



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

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The seventy-ninth session of the Maritime Safety Committee was held from 1 to 10 December 2004 under the chairmanship of Mr. T. Allan (United Kingdom). The Committee Vice-Chairman, Admiral F.S.A.H. El Kady (Egypt) was also present.

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

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

SWEDEN
THAILAND
TOGO
TUNISIA
TURKEY
TUVALU
UKRAINE
UNITED KINGDOM

UNITED REPUBLIC OF
TANZANIA
UNITED STATES
URUGUAY
VANUATU
VENEZUELA
YEMEN

the following Member Governments, which did not submit their credentials:

BAHRAIN
SLOVAKIA

SUDAN
SYRIAN ARAB REPUBLIC

the following Associate Members of IMO:

HONG KONG, CHINA
FAROE ISLANDS

MACAO, CHINA

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

OFFICE OF THE UN HIGH COMMISSIONER FOR REFUGEES (UNHCR)
INTERNATIONAL LABOUR ORGANIZATION (ILO)
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

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

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
EUROPEAN COMMISSION (EC)
INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS (IOPC FUNDS)
INTERNATIONAL COSPAS-SARSAT PROGRAMME AGREEMENT
(COSPAS-SARSAT)
PORT MANAGEMENT ASSOCIATION OF EASTERN AND SOUTHERN AFRICA
(PMAESA)
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL SHIPPING FEDERATION (ISF)
INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL CHAMBER OF COMMERCE (ICC)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND
LIGHTHOUSE AUTHORITIES (IALA)
INTERNATIONAL RADIO MARITIME COMMITTEE (CIRM)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BIMCO

INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
 ICHCA INTERNATIONAL
 OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
 INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
 FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
 INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS (IADC)
 INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)
 INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
 COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
 INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
 (INTERTANKO)
 SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS
 LIMITED (SIGTTO)
 INTERNATIONAL LIFEBOAT FEDERATION (ILF)
 INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)
 INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
 (INTERCARGO)
 WORLD WIDE FUND FOR NATURE (WWF)
 THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
 (IMarEST)
 INTERNATIONAL SHIP MANAGERS' ASSOCIATION (ISMA)
 INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
 INTERNATIONAL SAILING FEDERATION (ISAF)
 THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
 WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
 INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)
 INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)
 INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
 THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
 INTERNATIONAL MARINE TRANSIT ASSOCIATION/INTERFERRY (IMTA)
 INTERNATIONAL MARITIME HEALTH ASSOCIATION (IMHA)

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

Attendance by representatives of the news media

1.6 At the opening of the session, the Chairman sought the Committee's approval for representatives of the news media, which had already been duly accredited by the Secretariat in conformity with the Guidelines for media access to meetings of Committees and their subsidiary bodies, as adopted by the Council at its ninety-second session, to attend its deliberations during the session. The Committee agreed that such attendance should be on the basis of the Council's Guidelines which, *inter alia*, provided for the Committee to exclude media representatives from attending some or all of its deliberations, if it agreed that their presence would:

- .1 breach any undertakings of confidentiality relating to material or information being provided to the Committee;
- .2 create a potential security risk; or

- .3 jeopardize the efficient and effective conduct of the Committee's business.
- 1.7 The Committee noted additionally that, in accordance with the Council's Guidelines:
- .1 meetings of working groups would be held in camera;
 - .2 the Organization expected the outcome of discussions to be reported accurately by the media, and named speakers not to be quoted without their prior consent;
 - .3 the Committee and/or the Organization retained the right to reply to rectify any published inaccuracies; and
 - .4 the recording, filming or photographing of the meeting proceedings without permission would not be allowed.

Secretary-General's opening address

1.8 The Secretary-General welcomed delegates and having referred to the recent passing of Captain Hubert Wardelmann (Germany); Captain Gianfranco Gasperini (Italy); and Mr. Jean-Claude Gonin (France), requested the delegations of Germany, Italy and France to convey the Committee's condolences and sympathy to the families, friends and colleagues of the three deceased officials.

The Secretary-General then referred to the special measures to enhance maritime security (SOLAS amendments and the ISPS Code), which had entered into force on 1 July 2004. From data gathered by the Secretariat from Governments and the port and shipping industries, compliance figures were now close to 100%, as compared to some 86% of ships and 69% of port facilities immediately prior to the entry into force date. He welcomed these improvements, together with the relatively small number of reports on control and compliance measures taken against ships in the aftermath of the 1 July deadline. Whilst these developments gave grounds for cautious optimism, nevertheless, there was concern over information that some Governments and port authorities in certain regions had not yet taken all the actions necessary to implement the ISPS Code fully in their port facilities. Additionally, various sources had suggested that the security regime needed further improvement and, if the Committee assessed this to be the case, then work on the matter should start without delay.

Aside from the regulatory front, the challenge for all parties concerned was to maintain vigilance and introduce security consciousness into the culture of shipping and port industries so that it becomes second nature throughout the entire maritime community. In that respect, he affirmed that, while the Secretariat remained committed to providing assistance in the field of maritime security, funds for that purpose had been virtually depleted and IMO was looking to establish new partnerships with Governments and industry to ensure that adequate resources were available. He, therefore, urged potential donors to generously contribute to the International Maritime Security Trust Fund.

The Secretary-General, recalling the decision of C 93 that IMO had and could play a role in the protection of strategically important and significant shipping lanes, such as the Malacca Strait, advised that he had been mandated by the Council to continue the efforts to enhance safety, security and environmental protection in the Strait of Malacca by assisting the littoral States, Strait users and other stakeholders through awareness-increasing, information-sharing, personnel training, capacity-building and technical co-operation. In seeking attainment of these objectives,

the Council had also recommended the promotion of the Marine Electronic Highway project, which had specifically been designed for the Straits of Malacca and Singapore.

Turning to the issue of goal-based standards, he observed that this innovative approach to maritime safety had become a key issue for IMO and, in view of the high expectations of both Administrations and the maritime industry, it was clear that this forward-looking exercise deserved the Committee's highest consideration. Based on work already done, the Committee's task was now to further develop the principles underlying the goal-based standards, taking full account of the role of the classification societies in the process.

In the context of large passenger ship safety, the Secretary-General referred to the work of the Committee to consider the desirability of developing a "time to recover" criterion, which should take into account the complex and specialist nature of SAR operations, including rescue in remote areas; resources necessary to deal with a large number of passengers; and providing humanitarian assistance. As the Committee had requested a number of sub-committees concerned to finalize their work on large passenger ship safety in 2006, the Secretary-General observed that the time had come for the Committee to decide whether there was a need for a definition of the term "large passenger ships", without losing sight of the aim to ensure the safety of both passengers and crew, regardless of the size of the passenger ship.

He then appealed for support to the recently established International SAR Fund in order that the Organization could further assist developing countries to enhance their maritime search and rescue capability to enable them to contribute effectively to the implementation of the Global SAR Plan.

In relation to the work of the sub-committees, the Secretary-General highlighted one cross-sectoral subject, namely, port State control and, in that context, referred to the successful Second Joint Ministerial Conference of the Paris and Tokyo MoUs on Port State Control, convened in Vancouver, Canada, in October 2004, whose theme of "Strengthening the Circle of Responsibility" had placed emphasis on enhancing the joint commitment and accountability of all parties involved in the maritime sector in ensuring safe, secure and efficient shipping on clean oceans. The Conference had expressed clear support for a number of IMO initiatives, including the promotion of global harmonization and co-ordination of PSC activities, as well as integrity, professionalism and transparency in their conduct.

Turning to human element and operational issues, the Secretary-General spoke of the widely reported and worrying shortage of seafarers. He mentioned the recent studies by ISF/BIMCO and NUMAST identifying a worsening shortage of officers worldwide, and the alarming finding that the average age of officers in one study was 50 years. The Secretary-General stressed the need to tackle this problem before it adversely affected the safety, security and efficiency of the shipping industry as a whole and emphasized that making the maritime profession attractive to young people and instilling pride in it would certainly pay dividends.

The Secretary-General recalled 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, he 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.

Turning to STCW Convention matters, the Secretary-General expressed appreciation to competent persons for the work done so far and for their continued co-operation and recalled that the updated so-called 'white list' would be issued at, or after, MSC 80.

While still on the subject of the human element, the Secretary-General referred to the Committee's adoption of amendments to the 1974 SOLAS and 1979 SAR Conventions, together with a set of associated guidelines for the treatment of persons rescued at sea, and to a second meeting of the United Nations inter-agency initiative on this topic held at IMO on 12 July 2004. The meeting brought the outcome of MSC 78 to the attention of other agencies and considered what other supplementary guidance, if any, might need to be developed for the post-rescue phase.

In concluding, the Secretary-General drew the Committee's attention to recent Council decisions. Firstly, he referred to news media attendance at IMO meetings, informing the Committee that the MEPC and FAL and Legal Committees had already amended their rules of procedure to accommodate the Council's decision. On the new reporting procedure, the Secretary-General recalled that C 92 had authorized the Committee, taking into account the views of MEPC 52, to make appropriate decisions on the future of the new procedure and to report to C 94, seeking endorsement of its actions.

