REPORT TO THE MARITIME SAFETY COMMITTEE AND THE
MARINE ENVIRONMENT PROTECTION COMMITTEE

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1 GENERAL

1.1 The Sub-Committee held its fourteenth session from 5 to 9 June 2006. The meeting was held under the chairmanship of Mrs. T. Krilic (Croatia), who was elected for 2006 at the opening of the session in accordance with the Rules of Procedure of the Committees.

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

ALGERIA
ANTIGUA AND BARBUDA
ARGENTINA
AUSTRALIA
BAHAMAS
BARBADOS
BELGIUM
BELIZE
BOLIVIA
BRAZIL
CANADA
CHILE
CHINA
COLOMBIA
CROATIA
CUBA
CYPRUS
DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA
DENMARK
DOMINICAN REPUBLIC
ECUADOR
EGYPT
ESTONIA
FINLAND
FRANCE
GERMANY
GREECE
HONDURAS
ICELAND
INDONESIA
IRELAND
ITALY
JAMAICA
JAPAN
LATVIA
LIBERIA
LITHUANIA
LUXEMBOURG
MALAYSIA
MALTA
MARSHALL ISLANDS
MAURITIUS
MEXICO
MOROCCO
NETHERLANDS
NEW ZEALAND
NIGERIA
NORWAY
PANAMA
PERU
PHILIPPINES
POLAND
PORTUGAL
REPUBLIC OF KOREA
RUSSIAN FEDERATION
SAINT KITTS AND NEVIS
SAINT VINCENT AND THE GRENADINES
SAUDI ARABIA
SINGAPORE
SPAIN
SURINAME
SWEDEN
THAILAND
TURKEY
TUVALU
UNITED KINGDOM
UNITED STATES
URUGUAY
VANUATU
VENEZUELA

the representative from the following Associate Members of IMO:

HONG KONG, CHINA
MACAO, CHINA
the representative from the following United Nations specialized agency:

FOOD AND AGRICULTURE ORGANIZATION (FAO)

observers from the following intergovernmental organizations:

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
EUROPEAN COMMISSION (EC)
TOKYO MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL (TOKYO MoU)
ACUERDO DE VIÑA DEL MAR (AVDM)
INDIAN OCEAN MEMORANDUM OF UNDERSTANDING (IO MoU)
MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE BLACK SEA REGION (BS MoU)
PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL (PARIS MoU)
WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL (ABUJA MoU)
CARIBBEAN MEMORANDUM OF UNDERSTANDING (C MoU)

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND LIGHTHOUSE AUTHORITIES (IALA)
THE BALTIC AND INTERNATIONAL MARITIME COUNCIL (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 (IFSM)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)
INTERNATIONAL LIFEBOAT FEDERATION (ILF)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)
The Institute of Marine Engineering, Science and Technology (IMarEST)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)

Opening address

1.3 In welcoming the participants on behalf of the Secretary-General, Mr. K. Sekimizu, Director, Maritime Safety Division, mentioned the serious casualties which had occurred since the beginning of the year, among which, five happened off the coast or in internal waters of Africa and four concerned non-convention ships. Having reminded the Sub-Committee that one of the priorities for IMO’s technical co-operation programme was the promotion and enhancement of the safety aspects of non-convention ships, he indicated that the Secretary-General had offered IMO’s assistance to all the countries concerned. In this context, referring to a project, being executed by IMO jointly with Interferry, aimed at enhancing the safety of non-convention ferries in developing countries, he expressed the hope that the lessons
learnt from this project would serve as a model for similar projects in countries facing non-convention ferry safety difficulties. The Director stated that such assistance was in the Council’s mind when the theme for this year’s World Maritime Day “Technical Co-operation: IMO’s response to the 2005 World Summit”, with special emphasis on the maritime needs of Africa was decided upon. The theme had been chosen to give the Organization the opportunity to contribute to the fulfilment of the Millennium Development Goals (MDGs), adopted by the 2000 Millennium Summit.

On the subject of marine accidents and incidents investigation, the Director noted with satisfaction the commendable efforts of co-operation, among substantially interested States, in the conduct of joint investigations. He hoped that such investigations would be able to identify the causes of the casualties and that, if any remedial action is required, IMO would act speedily. In this context, he mentioned the recent United Kingdom’s Marine Accident Investigation Branch investigation on the fire involving the cruise ship Star Princess which, followed by speedy submission of appropriate proposals by the United Kingdom to MSC 81, helped the MSC to act expeditiously in taking prompt action aimed at enhancing fire safety of balconies. Referring to the cruise ship Calypso and paying tribute to the United Kingdom’s Maritime Incident Response Group, the French SAR units and the crew for their professional efficiency in the extinction of the fire, he reiterated the Secretary-General’s firm belief that Governments, the industry and IMO should learn lessons not only from disasters but also from good practices, aboard and ashore.

Referring to Typhoon Chanchu which hit the vast areas of the South China Sea, the Director praised the commendable and successful search and rescue operations conducted through co-operation between China and Vietnam. It was the largest search and rescue operation ever conducted by China, resulting in the saving of more than 330 fishermen and 22 fishing vessels, in addition to around 20 other vessels being pulled into sheltered waters.

Turning to the harmonization of port State control activities, the Director indicated the development of an appropriate methodology to achieve that goal, based on a review of relevant work elements identified by the Secretariat. Given the diversity of issues, he proposed that the Sub-Committee might establish a dedicated working group which would, through the participation and co-operation of flag and port States, together with the various PSC regimes, maximize the potential benefit of the results to be achieved, while strengthening IMO’s role in the harmonization of PSC activities.

With regard to the review of the Survey Guidelines under the HSSC, the Director noted several related issues for consideration, including modifications required following the revision of MARPOL Annexes I and II, new draft Survey Guidelines for MARPOL Annex IV and the inspection of automatic identification systems. On the subject of Government responsibilities and measures to encourage flag State compliance, he singled out the importance of the review of procedures for the implementation of the IMO Unique Company and Registered Owner Identification Number Scheme and various other issues related to the implementation of the ISM Code.

With respect to the marine environment, the Director highlighted the need for action by all concerned due to the obligation of Parties to MARPOL 73/78 to provide adequate port reception facilities.

Concerning illegal, unregulated and unreported (IUU) fishing, the Director stressed that a matter of special importance would be on the preparation of the second session of the joint IMO/FAO Working Group on IUU Fishing and Related Matters, to be held in 2007 at FAO Headquarters,
which may provide an opportunity to promote early entry into force of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention.

Turning to issues of a general nature, the Director, with reference to the Voluntary IMO Member State Audit Scheme (resolution A.974(24)), indicated that the Secretary-General would appreciate receiving favourable responses from Members offering themselves for audit, nominating auditors to enable him to select audit teams to conduct the audit and nominating qualified auditors to participate in the planned regional training courses. The Secretary-General had pledged his personal commitment to the Scheme and would appreciate the support of, and co-operation in, the wide and effective implementation of the Scheme.

On the other issue of the planned refurbishment of the Headquarters Building which would be closed for approximately 12 months between the summers of 2006 and 2007, the Director informed that the Secretariat would move temporarily to offices in London provided by the Host Government, and expressed hope that Members would be prepared to face, with resolute spirit and good humour, any discomfort and disruption from normal operations.

Chairman’s remarks

1.4 In responding, the Chairman thanked Mr. Sekimizu for his words and advice and stated that his advice and requests would be given every consideration in the deliberations of the Sub-Committee and its working groups.

Adoption of the agenda

1.5 The Sub-Committee adopted the agenda for its fourteenth session (FSI 14/1) and agreed to be guided in its work, in general, by the annotations contained in document FSI 14/1/1. The agenda, as adopted, with the list of documents considered under each agenda item, is set out in document FSI 14/INF.9.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Sub-Committee noted the decisions and comments pertaining to its work made by BLG 9, MSC 80, NAV 51, TC 55, FAL 32, MEPC 53, SLF 48, DSC 10, C/ES.23, A 24, FP 50, STW 37, DE 49, COMSAR 10, MEPC 54, BLG 10, LEG 91 and MSC 81, and took them into account in its deliberations when dealing with relevant agenda items.

Internet-based Port Reception Facility Database

2.2 The Sub-Committee was informed that MEPC 54 had noted that the Secretariat had finalized the development of the Internet-based Port Reception Facility Database (PRFD). The database was designed to allow Member States to update it via a log-in password, and to allow the public to access all the information contained therein on a view-only basis. The relevant information for the database had been circulated by Circular letter No.2683 dated 30 November 2005. The database went live to the public on 1 March 2006. In this respect, the Committee endorsed the view of the Sub-Committee that the hard-copy circulation by means of MEPC.3 and MEPC.4 circular series on port reception facilities would be discontinued.

Checklist for considering human element issues by IMO bodies

2.3 The Sub-Committee noted that MSC 81 had approved MSC-MEPC.7/Circ.1 on Checklist for considering human element issues by IMO bodies along with the associated checklist and had
instructed all Sub-Committees and Working Groups to use this checklist when developing or amending mandatory and non-mandatory IMO instruments.

**Organization’s strategy to address the human element**

2.4 The Sub-Committee also noted that MSC 81 had approved MSC-MEPC.7/Circ.4 on the Organization’s strategy to address the human element and had instructed its subsidiary bodies to take action accordingly.

### 3 RESPONSIBILITIES OF GOVERNMENTS AND MEASURES TO ENCOURAGE FLAG STATE COMPLIANCE

**Voluntary IMO Member State Audit Scheme**

3.1 The Sub-Committee recalled that MSC 80, when considering the report of the joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme (JWG), had endorsed the proposal by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) to develop additional guidance for coastal States, in the context of paragraph 7.4.2 of the draft Framework for the Scheme (annex 1 of the annex to MSC 80/8) and had invited the International Hydrographic Organization (IHO) to consider undertaking a similar initiative in its field of competence.

3.2 Having considered documents MSC 81/24/1 (IALA) and MSC 81/24/4 (IHO) containing additional guidance for coastal States, and having also recognized that the issues raised in the two submissions were not developed enough by the Audit Standard (resolution A.973(24)), MSC 81 agreed, in principle, that further work should be carried out on the basis of the proposals made by IALA and IHO.

3.3 Subsequently, MSC 81 instructed the Sub-Committee to consider the above-referred proposals in the context of a potential review of annex 3 to the Code for the Implementation of Mandatory IMO Instruments (annex to resolution A.973(24)), seeking any necessary complementary input from NAV 52, if deemed appropriate.

3.4 The Sub-Committee considered the two proposals from IALA and IHO (MSC 81/24/1 and MSC 81/24/4), which were introduced together with the advice, received from the submitting parties, that the two questionnaires could not be combined into one, since they may refer to two different types of administrative structures, as it was reported to be the case in most countries.

3.5 Concerning the consideration of potential amendments to resolution A.973(24), the attention of the Sub-Committee was called upon the fact that annex 1 of the Code for the implementation of mandatory IMO instruments on obligations of Contracting Governments/Parties already contained references to SOLAS regulations V/4 and V/9. In this context, possible amendments could be envisaged in the future, consisting of moving the above-mentioned references to annex 3 on specific obligations for coastal States.

3.6 According to IHO, the best possible use to be made of the additional guidance contained in the two questionnaires under consideration would be that, at a later stage, when sufficient experience has been gained, relevant amendments to the pre-audit questionnaire and, more specifically, to section VIII of appendix 2 of part II on procedures for the voluntary IMO Member State audit of the annex to resolution A.974(24), could be developed.
3.7 Having noted the positive comments made by those Member States which had reported their own experience on the use of the two questionnaires under consideration in their preparation for the audit, the Sub-Committee agreed, for the purpose of assisting those Member States, volunteering for the audit, and auditors, in need of additional guidance in their preparatory work, to recommend that interested parties could be made aware of the existence of this material, 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. The Secretariat was instructed to bring the outcome of the Sub-Committee’s consideration of this item to the attention of NAV 52.

GUIDANCE ON THE TERM “500 GROSS TONNAGE”

3.8 The Sub-Committee recalled that MSC 80, while considering document MSC 80/5/4, had noted that some Administrations had exempted cargo ships from compliance with SOLAS chapter XI-2 and part A of the ISPS Code by allowing them to use their gross tonnages determined in accordance with national tonnage rules, and had decided that the gross tonnage to be used for determining whether a cargo ship, irrespective of the date on which its keel was laid, was required to comply with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code, shall be that determined in accordance with the provisions of the 1969 Tonnage Convention.

3.9 In order to regularize the situation, MSC 80 approved MSC/Circ.1157 on Interim scheme for the compliance of certain cargo ships with the special measures to enhance maritime security; and noted that a similar situation (with respect to the manner in which the provision in SOLAS regulation IX/2.1.3 to “500 gross tonnage and upwards” had been implemented) might exist in relation to the application of SOLAS chapter IX and the ISM Code, but, in the absence of facts, no definite conclusions could be reached on the matter.

3.10 In this context, MSC 80 decided to refer the issue to FSI 14 to investigate the matter before reaching any firm decisions on the approach to be taken in relation to SOLAS chapter IX and the ISM Code.

3.11 The Sub-Committee considered the views of delegations which reported having some experience on the matter. It was acknowledged that it would be inappropriate to consider this issue in a uniform manner based on the implementation of both the ISPS and ISM Codes, owing to the different kind of risks associated with a potential lack of compliance with the requirements contained therein.

3.12 The delegations which spoke indicated that the issue raised was not relevant for ships which are only involved in domestic voyages, confirmed that they were applying the tonnage calculation according to the 1969 Tonnage Convention to the ships flying their flag involved in international voyages and recommended that such practice be extended to all Parties to the relevant instruments.

3.13 Having concluded that more information was needed in order to fully ascertain the issue with regard to its pertinence in the context of the requirements contained in SOLAS chapter IX and the ISM Code, the Sub-Committee invited Member States and port State control regimes to provide additional input to its next session in order to progress the matter further. In this regard, the Paris MoU volunteered for the gathering of relevant information. On the basis of a possible confirmation that the magnitude of the issue would justify that the matter be addressed to ensure full compliance with the requirements contained in SOLAS chapter IX and the ISM Code for ships satisfying the criteria as per the 1969 Tonnage Convention, the Sub-Committee agreed that it would, then, consider whether a circular should be developed on the basis of MSC.1/Circ.1157.
REVISION OF THE REVISED GUIDELINES ON IMPLEMENTATION OF THE ISM CODE

3.14 The Sub-Committee recalled that FSI 10 had considered a work plan for the revision of the Revised Guidelines on implementation of the ISM Code by Administrations (resolution A.913(22)), and the proposed content of such a revision, taking into account the following points:

.1 the present Revised Guidelines were developed as a first step, bearing in mind that they would need revising against the background of experience gained;

.2 the Revised Guidelines should be revised in order to reduce flag or class hopping;

.3 communication lines in cases of multinational fleets and more than one recognized organization (RO) should be enhanced;

.4 criteria for determining the need for increased frequency of audits should be developed;

.5 uniform standards for the training of auditors should be developed, in the context of which ICS offered to provide financial assistance for the development of a course for the training of auditors; and

.6 the concept of enforcement should be discussed.

3.15 The Sub-Committee also recalled that FSI 12, while agreeing that there was sufficient material to undertake the revision of these Guidelines, had identified the activities carried out in the context of port State control as a potential additional source of information that might be relevant to the revision of resolution A.913(22).

3.16 The Sub-Committee also recalled that MSC 78 and MEPC 52 had endorsed its decision to commence the revision of the Revised Guidelines at FSI 13. MSC 78 further agreed that document MSC 77/15/1 on the ISM Code in accident investigation should be considered in the context of such a revision.

3.17 The Sub-Committee recalled further that the Secretary-General, at MSC 79, had referred to the Committee’s earlier decision that, at the end of the second implementation phase of the ISM Code on 1 July 2002, an analysis should be made of the impact of the Code on safety and environmental protection. To that end, the Committee was informed that the Secretary-General had established an Independent Group of Experts, selected from administrations, organizations, universities and the shipping industry, to undertake an in-depth analysis of the impact and contribution of the ISM Code to the achievement of its objectives.

Integration of the safety management and ship security systems

3.18 Having recalled that MSC 81 had referred the report of the aforementioned Independent Group of Experts on the impact and effectiveness of implementation of the ISM Code (MSC 81/17/1), recommending, in particular, to consider aligning the requirements contained in the ISM and ISPS Codes in shipboard documentation, to the Joint MSC/MEPC Working Group on the Human Element, the Sub-Committee noted that document FSI 14/3 (Argentina) contained
a proposal for 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.

3.19 The Sub-Committee expressed its appreciation to Argentina for putting forward the proposal for integrated implementation of the safety management system and the ship security plan, and the list of areas where the ISM and ISPS Codes may have actions and provisions in common.

3.20 However, following consideration of document FSI 14/3 (Argentina), some caution was expressed by a number of delegations, in particular, on 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.

3.21 In this context, the Sub-Committee recalled that the scope of the recommendation of the Independent Group of Experts on the impact and effectiveness of implementation of the ISM Code focused, in its report (MSC 81/17/1), on the alignment of the ISM and ISPS Codes in shipboard documentation, while referring to the identification of common areas.

3.22 Nonetheless, having recognized that the proposal may contain some elements of merit to move towards easier compliance through a reduction in the administrative process, the Sub-Committee agreed to request MSC 82 to consider the proposal by Argentina from the maritime security point of view, first and, if appropriate, to refer the proposal to the Joint MSC/MEPC Working Group on the Human Element. MEPC 55 was invited to take note of this action.

**Model Course for Safety Management System Auditor (ISM Code)**

3.23 The Sub-Committee recalled that, regarding the procedure to be followed for the development of IMO model courses, MSC 78 had approved the establishment of a validation group for new model courses developed by sub-committees, other than the STW Sub-Committee.

3.24 In this context, the Sub-Committee considered document FSI 14/3/1 (Argentina) proposing a model course for Safety Management System Auditor (ISM Code) to be used as an IMO Model Course.

3.25 The Sub-Committee expressed its appreciation to Argentina for submitting the model course and agreed, in principle, that it could form the basis of a future IMO Model Course for Safety Management Auditors.

3.26 Having duly acknowledged that similar training material might already exist elsewhere, the Sub-Committee agreed that further expertise would be needed to address the matter exhaustively. The Sub-Committee also agreed that further to the development of the proposed model course, the Organization should consider pursuing a similar initiative for the training of other categories of surveyors/auditors which is not currently covered by the existing IMO training material.
3.27 In order to generate potential intersessional work on the issue and to facilitate the preparation at FSI 15 of sound recommendation of a referral of a model course to the Validation Group, the Sub-Committee recommended to interested parties to communicate on the following items:

.1 the provisions of SOLAS chapter IX; of the ISM Code (resolution A.741(18) as amended by resolution MSC.104(73)); and of the Revised Guidelines on implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22)), particularly the appendix thereto on Standards on ISM Code certification arrangements;

.2 the proposal by Argentina (FSI 14/3/1) on a Model Course for Safety Management System Auditor (ISM Code); and

.3 the discussions during the consideration of the above proposal at this session, in order to further develop a draft IMO Model Course on Safety Management System Auditors for consideration by FSI 15. In doing so, the participating Members should observe the principles followed by the Organization in the development of IMO model courses and take into consideration the best practices and lessons learned by Member States and non-governmental organizations in their development and implementation of ISM Code Auditor training.

3.28 The delegation of Argentina* offered to co-ordinate the suggested intersessional work if it were to take place.

**MEASURES TO PREVENT ACCIDENTS WITH LIFEBOATS**

3.29 The Sub-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, *i.e.* MSC/Circ.1049, MSC/Circ.1093, MSC/Circ.1136 and MSC/Circ.1137, 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.

3.30 The Sub-Committee expressed its satisfaction with the consolidated MSC Circular on Measures to Prevent Accident with Lifeboats (MSC.1/Circ. 1206). While urgently wishing to initiate an acceptable methodology for reducing such accidents and being mindful of the already extended discussions on the subject, the Sub-Committee nonetheless noted the concern raised by some delegations with regard to making the circular mandatory.

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3.31 The Sub-Committee could not reach a firm decision at this stage on whether the circular should become mandatory in its entirety or which parts should or should not be made mandatory. In this context, it invited Members to submit to MSC 82 their recommendations on those areas of the circular, which should or should not become mandatory under SOLAS, having been identified as the most appropriate vehicle. The Secretariat was instructed to bring the outcome of the Sub-Committee’s consideration of this item to the attention of STW 38.

NUMBERING SCHEMES

IMO Ship Identification Number Scheme

3.32 The Sub-Committee recalled that the IMO Ship Identification Number Scheme had been introduced in 1987 through the adoption of resolution A.600(15) and made mandatory under SOLAS regulation XI-1/3. The current applicable procedures for obtaining the IMO Ship Identification Numbers from Lloyd’s Register-Fairplay (LRF), the managers of the Scheme, could be found in Circular letter No.1886/Rev.2.

3.33 In the same context, the Sub-Committee also recalled that the MSC and MEPC had approved MSC/Circ.1142 – MEPC/Circ.425 on Marking the ship’s plans, manuals and other documents with the IMO ship identification number recommending that the originator of such plans, manuals and other documents ensure that the IMO ship identification number is marked on them prior to submission for approval by an Administration or a recognized organization acting on its behalf.

3.34 Having considered the proposal for amending Circular letter No. 1886/Rev.2, as contained in document FSI 14/3/2 (Secretariat), the Sub-Committee instructed the Secretariat, subject to concurrent decision by MEPC 55 and MSC 82, to issue Circular letter No.1886/Rev.3, as set out in annex 1.

IMO Unique Company and Registered Owner Identification Number Scheme

3.35 The Sub-Committee recalled that the IMO Unique Company and Registered Owner Identification Number Scheme had been introduced through the adoption of resolution MSC.160(78) and made to become mandatory by amendments to SOLAS regulations XI-1/3-1 and 5, and the ISM and ISPS Codes, expected to enter into force on 1 January 2009. The current procedures for obtaining the identification numbers from Lloyd’s Register-Fairplay (LRF), the managers of the Scheme, could be found in Circular letter No.2554 on Implementation of IMO unique company and registered owner identification number scheme.

3.36 While considering a proposal (MSC 80/3/13) that the procedures outlined in Circular letter No.2554 be reviewed and revised as necessary, MSC 80 agreed to refer the review of the Circular letter to the Sub-Committee for consideration and appropriate action.

3.37 In considering the proposal for amending Circular letter No.2554, as contained in document FSI 14/3/3 (Secretariat), the Sub-Committee also received additional information from the Managers of the Scheme, whereby a new field had been added to the database in order to allow Member States to provide the name of the companies, as recorded by National Administrations in their National jurisdiction, electronically.

3.38 The Sub-Committee welcomed the addition of this facility as being an appropriate answer to the issues raised in document MSC 80/3/13 and instructed the Secretariat to amend the draft
circular letter on the basis of the facility described in paragraph 3.37 and subject to concurrent
decision by MEPC 55 and MSC 82, to issue Circular letter No.2554/Rev.1, as set out in annex 2.

**COMPREHENSIVE INDEX OF IMO INSTRUMENTS**

3.39 The Sub-Committee recalled that MSC 81, having endorsed FSI 13’s instructions to the
Secretariat related to the comprehensive index of IMO instruments, had recommended that the
Secretariat make the information contained in the Assembly and Council documents on the status
of IMO conventions and other instruments, such as documents A 24/7 and Add.1, available
electronically on the IMO website. However, should this information still not entirely cover the
scope of the request by FSI 13, MSC 81 instructed the Sub-Committee to provide the Secretariat
with appropriate guidance.

3.40 The Sub-Committee was content with MSC 81’s instruction to the Secretariat and agreed
that no more guidance was necessary at this stage.


3.41 Following consideration of document FSI 14/INF.7, the Sub-Committee noted its content
and instructed the Secretariat to submit updated information to FSI 15.

4 **MANDATORY REPORTS UNDER MARPOL 73/78**

4.1 The Sub-Committee had for its consideration under this agenda item two documents
submitted by the Secretariat (FSI 14/4 and FSI 14/4/1).

4.2 Following discussion of document FSI 14/4, containing a summary on mandatory reports
under MARPOL 73/78 for 2004 submitted by 27 Parties to MARPOL 73/78 and one Associate
Member in accordance with circular MEPC/Circ.318, the Sub-Committee noted that:

1. seven incidental spillages of 50 tonnes or more had been reported. The type of
substance spilled in most cases was oil;

2. 277 incidental spillages of less than 50 tonnes had been reported. The type of
substance spilled in most cases was oil;

3. a total of 52 cases on alleged discharge violations had been reported. The type of
substance spilled in most cases was oil. In four cases responses from flag States
regarding action taken by them, including official proceedings, had been received;

4. two parties as flag States submitted seven reports of alleged inadequacies of
reception facilities;

5. no report of action taken by port States on alleged inadequacy of reception facilities
had been received;

6. the compliance rate of certification, record keeping, and equipment requirements of
MARPOL 73/78 was 97.6%, 94.1% and 95.1%, respectively. Fifty ships were
reported to have no IOPP Certificate or equivalency, 829 ships were reported to have
IOPP Certificate or equivalency discrepancies, 61 ships were reported to have no
Oil Record Book or equivalency, 2,091 ships were reported to have Oil Record Book

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or equivalency discrepancies, 147 ships lacked required pollution prevention equipment on board and 1,691 ships had required equipment not functioning; and

the total number of ships boarded for port State control was, according to the received reports, 36,796 for 2004, while the total number of ships detained in port or denied entry was 715, or 1.9% of those boarded.

4.3 With regard to the level of compliance with the reporting requirements of MEPC/Circ.318, the Sub-Committee noted that:

.1 the rate of reporting by Parties in accordance with MEPC/Circ.318 for the year 2004 has been consistently low (20.8%);

.2 in a number of the reports received, some parts of the reporting formats were missing although in accordance with paragraph 5 of MEPC/Circ.318 “nil returns are required from Parties for each reporting requirement from the perspective of port, coastal or flag States”; and

.3 a number of the reports were submitted after the deadline (30 September each year) established by paragraph 5 of MEPC/Circ.318.

4.4 The Sub-Committee also noted document FSI 14/4/1 containing information, in tabular form, listing which Parties had submitted their mandatory reports under MARPOL 73/78, in accordance with circular MEPC/Circ.318, for the last five years and which Parties had failed to do so. In this respect the Secretariat was requested to include, in future versions of the tabulation, information showing for each State the date of becoming party to MARPOL.

4.5 The Sub-Committee was informed that the Marshall Islands had submitted their annual report for 2004; however, the submission was received too late for inclusion in documents FSI 14/4 and FSI 14/4/1.

4.6 The Sub-Committee noted that the rate of reporting was still very low, as the information provided in documents FSI 14/4 and FSI 14/4/1 had shown, and as was also recognized at FSI 10, FSI 11, FSI 12 and FSI 13.

4.7 In this respect the Sub-Committee recalled that, at its thirteenth session it had considered and approved an FSI circular (FSI/Circ.12) on “Compliance with the reporting requirements of MARPOL 73/78”, urging all Parties to fulfil the reporting requirements of their treaty obligations, and to bring to the attention of the Sub-Committee any difficulties encountered in the implementation of the reporting requirements.

4.8 The Secretariat informed the Sub-Committee that the Port State Control module of GISIS might provide in future a statistical report on the outcome of port State control with regard to MARPOL related discrepancies, thus potentially simplifying mandatory reporting requirements for parties to MARPOL. The Secretariat was instructed to revert to FSI 15 with further information.

4.9 The Sub-Committee instructed the Secretariat to update the list annexed to document FSI 14/4/1, and to submit it to FSI 15 for consideration. The list should make it easy to understand which Parties had submitted their mandatory reports under MARPOL 73/78 for the last five years and which Parties had failed to do so.
5 CASUALTY STATISTICS AND INVESTIGATIONS

5.1 The Sub-Committee recalled that MSC 81 had endorsed the decision of MEPC 53 to refer document MEPC 53/INF.7 on a study by the Swedish Maritime Administration concerning collisions and groundings, in which fatigue/sleep had been identified as a major contributing factor, to the Sub-Committee, for information purpose only.

5.2 The Sub-Committee also recalled that the delegation of Venezuela had called MSC 81’s attention to the potential need for harmonization of terminologies used in various IMO circulars and, in particular, concerning marine casualties and incidents.

Reminder on the provision of casualty-related data

5.3 In order to assist the Organization in receiving information needed on casualties, the Sub-Committee reminded 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;

.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, in accordance with MSC/Circ.802 – MEPC/Circ.332 and the Secretariat’s letters to relevant national authorities, to enable the Organization to release 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 reporting facilities of the IMO Global Integrated Shipping Information System (GISIS).

Report of the Correspondence Group on Casualty Analysis

5.4 The Sub-Committee considered the report of the Correspondence Group on Casualty Analysis (FSI 14/5) which contained information based on the analysis of 75 reports of investigations into casualties, an overview of lessons learned and a draft text of narratives of lessons learned for presentation to seafarers.

