarers on board. Furthermore, they observed that seafarers had committed suicide, allegedly, due to work-related stress. Accordingly, India introduced psychometric testing for new entrants to assess their suitability for the shipboard environment. Those seafarers continuing a career at sea were trained to cope with the difficulties of the life at sea by preparatory courses and revalidation courses. The delegation further requested the Committee to give urgent consideration to this issue to address and to eliminate the causes for such unfortunate incidents. The Committee, noting the views expressed, urged India to submit a detailed proposal for consideration at the next session.

**ESTABLISHMENT OF THE JOINT MSC/MEPC WORKING GROUP**

15.28 The Committee established the Joint MSC/MEPC Working Group on Human Element and instructed it, taking into account the comments and decisions made in plenary, to:

- .1 consider:
  - .1.1 the report of the Inter-Industry Working Group (IIWG) on the reported incidents of explosions on chemical and product carriers (MSC 82/10/3, MSC 81/8/1 and MSC 81/INF.8) and, in particular, to the human element issues identified in the report;
  - .1.2 the need for guidelines for abandonment of ships alongside in port, under the ISM Code provisions;
  - .1.3 the report of the Group of Independent Experts on the impact of the ISM Code and its effectiveness in the enhancement of safety of life at sea and protection of the marine environment (MSC 81/17/1);
  - .1.4 the information provided in document MSC 81/INF.12 (United Kingdom) on human element research into leadership qualities and the publication of a booklet “Leading for Safety”;
  - .1.5 the proposal by Liberia (MSC 82/15/4) relating to ergonomics consideration of IMO instruments and documents MSC 79/14/5 (ICFTU) and MSC 78/11/4 (Republic of Korea);
  - .1.6 information on near-miss data in accident and incident investigations (MSC 82/15/5 and MSC 82/INF.8); and
  - .1.7 information on research relating to the human element (MSC 82/15/2, MSC 82/15/3 and MSC 82/15/6),and make the recommendations to the Committee as appropriate;
- .2 finalize the proposed draft MSC circulars in documents MSC 82/15/8 and MSC 82/23/6 for approval by the Committee; and
- .3 submit a report to plenary on Thursday, 7 December 2006.

**REPORT OF THE WORKING GROUP**

15.29 Upon receipt of the report of the working group (MSC 82/WP.6), the Committee approved it in general and took action as outlined in the following paragraphs.

**Report of the Inter-Industry Working Group (IIWG) on the reported incidents of explosions on chemical and product carriers**

15.30 The Committee considered the reports of the Inter-Industry Working Group (IIWG) and the Human Factors Task Group (HFTG) (MSC 82/10/3, MSC 81/8/1 and MSC 81/INF.8) on the reported incidents of explosions on chemical and product carriers and concluded that:



- .1 it was difficult to draw conclusive analysis from existing casualty reports due to the lack of human element considerations during these investigations, i.e., investigators asking the relevant questions to determine if the human element was a contributing factor in the casualty;
- .2 the industry's review of its procedures and guidelines was a very positive step towards addressing the issue;
- .3 there was a need to review and strengthen requirements leading to Dangerous Cargo Endorsements (DCEs); and
- .4 Member States should provide reports of casualty investigations to the FSI Sub-Committee expeditiously with a view to arriving to constant and consistent analysis to ensure that such accidents and incidents do not recur.

15.31 In considering the need for extending the requirements for DCEs to operational shore staff including terminal personnel and cargo surveyors, the Committee agreed that the possibility should be explored and invited the HFTG to submit a proposal for consideration at the next session of the group.

15.32 The Committee instructed STW 38 to review the requirements leading to Dangerous Cargo Endorsements (DCEs) for seafarers under its agenda item "Comprehensive review of the STCW Convention and the STCW Code".

#### **Guidelines for abandonment of ships alongside in port, under ISM Code provisions**

15.33 The Committee considered the need for guidelines for abandonment of ships alongside in port under ISM Code provisions and noted that under the ISM provisions, every ship is required to prepare emergency contingency plans for evacuation when alongside in port taking into account, *inter alia*, the nature of voyage, ports of call, facilities available in ports of call and number of passengers, including those with mobility challenges. Therefore, the Committee agreed that there was no need to develop such guidelines.

#### **The impact of the ISM Code and its effectiveness in the enhancement of safety of life at sea and protection of the marine environment**

##### ***Report of the Group of Independent Experts***

15.34 The Committee considered the report of the Group of Independent Experts on the impact of the ISM Code and its effectiveness in the enhancement of safety of life at sea and protection of the marine environment (MSC 81/17/1) and noted its conclusions and recommendations.

15.35 In discussing the conclusions arrived at by the group, the Committee agreed that the paperwork that supports the ISM compliance should be:

- .1 proportionate to the size, type and operation of the company;
- .2 concise and user-friendly; and
- .3 relevant to the operations related to safety and environmental protection.

15.36 Furthermore, the Committee identified that:

- .1 the industry had identified common areas between the ISM and ISPS Codes;
- .2 resolution A.852(20) on Guidelines for a structure of an integrated system of contingency planning for shipboard emergencies, may provide guidance to handle or manage common areas of the ISM and ISPS Codes;
- .3 adopting a modular system of documenting procedures may assist in removing duplications, however, there were areas where documentation could not be integrated due to the confidential nature of some information under the ISPS Code, e.g., ship security plan;
- .4 companies needed to prepare tailor-made systems to suit their areas of operations taking into account the size, type and the nature of operations of their ships;
- .5 in order to properly motivate seafarers:
  - .1 companies should take into account feedback from shipboard personnel including outcome of shipboard safety committees to improve their operations and procedures relating to safety and environment protection;
  - .2 it was essential for the company to respond in a constructive and timely fashion to any feedback received from seafarers operating the SMS; and
  - .3 since seafarers are integral to the effective operation of the SMS, they should therefore be involved in the development and improvement of the system in order to ensure that the manuals are proportionate, concise and relevant; and
- .6 various tools developed to evaluate the performance of the SMS should be considered by companies to monitor and improve compliance with the requirements of the Code, e.g., SMS self-assessment developed by the Russian Federation (MSC 82/15/6).

15.37 In the context of consideration of PSC data, the Committee agreed that this should be considered by a further study and invited PSC MoUs, flag States and P&I Clubs to provide further data to supplement this study to the Secretariat at an early date.

15.38 The Committee agreed with the recommendations made by the group and, in particular, that:

- .1 guidelines for Administrations should be revised to make them more effective and user-friendly; and
- .2 guidelines and associated training should be developed to assist companies and seafarers in improving the implementation of the Code,

and invited Member Governments and international organizations to submit proposals for discussion at the next session of the group.

15.39 The Committee further agreed that the results of the study should be given wide publicity across the industry and urged Member Governments, intergovernmental and non-governmental organizations in consultative status to circulate them within the industry.

## **THE ORGANIZATION'S STRATEGY TO ADDRESS THE HUMAN ELEMENT**

### **Ergonomic considerations of IMO instruments**

15.40 The Committee considered the proposal by Liberia (MSC 82/15/4) to review:

- .1 Guidelines for engine-room layout, design and arrangement (MSC/Circ.834);
- .2 Guidelines on ergonomic criteria for bridge equipment and layout (MSC/Circ.982); and
- .3 SOLAS regulation V/23.

#### ***Guidelines for engine-room layout, design and arrangement (MSC/Circ.834)***

15.41 In considering the need to review the Guidelines (MSC/Circ.834), the Committee agreed that before instructing the DE Sub-Committee to undertake the review, it was necessary to provide additional information relating to accidents statistics needed for the review and invited Member Governments, intergovernmental and non-governmental organizations in consultative status to submit the additional information to the next session of the group.

#### ***Guidelines on ergonomic criteria for bridge equipment and layout (MSC/Circ.982)***

15.42 In considering the need to review the Guidelines (MSC/Circ.982), the Republic of Korea advised the Committee that document MSC 78/11/4 provided information on frequent problems encountered in implementing SOLAS regulation V/15 and associated MSC/Circ.982, and that it had already been considered at NAV 52.

15.43 The Committee noted that the NAV Sub-Committee, under its agenda item on "Review of performance standards for INS and IBS", was developing revised INS and IBS performance standards to allow for a comprehensive application of SOLAS regulation V/15 and instructed NAV 53 to take ergonomic criteria, as set out in MSC-MEPC.7/Circ.3, into consideration when discussing this issue.

#### ***SOLAS regulation V/23***

15.44 In considering the need to review SOLAS regulation V/23, the Committee recalled that it had agreed to include an item on improving the safety of pilot transfer arrangements in the work programme of the NAV Sub-Committee, as proposed by the United States *et al* (MSC 82/21/17). In this context, the Committee instructed NAV 53 to take ergonomic criteria, as set out in MSC-MEPC.7/Circ.3, and significant advances in the ergonomic design of ladders into consideration when discussing this issue.

15.45 Furthermore, the Committee invited Member Governments and international organizations with human element expertise to participate during the deliberations at NAV 53 to ensure that the human element and, in particular, ergonomics are taken into account when reviewing the application of SOLAS regulations V/15 and V/23.

### **Code of safe working practice for seafarers**

15.46 The Committee noted that document MSC 79/14/5 (ICFTU) had been considered by the Joint MSC/MEPC Working Group on Human Element at MEPC 53 when developing the Organization's Strategy to address the human element, and that MEPC 53 had agreed to consider the proposal from ICFTU (MEPC 53/19/4) on the need to formulate a code of safe working practice for seafarers consistent with resolution A.947(23), compatible with, and in addition to Guidance on the ISM Code, at a future session.