Chairman's remark

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

Adoption of the agenda and related matters

1.10 The Committee adopted the agenda (MSC 79/1) and a provisional timetable for guidance during the session (MSC 79/1/1, annex). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 79/INF.13.

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

Credentials

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

2 DECISIONS OF OTHER IMO BODIES

Outcome of the ninety-second and ninety-third sessions of the Council

2.1 The Committee noted the outcome of the ninety-second and ninety-third sessions of the Council (MSC 79/2/1 and Corr.1 and Add.1) on matters pertaining to its work and, in particular, considered the outcome on the following issues under the relevant agenda items:

- .1 measures to enhance maritime security (agenda item 5 – Measures to enhance maritime security, document MSC 79/2/1/Add.1, paragraph 3);

- .2 the coastline-monitoring programme for Somalia (agenda item 13 – Technical assistance sub-programme in maritime safety and security, document MSC 79/2/1/Add.1, paragraphs 18 and 19);
- .3 the acceptance and implementation of the 1993 Torremolinos Protocol (agenda item 17 – Implementation of instruments and related matters, document MSC 79/2/1/Add.1, paragraph 2);
- .4 the applications for consultative status (agenda item 18 - Relations with other organizations, document MSC 79/2/1/Add.1, paragraphs 20 to 24); and
- .5 the trial reporting system and Guidelines for media access to meetings of Committees and their subsidiary bodies (agenda item 19 - Application of the Committee's Guidelines, document MSC 79/2/1/Add.1, paragraphs 14.6, 15.6, 15.7 and 16.1).

Outcome of the fifty-fourth session of the Technical Co-operation Committee

2.2 The Committee noted the outcome of TC 54 (MSC 78/2) and considered the information provided under agenda 13 - Technical assistance sub-programme in maritime safety and security.

Outcome of the thirty-first session of the Facilitation Committee

2.3 The Committee noted the outcome of FAL 31 (MSC 79/2/2) and, in particular, considered the outcome on the following issues under the relevant agenda items:

- .1 the revision of the Guidelines for the Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships and measures to enhance maritime security: facilitation aspects (agenda item 5 – Measures to enhance maritime security, document MSC 79/5);
- .2 news media attendance at IMO meetings (agenda item 19 - Application of the Committee's Guidelines, document MSC 79/19/1); and
- .3 the updating of the List of certificates and documents required to be carried on board ships and the work of the SPI Working Group (agenda item 22 – Any other business, document MSC 79/22/5).

Outcome of the fifty-second session of the Marine Environment Protection Committee

2.4 The Committee noted the outcome of MEPC 52 (MSC 79/2/3) and, in particular, considered the outcome on the following issues under the relevant agenda items:

- .1 the identification and protection of special areas and particularly sensitive sea areas (PSSA) (agenda item 10 – Safety of navigation, documents MSC 79/2/3, paragraph 6 and MSC 79/2/1/Add.1, paragraphs 13 and 14);
- .2 the adoption of the revised IBC Code (agenda item 3 - Consideration and adoption of amendments to mandatory instruments, document MSC 79/3/1/Add.2);

- .3 the work of the SPI Working Group and the list of certificates and documents to be carried on board ships (agenda item 22 – Any other business, document MSC 79/22/5/Add.1); and
- .4 the application of the Committee's Guidelines and related matters (agenda item 19 - Application of the Committee's Guidelines, documents MSC 79/19/1 and addenda and MSC 79/19/2).

Ballast water exchange

2.5 The Committee, having noted the MEPC 52's request to confirm, at the earliest opportunity, the acceptability of transitory non-compliance with relevant safety regulations when conducting ballast water exchange and to consider documents MEPC 52/2/12 and MEPC 52/WP.3 with a view to taking action as appropriate, recalled that MSC 78 had instructed the NAV, DE and SLF Sub-Committees to consider the matter and advise the Committee, as appropriate, so that the Committee can confirm, or otherwise, the acceptability of transitory non-compliance with relevant safety regulations. Noting that the United Kingdom submitted the contents of document MEPC 52/2/12 to the current session as document MSC 79/10/2, the Committee agreed to consider it together with document MEPC 52/WP.3 under agenda item 10 (Safety of navigation).

Vessel source pollution

2.6 The Committee further noted MEPC 52's conclusion that the text, relating to the ISM Code, in the draft guidelines to assist in the detection, prosecution and deterrence of vessel source pollution and related criminal conduct, to be developed by the MEPC, should be reviewed by the Committee as and when requested by the MEPC.

Outcome of the eighty-ninth session of the Legal Committee

2.7 The Committee noted the outcome of LEG 89 (MSC 79/2/4) and considered the information provided under the relevant agenda items.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

GENERAL

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

- .1 chapters II-1, III, V, VII, XI-1 and XII and the appendix to the Annex of the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the 1974 SOLAS Convention;
- .2 the International Code for Application of Fire Test Procedures (FTP Code), in accordance with the provisions of article VIII and regulation II-2/3.23 of the 1974 SOLAS Convention;

- .3 the International Code of Safety for High-Speed Craft, 1994 (1994 HSC Code), in accordance with the provisions of article VIII and regulation X/1.1 of the 1974 SOLAS Convention;
- .4 the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code), in accordance with the provisions of article VIII and regulation X/1.2 of the 1974 SOLAS Convention;
- .5 the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), in accordance with the provisions of article VIII and regulation VII/8.1 of the 1974 SOLAS Convention;
- .6 the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), in accordance with the provisions of article VIII and regulation VII/11.1 of the 1974 SOLAS Convention;
- .7 the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code), in accordance with the provisions of article VIII and regulation VII/14.1 of the 1974 SOLAS Convention;
- .8 the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code), in accordance with the provisions of article VIII and regulation IX/1.1 of the 1974 SOLAS Convention; and
- .9 the International Code for the Security of Ships and of Port Facilities (International Ship and Port Facility Security (ISPS) Code), in accordance with the provisions of article VIII and regulation XI-2/1.12 of the 1974 SOLAS Convention.

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

3.2 The proposed amendments to the 1974 SOLAS Convention and to the mandatory Codes were circulated in accordance with SOLAS article VIII(b)(i) to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by circular letter No.2556 of 28 May 2004 (SOLAS chapters II-1, III, V, VII, XI-1 and XII and the appendix to the Annex, the FTP Code, 1994 HSC Code, 2000 HSC Code, IBC Code, IGC Code, INF Code, ISM Code and the ISPS Code), circular letter No.2528 of 5 February 2004 (2000 HSC Code) and circular letter No.2528/Add.1 of 31 May 2004 (SOLAS chapter II-1).

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

3.4 The proposed amendments to the 1988 SOLAS Protocol were circulated in accordance with SOLAS article VIII(b)(i) and article VI(c) of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1988 SOLAS Protocol by circular letter No.2557 of 28 May 2004.

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

3.6 The proposed amendments to the 1988 Load Lines Protocol were circulated in accordance with article VI of the Protocol to all IMO Members and Parties to the 1988 Load Lines Protocol by circular letter No.2558 of 28 May 2004.

3.7 Parties to the 1978 STCW Convention were invited to participate in the consideration and adoption of proposed amendments to Part A of the STCW Code. Parties constituting more than one third of the total of Parties to the STCW Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article XII(1)(a)(iv) and regulation I/1.2.3 of the Convention.

3.8 The proposed amendments to the STCW Code were circulated in accordance with article XII(1)(a)(i) of the 1978 STCW Convention to all IMO Members and Parties to the 1978 STCW Convention by circular letter No.2560 of 24 May 2004.

3.9 The Committee was invited to consider and adopt, in accordance with the provisions of article 29(3)(a) of the International Convention on Load Lines, 1966, the proposed amendments to Annex III to the 1966 Load Lines Convention, approved by MSC 78. In accordance with the aforementioned article, any amendment, if adopted by a majority of two-thirds of those present and voting in the Maritime Safety Committee, shall be communicated to all Members of the Organization and all Contracting Governments at least six months prior to its consideration by the Assembly of the Organization with a view to adoption.

3.10 The Committee was also invited to consider and adopt:

- .1 Standards and criteria for side structures of bulk carriers of single-side skin construction; and
- .2 Standards for owners' inspection and maintenance of bulk-carrier hatch covers,

with a view to making them mandatory under the revised SOLAS chapter XII, to be adopted at this session.

3.11 The Committee was further invited to consider and to adopt and approve, as appropriate, the proposed amendments, regarding the date of completion of the survey, to the following non-mandatory IMO instruments:

- .1 the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code);

- .2 the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code);
- .3 the Code of Safety for Special Purpose Ships (SPS Code);
- .4 the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels;
- .5 the Code of Safety for Diving Systems;
- .6 the Code of Safety for Dynamically Supported Craft (DSC Code);
- .7 the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code);
- .8 the Guidelines for the design, construction and operation of passenger submersible craft; and
- .9 the Interim Guidelines for wing-in-ground (WIG) craft.