5.5 The delegation of Spain congratulated the Correspondence Group for its review of a significant number of reports of investigation and noted with concern the recurrence of some outcomes of the review carried out by the analysts over the years. It acknowledged the fact that the conclusions reached by the analyst in the case of the Prestige, that no further action was needed, confirmed the prompt reaction of the Organization to adopt the new measures which had been found necessary to adopt in the aftermath of the casualty.
5.6 The delegation of the Bahamas indicated that the report of the Correspondence Group on Casualty Analysis (FSI 14/5) would be referred to the Working Group on Casualty Analysis for detailed review of the analyses extracted from GISIS and recommendations contained therein and called, therefore, for the consideration of the analysis of the reports on the Prestige to be left until after discussion within the Working Group.

5.7 Turning to the facilities which are now available through GISIS for the recording, release and consultation of the outcome of the work of the Correspondence Group, the delegation of Spain praised the fact that the use of GISIS had facilitated the way towards enhanced transparency of casualty-related data, improved the methods of work of the group and, based on the possibility to upload full investigations reports into the system, provided the entire community with complete information. In this regard, it supported the efforts of the Organization to continue developing such a tool and invited all Members to make ample use of the facilities of the system.

5.8 On the issue of the availability of the information contained in GISIS in all IMO working languages, following the concern expressed by some delegations, the Secretary-General informed the Sub-Committee that a presentation of the system was scheduled to take place during the forthcoming session of the Council and could give an opportunity to debate further on this issue and to identify whether the system could satisfy the expressed expectations in this regard.

5.9 Concerning the recommended anonymous sharing of data relating to incidents and near misses (MSC 81/8/1, paragraph 17) contained in the report of the Inter-Industry Working Group (IIWG), established to study the reported incidents of explosions on chemical and product carriers, the delegation of Sweden informed the Sub-Committee that a system of data collection had been established at a national level, in collaboration with the industry, leading to the recording of 1,500 reports and that it intended to make a relevant submission on this matter to FSI 15.

5.10 The delegation of the Republic of Korea stated that the use of the term “Sea of Japan” in annex 3, page 16 and annex 4, page 1 of the report of correspondence group (document FSI 14/5) was not acceptable, as the name of the sea area in question was in dispute. That delegation further stated that it is the position of the Government of the Republic of Korea that “East Sea” and “Sea of Japan” should be used simultaneously until a mutual agreeable solution was found, as recommended in resolution III/20 adopted at the 1997 UN Conference on the Standardization of Geographical names.

5.11 The delegation of Japan objected to the intervention by the Korean delegation and stated that the name “Sea of Japan” is well established, is the most common and widely-spread name used, and is the only term for the denomination of this area within the United Nations and its specialized agencies including IMO.

Explosions on chemical and product tankers

5.12 The Sub-Committee recalled that MSC 81, while considering the study carried out by the Inter-Industry Working Group (IIWG), established to study the reported incidents of explosions on chemical and product carriers on incidents of explosions on chemical and product tankers (MSC 81/8/1 and MSC 81/INF.8), had taken the decision to refer both documents to the joint MSC/MEPC Working Group on Human Element and to BLG 11, DE 50, FP 51, FSI 14 and STW 38 for review, and had, in particular, agreed to refer the issues relating to availability of casualty data (MSC 81/8/1, paragraphs 3 and 17) to FSI 14, for review and recommendation.
Establishment of the Working Group

5.13 Following the above discussion, the Sub-Committee agreed to establish the Working Group on Casualty Analysis and Review of the Code for the Investigation of Marine Casualties and Incidents and instruct the group, taking into account comments made in plenary, to:

.1 confirm or otherwise the findings of the Correspondence Group based on the analysis of individual casualty investigation reports (FSI 14/5, annexes 2 and 4, and GISIS module), for the Sub-Committee’s approval and authorization of the release of the information on the IMO website;

.2 consider the actions requested of the Sub-Committee (FSI 14/5, paragraph 15) and provide relevant recommendations;

.3 confirm or otherwise the draft text of the lessons learned for presentation to seafarers (FSI 14/5, annex 3), for the Sub-Committee’s approval and authorization of the release of the information on the IMO website;

.4 consider in detail the study carried out by the Inter-Industry Working Group (IIWG) (MSC 81/8/1 and MSC 81/INF.8) and, in particular, the issues relating to availability of casualty data for reporting to MSC 83, taking into account the recommendation by the Correspondence Group to refer the report on the Chassiron to the DSC Sub-Committee for consideration of the lessons learned from the accident (FSI 14/5, paragraph 15);

.5 consider the casualty-related decisions of other IMO bodies;

.6 consider the potential need for harmonization of terminologies used in IMO circulars concerning marine casualties and incidents;

.7 review the instructions to the Secretariat to support the work of the Correspondence and Working on Casualty Analysis, taking into account the facilities contained in GISIS;

.8 hold a preliminary joint session with the Working Group on Port State Control in order to identify the potential objectives of, and methodology for, the combination of casualty and PSC data;

.9 advise on the re-establishment of the Correspondence Group on Casualty Analysis and, if so, prepare draft terms of reference for that group; and

.10 advise on the re-establishment of the Working Group on Casualty Analysis at FSI 15 and, if so, prepare draft terms of reference for that group.

Report of the Working Group

5.14 Having received the report of the Working Group on Casualty Analysis (FSI 14/WP.1/Add.1), the Sub-Committee approved it in general and took action as indicated in the following paragraphs.
Summary of casualty analyses

5.15 Having noted, the group’s review of the draft casualty analyses recorded in GISIS, as per the list contained in annex 4 to document FSI 14/5, the Sub-Committee agreed to the amended text of these analyses and authorized the release of the same to the public on the GISIS module. On the issue of the review of the investigation reports on the casualty of Prestige, about which FSI 13 had given specific instructions to be followed by the Correspondence Group (FSI 13/23, paragraphs 4.26 and 4.27), the Sub-Committee concurred with the recommendation of the analyst, as confirmed by the Working Group, that the reports were noted, with no further action to be taken.

Overview of lessons learned from casualties

5.16 The Sub-Committee agreed to the overview of lessons learned, as set out in annex 2, bearing in mind that no changes were made by the group to document FSI 14/5.

5.17 In its review of the overview of lessons learned, the Sub-Committee noted the following:

1. a report into a death resulting from an entry into enclosed spaces was submitted and that such reports were received with a disturbing regularity. It seems that, despite the Organization’s best endeavours, circulars and other publicity relating to the problem were not reaching some seafarers. The Sub-Committee noted the group’s view that Member States would ‘target’ such accidents with a view to submitting reports for analysis and possible reference to the appropriate technical sub-committees;

2. there was an alarming number of fatalities and serious injuries associated with mooring and unmooring ships. No less than six reports considered by the group involved either the failure of mooring equipment or fatality or injury through apparent human factors. The Sub-Committee noted the group’s view that Members States would ‘target’ such accidents with a view to submitting reports for analysis and possible reference to the appropriate technical sub-committees;

3. collisions and groundings accounted for a significant percentage of reports issued. It was also noted that the number of reports on occupational fatalities and injuries had increased and, in this regard, the Sub-Committee agreed to focus on these types of casualties to try and discern trends; and

4. considering the high number of Bridge Resource Management (BRM) -related casualty causes, as identified by the Correspondence Group on Casualty Analysis, the delegation of Singapore suggested that the STW Sub-Committee be requested to look into the issue of making BRM training mandatory for deck officers under the STCW Convention.

Relevant recommendations on casualty analysis

5.18 The Sub-Committee noted that the reports on the Sea Elegance and Chassiron had already been referred to the relevant sub-committees and that no further action was necessary.

5.19 The Sub-Committee agreed that the report of investigation into the over-pressure of cargo tanks of the Perla be forwarded to the International Association of Classification Societies.
(IACS) and that the issues raised in the report of the breakdown of the Stena Europe did not warrant referral to the STW Sub-Committee.

Lessons learned for presentation to seafarers

5.20 The Sub-Committee approved the Lessons Learned for Presentation to Seafarers, as set out in annex 2 to document FSI 14/WP.1/Add.1, for release on the IMO website following the review carried out by the Secretariat in co-operation with the Chairmen of the relevant sub-committees, according to the agreed procedure (FSI 11/23, paragraph 4.19).

INTER-INDUSTRY WORKING GROUP (IIWG)

5.21 The Sub-Committee agreed to forward the study carried out by the Inter-Industry Working Group (IIWG) to the Correspondence Group on Casualty Analysis, for consideration.

CASUALTY-RELATED DECISIONS OF OTHER IMO BODIES

5.22 The Sub-Committee agreed to defer consideration of this item to its next session.

GLOBAL INTEGRATED SHIPPING INFORMATION SYSTEM (GISIS) FACILITIES

5.23 The co-ordinator of the Correspondence Group on Casualty Analysis noted that the GISIS database is available to members of the Correspondence Group for the processing of casualty analysis. The co-ordinator will prepare instructions in consultation with the Secretariat for members of the Correspondence Group.

JOINT SESSION WITH THE WORKING GROUP ON PORT STATE CONTROL

5.24 The Sub-Committee noted that the Chairmen of the Working Groups on Casualty Analysis and on Port State Control had conducted preliminary discussions on the combination of casualty- and PSC-related data and had agreed that the discussions should continue at the next session.

TERMS OF REFERENCE OF THE CORRESPONDENCE GROUP ON CASUALTY ANALYSIS

5.25 The Sub-Committee, taking into account the work completed at this session, re-established the Correspondence Group on Casualty Analysis, under the co-ordination of the United Kingdom*, to continue its work intersessionally under the following terms of reference:

1. Based on the information received from Members States on investigations into casualties, to conduct a review of the relevant casualty reports referred to the group by the Secretariat;

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to identify safety issues that need further consideration;

to place on GISIS the review of each individual casualty investigation report. Prepare a synopsis of all reports reviewed, for preparation of the co-ordinator’s composite report that would be forwarded to the Secretariat for preparation of the correspondence group’s report;

consider in detail the study carried out by the Inter-Industry Working Group (IIWG) (MSC 81/8/1 and MSC 81/INF.8) and, in particular, the issues relating to availability of casualty data for reporting to MSC 83, taking into account the information provided by Sweden in plenary and the recommendation by the Correspondence Group to refer the report on the Chassiron to the BLG Sub-Committee for consideration of the lessons learned from the accident (FSI 14/5, paragraph 15); and

to submit a report to FSI 15.

OTHER ISSUES

5.26 The delegation of Spain commented that:

1 cargo tanks modified for use as clean ballast tanks should no longer be considered as “cargo tanks” for the purposes of frequency and extent of the inspections but as genuine “ballast tanks” with high risk of corrosion, since they are generally uncoated and the inside conditions are highly aggressive;

2 the substitution of structural elements by others with smaller scantlings than the original ones, therefore not providing the repaired structure with equivalent strength and stiffness to the as-built constitutes a very important hidden sources of weaknesses;

3 the rigorous close-up inspections and surveys already required for vessels over 15 years of age should be ascertained that they are in fact thoroughly carried out; and

4 emergency towing systems should be subject to a maintenance programme that ensures that they are readily available at any time.

5.27 The delegation of the Bahamas commented that the statement made by Spain clearly refers to the conclusions and recommendations contained in their report on the loss of the Bahamian tanker Prestige. The delegation of the Bahamas disagrees with those conclusions and recommendations and considers that the remarks of Spain should not be taken forward as actions either by the Working Group or the Sub-Committee.

6 REVIEW OF THE CODE FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS

Guidelines on fair treatment of seafarers in the event of a maritime accident

6.1 The Sub-Committee recalled that the Legal Committee, at its ninety-first session, had adopted, by resolution LEG.3(91), the Guidelines on fair treatment of seafarers in the event of a maritime accident and had instructed the Secretariat to bring the adopted Guidelines to the
attention of the bodies undertaking a review of the Code for the Investigation of Marine Casualties and Incidents (FSI 14/2/2).

6.2 In this context, MSC 81, taking into account the ongoing work of the Sub-Committee on the review of the Code for the Investigation of Marine Casualties and Incidents, and in consultation with the Chairman of the MEPC, referred, subject to concurrent decision of the MEPC, the Guidelines on fair treatment of seafarers in the event of a maritime accident to FSI 14 for consideration, as appropriate.

Report of the Correspondence Group

6.3 The Sub-Committee considered the report of the Correspondence Group on the Review of the Code for the investigation of marine casualties and incidents (FSI 14/6).

Establishment of the working group

6.4 The Sub-Committee agreed to further instruct the Working Group on Casualty Analysis and Review of the Code for the Investigation of Marine Casualties and Incidents, to:

   .1 review the Code for the investigation of marine casualties and incidents, based on the report of the Correspondence Group, taking into consideration resolution LEG.3(91), as appropriate (FSI 14/6 and FSI 14/2/2); and

   .2 advise on the re-establishment of the Correspondence Group on the Review of the Code for the Investigation of Marine Casualties and Incidents to continue the work intersessionally and report to FSI 15 and, if so, prepare draft terms of reference for that group, including the drafting of the proposed vehicle for making the new Code mandatory.

Report of the Working Group

6.5 Having received the report of the working group (FSI 14/WP.1 and Add.1), the Sub-Committee approved it in general and took action as outlined hereunder.

Code for the investigation of marine casualties and incidents

6.6 The Sub-Committee noted the review of the entire Code for the investigation of marine casualties and incidents, including the foreword, general provisions, mandatory standards, and recommended practices, which took into consideration resolution LEG.3(91).

6.7 Having considered the text of draft Code and, in particular, the question of which parts should be made mandatory, the Sub-Committee agreed in principle that all the chapters contained in part II (Mandatory standards) should remain mandatory, subject to further review by a correspondence group. In this regard, the Sub-Committee agreed that chapter 3 (Application), chapter 4 (Responsible authority), chapter 5 (Notification) and chapter 6 (Requirement to investigate very serious casualties) should be mandatory in their entirety, while chapter 7 (Flag State’s agreement with another substantially interested State to conduct a marine safety investigation) and chapter 8 (Powers to collect evidence) would need to be reviewed in order to remove provisions which were not considered as being mandatory.
6.8 With regard to part III (Recommended practices), the Sub-Committee developed draft alternative text to be further considered, together with the entire revised draft Code for the investigation of marine casualties and incidents, intersessionally.

**Terms of reference of the Correspondence Group**

6.9 Taking into account the work completed at this session, the Sub-Committee decided to re-establish the Correspondence Group on the Review of the Code for the Investigation of Marine Casualties and Incidents, under the co-ordination of Australia*, to continue the work on this issue and agreed to the following terms of reference:

.1 review the Code for the investigation of marine casualties and incidents, based on the report of the Working Group (FSI 14/WP.1 and Add.1), taking into consideration resolution LEG.3(91), as appropriate;

.2 identify any ambiguities and inconsistencies and refine and develop the draft Code for finalization by a working group, if established, at FSI 15;

.3 prepare a draft text for mandatory standards;

.4 develop discretionary provisions relating to the requirement to investigate serious casualties and incidents;

.5 develop discretionary provisions relating to the content and format of reports of investigation into serious casualties and incidents;

.6 update the appendix (Guidelines to assist investigators in the implementation of the Code) to resolution A.849(20) on the Code for the investigation of marine casualties and incidents where appropriate;

.7 consider and provide draft text for the vehicle(s) for adoption of the new Code, and draft amendments to the relevant instrument(s) in order to make the Code mandatory; and

.8 submit a report to FSI 15.

6.10 The EC observer indicated that the legislation on Marine Casualty Analysis and Investigation within the European Union (EU) is in place. He also mentioned that there is a proposal within the EU by the EC for further EU-wide Marine Casualty Analysis and Investigation legislation as part of the so-called third Maritime Safety Package. This proposal is still under discussion among the 25 EU Member States and the European Parliament and might therefore be amended or modified.

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He stated that the present requirements for Marine Casualty Analysis and Investigation within the EU and the further requirements presently under consideration within the EU might be of interest to the Organization and that he would, therefore, envisage the EU to submit this for consideration by the relevant IMO bodies.

He concluded by saying that the Organization should be aware that these developments within the EU might lead to requirements for Marine Casualty Analysis and Investigation regarding incidents involving vessels flying the flag of EU Member States as well as incidents occurring in waters under the jurisdiction of EU Member States which might go beyond the requirements or recommendations contained in IMO instruments.

7  HARMONIZATION OF PORT STATE CONTROL ACTIVITIES

GENERAL

7.1 In order to deal with the eighteen documents submitted under this agenda item, the Sub-Committee agreed to consider them under the following headings:

1. course of action and methodology for the harmonization of PSC activities;
2. annual reports on PSC activities; and
3. port State control procedures.

COURSE OF ACTION AND METHODOLOGY FOR THE HARMONIZATION OF PSC ACTIVITIES

7.2 Having recalled that FSI 13 had discussed in general the need to examine a large volume of technical material and the consequent time limitations for consideration in plenary, the importance of counting on effective representation from the PSC regimes in that process, and the benefits of constructive interaction between flag and port States, the Sub-Committee considered the information and proposals contained in document FSI 14/7 (Secretariat) on:

1. the basic principles of a methodology for the analysis of port State control data, as identified in document FSI 11/6/2 (New Zealand);
2. the various pending issues raised at FSI 13, i.e. the consideration of the outcome of the second joint Ministerial Conference of the Paris and Tokyo MoUs on PSC, the world fleet database and end-users questionnaire, the in-depth analysis of annual PSC reports, the IMO Global Workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres and associated documents;
3. the PSC-related technical co-operation activities for the next biennium;
4. the architecture and reporting facilities of the GISIS module on PSC; and
5. the suggested tasks of a working group on PSC.

7.3 The Sub-Committee also considered an update on the actions emanating from the Second Inter-regional Ministerial Conference on port State control, as contained in document FSI 14/7/5 (Paris or Tokyo MoU).
7.4 On the issue of the basic principles of harmonization of coding systems, the Sub-Committee was informed about the current status of the work of a joint working group of the Tokyo and Paris MoUs, as detailed in document FSI 14/7/10 (Tokyo MoU).

7.5 In support of the possible future development of global statistics on PSC, the Sub Committee considered document FSI 14/INF.2 (Paris MoU) containing a statistical analysis of the Paris MoU data for the year 2004.

7.6 The Sub-Committee further considered documents FSI 14/INF.3 (Paris and Tokyo MoUs) on Flag States targeted by the Paris MoU, the Tokyo MoU and the United States Coast Guard and FSI 14/7/11 (Secretariat) on developments concerning the Equasis information system.

7.7 On the question of the future of the IMO global workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres, the Sub-Committee considered document FSI 14/7/6 (Japan) on Technical assistance sub-programme in maritime safety and security.

7.8 The Sub-Committee agreed that the work of the Sub-Committee on the harmonization of PSC activities should be in line with the fundamental principle that flag State implementation is the very first line of defence for compliance with international standards, bearing in mind that PSC is only intended to complement the role of the flag States in this regard.

7.9 Regarding the Vancouver Declaration, the Sub-Committee noted that the follow-up actions developed by the Paris and Tokyo MoUs were still in progress. Therefore, it would be premature to expect substantive achievements of the Sub-Committee based on its detailed consideration. However, the Sub-Committee agreed to refer the Declaration to the Working Group on Port State Control for it to be simply noted at this stage.

7.10 On the question of the establishment of a standing Working Group on PSC, the Sub-Committee, having considered that a compelling need for such a group remained to be identified, decided that an ad hoc Working Group should rather be established on the basis of specific terms of reference to be reviewed at each and every session when the Working Group would be expected to meet.

7.11 In trying to qualify the methodology for its work on PSC, the Sub-Committee confirmed that the development and maintenance of a framework to promote the global harmonization and co-ordination of PSC activities, which corresponds to one of its revised terms of reference, as agreed by the MSC and MEPC, was the most suitable terminology to be used in the terms of reference of the Working Group.

**ANNUAL REPORTS ON PSC ACTIVITIES**

7.12 The Sub-Committee considered the following annual reports presented by the PSC regimes:

- .1 2004 annual statistics of the Viña del Mar Agreement (FSI 14/7/2);
- .2 2004 annual report of the Paris MoU (FSI 14/7/4);
- .3 2004 and 2005 annual reports of the Black Sea MoU (FSI 14/7/8);
- .4 2005 annual report of the Indian Ocean MoU (FSI 14/7/9);
The Sub-Committee also considered document FSI 14/INF.8 (Secretariat) on Progress report on regional PSC agreements.

The Sub-Committee invited regional PSC agreements and the United States Coast Guard to continue submitting their annual reports to the Sub-Committee, preferably in a uniform manner concerning the year of reference of the statistics contained therein and instructed the Secretariat to continue providing the Sub-Committee with information on the PSC regimes.

PORT STATE CONTROL PROCEDURES

Amendments to the procedures for PSC consequential to the revised MARPOL Annex IV

The Sub-Committee recalled that MEPC 53 had agreed that paragraph 1.4 and section 3.5 of the Procedures for port State control adopted by resolution A.787(19), as amended, were in need of review as a result of the entry into force of the revised MARPOL Annex IV and had agreed to task the Sub-Committee with the revision of the Procedures for port State control adopted by resolution A.787(19), as amended by A.882(21), in order to consider provisions to deal with Annex IV-related inspection procedures.

The Sub-Committee recalled that MEPC 54 had further included the term “offshore terminals” as an additional location where port State inspections may take place in the new regulation 13 of MARPOL Annex IV adopted by resolution MEPC.143(54).

In this context, the Sub-Committee considered document FSI 14/7/1 (Australia) on Amendments to the procedures for port State control – MARPOL Annex IV.

Amendments to procedures for PSC consequential to the revision to MARPOL Annex II

The Sub-Committee recalled that, at MEPC 51, the Secretariat had identified those Guidelines referenced in the 2002 consolidated edition of Annex II of MARPOL 73/78 and made preliminary proposals for possible actions to be taken as a result of the revised MARPOL Annex II, which is expected to enter into force on 1 January 2007.

The Sub-Committee also recalled that MEPC 51 had instructed the ESPH Working Group to develop draft amendments to the guidelines consequential to the revision to MARPOL Annex II, including the Procedures for Port State Control, adopted by resolution A.787(19) as amended by resolution A.882(21).

In the same context, the Sub-Committee further recalled that BLG 10, having agreed (BLG 10/3, paragraphs 7.1 to 7.6 and annexes 10 and 11) to the proposed amendments to the Procedures for Port State Control, adopted by the Organization by resolution A.787(19) and amended by resolution A.882(21), as developed by ESPH 11, had referred the proposed amendments to the FSI and DSC Sub-Committees for their consideration and for subsequent approval by MEPC 55 and MSC 82.
Validity of Type Approval Certification for Marine Products

7.21 On the issue of the validity of type approval certification for marine products, the Sub-Committee considered document FSI 14/7/3 (IACS) and referred it to the Working Group on PSC.

Detainable deficiencies identified during the period of validity of Interim SMCs

7.22 Regarding the question of detainable deficiencies identified during the period of validity of Interim SMCs, the Sub-Committee considered document FSI 14/7/7 (IACS) and referred it to the Working Group on PSC.

Consolidated Revised Guidelines on Port State Control

7.23 Taking into account the potential need to incorporate relevant new provisions and to review the adequacy of reporting formats, the Sub-Committee considered the question of the preparation of a new consolidated version of the procedures for port State Control and referred it to the Working Group on PSC.

Recognized organizations (ROs)

7.24 The Sub-Committee recalled that MSC 81, based on the report of FSI 13 on the consideration of document FSI 13/10/2, with regard to the development of guidelines for PSC officers related to the arrangements of flag States on ships’ survey and certification, had concurred with the FSI 13’s decision calling for written proposals to progress the matter further, and for the gathering of experience from the usage of the GISIS module on recognized organizations (ROs), the Sub-Committee considered the information presented by the Secretariat on the use of the GISIS module on recognized organizations (ROs).

Notifications in case of detention

7.25 On the question of the notification to the flag States by the port States in case of detentions the delegation of Tuvalu, supported by some delegations, stressed the importance of a timely notification which should allow prompt action to be taken by the flag State in order to use the opportunity of the detention to exercise further its responsibility to ensure that the ships flying its flag fully comply with international requirements. The text of the statement as delivered by the delegation of Tuvalu is reproduced in annex 3.

Establishment of the Working Group on Port State Control

7.26 Having considered in detail the proposed terms of reference contained in annex 3 to document FSI 14/7 (Secretariat) on the Proposed course of action and methodology, the Sub-Committee agreed to establish the Working Group on Port State Control and instruct the group, taking into account comments made in plenary:

General

1. to review the various sources of information relevant to the work of the group, including the available documentation and the review processes already established;
.2 to review the table containing the priority elements emanating from the conclusions and recommendations of the third IMO Workshop for MoU/Agreement Secretaries and Directors of Information Centres and make recommendations as appropriate (FSI 14/7, annex 1);

.3 to note the conclusions and recommendations of the Second Joint Ministerial Conference of the Paris and Tokyo MoUs, as considered by the Paris and Tokyo MoUs PSC Committees;

**Harmonization**

.4 to identify the elements for a framework on global harmonization and co-operation of PSC activities;

.5 to consider the format of the IMO Workshop for PSC regimes;

**Data system**

.6 to identify the potential objectives of, and methodology for, the compilation of the various PSC data sets (including the type of inspections to be reported to IMO) in considering improved collection mechanisms and the compatibility of data, while preparing any relevant recommendations and/or requests for missing transfers or complementary needs to be conveyed to the PSC regimes (MoUs, Agreement and USCG) and other inter-regional servers (FSI 14/INF.2 and FSI 13/6/6);

.7 to prepare a draft methodology for the periodic analysis, by the Sub-Committee, of PSC practices, procedures and data, including the in-depth analysis of annual PSC reports;

.8 to examine possible acquisition of a world fleet database, including the dissemination of the questionnaire (FSI 14/7, annex 2), and consider how such a database would fit in and benefit the Sub-Committee’s prospective PSC strategy and methodology, taking into account also any relevant developments relating to the PSC module of GISIS;

.9 to hold a preliminary joint session with the Working Group on Casualty Analysis in order to identify the potential objectives of, and methodology for, the combination of PSC and casualty data;

.10 to review the status of the GISIS module on PSC and to prepare relevant recommendations for consideration and implementation by the Secretariat, taking into account the relevant outcome of the discussion of the various subject matters;

**Others**

.11 to develop PSC Guidelines on inspection of seafarers’ working hours and the associated draft MSC resolution to be submitted to MSC 82 for adoption, and advise on a suitable course of action in order to keep the ILO fully informed about the development of such Guidelines by IMO;
.12 to consider the need for updating the Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)), in particular the possibility of including any relevant new IMO instruments;

.13 to revise the Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)) in view of the entry into force of the revised MARPOL Annex IV and the revision of MARPOL Annex II;

.14 to consider the proposed amendments to the Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)) based on the issue of detainable deficiencies identified during validity of Interim SMCs’ (FSI 14/7/7);

.15 to consider the proposed development of a draft MSC circular on the Validity of Type Approval Certification for Marine Products;

.16 to advise on the establishment of a Correspondence Group on Port State Control and, if so, prepare draft terms of reference for that group; and

.17 to submit a written report to plenary on Thursday, 8 June 2006.

7.27 The Sub-Committee noted that the group could not consider its terms of reference .1, .6, .7 and .8 above, due to time constraints.

Conclusions and recommendations of the third IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres

7.28 The Sub-Committee reviewed and approved the following recommendations:

.1 noting the statement made by the Black Sea MoU on their developed action plan for the implementation of the recommendations of the third IMO workshop, the Black Sea MoU was invited to submit the plan to FSI 15;

.2 the Black Sea and Paris MoUs were invited to submit audit procedures to FSI 15 bearing in mind the Voluntary IMO Member State Audit Scheme in order to deal with this recommendation in the PSC Working Group at the next session of FSI (if established);

.3 all PSC regimes were invited and encouraged to participate in the work of a correspondence group on PSC, if established;

.4 all PSC regimes were invited to make available their security guidelines through IMO;

.5 all PSC regimes were invited to share information for rules and procedures for PSC committees at the next PSC workshop;

.6 to develop a code of conduct for PSC activities at its next session, taking into consideration the internal code of conduct already developed by the Paris MoU;

.7 to look into the issue of MSC.1/Circ.1010 – MEPC.1/Circ.382, taking into consideration the publication by GISIS on ROs and PSCOs operational requirements;
.8 to forward the issue of harmonization of coding systems to the next PSC workshop for its consideration;

.9 to consider the issue of inspection data for ships flying the flag of dependent territories at its next session;

.10 to forward the consideration of the principles of interregional information exchange to the next PSC workshop;

.11 all PSC regimes were invited to provide information on the status of development and implementation of the regional information systems and in particular details of open data publication to the next PSC workshop;

.12 to forward the consideration of the harmonization of the training of database managers to the next PSC workshop;

.13 to forward the consideration of the issue of dissemination of information on ongoing and planned PSC training activities, including cross-participation in training activities and distant learning package to the next PSC workshop;

.14 the Secretariat was requested to contribute to the development of references concerning convention requirements for coding systems; and

.15 the Secretariat was requested to develop tables of references concerning new convention requirements relevant to PSC activities.