15.47 The observer from ICFTU expressed the view that it was first necessary to collate the existing standards, recommendations and guidelines already developed by the Organization, intergovernmental organizations and the industry before considering the need for developing the code as proposed by ICFTU. Accordingly, the Committee invited Member Governments and international organizations to submit comments and proposals to the next session of the group.

### **Near-miss information**

15.48 The Committee considered the proposal by Liberia (MSC 82/15/5) and agreed that the reasons why near-miss information was not being properly documented were:

- .1 lack of understanding as to what constitutes or defines a near miss. Many seafarers believe that if no casualty occurred, there was no reason to prepare a report. With this in mind, companies and their seafarers should be provided with guidance on what constitutes a near miss and a hazardous situation and should be encouraged to report these incidents;
- .2 lack of training on how to prepare accident, non-conformity or hazardous situations reports. This was a general problem where there was a lack of consistent reporting and a general misunderstanding of causes and effects in incident reporting; and
- .3 lack of time and resources to properly investigate and research hazardous situations and near misses. Incident and accident reporting was time consuming and given all of the other duties of the seafarer onboard ship, it could be difficult to properly document near misses.

15.49 Furthermore, the Committee agreed that fear of reprisal and/or blame being apportioned often discouraged reporting of near misses or hazardous situations and that there was a need to collect information and prepare guidance for companies and seafarers on:

- .1 definitions, including near misses and hazardous situations;
- .2 how to capture information on near misses and hazardous situations in the investigation process;
- .3 how to take into account the information provided in MSC/Circ.1015 on Reporting near misses and, in particular, paragraph 3 thereof; and
- .4 how to communicate and distribute information to third parties outside the companies, including:
  - .1 reporting and investigating tools that currently exist in the industry;

- .2 maintaining the anonymity and confidentiality of the reporting;
- .3 sanitization of the data to protect the reporting parties; and
- .4 standardization of the reporting format to optimize the analysis of data (as envisaged in subparagraphs .1 and .2 above),

with a view to encourage companies and seafarers to document and record information on near misses and hazardous situations in order to understand the precursors to events that were detrimental to safety and the marine environment and invited Member Governments and international organizations to submit proposals to the next session of the group.

## **INFORMATION ON RESEARCH RELATING TO THE HUMAN ELEMENT**

### **Research into interaction with automated systems**

15.50 The Committee considered the information provided by the United Kingdom (MSC 82/15/2) and, having noted that the research had identified that, while integrated automated systems were prevalent and indeed useful, patterns of marine accidents and incidents indicated that seafarers did not always understand the weaknesses and limitations associated with such systems, agreed that automated systems for ships must be made user-friendly and operators must be well trained for their use. Therefore, there was a need for this issue to be addressed during the basic education and familiarization training of seafarers. Accordingly, the Committee instructed STW 38 to consider this under its existing agenda item on “Comprehensive review of the STCW Convention and the STCW Code”.

15.51 The Committee also identified that ships should have appropriate measures including adequate number of crew to respond in a safe and adequate manner in the event of a complete automation failure and instructed STW 38 to consider this issue and the need thereon under its existing agenda item on “Review of the principles for establishing the safe manning levels of ships”.

### **Research into the influence of organizational structures on safety management performance**

15.52 The Committee considered the information provided by the United Kingdom (MSC 82/15/3), identified that training recommendations given by performance management guidelines such as integrated navigation systems, integrated bridge systems and bridge and engine-room resource management should be included within the STCW Convention with a view to seafarers understanding the limitations and weaknesses of automated systems and instructed STW 38 to consider this under its existing agenda item on “Comprehensive review of the STCW Convention and the STCW Code”.

15.53 The Committee noted that the research had also identified a need to:

- .1 promote better communication skills relating to working practices for seafarers; and
- .2 strengthen the implementation and enforcement of the requirements of the ISM Code,

and agreed to forward document MSC 82/15/3 to FSI 15 for further consideration.

**CARGO SHIPS AND SPECIAL PURPOSE SHIPS – INCLUSION IN THE ISM CODE**

15.54 The Committee considered in detail the proposals from the Bahamas (MSC 82/15/8) and Finland *et al* (MSC 82/23/6) and agreed that the two circulars proposed could be issued as a single MSC circular in the same format as MSC/Circ.1189.

15.55 Several delegations expressed the opinion that, while drafting MSC/Circ.1189, a period of three years was provided for the implementation of the scheme. Hence, a similar period of time should be provided for the smooth implementation of this scheme, taking into account the same practical difficulties for the owners and the companies, as was the case with the existing interim scheme related to the ISPS Code. The date of implementation proposed by these delegations was 1 January 2010.

15.56 Several delegations also expressed the opinion that the effective date proposed by the Bahamas, i.e., 1 July 2008, was preferred in order to harmonize the implementation dates for the ISM and the ISPS Codes for these ships. This was considered reasonable, as Administrations had gained experience in the implementation of the ISM Code and that the necessary domestic legislations, regulations and procedures were already in place. Therefore, it would be a simple and straightforward issue to extend the provisions of the Code to the proposed ships in the circular.

15.57 Following the above discussions, the Committee decided that the effective date of the implementation of the scheme should be 1 January 2010.

15.58 Subsequently, the Committee approved MSC.1/Circ.1231 on Interim scheme for the compliance of certain cargo ships and special purpose ships with the management for the safe operations of ships.

**OTHER MATTERS**

15.59 The Committee noted that the Joint MSC/MEPC Working Group on Human Element was scheduled to be reconvened at MEPC 56 and invited Member Governments and international organizations to submit proposals, in accordance with the Organization's strategy to address the human element (MSC-MEPC.7/Circ.4).

**16 FORMAL SAFETY ASSESSMENT****General**

16.1 The Committee recalled that MSC 81, having considered the report of the drafting group (MSC 81/WP.8), in particular:

- .1 approved, subject to MEPC 55's concurrent decision, the draft amendments to the FSA Guidelines (Guidelines for formal safety assessment for use in the IMO rule-making process);
- .2 with regard to the FSA group of experts, approved, subject to MEPC 55's concurrent decision, the draft amendments to the Use of HEAP and FSA Guidance (Guidance on the use of human element analysing process and formal safety assessment in the IMO rule-making process);
- .3 agreed to modify annex 5 (Environmental risk evaluation criteria) to document MSC 81/18 and referred the document to the MEPC for consideration; and

- .4 encouraged Member Governments and international organizations to submit, to the MSC and the MEPC, proposals and comments to facilitate the work on the development of risk evaluation criteria relevant to the protection of the marine environment, linkage between FSA and GBS and information provided by SAFEDOR.

### **Outcome of MEPC 55**

16.2 The Committee noted that MEPC 55 had considered the outcome of the drafting group established at MSC 81 (MSC 81/WP.8) and the aforementioned decisions by MSC 81, and:

- .1 approved MSC-MEPC.2/Circ.5 on Amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process;
- .2 approved MSC-MEPC.2/Circ.6 on Amendments to the Guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the IMO rule-making process; and
- .3 with regard to environmental risk evaluation criteria, agreed that the criteria needed in-depth consideration and invited Members to submit comments to MEPC 56 for further consideration prior to referring the agreed criteria to the Committee for appropriate action.

### **FSA-related information**

16.3 The Committee also noted the information provided in document MSC 82/INF.3 (Greece), in particular the annexed academic paper entitled “Formal Safety Assessment: a critical review and ways to strengthen it and make it more transparent”, which was considered to be useful within the process of revision of the FSA Guidelines.

### **Retention of the item in the agenda**

16.4 The Committee considered whether the item should be included in the agenda for MSC 83 and, recognizing that there may be an outcome of MEPC 56 regarding environmental risk evaluation criteria and other submissions at MSC 83, agreed, following the discussion, to retain the item in the provisional agenda for MSC 83, and encouraged Member Governments and international organizations to submit, to MSC 83, proposals and comments on the further improvements of the FSA Guidelines and the Guidance on the use of HEAP and FSA, taking into account the outcome of MEPC 56.

## **17 PIRACY AND ARMED ROBBERY AGAINST SHIPS**

### **STATISTICAL INFORMATION**

17.1 The Committee recalled that, since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships had been circulated under the MSC.4/Circ. series. The annual report for the calendar year 2005 had been issued under symbol MSC.4/Circ.81.

17.2 The Committee also recalled that, since June 2001 and in accordance with the instruction of MSC 74, the MSC circulars reporting on acts of piracy and armed robbery differentiate (in separate annexes) acts of piracy and armed robbery actually “committed” from “attempted” ones.

17.3 In considering documents MSC 82/17 and MSC 82/17/Corr.1 (Secretariat), and a verbal update by the Secretariat, the Committee noted that the number of acts of piracy and armed robbery against ships reported to the Organization and which occurred during the first nine months of 2006 was 176 against 191 over the same period for 2005, representing a decrease of 8% from the figure for 2005. The total number of incidents of piracy and armed robbery against ships, reported to have occurred or to have been attempted from 1984 to the end of October 2006, was 4,193.

17.4 The Committee observed that this 8% decrease in the reported acts of piracy and armed robbery against ships, and the fact that the number of attacks had continued to decrease for the third year in succession was encouraging. Although the level of violence and the incidence of kidnapping and ransom, had decreased during the first three quarters of this year, in no small part due to the efforts of navies and coast guards to co-operate and to take positive action, the incidence of such acts remained a cause for concern and, therefore, as emphasised on previous sessions of the Committee, much more still needed to be done to reduce this menace.