CONSIDERATION OF PROPOSED AMENDMENTS TO INSTRUMENTS AND OF NEW MANDATORY STANDARDS

CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1

3.12 The Committee recalled that the proposed amendments to SOLAS regulations II-1/18 and II-1/45 (MSC 79/3/1, annex 1) had been developed by the SLF and DE Sub-Committees and approved by MSC 75 and MSC 78.

Regulation 45 - Precautions against shock, fire and other hazards of electrical origin

3.13 The Committee noted that, after adopting the proposed amendments to the IBC Code which, *inter alia*, included amendments relating to electrical equipment, MEPC 52 had noted (MSC 79/3/1/Add.2, paragraphs 10 to 12) that similar parallel amendments for the electrical requirements of SOLAS for oil tankers and of the IGC Code for gas carriers had been submitted to MSC 79 for adoption and, having agreed that it would be unfortunate and confusing for industry if different entry-into-force dates for these parallel electrical requirements are determined, had invited MSC 79 to consider making 1 January 2007 an application date for the aforementioned amendments to SOLAS regulation II-1/45 and the IGC Code.

3.14 Following the discussion, the Committee agreed that the proposed amendments to SOLAS regulation II-1/45 should have an application date of 1 January 2007 so that the related amendments to the SOLAS and the IBC and IGC Codes have the same application dates.

Regulation 2 - Definitions

3.15 The Committee considered a modification proposed by IACS (MSC 79/3//8) to add a new subparagraph 14 (regarding the definition of bulk carrier contained also in regulation XII/1) to regulation II-1/2 and, having noted the pertinent decisions on the proposed revised SOLAS chapter XII (see paragraphs 3.31 to 3.42), agreed to the proposal.

General

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

PROPOSED AMENDMENTS TO SOLAS CHAPTER III

Regulation 31 - Survival craft and rescue boats

3.17 The Committee recalled that the proposed amendments to SOLAS regulation III/31 (MSC 79/3/1, annex 1) had been developed by the DE Sub-Committee and approved by MSC 78.

3.18 The Committee considered the date of application of the proposed amendments and confirmed that the amendments should apply from the date of their entry into force.

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

PROPOSED AMENDMENTS TO SOLAS CHAPTER V

3.20 The Committee recalled that the proposed amendments to SOLAS regulations V/19 and V/20 (MSC 79/3/1, annex 1) had been developed by MSC 78 and NAV 49 respectively and approved by MSC 78.

Regulation 20 - Voyage data recorders

3.21 The Committee considered the date of application of the proposed amendments to SOLAS regulation V/20 and confirmed that the amendments should apply from 1 July 2006.

General

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

PROPOSED AMENDMENTS TO SOLAS CHAPTER VII

3.23 The Committee recalled that the proposed amendments to SOLAS regulation VII/10 (MSC 79/3/1, annex 1) had been developed by the BLG Sub-Committee and approved by MSC 78.

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

PROPOSED AMENDMENTS TO SOLAS CHAPTER XI-1

3.25 The Committee recalled that the proposed new SOLAS regulation XI-1/3-1 and amendments to SOLAS regulation XI-1/5 (MSC 79/3/1, annex 1) had been developed by the FSI Sub-Committee and approved by MSC 78.

Regulation 3-1 - Company and registered owner identification number

3.26 In the course of the consideration of the proposed new SOLAS regulation XI-1/3-1, the delegation of the Marshall Islands, referring to the implementation of IMO Unique Company and Registered Owner Identification Number Scheme (resolution MSC.160(78)) on a voluntary basis, stated that the trial should be continued until it had been proved successful and also suggested to defer the adoption of draft new regulation XI-1/3-1 and draft amendments to regulation XI-1/5 until MSC 80. Some delegations supported the views expressed by the delegation of the Marshall Islands, whilst others were of the opinion that the regulations should be adopted at this session of the Committee.

3.27 In this context, the Committee noted the information provided by the Secretariat that, after discussions between Lloyd's Register-Fairplay and the Secretariat following MSC 78, the dedicated LR-F website on the IMO Unique Company and Registered Owner Identification Number Scheme had gone live in October 2004 and after copies of LR-F's electronic spreadsheets containing details of national fleets had been received by the Secretariat also in October 2004, it had transmitted those spreadsheets to Member States, at the e-mail addresses provided in MSC/Circ.1103 – MEPC.6/Circ.9, with a view to facilitating the verification by Member States of data contained therein.

3.28 Following an extensive debate of the proposed new SOLAS regulation XI-1/3-1, in particular on:

- .1 the application of provisions in paragraph 1 and the proposal to delete the word "seagoing" as there was no precise definition of the word;
- .2 reference to regulation I/12 or regulation I/13 in paragraph 3 of the draft regulation XI-1/3-1 regarding the insertion of the Company's identification number on the certificates;
- .3 transfer of paragraph 5 after paragraph 1; and
- .4 deletion of the text in first square bracket in paragraph 4,

the Chairman summarized the discussion and requested the drafting group to prepare a revised text of the draft regulation for further consideration by plenary.

3.29 Having considered the draft text of regulation XI-1/3-1, as prepared by the Chairman of the drafting group (MSC 79/WP.5), the Committee agreed to the text of the regulation, with further modifications, and referred it to the drafting group for further action, as appropriate.

3.30 Noting that no further comments had been submitted on the proposed amendments to SOLAS chapter XI-1, the Committee confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER XII

3.31 The Committee recalled that the proposed amendments to SOLAS chapter XII (MSC 79/3/1, annex 1) had been developed by the DE Sub-Committee and approved by MSC 78.

Regulation 1 - Definitions

Paragraph 1

3.32 The Committee, having considered a modification, proposed by Japan (MSC 79/3/10), clarifying the application of the definition of bulk carrier, did not agree to the proposal.

Paragraph 2

3.33 The Committee considered a modification, proposed by Japan (MSC 79/3/10), to the definition of bulk carrier of single-side skin construction and agreed to the proposal.

Regulation 4 – Damage stability requirements applicable to bulk carriers

Paragraph 2

3.34 The Committee considered a modification, proposed by Japan (MSC 79/3/10), specifying the method of measurement of the width of the double-side skin spaces and agreed to the proposal.

Regulation 5 – Structural strength of bulk carriers

Paragraph 2

3.35 The Committee considered a modification, proposed by Japan (MSC 79/3/10), specifying the method of measurement of the width of the double-side skin spaces and agreed to the proposal.

Regulation 6 – Structural and other requirements for bulk carriers

Paragraph 2

3.36 The Committee considered a modification, proposed by Japan (MSC 79/3/10), clarifying the relevant structural requirements to double-side skin construction as part of the structure of bulk carriers of single-side skin construction (i.e. combined double-side skin and single-side skin construction) and agreed to the proposal.

Paragraph 3

3.37 The Committee considered modifications proposed by Japan (MSC 79/3/10) and IACS (MSC 79/3/8) and, while agreeing to the modifications proposed by IACS to include the additional text extending the application of coating to dedicated seawater ballast tanks, did not agree to the modifications proposed by Japan. In particular, with regard to the proposal by Japan to delete, from the paragraph, the reference to performance standards for coating, in view of the fact that they have not been developed yet by the DE Sub-Committee, the Committee, after some discussion, agreed that some reference should be made to the performance standards for coating and that, until such time that the performance standards had been adopted by the Organization,

that reference should refer to the performance standards acceptable to the Administration, pending the finalization of the performance standards by the Organization and making them mandatory by suitably modifying the SOLAS regulation.

New paragraphs

3.38 The Committee considered a proposal by the United Kingdom (MSC 79/3/13) for the inclusion of a new paragraph in regulation 6 to address side shell failure in bulk carriers and, having made some modifications to the proposed new paragraph, agreed to the proposal.

3.39 With regard to the new paragraph proposed by Japan (MSC 79/3/10), which requires that the hold frames and attached side shell plates of single-side skin construction within cargo holds shall have an efficient protective coating, the Committee, following debate, did not agree to the proposal.

3.40 In view of the decision of the Committee in respect of the new paragraph proposed by the United Kingdom, referred to in paragraph 3.38 above, the delegation of Japan withdrew their proposal for a new paragraph 3 referred to in paragraph 12 of, and the annex to, document MSC 79/3/10.

Regulation 14 – Restrictions from sailing with any hold empty

3.41 Following the intervention of the delegation of Norway, the Committee agreed to replace the words “requirements of” in the first sentence of the regulation by the words “requirements for withstanding flooding of any one cargo hold as specified in”.

General

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

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

3.43 The Committee recalled that the proposed amendments to the appendix to the Annex to the 1974 SOLAS Convention had been developed by the Secretariat, as instructed by FSI 11, and approved by MSC 78.

3.44 The Committee considered modifications, proposed by the Russian Federation (MSC 79/3/11 and Add.1 and MSC 79/3/12 and Add.1), containing revisions to the forms of Nuclear Ship Safety Certificates and associated Record of equipment, including those agreed to by NAV 50 and agreed to the proposed modifications.