Conclusions and recommendations of the Second Joint Ministerial Conference of the Paris and Tokyo MoUs

7.29 The Sub-Committee noted with appreciation the information provided on the outcome of the Second Joint Ministerial Conference of the Paris and Tokyo MoUs (FSI 13/6/2).

Framework on global harmonization and co-operation of PSC activities

7.30 The Sub-Committee recognized that the standards on PSC are already contained in relevant IMO instruments, therefore, the harmonization of PSC activities may be considered from the point of view of appropriate procedures, activities and practices with the goal of eradicating the operation of sub-standard ships.

7.31 In this context, the recognition of inspection results at a global level might be achieved, as a long-term target, provided that all applicable relevant instruments have been included in the agreement. As a basis the following could be reached globally:

.1 harmonized (compatible) procedures of PSC inspections;

.2 harmonized (unified) actions against vessels having deficiencies; and

.3 availability of PSC inspection results to all officers conducting PSC inspections worldwide.
7.32 The importance of the fact that harmonization of PSC activities should not lead to decrease the standards of current PSC practices and activities, but to promote good PSC practices, was stressed by all the delegations that spoke.

7.33 The Sub-Committee agreed that in order to establish a framework for harmonized PSC activities, it was necessary to identify specific issues to be taken into consideration. The Sub-Committee also recognized that the harmonization of PSC activities was a challenging task and therefore agreed to highlight the most basic and important elements of harmonization, which are listed as follows:

1. ratification by all Member States of the IMO instruments and other relevant Conventions (i.e. ILO Conventions);
2. unified understanding and implementation (i.e. authorities and PSCOs) of the provisions contained in the Conventions, codes and guidelines (PSC procedures, Code of Good Practice and review process);
3. compatibility of PSC procedures, reporting systems and standard formats (coding system, terminology, statistics, notifications, right of appeal, etc.);
4. transparency of information as well as reliable statistics on inspection results;
5. co-operation and efficient exchange of information between Member States and MoUs;
6. mutual information exchange by PSC data among PSC regimes and inclusion of all data available in selection procedures of a particular PSC regime;
7. analysis of PSC activities, practices and statistics with the aim to improve them;
8. training of qualified professionals as PSC officers and a good understanding of processes, standards, codes and practices by all PSC actors (i.e., flag States, port State control officers, Authorities, crew, etc.); and
9. revision of the available training material such as IMO model course 3.09 on PSC and developing globally harmonized training materials.

7.34 Notwithstanding the above, the Sub-Committee noted that the group had acknowledged the regional PSC regimes may have objectives, which are of their particular interest, taking into account regional circumstances and, in order to achieve a higher degree of harmonization, had encouraged the regional PSC regimes to make bilateral and/or multilateral arrangements to that effect.

Format of the IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres

7.35 Based on paragraph 40 of document FSI 14/7 the Sub-Committee identified a proper framework for the PSC workshop with the following terms of reference:

1. to keep the form of a forum dealing with technical and administrative PSC issues only;
the scope of interaction among participants and agenda items should be limited to consider those instruments already in place; and
to focus merely on the exchange of experience on administrative issues, day to day activities, sharing of “know how”, field problems and their possible solutions and improvement of training.

7.36 The Sub-Committee agreed that the PSC workshops should not deal with policy matters since these matters should rather be considered by relevant IMO bodies.

7.37 Regarding the frequency of the PSC workshop and considering the importance of keeping the PSC regimes technical links, the Sub-Committee agreed that this event might take place every two years.

7.38 The Sub-Committee recommended that the next PSC workshops should take place sometime between the third and fourth months of the year, that is, two months before the Sub-Committee’s sessions, which are usually scheduled in June on an annual basis.

7.39 The Sub-Committee also recommended that the three-day PSC workshop be an open event. Therefore all IMO Members should be welcome to participate as observers.

7.40 The Sub-Committee agreed that in order to inform the Members of the forthcoming PSC workshops, a circular letter should be issued by the Secretariat stating dates and venue.

7.41 The Sub-Committee noted that, as decided by MSC 80, the venue for the PSC workshop could be decided on a rotational basis and, therefore, invited PSC regimes to submit proposals to the Secretariat in this respect.

7.42 Taking into account the agreed terms of reference, the Sub-Committee developed the following agenda for the fourth PSC workshop:

.1 Opening;
.2 Election of the Chairman;
.3 Adoption of the agenda;
.4 IMO activities related to PSC;
.5 Update on activities and decisions by the MoUs/Agreement;
.6 New developments regarding regional information systems including inter-regional exchange;
.7 PSC manuals and other administrative matters;
.8 Training activities; and
.9 Closure of the meeting.
7.43 Having agreed that the PSC workshop would have the status of an open forum, a proper way of reporting its outcome would be an appropriate submission by the Secretariat to the next session of the Sub-Committee. To this effect the workshop would be requested to approve a written report and a list of recommendations to be delivered to the Sub-Committee through the Secretariat.

7.44 The Sub-Committee recommended that, regarding the sponsorship for participants of the MoUs/Agreement for their attendance to the PSC workshops, the travel costs and DSA for participants of all the PSC regimes be covered without exception.

**World fleet database**

7.45 The Sub-Committee briefly discussed the possible acquisition of a world fleet database and the issue of the world fleet database but decided to defer further consideration of the issue to FSI 15, taking into account the information collected through dissemination of the questionnaire set out in annex 2 to document FSI 14/7.

**Status of the GISIS module on PSC**

7.46 The Sub-Committee considered the information on the PSC Module of the GISIS provided in document FSI 14/7.

7.47 Appreciating the initiative of the development of the PSC Module in GISIS, the Sub-Committee noted that the information gathered was not sufficient at this stage to allow proper consideration of the issue. The Sub-Committee agreed that further information and consideration were needed on the following points:

1. whether this module would be a duplication of Equasis system;
2. who would bear the responsibility for correctness and proper reflection of PSC data;
3. who will be the owner of the collected data;
4. how the data will be managed, including proper recording of follow-up action;
5. if the data were to be submitted by Member States into GISIS, what would be the role of the regional PSC information centres;
6. what exact set of data is required to be submitted to IMO through GISIS and for what purposes;
7. how will IMO use the collected data; and
8. what would be the data flow scheme.

7.48 The Sub-Committee noted the recommendation of the group that the only body with the right to correct or amend any submitted data to IMO is the State that submitted the data.

7.49 The Sub-Committee also noted the opinion of the group that, before finalizing and launching the GISIS Module on PSC, its specifications should be reviewed and verified more
carefully by appropriate bodies to be identified by the Sub-Committee. As an option a correspondence group on PSC might be assigned this task.

**PSC Guidelines on seafarers’ working hours**

7.50 The Sub-Committee discussed the Paris MoU relevant PSC Guidelines on inspection of seafarers’ working hours (FSI 13/14), and developed the associated draft instruments as contained in annex 4. Since the guidelines were related to ILO instruments, the Sub-Committee recommended that IMO should work in co-operation with ILO in order to agree on the form in which the guidelines should be issued.

**Review of resolution A.787(19), as amended by resolution A.882(21)**

7.51 Having considered the issue of the updating of the procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)), and the possible inclusion of relevant new IMO instruments, the Sub-Committee agreed that, due to the lack of time, the establishment of a correspondence group on PSC should be considered.

7.52 The Sub-Committee agreed in principle with the revised Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)) in view of the entry into force of the revised MARPOL Annex IV and the revision of MARPOL Annex II and amended the proposed draft amendments contained in the annex to document FSI 14/7/1, as set out in annex 2 of document FSI 14/WP.3.

7.53 The Sub-Committee agreed that a further and careful consideration of the references contained in paragraph 1.4 of the annex to resolution A.787(19), as set out in annexes 2 and 4 of document FSI 14/WP.3, should be made by a correspondence group when preparing the consolidated text of revised procedures for port State control.

7.54 Having considered draft amendments to resolution A.787(19), as prepared by BLG 10 (BLG 10/3, annexes 10 and 11), the Sub-Committee agreed, in principle, with the draft amendments, as contained in annex 4 to document FSI 14/WP.3, subject to a further review to be carried out by a correspondence group when developing a consolidated text of revised procedures for port State control, with particular attention to the wording in square brackets. The Secretariat was instructed to inform DSC 11 about the outcome of its consideration of this matter.

7.55 The Sub-Committee considered a proposal by IACS on Amendments to the Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)) based on the issue of detainable deficiencies identified during the period of validity of Interim SMCs (FSI 14/7/7) and was of the opinion that the submission did not provide enough information for proper consideration at this session.

7.56 Nevertheless, having recognized the potential relevance of the aforementioned proposal on the issue of detainable deficiencies identified during the period of validity of interim SMCs, the Sub-Committee invited Members to make further submissions on the matter.

7.57 The Sub-Committee recommended that a consolidated text of the resolution might be developed, which would include all the amendments already made and possible new amendments. In this context, the Sub-Committee was of the opinion that it would be more convenient to keep this particular resolution in a consolidated format.
7.58 While agreeing to recommend to MEPC 55 and MSC 82 to endorse the proposed course of action on the review of resolution A.787(19), as amended (paragraphs 7.51 to 7.59), the Sub-Committee identified the need to develop proposals for a simplified procedure of amending resolution A.787(19) to keep it in line with amendments to relevant instruments.

7.59 The Sub-Committee established the Correspondence Group on Harmonization of port State control activities under the co-ordination of the Russian Federation* and with the following terms of reference:

.1 to review and update the procedures for port State control, as contained in resolution A.787(19), as amended by resolution A.882(21), while developing a draft consolidated text of revised procedures for port State control, and proposals for simplified procedures of amending them in the future with a view to keeping the procedures in line with the amendments to relevant instruments;

.2 in the context of the review of the procedures for port State control, to develop amendments with respect to amended annexes I, II, IV and VI of MARPOL while taking into account the draft amendments contained in annexes 2 and 4 to FSI 14/WP.3 and, in particular, the wording of those draft amendments shown within square brackets;

.3 to advise the Secretariat on the development of the specifications of the IMO GISIS Module on PSC, taking into account the observations made by the Working Group on PSC in its report (FSI 14/WP.3, paragraphs 28 to 31); and

.4 to submit a report to FSI 15.

Type approval certification for marine products

7.60 The Sub-Committee developed a draft MSC circular on the Validity of Type Approval Certification for Marine Products, as set out in the annex 5, for submission to MSC 82 for approval.

8 PSC ON SEAFARERS’ WORKING HOURS

8.1 The Sub-Committee recalled that MSC 69 had instructed it to consider if port State control authorities should develop and implement procedures to assess whether seafarers on ships they inspect are subject to excessive working hours.

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8.2 The Sub-Committee recalled that FSI 12 had noted that the ILO was developing, for expected finalization in 2005, a single updated instrument addressing working hours and hours of rest, as well as associated enforcement measures.

8.3 The Sub-Committee also recalled that FSI 13, having considered document FSI 13/14 (France), proposing the guidelines on inspection of hours of work/rest adopted by the Committee of the Paris MoU, had agreed that there was value in promulgating similar guidelines through an appropriate MSC circular. Noting that the target completion date for this work programme item was 2006, FSI 13 agreed to consider the document further at FSI 14 and instructed the Secretariat to keep the International Labour Organization informed of the progress of its deliberations on this matter.

8.4 Having noted the finalization of the new Maritime Labour Convention, 2006, the Sub-Committee further recalled that at MSC 81, the ILO representative had indicated that the development of this instrument had benefited from the significant input of IMO’s expertise and that further co-operation with regard to port State control-related matters would be of great value.

8.5 The Sub-Committee further instructed the Working Group on Port State Control established under agenda item 7 (Harmonization of port State control activities) to develop draft PSC Guidelines on inspection of seafarers’ working hours and the associated draft MSC circular/resolution to be submitted to MSC 82 for adoption, and advise on a suitable course of action in order to keep the ILO fully informed about the development of such Guidelines by IMO (see paragraph 7.26.11).

8.6 Having considered the report of the above-mentioned Working Group (FSI 14/WP.3), the Sub-Committee took a decision as indicated in paragraph 7.50.

9 DEVELOPMENT OF GUIDELINES FOR PORT STATE CONTROL UNDER THE 2004 BWM CONVENTION

9.1 The Sub-Committee recalled that MEPC 52 had instructed it to develop the Guidelines on port State control under the Ballast Water Management Convention focusing, in particular, on the sampling of the discharge from Ballast Water Management Systems installed on board ships pursuant to Type Approval under the Guidelines for approval of ballast water management systems (G8) or Prototype Approval under the Procedure for approval of prototype ballast water treatment technologies (G10).

9.2 The Sub-Committee further recalled that MEPC 53 adopted the Guidelines for approval of Ballast Water Management Systems (G8) by resolution MEPC.125(53) and MEPC 54 adopted the Guidelines for approval and oversight of prototype ballast water treatment technology programmes (G10) by resolution MEPC.140(54).

9.3 The Sub-Committee also recalled that FSI 13, having noted that no submission had been made at that session for the development of Guidelines on port State Control under BWM Convention, invited Member States and international organizations to submit their contributions to FSI 14.

9.4 The Sub-Committee considered document FSI 14/9 (Secretariat), which contained the text regarding procedures for port State control forwarded to it by BLG 10 for consideration when developing the Guidelines on port State control under the BWM Convention.
9.5 After some discussion the Sub-Committee recognized the need for an outline or a first draft to initiate the development of the Guidelines on port State control under the BWM Convention and reiterated its invitation to Member States and international organizations to submit proposals for such an outline taking into consideration the text provided by the BLG Sub-Committee at FSI 15. In this regard, the Sub-Committee also noted the information provided by Canada and the Paris MOU regarding the establishment of a task force under the Paris MOU to consider control mechanisms for ships’ ballast water and sediments and the intention to submit a paper as a basis for development of the Guidelines on port State control under the BWM Convention at FSI 15.

9.6 In this connection, the Sub-Committee noted the view that it may be premature to develop these guidelines before a standard sample analysis methodology is agreed upon.

9.7 The Sub-Committee agreed to invite the Committees to extend the target completion date of these Guidelines from 2006 to 2008.

10 COMPREHENSIVE ANALYSIS OF DIFFICULTIES ENCOUNTERED IN THE IMPLEMENTATION OF IMO INSTRUMENTS

Self-assessment of flag State performance

10.1 The Sub-Committee recalled that, at FSI 12, the Secretariat had presented an analysis of self-assessment forms (SAFs) also containing an illustration of the potential benefits of correlating information contained in the SAFs with data extracted from the Secretariat’s databases, including data on casualties.

10.2 The Sub-Committee also recalled that FSI 12 had agreed that the Sub-Committee should consider the following issues further:

.1 the discrepancies between the size of national fleets, as reported in the SAFs, as compared to corresponding figures set out in world fleet databases;

.2 the correlation between the information contained in the SAFs and other data; and

.3 the possibility of removing the requirement for anonymity of the SAFs, as an obstacle to further analysis.

10.3 The Sub-Committee was informed by the Secretariat that, to date, 58 initial SAFs and 39 updated SAFs have been received, and that the development of a GISIS module on SAFs was under consideration in order to allow Member States to complete the forms directly. In this context, the Secretariat referred to the decision of the Sub-Committee to consider whether the requirement for the SAF to remain confidential could be revisited, based on the current practices of the Member States for the public release of SAFs and the potential future correlation between the information contained in the SAFs and other data, as put forward in document FSI 12/8/3 (Vanuatu).
11 REVIEW OF THE SURVEY GUIDELINES UNDER THE HSSC (RESOLUTION A.948(23))

AMENDMENTS TO RESOLUTION A.948(23)

11.1 The Sub-Committee agreed that, in addition to dealing with the proposals for amendments of the Revised Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) (Resolution A.948(23)) contained in four documents (FSI 14/11 (IACS), FSI 14/11/1 (Greece), FSI 14/11/2 (Norway) and FSI 14/11/3 (Secretariat)) submitted under this agenda item, it would also address other matters related to the HSSC Survey Guidelines, as requested by MSC 80 and MSC 81, as follows:

.1 inspection of Voyage Data recorders (VDRs) under the HSSC (FSI 14/2/3 (Secretariat) and MSC 81/8/2 (United Kingdom));

.2 pre-planning of dry-dock survey (FSI 14/2 (Secretariat)); and

.3 rectification of MSC/Circ.1002 (FSI 14/2 and MSC 80/12/1 (Norway)).

11.2 The Sub-Committee recalled that FSI 13, having noted the recommendations of the Working Group on the Review of the Survey Guidelines under the Harmonized System of Survey and Certification (Resolution A.948(23)), established a Correspondence Group on the Review of resolution A.948(23) with the following terms of reference:

.1 to develop recommendations on procedures for amending the Revised Survey Guidelines on HSSC (resolution A.948(23)), taking into consideration documents FSI 13/12/1 and FSI 13/12/3, developments during FSI 13 and in accordance with the methodology agreed by the Sub-Committee;

.2 to prepare draft amendments to resolution A.948(23) for consideration by the Sub-Committee; and

.3 to develop further draft Survey Guidelines required by regulation E-1 of the Ballast Water Management Convention, taking into account document FSI 13/13, developments during FSI 13 and the outcome of BLG 9 and MEPC 53.

Report of the Correspondence Group

11.3 In considering the report of the Correspondence Group (FSI 14/11/1) the Sub-Committee noted its main contents, as detailed in annexes 1 to 5 of the report of the Group, as follows:

.1 annex 1 dealt with amendments to the 1974 SOLAS and 1966 LL Conventions; the 1988 SOLAS and LL Protocols; and amendments to the IBC and IGC Codes. Also, the annex to MSC-MEPC.5/Circ.1 dealing with conditions for extending the validity of a certificate had been included as a new draft subsection 5.9 in the General section of resolution A.948(23);

.2 annexes 2 and 3 of the report dealt with amendments to the Survey Guidelines arising from the revised MARPOL Annexes I and II, respectively, which were expected to enter into force on 1 January 2007;
annex 4 of the report introduced new draft Survey Guidelines for the revised MARPOL Annex IV. Whereas the Group understood that a submission of a proposal by a Member State should have first taken place, it nevertheless had volunteered to develop the draft Guidelines in order to expedite matters since the revised MARPOL Annex IV was already in force; and

annex 5 of the report introduced new draft Survey Guidelines for the Ballast Water Management (BWM) Convention.

11.4 IACS, in document FSI 14/11, expressed its concern that the current Survey Guidelines under the HSSC did not adequately cover the requirements contained in paragraphs 4.10.14 and 4.10.16 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (the IGC Code) and proposed to add three new paragraphs to the Survey Guidelines to cover this omission.

Survey Guidelines under the Ballast Water Management Convention

11.5 The Sub-Committee agreed that, notwithstanding that the group had developed draft text for new Survey Guidelines under the Ballast Water Management (BWM) Convention, given the fact that the Convention had not entered into force, the proposed amendments, after review by the Working Group at the present session, would be annexed to the report of the Sub-Committee and submitted to MEPC 55 for consideration and action as appropriate.

11.6 The Sub-Committee noted that the matter of Survey Guidelines under the Ballast Water Management Convention would be addressed under agenda item 12.

Inspection of Automatic Identification Systems

11.7 The delegation of Norway, in introducing document FSI 14/11/2, drew the attention of the Sub-Committee to the fact that inspection of Automatic Identification Systems (AIS) was not included in the current Survey Guidelines under the HSSC. However, as sufficient experience with the equipment had now been obtained, paragraph 5.1.2.101.13 of annex 1 to the Guidelines concerning passenger ships should be amended to include appropriate survey guidance; and a new paragraph 4.1.2.6bis of annex 1 of the Guidelines should be added to provide equivalent text for cargo ships.

11.8 In this respect the Sub-Committee recalled that COMSAR 10 had considered document COMSAR 10/15/1 (Norway) suggesting that the Revised Survey Guidelines under the HSSC should be amended by including requirements for the technical inspection/measures of automatic identification system (AIS) in order to ensure that AIS is operating in accordance with the operational/technical standards required. COMSAR 10 had agreed in principle with the proposal that the inspections of AIS should be conducted by the radio inspectors without issuing any special certificates and recommended that an appropriate proposal should be submitted to the FSI and the NAV Sub-Committees (COMSAR 10/16, paragraph 15.4).

11.9 The Sub-Committee agreed to refer documents FSI 14/11 and FSI 14/11/2 to the Working Group.
List of new requirements

11.10 The Sub-Committee considered document FSI 14/11/3 (Secretariat) providing a list of new requirements adopted since the last session in the context of the revision of the Survey Guidelines under the HSSC.

11.11 In this connection, the Sub-Committee recalled that FSI 12 had agreed that, after the adoption of resolution A.948(23) on the Revised Survey Guidelines under the HSSC, the timely preparation of relevant amendments to the Guidelines based on new requirements should become a priority in the work under this work programme item. The Sub-Committee had, therefore, instructed the Secretariat to prepare for every session a list of instruments that might necessitate the preparation of appropriate new amendments to the Guidelines and which instruments had, either been adopted during the intersessional period, or at earlier periods but had still not been dealt with.

11.12 The Sub-Committee recalled also that MEPC 52 and MSC 79 had endorsed the aforementioned instruction of FSI 12 to the Secretariat and that FSI 13 had agreed that the list of new and outstanding amendments to be prepared by the Secretariat, for every session, should be developed in the format of a table, grouped by subject and listed in chronological order. In pursuance of the above instruction, the Secretariat had prepared a list of new and outstanding requirements which were adopted since the last session together with references to Unified Interpretations and other potentially relevant instruments, as shown at annex to the document FSI 14/11/3.

11.13 The Sub-Committee agreed that the list of new and outstanding requirements under mandatory instruments adopted since the last session should be referred to the Working Group for consideration of appropriate amendments to be included in the Revised Survey Guidelines under the HSSC.

Miscellaneous

11.14 With the aim that the Working Group had a clear guidance before starting its deliberations, the Sub-Committee discussed the three questions put forward by the Correspondence Group, as contained in paragraphs 6, 9 and 10 of document FSI 14/11/1, and agreed that:

.1 the proposed draft Survey Guidelines developed by the Correspondence Group relating to MARPOL Annex IV could be accepted in view of the fact that no specific proposals from Members had been submitted;

.2 the proposed draft Survey Guidelines relating to the ship identification number, as developed by the Correspondence Group, could be accepted in view of the fact that there had not been submissions from Members; and

.3 the references to MARPOL in the Revised Survey Guidelines under the HSSC should be simplified to read “MARPOL 90/04”.
COURSE OF ACTION LEADING TO THE FINAL ADOPTION OF THE REVISED GUIDELINES

11.15 Following a debate on the sequence of future events until the potential adoption of the Revised Guidelines by the twenty-fifth session of the Assembly, the Sub-Committee agreed on the following course of action for consideration and endorsement by MEPC 55 and MSC 82:

.1 to establish an intersessional Correspondence Group tasked with further developing the draft amendments and preparing a consolidated draft of the Revised Survey Guidelines that should replace in its entirety the current Guidelines adopted by resolution A.948(23);

.2 the outcome of the Correspondence Group should be considered by FSI 15 for finalization of the draft Revised Guidelines; and

.3 the draft Revised Guidelines, as finalized by FSI 15, should be submitted to MEPC 56 (July 2007) and MSC 83 (October 2007) for approval prior to its submission by the Committees to the 25th session of the Assembly (November 2007) for consideration with a view to adoption of the new Revised Survey Guidelines under the HSSC which should replace those adopted by resolution A.948(23).

INSPECTION OF VOYAGE DATA RECORDERS (VDRS) UNDER THE HSSC

11.16 The Sub-Committee recalled that MSC 81 had considered the proposal contained in document MSC 81/8/2 on the inspection of VDRs under the HSSC and had referred it to FSI 14 and NAV 52 for review and recommendation under their agenda items on “Review of the Survey Guidelines under the HSSC (resolution A.948(23))” and “Any other business”, respectively, and reporting to MSC 82 (FSI 14/2/3, paragraph 7).

11.17 The Sub-Committee noted the views expressed in document MSC 81/8/2 (United Kingdom) that there would be clear benefits if clear guidelines were available to ensure a consistent standard of annual performance tests for VDR systems and that such Guidelines could follow the format of MSC/Circ.1040 on Guidelines on annual testing of 406 MHz satellite EPIRBs. The attached draft Guidelines in annex to MSC 81/8/2 needed to be reviewed by both the FSI and NAV Sub-Committees before being issued as an MSC circular.

11.18 The Sub-Committee agreed to refer the matter to the Working Group in the understanding that the outcome of its deliberations would be referred to NAV 52 for further review and submission to MSC 82 for decision and action as appropriate.

EXTENSION OF THE VALIDITY OF A CERTIFICATE

11.19 The Sub-Committee recalled that MSC 80, in relation to the consideration of the interpretation of SOLAS regulation I/14(e), and having endorsed FSI 13’s decision that the recommended conditions for extending the period of validity of a certificate should also be considered for inclusion as a new sub-section 5.9 in section 5 of the Revised Survey Guidelines under the HSSC (resolution A.948(23)), had instructed FSI 14 to prepare relevant amendments to resolution A.948(23) (FSI 14/2, paragraph 12).
11.20 The Sub-Committee, in noting that the matter had already been dealt with by the Correspondence Group and that a new sub-section 5.9 on “Recommended conditions for extending the period of validity of a certificate” had been added (FSI 14/11/1, annex 1, page 7) to the draft Survey Guidelines, agreed that the Working Group should review this new text when dealing with the general review of the outcome of the Correspondence Group.

PRE-PLANNING OF DRY-DOCK SURVEY

11.21 The Sub-Committee recalled that MSC 80, on the related issue of the pre-planning of the dry-dock survey for ships that are not subject to the enhanced programme of inspections, as identified by FSI 13, had instructed FSI 14 to develop, under its agenda item on “Review of the Survey Guidelines under the HSSC (resolution A.948(23))”, a draft MSC circular for submission to MSC 82 for approval, and had invited Member Governments to make relevant submissions (FSI 14/2, paragraph 11).

11.22 The Sub-Committee noted that no submissions have been received, however it agreed to task the Working Group with developing the draft MSC Circular, if time permitted.

RECTIFICATION OF MSC/CIRC.1002

11.23 The Sub-Committee recalled that MSC 80, while instructing the Secretariat to issue a corrigendum to the MSC/Circ.1002 on Guidelines on alternative design and arrangements for fire safety to eliminate the requirement to include a reference to the approved alternative design and arrangements in the appropriate SOLAS certificate, agreed that a long-term solution was necessary to record the approval of alternative arrangements on the relevant SOLAS safety certificates, bearing in mind that other sub-committees were in the process of preparing amendments and guidelines to allow for such approvals, which are similar to SOLAS regulation II-2/17 (Alternative design and arrangements) and MSC/Circ.1002. MSC 80, therefore, instructed the FSI Sub-Committee to consider the above matter and advise the Committee accordingly (FSI 14/2, paragraph 10).

11.24 The Secretariat informed the Sub-Committee that, in connection with this issue, MSC 80 had considered document MSC 80/12/1 (Norway) proposing that MSC/Circ.1002 be amended to eliminate the requirement to include a reference to the approved alternative design and arrangements in the appropriate SOLAS certificate (which is what FP 49 had recommended to the Committee). MSC 80 had agreed to delete the paragraph requiring the SOLAS certificate be modified and MSC.1/Circ.1002/Corr.1 was issued. It was necessary because SOLAS certificates did not currently allow for the indication of the approval of an alternative design, while MSC/Circ.1002 was requiring that the approvals be added to the certificates. Concurrently MSC 80 had agreed that a long-term solution was necessary to record the approval of alternative arrangements on the relevant SOLAS safety certificates, bearing in mind that other sub-committees were in the process of preparing amendments and guidelines to allow for such approvals, which are similar to SOLAS regulation II-2/17 (Alternative design and arrangements) and MSC/Circ.1002. The Committee had, therefore, instructed the FSI Sub-Committee to consider the above matter and advise the Committee accordingly, including the possibility that SOLAS certificates be amended to provide a place for the indication of alternative design approvals.