17.5 The Committee noted that during the period under review (i.e., 1 January to 30 September 2006), it had emerged that the areas most affected (i.e., five incidents reported or more) were the Far East, in particular, the South China Sea and the Malacca Strait, the Indian Ocean, West Africa, East Africa, South America (Atlantic), South America (Pacific) and the Caribbean, and that detailed statistical information was provided in MSC 82/17. Most of the attacks worldwide had occurred or been attempted in territorial waters while the ships were at anchor or berthed.

17.6 The Committee expressed concern that in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. It was noted that during the period under review, 6 crew members were killed, 37 crew members were missing, 59 crew members were assaulted/injured and 148 crew members were taken hostage. Eight ships were hijacked.

17.7 The Committee, once again, urged all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

17.8 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 they took with regard to incidents reported to have occurred in their territorial waters. The Committee reiterated the urgent need for all Governments to provide the Organization with the information requested.

## **INITIATIVES TO COUNTER PIRACY AND ARMED ROBBERY AT SEA**

### **Yemen Seminar and Oman Workshop**

17.9 The Committee recalled that MSC 81 had received (document MSC 81/25, paragraphs 19.18 to 19.23) reports on the Sub-regional seminar on piracy and armed robbery against ships and maritime security, held in Sana'a, Yemen, from 9 to 13 April 2005; and the follow-up sub-regional workshop on maritime security, piracy and armed robbery against ships for those countries from the Red Sea and Gulf of Aden area which had participated in the Sana'a seminar, held in Muscat, Sultanate of Oman, from 14 to 18 January 2006.

17.10 The Committee noted the verbal report by the delegation of Yemen on the outcome of the Seminar, in that the Muscat workshop had considered a proposed written agreement by Yemen and supported by proposals from Egypt. The representatives of Djibouti, Egypt, Eritrea, Jordan,



Oman, Somalia, and Yemen, agreed that there was a general consensus in principle with the concept of establishing a Regional Maritime Information Centre or System and endorsed, as a work in progress, a draft memorandum of understanding.

17.11 Following the Muscat workshop, the report of the meeting and the draft memorandum of understanding were forwarded to the capitals of the ten participating States for further consideration and action. Since then Yemen, as a littoral State bordering on the Bab el Mandeb, a vital sea lane, and as main sponsor of the draft memorandum of understanding, had maintained contact with Ministers of Transport and diplomatic missions of the other States in the Red Sea and Gulf of Aden area, with a view to monitoring and encouraging progress in this important issue. These efforts were additional to the requests for information sent out by the IMO Secretariat.

17.12 In the meantime, Yemen had entered into bilateral negotiations with States in the Red Sea and Gulf of Aden area in order to improve co-operation on maritime security and countering piracy, and had also progressed work on establishing the Regional Maritime Information Centre.

17.13 The delegation of Yemen felt that it was time to make further progress on this issue and offered to host a high level, sub-regional meeting, conducted under the auspices of IMO, for the States of the Gulf of Aden and Red Sea area, with the intention of finalizing the draft memorandum of understanding, opening it for signature, and beginning to implement its provisions.

#### **Straits of Malacca and Singapore**

17.14 The Committee recalled that MSC 81 had been informed (MSC 81/25, paragraph 19.25) of the outcome of the Jakarta Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection and was advised that, pursuant to the decisions (C/ES.23/D, paragraph 8.2(vii)) of C/ES.24 plans had been made for a follow up meeting to be held in Malaysia in September 2006.

17.15 The Committee noted that the Kuala Lumpur Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection (the Meeting) was held from 18 to 20 September 2006, hosted by the Government of Malaysia and organized in co-operation with the Governments of all three littoral States (i.e., Indonesia, Malaysia and Singapore). The Meeting was attended by representatives from a total of 31 States and one intergovernmental and nine non-governmental organizations.

17.16 The Meeting had consisted of a series of presentations and statements associated with open forum discussions. Further details in relation to the Meeting including the programme and outcome of the Meeting which is reflected in the unanimously adopted Kuala Lumpur Statement had been provided by the Secretary-General to C 97 in document C 97/12. The Meeting had been assessed as having been successful in attaining its main objective, namely to provide a forum for discussions with the aim of promoting and advancing the establishment of a framework of co-operation to enhance the safety of navigation, environmental protection and security in the Straits of Malacca and Singapore.

17.17 The Committee also noted that C 97, in response to the request of the Meeting, had authorized (C 97/D, paragraph 12.3) the Secretary-General, *inter alia*, to convene a follow-up meeting during 2007 which is to be hosted by the Government of the Republic of Singapore.

17.18 In addition, the delegation of Singapore informed the Committee of the launch of the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Centre (ReCAAP ISC) on 29 November 2006 and the inaugural meeting of its Governing Council in Singapore from 28 to 30 November 2006.

### **IMO/MOWCA integrated coast guard project**

17.19 The Committee noted that the Forum on the establishment of an integrated sub-regional coast guard network for West and Central African countries, jointly organized by the International Maritime Organization (IMO) and the Maritime Organization of West and Central Africa (MOWCA), had been held in Dakar, Senegal from 23 to 25 October 2005 hosted and logistically supported by the Government of the Republic of Senegal.

17.20 The Forum had been attended by over one hundred and sixty participants and observers from twenty-two Member States of the Maritime Organization of West and Central Africa (MOWCA), namely Angola, Benin, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea Bissau, Guinea, Mauritania, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo; as well as representatives from international and regional institutions, regional maritime academies and MOWCA specialized agencies. Subject-matter experts from the United Nations Division for Ocean Affairs and the Law of the Sea, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization, the International Civil Aviation Organization, INTERPOL, the Commonwealth of Dominica, France, Norway, United Kingdom, and the United States, had also participated actively.

17.21 During the Forum, the subject-matter experts had given presentations in the following areas:

- .1 the legal framework;
- .2 the technical challenges for the establishment of an integrated coast guard network;
- .3 the sustainable development of exclusive economic zones; and
- .4 maritime security and law enforcement issues.

17.22 The Forum had adopted a resolution listing twenty-two action points in a variety of disciplines. This resolution was expected to be adopted by the MOWCA General Assembly of Ministers at its next meeting. It was intended that the operative paragraphs of the resolution would form the basis of action plans to be developed for the implementation of the integrated coast guard function network, and which would facilitate the co-ordination of specialized agencies' and other donors' capacity and capability building programmes in their own areas of expertise.

17.23 The Committee noted that the ultimate aim of this project was the enhancement of States' search and rescue capabilities; the prevention of pollution and protection of the marine environment; enhancing maritime security; and countering piracy and armed robbery against ships, illegal migration and the trafficking of drugs, weapons and people. It was believed that such a system could also play a major role in States' efforts to unlock the potential of their exclusive economic zones and to develop and maintain viable fishing industries, thus contributing to sustainable development, consistent with the United Nations Millennium Development Goals.

## **18 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS**

18.1 Owing to the lack of time, the Committee decided to defer to MSC 83 consideration of documents submitted under this agenda item.

18.2 The delegation of the United Kingdom stated that it would continue work on the submission as contained in document MSC 82/18/3 between now and MSC 83. This work would consist of the revision of the proposed draft MSC circular as contained in the annex to document MSC 82/18/3 and of the development of a proposal for a new work programme item for the Committee, on the subject of tanker damage stability compliance and verification. The delegation of the United Kingdom would welcome any contributions on this issue. \*\*\*\*\*

## **19 RELATIONS WITH OTHER ORGANIZATIONS**

### **Relations with Non-Governmental Organizations**

19.1 The Committee noted the decisions of the Council, at its ninety-sixth session, when considering applications for consultative status, as specified in document MSC 82/19.

19.2 The Committee further noted that C 96 had decided not to grant consultative status to the International Association of Airport and Seaport Police (IAASP), as recommended by MSC 81; and had noted that the acronym of International Ship Managers' Association had been changed from ISMA to InterManager, but that the full name of Association remained unchanged, as did its status as a non-governmental organization in consultative status with IMO.

19.3 The Committee also noted that C 97 had decided to grant consultative status to the Federation of National Associations of Ship Brokers and Agents (FONASBA); noted the change of name of the International Council of Cruise Lines (ICCL) to the Cruise Line International Association (CLIA); and agreed to permit ICCL to continue to represent its cruise industry members in IMO, under the name CLIA, once the merger with CLIA had become effective.

19.4 The Committee also noted that, with respect to the questionnaire sent to non-governmental organizations which have requested consultative status with IMO, C 96 had agreed that the questionnaire was in line with the Rules and Guidelines on the grant of consultative status and that information to be provided to the IMO Secretariat in completing the questionnaire should be submitted in the English, French or Spanish languages and that, in item 2, information such as e-mail addresses and websites should be included.

19.5 Having considered the application of IAMU, the Committee was satisfied with the information provided and decided to recommend to the Council that consultative status be granted to IAMU, since the association was found to meet all the requisite criteria and, in

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particular, because it was assessed to be able to contribute directly to the Committee's work specifically on issues related to maritime training and education and did not seem to have access to IMO through other organizations.

### **New applications for consultative status**

19.6 The Committee noted that the Council had decided to allow the application of the International Association of Maritime Universities (IAMU) to proceed for further screening by the Technical Co-operation Committee and the Committee on the grounds that IAMU complied with the requisite criteria and, in particular, contributed directly to the work of IMO.