3.45 Noting that no further comments had been submitted on the proposed amendments to the appendix to the Annex to the 1974 SOLAS Convention, the Committee confirmed their contents, subject to editorial improvements, if any.

DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

3.46 The Committee recalled its decision at MSC 59 (MSC 59/33, paragraphs 26.2 to 26.7) where it had agreed on a four-year interval between bringing successive amendments to Conventions and mandatory Codes into force. However, it had, at that time, also decided that

observance of this four-year interval was subject to the Organization being able, in exceptional circumstances, to adopt and bring into force new amendments at shorter intervals if, on the basis of experience, it was deemed necessary to do so in order to rectify a mistake or for any other compelling reasons.

3.47 The Committee thus agreed that the SOLAS amendments, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006. Consequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO MANDATORY CODES

PROPOSED AMENDMENTS TO THE FTP CODE

3.48 The Committee recalled that the proposed amendments to the International Code for Application of Fire Test Procedures (FTP Code) (MSC 79/3/1, annex 2) had been prepared by the FP Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the FTP Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

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

PROPOSED AMENDMENTS TO THE 1994 HSC CODE

3.50 The Committee recalled that the proposed amendments to the International Code of Safety for High-Speed Craft, 1994 (1994 HSC Code) (MSC 79/3/1, annex 3) had been developed by the FSI Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the 1994 HSC Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.51 The Committee agreed that the amendments to the 1994 HSC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE 2000 HSC CODE

3.52 The Committee recalled that the proposed amendments to the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code) (MSC 79/3/1, annex 4) had been prepared by the SLF and FSI Sub-Committees and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the 2000 HSC Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.53 The Committee agreed that the amendments to the 2000 HSC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE IBC CODE

3.54 The Committee recalled that the proposed amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) (MSC 79/3/1, annex 5) had been approved by MSC 78; and noted that the Secretariat (MSC 79/3/1/Add.1), as requested by MSC 78, had prepared the proposed revisions to the fire protection references and provisions contained in the revised IBC Code, as approved by MEPC 51 and further amended by MSC 78.

3.55 The Committee also noted (MSC 79/3/1/Add.2) that MEPC 52 had invited the Committee to consider the modifications made by MEPC 52 to the proposed amendments to the IBC Code approved by MSC 78, which are set out in document MEPC 52/WP.11/Add.1 and further noted that MEPC 52 had adopted, by resolution MEPC.119(52), the amendments to the IBC Code, including chapters 17, 18 and 19, subject to changes to be brought to the attention of MSC 79 before final adoption by the Committee.

3.56 The Committee agreed to use, as a basis for consideration, the proposed amendments to the IBC Code adopted by MEPC 52, as contained in documents MEPC 52/WP.11 and MEPC 52/WP.11/Add.1, together with the editorial changes identified by the Secretariat so that the revised IBC Code, once adopted by the Committee, will have the same text as that adopted by MEPC 52.

3.57 Following consideration of the aforementioned proposed amendments to the IBC Code and taking into account the editorial changes identified by the Secretariat (MSC 79/3/1/Add.2), the Committee instructed the drafting group to prepare the final text of the proposed amendments to the IBC Code.

Date of entry into force of the proposed amendments

3.58 The Committee, having noted that MEPC 52, in adopting the amendments to the IBC Code, had determined that the entry-into-force date of the amendments should be 1 January 2007, concurred with MEPC 52's decision and agreed that the amendments to the IBC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2006 and should enter into force on 1 January 2007.

List of substances with missing safety data, pollution data, or both

3.59 In the context of this matter, the Committee, having noted that MEPC 52 had agreed that circulation of a circular containing lists of substances with missing safety data, pollution data, or both would give industry the opportunity to provide the missing data to GESAMP/EHS Working Group, concurred with the MEPC 52's decision to issue an MSC/MEPC circular containing the three lists of substances with missing data and instructed the drafting group to prepare an appropriate draft MSC/MEPC circular (see also paragraph 3.124).

PROPOSED AMENDMENTS TO THE IGC CODE

3.60 The Committee recalled that the proposed amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) (MSC 79/3/1, annex 6) had been prepared by the BLG and FSI Sub-Committees and approved by MSC 78.

3.61 The Committee recalled that, when considering amendments to SOLAS chapter II-1, relating to electrical requirements, it had agreed that such amendments to SOLAS and the IBC and IGC Codes should have the same application date of 1 January 2007; and instructed the drafting group accordingly.

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

Date of entry into force of the proposed amendments

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

PROPOSED AMENDMENTS TO THE INF CODE

3.64 The Committee recalled that the proposed amendments to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code) (MSC 79/3/1, annex 7) had been prepared by the FSI Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the INF Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

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

PROPOSED AMENDMENTS TO THE ISM CODE

3.66 The Committee recalled that the proposed amendments to the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) (MSC 79/3/1, annex 8) had been prepared by the FSI Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the ISM Code (see also paragraph 3.115), confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

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

PROPOSED AMENDMENTS TO THE ISPS CODE

3.68 The Committee recalled that the proposed amendments to the International Code for the Security of Ships and of Port Facilities (International Ship and Port Facility Security (ISPS) Code) had been prepared by the FSI Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the ISPS Code, confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO THE STCW CODE

3.69 The Committee recalled that the proposed amendments to table A-VI/2-1 of part A of the STCW Code (MSC 79/3) had been developed by the STW Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the STCW Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.70 The Committee agreed that the amendments to part A of the STCW Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE 1988 SOLAS PROTOCOL

3.71 The Committee recalled that the proposed amendments to the appendix to the Annex to the 1988 SOLAS Protocol (MSC 79/3/2, annex) had been prepared by the NAV and FSI Sub-Committees and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the appendix to the Annex to the 1988 SOLAS Protocol, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.72 The Committee agreed that the amendments to the appendix to the Annex to the 1988 SOLAS Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO ANNEX B TO THE 1988 LOAD LINES PROTOCOL

3.73 The Committee recalled that the proposed amendments to Annex B to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (MSC 79/3/3, annex) had been prepared by the FSI Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to Annex B to the 1988 Load Lines Protocol, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.74 The Committee agreed that the amendments to Annex B to the 1988 Load Lines Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE 1966 LOAD LINES CONVENTION

3.75 The Committee recalled that the proposed amendments to the 1966 Load Lines Convention (MSC 79/3/4, annex) had been approved by MSC 78 for adoption at this session and subsequent adoption by the Assembly at its twenty-fourth session and, noting that no comments had been submitted on the proposed amendments to the 1966 Load Lines Convention, confirmed their contents, subject to editorial improvements, if any.

Draft Assembly resolution on adoption of the proposed amendments to the 1966 Load Lines Convention

3.76 The Committee considered the draft Assembly resolution contained in the annex to document MSC 79/3/4 and instructed the drafting group to prepare the final text of the requisite draft Assembly resolution for approval. In this context, the Chairman, having referred to other procedures for adoption of amendments specified in article 29 of the 1966 Load Lines Convention, offered to consider the issue in detail and submit appropriate proposals to MSC 80 for consideration.

CONSIDERATION OF AMENDMENTS TO NON-MANDATORY IMO INSTRUMENTS

Proposed amendments to the certificates contained in non-mandatory IMO instruments

3.77 The Committee recalled that the proposed amendments, regarding the date of completion of the survey, to the following non-mandatory IMO instruments (MSC 79/3/5, annexes 1 to 7) had been developed by the FSI Sub-Committee and approved by MSC 78:

- .1 the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code);
- .2 the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code);
- .3 the Code of Safety for Special Purpose Ships (SPS Code);
- .4 the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (LHNS Guidelines);
- .5 the Code of Safety for Diving Systems;
- .6 the Code of Safety for Dynamically Supported Craft (DSC Code); and
- .7 the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code).

3.78 The Committee further recalled that MSC 78 had also agreed to amend likewise the certificates contained in the following non-mandatory guidelines:

- .1 the Guidelines for the design, construction and operation of passenger submersible craft; and
- .2 the Interim Guidelines for wing-in-ground (WIG) craft,

which, as instructed by MSC 78, had been prepared by the Secretariat (MSC 79/3/5, annexes 8 and 9).

3.79 Noting that no comments had been submitted on the proposed amendments to the aforementioned non-mandatory instruments, the Committee confirmed their contents, subject to editorial improvements, if any.

Application date of the proposed amendments

3.80 The Committee agreed that the amendments to the aforementioned non-mandatory instruments, proposed for adoption at the current session, should become effective on 1 July 2006, except for the amendments to the BCH Code and the LHNS Guidelines which should become effective on 1 January 2007 upon acceptance and entry into force of the corresponding amendments to the IBC Code.

CONSIDERATION OF MANDATORY STANDARDS

Consideration of the Standards and criteria for side structures of bulk carriers of single-side skin construction

3.81 The Committee recalled that MSC 78 had approved, with a view to adoption at this session, the draft Standards and criteria for side structures of bulk carriers of single-side skin construction (MSC 79/3/6, annex 1), aiming at making them mandatory under the revised SOLAS chapter XII.