11.25 Following the explanation provided by the Secretariat, the Sub-Committee agreed to task the Working Group with the consideration of the above matter, time permitting, and provide its findings in order to report to MSC 82, as instructed.
ESTABLISHMENT AND REPORT OF THE WORKING GROUP

11.26 The Sub-Committee agreed to establish the Working Group on the review of the Survey Guidelines under the HSCC (resolution A.948(23)) with the following terms of reference:

Taking into account comments made and decisions taken in plenary, the group was instructed to:

.1 review draft amendments to the Survey Guidelines under the HSCC (resolution A.948(23)) using FSI 14/11/1 as a basis and taking into account proposals in FSI 14/11, FSI 14/11/2 and FSI 14/11/3;

.2 develop draft terms of reference for a correspondence group to be established;

.3 consider the issue of inspection of VDRs under the HSCC and review the draft Guidelines on annual testing of VDRs and simplified VDRs for submission to NAV 52 and MSC 82 using MSC 81/8/2 as a basis;

.4 if time permits, develop a draft MSC circular on the pre-planning of the dry-dock survey for ships that are not subject to the enhanced programme of inspection;

.5 if time permits, consider the issue of rectification of MSC/Circ.1002 on Guidelines on alternative design and arrangements for fire safety in connection with SOLAS regulation II-2/17 (alternative design and arrangements); and

.6 complete the development of survey guidelines required by regulation E-1 of the 2004 BWM Convention in the form of a draft Annex to the Sub-Committee’s report.

11.27 Having received the report of the Working Group (FSI 14/WP.2), the Sub-Committee approved the report in general and, in particular:

.1 noted the progress made in the review of draft amendments to the Survey Guidelines under the HSCC (resolution A.948(23)) and that the draft amendments, as reviewed by the group (FSI 14/WP.2, annex 1), are intended to form the basis for further review by a correspondence group in the intersessional period;

.2 agreed to the draft form for the AIS Test Report, set out in annex 6, for further review by NAV 52, subject to MSC 82’s concurrence;

.3 endorsed the views of the group as regards performance standards for shipborne Long-Range Identification and Tracking of ships (LRIT) equipment, that it would be appropriate for such equipment to be surveyed by radio inspectors and adequate provisions to be included in the Survey Guidelines under the HSCC in future for recommendation to MSC 82 for decision and action as appropriate;

.4 endorsed the unanimous views of the group that, as far as the survey of Ship Security Alert System (SSAS) by radio inspectors is 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 for recommendation to MSC 82 for decision and action as appropriate;
.5 agreed to the terms of reference for the Correspondence Group* on the Survey Guidelines under the HSSC as set out in annex 7;

.6 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, set out in annex 8, for review by NAV 52 subject to MSC 82’s concurrence;

.7 agreed to the draft Guidelines for pre-planning of surveys in dry-dock of ships which are not subject to the Enhanced Programme of Inspections under resolution A.744(18), as amended, set out in annex 9, for submission to MSC 82 for consideration and action as appropriate;

.8 agreed to the draft Interim Survey Guidelines under the HSSC for the purpose of the BWM Convention, set out in annex 10, for submission to MEPC 55 for consideration and action as appropriate; and

.9 endorsed the views of the group that it would be beneficial for the maritime community, in general, and with the aim of gaining experience in the survey of Ballast Water Treatment systems, that the Survey Guidelines under the HSSC for the purpose of the BWM Convention be circulated and, in this respect, agreed to recommend to MEPC 55 that the Guidelines be issued as a BWM.2/Circular in the interim period prior to the entry into force of the BWM Convention. The Secretariat was instructed to prepare an appropriate text for the cover note of the draft circular.

11.28 On the issue of Circular MSC/Circ.1002 on Guidelines for alternative design and arrangements for fire safety, the Sub-Committee noted the views of the Working Group that, after review of SOLAS regulation II-1/17 and MSC/Circ.1002, it had considered a possible option containing the following elements:

.1 addition in the related safety certificate of a sub-paragraph specifying that the ship was subjected or was not subjected to an alternative design and arrangements; and

.2 if subjected to an alternative design and arrangement, an attachment to the relevant certificate can be provided by the Document of approval of alternative design and arrangements for fire safety set out in appendix B to the annex to MSC/Circ.1002.

11.29 The Sub-Committee noted that the attachment of a document to a certificate is already foreseen in SOLAS regulation II-2/19 on Carriage of Dangerous Goods.

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11.30 The Sub-Committee endorsed the views of the Working Group that this solution could be used whatever the implemented alternative design and arrangements may be and that a possible example of additional sub-paragraphs on the Passenger Ship Safety Certificate with regard to SOLAS Reg.II-2/17, could read as follows:

“2.10 The ship was/was not subjected to an alternative design and arrangements in pursuance of SOLAS Reg.II-2/17

2.11 A Document of Approval of Alternative Design and Arrangements for Fire Safety is/is not appended to this Certificate”

11.31 The Sub-Committee agreed to advise MSC 82 accordingly for decision and action as appropriate.

11.32 The Sub-Committee noted a proposal by Greece for the inclusion of an additional paragraph in the revised Survey Guidelines under the HSSC with the aim of focusing on the pragmatic situation that surveyors encounter during the inspections of life saving appliances. In the view of Greece, it is beyond any expectation to inspect every single piece of equipment in cases of passenger ships, especially the larger ones, where more than 1,500 personal LSAs (mostly lifejackets) exist along with their accessories and it is not possible for an inspector to check them all. For these reasons Greece proposed to include a new paragraph in resolution A.948(23) to reflect the spirit of the contents of the applicable regulations.

11.33 The Sub-Committee further noted that the issue had been discussed in the Working Group and that the Group had decided not to insert a new paragraph in this respect.

12 DEVELOPMENT OF SURVEY GUIDELINES REQUIRED BY REGULATION E-1 OF THE 2004 BWM CONVENTION

12.1 The Sub-Committee recalled that from 31 May 2005 the “International Convention for the Control and Management of Ships’ Ballast Water and Sediments” (Ballast Water Management Convention) has been open for accession by any State and noted that to date, six countries (Maldives, Saint Kitts and Nevis, the Syrian Arab Republic, Spain, Nigeria, and Tuvalu) ratified or acceded to the Convention becoming Contracting States.

12.2 The Sub-Committee also recalled that the Ballast Water Management Convention will enter into force twelve months after the date on which not less than 30 States, the combined merchant fleet of which constitute not less than 35% of the world’s gross tonnage will have ratified it and urged Member States to become Parties to the Convention at their earliest convenience to facilitate its early entry into force.

12.3 The Sub-Committee further recalled that MEPC 51 had instructed FSI 13 to develop survey guidelines in accordance with Regulation E-1 of the Ballast Water Management Convention and that MEPC 53 endorsed the recommendation of FSI 13 for developing these guidelines under the Harmonized System of Survey and Certification (HSSC) in the form of amendments to resolution A.948(23).

12.4 The Sub-Committee recognized, however, that only survey requirements of instruments that are in force may be integrated in Assembly resolution A.948(23) and, therefore, until the Ballast Water Management Convention enters into force the draft survey guidelines should be kept in abeyance in the form of an annex to the Sub-Committee’s report.
12.5 Having noted the progress made by the Correspondence Group on the Review of the survey guidelines under the HSSC in further developing the survey guidelines under the BWM Convention and the comments on the draft contained in annex 5 to document FSI 14/11/1 made in the plenary, the Sub-Committee instructed the Working Group established under agenda item 11 to complete the development of Survey guidelines required by regulation E-1 of the 2004 BWM Convention (see paragraph 11.26.6).

**Outcome of the Working Group on the review of resolution A.948(23)**

12.6 Having received the report of the above-mentioned Working Group (FSI 14/WP.2), the Sub-Committee took decisions as indicated in paragraphs 11.27.8 and 11.27.9, and noted that the work item has been completed.

13 PORT RECEPTION FACILITIES-RELATED ISSUES

13.1 The Sub-Committee noted that under this agenda item there were two submissions by the Secretariat dealing with a draft Action Plan to tackle the inadequacy of port reception facilities, the draft guidelines for sediment reception facilities (G1) and draft guidelines for ballast water reception facilities (G5); and also one submission by the South Pacific Regional Environment Program (SPREP) on regional arrangements.

13.2 As the issues raised by the documents were loosely connected, it was agreed to deal with each of the documents separately, and as the draft action plan proposed the development of guidelines for establishing regional arrangements, it was also agreed to consider the document by SPREP immediately after the consideration of the draft action plan.

**Draft action plan to tackle the inadequacy of port reception facilities**

13.3 The Sub-Committee recalled that, in view of the need to tackle the long-standing problem of the inadequacy of port reception facilities, MEPC 52 had invited submissions with the aim of identifying problem areas and developing a future action plan. The Sub-Committee also recalled that the “Industry Port Reception Facilities Forum”, which is a forum of providers and users of reception facilities, had submitted information to MEPC 53 on the formation of the Forum and on its initiatives for enhancing the provision and use of port reception facilities. The Forum had identified a number of problem areas and had drawn up an action plan aiming to increase the availability and adequacy of port waste reception facilities and to encourage their use.

13.4 It was further recalled that the Committee had encouraged the shipping and port industry organizations to continue their efforts for identifying problems and proposing solutions regarding the provision and use of port reception facilities. The Committee had instructed the Secretariat to produce a draft Action Plan based on annex 1 of document MEPC 53/9/1, which had been produced by the industry, and to submit this to FSI 14 for consideration. To this end, the shipping and port industries and other interested organizations had been encouraged to provide further input to the Secretariat.

13.5 As requested, the Secretariat prepared a draft Action Plan for tackling the inadequacy of port reception facilities (FSI 14/13), containing work items which were grouped in five categories. For each work item background information was provided on the work to be undertaken, a priority was indicated, a target completion date was given, and the IMO body responsible for the work was identified.
13.6 The Sub-Committee discussed each proposed work item of the draft Action Plan separately, the outcome of which is as follows:

.1 “1.1 Reporting – Development of a standard Advance Notification Form”

The Sub-Committee was reminded that in most ports, for logistical reasons, the providers of waste reception facilities require advance notification of a ship’s intention to use reception facilities. It was believed that the development of a standard Advance Notification Form would enhance the implementation and uniform application of this requirement, also minimizing the risk of a ship incurring delay. During discussion INTERTANKO, speaking on behalf of the Industry Port Reception Facilities Forum, also suggested that a standard Waste Delivery Notification Form should also be developed in order to provide uniformity of records throughout the world.

It was agreed to invite submissions to the next session of the Sub-Committee containing proposals for: (a) a draft standard Advanced Notification Form; and (b) a draft standard Waste Delivery Notification Form. Following a suggestion by a delegation it was also agreed that any standard forms developed under the Action Plan by the Sub-Committee should also be sent to the FAL Committee for comments and input as appropriate.

.2 “2.1 Information on port reception facilities – Monitoring/evaluation/adjustment of the PRFD”

The Port Reception Facilities Database (PRFD) module of GISIS, as described in circular letters No.2639 and No.2683, was designed so as to allow Member States to update online the database, and to allow the public to access the information on a view-only basis. The database went live to the public on 1 March 2006. In this respect, the Sub-Committee was reminded that MEPC at its fifty-fourth session had endorsed the view of FSI 13 (FSI 13/23, paragraph 19.20) that the hard-copy circulation of MEPC.3/Circular and MEPC.4/Circular on port reception facilities would be discontinued.

The Sub-Committee noted that the database had real potential to improve the situation on inadequate reception facilities and that for this potential to be realized, the database had to be used routinely by the industry which in turn meant that the database would need to be extensively populated with records of reception facilities worldwide and, ideally, with contact points in the Administrations of flag States and of coastal States. Understandably, currently there is little information on those categories of reception facilities for which it was only recently agreed to maintain data and also on contact points within Administrations.

The Sub-Committee agreed on the need for Administrations to populate the database with records of reception facilities and with contact points (including email addresses) of flag States and of coastal States. In this respect, the Secretariat was instructed to provide a progress report to FSI 15 on the population levels of the different categories of records contained in the Port Reception Facilities Database.
The Sub-Committee was alerted by INTERTANKO to a potential difficulty that might arise from the introduction of the new categories of NLS with the entry of the revised MARPOL Annex II on 1 January 2007. In this respect the existing reception facilities for NLS may have to be re-categorized on a case-by-case basis. The Secretariat was asked to investigate this issue, and if necessary to address it to BLG 11 (April 2007) and to report back to FSI 15 (June 2007).

The Sub-Committee also agreed that in its initial phase of operation, the PRFD should be monitored with the view to verifying that it meets its objectives, and for implementing any necessary corrective action. The Sub-Committee also agreed that the target completion date of this work item should be extended to 2008.

2.2 Information on port reception facilities – Review of the outcome of the waste reception facility auditing/assessment procedure

The “Guidelines for ensuring the adequacy of port waste reception facilities”, adopted by resolution MEPC.83(44), encourage port States to make use of the assessment form appended to these guidelines in order to conduct regular assessments of waste reception facilities in their ports and to advise IMO of the outcome of such assessments, including any inadequacies of port reception facilities, as well as any technical co-operation assistance that may be needed to address those inadequacies.

According to this proposed work item, IMO should review the outcome of these assessments and take action as appropriate. Nevertheless, no such assessment has been received as yet by IMO. The Sub-Committee therefore concluded that the Action Plan should not rely on the expectation of receiving large numbers of assessment forms, but instead consideration should be given to uploading to the database any such assessments when received, and to allowing these to be viewed by the public. In this respect it was also agreed that the GISIS PRFD should be provided with a facility to allow the administrators of the system in each Member State to upload the assessments for their ports, rather than having to request the IMO Secretariat to do this. It was also agreed that the priority of this item should be increased to Medium.

The Sub-Committee discussed a proposal, which was supported by a number of delegations, that the draft Action Plan should include a work item introducing Technical Cooperation for developing countries which may have difficulties in setting up and maintaining adequate reception facilities. After some discussion it was agreed to include a new category and new work item, whereby a programme of assistance should be designed, where required, to support developing countries in the enhancement of their institutional and human capacities for improved and effective port reception facilities. Mobilization of in-kind support for the provision and management of port reception facilities, supported by a training programme to be delivered at national or regional levels.

2.3 Information on port reception facilities – Enhancement of the availability of a port waste management plan
The “Guidelines for ensuring the adequacy of port waste reception facilities” recommend the development and implementation of a port waste management plan, which should provide, inter alia, information to users of the location, cost and procedures for using the facilities. This work item proposes that conveying information to ships on the relevant provisions of port waste management plan, through appropriate means such as the PRFD, would enhance its effectiveness and improve the adequacy of waste reception services and communication and co-operation between the facility users and the providers. It was also suggested that waste management plans should be written with the port users in mind, who should be involved in the development of the plans.

The Sub-Committee concluded that whereas it would be valuable for port reception facility users to have access to relevant information from waste management plans if these were to be uploaded to the PRF database by Member States, on the other hand it would be inappropriate to upload whole waste management plans which may run into hundreds of pages. The industry Forum offered to make a submission to FSI 15 on what information may be relevant to be extracted from waste management plans and uploaded to the PRFD. Furthermore, the Sub-Committee also agreed that the title for this work item should be changed to “Enhancement of the availability of relevant information to users of port waste management plans”.

3.1 Equipment/technology – Identify technical problems encountered between ship and shore-based transfer of waste

This work item relates to the identification of any technical problems encountered during the ship-to-shore transfer of wastes (e.g. non-standard hoses, manifolds) and to the consideration of any possible solutions.

The Sub-Committee invited input on this matter for its next session from Administrations and from the industry Forum, and also agreed to extend the target completion date to 2008, with Medium priority. Furthermore, it was agreed that this issue can be dealt by the FSI Sub-Committee with input from the DE Sub-Committee and the Ship/Port Interface Working Group of the FAL Committee.

3.2 Equipment/technology – Standardize garbage segregation requirements and containment identification

The Secretariat informed the Sub-Committee of relevant development at ISO where Technical Committee 8, Sub-Committee 2 was in the process of developing an ISO standard for the “Handling of ship generated garbage”. The draft standard (ISO/CD 21070) was in “Committee Draft” form and was due to be discussed by ISO on the 15th of June of this year. The Secretariat also explained that the draft ISO document appeared to address well the requirements of this work item of the draft Action Plan for standardizing garbage segregation requirements and containment identification. However, the draft ISO document also addressed garbage management issues and in so doing appeared to exceed the requirements of MARPOL Annex V. The Secretariat had communicated its concerns to the Chairman of the relevant Sub-Committee of ISO and was awaiting a response.
The Sub-Committee, having noted the developments at ISO, agreed to maintain this work item in the Action Plan, and instructed the Secretariat to report on developments at ISO at FSI 15. Furthermore, it was agreed that the technical content in this issue can be dealt with by the FSI Sub-Committee and therefore the draft Action Plan should be modified accordingly.

.7 “4.1 Types and amount of wastes – Review of type and amount of wastes generated on board” and

“4.2 Types and amount of wastes – Review of the type and capacity of port reception facilities” and

“4.3 Types and amount of wastes – Development of a uniform methodology for calculating the required capacity and technical capability of a port reception facility”

It was agreed to discuss the above three proposed work items together, as they formed a logical sequence of work.

The first item: “Review of type and amount of wastes generated on board” called for a review of the type and amount of wastes generated on board modern ships in order to allow better calculation of ship generated wastes. The second item: “Review of the type and capacity of port reception facilities” followed from the completion of work item 4.1, and called for a review of the type and capacities of port reception facilities, with the aim of adjusting the capacities and the technical capabilities of port reception facilities to the ships’ requirements. The third item: “Development of a uniform methodology for calculating the required capacity and technical capability of a port reception facility” aimed to develop a uniform methodology for the estimation of the required capacity of a port reception facility, which would take into account the results of work items 4.1 and 4.2, and which would therefore be of assistance in the design of new facilities and in the upgrading existing ones.

The Sub-Committee considered whether this kind of work would be better performed by a Correspondence Group, or alternatively by one or more Member States and/or international organizations who would volunteer to conduct a project and revert with their findings, or even whether this was the kind of research and development work that would be best conducted by a University, such as the World Maritime University. There was no consensus as to under which of the above options the three work items should be carried out, nor as to whether the FSI or the BLG Sub-Committees should be responsible for these items, and the Sub-Committee decided to request guidance on these issues from MEPC. Nevertheless, it was agreed to invite Member States and international organizations to provide an information paper to FSI 15, as a model for other countries to follow and in this respect the Sub-Committee was informed by the European Commission that the European Maritime Safety Agency was conducting a related study, the outcome of which could be presented by the European Commission to FSI 15.

It was proposed, supported by a number of delegations, and agreed by the Sub-Committee that item 4.2 should be extended to consider the question of how to deal with waste downstream from reception facilities in developing countries,
where ship generated waste can often be a burden to physically restricted land systems. In this respect it was also suggested that a UNEP/GEF project may be a suitable vehicle for this work item.

.8 “5.1 Regulatory matters – Development of Guidelines for establishing regional arrangements for reception facilities”

The Sub-Committee noted that this work item is related to document FSI 14/13/2 submitted by the South Pacific Regional Environment Program (SPREP), which was addressed under the subject “Regional Arrangements” following work item 5.3. The SPREP submission proposed that the Sub-Committee should decide on whether it favoured the development of guidelines for establishing regional arrangements for reception facilities, and/or on whether it wished to support the drafting of an MEPC resolution recognizing regional arrangements. As work item 5.1 of the draft Action Plan addressed the same two issues, the matter was dealt under “Regional Arrangements” together with document FSI 14/13/2.

.9 “5.2 Regulatory matters – Revision of the IMO Comprehensive Manual on Port Reception Facilities”

The Sub-Committee agreed that a decision on this item should await until other work items of the Action Plan are completed.

.10 “5.3 Regulatory matters – Development of a concise Guidance Manual on Port Reception Facilities”

The Sub-Committee considered that the development of a concise Guidance Manual on Port Reception Facilities would be very useful, especially if developed with substantial practical input. The Sub-Committee therefore encouraged and invited Member States, international organizations and the Industry Port Reception Facilities Forum to consider developing and submitting a first draft of the proposed Concise Guidance Manual on Port Reception Facilities to the next session of the Sub-Committee.

The Sub-Committee also agreed that the title of the proposed document should be “Guide to Good Practice on Port Reception Facilities” and that the priority for this work item should be increased to High.

13.7 The Sub-Committee agreed to the draft Action Plan as set out in annex 11, with a view to approval by MEPC 55. The Action Plan, as approved by MEPC 55, would be expected to be further reviewed by FSI 15.

Regional arrangements

13.8 The Sub-Committee recalled that MEPC 49 considered a submission (MEPC 49/13/3) by the South Pacific Regional Environment Program (SPREP) relating to “regional arrangements” for waste reception facilities. In that submission SPREP had pointed out that for many Pacific Island Countries the obligation by each country to provide “adequate ships waste reception facilities” was a major impediment to their ratification of the MARPOL Convention and the reason why many of these countries have not become party to that Convention. Therefore, SPREP had conducted a review identifying ports in the South Pacific region capable of receiving and treating ships’ waste generated from international shipping. These ports were designated by SPREP as “Regional Ships’ Waste Reception Centres”, while at the same time all countries in

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that region continued to be responsible for the management of their own domestic shipping waste.

13.9 The Sub-Committee also recalled that, for Pacific Island countries who are members of the South Pacific Regional Environment Programme, SPREP proposed that these regional arrangements should satisfy the MARPOL obligations to provide adequate reception facilities for ships. MEPC 49 generally agreed that this approach would have the potential to resolve obstacles for many counties to ratify the MARPOL Convention. Therefore MEPC agreed to give favourable consideration to the proposed regional arrangements for providing reception facilities. It also agreed to further consider whether an MEPC resolution recognizing the regional arrangement for reception facilities would be desirable, and also whether any guidelines should be established for future similar cases, taking into account the provisions of MARPOL relating to avoiding undue delay to ships. However no such submission had been received by MEPC.

13.10 The Sub-Committee considered document FSI 14/13/2 by SPREP which proposed the following two actions:

1. to take the information provided into account when considering the development of guidelines for establishing regional arrangements for reception facilities; and

2. to consider whether the format of the GISIS database required alteration to enable details of regional arrangements to be accurately reproduced.

13.11 Regarding the first action requested, the Sub-Committee discussed whether to develop guidelines for establishing regional arrangements for reception facilities, and/or an MEPC resolution recognizing regional arrangements. It was decided to develop both, and the Sub-Committee instructed the Secretariat, subject to MEPC 55’s endorsement, to submit a draft MEPC resolution for consideration by FSI 15 on regional arrangements as fulfilling the obligations under the MARPOL Convention, and subsequently for consideration and adoption by MEPC 56. The Sub-Committee also invited SPREP countries to submit a document to FSI 15 containing draft guidelines for establishing regional arrangements for reception facilities.

13.12 Regarding the second action requested, it was agreed that a modification will be necessary to the GISIS PRFD (Port Reception Facility Database) so as to allow searches for facilities on a regional basis. The Secretariat was instructed to implement this modification once MEPC had adopted the resolution recognizing regional arrangements.

Draft Guidelines for sediment reception facilities (G1) and draft Guidelines for ballast water reception facilities (G5)

13.13 The Sub-Committee recalled that MEPC 53 instructed FSI 14 to consider the draft Guidelines for sediment reception facilities (G1) and the draft Guidelines for ballast water reception facilities (G5) and submit the final drafts of these Guidelines to MEPC 55 with a view to their adoption by MEPC resolutions.

13.14 After discussions in plenary, the Sub-Committee noted that a number of changes had been proposed and decided to refer the two sets of draft Guidelines (FSI 14/13/1) to an informal group to address the suggested changes and provide final drafts for consideration by the Sub-Committee.
13.15 As instructed by the Sub-Committee, an informal group attended by Cyprus, Germany, Greece and the United Kingdom considered the suggestions made in the plenary and agreed to amend the text of the two Guidelines as follows:

.1 replace the word “may” in the second line of paragraph 4.1 of the two Guidelines with “should”;

.2 add the word “frequent” at the beginning of the second sentence of paragraph 7.1 of the Guidelines (G1) and at the beginning of the second sentence of paragraph 8.1 of the Guidelines (G5);

.3 replace the words “an understanding” at the beginning of sub-paragraph 7.1.5 of the Guidelines (G1) and at the beginning of subparagraph 8.1.5 of the Guidelines (G5) with the words “adequate knowledge”; and

.4 add a new paragraph 7.2 in Guidelines (G1) and a new paragraph 8.2 in Guidelines (G5) which reads “The training should be organized by the manager or the operator of the reception facility and delivered by suitably qualified professionals.”

13.16 Having considered the final drafts provided by the informal group, the Sub-Committee agreed with the proposed changes. The final texts of the Guidelines for sediment reception facilities (G1) and Guidelines for ballast water reception facilities (G5) are attached in annexes 12 and 13 respectively. The Sub-Committee then instructed the Secretariat to prepare draft MEPC resolutions to be submitted to MEPC 55 for consideration of the two sets of draft Guidelines for adoption.

14 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS

14.1 Having recalled that MSC 78 had agreed to retain, on a continuous basis, the item on “Consideration of IACS unified interpretations” in the work programmes of the BLG, DE, FP, FSI, NAV and SLF Sub-Committees, in order to expedite the consideration of the IACS unified interpretations submitted to the Committee, the Sub-Committee noted that no documents had been submitted under this agenda item at this session.

14.2 The Sub-Committee briefly considered an issue which was raised concerning the potential need for the MSC to consider whether the certificates issued under the ISPS Code should undergo the same amendment procedure as the one for certificates issued under the provisions contained in other instruments regarding the endorsement and the date of completion of the survey, and agreed to refer the matter to MSC 82.

15 ILLEGAL, UNREGULATED AND UNREPORTED (IUU) FISHING AND IMPLEMENTATION OF RESOLUTION A.925(22)

15.1 The Sub-Committee recalled that MEPC 51 and MSC 78 had agreed with FSI 12’s recommendation to instruct the Secretariat to convey to the Food and Agriculture Organization (FAO) the recommendation to promote further co-operation between FAO, IMO and the regional fishery management organizations (RFMOs) by organizing a second meeting of the Joint IMO/FAO Working Group on IUU Fishing and Related Matters invited the Committees.

15.2 In this context, the Sub-Committee also recalled that MSC 81, having noted that, according to the tentative schedule, a second preparatory meeting of the IMO and FAO Secretariats for substantive discussions on timing, agenda and composition of delegations
should take place in May 2006, had instructed FSI 14 to review the IMO and FAO Secretariats’ progress for the preparation of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, in particular, concerning the preparation of a joint FAO/IMO document to be submitted to the respective Governing Bodies, and to report to MSC 82.

15.3 On the basis of the reference to resolution A.925(22) on the entry into force of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention in the consideration of this agenda item, the Sub-Committee was informed that, with regard to the 1993 Torremolinos Protocol, to date, only twelve States, corresponding to around a quarter of the aggregate number of fishing vessels required, had ratified the instrument, and that, with regard to the 1995 STCW-F Convention, only five States were Parties to the instrument.

15.4 On the preparation itself of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, the Sub-Committee was informed that, on the basis of the outcome of the two preparatory meetings held by the IMO and FAO Secretariats, a three-day meeting is scheduled to be organized at the FAO Headquarters in July 2007.

15.5 The tentative list of items to be considered by the Working Group would include:

.1 IMO and FAO work relating to FSI and IUU fishing.

.2 Mechanisms and Areas for Co-operation and Collaboration between IMO and FAO:

.2.1 FAO Global Fishing Vessel Record;
.2.2 Vessel Tracking and Detection (VMS, AIS, LRIT, etc);
.2.3 Relevant Legal and other instruments;
.2.4 Port State measures and Port State Control;
.2.5 Marine pollution issues arising from fisheries and the review of MARPOL Annex V; and
.2.6 FIGIS and GISIS.

.3 Future arrangements for co-operation (Co-ordinated TC activities, exchange of delegations at respective meetings, interventions of DG/SG, possible holding of joint conference, including closer involvement of ILO).

15.6 Concerning the composition of the participants, the Sub-Committee was invited to concur with a representation of the Organization based on the participation in the first Joint Working Group subject to confirmation of availability to participate. In 2000, on the occasion of this meeting, IMO was represented by participants from Argentina, Canada, China, Denmark, Liberia, the Republic of Korea and Turkey, while FAO was represented by participants from Australia, Chile, Japan, Malta, Philippines, South Africa and United States.

15.7 In this context, the delegation of Norway, supported by the delegation of Suriname, expressed its intention to form part of the delegations representing IMO at the joint Working Group, and the opinion was put forward that the delegation (Angola) leading the work of the Organization on the draft standards for small fishing vessels should be approached by the Secretariat regarding possible participation. In order to allow the Secretariat to liaise with FAO for the composition of the delegations representing both Organizations on a balanced
geographical basis, bearing in mind that the meeting was opened to observer countries, interested delegations were invited to make their intention known by the end of September 2006.