### **Relations with UN Organizations**

#### ***Relations with ILO***

19.7 The delegation of Bulgaria referred to the close and traditional co-operation which exists between the Organization and ILO, which was a key factor for achieving the objectives to make seas safer, keep oceans cleaner and, in addition, provide decent working and living conditions on board ships. For the maritime community, the year 2006 would be marked by the adoption of the consolidated Maritime Labour Convention, an event described by the ILO's Director-General as "making maritime labour history". The industry needed urgent ratification of this new instrument, so that it could become the true "fourth pillar" of the international maritime regulatory regime, complementing the three key IMO Conventions, namely the SOLAS, STCW and MARPOL Conventions.

19.8 The Republic of Bulgaria had participated actively in the elaboration and acceptance of this instrument. With a view to help bringing the Convention into force as soon as possible, the Ministry of Transport of the Republic of Bulgaria, the Bulgarian Maritime Administration, the Bulgarian Shipowners' Federation and the Bulgarian Seafarers' Trade Union, in co-operation with the International Labour Office had organized and held a Regional European Tripartite Seminar on the promotion of the Maritime Labour Convention. The seminar had provided an opportunity to discuss the progress of the Member States regarding their Conference follow-up activities and to identify the areas where clarification might be needed. All the participants had declared their commitment to the ratification of the Convention.

## **20 APPLICATION OF THE COMMITTEE'S GUIDELINES**

### **Review of the Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies**

20.1 The Committee recalled that MSC 81 had considered various issues relating to the Committee's and the Sub-Committees' work, taking into consideration the recommendations of the 2006 Chairmen's meeting, and had taken decisions as reflected in section 22 of its report (MSC 81/25). MSC 81, recalling that MSC 80 and MEPC 53 had taken a number of decisions, which should be incorporated in the Guidelines, and having also considered the relevant recommendation of the Chairmen's meeting, requested the Secretariat to prepare draft amendments to the Committee's Guidelines for submission to MEPC 55 and MSC 82 for consideration.

20.2 The Committee noted that, as requested, the Secretariat had prepared proposed draft amendments to the Committee's Guidelines, as set out in the annex to document MSC 82/20, which reflected relevant decisions taken by MSC 77, MSC 78, MEPC 53, MSC 80, MEPC 54 and MSC 81 and that the same proposed draft amendments had been submitted to MEPC 55 (document MEPC 55/20/1, annex) for consideration.

20.3 The Committee further noted (MSC 82/2/3, paragraphs 21 and 22) that MEPC 55 had considered the report of the 2006 Chairmen's meeting in conjunction with the outcome of MSC 81 on the aforementioned report and had taken relevant decisions in line with those of MSC 81 and that the MEPC approved, subject to MSC 82's concurrent decision, the draft amendments to the Guidelines (MEPC 55/20/1, annex) including the new paragraph 3.29 concerning MEPC's technical or review groups. The MEPC requested the Secretariat to prepare, subject to concurrent decision of MSC 82, a revised text of the Guidelines, incorporating all the amendments and issue it as a new MSC/MEPC circular superseding MSC/Circ.1099-MEPC/Circ.405.

20.4 The Committee approved the draft amendments (MSC 81/20, annex) and requested the Secretariat to prepare and circulate the revised Committee's Guidelines by means of MSC-MEPC.1/Circ.1, which incorporate the approved amendments and supersede the existing Guidelines.

#### **Need for capacity-building when developing new instruments or amending existing ones**

20.5 The Bahamas, Italy, Nigeria, South Africa and Spain (MSC 82/20/1) proposed that the Committee and all sub-committees should ensure when developing new instruments and/or when amending existing ones, where necessary, guidance for implementation is prepared; they should also identify issues, which the Technical Co-operation Committee (TCC) might need to consider for the purpose of developing related technical co-operation and assistance programmes; and, in particular, the terms of reference of the FSI Sub-Committee be amended accordingly to empower the Sub-Committee to, where appropriate, develop implementation guidance for new and/or amended instruments as a contribution to technical assistance efforts.

20.6 While supporting the proposal in principle, the Committee recognized that an appropriate mechanism of preparing such guidance should be established. In this context, the Committee noted that expanding the terms of reference of the FSI Sub-Committee may not be the only option to develop such guidance and that other sub-committees may be more appropriate for preparing necessary guidance when considering new measures under respective fields of responsibilities. The Committee also noted an opinion that a consultation mechanism for the implementation of new measures should be established. The Committee further noted a view that an appropriate policy should be established, taking into account relevant paragraphs of resolution A.500 (XII), as an Assembly resolution to be adopted at the next Assembly. It further recognized that the issue is a matter not only relevant to the Committee and sub-committees but also to other Committees (MEPC, FAL, LEG), as well as the Assembly and Diplomatic Conferences. Concerns were also raised by some delegations that preparing such guidance should not delay the process of development of new instruments or amending existing ones.

20.7 In his intervention, the Secretary-General indicated that the International Conference on wreck removal, which will be held in May 2007, may also consider the implementation aspects of the instrument to be adopted.

20.8 After the general exchange of views as above, the Committee agreed to further consider this matter at MSC 83 and included, in the provisional agenda for MSC 83, a new item on “Capacity-building for the implementation of new measures” and invited Members to submit their proposals. The Committee further invited the other Committees to consider the same matter and requested the Secretariat to inform the above outcome of discussion for their consideration.

## **21 WORK PROGRAMME**

### **NEW WORK PROGRAMME ITEMS PROPOSED BY MEMBER GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS AND BY THE SLF SUB-COMMITTEE**

#### ***GENERAL***

21.1 Taking into account the recommendations made by the sub-committees which had met since MSC 81 (MSC 82/21 and Add.1); various proposals for new work programme items submitted to the session by the Member Governments and international organizations as well as the SLF Sub-Committee; a preliminary assessment of such proposals, undertaken by the Chairman with the assistance of the Secretariat, in accordance with the relevant provisions of the Guidelines on the organization and method of work (MSC 82/WP.1) and decisions taken during the session, the Committee reviewed the work programmes of the sub-committees and the provisional agendas for their forthcoming sessions and took action as indicated hereunder.

21.2 The Committee recalled that, with regard to the Committee’s method of work relating to the consideration of proposals for new work programme items, it had agreed at MSC 78 that the objective of the Committee when discussing these proposals was to decide, based upon justification provided by Member Governments in accordance with the Guidelines on the organization and method of work, whether the new item should or should not be included in the sub-committee’s work programme. A decision to include a new item in a sub-committee’s work programme does not mean that the Committee agreed with the technical aspects of the proposal. If it is decided to include the item in a sub-committee’s work programme, detailed consideration of the technical aspects of the proposal and the development of appropriate requirements and recommendations should be left to the sub-committee concerned.

21.3 The Committee noted that MEPC 55 had approved the work programmes of the BLG and FSI Sub-Committees as well as the provisional agendas for BLG 11 and FSI 15, and the environment-related items on the work programmes of other sub-committees.

#### ***SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)***

##### **Outcome of MEPC 55**

21.4 The Committee noted that MEPC 55 had agreed to include, in the work programme of the BLG Sub-Committee, a high priority item on “Application of the requirements for the carriage of bio-fuels and bio-fuel blends”, with a target completion date of 2008.

##### **Fixed hydrocarbon gas detection system on double hull oil tankers**

21.5 The Committee recalled that, following consideration of document MSC 82/21/12 (Austria *et al*) in the context of the FP Sub-Committee’s programme, it had agreed that the BLG Sub-Committee should co-operate on the above issue, as necessary and when requested by the FP Sub-Committee (see also paragraph 21.18).

## **Review of SOLAS regulation II-2/4.5.5 and the associated requirements in SOLAS and other IMO instruments**

21.6 The Committee considered:

- .1 document MSC 82/21/15 wherein Norway, referring to a number of accidents and indicating the need to address the risk of explosion and fire accident on board tankers carrying chemicals and petroleum products, proposed to review SOLAS regulation II-2/4.5.5 and the relevant requirements in SOLAS and other IMO instruments, including a review of the principles on which the present requirements are based, with a view to developing new requirements based on principles outlined in the aforementioned document so that the decisive factors should be the properties and the inherent danger of cargo, with due consideration given to the human element; and
- .2 document MSC 82/21/20 in which Singapore, outlining its intervention at MSC 81 during the discussion of the report of the Inter-Industry Working Group established to study the incidents of explosions on chemical and product carriers, shared the views of Norway and supported the proposal.

21.7 Following the lengthy discussion, in the course of which it recalled its relevant decisions at MSC 81 with regard to the report of the aforementioned Inter-Industry Working Group, in particular the referral of specific issues to the respective Sub-Committees and the Joint MSC/MEPC Working Group on Human Element for review and recommendations as appropriate, the Committee agreed not to establish a work programme item for the BLG Sub-Committee as proposed in document MSC 82/21/15, at this stage, but agreed to refer the above documents to FP 51 and DE 50 for consideration and advice, and for MSC 83 to take appropriate action on the matter when it considers the reports of the FP and DE Sub-Committees on the aforementioned specific issues.

21.8 The delegation of Japan informed the Committee that it had conducted an FSA study on this issue and submitted the result to FP 51 (document FP 51/10/1).

### **Work programme of the Sub-Committee and provisional agenda for BLG 11**

21.9 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 33. The Secretariat was requested to inform the MEPC accordingly.