3.82 Noting that no comments had been submitted on the draft Standards and criteria for side structures of bulk carriers of single-side skin construction, the Committee confirmed their contents, subject to editorial improvements, if any.

Standards for owners' inspection and maintenance of bulk carrier hatch covers

3.83 The Committee recalled that MSC 78 had approved, with a view to adoption at this session, the draft Standards for owners' inspection and maintenance of bulk carrier hatch covers (MSC 79/3/6, annex 2), aiming at making them mandatory under the revised SOLAS chapter XII.

3.84 Noting that no comments had been submitted on the draft Standards for owners' inspection and maintenance of bulk carrier hatch covers, the Committee confirmed their contents, subject to editorial improvements, if any.

ESTABLISHMENT OF A DRAFTING GROUP

3.85 Following a general discussion in plenary, the Committee established an *ad hoc* drafting group to prepare the final texts of the draft amendments to the 1974 SOLAS Convention, the 1988 SOLAS Protocol, Annex B to the 1988 Load Lines Protocol, the 1966 Load Lines Convention, mandatory codes and non-mandatory codes and guidelines, together with the associated draft MSC resolutions and MSC circulars, as appropriate; and of the final texts of the Standards and criteria for side structures of bulk carriers of single-side skin construction and the Standards for owners' inspection and maintenance of bulk carrier hatch covers, together with the associated draft MSC resolutions; as well as the draft MSC/MEPC circular on list of substances with missing safety and pollution data, for consideration by the Committee and adoption and approval, as appropriate.

OTHER MATTERS

Early implementation of amendment to SOLAS regulation III/19.3.3.3

3.86 The Committee considered a proposal by Australia and Sweden (MSC 79/3/7) calling to urge Member Governments to give effect to the amendment to SOLAS regulation III/19.3.3.3, adopted by resolution MSC.152(78), prior to 1 July 2006 (which is the amendment's entry-into-force date) and providing a draft MSC circular in this respect.

3.87 As there was general agreement for the issuance of an MSC circular, the Committee instructed the drafting group to prepare the final text of the MSC circular for the Committee's approval.

Guidelines for the implementation of SOLAS chapter XII

3.88 The Committee considered a proposal by Japan (MSC 79/3/9) for guidelines for the implementation of SOLAS chapter XII, as amended in 2004, related to the definition of bulk carrier, providing guidance to SOLAS Contracting Governments and the industry on the application of the revised SOLAS chapter XII to ships constructed before the date of its entry into force.

3.89 Having considered a draft MSC resolution containing the Guidelines for the implementation of SOLAS chapter XII, the Committee instructed the drafting group to prepare the final text of the draft Guidelines for the Committee's adoption.

Circulation of proposed SOLAS amendments

3.90 The Committee noted the information provided by the Secretariat in document MSC 79/3/14 on the circulation of proposed amendments to the 1974 SOLAS Convention in cases where the period of time between two consecutive Committee meetings is less than six months. In this context, the Committee confirmed, with the exception of the agreed procedures for circulation and adoption of amendments to the IMDG Code, the procedure for circulation of amendments specified in SOLAS article VIII and requested the Secretariat to make necessary arrangements, if possible, regarding the programme of the future meetings of the MSC.

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

REPORT OF THE DRAFTING GROUP

3.91 Having received the report of the drafting group (MSC 79/WP.14), the Committee took action as indicated hereunder.

ADOPTION OF NEW MANDATORY STANDARDS

Adoption of the Standards and criteria for side structures of bulk carriers of single-side skin construction and the Standards for owners' inspection and maintenance of bulk carrier hatch covers

3.92 The Committee considered the text of the aforementioned Standards together with the modifications thereto prepared by the drafting group (MSC 79/WP.14) and adopted:

- .1 the Standards and criteria for side structures of bulk carriers of single-side skin construction, by resolution MSC.168(79), as set out in annex 1; and
- .2 the Standards for owners' inspection and maintenance of bulk carrier hatch covers, by resolution MSC.169(79), as set out in annex 2.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION, THE 1988 SOLAS PROTOCOL, 1988 LOAD LINES PROTOCOL AND 1966 LOAD LINES CONVENTION

Adoption of amendments to the 1974 SOLAS Convention

3.93 The expanded Committee, including delegations of 95 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to SOLAS chapters II-1, III, V, VII and XII and to the appendix to the Annex to the Convention prepared by the drafting group (MSC 79/WP.14, annex 3) and adopted the amendments unanimously by resolution MSC.170(79), as set out in annex 3.

3.94 With respect to the draft amendments to SOLAS chapter XI-1 (regulations XI-1/3-1 and XI-1/5), the Committee decided (see also paragraph 3.26 above), to defer taking a decision at this session on the adoption of the mandatory IMO Unique Company and Registered Owner Identification Number Scheme (new SOLAS regulation XI-1/3-1), in order to continue with the voluntary scheme with a view to the adoption of the mandatory scheme at MSC 80; and, subsequently, the adoption of SOLAS regulation XI-1/3-1 and amendments to SOLAS regulation XI-1/5 as well as amendments to the ISM and ISPS Codes.

3.95 In adopting resolution MSC.170(79), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to SOLAS chapters II-1, III, V, VII and XII and the appendix to the Annex to the Convention should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2006, in accordance with the provisions of SOLAS article VIII.

3.96 With regard to regulation 6.5 of the revised chapter XII, the observer from IACS supported by the observer from ICS stated that in his opinion it was unfortunate that the Committee had been asked and, subsequently, adopted a regulation that had not been adequately considered technically. The adopted text was not sufficiently clear to enable objective positions to be established; in fact, the text was ambiguous. It was subjective and would lead to confusion and interpretation. There was a need to control the loading and unloading activities given the current activities, e.g. bulldozer control. IACS regretted that the Committee had been asked and had agreed to adopt a change which had not received sufficient technical consideration – what loading conditions would be used? IACS was not trying to complicate this process but was afraid that the Committee would end up with a regulation that could not be complied with.

Adoption of amendments to the 1988 SOLAS Protocol

3.97 The expanded Committee, including delegations of 57 Parties to the 1988 SOLAS Protocol, considered the final text of the proposed amendments to the appendix to the Annex to the Protocol, prepared by the drafting group (MSC 79/WP.14, annex 13) and adopted the amendments unanimously by resolution MSC.171(79), as set out in annex 4.

3.98 In adopting resolution MSC.171(79), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol) and should enter into force on 1 July 2006, in accordance with the provisions of SOLAS article VIII and article VI of the 1988 SOLAS Protocol.

Adoption of amendments to the 1988 Load Lines Protocol

3.99 The expanded Committee, including delegations of 55 Parties to the 1988 Load Lines Protocol, considered the final text of the proposed amendments to Annex B to the Protocol, prepared by the drafting group (MSC 79/WP.14, annex 14) and adopted the amendments unanimously by resolution MSC.172(79), as set out in annex 5.

3.100 In adopting resolution MSC.172(79), the expanded Committee determined, in accordance with article VI of the 1988 Load Lines Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VI of the 1988 Load Lines Protocol) and should enter into force on 1 July 2006, in accordance with the provisions of article VI of the 1988 Load Lines Protocol.

Adoption of amendments to the 1966 LOAD LINES Convention

3.101 The Committee considered the final text of the proposed amendments to Annex III to the 1966 Load Lines Convention, prepared by the drafting group (MSC 79/WP.14, annex 15) and adopted the amendments and approved associated draft Assembly resolution, as set out in annex 6, for submission to the twenty-fourth session of the Assembly for adoption. The Committee requested the Secretary-General to circulate the adopted amendments and associated draft Assembly resolution in time for consideration by the twenty-fourth session of the Assembly.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE MANDATORY CODES

Adoption of amendments to the FTP Code

3.102 The expanded Committee, including delegations of 95 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the FTP Code, prepared by the drafting group (MSC 79/WP.14, annex 4) and adopted the amendments unanimously by resolution MSC.173(79), as set out in annex 7.

3.103 In adopting resolution MSC.173(79), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the FTP Code should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2006, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the 1994 HSC Code

3.104 The expanded Committee, including delegations of 95 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 1994 HSC Code, prepared by the drafting group (MSC 79/WP.14, annex 5) and adopted the amendments unanimously by resolution MSC.174(79), as set out in annex 8.

3.105 In adopting resolution MSC.174(79), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 1994 HSC Code should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2006, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the 2000 HSC Code

3.106 The expanded Committee, including delegations of 95 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 2000 HSC Code, prepared by the drafting group (MSC 79/WP.14, annex 6) and adopted the amendments unanimously by resolution MSC.175(79), as set out in annex 9.

3.107 In adopting resolution MSC.175(79), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 2000 HSC Code should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2006, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the IBC Code

3.108 The expanded Committee, including delegations of 95 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IBC Code, prepared by the drafting group (MSC 79/WP.14, annex 7) and adopted the amendments unanimously by resolution MSC.176(79), as set out in annex 10.

3.109 In adopting resolution MSC.176(79), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IBC Code should be deemed to have been accepted on 1 July 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2007, in accordance with the provisions of SOLAS article VIII.