15.8 On the question of the preparation of a joint IMO/FAO document to be considered by the MSC and MEPC before submission to the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, the Sub-Committee noted that the following schedule is now envisaged:

- July 2006: finalization of joint FAO/IMO document to be submitted to the respective Governing Bodies;
- October 2006: approval of the joint document by MEPC 55;
- December 2006: approval of the joint document by MSC 82; and

15.9 The representative of FAO commented on the outcome of the second preparatory meeting for the joint Working Group and provided the Sub-Committee with an update on the latest developments at FAO on the IUU-related issue, as set out in annex 14.

16 WORK PROGRAMME AND AGENDA FOR FSI 15

16.1 Taking into account the progress made at this session and the provisions of the agenda management procedure contained in paragraphs 3.11 to 3.23 of the Guidelines on the organization and method of work (MSC/Circ.1099 – MEPC/Circ.405), the Sub-Committee revised its work programme (FSI 14/WP.4), based on that approved by MEPC 54 (FSI 14/2/1, annex 1), and invited the Committees to approve the proposed revised work programme and provisional agenda for FSI 15, as set out in annex 15.

Arrangements for the next session

16.2 The Sub-Committee provisionally agreed to establish, at its next session, working/drafting groups on the following subjects:

1. casualty analysis and review of the Code for the investigation of marine casualties and incidents;
2. review of the Survey Guidelines under the HSSC (resolution A.948(23)); and
3. harmonization of port State control activities and development of guidelines on port State control under the 2004 BWM Convention.

16.3 The Sub-Committee agreed to establish the following correspondence groups on:

1. casualty analysis;
2. Code for the investigation of marine casualties and incidents;
3. review of the Survey Guidelines under the HSSC (resolution A.948(23)); and
4. harmonization of port State control activities.

16.4 The Sub-Committee noted that its fifteenth session had been tentatively scheduled to take place from 4 to 8 June 2007 at the Royal Horticultural Halls and Conference Centre in London.
17 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2006 AND 2007

17.1 In accordance with the Rules of Procedure of the Maritime Safety Committee, the Sub-Committee unanimously re-elected Mrs. Tatjana Krilic (Croatia) as Chairman for 2007 and elected Capt. Guillermo Rangel (Venezuela) as Vice-Chairman for 2006 and 2007.

18 ANY OTHER BUSINESS

Numbering of joint MSC/MEPC circulars

18.1 The Sub-Committee considered document FSI 14/18 (Secretariat) providing information on the new numbering of joint MSC/MEPC circulars and noted that since September last year, joint MSC/MEPC circulars have been issued with the following symbols:

- .1 organization and methods of work, as MSC-MEPC.1/Circ…;
- .2 general matters, as MSC-MEPC.2/Circ…;
- .3 casualty-related matters, as MSC-MEPC.3/Circ…;
- .4 port State control-related matters, as MSC-MEPC.4/Circ…;
- .5 survey and certification-related matters, as MSC-MEPC.5/Circ…;
- .6 national contact points for safety and pollution prevention and response, as MSC-MEPC.6/Circ…; and
- .7 human element-related matters, as MSC-MEPC.7/Circ…..

18.2 Still on the issue of the numbering of circulars, the Sub-Committee was reminded that all circulars to be issued were now to be identified within a circular series, starting with the allocation of “.1” to its symbol, by default, where the circular would not be issued under any other existing circular series symbol.

18.3 Having acknowledged the difficulties experienced by Members to identify clearly the subject matters addressed by the various IMO circular series, the Sub-Committee instructed the Secretariat, subject to endorsement by MEPC 55 and MSC 82, to keep the list of circular series it had already prepared at a previous session updated on a regular basis and to display it on IMODOCS and on the IMO website.

DRAFT GUIDELINES FOR ADDITIONAL MEASURES INCLUDING EMERGENCY SITUATIONS (G13)

18.4 The Sub-Committee recalled that MEPC 51 approved the programme for development of the Guidelines for uniform implementation of the BWM Convention and invited comments from the relevant sub-committees including the FSI Sub-Committee (document MEPC 51/22, annex 1).

18.5 The Sub-Committee recalled also that MEPC 53 had updated the programme for the development of Guidelines for uniform implementation of the BWM Convention (MEPC 53/24/Add.1, annex 6) and requested the FSI Sub-Committee to provide, inter alia, its input to the draft Guidelines for additional measures including emergency situations (G13).
18.6 The Sub-Committee noted that BLG 10 had completed its work on Guidelines (G13) and forwarded the draft text to FSI 14 (FSI 14/18/1) for its input and subsequent submission of the final draft to MEPC 55 with a view to adoption by an MEPC resolution.

18.7 The delegation of Norway expressed its support of the need for guidance on the issue of additional measures according to regulation C-1 of the Ballast Water Management Convention, and also expressed support for most of the text in document FSI 14/18/1. However, Norway was not able to support the present text in Section 2.3 titled “Procedures to follow when establishing additional measures”. In the view of Norway, the present text is very vague and unclear and such guidance needs to be more specific and more focused to ensure that proper consideration is given to any additional measure prior to its introduction by a State or States. This view was supported by the delegations of Singapore, Greece and Liberia. Norway also stated that it intends to submit a document to MEPC 55 proposing an alternative text for Section 2.3.

18.8 In the absence of any other comments, the Sub-Committee agreed to forward the draft Guidelines for additional measures including emergency situations (G13) developed by BLG 10 (FSI 14/18/1) to MEPC 55 and instructed the Secretariat to prepare a draft MEPC resolution for adoption.

Expression of appreciation

18.9 The Sub-Committee, noting that Mr. Trygve Scheel (Norway) was retiring in July of this year, and was attending a session of the Sub-Committee for the last time, expressed appreciation for his invaluable contribution to its work and wished him every success and a long and happy retirement.

19 ACTION REQUESTED OF THE COMMITTEES

19.1 The Maritime Safety Committee, at its eighty-second session, is invited to approve the report in general and, in particular, to:

.1 consider the proposal by Argentina (FSI 14/3) for Guidelines for integrated implementation of the safety management system and the ship security plan from the maritime security point of view, first and, if appropriate, refer the proposal to the Joint MSC/MEPC Working Group on the Human Element (paragraph 3.22);

.2 endorse the invitation made to Members to submit to MSC 82 their recommendations on those areas of MSC.1/Circ.1206 on Measures to Prevent Accident with Lifeboats, which should or should not become mandatory under SOLAS (paragraph 3.31);

.3 approve the draft Circular letter No.1886/Rev.3 on Implementation of resolution A.600(15) - IMO ship identification number scheme (paragraph 3.34 and annex 1);

.4 approve the draft Circular letter No. 2554/Rev.1 on Implementation of IMO Unique Company and Registered Owner Identification Number Scheme (paragraph 3.38 and annex 2);

.5 endorse the reminder to Member States on the provision of casualty-related information (paragraph 5.3);
6. endorse the decision to start developing a code of conduct for PSC activities at the next session of the Sub-Committee (paragraph 7.28.6);

7. endorse the decision to consider the issue of inspection data for ships flying the flag of dependent territories at the next session of the Sub-Committee (paragraph 7.28.9);

8. endorse the instructions 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 (paragraphs 7.28.14 and 7.28.15);

9. endorse the proposed framework on global harmonization and co-operation of PSC activities (paragraphs 7.30 to 7.33);

10. agree with the recommendations concerning the format of the IMO workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres (paragraphs 7.35 to 7.44);

11. approve the draft PSC guidelines on seafarers’ working hours, while deciding on the form in which the guidelines should be issued, and taking into account the recommendation concerning the co-operation with ILO in this process (paragraph 7.50 and annex 4);

12. endorse the proposed course of action to incorporate all relevant amendments to the Procedures for port State control (resolution A.787(19), as amended) into a consolidated text, and to develop a simplified process for amending the Procedures (paragraphs 7.51 to 7.59);

13. approve the draft MSC circular on the Validity of Type Approval Certification for Marine Products (paragraph 7.60 and annex 5);

14. endorse the proposed course of action for developing consolidated draft Revised Survey Guidelines under the HSSC for consideration by the MSC and MEPC for approval prior to consideration by the Assembly at its twenty-fifth session for adoption (paragraph 11.15);

15. agree to the draft form for the AIS Test Report, subject to the outcome of its review by NAV 52 (paragraph 11.27.2 and annex 6);

16. endorse the views, as regards performance standards for shipborne Long-Range Identification and Tracking of ships (LRIT) equipment, that it would be appropriate for such equipment to be surveyed by radio inspectors and adequate provisions be included in the Survey Guidelines under the HSSC in future and instruct the Sub-Committee accordingly (paragraph 11.27.3);

17. endorse the views that, as far as the survey of Ship Security Alert System (SSAS) by radio inspectors is 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 (paragraph 11.27.4);
.18 agree 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, subject to the outcome of its review by NAV 52 (paragraph 11.27.6 and annex 8);

.19 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 under resolution A.744(18), as amended (paragraph 11.27.7 and annex 9);

.20 agree to the proposed course of action concerning the issue of Guidelines on alternative design and arrangements for fire safety (MSC.1/Circ.1002 and Corr.1) including the development of draft amendment to certificates, and decide as appropriate (paragraphs 11.28 to 11.30);

.21 consider the outcome of the consideration of the IMO and FAO Secretariats’ preparatory work for the convening of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, in particular, concerning the composition of participants (paragraphs 15.4 to 15.8 and annex 14);

.22 approve the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 15 (paragraph 16.1 and annex 15); and

.23 endorse the instruction to the Secretariat regarding the development and maintenance of an updated list of circular series (paragraph 18.3).

19.2 The Marine Environment Protection Committee at its fifty-fifth session is invited to approve the report in general and, in particular, to:

.1 take note of the action requested of MSC 82 to consider the proposal by Argentina (FSI 14/3) for Guidelines for integrated implementation of the safety management system and the ship security plan, from the maritime security point of view, first and, if appropriate, refer the proposal to the Joint MSC/MEPC Working Group on the Human Element (paragraph 3.22);

.2 approve the draft Circular letter No.1886/Rev.3 on Implementation of resolution A.600(15) - IMO ship identification number scheme (paragraph 3.34 and annex 1);

.3 approve the draft Circular letter No. 2554/Rev.1 on Implementation of IMO Unique Company and Registered Owner Identification Number Scheme (paragraph 3.38 and annex 2);

.4 endorse the reminder to Member States on the provision of casualty-related information (paragraph 5.3);

.5 endorse the decision to start developing a code of conduct for PSC activities at the next session of the Sub-Committee (paragraph 7.28.6);

.6 endorse the decision to consider the issue of inspection data for ships flying the flag of dependent territories at the next session of the Sub-Committee (paragraph 7.28.9);
endorse the instructions 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 (paragraphs 7.28.14 and 7.28.15);

endorse the proposed framework on global harmonization and co-operation of PSC activities (paragraphs 7.30 to 7.33);

agree with the recommendations concerning the format of the IMO workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres (paragraphs 7.35 to 7.44);

endorse the proposed course of action to incorporate all relevant amendments to the Procedures for port State control (resolution A.787(19), as amended) into a consolidated text, including draft amendments consequential to the revision to MARPOL Annexes II and IV, and to develop a simplified process for amending the Procedures (paragraphs 7.51 to 7.59);

concur with the proposed course of action regarding the development of PSC guidelines under the BWM Convention (paragraph 9.5);

endorse the proposed course of action for developing consolidated draft Revised Survey Guidelines under the HSSC for consideration by the MSC and MEPC for approval prior to consideration by the Assembly at its twenty-fifth session for adoption (paragraph 11.15);

agree to the draft Interim Survey Guidelines under the HSSC for the purpose of the BWM Convention (paragraph 11.27.8 and annex 10);

endorse the views that it would be beneficial for the maritime community, in general, and with the aim of gaining experience in the survey of Ballast Water Treatment systems, if the Survey Guidelines under the HSSC for the purpose of the BWM Convention could be circulated by means of a BWM.2/Circular in the interim period prior to the entry into force of the BWM Convention, and decide as appropriate (paragraph 11.27.9);

approve the draft Action Plan to tackle the inadequacy of port reception facilities to be further reviewed by FSI 15 (paragraphs 13.3 to 13.7 and annex 11);

endorse the proposed course of action concerning the development of guidelines for establishing regional arrangements for reception facilities and the recognition of regional arrangements and related instructions to the Secretariat (paragraphs 13.8 to 13.12);

adopt the draft Guidelines for sediment reception facilities (G1) under cover of a draft MEPC resolution to be prepared by the Secretariat (paragraph 13.16 and annex 12);

adopt the draft Guidelines for ballast water reception facilities (G5) under cover of a draft MEPC resolution to be prepared by the Secretariat (paragraph 13.16 and annex 13);
19 approve the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 15 (paragraph 16.1 and annex 15);

20 endorse the instruction to the Secretariat regarding the development and maintenance of an updated list of circular series (paragraph 18.3); and

21 adopt the draft Guidelines for additional measures including emergency situations (G13) under cover of a draft MEPC resolution to be prepared by the Secretariat (paragraph 18.8).

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ANNEX 1

DRAFT CIRCULAR LETTER No.1886/REV.3

Ref. T1/14.01

To: All IMO Member States
Contracting Governments to the International Convention for the Safety of Life at Sea, 1974
United Nations and Specialized Agencies
Intergovernmental Organizations
Non-Governmental Organizations in consultative status

Subject: Implementation of resolution A.600(15) – IMO ship identification number scheme

The IMO ship identification number scheme was introduced in 1987 through adoption of resolution A.600 (15), as a measure to enhance ship safety and security. It aimed at assigning a permanent number to each ship for identification purposes. That number would remain unchanged upon transfer of the ship to other flag(s) and would be inserted in the ship’s certificates. Following adoption of new SOLAS Chapter XI (in particular regulation 3 thereof) by the 1994 SOLAS Conference, the implementation of the scheme became mandatory for all ships as of 1 January 1996.

As explained in resolution A.600(15), the IMO ship identification number is made of the three letters “IMO” in front of the “Lloyd’s Register (LR) number” (seven digits) and shipbuilders/shipowners are encouraged to provide details of all new orders to Lloyd’s Register-Fairplay (LRF) to facilitate the assignment of the “LR number” at the earliest opportunity which, for the majority of ships, becomes the IMO ship identification number on completion. It can be obtained by contacting the relevant LRF Service or IMO.

In order to facilitate, in the case of existing ships, the assignment of the IMO ship identification number, and to avoid unnecessary delays, flag Administrations as well as shipowners/operators are recommended, prior to forwarding their request to IMO or the LRF Service, to verify (through checking the ship’s documentation) whether the “LR number” has already been assigned to specific ship(s) of their concern. It should be borne in mind that that number, originally issued by the LRF Service in charge of a central database, may have been provided to a classification society or the shipyard concerned. Following this, the flag Administration should enter the IMO ship identification number (“IMO” + the seven-digit “LR number”) in the ship’s relevant certificates.

If the “LR number” for a particular existing ship cannot be identified, and in the case of a new ship, requests to obtain the IMO ship identification number should be addressed to the LRF Service or to IMO, as advised below. These requests will be responded to as quickly as possible. However, the increasing number of requests and the related verification work may result in relatively short delays that should be taken into account by the flag Administration when issuing certificates.
Requests as mentioned above can be submitted on the following website www.imonumbers.lrfairplay.com or addressed (preferably by fax) to the appropriate LRF Service at the following address:

Lloyd’s Register-Fairplay Ltd.
Lombard House, 3 Princess Way,
Redhill, Surrey RH1 1UP,
United Kingdom

Tel: (+44) (0) 1737 379043
Fax: (+44) (0) 1737 379040

together with the information on the individual ships concerned, as detailed in the annex.

Should there be any difficulty in contacting the appropriate LRF Service, requests (including information on the ship concerned as detailed above) should be addressed to IMO (Maritime Safety Division - IPC Section) by e-mail: info@imo.org; bmcastex@imo.org; sblain@imo.org; or by facsimile: (+44) (0)20 7587 3210).
REQUEST FOR IMO SHIP IDENTIFICATION NUMBER

TO ENABLE UNIQUE IDENTIFICATION OF SHIPS FOR ASSIGNMENT OF AN IMO NUMBER IN ACCORDANCE WITH IMO RESOLUTION A.600 (15), SOLAS XI/3 and I/5, PLEASE COMPLETE THE FOLLOWING DETAILS IN CAPITALS:

Note: Shipbuilding details are essential to issue an IMO Ship Number for Newbuildings prior to completion

| CURRENT SHIP NAME / SHIPYARD ID * | ______________________________________________________________ |
| FORMER NAME(S) | ______________________________________________________________ |
| ORIGINAL NAME* | ______________________________________________________________ |
| FLAG* | PORT OF REGISTRY | CALL SIGN | ______________________________________________________________ |
| MMSI | OFFICIAL NUMBER* | DATE OF FLAG REGISTRATION | ______________________________________________________________ |
| Tonnage (69 Convention) | YES | NO | FISHING NUMBER+ | ______________________________________________________________ |
| GROSS* | NET* | DEADWEIGHT | ______________________________________________________________ |
| LENGTH OVERALL* | LENGTH B.P. | ______________________________________________________________ |
| EXTREME BREADTH* | MOULDED BREADTH | ______________________________________________________________ |
| MOULDED DEPTH | DRAUGHT | ______________________________________________________________ |
| DATE OF KEEL LAYING | DATE OF LAUNCH | DATE OF COMPLETION* | ______________________________________________________________ |
| SHIPBUILDER* | PLACE OF BUILD* | HULL No.* | ______________________________________________________________ |
| SUB-CONTRACTOR BUILDER (if applicable) | ______ | HULL No. | ______________________________________________________________ |
| SHIP TYPE DESCRIPTION* | HULL MATERIAL | ______________________________________________________________ |
| MARPOL requirements for OIL TANKERS | The ship complies with regulation 13F(3) (double-hull) | Yes | No | ______________________________________________________________ |
| Other (please specify) | The ship complies with regulations 13 and 13E (SBT/PL) | Yes | No | ______________________________________________________________ |
| The ship is subject to CAS requirements of regulation 13G(7) | Yes | No | ______________________________________________________________ |
| REGISTERED OWNER & ADDRESS (Including Fax, Telephone & Email) | MANAGER & ADDRESS (Including Fax, Telephone, Email & Website) | ______________________________________________________________ |
| NUMBER OF MAIN ENGINES | ENGINE TYPE | MANUFACTURER | ______________________________________________________________ |
| CURRENT CLASS SOCIETY | TOTAL BHP | NUMBER OF PROPELLERS | ______________________________________________________________ |

SENDERS’ NAME & FAX NUMBER FOR REPLY*:

[Required Fields] [+Distinctive Number or Letters for Fishing Vessels]

FOR OFFICE USE ONLY

DATE RECEIVED | IMO REF. NO. | REFERRED TO | BY |
| ACTIONED BY | DATE | IMO NUMBER | |
ANNEX 2

DRAFT CIRCULAR LETTER No.2554/REV.1

To: All IMO Member States
Contracting Governments to the International Convention for the Safety of Life at Sea, 1974
United Nations and Specialized Agencies
Intergovernmental Organizations
Non-Governmental Organizations in consultative status

Subject: Implementation of the IMO Unique Company and Registered Owner Identification Number Scheme (resolution MSC.160(78))

1 The IMO Unique Company and Registered Owner Identification Number Scheme was introduced in 2004 through adoption of resolution MSC.160(78), as a measure to enhance maritime safety, security and environmental protection, and to facilitate the prevention of maritime fraud. The procedures for obtaining company and registered owner numbers are described in Circular letter No.2554 on Implementation of IMO Unique Company and Registered Owner Identification Number Scheme.

2 MSC 80 adopted (resolution MSC.194(80)) the proposed new SOLAS regulation XI-1/3-1 on the company and registered owner identification number and draft amendments to SOLAS regulation XI-1/5 on the continuous synopsis record which should be deemed to have been accepted on 1 July 2008 and should enter into force on 1 January 2009.

3 MSC 80 also adopted amendments to the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) (resolution MSC.195(80)) and to the International Code for the Security of Ships and of Port Facilities (International Ship and Port Facility Security (ISPS) Code) (resolution MSC.196(80)) introducing references to the company and registered owner identification number.

4 In support of the early implementation of the Scheme, Lloyd’s Register-Fairplay (LRF), as current managers of the Scheme, launched a website http://www.imonumbers.lrfairplay.com, with a free user registration system recently introduced, to enhance both the security of the site and the information available.

5 In order to look up the numbers of existing companies or registered owners, registered users should use the available “Search” facility. When the numbers of existing companies or registered owners cannot be identified through the “Search” function, either the paper or electronic request forms available on the website (Circular letter No.2554, appendices 1 and 2) should be used in order to get numbers to be assigned to new companies and/or registered owners managing ships covered by the scheme, or to provide corrective information on existing records. As the implementation of the Scheme expands, Administrations may experience increasing delays if they submit all their enquiries using the paper or electronic request forms due to the expected increase in the number of enquiries.
6 Under the procedures contained in Circular letter No.2554, Administrations can, by bilateral arrangement with LRF, receive periodically from LRF their fleet spreadsheet in a standardized format. This facility allows electronic exchange of company and/or registered owner-related information between Administrations and LRF in the agreed standardized electronic format and may be used to provide corrections and additions to fleet data. A revised field list for the spreadsheet is in annex 3.

7 Furthermore, flag Administrations do not need to update the spreadsheet manually. Instead, they can electronically provide their fleet data in the agreed standardized electronic format (see annex 3) to LRF which will derive amendments through electronic comparison with its database. Corrected company and registered owner numbers will then be returned to the flag Administrations concerned in an updated spreadsheet or data file.

8 The Maritime Safety Committee (MSC), at its eightieth session (11 to 20 May 2005), agreed that the procedures outlined in Circular letter No.2554 should be reviewed and revised as necessary by the Sub-Committee on Flag State Implementation (FSI), at its fourteenth session.

9 FSI 14 approved the revised electronic exchange procedure between flag Administrations and LRF, as detailed in annex 1, together with the data fields that Administrations should provide electronically to enable LRF to maintain the integrity of the Numbering Scheme (annex 2, with full descriptions in annex 3). This revised electronic data exchange procedure incorporates a web service to facilitate the provision of company and registered owner data from LRF to flag Administrations in an electronic format for ship registration purposes (sections 1 and 2 of annex 1), and simplifies and standardizes, by electronic means, the two-way flow of data between flag Administrations and LRF (section 3 of annex 1).

10 FSI 14 also approved the addition of a second company name field to the LRF database which will record the name-style of Registered Owners as provided by Administrations for companies registered in their national jurisdictions. LRF will only be able to receive the contents of this field in the XML data format detailed in annexes 1 and 2, as this format will have agreed character sets that are consistent with both the LRF database software and the software of organizations to which LRF supplies data. This is referred to in paragraph 3.10, annex 1.

11 LRF operates under ISO 9001:2000 quality assurance and is ISO certified for the provision of publishing and information services to the shipping industry. In further support of the integrity of the Numbering Scheme to be widely used by the maritime community, the Administrations should, to the extent allowed by their domestic Law, refrain from publishing entire sets of numbers, or from allowing the numbers to be viewed or downloaded from their websites, other than on a company-by-company basis.
ANNEX 1

LRF WEB SERVICE TO FACILITATE THE ELECTRONIC PROVISION OF COMPANY, REGISTERED OWNER AND SHIP DATA TO ADMINISTRATIONS, AND THE TWO-WAY FLOW OF INFORMATION BETWEEN ADMINISTRATIONS AND LRF

LRF introduced a web service for the exclusive use of Administrations. Access to this service is made via GISIS. The web service offers three data services.

1) **Download of Company and Registered Owner data from the LRF database on entry by the Administration of an IMO Company or Registered Owner Number**

1.1 This data would allow the Administration to validate company data against the IMO Company or Registered Owner Number for completion of maritime certificates.

1.2 The following fields would be downloaded from LRF:

- IMO Company or Registered Owner Number
- Registered Owner or Company Name (Administration name-style)
- Registered Owner or Company Name (LRF name-style)
- Company address: PO Box
- Company address: Street
- Company address: Town
- Company address: Post Code
- Company address: Country of Domicile code
- Company address: Country of Domicile decode

1.3 The format would be XML according to the schema in annex 2.

2) **Download of Ship data from the LRF database on entry by the Administration of an IMO Ship Number**

2.1 This data would allow the Administration to validate ship data against the IMO Ship Number.

2.2 The following fields would be downloaded from LRF:

- IMO Ship Identification Number
- Official Number
- Ship Name
- Port of Registry
- Call Sign
- Maritime Mobile Service Identity (MMSI) Number
- Gross Tonnage
- Net Tonnage
- Date of Build year
- Date of Build month
- Type of Ship code
- Type of Ship decode

2.3 The format would be XML according to the schema in annex 2.
3 Update of ship and company data from Administrations to LRF at a regular frequency when details of ships in each Administration’s fleet change

3.1 The same mechanism could be used to supply updates from LRF to the Administration if required.

3.2 This service includes ships within the scope of the IMO Company and Registered Owner Numbering Scheme: all ships of 100 GT and above engaged in international or non-international voyages.

3.3 The ships reported by each Administration are those in provisional, permanent or parallel-in registration. It excludes ships in parallel-out registration which will be reported by the parallel-in register.

3.4 This service would replace, over an agreed implementation schedule, the current arrangements for exchange of data between Administrations and LRF by spreadsheet or by electronic file (referenced in paragraphs 6 and 7 of the present circular letter, respectively). The service would use standardized data formats which would make it easier for data transfer and integration into databases.

3.5 The fields to be updated are listed in annex 2, with full field descriptions in annex 3. Each update record would consist of the ship ID fields followed by the fields in the list that may have changed since the last update.

3.6 The format would be XML according to the schema in annex 2.

3.7 The proposed frequency of update would be the transmission of the ship record at the point of change, or the batch transmission of ship records on a daily or weekly basis.

3.8 Each Administration would be responsible for generating their XML files.

3.9 Tables of translation code cross references between country and ship type coding systems used by Administrations and the LRF coding systems, can be supplied by LRF upon request.

3.10 Within the XML schema, language and character sets should be defined to ensure consistent translation between different international sets of codes.

3.11 The delivery of the XML files can take place in various ways. The modalities of the required transfer should be discussed with each Administration in order to identify the most appropriate way.
FIELD LIST XML SCHEMA AND UPDATE RULES

1 Ship Identity

1.1 The first seven data items in the XML file identify the ship:

```xml
<xsd:element name="Source" minOccurs="1" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="IMO_Number" minOccurs="1" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="ShipName" minOccurs="1" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="MMSI" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="PortOfRegistry" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="OfficialNumber" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="CallSign" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
```

1.2 The first three have a minOccurs="1" which means that they must be present for all ships in the XML file. MMSI although it is part of what should appear to identify a ship has a minOccurs="0" which means that it doesn’t have to appear in the XML file. All other data items in the schema have minOccurs="0" and these only appear if the data items have changed.