21.10 The Committee approved the provisional agenda for BLG 11, as set out in annex 34 and requested the Secretariat to inform the MEPC accordingly.

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

#### **Revision of the Code on Safe Practice for Ships Carrying Timber Deck Cargoes**

21.11 Following consideration of document MSC 82/21/14 (Sweden) proposing to revise the Code on Safe Practice for Ships Carrying Timber Deck Cargoes (resolution A.715(17)) to replace outdated methods for securing timber deck cargoes with new methods for safe, rational and efficient securing of such cargoes, the Committee agreed to include, in the DSC Sub-Committee's work programme and the provisional agenda for DSC 12, a high priority item on "Revision of the Code on Safe Practice for Ships Carrying Timber Deck Cargoes", with a target completion date of 2010.

### **Form and procedure for approval of the Cargo Securing Manual**

21.12 The Committee considered a proposal by the Russian Federation (MSC 82/21/16) to amend SOLAS regulations VI/5 and VII/5 to require the Cargo Securing Manual to be also provided in the English language and every sheet of the Manual to be marked by symbol of approval acceptable to the Administration, and agreed to include, in the DSC Sub-Committee's work programme and provisional agenda for DSC 12, a high priority item on "Form and procedure for approval of the Cargo Securing Manual", with a target completion date of 2008. In this context, the Committee noted a view that rather than amending the appropriate SOLAS regulation, respective modifications to MSC/Circ.745 can be developed to address the issues.

### **Work programme of the Sub-Committee and provisional agenda for DSC 12**

21.13 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 33.

21.14 The Committee approved the provisional agenda for DSC 12, as set out in annex 34.

### **Urgent matters emanating from DSC 12 for consideration by MSC 83**

21.15 The Committee recalled its decision, under agenda item 13 (Dangerous goods, solid cargoes and containers) that, in view of the close proximity between DSC 12 and MSC 83, there should be no urgent matters, except for the work programme of the Sub-Committee and provisional agenda for DSC 13, for consideration by MSC 83.

### ***SUB-COMMITTEE ON FIRE PROTECTION (FP)***

#### **Total ban on new installation of materials containing asbestos**

21.16 The Committee recalled that, following consideration of document MSC 82/21/6 (Japan) in the context of the DE Sub-Committee's work programme, it had agreed that the FP Sub-Committee should co-operate on the above issue, as necessary and when requested by the DE Sub-Committee (see also paragraph 21.48).

#### **Development of framework of requirements for life-saving appliances**

21.17 The Committee recalled that, following consideration of document MSC 82/21/7 (Japan) in the context of the DE Sub-Committee's work programme, it had agreed that the FP and COMSAR Sub-Committees should co-operate on the issue, as necessary and when requested by the DE Sub-Committee (see also paragraph 21.49).

#### **Fixed hydrocarbon gas detection systems on double hull oil tankers**

21.18 The Committee considered document MSC 82/21/12 (Austria *et al*) proposing to amend SOLAS regulation II-2/4.5.7 in order to make the installation of fixed hydrocarbon gas detection systems on-board double hull tankers of 20,000 dwt and above mandatory and to adopt a new chapter 16 of the FSS Code, aiming at deleting from a risk assessment the possibility of unexpectedly high corrosion rates or fatigue damage/cracking, and agreed to include, in the FP Sub-Committee's work programme, a high priority item on "Fixed hydrocarbon gas detection systems on double hull oil tankers", with two sessions needed to complete the item, in co-operation with the BLG Sub-Committee, as necessary and when requested by the FP-Sub-Committee, and instructed FP 51 to give a preliminary consideration to the matter and to include the item in the provisional agenda for FP 52.



### **Central control station and safety centres on passenger ships**

21.19 The Committee considered document MSC 82/21/18 by Argentina and ICCL which, being concerned with the lack of requirements regarding the power source for the safety centre as well as on the possibility of a confusion on certain aspects of the safety management, such as the required control to close fire doors and to shut down the ventilation fans, proposed to clarify concepts relating to management on SOLAS chapter II-2 by unifying or harmonizing the definitions of the control station, manned central control station and safety centre, the latter being introduced in the SOLAS through new SOLAS regulation II-2/23.

21.20 Noting the adoption, under agenda item 3 (Consideration and adoption of amendments to mandatory instruments), of the new SOLAS regulation II-2/23 regarding the abovementioned safety centre, the Committee agreed to include, in the FP Sub-Committee's work programme, a high priority item on "Clarification of SOLAS requirements regarding interrelation between central control station and safety centre", with two sessions needed to complete the item.

### **Work programme of the Sub-Committee and provisional agenda for FP 51**

21.21 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 33.

21.22 The Committee confirmed the provisional agenda for FP 51, as set out in annex 34.

### ***SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)***

#### **Promoting safe behaviour in safety culture**

21.23 The Committee considered document MSC 82/21/2 in which New Zealand, South Africa and the Philippines, referring to the relevant work within ILO, proposed that the ISM Code should be amended to be more closely aligned with the ILO Maritime Labour Convention and the appropriate training be developed for seafarer safety representatives, being of the view that promoting safe behaviour for safety culture onboard ship requires the involvement of all personnel, officers and crew in a co-operative environment without fear of repercussions or intimidation and that the objectives of the ISM Code can only be fully met if seafarers are considered as an essential and integral element of the safety culture and are empowered to provide input into the safety management systems on board a ship.

21.24 Following the debate, the Committee agreed to include:

- .1 in the work programme of the FSI Sub-Committee, a high priority item on "Amendments to the ISM Code relating to requirements for seafarer safety representation", with two sessions needed to complete the item and instructed the Sub-Committee to include the item in the provisional agenda for FSI 16; and
- .2 in the work programme of the STW Sub-Committee, a high priority item on "Training for seafarer safety representatives", with two sessions needed to complete the item and instructed the Sub-Committee to include the item in the provisional agenda for STW 39.

21.25 In this context, the Committee, having noted the activities of the Group of Independent Experts established by the Secretary-General to analyse the impact of the ISM Code and its effectiveness, agreed that the outcome of the group should be taken into consideration by the Sub-Committee in its deliberations on the item.

### **Code of conduct for assurance of safety of crew and maritime navigation during demonstrations/campaigns against ships in high seas**

21.26 The Committee recalled that, following consideration of document MSC 82/21/8 (Japan) in the context of the NAV Sub-Committee's programme, it had agreed to include, in the FSI Sub-Committee's work programme, a high priority item on "Code of conduct during demonstrations/campaigns against ships in high seas", with two sessions needed to complete the item, and assigned the NAV Sub-Committee as a co-ordinator (see paragraph 21.36).

### **Minimizing wrong AIS transmissions**

21.27 The Committee recalled that, following consideration of document MSC 82/21/10 (Egypt) in the context of the NAV Sub-Committee's work programme, it had agreed that the FSI Sub-Committee should co-operate on the issue with regard to matters related to port State control, as necessary (see paragraph 21.38).

### **Work programme of the Sub-Committee and provisional agenda for FSI 15**

21.28 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 33. The Secretariat was requested to inform the MEPC accordingly.

21.29 The Committee approved the provisional agenda for FSI 15, as set out in annex 34 and requested the Secretariat to inform the MEPC accordingly.

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

### **Development of framework of requirements for life-saving appliances**

21.30 The Committee recalled that, following consideration of document MSC 82/21/7 (Japan) in the context of the DE Sub-Committee's work programme, it had agreed that the FP and COMSAR Sub-Committees should co-operate on the issue, as necessary and when requested by the DE Sub-Committee (see also paragraph 21.49).

### **Minimizing wrong AIS transmissions**

21.31 The Committee recalled that, following consideration of document MSC 82/21/10 (Egypt) in the context of the NAV Sub-Committee's work programme, it had agreed that the COMSAR Sub-Committee should co-operate on the above issue, as necessary (see paragraph 21.38).

### **Work programme of the Sub-Committee and provisional agenda for COMSAR 11**

21.32 The Sub-Committee's work programme, as approved by the Committee, is set out in annex 33.

21.33 The Committee confirmed the provisional agenda for COMSAR 11, as set out in annex 34.

***SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)***

**Amendments to the General Provisions on Ships' Routeing**

21.34 Having considered a proposal by Norway, the United Kingdom and IHO (MSC 82/21/3) to amend the General Provisions on Ships' Routeing (resolution A.572(14) as amended) to align them with the specifications for routeing measures boundary symbology and charting of archipelagic sea lanes adopted by IHO, the Committee agreed to include, in the NAV Sub-Committee's work programme, a high priority item on "Amendments to the General Provisions on Ships' Routeing", with one session needed to complete the item.

**Amendments to the International Regulations for Preventing Collisions at Sea, 1972**

21.35 The Committee discussed at length document MSC 82/21/4 (Italy) proposing, with a view to establishing the priority of vessels over those craft exclusively used for recreational purpose in order to reduce the risk of collision in restricted areas with high density of pleasure craft and where it is difficult to manoeuvre safely for large vessels, to develop amendments to COLREGs so as to give vessels the right of way over pleasure craft, and, having recognized the need for detailed discussion of technical aspects of the issue, agreed to include, in the NAV Sub-Committee's work programme, a high priority item on "Review of COLREGs regarding the right of way of vessels over pleasure craft", with one session needed to complete the item.