Editorial amendments to the list of products, in particular vegetable oils, in chapters 17, 18 and 19 and associated footnotes

3.110 The Committee agreed, in particular, to the editorial correction for the ship type for identified vegetable oils from NA to 2 in chapter 17 of the IBC Code, and that the individually identified vegetable oils should, in principle, be carried in a Ship Type 2, however, that via regulation 4.1.3 of the revised MARPOL Annex II, an Administration might allow the carriage of these substances in a Ship Type 3 only, if the ship complies with all requirements for Ship Type 3, as identified in the IBC Code, except for cargo tank location. The cargo tank location shall be in accordance with regulation 4.1.3.2 of the revised MARPOL Annex II. The Certificate

of Fitness shall indicate the exemption granted. The Committee was of the view that, although it concerns a requirement based on the pollution hazard of these vegetable oils, the inclusion here would assist in avoiding any misinterpretation on the exemption from Ship Type 2 to Ship Type 3 double hull.

Adoption of amendments to the IGC Code

3.111 The expanded Committee, including delegations of 95 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IGC Code, prepared by the drafting group (MSC 79/WP.14, annex 8) and adopted the amendments unanimously by resolution MSC.177(79), as set out in annex 11.

3.112 In adopting resolution MSC.177(79), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IGC Code should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2006, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the INF Code

3.113 The expanded Committee, including delegations of 95 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the INF Code, prepared by the drafting group (MSC 79/WP.14, annex 9) and adopted the amendments unanimously by resolution MSC.178(79), as set out in annex 12.

3.114 In adopting resolution MSC.178(79), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the INF Code should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2006, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the ISM Code

3.115 Having recalled its decision in the context of the consideration of the proposed amendments to SOLAS chapter XI-1, referred to in paragraph 3.94 above, the expanded Committee, including delegations of 95 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the ISM Code, prepared by the drafting group (MSC 79/WP.14, annex 10) and, having deleted paragraphs 1 and 3 from the text of amendments prepared by the drafting group, adopted the amendments unanimously by resolution MSC.179(79), as set out in annex 13.

3.116 In adopting resolution MSC.179(79), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the ISM Code should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2006, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the ISPS Code

3.117 Having recalled its decision in the context of the consideration of the proposed amendments to SOLAS chapter XI-1, referred to in paragraph 3.94 above, the expanded Committee decided to defer adoption of the proposed amendments to the ISPS Code, prepared by the drafting group (MSC 79/WP.14, annex 11), to MSC 80.

Adoption of amendments to the STCW Code

3.118 The expanded Committee, including delegations of 95 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to section A-VI/2 of part A of the STCW Code, prepared by the drafting group (MSC 79/WP.14, annex 12) and adopted the amendments unanimously by resolution MSC.180(79), as set out in annex 14.

3.119 In adopting resolution MSC.180(79), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments to the STCW Code should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General as provided for in article XII(1)(a)(vii) of the Convention) and should enter into force on 1 July 2006, in accordance with the provisions of article XII of the 1978 STCW Convention.

ADOPTION OF AMENDMENTS TO NON-MANDATORY IMO INSTRUMENTS, REGARDING THE DATE OF COMPLETION OF THE SURVEY

3.120 The Committee considered the final text of amendments to non-mandatory IMO instruments, regarding the date of completion of the survey, prepared by the drafting group (MSC 79/WP.14, annexes 16 to 24) and:

- .1 adopted the amendments to:
 - .1.1 the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code), by resolution MSC.181(79), as set out in annex 15;
 - .1.2 the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code), by resolution MSC.182(79), as set out in annex 16;
 - .1.3 the Code of Safety for Special Purpose Ships (SPS Code), by resolution MSC.183(79), as set out in annex 17;
 - .1.4 the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (LHNS Guidelines), by resolution MSC.184(79), as set out in annex 18;
 - .1.5 the Code of Safety for Diving Systems, by resolution MSC.185(79), as set out in annex 19;
 - .1.6 the Code of Safety for Dynamically Supported Craft (DSC Code), by resolution MSC.186(79), as set out in annex 20; and

- .1.7 the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code), by resolution MSC.187(79), as set out in annex 21; and
- .2 approved:
 - .2.1 MSC/Circ.1125 on Amendments to the Guidelines for the design, construction and operation of passenger submersible craft; and
 - .2.2 MSC/Circ.1126 on Amendments to the Interim Guidelines for wing-in-ground (WIG) craft.

INSTRUCTIONS TO THE SECRETARIAT

3.121 In adopting the aforementioned amendments, the Committee authorized the Secretariat, when preparing the authentic texts of the amendments as appropriate, to effect any editorial corrections that may be identified, and to bring to the attention of the Committee any errors or omissions which require action by the Contracting Governments to the 1974 SOLAS Convention, the Parties to the 1988 SOLAS Protocol, the Parties to the 1988 Load Lines Protocol or the Parties to the 1978 STCW Convention.

OTHER MATTERS

Guidelines for the implementation of SOLAS chapter XII

3.122 The Committee did not adopt the Guidelines for the implementation of SOLAS chapter XII prepared by the group (MSC 79/WP.14, annex 25).

Early implementation of the amendment to SOLAS regulation III/19.3.3.3

3.123 As prepared by the group (MSC 79/WP.14, annex 26), the Committee approved MSC/Circ.1127 on Early implementation of the amendment to SOLAS regulation III/19.3.3.3 adopted by resolution MSC.152(78).

List of products that have been omitted from either chapter 17 or 18 of the IBC Code

3.124 As prepared by the group (MSC 79/WP.14, annex 27) (see also paragraph 3.59), the Committee approved MSC/Circ.1128 - MEPC/Circ.423 on List of products that have been omitted from either chapter 17 or 18 of the IBC Code due to missing safety data, pollution data or both.

4 LARGE PASSENGER SHIP SAFETY

General

4.1 The Committee recalled that, at MSC 78, having considered the outcomes of sub-committees on their work on large passenger ship safety matters, the Committee had agreed that the following issues should be considered at this session:

- .1 further work on the “time to recover”;

- .2 the outcomes of NAV 50 and SLF 47;
- .3 matters related to health and sanitation; and
- .4 any submissions to the session on this subject.

Outcome of the sub-committees

4.2 The Committee received reports on the work on large passenger ship safety issues carried out by MSC 78, NAV 50 and SLF 47, prepared by the Secretariat (MSC 79/4) and noted, in particular, that:

- .1 NAV 50 had finalized its review of the tasks assigned by MSC 75 and agreed to prepare supplementary guidelines to resolution A.893(21) for voyage planning for large passenger ships operating in remote areas. The Committee was invited to extend the target completion date for this item to 2006; and
- .2 SLF 47 had finalized its review of the tasks assigned by MSC 75 and agreed to a number of tasks, as set out in annex 6 to document SLF 47/17. The Sub-Committee also established a correspondence group to progress the matter intersessionally and invited the Committee to extend the target completion date for this item to 2006.

4.3 The Committee noted the progress made by NAV 50 and SLF 47 on large passenger ship safety issues and agreed that the working group, once established, should take the outcomes of the aforementioned Sub-Committees into account in the course of their deliberations (see paragraph 4.15).

4.4 The Committee decided to consider the requests of NAV 50 and SLF 47 to extend their respective target completion dates for this item under agenda item 20 (Work programme) (see annex 43).

Medical and sanitation programmes for large passenger ship safety

4.5 The Committee noted the draft MSC circular on Medical and sanitation programmes for large passenger ship safety (MSC 79/4/1), prepared by the Secretariat as instructed by MSC 78, and agreed that the working group should consider the draft MSC circular in detail and advise the Committee accordingly (see paragraph 4.16).

Co-ordination of SAR research projects

4.6 The Committee noted the information by the Secretariat (MSC 79/4/4) that the World Maritime University (WMU) was, as requested by MSC 78, studying the possibility of it taking a role in co-ordinating SAR research projects to assist the Organization in its work on large passenger ship safety. A question was raised on cost implications of such co-ordinating work to be carried out by WMU, and the Secretariat was requested to provide further information on this aspect for consideration at MSC 80.

Geographical Information System (GIS) Modelling Project

4.7 The Committee considered the submission by the United Kingdom (MSC 79/4/2) reporting on a study to assess the ability and adequacy of SAR services to recover many

hundreds of people following a large passenger ship evacuation and agreed to forward the above document to the working group for detailed consideration in the context of its work on preparing a ‘time to recover’ criterion.

Fire-fighting at Sea Project

4.8 The Committee noted the submission by the United Kingdom (MSC 79/INF.4) providing a brief report on the progress of its ongoing Fire-fighting at Sea Project, which arose from concerns about the reduced availability of shore-based fire-fighters in incidents aboard ships, and agreed to forward the above document to the working group for information purposes.