2 Ship Fields

```xml
<xsd:element name="GrossTonnage" minOccurs="0" od:jetType="longinteger" od:sqlSType="int"/>
<xsd:element name="DeadWeight" minOccurs="0" od:jetType="longinteger" od:sqlSType="int"/>
<xsd:element name="NetTonnage" minOccurs="0" od:jetType="longinteger" od:sqlSType="int"/>
<xsd:element name="YearOfBuild" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="MonthOfBuild" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="ShipTypeCode" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="ShipTypeDecode" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="ShipTypeEncodeType" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="IMO_RegOwnerNumber" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="RegOwnerNameAdminNameStyle" minOccurs="0" od:jetType="memo" od:sqlSType="nvarchar"/>
<xsd:element name="RegOwnerNameLRFNameStyle" minOccurs="0" od:jetType="memo" od:sqlSType="nvarchar"/>
<xsd:element name="RegOwnerCountryOfRegistrationCode" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="RegOwnerCountryOfRegistrationDecode" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="RegOwnerDateFounded" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="ParallelOutRegister" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="ParallelOutOwnerName" minOccurs="0" od:jetType="memo" od:sqlSType="nvarchar"/>
<xsd:element name="IMO_DOC_CompanyNumber" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="DOC_CompanyName" minOccurs="0" od:jetType="memo" od:sqlSType="nvarchar"/>
<xsd:element name="DOC_CompanyPoBox" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="DOC_CompanyStreet" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="DOC_CompanyTown" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="DOC_CompanyPostCode" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="DOC_CompanyCountryDomicileCode" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
<xsd:element name="DOC_CompanyCountryDomicileDecode" minOccurs="0" od:jetType="text" od:sqlSType="nvarchar"/>
```
3 Ship Status Fields

4 Example

<Ship>
  <Source>PANAMA</Source>
  <IMO_Number>9876543</IMO_Number>
  <ShipName>EXAMPLE ONE SHIP</ShipName>
  <MMSI>123456700</MMSI>
  <PortOfRegistry>Panama</PortOfRegistry>
  <OfficialNumber>D1234PEXT6</OfficialNumber>
  <ReportedBrokenUp>Y</ReportedBrokenUp>
</Ship>
ANNEX 3

FIELD LIST DESCRIPTIONS OF DATA TO BE EXCHANGED BETWEEN FLAG AND LRF ADMINISTRATIONS ON SHIPS FLYING THEIR FLAG

<table>
<thead>
<tr>
<th>Field Label</th>
<th>Field Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ship Identity</strong></td>
<td></td>
</tr>
<tr>
<td>Source</td>
<td>Reporting Administration Country Code</td>
</tr>
<tr>
<td>IMO Number</td>
<td>IMO Ship Number</td>
</tr>
<tr>
<td>ShipName</td>
<td>Ship Name</td>
</tr>
<tr>
<td>MMSI</td>
<td>MMSI Number</td>
</tr>
<tr>
<td>PortOfRegistry</td>
<td>Port of registry as recorded on the ship's papers</td>
</tr>
<tr>
<td>OfficialNumber</td>
<td>Number allocated by the National Registration Authority</td>
</tr>
<tr>
<td>CallSign</td>
<td>Call Sign</td>
</tr>
<tr>
<td><strong>Ship Fields</strong></td>
<td></td>
</tr>
<tr>
<td>GrossTonnage</td>
<td>Gross Tonnage</td>
</tr>
<tr>
<td>DeadWeight</td>
<td>The weight in tonnes (1,000 kg) of cargo, stores, fuel and passengers and crew carried by the ship when loaded to her maximum summer load line</td>
</tr>
<tr>
<td>NetTonnage</td>
<td>Net Tonnage</td>
</tr>
<tr>
<td>YearOfBuild</td>
<td>Year ship was officially completed by the shipyard and delivered to the Owner</td>
</tr>
<tr>
<td>MonthOfBuild</td>
<td>Month ship was officially completed by the shipyard and delivered to the Owner</td>
</tr>
<tr>
<td>ShipTypeCode</td>
<td>LRF Shiptype Code</td>
</tr>
<tr>
<td>ShipTypeDecode</td>
<td>Shiptype Description</td>
</tr>
<tr>
<td>ShipTypeEncodeType</td>
<td>Reporting (Source) Administration Shiptype Code</td>
</tr>
<tr>
<td>IMO_RegOwnerNumber</td>
<td>IMO Registered Owner Number</td>
</tr>
<tr>
<td>RegOwnerNameAdminNamestyle</td>
<td>Registered Owner Name (or bareboat charterer), in the name-style provided by Administrations for Companies registered in their national jurisdiction. Note that LRF is only able to accept the contents of this field from Administrations in the XML Schema referred to in annex 1.</td>
</tr>
<tr>
<td>RegOwnerNameLRFNamestyle</td>
<td>Registered Owner Name (or bareboat charterer), in the name-style recorded by LRF. Minor amendments may be made to names in accordance with a Style Guide for database maintenance purposes</td>
</tr>
<tr>
<td>RegOwnerCountryOfRegistrationCode</td>
<td>Registered Owner (or bareboat charterer) Country of Company Registration - Country Code</td>
</tr>
<tr>
<td>Field Name</td>
<td>Description</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>RegOwnerCountryOfRegistrationDecode</td>
<td>Registered Owner (or bareboat charterer) Country of Company Registration</td>
</tr>
<tr>
<td>RegOwnerDateFounded</td>
<td>Date the Registered Owner (or bareboat charterer) was established</td>
</tr>
<tr>
<td>ParallelOutRegister</td>
<td>The Administration where the ship's true ownership is registered. This field is only relevant where the Registered Owner is a bareboat charter under the reporting (source) Administration.</td>
</tr>
<tr>
<td>ParallelOutOwnerName</td>
<td>Owner recorded by the Parallel-out Administration</td>
</tr>
<tr>
<td>IMO_DOC_CompanyNumber</td>
<td>IMO Company (DOC) Number</td>
</tr>
<tr>
<td>DOC_CompanyName</td>
<td>DOC Company</td>
</tr>
<tr>
<td>DOC_CompanyPoBox</td>
<td>DOC Company P.O. Box</td>
</tr>
<tr>
<td>DOC_CompanyStreet</td>
<td>DOC Company Street</td>
</tr>
<tr>
<td>DOC_CompanyTown</td>
<td>DOC Company Town</td>
</tr>
<tr>
<td>DOC_CompanyPostCode</td>
<td>DOC Company PostCode</td>
</tr>
<tr>
<td>DOC_CompanyCountryDomicileDecode</td>
<td>DOC Company Country of Domicile</td>
</tr>
<tr>
<td>DOC_CompanyCountryRegistrationCode</td>
<td>DOC Company Country of Registration - Country Code</td>
</tr>
<tr>
<td>DOC_CompanyCountryRegistrationDecode</td>
<td>DOC Company Country of Registration</td>
</tr>
<tr>
<td>DOC_CompanyFoundedDate</td>
<td>DOC Company Founded Date</td>
</tr>
<tr>
<td>SMC_Auditor</td>
<td>SMC Auditor</td>
</tr>
<tr>
<td>SMC_DateIssued</td>
<td>SMC Date Issued</td>
</tr>
<tr>
<td>SMC_ExpiryDate</td>
<td>SMC Expiry Date</td>
</tr>
<tr>
<td>DOC_Auditor</td>
<td>DOC Auditor</td>
</tr>
<tr>
<td>DOC_DateIssued</td>
<td>DOC Date Issued</td>
</tr>
<tr>
<td>DOC_ExpiryDate</td>
<td>DOC Expiry Date</td>
</tr>
</tbody>
</table>

**Ship Status Fields**

<table>
<thead>
<tr>
<th>Field Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DateShipEnteredRegister</td>
<td>Date Ship Entered Register</td>
</tr>
<tr>
<td>DateShipDeletedFromRegister</td>
<td>Date Ship Deleted from Register</td>
</tr>
<tr>
<td>NewRegisterOfShipsCode</td>
<td>New Administration Of Ship leaving the reporting (Source) Register - Country Code</td>
</tr>
<tr>
<td>NewRegisterOfShipsDecode</td>
<td>New Administration Of Ship leaving the reporting (Source) Register</td>
</tr>
<tr>
<td>ReportedBrokenUp</td>
<td>Reported Broken Up</td>
</tr>
<tr>
<td>ReportedToBeBrokenUp</td>
<td>Reported To Be Broken Up</td>
</tr>
<tr>
<td>ReportedTotalLoss</td>
<td>Reported Total Loss</td>
</tr>
</tbody>
</table>

Format options:

(i) by spreadsheet (see paragraph 6) : Excel
(ii) by electronic file (see paragraph 7): Excel, Access, Ascii
(iii) by XML Schema (see paragraph 9, and annexes 1 and 2)

***
This delegation would like to make the following statement regarding the port State control report and procedure.

First, if I may, I should like to remind this Sub-Committee of the guidelines contained within resolution A.787(19) on port State control, chapter 5, Reporting Requirements. 5.1.3 states that in the case of a detention, notification shall be made to the Flag State Administration.

Although no time limit regarding notification is made, SOLAS Chapter 1, General Provisions, Part B, Surveyors and Certification, Regulation 19 covers control and refers to the procedures for port State control, adopted by the Organization by resolution A.787(19), regulation 19(d) and states, “In the event of this control giving rise to an intervention of any kind, the officer carrying out the control shall forthwith inform the flag State.”

MSC/Circ.1011, MEPC/Circ.383 covers measures to improve port State control procedures. The Committees agreed with the recommendation of the Flag State Implementation Sub-Committee that the whole concept of port State control of ships will be significantly improved by:

1. greater endeavours made by port States to notify flag States of any detentions; and

2. establishing a mechanism for a constructive and timely dialogue between flag States and port States on port State control interventions.

The circular also contains sample forms for notification and subsequent release after a re-inspection.

I now come to the reason for making this statement.

Recently, one of our vessels was detained by port State control. Notification of this detention was made by fax to our Administration. This same fax also gave notification that the vessel was allowed to proceed to the next port.

In other words, we were not informed of the detention until after the vessel had been released and allowed to sail to the next port.

This decision by port State control to detain and then release the vessel had, according to the fax also been made on the same day.

For the Sub-Committee’s information, this is not an isolated incident, but a practice that has happened on two occasions this year.

Surely the flag State should have been consulted before port State control released the detained vessel, so that any necessary action could be taken to ensure that the vessel’s deficiencies were properly rectified?
If the detainable deficiency was not serious, then why detain the vessel in the first place?

This could be interpreted as a statistics gathering exercise.

Or if the detainable deficiency was serious, then why release the vessel so soon?

Flag States should be involved in deciding whether a detained vessel with serious deficiencies should be released.

Flag States and port States should collaborate before a decision is made to release a detained vessel. After all, the key purpose for detention is to ensure that sub-standard ships are eradicated.

Therefore, the question this incident raises is: Can port State control make its own unilateral decision to release a detained vessel without first informing the flag State?

***
ANNEX 4

DRAFT [MSC CIRCULAR] [IMO/ILO GUIDELINES]

GUIDELINES FOR PORT STATE CONTROL ON INSPECTION OF
SEAFARERS’ WORKING HOURS

1 The Maritime Safety Committee (MSC), at its [……...], noting that fatigue has been identified as a serious contributing factor to maritime casualties and to health problems of seafarers, having considered the issue of seafarers’ working hours, and having agreed that practical guidance should be developed to provide appropriate information on seafarers’ working hours to all parties concerned, approved Guidelines for Port State Control on Inspection of Seafarers’ Working Hours, as set out in the annex.

2 The Committee acknowledged that, although the Guidelines can only be implemented by Member States, which have ratified ILO Convention No.180, they can also be useful to port State control officers when examining compliance with SOLAS and STCW Convention requirements.

3 Member Governments are invited to bring this circular to the attention of all concerned and, in particular, national authorities in charge of port State Control activities.
ANNEX

GUIDELINES FOR PORT STATE CONTROL ON INSPECTION OF SEAFARERS’ WORKING HOURS

PREAMBLE

1. Fatigue has been identified as a serious contributing factor to maritime casualties and to health problems of seafarers. One of its sources is excessive hours of work or insufficient rest. ILO Convention No.180 (Seafarers’ Hours of Work and the Manning of Ships Convention) aims to limit the maximum hours of work or to provide minimum rest periods for seafarers.

2. States having ratified ILO Convention No.180 are entitled to examine the records for hours of work or minimum rest periods on ships flying their flags. Tables of service at sea and in port (including maximum hours of work or minimum periods of rest per day and per week) should be posted on board where all seafarers may see them.

3. Records of hours of work or rest periods have to be maintained and examined by flag States in due time. If the records or other evidence indicate infringement of provisions governing hours of work or rest, the competent authority of the flag State is to require that measures, including if necessary the revision of the manning of the ship, are taken so as to avoid future infringement.

4. ILO adopted Convention No.180 and a Protocol of 1996 to Convention No.147, which entered into force on 8 August 2002 and 8 January 2003 respectively. Article 4 of Convention No.147 provides for the port State control of living and working conditions of seafarers as provided in the Convention itself and in the list of Conventions (e.g., Convention No.73 on medical certificates) contained in its Appendix. The Protocol of 1996 to Convention No.147, among other things, extends the list of Conventions in the Appendix of Convention No.147 to include Convention No.180. Thus, States which have ratified the Protocol may exercise port State control over the provisions of Convention No.180.1 & 2

5. ILO, together with IMO, have developed Guidelines for the Development of Tables of Seafarers’ Shipboard Working Arrangements and Formats of Records of Seafarers’ Hours of Work or Hours of Rest and standardized formats relating to shipboard working arrangements and hours of work and rest of seafarers, as referred to in articles 5 and 8 of the ILO Convention No.180 which provide guidance to flag States but may also be relevant to port State control.

6. ILO Convention No.180 defines “seafarer” as “any person defined as such by national laws or regulations or collective agreements who is employed or engaged in any capacity on board a seagoing ship to which this Convention applies”. The Convention also provides that “this Convention applies to every seagoing ship, whether publicly or privately owned, which is registered in the territory of any Member for which the Convention is in force and is ordinarily

---

1 On 23 February 2006, the 94th International Labour Conference, at its 10th Maritime Session, adopted the Maritime Labour Convention 2006 (MLC 2006). This new document takes over 68 existing instruments that are for a great deal of them incorporated into the new Convention. In that respect, the MLC 2006 includes the same provisions than ILO No.180 relative to the seafarers’ hours of work.

2 An updated list of ratifications of ILO Conventions is available at: www.ilo.org.
engaged in commercial maritime operations”. Thus when exercising port State control the Port state control officer may examine information relevant to any persons employed on the ship.

7 If non-compliance with the Protocol of 1996 to ILO Convention No.147 is found, the port State may in accordance with Article 4 of Convention No.147:

.1 prepare a report addressed to the government of the country in which the ship is registered, with a copy to the Director-General of ILO; and

.2 take measures necessary to rectify any conditions on board which are clearly hazardous to safety and health.

8 Clearly, excessive working hours or insufficient rest periods for watchkeeping personnel not only violate ILO requirements but also the rest period requirements of the STCW Convention. Evidence that other personnel essential to safety, such as a Master, Chief Engineer or other essential person, are exhausted - even if such persons are not specifically assigned to a watch - may also be considered by the PSCO for significant action.

9 It is recognized that the PSCO might come across a complete lack of records or falsified records. In such cases, it may be useful for the PSCO to have an understanding of fatigue and to identify it. In this regard, attention is drawn to MSC/Circ.1014 of 12 June 2001, on “Guidance on fatigue mitigation and management”.

1 INSPECTION

1.1 Table with the shipboard working arrangements

(Ref. Protocol of 1996 to C. 147. See also Ref. C. 180, Article 5, paragraph 7. Additional guidance: IMO/ILO Guidelines, paragraphs 10-15 (in particular paragraph 12). See also STCW Code, chapter VIII, section A-VIII/1, paragraph 5 and (IMO/ILO Guidelines, appendix 2, page 12)).

ILO Convention No.180 provides that the States (flag States) shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for every position at least:

.1 the schedule of service at sea and service in port; and

.2 the maximum hours of work or the minimum hours of rest required by the laws, regulations or collective agreements in force in the flag State. The table is to be established in a standardized format in the working language of the ship and in English.

It is likely that this table will be posted in common spaces, such as crew and officers’ mess and in adjacent passageways.

Is the table with the shipboard working arrangements posted?

If so, is it in a place easily accessible to the crew?

Does it contain the required information?
Is it in the working language of the ship and in English?

1.2 Records of seafarers’ hours of work or rest
(Ref. Protocol of 1996 to C. 147. See also C. 180, Article 8 paragraph 1. Additional Guidance: IMO/ILO Guidelines, paragraphs 16 to 24 (in particular, paragraphs 22 and 23)).

Records of seafarers’ daily hours of work or of their hours of rest should be maintained. These records should be mostly available in the Master’s cabin or ship’s office. The PSCO has to look for:

.1 Are there records of seafarers’ hours of work or their hours of rest?

.2 Do the records appear to be in conformity with the Convention? For example, are the records reasonably up-to-date? Are they signed by the master or his representative and by the seafarer? Do they account for all hours in each 24-hour period? (The PSCO should ask if there is evidence that the records are endorsed by the flag State. It is for the flag State to decide the procedure for endorsement. Lack of evidence of endorsement should not be recorded as a deficiency but may be taken into account by the PSCO in deciding the extent to which the records should be checked).

1.3 Age of seafarers
(Ref. Protocol of 1996 to C. 147. See also C. 180, Articles 6 and 12).

ILO Convention No.180 provides that no person under 16 years of age shall work on a ship. Special regulations apply to the working hours of seafarers under the age of 18. Are all seafarers at least 18 years of age?

2 MORE DETAILED INSPECTION

2.1 More detailed inspection of the table of shipboard working arrangements and related matters (e.g., missing tables, tables not accessible by crew, tables missing required information)

2.1.1 Absence of table

If there is no table with shipboard working arrangements, the PSCO should take action to require the table to be posted before departure (see Section, Follow-Up Actions).

2.1.2 Table not accessible to crew
(Ref. Protocol of 1996 to C. 147. See also C.180, Article 5 paragraph 7. Additional guidance: IMO/ILO Guidelines, paragraphs 10 to 15).

If there is a table with shipboard working arrangements, but the table has not been posted in a place easily accessible to the crew (see A.1.2), the PSCO should take action to require that the table be posted in a place easily accessible to the crew before departure (see Section, Follow-Up Actions).
2.1.3 Table is missing required information or contains information not consistent with C. 180
(Ref. Protocol of 1996 to C. 147. See also C. 180, Article 5 paragraph 1 and Article 5 paragraph 7. Additional guidance: IMO/ILO Guidelines, paragraphs 10 to 15).

If the table with shipboard working arrangements is missing required information (for guidance, see the IMO/ILO Guidelines, paragraph 12), the PSCO should take action to require that the table is corrected before departure (see Section, Follow-Up Actions).

In determining if the table of shipboard working arrangements includes the appropriate information, the PSCO should bear in mind that, though Article 5, paragraphs 1 and 2 of C. 180 sets out specific limits to working hours or provides for minimum rest periods, Article 5, paragraph 6 of C. 180 provides that:

“Nothing in paragraphs 1 and 2 shall prevent the Member from having national laws and regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.”

Thus, if the table of shipboard working arrangements includes limits which exceed those in Article 5, paragraphs 1 and 2, these limits are to be provided in a collective agreement which has been registered or authorized by the flag State. A copy of the relevant provisions of the national legislation pertaining to this Convention and/or the relevant collective agreements shall be kept on board and be easily accessible to the crew (However, there is no requirement for this national legislation or this collective agreement to be in English, and therefore the PSCO may not be able to check the contents of these texts).

If the flag State has ratified ILO Convention No 180 and if there is evidence that the collective agreement authorizing such exceptions has been authorized by or registered with the flag State, then exceeding the limits of Article 5, paragraphs 1 and 2 would not constitute a deficiency. However, if the limits permit less rest for watchkeepers than provided in the STCW Convention (see STCW Convention regulation VIII/1, Fitness for duty and STCW Code Chapter VIII, Section A-VIII/1, Fitness for duty, paragraphs 1 to 4 (these provisions are set out in Appendix 2 of the IMO/ILO Guidelines), this would constitute a non-conformity with the STCW Convention (for example, a collective agreement might provide for less than 77 hours of rest per week for watchkeepers but should not provide for less than the 70 hours required by the STCW Convention).

If the table of shipboard working arrangements does not set out the relevant provisions of the laws, regulations or collective agreements in force in the flag State concerning maximum hours of work or minimum periods of rest, this would constitute a deficiency (see C. 180, Article 5(7)).

Evidence of safety-related hours of work
(Ref. Protocol of 1996 to C. 147. See also C. 180, Article 7 (and Article 8 paragraph 3). Additional Guidance: IMO/ILO Guidelines, paragraphs 10 to 15).
The seafarer may have performed hours of work necessary for the immediate safety of the ship, person on board or cargo or for the purpose of giving assistance to a ship or person in distress at sea. In this situation PSCO may look for evidence of emergency situation in the ship’s log book, including the necessary hours of work.

As soon as practicable after the normal situation has been restored, the Master shall ensure that any seafarers that have performed work in a scheduled rest period are provided with an adequate period of rest. This should be reflected in the record of the hours of work or rest.

2.1.4 Table not in the working language of the ship and in English
(Ref. Protocol of 1996 to C. 147. See also C. 180, Article 5 paragraph 8 and Article 8 paragraph 2. Additional Guidance: IMO/ILO Guidelines, paragraphs 10 to 15).

If the table with shipboard working arrangements is not available in the working language on the ship and in English, the PSCO should take action to require that this is rectified before departure. What is important here is that the crew is able to read and understand what are the maximum hours of work or minimum rest period requirements in force on the ship. In the above cases, the PSCO may require rectification at next port if the ship is scheduled to visit another port. However, as shown below, action should be taken to ensure follow-up at next port (see Section, Follow-Up Actions).

2.2 More detailed inspection of records of seafarers’ daily hours of work or their daily hours of rest, and related issues

2.2.1 Records are not maintained in conformity with C. 180
(Ref. Protocol of 1996 to C. 147. See also C. 180, Article 8 paragraph 1. Additional Guidance: IMO/ILO Guidelines, paragraphs 16 to 23).

In the following cases, the PSCO should require that the deficiency be rectified as provided in the Section, Follow-up Actions:

.1 if work hours or rest hours have not been recorded (and the records have not been signed) on a periodical basis. No recording intervals are specified in ILO Convention No.180; PSCO may ask for the applicable rule of recording the hours (person responsible for keeping the logs, intervals for logging, competent authority for establishing recording procedures);

.2 if the Master provides a watch schedule (i.e. a document showing shipboard working arrangements) but does not provide records of actual hours worked;

.3 if the format of the records is not available in the working language of the ship and in English and;

.4 if there is no evidence that a copy of the record has been provided to each seafarer. The PSCO may wish to request to see one or two examples of the records provided to seafarers to determine if each seafarer has been provided with a copy and that the record is consistent with the record kept by the Master. (The PSCO should bear in mind that some seafarers may choose not to keep these copies or may lose them. Nevertheless, it should be possible to determine if the copies are being given to seafarers on a regular basis).
2.2.2 Records indicate infringement of limits set out in C. 180

If the records indicate possible infringements of the limits set out in the ILO Convention No.180, the PSCO should require and take action as set out in Follow-up Actions section:

.1 [if a seafarer is found to have not had a continuous rest period of at least 6 hours in any 24-hour period, this would clearly be a serious deficiency with both the ILO Convention No.180 and STCW Code Chapter VIII Section A-VIII/1, Fitness for duty (paragraph 4). This should result in strong action (i.e. rectify deficiency before departure, detention) (see Section 3)];

.2 if a seafarer has had less than 77 hours of rest in any seven-day period; this is also a serious deficiency (except where a collective agreement might allow for 70 hours) and should result in strong action as indicated above. However, the requirements of the STCW Code chapter VIII, Section A-VIII/1, paragraph 4 that watchkeepers shall have not less than 70 hours of rest in a seven-day period should be seen as the absolute minimum rest to be provided in a seven-day period (see Section 3);

.3 records which indicate violations of national laws, regulations or collective agreements which provide greater protection than the limits set out in the ILO Convention No.180 and the STCW Convention should be reported to both the flag State and ILO; and

.4 STCW Code Chapter VIII/1, section A-VIII/1 paragraph 3 and Article 5(4) and Article 7 of the ILO Convention No.180 provide for temporary exceptions to the limits provided in the Conventions. However, Article 5(4) and Article 7 of the ILO Convention No.180 require that, in the event of interruption of rest periods or work required for the safety of the ship, seafarers must be provided with compensatory rest. If the PSCO finds evidence of such interruptions or emergency work, he/she should look for evidence that compensatory rest has been provided and, if it has not been provided, take strong action.

2.2.3 No record or evidence of false records

The ILO Convention No.180 provides a systematic approach to ensuring that seafarers do not work excessive hours or have at least minimal rest periods. The system relies on record-keeping in order to function correctly. Absence of records or falsification of records undermines this systematic approach and demonstrates an obvious lack of compliance with the Convention.

Both of these situations indicate a likely violation of laws and regulations of the flag State.

The PSCO should examine the official log book or bridge log book, pay records, seafarers’ individual record of daily hours of work or rest and other secondary documentation.
The PSCO should be also aware that ship’s staff will have other duties in respect of security. Records of security training, drills and exercise as well as the previous and present security levels of the ship could indicate that rest periods have been falsified. However, PSCOs should note that they are not permitted to scrutinize the ship security plan regarding the duties of those assigned security responsibilities without the permission of the flag State.

The PSCO may ask to interview members of the crew, in private.

If the PSCO finds evidence that records have been falsified, the ship should be detained until a proper system of record keeping is put in place and the Master demonstrates that the crew is sufficiently rested to continue the voyage (see Section, Follow-up Actions).

2.3 Working hours and rest periods for seafarers under the age of 18
(Ref. Protocol of 1996 to C. 147. See also C. 180, Article 6)

If the examination of the crew list indicates that there is a seafarer on board under the age of 18, the PSCO should:

.1 examine records of daily hours of work and rest to ensure that the seafarer has not been working at night (“night” is, for the purposes of the ILO Convention No.180, a period of at least 9 consecutive hours, including the interval from midnight to five a.m.); and

.2 if a seafarer under the age of 18 is found to have been working at night, the PSCO should determine if the seafarer is at least 16 years of age. If below 16, appropriate child labour authorities may be contacted; if 16 or above, working at night is acceptable if the seafarer is part of a training programme, with established schedules, and the prohibition against working at night would impair such a programme (see Section, Follow-Up Actions).

3 STCW MINIMUM REQUIREMENT FOR WATCHKEEPERS
(Ref. SOLAS Convention chapter V/STCW 78/95 Convention and STCW Code Section A-VIII/1. See also ILO 180 article 11)

The PSCO should ask for the Safe Manning Certificate and the crew-list to be presented. Then the PSCO could check if the ship is sufficiently, safely and efficiently manned. The level of manning should be accepted unless it is clearly not in accordance with the ILO Convention No.180 and the STCW Convention:

.1 all officers keeping a watch and ratings keeping a watch should be provided with a minimum of 10 hours rest in any 24-hour period;

.2 The hours of rest of watchkeeping personnel should be divided into two periods, and one of these periods should be at least 6 hours in length;

.3 Is the present composition of the crew in compliance to the Minimum Safe Manning Certificate (MSMC)?; and
.4 Is the Minimum Safe Manning Certificate (MSMC) in compliance with STCW 78/95 Convention regulation I/4 and regulation VIII/1?

If the PSCO finds evidence of non-conformity related to the above (see Section, Follow-Up Actions).

4 FOLLOW-UP ACTIONS

4.1 Possible deficiencies that can be found out during inspections

.1 records of hours of work or rest have been maintained but are missing some of the required information;

.2 copies of relevant laws, regulations or collective agreements concerning maximum hours of work/minimum rest not kept on board and/or not easily accessible to the crew;

.3 seafarer on board under the age of 18 regularly working at night (but not as part of an established training programme);

.4 shipboard working arrangements for all seafarers has not been posted;

.5 the table of shipboard working arrangements has been posted but is missing some of the required information;

.6 shipboard working arrangements are not easily accessible to the crew;

.7 records of hours of work or rest have not been maintained for all seafarers;

.8 seafarers are found to have been working excessive hours or have not received sufficient rest;

.9 seafarer on board under the age of 16;

.10 table of shipboard working arrangements and/or forms for recording of working hours or rest periods are not available in both the working language or languages of the ship and in English; and

.11 seafarers have not been provided with record of hours of work or rest.

The PSCOs should use their professional judgement in deciding the appropriate follow-up action. But generally, deficiencies should be required to be rectified before departure and flag State and ILO may be informed.
4.2 Deficiencies which may be grounds for detention*

.1 any follow-up action listed in Part 4 has not been taken (i.e., any deficiency has not been rectified before the ship departed the last port);

.2 crew list not in compliance with Safe Manning Certificate;

.3 safe Manning Certificate does not comply to STCW regulation VIII/1;

.4 inability to provide persons who are sufficiently rested and otherwise fit for duty for the first watch at the commencement of a voyage and for the subsequent relieving watches (STCW);

.5 essential personnel as master and chief engineer showing signs of excessive fatigue. And in the judgement of PSCO regarding the next voyage the situation of excessive fatigue may occur immediate danger for the safety of the ship, the crew and/or the environment. (This deficiency should not be a stand-alone deficiency but should be supported by objective evidence); and

.6 records of hours of work or rest have been falsified to hide excessive working hours or insufficient rest.

Note: Reference to MSC/Circ.1014 dated 12 June 2001 on Guidance on fatigue mitigation and management should be used in order to use a formal definition of fatigue. Any other circumstances including the technical general state of the ship, as well as STCW 78/95 Convention regulation must be taken into account in order to balance the PSCO’s judgement and decide on the follow-up action.

* Flag State and ILO shall be informed. ILO fax number: 00 41 22 799 7050.
PSC

Yes
Flag State ratified ILO 180?

No

Yes
Evidences on work/rest hours?

No

Yes
Compliance to ILO 180?

No

Yes
SOLAS chapter V.14 and STCW regulation VIII/1
Minimum manning?
No fatigue

Yes

Prescription(s)
Inform flag State and ILO

No

Detention
Inform flag State and ILO

***
ANNEX 5
DRAFT MSC CIRCULAR
TYPE APPROVAL CERTIFICATION SCHEME

1 The Maritime Safety Committee, at its [……], having considered a proposal by the fourteenth session of the Sub-Committee on Flag State Implementation, recognized concerns that misunderstanding may exist among port State control officers regarding some of the Type Approval certificates issued for marine products.