**Code of conduct for assurance of safety of crew and maritime navigation during demonstration/campaigns against ships in high seas**

21.36 Following consideration of document MSC 82/21/8 in which Japan, being concerned with serious accidents, including collisions of ships, when non-State activist groups protesting against certain maritime activities have conducted direct actions against ships, proposed to establish a code of conduct for demonstrators/campaigners, which would provide a recommendatory set of guidelines for demonstrators and related authorities to ensure and promote safety of crew, maintain the order of maritime navigation and preserve the right and opportunity for a peaceful demonstration, the Committee agreed to include, in the NAV and FSI Sub-Committees' work programmes, a high priority item on "Code of conduct during demonstrations/campaigns against ships on high seas", with two sessions needed to complete the item, and assigned the NAV Sub-Committee as a co-ordinator.

**Global VDR system**

21.37 The Committee considered a proposal by Egypt (MSC 82/21/9) to develop a system, standalone or integrated into an appropriate existing ship reporting system, such as LRIT, to transmit data collected by the voyage data recorder (VDR) from each ship on voyage to the administrative organization where the data received is stored within a certain period of time and made available, in cases of accident, to appropriate authorities or, in normal circumstances, to shipowners to monitor and evaluate ship's equipment performance and crew's response in different situations. Following discussion, the Committee, having appreciated that the information provided is not sufficient to proceed on the issue as proposed by Egypt, did not agree to the proposal.

### **Minimizing wrong AIS transmissions**

21.38 Following consideration of document MSC 82/21/10 (Egypt) proposing to develop a scheme to minimize incorrect transmissions by the ship's AIS equipment, the Committee agreed to include, in the NAV Sub-Committee's work programme, a high priority item on "Measures to minimize incorrect data transmissions by AIS equipment", with two sessions needed to complete the item, in co-operation with the FSI (with regard to port State control-related matters) and COMSAR Sub-Committees, as necessary. Member Governments and international organizations were invited to provide the pertinent information to the Sub-Committees concerned.

### **Clarification of SOLAS regulation V/22**

21.39 The Committee considered a proposal by Germany (MSC 82/21/11) to develop, in view of some cases of stowage of containers above the line of visibility, a clarification of SOLAS regulation V/22 (Navigation bridge visibility) or revision of the regulation, to ensure safe navigation and to avoid ship detentions, and agreed to include, in the NAV Sub-Committee's work programme, a high priority item on "Review of vague expressions in SOLAS regulation V/22", with two sessions needed to complete the item.

21.40 In this respect, the Committee noted a view that rather than developing amendments to the SOLAS Convention, a guidance on the implementation of regulation V/22 might be prepared and agreed that it should be left to the Sub-Committee to decide on the course of action to be taken when addressing the issue.

### **Guidance on the application of AIS binary messages**

21.41 The Committee, following consideration of document MSC 82/21/13 (Sweden) proposing to review the Guidance on the application of AIS binary messages (SN/Circ.236) on the basis of operational needs and experience gained and taking into account existing technical limitations, to facilitate an effective and appropriate use of AIS binary messages and protect the main function of AIS, agreed to include, in the NAV Sub-Committee's work programme, a high priority item on "Revision of the Guidance on the application of AIS binary messages", with two sessions needed to complete the item.

### **Improved safety of pilot transfer arrangements**

21.42 The Committee considered document MSC 82/21/17 in which Brazil, the United States and IMPA, being concerned over continued pilots' loss of life or serious injury suffered by pilots in the course of transferring to ships, proposed that amendments to SOLAS regulation V/23 and resolution A.889(21) on Pilot transfer arrangements should be developed to improve the safety of pilot transfer operation using ladders and agreed to include, in the work programmes of the NAV and DE Sub-Committees, a high priority item on "Improved safety of pilot transfer arrangements", with two sessions needed to complete the item and assigned the NAV Sub-Committee as a co-ordinator.

### **Work programme of the Sub-Committee and provisional agenda for NAV 53**

21.43 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 33.

21.44 The Committee approved the provisional agenda for NAV 53, as set out in annex 34.

### **Urgent matters to be considered by MSC 83**

21.45 Noting that, due to the close proximity between NAV 53 and MSC 83 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-third session, only urgent matters emanating from NAV 53, the Committee agreed that the following should be urgent matters for consideration by MSC 83:

- .1 routing of ships, ship reporting and related matters;
- .2 revision of the performance standards for INS and IBS;
- .3 evaluation of the use of ECDIS and ENC development;
- .4 amendments to COLREGs Annex I related to colour specification of lights;
- .5 ITU matters, including Radiocommunication ITU-R Study Group 8 matters;
- .6 guidelines for the control of ships in an emergency; and
- .7 development of performance standards for navigation lights, navigation light controllers and associated equipment.

### ***SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)***

#### **Outcome of MEPC 55**

21.46 The Committee noted (MSC 82/2/3, paragraphs 6.1 and 18.2) that MEPC 55 had decided to:

- .1 include, in the DE Sub-Committee's work programme and provisional agenda for DE 50, a high priority item on "Review of MEPC/Circ.511 and relevant MARPOL Annex I and Annex VI requirements", with a target completion date of 2008; and
- .2 retain the item on "Guidelines on equivalent methods to reduce on-board NOx emission", as a low priority item in the work programme of the DE Sub-Committee, in case there is a need to develop such guidelines in the future.

#### **New work programme item proposed by SLF 49**

21.47 Having considered the relevant proposal by SLF 49 (MSC 82/12, paragraph 2.3), the Committee agreed to include, in the DE Sub-Committee's work programme, a high priority item on "Guidance to ensure consistent policy for determining the need for watertight doors to remain open during navigation", with two sessions, needed to complete the item.

#### **Total ban on new installation of materials containing asbestos**

21.48 Having considered document MSC 82/21/6 wherein, pointing out that, while SOLAS regulation II-1/3-5 prohibits the new installation of materials which contain asbestos on all ships, it still makes some exceptions, Japan had proposed to delete such exceptions from SOLAS regulation II-1/3-5.2 in order to prohibit any use of asbestos on board ships, the Committee agreed to include, in the work programme of the DE Sub-Committee, a high priority

item on “Review of the SOLAS requirements on new installation of materials containing asbestos”, with two sessions needed to complete the item, in co-operation with the FP Sub-Committee, as necessary and when requested by the DE Sub-Committee.

### **Systematic approach to the requirements for life-saving appliances**

21.49 The Committee discussed a proposal by Japan (MSC 82/21/7) to establish, with a view to commencing a review of the requirements for life-saving appliances in SOLAS chapter III and the LSA Code through a systematic approach, a comprehensive framework, including a matrix by sub-systems and assessment factors, for requirements for life-saving appliances; and a procedure for the review and subsequent relocation of present requirements in SOLAS. Following the discussion, the Committee decided to include, in the DE Sub-Committee’s work programme, a high priority item on “Development of a new framework of requirements for life-saving appliances”, with four sessions needed to complete the item, in co-operation with the FP and COMSAR Sub-Committees, as necessary and when requested by the DE Sub-Committee.

### **Improved safety of pilot transfer arrangements**

21.50 The Committee recalled that, following consideration of document MSC 82/21/17 (Brazil, United States and IMPA) in the context of the NAV Sub-Committee’s work programme, it had agreed to include, in the DE Sub-Committee’s work programme, a high priority item on “Improved safety of pilot transfer arrangements”, with two sessions needed to complete the item and assigned the NAV Sub-Committee as a co-ordinator.

### **Cargo oil tank coating and corrosion protection**

21.51 The Committee recalled its relevant decision, under agenda item 23 (Any other business), regarding inclusion, in the Sub-Committee’s work programme, a high priority item on “Cargo oil tank coating and corrosion protection”, as reflected in paragraph 23.12.

### **Follow-up to the Guidelines on alternative design and arrangements**

21.52 The Committee, having recalled its earlier decision, under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see paragraph 3.92), agreed to include, in the Sub-Committee’s work programme, a high priority item on “Development of safety objectives and functional requirements of the Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III”, with three sessions needed to complete the item.

### **Interpretation of SOLAS regulations II-1/1.3 and II-1/3.6**

21.53 The Committee recalled its earlier decision, under agenda item 7 (Ship design and equipment), to include a high priority item on “Interpretation of SOLAS regulations II-1/1.3 and II-1/3-6”, with the target completion date of 2008, instructing DE 50 to give a preliminary consideration under the agenda item on “Any other business” and to include the item in the provisional agenda for DE 51.

### **Work programme of the Sub-Committee and the provisional agenda for DE 50**

21.54 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 33.

21.55 The Committee approved the provisional agenda for DE 50, as set out in annex 34.

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

**New work programme items proposed by SLF 49**

21.56 In endorsing the relevant proposals by SLF 49 (MSC 82/12, paragraphs 2.1 and 2.2), the Committee included, in the SLF Sub-Committee's work programme and the provisional agenda for SLF 50, the following high priority items on:

- .1 "Interpretation of alternations and modifications of a major character under the revised SOLAS chapter II-1", with a target completion date of 2007; and
- .2 "Guidance on the impact of open watertight doors on existing and new ship survivability", with a target completion date of 2008.

**Stability and seakeeping characteristics of damaged passenger ships**

21.57 The Committee, having recalled its discussion on the matter under agenda item 3 (Consideration and adoption of amendments to mandatory instruments), agreed to include, in the Sub-Committee's work programme, a high priority item on "Stability and seakeeping characteristics of damaged passenger ships in a seaway when returning to port by own power or under tow", with a target completion date of 2008 and instructed SLF 50 to give a preliminary consideration to the matter (see also paragraph 3.16) and to include the item in the provisional agenda for SLF 51.