Definition of the expression “large passenger ship”

4.9 The Committee recalled that MSC 78 had only briefly discussed the recommendation of the working group (MSC 78/WP.14) to delete the word “large” from the title of this agenda item and to instruct the sub-committees to develop relevant parameters for the application of any proposed recommendations related to this initiative. The Committee considered the submission by France (MSC 79/4/3) proposing three parameters for the purpose of characterizing a ‘large’ passenger ship and agreed that the matter should be resolved at this session.

4.10 In the course of the consideration of the recommendation of the working group established at MSC 78 (MSC 78/WP.14) and the submission by France (MSC 79/4/3), two main bodies of opinion emerged. A number of delegations spoke in favour of developing a precise definition for the term “large passenger ships” to enable the work on this agenda item to proceed more efficiently, taking into account that the above term is not clearly defined and is open to different interpretations among Member States and observers. In particular, these delegations emphasized that the initiative, as proposed by the Secretary-General and agreed to by MSC 72, was to undertake a global consideration of safety issues pertaining to passenger ships, with particular emphasis on *large* cruise ships. They pointed out that by changing the scope of this initiative to all sizes of passenger ships, the very nature of the work would change and, therefore, a new justification and goals should be prepared to reflect the new work to be undertaken by the Committee.

4.11 However, the majority of the delegations who spoke supported the recommendation of the working group to delete the word “large” from the title of this agenda item and to instruct the sub-committees to develop relevant parameters for the application of any proposed requirements and recommendations related to this initiative. It was observed that:

- .1 if “large” would be defined in terms of ship’s length, breadth, draught and gross tonnage or number of persons carried, it might encourage the construction of ships to be built just under the definition;
- .2 of the 87 safety issues and sub-issues identified to date, none were solely related to the size of the ship or the number of persons carried;
- .3 the initial phase had already been completed with no new issues being added and, as a result, the expert sub-committees had now provided detailed recommendations and target completion dates in support of the strategic goals and objectives; and
- .4 this initiative should be focused on safety issues and not the physical characteristics of a ship.

4.12 Having considered the above views, the Committee agreed that the word “large” should be deleted from the title of this agenda and that the working group and subsidiary bodies should continue to develop relevant parameters, as necessary, for application purposes of any proposed requirements and recommendations, bearing in mind that a “one size fits all approach” should be avoided since each area of safety (i.e. fire, machinery, stability, lifesaving, search and rescue, etc.) has different concerns.

Establishment of the working group

4.13 Following general discussions, the Committee established the Working Group on Passenger Ship Safety and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 consider the outcomes of NAV 50 and SLF 47 (MSC 79/4) with a view to advising the Committee in respect to issues on which the Sub-Committees have sought the Committee’s clarification and/or approval;
- .2 consider the draft MSC circular on Medical and sanitation programmes for passenger ship safety (MSC 79/4/1) and advise the Committee accordingly;
- .3 finalize matters related to the “time to recover”, taking into account the outcome of MSC 78 (MSC 78/WP.14) and documents MSC 79/4/2, MSC 79/INF.4, MSC 78/4/4, MSC 78/4/5 and MSC 78/INF.13 and advise the Committee as appropriate;
- .4 to consider whether any relevant parameters should be developed in light of the decision to broaden scope of this initiative to all passenger ships, bearing in mind that a “one size fits all approach” should be avoided since each area of safety (i.e. fire, stability, lifesaving, SAR, etc.) has different concerns; and
- .5 update the work plan set out in annex 4 to document MSC 78/WP.14, taking into account the progress made at the session, indicating work which should be done by the Committee itself and which should be assigned to sub-committees to deal with the issues identified in such a work plan, with a view to having a uniform target completion date for this work.

Report of the working group

4.14 Having received the report of the working group (MSC 79/WP.13), the Committee approved it in general and took action as outlined in the following paragraphs.

Outcome of the sub-committees

4.15 In considering the outcomes of NAV 50 and SLF 47, the Committee endorsed, in general, the group’s decisions on the work to be undertaken on matters related to passenger ship safety, as set out in annex 3 to document MSC 79/WP.13.

Medical and sanitation guidance

4.16 The Committee approved MSC/Circ.1129 on Guidance on the establishment of medical and sanitation-related programmes for passenger ships.

Time to recover timeframe

4.17 The Committee noted that the group had considered matters related to the “time to recover” and had agreed that the “time to recover” was only one part of an overall rescue timeframe. In this connection, the Committee endorsed the group’s view that the rescue timeframe should incorporate a “time to recover from survival craft” and an overall timeframe for “rescue to a place of safety” and agreed to the definitions set in paragraph 13 of document MSC 79/WP.13.

4.18 In considering matters related to the “time to recover”, the Committee agreed to a five day maximum timeframe for which persons should be expected to stay in survival craft, taking into account the humanitarian needs of those aboard such craft and the hazards to life and health persons may face on such craft.

4.19 Having considered the group’s views on matters related to the time to rescue, the Committee agreed that more time is necessary to resolve the matter and instructed the COMSAR Sub-Committee to prepare a “time to rescue” timeframe and related criteria and advise MSC 81 accordingly.

Consideration of relevant parameters

4.20 The Committee noted that the group had identified parameters that should be used by sub-committees to specify design and operational characteristics for application purposes of any proposed recommendations, if appropriate. The aforementioned general parameters are set out in the revised work plan, as contained in annex 3 to document MSC 79/WP.13.

4.21 In noting the aforementioned parameters, the Committee emphasized that the subsidiary bodies should remember not to lose sight of the original intent of the guiding philosophy, in particular that future passenger ships should be designed for improved survivability so that, in the event of a casualty, persons can stay safely on board as the ship proceeds to port. Therefore, the Committee reiterated that casualty thresholds should stipulate the amount of damage a ship must be able to withstand and still safely return to port under its own power and, if a casualty threshold is exceeded, then a ship is to remain habitable for a minimum time of 3 hours to allow for safe and orderly abandonment, as agreed at MSC 78. Any departure from the above concepts and timeframes should be appropriately justified as part of any proposed recommendations.

Work plan on passenger ship safety

4.22 The Committee approved the revised work plan, as set out in annex 3 to document MSC 79/WP.13, and forwarded it to the COMSAR, DE, FP, NAV, SLF and STW Sub-Committees for action as appropriate. The Committee also conveyed the group’s report, in its entirety, to the relevant sub-committees for background purposes and further instructed the relevant sub-committees to keep the Committee informed of their progress on matters assigned.

4.23 The Committee agreed to the revised guiding philosophy, strategic goals and objectives, as set out in annex 1 to document MSC 79/WP.13, and expressed the view that, taken as a total package, including the group’s reports from previous sessions, there was enough information to allow the sub-committees to complete their assigned tasks by 2006.

5 MEASURES TO ENHANCE MARITIME SECURITY

GENERAL

5.1 The Committee recalled that, at its seventy-eighth session, it had considered the outcomes of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (the 2002 SOLAS Conference) which had adopted special measures to enhance maritime security which entered into force on 1 July 2004.

5.2 The Committee considered documents MSC 79/5 and MSC 79/5/Add.1 (Secretariat) before referring matters raised therein to the Working Group on Maritime Security (MSWG). In this respect, the Committee considered the relevant parts of the reports of NAV 50, FAL 31 and DSC 9.

5.3 The Committee further considered documents MSC 79/2/1/Add.1 (paragraphs 3, 14.3 and 26) (Secretariat), MSC 79/2/4 (paragraphs 5 to 20 and 30) (Secretariat), MSC 79/5/1 (Secretariat), MSC 79/5/2 (Japan and United States), MSC 79/5/3 (France), MSC 79/5/4 and Add.1 (Secretariat), MSC 79/5/5 (United Kingdom), MSC 79/5/6 (Italy), MSC 79/5/7, MSC 79/5/8, MSC 79/5/9 and MSC 79/5/10 (BIMCO *et al*), MSC 79/5/11 (Marshall Islands), MSC 79/5/12 (Australia), MSC 79/5/13 (Japan), MSC 79/5/14 (BIMCO *et al*), MSC 79/5/15 (Republic of Korea), MSC 79/5/16 (ICFTU), MSC 79/5/17 (Colombia), MSC 79/INF.6 (Japan) and MSC 79/WP.1 (Secretariat).

5.4 The Committee considered, for the first time in the context of the measures to enhance maritime security, matters relating to:

- .1 standardized format of information and arrival of ships in port;
- .2 checklist for use in conducting port facility security self-assessments for the ISPS Code compliance;
- .3 issues arising since the entry into force of SOLAS chapter XI-2 and of the ISPS Code including questions relating to the interpretation and application of the provisions of SOLAS chapter XI-2 and of the ISPS Code; the legal status of a ship's security level; SOLAS regulation XI-2/9 and the obligation to notify flag States; and the question of sharing information on maritime security;
- .4 freely available AIS generated ship data and the attendant security risks; and
- .5 long-range identification and tracking (LRIT).