2 To clarify the purpose and procedures of the Type Approval certification scheme used by the flag States, classification societies and other recognized bodies; the Committee [agreed] that such scheme include the following steps:

   .1 engineering evaluation;
   .2 witnessing the manufacturing and testing processes;
   .3 evaluating the manufacturing arrangements; and
   .4 issuing of a Type Approval Certificate generally valid for not more than 5 years which may be subject to annual inspections or verification of the manufacturer’s process after all the above-mentioned procedures have been satisfactorily completed.

3 The Committee also agreed that the validity of the Type Approval Certificate itself has no influence on the operational validity of a product accepted and installed onboard a ship and that a product manufactured during the period of validity of the relevant Type Approval Certificate need not be renewed or replaced due to expiration of such Type Approval Certificate.

4 Member Governments are invited to bring this decision to the attention of the national Authorities in charge of port State control activities and all other parties concerned.

***
### ANNEX 6

**DRAFT AIS TEST REPORT**

<table>
<thead>
<tr>
<th>Name of ship/call sign:</th>
</tr>
</thead>
<tbody>
<tr>
<td>MMSI number:</td>
</tr>
<tr>
<td>Port of registry:</td>
</tr>
<tr>
<td>IMO Number:</td>
</tr>
<tr>
<td>Gross tonnage:</td>
</tr>
<tr>
<td>Date keel laid:</td>
</tr>
</tbody>
</table>

1. **Installation details**

<table>
<thead>
<tr>
<th>Item</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>AIS transponder type:</td>
</tr>
<tr>
<td>1.2</td>
<td>Type approval certificate</td>
</tr>
<tr>
<td>1.3</td>
<td>Initial installation configuration report on board?</td>
</tr>
<tr>
<td>1.4</td>
<td>Drawings provided? (Antenna-, AIS-arrangement and block diagram)</td>
</tr>
<tr>
<td>1.5</td>
<td>Main source of electrical power,</td>
</tr>
<tr>
<td>1.6</td>
<td>Emergency source of electrical power,</td>
</tr>
<tr>
<td>1.7</td>
<td>Capacity to be verified if the AIS is connected to a battery</td>
</tr>
<tr>
<td>1.8</td>
<td>Pilot plug near pilots operating position?</td>
</tr>
<tr>
<td>1.9</td>
<td>120 V AC provided near pilot plug? (Panama and St. Lawrence requirement)</td>
</tr>
</tbody>
</table>

2. **AIS programming – Static information**

<table>
<thead>
<tr>
<th>Item</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>MMSI number</td>
</tr>
<tr>
<td>2.2</td>
<td>IMO number</td>
</tr>
<tr>
<td>2.3</td>
<td>Radio call sign</td>
</tr>
<tr>
<td>2.4</td>
<td>Name of ship</td>
</tr>
<tr>
<td>2.5</td>
<td>Type of ship</td>
</tr>
<tr>
<td>2.6</td>
<td>Ship length and beam</td>
</tr>
<tr>
<td>2.7</td>
<td>Location of GPS antenna</td>
</tr>
</tbody>
</table>

3. **AIS programming – Dynamic information**

<table>
<thead>
<tr>
<th>Item</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Ships position with accuracy and integrity status (Source: GNSS)</td>
</tr>
<tr>
<td>3.2</td>
<td>Time in UTC (Source: GNSS)</td>
</tr>
<tr>
<td>3.3</td>
<td>Course over ground (COG) (will fluctuate at dockside) (Source GNSS)</td>
</tr>
<tr>
<td>3.4</td>
<td>Speed over ground (SOG) (zero at dockside) (Source: GNSS)</td>
</tr>
<tr>
<td>3.5</td>
<td>Heading (Source: Gyro)</td>
</tr>
<tr>
<td>3.6</td>
<td>Navigational status</td>
</tr>
<tr>
<td>3.7</td>
<td>Rate of turn, where available (ROT)</td>
</tr>
<tr>
<td>3.8</td>
<td>Angle of heel, pitch and roll, where available</td>
</tr>
</tbody>
</table>
4. AIS programming – voyage related information
   4.1 Ships draught
   4.2 Type of cargo
   4.3 Destination and ETA (at masters discretion)
   4.4 Route plan (optional)
   4.5 Short safety-related messages

5. Performance test using measuring instrument
   5.1 Frequency measurements AIS ch. 1 and 2, GMDSS ch. 70
   5.2 Transmitting output, AIS ch. 1 and 2, GMDSS ch. 70
   5.3 Polling information ch. 70
   5.4 Read data from AIS
   5.5 Send data to AIS
   5.6 Check AIS response to “virtual vessels”

6. “On air” performance test
   6.1 Check reception performance
   6.2 Confirm reception of own signal from other ship/VTS
   6.3 Polling by VTS/shore installation

Electromagnetic interference from AIS observed to other installations?:

Remarks:

The AIS has been tested according to IMO SN/Circ.227 and resolution MSC.74(69), annex 3
<table>
<thead>
<tr>
<th>Name of Radio Inspector</th>
<th>Date and place:</th>
<th>Name of Radio Inspector Company</th>
</tr>
</thead>
</table>

***
ANNEX 7

TERMS OF REFERENCE FOR THE CORRESPONDENCE GROUP

The intersessional Correspondence Group on the review of the Survey Guidelines under the HSSC is instructed as follows:

.1 to further develop the draft amendments to the Survey Guidelines under the HSSC (resolution A.948(23)) using as a basis annex 1 to document FSI 14/WP.2, taking into account the list of new requirements adopted since the last session (FSI 14/11/3) and developments at FSI 14 and in accordance with the course of action approved by the Sub-Committee;

.2 to prepare a consolidated draft of the revised Survey Guidelines under the HSSC, including all requirements in force on 1 August 2007, that will replace in its entirety the current Guidelines adopted by resolution A.948(23), incorporating the amendments to the Survey Guidelines under the HSSC for the purpose of MARPOL Annex VI which were adopted by MEPC 53 (resolution MEPC.128(53));

.3 the consolidated draft of the revised Survey Guidelines under the HSSC should include text showing additions, deletions and changes to the current Guidelines adopted by resolution A.948(23); and

.4 to submit a report to FSI 15.

***
ANNEX 8

DRAFT GUIDELINES ON ANNUAL TESTING OF VOYAGE DATA RECORDERS (VDR) AND SIMPLIFIED VOYAGE DATA RECORDERS (S-VDR)

1 The Maritime Safety Committee at its seventy-third session (27 November to 6 December 2000) approved the revision of SOLAS regulation V/20 which included the requirement for voyage data recorder (VDR) systems to be the subject of an annual performance test.

2 At its seventy-ninth session (1 to 10 December 2004), the Maritime Safety Committee adopted amendments to regulation V/20 to include the requirement for VDRs which may be simplified voyage data recorders (S-VDR), to be fitted on existing cargo ships on a phased-in carriage requirement. Such VDRs were also to be the subject of an annual performance test.

3 The purpose of an annual performance test is to determine that a VDR/S-VDR is operational as defined in the manufacturer’s specification. In addition, because of the “black box” nature of this equipment, there is a need to have a document which clearly lists all the interfaces which have been checked to confirm compliance with the appropriate International Electrotechnical Commission (IEC) test standards. This transparency is essential for surveyors or inspectors of flag Administrations, port States or recognized organizations.

4 To assist in achieving this aim, it is recommended that all VDR and S-VDR be subject to a standard method of testing as detailed in the annexed guidelines.

5 Member Governments are invited to bring these Guidelines to the attention of shipping companies, shipowners, ship operators, equipment manufacturers, recognized organizations, shipmasters and all parties concerned.
ANNEX

GUIDELINES ON ANNUAL TESTING OF VDR AND S-VDR

1 The annual testing of VDR/S-VDR required by SOLAS regulation V/20 should be carried out by the manufacturer or a person authorized by the manufacturer.

2 The examination of the VDR/S-VDR installation should include:

   .1 confirmation that no alarms are present prior to commencement of the test;

   .2 confirmation that when the external power is removed the power supply alarm is activated, the equipment continues to operate for at least 1 hr 55 min and automatically stops recording no later than 2 hr 5 min after the external power is removed;

   .3 confirmation that the acoustic beacon is functional using the appropriate manufacturer’s test equipment or by the substitution of a certified fully operational unit;

   .4 confirmation that the overall condition of the equipment is satisfactory and that any batteries within the equipment (acoustic beacon and power supply) are in date;

   .5 confirmation that accurate maintenance records of the VDR are available;

   .6 confirmation that the items to be recorded, as defined in resolution A.861(20) and resolution MSC.163(78) for VDR and S-VDR, respectively, are satisfactorily stored for the duration of the 12-hour recording period;

   .7 confirmation that the capsule float-free arrangements, where required or fitted, are satisfactory; and

   .8 confirmation that the equipment is restored to normal operation mode following completion of the tests.

3 To accommodate performance checks to align with the appropriate survey under the Harmonized System of Survey and Certification (HSSC), the annual performance check may be carried out up to 3 months before the due date for a passenger ship and +/- 3 months of the due date for a cargo ship. (The maximum period between subsequent checks is, therefore, 15 months for passenger ships and 18 months for cargo ships, unless either certificate has been extended as permitted by SOLAS regulation I/14, in which case a similar extension may be granted.)

4 The annual test should be recorded in the form of the model certificate given in the appendix to this document. If the language used is neither English nor French nor Spanish, the text should include a translation into one of these languages.
APPENDIX

VOYAGE DATA RECORDER PERFORMANCE TEST CERTIFICATE

Note – Insert Yes for success, No for failure or N/A for non fitted interfaces in these boxes as appropriate

<table>
<thead>
<tr>
<th>Ship’s details</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ship’s name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flag</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IMO number</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date keel laid</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross tonnage</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Voyage data recorder details</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Model</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>System serial number</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Software version number</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date fitted</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspection Details</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name person conducting testing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Company</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspection date</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspection location</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Pre-existing alarms
   Confirm that no alarms were present at start of procedure

2. Power supply alarm check
   Remove source of external power. Confirm that alarm is activated.
   Record time (hh.mm)

3. Reserve power source check
   Allow VDR to continue running for 1 hour 55 minutes from ‘2’ above.
   Confirm that equipment is still operating at this time, with no additional alarms.
   Record time (hh.mm)
4. Reserve power source shut down check

2 hours 05 minutes from ‘2’ above confirm that the VDR has automatically stopped recording.

Record time (hh:mm)

5. Battery expiry dates

<table>
<thead>
<tr>
<th>Battery</th>
<th>Expiry date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acoustic beacon</td>
<td></td>
</tr>
<tr>
<td>Reserve power source</td>
<td></td>
</tr>
</tbody>
</table>

6. Acoustic beacon test

Using manufacturer’s test equipment confirm that acoustic beacon is functional or by the substitution of a certified fully operational unit.

7. Overall condition of equipment

Inspect equipment and record condition, tick if satisfactory:

<table>
<thead>
<tr>
<th>Sub unit</th>
<th>Notes on condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protective capsule</td>
<td></td>
</tr>
<tr>
<td>External cables</td>
<td></td>
</tr>
<tr>
<td>Main unit</td>
<td></td>
</tr>
</tbody>
</table>

8. Interfaces: Operation and recording

<table>
<thead>
<tr>
<th>Date and time</th>
<th>Preferably external to ship (e.g. Global Navigation Satellite System.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ship’s position</td>
<td>Electronic Positioning system</td>
</tr>
<tr>
<td>Speed (through water or over ground)</td>
<td>Ship’s designated speed and distance measuring equipment</td>
</tr>
<tr>
<td>Heading</td>
<td>Ship’s compass</td>
</tr>
<tr>
<td>Bridge audio</td>
<td>1 or more bridge microphones</td>
</tr>
<tr>
<td>Communications Audio</td>
<td>VHF</td>
</tr>
<tr>
<td>Radar data- post display selection</td>
<td>Master radar display</td>
</tr>
<tr>
<td>Water depth</td>
<td>Echo sounder</td>
</tr>
<tr>
<td>Main alarms</td>
<td>All mandatory alarms on bridge</td>
</tr>
<tr>
<td>Rudder order and response</td>
<td>Steering gear and autopilot</td>
</tr>
<tr>
<td>Engine order and response</td>
<td>Telegraphs, controls and thrusters</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Hull openings status</td>
<td>All mandatory status information displayed on bridge</td>
</tr>
<tr>
<td>Watertight and fire door status</td>
<td>All mandatory status information displayed on bridge</td>
</tr>
<tr>
<td>Acceleration and hull stresses</td>
<td>Hull stress and response monitoring equipment where fitted</td>
</tr>
<tr>
<td>Wind speed and direction</td>
<td>Anemometer where fitted</td>
</tr>
</tbody>
</table>

9. **Change or repair of sensors**

Check maintenance records of VDR

Confirm any defects properly rectified

10. **Manufacturer’s analysis**

Manufacturer’s analysis of 12 hour log is attached and in accordance with International Electrotechnical Commission (IEC) 61996 Maritime navigation and radiocommunication equipment and systems – Shipborne voyage data recorder (VDR) – Performance requirements – Methods of testing and required test results section 4.6 – Data items to be recorded (resolution A.861(20), section 5.4). All relevant interfaces to be proven.

**Date and time** of above log

11. **Observations and additional manufacturer’s requirements**
This performance test was conducted in accordance with SOLAS regulation V/18.8 and is related to the **appropriate safety certificate** for this ship which is due for revalidation on ....................

In accordance with the principles of harmonization of certificates, it will remain valid until the next annual re-validation of that certificate, subject to the equipment being maintained in appropriate operational condition.
ANNEX 9

DRAFT MSC/CIRCULAR

GUIDELINES FOR PRE-PLANNING OF SURVEYS IN DRY DOCK OF SHIPS
WHICH ARE NOT SUBJECT TO THE ENHANCED PROGRAMME OF
INSPECTIONS (A.744(18), AS AMENDED)

1 The Maritime Safety Committee, at its eightieth session (18 to 27 May 2005) recognized
that pre-planning is essential in order to ensure that major necessary repairs and maintenance
works were effectively carried out during dry docking and that it was the duty of shipowners to
prepare the dry dock survey.

2 The Committee further recognized that resolution A.948(23) did not provide for
pre-planning of surveys carried out in the dry dock whereas resolution A.744(18) did impose a
planning for the intermediate and renewal surveys, which are to include a survey in dry dock
depending on the vessel’s age, conducted under the enhanced programme of inspection and
therefore tasked the Flag State Implementation Sub-Committee at its fourteenth session to
develop a draft circular for the pre-planning of surveys in dry dock of ships which are not subject
to the enhanced programme of inspections.

3 The Committee, at its eighty second session (29 November to 8 December 2006), having
received the draft circular proposed by FSI 14, approved the guidelines for pre-planning of
surveys in dry dock of ships which are not subject to the enhanced programme of inspections
(resolution A.744(18), as amended), as set out in the annex.

4 Member Governments are invited to bring the annexed Guidelines to all the parties
concerned for their application for pre-planning of surveys in dry dock of ships which are not
subject to the enhanced programme of inspections.
ANNEX

GUIDELINES FOR PRE-PLANNING OF SURVEYS IN DRY DOCK OF SHIPS WHICH ARE NOT SUBJECT TO THE ENHANCED PROGRAMME OF INSPECTIONS (A.744(18), AS AMENDED)

Scope

These guidelines apply to ships which are not subject to the enhanced programme of inspections (resolution A.744(18), as amended):

Discretion may be exercised in the application of these Guidelines for smaller sized ships (e.g., cargo ships of less than 100 m in length*) where the meeting held between the owner and the surveyor can occur during, rather than in advance of, the survey in dry dock as dry docks for these smaller ships are much more available and the dry docking of these ships occurs more promptly and with much less advanced notice than it does for larger ships.

Objective

To assure that a survey in dry dock will be effectively and safely carried out in accordance with the relevant rules and regulations applicable to the ship and that major necessary repairs and maintenance will be effectively undertaken, the Owner, the attending surveyor and other interested parties (e.g. a representative of the thickness measurement company), should cooperate and meet in advance of the dry-docking survey.

Pre-planning meeting

A pre-planning meeting should occur in advance to co-ordinate the work to be undertaken during the survey which should include, as a minimum, a review of the following information:

- survey status and basic ship information;
- survey records from the previous bottom survey;
- details of any outstanding recommendations or known damaged areas (due to grounding, lightering, etc) that affect or may affect the dry-docking survey;
- details of any known structural damage previously suffered by the vessel;
- reports of known structural repairs that will be carried out during the dry-docking survey; and
- details of any additional items to be surveyed, thickness measurements to be taken and known maintenance work that will be carried out during the dry-docking survey.

***

* The length to be considered is the freeboard length.
ANNEX 10

PROPOSED DRAFT INTERIM SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION (RESOLUTION A.948(23)) FOR THE PURPOSE OF THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS’ BALLAST WATER AND SEDIMENTS

(All references are to the English text)

1  “Contents”

1.1 The following new section 5 is added:

“ANNEX 5

SURVEY GUIDELINES UNDER THE CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS’ BALLAST WATER AND SEDIMENTS

(B) 1 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE

(BI) 1.1 Initial surveys

(BA) 1.2 Annual surveys

(BIn) 1.3 Intermediate surveys

(BR) 1.4 Renewal surveys”

2  Section “GENERAL”

2.1 Insert new subparagraph .7 after existing subparagraph 1.1.6:

“.7 International Convention for Control and Management of Ships’ Ballast Water and Sediments” (Ballast Water Management Convention)

2.2 Insert new subparagraph .5 after existing subparagraph 1.2.4:

“1.2.5 Survey Guidelines under the Convention for Control and Management of Ships’ Ballast Water and Sediments (annex 5)”

2.3 In subparagraph 2.8.1, a new line is added after “BCH Code 85/90, regulation .6.2.1.1”, as follows:

“Ballast Water Management Convention regulation E-1.1.1”.

2.4 In subparagraph 2.8.3, a new line is added after “BCH Code 85/90, regulation .6.2.1.2”, as follows:

“Ballast Water Management Convention regulation E-1.1.2”.

I:\FSI\14\19.doc
2.5 In subparagraph 2.8.4, a new line is added after “BCH Code 85/90, regulation .6.2.1.3”, as follows:

“Ballast Water Management Convention regulation E-1.1.3”.

2.6 In subparagraph 2.8.5, a new line is added after “BCH Code 85/90, regulation 1.6.2.1.4”, as follows:

“Ballast Water Management Convention regulation E-1.1.4”.

2.7 In subparagraph 3.8, after the existing text “(P) for the Passenger Ship Safety Certificate;” add the following new line:

“(B) for the International Ballast Water Management Certificate;”

2.8 In subparagraph 4.8.1, sixth line, after “and the BCH Code 85/90 regulation 1.6.1.3” add the following text: “, or in the case of the Ballast Water Management Convention the survey shows that the ship’s Ballast Water Management does not conform to the particulars of the Certificate required under regulations E-2 or E-3, or is such that the ship is not fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources, the surveyor should be guided by regulation E-1.6.”

2.9 In paragraph 5.2:

.1 in the references, third line, replace with a comma (“,”) the word “and” between “regulation 1.5.6.3” and “the BCH Code”; replace the full stop at the end of the sentence with a comma; and add the following text at the end of the line “and the Ballast Water Management Convention regulation E-5.5 and 5.6.”

.2 in the second paragraph, 13th line from the top, replace with a comma (“,”) the word “and” between “1.5.6.6” and “the BCH Code”; and after “regulations 1.6.6.5 and 1.6.6.6” add the following text: “and the Ballast Water Convention regulation E-5.2.2,”

.3 in the second paragraph, last line, replace with a comma (“,”) the word “and” between “regulation 1.5.6.2.2” and “the BCH Code”; and add the following text at the end of the line: “and the Ballast Water Management Convention regulation E-5.3.”

2.10 In paragraph 5.4 in the references, last line, replace with a comma (“,”) the word “and” between “regulation 1.5.6.6” and “the BCH Code”; and add the following text at the end of the line “and the Ballast Water Management Convention regulation E-5.3.”

2.11 In paragraph 5.5 in the references, last line, replace with a comma (“,”) the word “and” between “regulation 1.5.6.7” and “the BCH Code”; and add the following text at the end of the line “and the Ballast Water Management Convention regulation E-5.7.”
3  **Annex 1 “SURVEY GUIDELINES UNDER THE 1974 SOLAS CONVENTION, AS MODIFIED BY THE 1988 PROTOCOL RELATING THERETO”**

3.1 The following new subparagraph .8ter is added after existing paragraph 1.2.1.8bis:

“(EA) .8ter checking, when appropriate, the validity of the International Ballast Water Management Certificate;”

3.2 The following new subparagraph .8ter is added after existing paragraph 2.2.1.8bis:

“(CA) .8ter checking, when appropriate, the validity of the International Ballast Water Management Certificate;”

3.3 The following new subparagraph .8ter is added after existing paragraph 4.2.1.8bis:

“(RP) .8ter checking, when appropriate, the validity of the International Ballast Water Management Certificate;”

3.4 The following new subparagraph .5ter is added after existing paragraph 5.2.1.5bis:

“(PR) .5ter checking, when appropriate, the validity of the International Ballast Water Management Certificate;”


4.1 The following new subparagraph .8ter is added after existing paragraph 1.2.1.8bis:

“(LA) .8ter checking, when appropriate, the validity of the International Ballast Water Management Certificate;”

5  **Annex 3 “SURVEY GUIDELINES UNDER THE 1973/78 MARPOL CONVENTION”**

5.1 The following new subparagraph .8bis is added after existing paragraph 1.2.1.8:

“(OA) .8bis checking, when appropriate, the validity of the International Ballast Water Management Certificate;”

6  **Annex 4 “SURVEY GUIDELINES UNDER THE MANDATORY CODES”**

6.1 The following new subparagraph .6ter is added after existing paragraph 1.2.1.6bis:

“(DA) .6ter checking, when appropriate, the validity of the International Ballast Water Management Certificate;”

6.2 The following new subparagraph .6ter is added after existing paragraph 2.2.1.6bis:

“(GA) .6ter checking, when appropriate, the validity of the International Ballast Water Management Certificate;”
7 New Annex 5

7.1 Insert new Annex 5, starting with a new page following the last entry of Annex 4 ((GR) 2.4.3.1):

“ANNEX 5

SURVEY GUIDELINES UNDER THE 2004 INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS’ BALLAST WATER AND SEDIMENTS

(B) 1 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE

(BI) 1.1 Initial surveys - see part “General” section 2.1

(BI) 1.1.1 For the Control and Management of Ships Ballast Water Sediments the examination of plans and designs should consist of:

(BI) .1 examining the design and construction (regulation B-5);

(BI) .2 examining the ballast water management plan (regulation B-1);

(BI) .3 examination of plans for the installation of ballast water management systems (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

(BI) .4 if applicable, examination of plans for the installation of prototype ballast water treatment technologies (regulation D-4).

(BI) 1.1.2 For Control and Management of Ships Ballast Water Sediments the survey during construction and after installation should consist of:

(BI) .1 confirming that the Ballast Water Management Plan has been provided (regulation B-1);

(BI) .2 confirming that the Ballast Water Record Book has been provided (regulation B-2);

(BI) .3 confirming that certificate(s) for type approval of ballast water management system(s) are available (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

(BI) .4 confirming that a statement has been provided by the Administration, or from a laboratory authorized by the Administration, confirming that the electrical and electronic components of the ballast water management system(s) have been type-tested in accordance with the specifications for environmental testing contained in Part 3 of the Annex of the Guidelines for Approval of Ballast Water Management Systems (G8) (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);
confirming that equipment manuals for major components of the ballast water management system(s) have been provided (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

confirming that an operations and technical manual for the ballast water management system(s) specific to the ship and approved by the Administration, containing a technical description of the ballast water management system(s), operational and maintenance procedures, and backup procedures in case of equipment malfunction has been provided (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

confirming that installation specifications for the ballast water management system(s) have been provided (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

confirming that installation commissioning procedures for the ballast water management system(s) have been provided (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

confirming that initial calibration procedures of the ballast water management system(s) have been provided (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

confirming that sampling facilities are provided and so arranged in order to collect representative samples of the ship’s ballast water from the ballast water management system(s) intake(s) before the ballast discharge points and any other points necessary for sampling (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

verifying that the BWMS installation has been carried out in accordance with the technical installation specification (note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

verifying that the BWMS is in conformity with the Type Approval Certificate of BWMS issued by the Administration or its representative (note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

verifying that the installation of the complete BWMS has been carried out in accordance with the manufacturer’s equipment specification (note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);
verifying that any operational inlets and outlets are located in the positions indicated on the drawings of the pumping and piping arrangements (note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

verifying that the workmanship of the installation is satisfactory and, in particular, that any bulkhead penetrations or penetrations of the ballast system piping are to the relevant approved standards (note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

verifying that the Control and Monitoring Equipment operates correctly; (note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

confirming that if applicable the ballast water management recording device(s) are operable and that there is a sufficient supply of consumables for the recording device(s) on board (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

confirming the satisfactory installation and operation of the ballast water management system, including any audible or visual alarms (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

confirming that, if applicable, sufficient active substances are provided on board (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

confirming that, if applicable, dosage instruction for active substances or preparations are available on board (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

verifying that, if applicable, the prototype ballast water treatment technology installation has been carried out in accordance with the approved Programme and that the workmanship of the installation is satisfactory (regulation D-4);

confirming that, if applicable, a Statement of Compliance for a Prototype Ballast Water Treatment Technology has been provided (regulation D-4);

For the Control and Management of Ships Ballast Water Sediments the completion of initial survey should consist of:

after satisfactory survey, the International Ballast Water Management Certificate should be issued.
1.2 Annual surveys – see part “General” section 2.5

1.2.1 For the Control and Management of Ships Ballast Water and Sediments the examination of current certificates and other records should consist of:

.1 checking the validity, as appropriate, of the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Construction Certificate or the Cargo Ship Safety Certificate or Passenger Ship Safety Certificate;

.2 checking the validity of the International Load Line Certificate or International Load Line Exemption Certificate;

.3 checking the validity of the International Oil Pollution Prevention Certificate, International Sewage Pollution Prevention Certificate, and International Air Pollution Prevention Certificate;

.4 checking the validity of the International Ship Security Certificate;

.4bis checking, when appropriate, the validity of the Safety Management Certificate (SMC) and that a copy of the Document of Compliance (DOC) is on board;

.5 checking the certificates of class, if the ship is classed with a classification society;

.6 checking, when appropriate, the validity of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;

.7 checking when appropriate the validity of the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;

.7bis checking, when appropriate, the validity of the International Sewage Pollution Prevention Certificate;

.8 checking that the ship's complement complies with the Minimum Safe Manning Document (SOLAS 74/88 reg.V/13(b));

.9 checking that the master, officers and ratings are certificated as required by the STCW Convention;

.10 checking whether any new equipment has been fitted and, if so, confirm that it has been approved before installation and that any changes are reflected in the certificate;

.11 confirming that the Ballast Water Management Plan is on board (reg. B-1);
(BA) .12 checking whether the appropriate entries have been made in the Ballast Record Book (regulation B-2);

(BA) .13 sighting the type test certificate(s) for the ballast water management system(s) (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

(BA) .14 sighting the records of the recording device, if fitted (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

(BA) .15 sighting, if applicable, the Statement of Compliance for a Prototype Ballast Water Treatment Technology (regulation D-4);

(BA) .16 verifying, if applicable, that there is evidence that the Prototype Ballast Water Treatment Technology is continuing to be operated in accordance with the approved programme (regulation D-4).

(BA) 1.2.2 For the Control and Management of Ships Ballast Water Sediments the annual survey should consist of:

(BA) .1 examining externally the ballast water treatment system and confirming, as far as practicable its satisfactory operation (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

(BA) .2 confirming that, if applicable, active substances in accordance with the manufacturer’s recommendations are provided on board (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

(BA) .3 confirming that, if applicable, dosage instruction for active substance or preparations are available on board (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

(BA) .4 where applicable examining externally the prototype ballast water treatment technology and confirming, as far as practicable its satisfactory operation (regulation D-4);

(BA) 1.2.3 For the Control and Management of Ships Ballast Water Sediments the completion of annual survey should consist of:

(BA) .1 after satisfactory survey, the International Ballast Water Management Certificate should be endorsed;

(BA) .2 if a survey shows that the condition of a ship or its equipment is unsatisfactory; see part “General” section 4.8.
1.3 Intermediate surveys – see part “General” section 2.4

1.3.1 For the Control and Management of Ships Ballast Water Sediments the examination of current certificates and other records should consist of:

1. the provisions of (BA) 1.2.1.

1.3.2 For the Control and Management of Ships Ballast Water Sediments the intermediate survey should consist of:

1. the provisions of (BA) 1.2.2;

2. examining the ballast water management system for obvious defects, deterioration or damage including examining associated pumps, piping and fittings for wear and corrosion (regulations D-3 and D-4 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

1.3.3 For the Control and Management of Ships Ballast Water Sediments the completion of intermediate survey should consist of:

1. after satisfactory survey, the International Ballast Water Management Certificate should be endorsed;

2. if a survey shows that the condition of a ship or its equipment is unsatisfactory, see part “General” section 4.8.