**Work programme of the Sub-Committee and the provisional agenda for SLF 50**

21.58 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 33.

21.59 The Committee approved the provisional agenda for SLF 50, as set out in annex 34.

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

**Promoting safe behaviour in safety culture**

21.60 The Committee recalled that, following consideration of document MSC 82/21/2 (New Zealand, South Africa and Philippines) in the context of the FSI Sub-Committee's work programme, it had agreed to include, in the STW Sub-Committee's work programme, a high priority item on "Training for seafarer safety representatives", with two sessions needed to complete the item and instructed the Sub-Committee to include the item in the provisional agenda for STW 39.

**Work programme of the Sub-Committee and the provisional agenda for STW 38**

21.61 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 33.

21.62 The Committee confirmed the provisional agenda for STW 38, as set out in annex 34.

**INFORMATION ON THE PROGRESS ON THE ITEMS INDICATED IN THE HIGH-LEVEL ACTION PLAN FOR THE 2006-2007 BIENNIUM AND PROPOSALS FOR THE HIGH-LEVEL ACTION PLAN FOR 2008-2009 BIENNIUM**

21.63 The Committee recalled that, in the context of the requests of the Assembly made in resolution A.970(24) on Strategic plan for the Organization and resolution A.971(24) on High-level action plan of the Organization and priorities for the 2006-2007 biennium, MSC 81, in considering the review process for the High-level action plan and priorities for the 2006-2007 biennium, had agreed that:

- .1 the Secretariat should, in consultation with the Committees' Chairmen, prepare, for consideration by MSC 82 and MEPC 55, the information on progress made on items indicated in the High-level action plan for 2006-2007 biennium and proposals for the High-level action plan and priorities, including planned output, for the 2008-2009 biennium;
- .2 the outcome of discussions of the above-mentioned information and proposals at MSC 82 and MEPC 55 should be submitted to the Council, at its ninety-eighth session, for referral to the Council Working Group on the Strategic Plan to be held in September 2007; and
- .3 any further information on the progress and proposals for the High-level action plan and priorities for the 2008-2009 biennium, agreed at MSC 83 and MEPC 56, should be reported to the twenty-fourth extraordinary session of the Council.

21.64 The Committee considered document MSC 82/21/1 (Secretariat) providing:

- .1 the information on the progress made on the items indicated in the High-level action plan for the 2006 – 2007 biennium, set out in annex 1 to document MSC 82/21/1, which covers items completed since the twenty-fourth session of the Assembly, as well as information on items which have either been completed or on which progress has been made by the respective sub-committees; and which, however, are subject to approval by the Committee at this session; and
- .2 the proposals for the High-level action plan and priorities, including planned output, for the 2008-2009 biennium, set out in annex 2 to document MSC 82/21/1, which contains proposals taking into account the progress made on items referred to in the High-level action plan of the 2006-2007 biennium.

21.65 Following the discussion of the above document and, having recalled its earlier decisions under agenda item 4 (Measures to enhance maritime security) (see also paragraphs 4.71 and 4.72), the Committee took the following action:

- .1 noted the information concerning review of progress made in implementing the High-level action plan and priorities for 2006-2007 biennium and approved proposals for the High-level action plan and priorities, including planned output, for 2008-2009 biennium and instructed the Secretariat to submit the aforementioned information and the proposals for the High-level action plan for 2008-2009 biennium, as may be updated following the outcome of MSC 82, to the ninety-eighth session of the Council for referral to the Council Working Group on the Strategic plan to be held in September 2007; and



- .2 noted that any further information on the progress made and proposals for the High-level action plan and priorities for the 2008-2009 biennium, as agreed at MSC 83 would be reported to the twenty-fourth extraordinary session of the Council.

#### **ACTIVITIES, PRIORITIES AND PLAN OF MEETING WEEKS NEEDED IN THE BIENNIUM 2008-2009**

21.66 The Committee, having recalled that the Guidelines on the organization and method of work require that, at the end of every second year, the Committee Chairmen should submit to their respective Committees a joint plan covering activities, priorities and meeting requirements of the two Committees and their subsidiary bodies over the subsequent two years, considered a joint Note by its Chairman and the Chairman of the MEPC (MSC 82/21/5), submitted in pursuance of the above requirement and after consultations with the Chairmen of the sub-committees.

21.67 Having noted that the plan for meeting weeks for the two Committees and sub-committees, would have to be approved by the Council at its next session in June 2007, based on the relevant budget proposals of the Secretary-General, the Committee took the following action:

- .1 noted the information regarding the Committees' and sub-committees' planned activities and priorities during the biennium 2008-2009 and that MEPC 55 had approved the planned activities and priorities during the biennium 2008-2009;
- .2 approved, noting MEPC 55's concurrent decision, the proposed plan of meeting weeks of the MSC and the MEPC and their subsidiary bodies for the biennium 2008-2009, for inclusion in the Secretary-General's relevant budget proposals; and
- .3 agreed that if, for budgetary purposes, there is a need to make economies, the total of the 25.5 meeting weeks proposed by the two Chairmen may be reduced by one or two, i.e., one or two sub-committee(s) should meet once during the next biennium and thereafter as early as possible during the biennium after the next, and authorized the Secretary-General to take this into account in his budget proposals for the biennium 2008-2009.

#### **INTERSESSIONAL MEETINGS**

21.68 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 of the:

- .1 Working Group on Engineering Aspects of LRIT (2 to 4 meetings; the first meeting to take place in London from 12 to 16 February 2007, hosted by CIRM; date and venue of remaining meetings to be decided in due course);
- .2 MSC Working Group on LRIT matters (date and venue to be decided in due course);

- .3 Working Group on Evaluation of Safety and Pollution Hazards of Chemicals (ESPH), as and when decided by MEPC 56; and
- .4 Joint IMO/FAO Working Group on Illegal, Unregulated and Unreported (IUU) Fishing and Related Matters, to take place in Rome, Italy, from 16 to 18 July 2007.

#### **SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 83**

#### **Substantive items for inclusion in the agendas for MSC 83 and MSC 84**

##### **General cargo ship safety**

21.69 The Committee considered document MSC 82/21/19 by the Russian Federation which, referring to the discussion at MSC 77, proposed to carry out necessary studies and analysis to assess the adequacy of current safety requirements for general cargo ships aiming at obtaining realistic updated information on general cargo ship safety, which can highlight the best practices as well as areas to be improved and agreed to include, in the provisional agenda for MSC 83, an item on "General cargo ship safety" to assess the adequacy of current safety requirements for general cargo ships and, when the necessary information has been submitted, to consider establishing an *ad hoc* Working Group on General Cargo Ship Safety at a session. Consequently, Member Governments and international organizations were invited to submit, to MSC 83, the appropriate information on the matter.

21.70 The Committee agreed on the substantive items to be included in the agendas for its eighty-third and eighty-fourth sessions, as set out in document MSC 82/WP.7 as amended to include the items referred to in paragraphs 20.8 and 21.69, as well as an item on "LRIT-related matters".

##### **Establishment of working groups during MSC 83**

21.71 Recalling the provisions of the revised Guidelines on the organization and method of work concerning the number of groups which may be established at any given session, the Committee, taking into account decisions made under various agenda items, agreed that working groups on the following items should be established at the Committee's eighty-third session:

- .1 goal-based new ship construction standards;
- .2 maritime security; and
- .3 LRIT matters,

and a drafting group on consideration and adoption of amendments to mandatory instruments.

##### **Duration and dates of the next two sessions**

21.72 The Committee noted that its eighty-third session had been scheduled to take place from 3 to 12 October 2007; and its eighty-fourth session tentatively in May 2008.

## **22 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2007**

22.1 The Committee agreed that the election of the Chairman for 2007 will take place at the opening of the eighty-third session next year, and unanimously re-elected Mr. N. Ferrer (Philippines) as the Vice-Chairman for 2007.

## **23 ANY OTHER BUSINESS**

### **Global Integrated Shipping Information System (GISIS)**

23.1 The Committee recalled that the Global Integrated Shipping Information System (GISIS) was developed by the Secretariat in July 2005, which allows public access to sets of data collected by the Secretariat, and that the Manual for Member States' Administrations and associated disclaimer on the use of reporting facilities was disseminated by Circular letter No.2639.

23.2 The Committee noted the updated information provided by the Secretariat on GISIS (MSC 82/23). It noted that the following modules were available to IMO Member States and the public at large: Maritime security, casualties, recognized organizations and port reception facilities. The module on the Condition Assessment Scheme (CAS) was viewable by the public in respect of valid Statements of Compliance (SoC) only and that the modules on piracy and armed robbery against ships and port State control had been developed but not yet fully released. Further modules were under development, such as the ones on contact points, IMO requirements, stowaway cases, illegal migrant cases, pollution prevention equipment mandatory under MARPOL and the self assessment of flag State performance.

23.3 The Committee expressed its appreciation to those Members who had taken the direct reporting facilities seriously and acted as data providers on a regular basis.

### **Report on the eighth Combined Antarctic Naval Patrol**

23.4 The Committee noted with appreciation the information provided by Argentina and Chile (MSC 82/23/1) on the activities of the eighth Combined Antarctic Naval Patrol with the aim of enhancing maritime safety and protecting the marine environment on the Antarctic continent, for the period from 1 December 2005 to 1 March 2006.

### **First Joint Working Session of the Black Sea and Mediterranean Memoranda of Understanding on Port State Control**

23.5 The Committee recalled that the Paris and Tokyo Memoranda of Understanding on Port State Control held two Joint Ministerial Conferences in Vancouver in 1998 and 2004, the outcome of which was considered by the FSI Sub-Committee in the context of its work on the harmonization and co-ordination of PSC activities.

23.6 The Committee noted the information provided in document MSC 82/23/2 on the outcome of the First Joint Working Session of the Black Sea and Mediterranean MoUs on Port State Control, which took place on 20 April 2006 in Istanbul, Turkey and referred it to FSI 15 for detailed consideration.

### **Natural gas hydrate pellet carriers**

23.7 The Committee considered document MSC 82/23/3 (Japan), informing of a national project by Japan concerning the production, transportation and re-gasification of natural gas

hydrate pellet (NGHP), and proposing that appropriate safety requirements for NGHP carriers be developed by IMO.

23.8 The proposal was generally supported and the Committee invited Japan to submit a proposal for a new work programme item in accordance with the Guidelines on the organization and method of work to MSC 83.

### **Coating and corrosion protection of cargo oil tanks of double hull oil tankers**

23.9 The Committee considered document MSC 82/23/4 (Austria *et al*), proposing a draft new SOLAS regulation II-1/3-9 introducing mandatory coating of cargo oil tanks of new oil tankers, with a view to adoption at MSC 83 or any other action as appropriate. The proposal originated from the work of the High-Level Panel of Experts on Double-Hull Tankers established by EMSA. Currently there are no statutory requirements for cargo oil tanks to be provided with corrosion prevention systems. The proposal implied that a cargo oil tank coating performance standard should be developed which is referred to in, and would become mandatory under, the proposed draft new SOLAS regulation. The performance standard would be based on the outcome of an IACS/industry working group which is currently working on the development of such standard.

23.10 The Committee also had for its consideration document MSC 82/23/8 (Japan), which supported the necessity of corrosion protection in cargo oil tanks and suggested modifications to the draft new SOLAS regulation proposed in document MSC 82/23/4 in order to include special provisions for tanks constructed of anti-corrosion steel.

23.11 The Committee noted that, although document MSC 82/23/4 requested the approval of the proposed SOLAS amendments, there should first have been a proposal for a new work programme item in accordance with the Committees' Guidelines for the organization and method of work, and, therefore, did not agree to consider the proposed new SOLAS regulation for approval at this session.

23.12 The Committee, however, considering that document MSC 82/23/4 provided all information required for consideration for new work programme items, and was submitted in time for the deadline for a new work programme item and in order not to lose the time for consideration of the proposal contained in the document, agreed to include, in the work programme of the DE Sub-Committee and the provisional agenda for DE 51, a high priority item on "Cargo oil tank coating and corrosion protection", with a target completion date of 2009, which would include the development of a draft new SOLAS regulation and an associated performance standard for cargo oil tank coating for corrosion protection. The Committee further agreed that DE 50 should give a preliminary consideration to the issue, including documents MSC 82/23/4 and MSC 82/23/8, under the agenda item on "Any other business".

### **Proposed amendments to the Code for the Implementation of Mandatory IMO Instruments**

23.13 The Committee recalled that the Assembly, at its twenty-fourth session, had adopted resolution A.973(24) on the Code for the Implementation of Mandatory IMO Instruments and that, in the operative paragraph 3 of the resolution, the Assembly requested the MSC and the MEPC to keep the Code under review and, in co-ordination with the Council, to propose amendments thereto to the Assembly.

23.14 The Committee, when considering document MSC 82/23/5 (Republic of Korea), recalled the fact that the Code, in addition to providing guidance for the implementation and enforcement of IMO instruments, forms the basis of the Voluntary IMO Member State Audit Scheme

(resolution A.974(24)), in particular, concerning the identification of the auditable areas and that the Audit Scheme has already been implemented from this year. Therefore, the Committee agreed that there is a need to provide Member States to be audited, as well as auditors, with up-to-date audit standard. The Committee also noted that the Republic of Korea had proposed that the Committee consider including “Review of the Code for the implementation of mandatory IMO instruments” as a continuous item in the work programme of the FSI Sub-Committee, similar to the item on “Review of the Survey Guidelines under HSSC”.

23.15 Following discussion, the Committee agreed to the proposal and:

- .1 referred document MSC 82/23/5 to FSI 15 and instructed it to prepare amendments to the Code, taking into account the proposed amendments contained in the document, and report to MEPC 56 and MSC 83; and
- .2 invited the Republic of Korea to submit, to MSC 83, a proposal for a new work programme item in accordance with the Guidelines on the organization and method of work.

### **Special purpose ships – Inclusion in the ISM Code**

23.16 The Committee recalled that it had dealt with document MSC 82/23/6 under agenda item 15 (Role of the human element) (see paragraphs 15.19 to 15.23).

### **Conclusions and recommendations of the XVIth IALA Conference**

23.17 The Committee noted with appreciation the information provided by IALA (MSC 82/23/7) outlining the conclusions and recommendations stemming from the XVIth IALA Conference (22 to 27 May 2006, Shanghai, China). The theme for the Conference was *Aids to Navigation in a Digital World*, and the technical presentations focused on these aspects. Over 270 delegates, representing 42 countries attended the Conference.

23.18 The Committee referred document MSC 82/23/7 to the NAV Sub-Committee for information and guidance in the course of its future work.

### **5th Edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT)**

23.19 The Committee noted with appreciation the information provided by ICS, OCIMF and IAPH (MSC 82/23/9) on the publication of a comprehensively updated 5th edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT).

### **WMO voluntary observing ship scheme**

23.20 The observer from WMO recalled that WMO had provided a long standing co-operation to mariners and IMO (MSC/Circ.1017) to enhance the maritime safety at sea in support of SOLAS regulation V/4. This worked effectively thanks in part to the Voluntary Observing Ship scheme which provides *in situ* observations about weather and sea conditions to the National Meteorological Services (NMS). These real time observations were essential for the provision of weather forecast services to the mariner, including the Maritime Safety Information forecasts and warnings issued by the international NAVTEX and SafetyNET systems.

23.21 The WMO observer further stated that because of piracy acts and other security issues in certain regions, some ship owners and masters had concerns regarding availability of VOS ship’s positions and identification on public web sites not controlled by National Meteorological

Services. Such information appeared on the web sites because according to WMO data policy marine data could be made available by them on a free and unrestricted basis to the public. WMO understood ship masters' and owners' concerns regarding availability of ship's identification and positions on public web sites and had addressed the issue at its fifty-eighth Executive Council and had decided to conduct a high level discussion with IMO, ICS, other relevant international organizations and affected Members.

23.22 The WMO observer also informed the Committee that WMO was taking steps to address these concerns whilst making every effort to continue delivery of quality maritime safety products to the mariners. To that end, WMO relied on free and unrestricted data exchange amongst NMSs and relied on unique ship's identification for monitoring the quality of the observations. A unique identifier allocated by WMO Members could be used and the true identity of the ship (i.e., call sign and ship name) hidden to users outside of the WMO community. WMO invited the Committee to address these issues with a view to eventually agreeing on clear recommendations that would address masters and owners' concerns and at the same time preserve the quality of the maritime safety information delivered to them by WMO Members via the GMDSS.

### **Floating dangers to navigation**

23.23 The delegation of Japan advised the Committee of a recent incident off the Japanese coast where a high-speed craft collided with driftwood, resulting in some 100 passengers being injured. To try and prevent similar accidents, the Japan Coast Guard had requested ships to report sightings of such driftwood and other floating dangers in accordance with their obligations under SOLAS regulation V/31. The delegation invited Member States to consider taking similar action. They also advised the Committee that they would be submitting a paper to the NAV Sub-Committee on the subject of such floating dangers. The Committee noted the information.

### **Expressions of appreciation**

23.24 The Committee expressed appreciation to the following delegates and observer and member of the Secretariat, who had recently relinquished their duties, retired or were transferred to other duties or were about to, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Captain Carlos Salgado (Chile) (on return home);
- Dr. Jerzy Vonau (Poland) (on retirement);
- Mr. Fikret Hakgüden (Turkey) (on transfer);
- Mr. John Grubb (United Kingdom) (on retirement);
- Captain Carlos Ormaechea (Uruguay) (on transfer);
- Captain Norman Cockroft (IAIN) (on retirement); and
- Mr. Jean-Claude Sainlos (Secretariat) (on retirement).

### **Expressions of condolences**

23.25 The Committee noted with deep shock, distress and sadness the recent and untimely death of the Committee's Chairman, Mr. Igor Ponomarev, the Permanent Representative of the Russian Federation who had actively and tirelessly contributed to the work of the Organization for over 13 years. During that period, he had ably and enthusiastically chaired the DE Sub-Committee and a number of MSC working and drafting groups. His short but vibrant life was dedicated to the objectives of the Organization on safe, secure and efficient shipping, which he served well with zeal, zest and enthusiasm.

23.26 The Committee requested the delegation of the Russian Federation to convey the Committee's sincerest condolences and sympathy to the family, friends and colleagues of Igor Ponomarev.

23.27 With equal sadness, the Committee also learnt of the recent death of Captain Hans-Jurgen Roos of Germany, former Chairman of the SPI working Group and delegate to many other IMO bodies, whose commitment to shipping was matched by his dedication to IMO's noble ideas.

23.28 The Committee requested the delegation of Germany to convey the Committee's sincerest condolences and sympathy to the family, friends and colleagues of the deceased who would be thoroughly missed by this Organization.

(The annexes will be issued as addenda to this document)

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