1.4 Renewal surveys – see part “General” section 2.3

1.4.1 For the Control and Management of Ships Ballast Water Sediments the examination of current certificates and other records should consist of:

1. the provisions of (BA) 1.2.1, except for the validity of the International Ballast Water Management Certificate.

1.4.2 For the Control and Management of Ships Ballast Water Sediments the renewal survey should consist of:

1. the provisions of (BIn) 1.3.2;

2. confirming, by simulated test or equivalent, the satisfactory operation of the ballast water management systems (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

3. confirming that an analysis of discharge sample taken within the six months preceding the expiry date of the certificate, has been completed by a laboratory authorized by the Administration and that the
results show compliance with the performance standard of regulation D-2 (regulation D-3 / note, this survey requirement is relevant only when the performance standard according to regulation D-2 is applicable);

(BR) .4 if applicable, confirming, if necessary by simulated test or equivalent, the satisfactory operation of the ballast water management systems (reg. D-4).

(BR) 1.4.3 For the Control and Management of Ships Ballast Water Sediments the completion of renewal survey should consist of:

(BR) .1 after satisfactory survey, the International Ballast Water Management Certificate should be issued.”

8 Appendix

8.1 Insert new line showing the diagrammatic arrangement of surveys and certification for Ballast Water Management Convention in the Appendix:

Appendix

THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION
DIAGRAMMATIC ARRANGEMENT

<table>
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<th>2</th>
<th>3</th>
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BALLAST WATER

A A or I I or A A R

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## ANNEX 11

**DRAFT ACTION PLAN TO TACKLE THE INADEQUACY OF PORT RECEPTION FACILITIES**

<table>
<thead>
<tr>
<th>Category</th>
<th>Work item</th>
<th>Background information</th>
<th>Priority</th>
<th>Target completion date</th>
<th>Responsible Sub-Committee/Committee</th>
</tr>
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<tbody>
<tr>
<td>1 Reporting</td>
<td>1.1 Development of a standard Advance Notification Form</td>
<td>In some ports, for logistical reasons, the providers of waste reception facilities may require advance notification from the ship of its intention to use facilities. Further information on this requirement is provided in section 4 of the Guidelines for ensuring the adequacy of port waste reception facilities, adopted by resolution MEPC.83(44). The development of a standard Advance Notification Form would enhance the smooth implementation and uniform application of this requirement, thus minimizing the risk of a ship incurring delay. Also, a standard Waste Delivery Notification form should be developed in order to provide uniformity of records throughout the world. Any standard forms developed under the Action Plan by the Sub-Committee should also be sent to FAL for their consideration and input.</td>
<td>High</td>
<td>2007</td>
<td>FSI</td>
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</table>
| 2 Information on port reception facilities | 2.1 Monitoring/evaluation/adjustment of the PRFD  | MEPC 53 endorsed the decision taken by FSI 13 with regard to the development of a port reception facility database (PRFD) as a module of the IMO Global Integrated Shipping Information System (GISIS). In its initial phase the operation of the PRFD should be monitored with the view to:  
  .1 verifying that it meets its objectives; and  
  .2 implementing any necessary corrective action. | High     | 2008                   | FSI                  |
<table>
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<th>Category</th>
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<tr>
<td></td>
<td>The Secretariat to provide a progress report to FSI 15 on the population levels of the different categories of records contained in the Port Reception Facilities Database. The Secretariat should investigate any potential difficulties that may arise to the categorization of existing NLS reception facilities from the introduction of the new categories of NLS with the entry of the revised MARPOL Annex II on 1 January 2007. If necessary to request BLG 11 to address this issue and to report back to FSI 15.</td>
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<th>Priority</th>
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<tr>
<td>2.2</td>
<td>Review of the outcome of the waste reception facility auditing/assessment procedure</td>
<td>The “Guidelines for ensuring the adequacy of port waste reception facilities”, adopted by resolution MEPC.83(44), encourage port States to make use of the assessment form appended to the “Guidelines” to conduct regular assessments of waste reception facilities in their ports and advise IMO of the outcome of such assessments, including any inadequacies of port reception facilities, as well as any technical co-operation assistance that may be needed to address those inadequacies. The same recommendation was also referred to in MEPC/Circ.470 “Waste reception facility reporting requirements” approved by MEPC 53. GISIS PRFD should be provided with a facility to allow the administrators of the system in each Member State to upload assessments for their ports into the system.</td>
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<tr>
<td>2.3</td>
<td>Enhancement of the availability of relevant information to users of port waste management plans</td>
<td>The “Guidelines for ensuring the adequacy of port waste reception facilities” recommend the development and implementation of a port waste management plan, which should provide, <em>inter alia</em>, information to users of the location, cost and procedures for using the facilities. Conveying information to ships on the relevant provisions of this plan, through appropriate means such as the PRFD, would enhance its effectiveness and improve the adequacy of waste reception services and communication and co-operation between the facility users and the providers. The Sub-Committee should consider first what is the relevant information that needs to be extracted from waste management plans and uploaded in the PRFD.</td>
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<td>Category</td>
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<tr>
<td>3 Equipment/technology</td>
<td>3.1 Identify technical problems encountered between ship and shore-based transfer of waste</td>
<td>The identification of any technical problems encountered during the ship-to-shore transfer of wastes (e.g. non-standard hoses, manifolds) and the consideration of any possible solutions would enhance the provision of adequate waste reception services.</td>
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<tr>
<td></td>
<td>3.2 Standardize garbage segregation requirements and containment identification</td>
<td>It has been reported that the requirements for garbage segregation and waste receptacles identification may vary from port to port at national and international level. The establishment of a standardized methodology on this issue on board and at shore would ensure harmonization of the various requirements and facilitate the smooth delivery of garbage to the reception facilities. The draft new ISO standard (ISO/CD 21070) addresses the requirements of this work item. However, the draft ISO document appears to exceed the requirements of MARPOL Annex V. The Secretariat has communicated its concerns to ISO and is awaiting a response.</td>
</tr>
<tr>
<td>4 Types and amount of wastes</td>
<td>4.1 Review of type and amount of wastes generated on board</td>
<td>New ship design and construction as well as new waste management technologies and equipment installed on board have an effect on the type and amount of ship-generated waste. A review of the type and amount of wastes generated on board would allow better calculation of the ship’s needs for delivery of wastes ashore.</td>
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<td>4.2 Review of the type and capacity of port reception facilities</td>
<td>Following the completion of above work item 4.1, a review of the type and capacities of port reception facilities should follow with the aim of adjusting the capacities and the technical capabilities of port reception facilities to the ship’s requirements. Also, should consider the question of how to deal with waste downstream from reception facilities in developing countries, where ship generated waste can often be a burden to physically restricted land systems.</td>
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<tr>
<td></td>
<td>4.3 Development of a uniform methodology for calculating the required capacity and technical capability of a port reception facility</td>
<td>The use of a uniform methodology for the estimation of the required capacity of a port reception facility, which would take into account the results of work items 4.1 and 4.2, would be of great assistance in the design of new facilities or the upgrade of existing ones.</td>
</tr>
<tr>
<td>5 Regulatory</td>
<td>5.1 Development of Guidelines for establishing regional arrangements for reception facilities</td>
<td>MEPC 49, having considered the issue of the establishment of “regional agreements” on the provision of reception facilities among the countries of a particular region, agreed generally that “regional arrangements” could be an acceptable way to satisfy the MARPOL obligations to provide adequate reception facilities for ships and that this approach could have the potential to resolve obstacles for many counties to ratify the MARPOL Convention.</td>
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<tr>
<td>Category</td>
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|          | Relevant to the development of guidelines for regional arrangements for port reception facilities and a draft MEPC resolution recognizing regional arrangements for port reception facilities. | Therefore, MEPC 49 agreed to give favourable consideration to this issue; however, taking into account the provisions of the MARPOL Convention on providing reception facilities as a condition for ratification of the Convention, the Committee agreed to further consider:  

.1 whether an MEPC resolution to recognize the regional arrangement for reception facilities would be desirable; and  

.2 whether any general guidelines should be established for such cases, taking into account the provisions of MARPOL relating to avoiding the undue delay.  

(MEPC 49/22, paragraphs 13.11-13.15)  

The proposed action is for the Sub-Committee to develop guidelines for establishing regional arrangements for reception facilities, and a draft MEPC resolution recognizing regional arrangements. |          | 2010       | FSI                                       |
<p>| 5.2      | Revision of the IMO Comprehensive Manual on Port Reception Facilities | The current edition of the Manual was issued in 1999. Therefore, it should be updated to include amendments to legislation and new developments in the area of port reception facilities. | Low      | 2010       | FSI                                 |</p>
<table>
<thead>
<tr>
<th>Category</th>
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<tbody>
<tr>
<td>5.3</td>
<td>Development of a Guide to Good Practice on Port Reception Facilities</td>
<td>A Guide to Good Practice on Port Reception Facilities should be developed with the aim of providing guidance and easy reference to good practices related to the use and provision of port reception facilities as well as a list of applicable regulations and guidelines.</td>
<td>High</td>
<td>2008</td>
<td>FSI</td>
</tr>
<tr>
<td>6 Technical co-operation assistance</td>
<td>6.1 Development of assistance and training programme</td>
<td>A programme of assistance should be designed, where required, to support developing countries in the enhancement of their institutional and human capacities for improved and effective port reception facilities. Mobilization of in-kind support for the provision and management of port reception facilities, supported by a training programme to be delivered at national or regional levels.</td>
<td>High</td>
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ANNEX 12

DRAFT GUIDELINES FOR SEDIMENT RECEPTION FACILITIES (G1)

1 INTRODUCTION

Purpose

1.1 The purpose of these guidelines is to provide guidance for the provision of facilities for the reception of sediments that are provided in accordance with Article 5 of the Convention. The guidance is also intended to encourage a worldwide uniform interface between such facilities and the ships without prescribing dedicated shoreside reception plants.

Application

1.2 These guidelines apply to sediment reception facilities referred to in the International Convention for the Control and Management of Ships’ Ballast Water and Sediments (the Convention), Article 5 and Regulation B-5.

1.3 These guidelines do not apply to sediment from tanks other than ballast water tanks.

1.4 It is recognized that some countries, areas or ports have requirements or regulations relating to the disposal of waste materials including waste material from ships which may include sediment from ships ballast water tanks. These guidelines are not intended in any way to replace or adversely impact any local or national requirements or regulations concerning the disposal and/or treatment of sediment from ships ballast water tanks.

2 DEFINITIONS

2.1 For the purposes of these guidelines, the definitions in the Convention apply and:

.1 “Ballast Water Tank” means any tank, hold or space used for the carriage of ballast water as defined in Article 1 of the Convention.

3 GENERAL REQUIREMENTS FOR RECEPTION FACILITIES

3.1 Article 5 of the Convention requires that: “reception facilities shall operate without causing undue delay to ships and shall provide for the safe disposal of such sediments that does not impair or damage their environment, human health, property or resources or those of other States.”

3.2 A facility should provide the resources to enable, as far as practicable, their use by all ships wishing to discharge sediment from ballast water tanks.

3.3 Each Party shall report to the Organization and, where appropriate, make available to other Parties, information on the availability and location of any reception facilities for the environmentally safe disposal of sediments.
4 PROVISION OF SEDIMENT RECEPTION FACILITIES

4.1 When considering the requirements of these facilities many factors will have to be taken into account, these should include but not be limited to:

.1 regional, national and local legislation which will affect the facility and related to the items below;
.2 site selection;
.3 collection, handling and transport of sediment;
.4 sampling, testing and analysis of sediment;
.5 storage of sediment and storage conditions;
.6 estimated required capacity (volume/weight) including moisture content of the sediment the facility will handle;
.7 environmental benefits and costs;
.8 proximity of available sites to local ballast tank cleaning and repair facilities;
.9 effect on the environment in construction and operation of the facility;
.10 training of facility staff;
.11 equipment required to off load sediment from ships, such as cranes;
.12 human health;
.13 safety;
.14 maintenance;
.15 operational limitations; and
.16 waterway access, approaches and traffic management.

5 TREATMENT, HANDLING AND DISPOSAL OF RECEIVED SEDIMENT

5.1 Disposal, handling and treatment measures applied to the sediment shall avoid unwanted side effects that may create a risk to or damage to the Party’s environment, human health, property or resources or those of other States.

5.2 Personnel involved in the handling of sediment should be aware of the possible risk to human health associated with sediment from ships ballast water tanks. Personnel should be adequately trained and be provided with suitable personal protective clothing and equipment.

6 CAPABILITIES OF A RECEPTION FACILITY

6.1 Reception facilities should be designed, taking into account the ship types that may be anticipated to use them and consideration should be given to the requirements for ballast tank cleaning that may take place and of repair facilities in the area(s) the reception facility serves.

6.2 Details of the capabilities and any capacity limitations of reception process (facilities and equipments) should be made available to ships wishing to use the facility. The details made available to ships should include but not be limited to:

.1 maximum capacity (volume or weight) of sediment;
.2 maximum volume or weight that can be handled at any one time;
.3 packaging and labelling requirements;
.4 hours of operation;
.5 ports, berths, areas where access to the facility is available;
.6 ship-to-shore transfer details;
.7 if ship or shore crew are required for the transfer;
.8 contact details for the facility;
.9 how to request use of the facility including any notice period and what information is required from the ship;
.10 all applicable fees; and
.11 other relevant information.

7 TRAINING

7.1 Personnel in charge of and those employed in the provision of a sediment reception facility including the treatment and disposal of sediment, should have received adequate instruction. Frequent training should include but not be limited to:

.1 the purpose and principles of the Convention;
.2 the risks to the environment and human health;
.3 risk associated with the handling of sediment including both general safety and human health risks;
.4 safety;
.5 adequate knowledge of the equipment involved;
.6 a sufficient understanding of ships using the facility, and any operational constraints;
.7 the ship/port communication interface; and
.8 an understanding of local disposal controls.

7.2 The training should be organized by the manager or the operator of the reception facility and delivered by suitably qualified professionals.

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ANNEX 13

DRAFT GUIDELINES FOR BALLAST WATER RECEPTION FACILITIES (G5)

1 INTRODUCTION

Purpose

1.1 The purpose of these guidelines is to provide guidance for the provision of facilities for the reception of ballast water as referred to in Regulation B-3.6 of the Convention. These guidelines are not intended to require that a Party shall provide such facilities. The guidance is also intended to encourage a worldwide uniform interface between such facilities and the ships without prescribing dedicated shoreside reception plants.

Application

1.2 These guidelines apply to ballast water reception facilities referred to in the International Convention for the Control and Management of Ships’ Ballast Water and Sediments (the Convention), Regulation B-3.6.

1.3 These guidelines do not apply to reception facilities for sediment referred to in Article 5 and Regulation B-5 of the Convention.

2 DEFINITIONS

2.1 For the purposes of these guidelines, the definitions in Article 1 and Regulation A-1 of the Convention apply.

3 GENERAL REQUIREMENTS FOR BALLAST WATER RECEPTION FACILITIES

3.1 A ballast water reception facility should be capable of receiving ballast water from ships so as not to create a risk to the environment, human health, property and resources arising from the release to the environment of Harmful Aquatic Organisms and Pathogens. A facility should provide pipelines, manifolds, reducers, equipment and other resources to enable, as far as practicable, all ships wishing to discharge ballast water in a port to use the facility. The facility should provide adequate equipment for mooring ships using the facility and when applicable safe anchorage.

3.2 Each Party shall report to the Organization and, where appropriate, make available to other Parties, information on the availability and location of any reception facilities for the environmentally safe disposal of ballast water.

4 PROVISION OF BALLAST WATER RECEPTION FACILITIES

4.1 When considering the requirements of these facilities many factors will have to be taken into account, these should include but not be limited to:
.1 regional, national and local legislation which will affect the facility and related to the items below;
.2 site selection;
.3 ship type and size that will use the facility;
.4 ship configurations;
.5 mooring requirements;
.6 handling of ballast water;
.7 sampling, testing and analysis of ballast water;
.8 storage and of conditions of ballast water;
.9 environmental benefits and costs;
.10 proximity of available sites to local ports;
.11 effect on the environment in construction and operation of the facility;
.12 training of facility staff;
.13 human health;
.14 safety;
.15 maintenance;
.16 operational limitations;
.17 waterway access, approaches and traffic management; and
.18 the amount of ballast water likely to be received.

5 TREATMENT AND DISPOSAL OF RECEIVED BALLAST

5.1 Disposal of ballast water from a reception facility should not create a risk to the environment, human health, property and resources arising from the release or transfer to the environment of Harmful Aquatic Organisms and Pathogens.

5.2 Treatment methods applied to the ballast water should not produce effects that may create a risk to the environment, human health, property and resources.

5.3 Where ballast water is disposed into the aquatic environment it should at least meet the ballast water performance standard specified in Regulation D-2 of the Convention. Disposal to other environments should be to a standard acceptable to the Port State. Such a standard should not create a risk to the environment, human health, property and resources arising from the release or transfer to the environment of Harmful Aquatic Organisms and Pathogens.

6 SUSPENDED MATTER

6.1 Ballast water discharged from a ship should be accepted by the ballast water reception facility including its suspended matter.

7 CAPABILITIES OF A RECEPTION FACILITY

7.1 Details of the capabilities and any capacity limitations of a treatment facility should be made available to the ships that intend to use the facility.

7.2 The details made available to ships should include but not be limited to:

.1 maximum volumetric capacity of ballast water;
.2 maximum volume of ballast water that can be handled at any one time;
maximum transfer rates of ballast water (cubic metres per hour);
hours of operation;
ports, berths, areas where access to the facility is available;
ship-to-shore pipeline connection details (pipeline size and reducers available);
if ship or shore crew are required for duties such as to connect or disconnect hoses;
contact details for the facility;
how to request use of the facility including any notice period and what information is required from the ship;
all applicable fees; and
other relevant information.

The facility should provide ship to shore connections that are compatible with a recognized standard such as those in the Oil Companies International Marine Forum (OCIMF) “Recommendations for Oil Tankers Manifolds and Associated Equipment”. It is recognized that this standard was originally produced for oil tankers however the general principles in this standard can be applied to connections for ballast transfer on other ship types in particular the sections related to flanges and connection methods.

8 TRAINING

Personnel in charge of and those employed in the provision of a ballast water reception facility including the treatment and disposal of ballast water should have received adequate instruction. Frequent training should include but not be limited to:

the purpose and principles of the Convention;
the risks to the environment and human health;
risk associated with the handling of ballast water including both general safety and human health risks;
safety;
adequate knowledge of the equipment involved;
a sufficient understanding of ships using the facility, and any operational constraints;
the ship/port communication interface; and
an understanding of local disposal controls.

The training should be organized by the manager or the operator of the reception facility and delivered by suitably qualified professionals.
ANNEX 14

INTERVENTION BY FAO UNDER AGENDA ITEM 15

Madam Chairperson, Distinguished delegates,

1 FAO is grateful for this occasion to participate in this important meeting as an observer. FAO has been keeping a close working relationship with IMO and it desires to continue and strengthen this collaboration, which responds also to the wishes expressed by the international community.

2 I wish to highlight briefly in this statement some issues of importance and concern for the two Agencies and of interest to this Committee.

3 As a general introductory remark, I wish to recall that illegal, unreported and unregulated fishing (IUU fishing) continues to be a major global problem. It is an issue of concern for the two Agencies, because of its negative impact on sound fisheries management, and also on safety of life at sea, in particular through the use of sub-standard fishing vessels to fish, which aggravates the high rate of death at sea related to fishing operations.

4 I wish now to refer more specifically to various items on the proposed Agenda for the Joint Working Group (JWG).

5 Firstly, in relation with the proposed agenda item “IMO and FAO work relating to FSI and IUU Fishing”, this item implies necessarily the preparation and presentation of background information on FAO’s and IMO’s work relating to FSI and IUU Fishing. Such information is necessary to ensure a clear understanding of the good work done by FAO and IMO respectively and that informed decisions can be made and areas of active collaboration can be identified for follow-up action. In addition to encouraging dialogue and co-operation at the national level between fisheries administrations and maritime agencies, this would also stimulate and contribute and strengthen the collaboration between the two Secretariats. In this respect, I wish to mention FAO’s satisfaction for the good work during the meeting between officials of the FAO and IMO Secretariats last week (31 May to 2 June 2006).

6 Secondly, the proposed agenda item on “Future arrangements for Cooperation” is linked to the first item and its related issues. With better information, better arrangements could be established in the future for active collaboration between FAO and IMO including possible co-ordinated technical co-operation activities, exchange of delegations at respective meetings, joint conferences and, as appropriate, expansion of the mandate of FAO/IMO institutional mechanisms for collaboration such as the Joint Working Group.

7 Thirdly, the discussion in the JWG on the issues listed under the proposed JWG agenda item “Mechanisms and Areas for Cooperation and Collaboration between FAO and IMO”, will provide wider policy guidance in addition to identifying more precisely areas for continuing co-operation between the FAO and IMO Secretariats. In relation to the sub-agenda items “Vessel Tracking and Detection, Global Fishing Vessel Record, Relevant Legal and other Instruments relating to FSI and IUU Fishing, and Port State Control”, I wish to recall that these issues have been considered by the FAO Committee.
on Fisheries (COFI) during its last session, the Twenty-sixth, which was held at the same time as FSI 13.

8 COFI XXVI noted FAO’s initiatives on promoting the establishment and effective implementation of vessel tracking systems, including a series of regional technical capacity building workshops on VMS. FAO is keen to examine how IMO’s LRIT, AIS, etc., can enhance FAO’s VMS and catch documentation initiatives to curb IUU fishing. A FAO Expert Consultation on VMS is planned for October this year to, *inter alia*, examine global trends and the options for strengthening global VMS initiatives. It is hoped that the IMO Secretariat can participate in this consultation.

9 COFI XXVI, in addition to recommending the early publication of the *Revised Code and Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels* (reported at FSI 13), also made observations, encouraged certain initiatives and endorsed recommendations of several FAO consultations on matters that are relevant to FSI and IUU fishing as follows:

.1 the need to implement the relevant binding and non-binding international fisheries instruments;

.2 the importance of initiating work on the question of the “genuine link” in collaboration with IMO and other relevant agencies;

.3 the need for full implementation of FAO’s International Plans of Actions (IPOAs), in particular the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and the International Plan of Action for the Management of Fishing Capacity (IPOA - Fishing Capacity);

.4 the establishment of arrangements, to develop measures to control flagging and re-flagging of fishing vessels to flag States not duly fulfilling their obligations under international law and the relevant provisions of existing international instruments and arrangements;

.5 the agreement that subsidies that supported the expansion of fleets which, when conducted in an unsustainable manner, contributed to stock degradation, fleet overcapacity and IUU fishing, should be phased out;

.6 acknowledging the need to strengthen port State measures as a means of combating IUU fishing and to ensure, *inter alia*, the implementation of the FAO Model scheme on port State measures; and

.7 the need for FAO to continue to provide technical input to international fora where fisheries and related matters are discussed in order to contribute to their discussion and outcomes.

10 The FAO Minister’s Meeting which convened soon after COFI XXVI echoed the observations and recommendations listed above in the form of the *2005 Rome
Declaration on Illegal Unreported and Unregulated Fishing. Additionally, the FAO Ministerial Meeting called for:

1. Consideration by fisheries policy-makers and managers of the full range of available MCS options, strategies and tools; take necessary actions to fully implement the IPOAs and any applicable MCS measures adopted by relevant RFMOs and that fishers have an understanding of their role in MCS;

2. All large-scale fishing vessels operating on the high seas be required by their flag State to be fitted with VMS no later than December 2008, or earlier if so decided by their flag State or any relevant RFMO;

3. Development of a comprehensive global record of fishing vessels within FAO, including refrigerated transport vessels and supply vessels, that incorporates available information on beneficial ownership, subject to confidentiality requirements in accordance with national law;

4. Work within RFMOs to facilitate, where appropriate:
   .1 The exchange of VMS and observer data, subject to confidentiality requirements in accordance with national law; and
   .2 Supplementation of existing MCS schemes through measures such as encouraging the fishing fleet to report any suspected IUU fishing activities they observe;

5. Full implementation of vessel marking requirements in accordance with the FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels and any applicable RFMO requirements; and

6. All States that are parties to the 1993 FAO Compliance Agreement to fulfil their obligations to submit to FAO, for inclusion in the High Seas Vessel Authorization Record, data on vessels entitled to fly their flags that are authorized to be used for fishing on the high seas, and those that are not yet parties to the 1993 FAO Compliance Agreement to submit such data on a voluntary basis, and to supply detailed information on fishing vessels flying their flag to relevant RFMOs, in accordance with the requirements adopted by those RFMOs, and to establish such requirements within RFMOs where they do not yet exist.

11. It is important to add, in relation to the global record of fishing vessels to be developed within FAO, that a study is being undertaken by FAO on the setting up of such record. FAO look forward to collaborating with IMO on this matter, which is expected to be discussed thoroughly within the JWG.

12. Before concluding, I wish to stress that in addition to the above-mentioned issues and areas of work, FAO considers that it can also collaborate meaningfully on other matters suggested by IMO, such as relevant IMO legal instruments (for instance the Torremolinos Convention) as well as marine pollution.
It remains for me to invite the meeting to note the background information provided on FAO’s initiatives relating to FSI and IUU fishing and to consider positively the proposed agenda items for the next meeting of the FAO/IMO JWG and related arrangements.

Thank you very much Madam Chairperson.

***
# Annex 15

## Proposed Revised Work Programme and Provisional Agenda for FSI 15

**Proposed revised work programme of the Sub-Committee**

<table>
<thead>
<tr>
<th>Target completion date/number of sessions needed for completion</th>
<th>Reference</th>
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<tr>
<td>1 Mandatory reports under MARPOL 73/78</td>
<td>Continuous</td>
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<tr>
<td>2 Casualty statistics and investigations</td>
<td>Continuous</td>
</tr>
<tr>
<td>3 Harmonization of port State control activities</td>
<td>Continuous</td>
</tr>
<tr>
<td>4 Responsibilities of Governments and measures to encourage flag State compliance</td>
<td>Continuous</td>
</tr>
<tr>
<td>5 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments</td>
<td>Continuous</td>
</tr>
<tr>
<td>6 Review of the Survey Guidelines under the HSSC (resolution A.948(23))</td>
<td>Continuous</td>
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**Notes:**

1. "H" means a high priority item and "L" means a low priority item. However, within the high and low priority groups, items have not been listed in any order of priority.

2. Strike-out text indicates proposed deletions and shaded text shows proposed additions and changes.

3. Items printed in bold letters have been selected for the provisional agenda for FSI 15.
<table>
<thead>
<tr>
<th>Target completion date/number of sessions needed for completion</th>
<th>Reference</th>
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<tr>
<td><strong>7</strong> Consideration of IACS unified interpretations</td>
<td>Continuous</td>
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<tr>
<td><strong>H.1</strong> PSC on seafarers’ working hours</td>
<td>2006</td>
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<td>2007</td>
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<td><strong>H.2</strong> Illegal, unregulated and unreported (IUU) fishing and implementation of resolution A.925(22)</td>
<td>2007</td>
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<td>2008</td>
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<td><strong>H.3</strong> Development of survey guidelines required by regulation E.1 of the 2004 BWM Convention</td>
<td>2006</td>
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<tr>
<td><strong>H.4</strong> Development of guidelines on port State control under the 2004 BWM Convention</td>
<td>2006</td>
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<td>2008</td>
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<tr>
<td><strong>H.5</strong> Review of the Code for the investigation of marine casualties and incidents</td>
<td>2007</td>
</tr>
<tr>
<td><strong>H.6</strong> Port reception facilities-related issues</td>
<td>2007</td>
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</table>

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PROPOSED PROVISIONAL AGENDA FOR FSI 15

Opening of the session

1 Adoption of the agenda
2 Decisions of other IMO bodies
3 Responsibilities of Governments and measures to encourage flag State compliance
4 Mandatory reports under MARPOL 73/78
5 Port reception facilities-related issues
6 Casualty statistics and investigations
7 Review of the Code for the investigation of marine casualties and incidents
8 Harmonization of port State control activities
9 Development of guidelines on port State control under the 2004 BWM Convention
10 PSC Guidelines on Seafarers’ working hours
11 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments
12 Review of the Survey Guidelines under the HSSC (resolution A.948(23))
13 Consideration of IACS Unified Interpretations
14 Illegal, unregulated and unreported (IUU) fishing and implementation of resolution A.925(22)
15 Work programme and agenda for FSI 15
16 Election of Chairman and Vice-Chairman for 2008
17 Any other business
18 Report to the Committees