INSTRUMENTS TO BE REVIEWED AND AMENDED SO AS TO INCLUDE APPROPRIATE SECURITY-RELATED PROVISIONS

Introduction

5.5 The Committee recalled that MSC 78 had instructed (MSC 78/26, paragraph 7.97) the various sub-committees, under their existing work programme and agenda item on "Measures to enhance maritime security", to identify the various instruments under their responsibility, which may need to be reviewed and amended so as to include appropriate security-related provisions. In this respect, MSC 78 advised the sub-committees to bear in mind the functional requirements of the ISPS Code and, in particular, those relating to access control and handling of cargo. The

sub-committees were asked to consider the need to amend each of the instruments which they would be identifying; to prioritize the work they will be suggesting; and to indicate, bearing in mind their other work load and priorities, the time (number of sessions) needed to amend each of the instruments.

Outcome of NAV 50

5.6 The Committee noted that NAV 50 had identified the following instruments under the purview of the NAV Sub-Committee which are relevant to the case under discussion:

- .1 chapter V of the International Convention for the Safety of Life at Sea, 1974, as amended;
- .2 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972);
- .3 the International Code of Signals; and
- .4 the Standard Marine Communication Phrases.

5.7 The Committee further noted and concurred with the view of NAV 50 that, at this stage, there was no need to review anyone of them with a view to including therein security-related provisions.

Outcome of DSC 9

5.8 The Committee noted that DSC 9 had identified the following instruments under the purview of the DSC Sub-Committee which were relevant to the case under discussion:

- .1 the International Convention for Safe Containers (CSC), 1972, as amended;
- .2 the International Maritime Dangerous Goods Code (IMDG Code);
- .3 the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code);
- .4 the Code of Safe Practice for Solid Bulk Cargoes (BC Code); and
- .5 the IMO/ILO/UN ECE Guidelines for packing CTUs (MSC/Circ.787).

5.9 The Committee, recalling resolution A.924(22) – Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships, in particular operative paragraph 1 thereof relating to the review of IMO instruments in relation to maritime security measures, considered the conclusions and recommendations of DSC 9 and:

- .1 concurred with the view of DSC 9 that, at this stage, there is no need to embark on any revision of the CSC 72, the IMDG Code or the INF Code with a view to including therein security-related provisions;

- .2 concurred with the view of DSC 9 that the BC Code should be reviewed in order to bring it in line with the IMDG Code, complementing the existing security-related provisions of the IMDG Code;
- .3 instructed the DSC Sub-Committee to prepare, as part of the current revision of the BC Code, appropriate amendments to the Code so as to include therein appropriate security-related provisions similar to those found in chapter 1.4 (Security provisions) of the IMDG Code;
- .4 instructed DSC 10 to carry out, as a first step, a review of the IMO/ILO/UN ECE Guidelines for packing CTUs (MSC/Circ.787) (the Packing Guidelines) for the purpose of identifying those parts of the Guidelines, which should be amended and to develop, if necessary, subsequently appropriate amendments thereto;
- .5 instructed the Secretariat, once the DSC Sub-Committee has completed its work, to propose to ILO and to UN ECE the revision of the Packing Guidelines, offering, as a basis for discussion, the preparatory work done by the DSC Sub-Committee; and
- .6 instructed the Secretariat, subject to the agreement of ILO and UN ECE, to consider inviting other agencies or organizations which may have an interest on the matter to participate in the work.

5.10 The Committee also noted that DSC 9 was of the view that the following IMO model courses should be reviewed and updated when the suggested revision of the IMO/ILO/UN ECE Guidelines for packing CTUs (MSC/Circ.787) would be advanced:

- .1 the IMO Model Course on Safe Packing of CTUs (Model course 3.18); and
- .2 the IMO Model Course on Dangerous, Hazardous and Harmful Cargoes (Model course 1.10).

REVISION OF RESOLUTION A.872(20)

5.11 The Committee recalled that the 2002 SOLAS Conference had adopted Conference resolution 3 entitled "Further work by the International Maritime Organization pertaining to the enhancement of maritime security" which, in operative paragraph 1(h), *inter alia*, requests the Organization to review the Organization's Assembly resolution A.872(20) on Guidelines for the Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic (the Anti Drug Trafficking Guidelines) and, if necessary, develop appropriate amendments thereto and that this aspect was referred to the FAL Committee for consideration and action. The Committee further recalled that the Facilitation Committee, during its thirtieth session (document FAL 31/20, paragraphs 8.4, 8.17 and 8.18), had given preliminary consideration to the matter and had agreed, *inter alia*, to discuss the matter further during its thirty-first session.

5.12 The Committee noted, in particular, that FAL 31 had decided that the illicit trafficking of drugs, psychotropic substances and precursor chemicals was, in essence, a criminal activity and that it should be addressed as such and, consequently, it should not be mixed with issues of terrorism or maritime security.

OTHER SECURITY-RELATED MATTERS DISCUSSED DURING FAL 31

5.13 The Committee noted that FAL 31, when discussing the working methods of the SPI Working Group, had decided that:

- .1 the facilitation aspects of a ship/port interface nature (especially those concerning maritime security, in particular, and the recognized need for a balanced approach to security *vis-à-vis* facilitation of maritime traffic) should continue to be considered by the FAL Committee under an appropriate work programme and agenda item; and
- .2 although the adoption of measures for the enhancement of the security of ships and port facilities would henceforth be the prerogative of the Contracting Governments to the 1974 SOLAS Convention and under the purview of the MSC, facilitation aspects of such measures should be considered by the FAL Committee to balance the interests and needs of the shipping and port industries. Therefore, the FAL Committee, for the foreseeable future, should retain in its agenda and work programme an item on “Measures to enhance maritime security: Facilitation aspects”. Such an arrangement would also enable the FAL Committee to discuss issues relating to maritime security other than those raised within the Committee, for example, as a result of the work undertaken by WCO or ILO.

5.14 The Committee noted the concerns expressed by some delegations in relation to the retention, in the agenda and work programme of the FAL Committee, of an item on “Measures to enhance maritime security: Facilitation aspects”. The Committee instructed the MSWG to consider, in the context of resolution A.924(23) and bearing in mind that C 93 had considered and approved the outcome of FAL 31, the decision of FAL 31 with a view to advising the Committee as to how information should be communicated to the FAL Committee in order to delineate the activities of the Organization on the enhancement of security in the maritime transport sector *vis-à-vis* the facilitation of international maritime traffic.

RECOMMENDATIONS ON THE SAFE TRANSPORT OF DANGEROUS CARGOES AND RELATED ACTIVITIES IN PORT AREAS (MSC/CIRC.675)

5.15 The Committee noted the discussions, during DSC 9, relating to the revision of the Recommendations on the safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675) and:

- .1 invited the MEPC to consider those aspects of the revision of MSC/Circ.675 (DSC 9/15, annex 7) which fall under its purview, subject to the comments set out in paragraph 12.3 of document MSC 79/5/Add.1;
- .2 instructed the BLG and STW Sub-Committees to consider those aspects of the revision of MSC/Circ.675 (DSC 9/15, annex 7) which fall under their purview, subject to the comments set out in paragraph 12.3 of document MSC 79/5/Add.1; and
- .3 designated the DSC Sub-Committee as the co-ordinating Sub-Committee in relation to the continuation and completion of the process of the revision of MSC/Circ.675.

Review of SUA 1988 and of SUA PROT 1988

5.16 The Committee noted the discussions and developments (MSC 79/2/4, paragraphs 5 to 20) during the eighty-ninth session of the Legal Committee (25 to 29 October 2004) relating to the review of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and its Protocol of 1988 relating to Fixed Platforms located on the Continental Shelf. In this respect, the Committee noted, in particular, that the Legal Committee had recommended and the Council, at its ninety-third session (15 to 19 November 2004), had endorsed (MSC 79/2/1/Add.1, paragraph 14.3) the convening of a diplomatic conference on the revision of the aforesaid treaties, from 10 to 14 October 2005.

5.17 The ICFTU observer expressed the view that the work undertaken by the Organization on the review of SUA 1988 and of SUA PROT 1988 had a number of implications for the work of the Committee. These implications, *inter alia*, included the fact that boarding a ship at sea and undertaking a search are inherently dangerous and difficult and the safety of life at sea, including of those on board the ship, was put at risk, when it should be the primary concern. It was also important to ensure that the provisions of the amended SUA 1988 and of SUA PROT 1988 were consistent with the provisions of SOLAS chapter XI-2 and of the ISPS Code and that they were not capable of being interpreted in a manner which conflicted with mandatory requirements of the Organization or recommendations for shipowners and seafarers in combating piracy and armed robbery. Furthermore, there was a need to ensure that the revised instruments did not adversely affect the rights of seafarers. In addition, the observer from ICFTU referred to the proposal for the criminalization of the transport of weapons of mass destruction, including precursor chemicals and dual use materials and technology by a ship, without there being a terrorist motive, and pointed out that this would require the Organization to put in place a documentation system so that such measures could not criminalize innocent seafarers. In this respect, the loading of such materials or technology on board a ship within a port facility might also need to be addressed in the ISPS Code. Moreover, the suggestion that a seafarer who became aware that the ship was carrying something should immediately communicate that information to the competent authority and in case a seafarer failed to do so would be considered as having committed a criminal act might require the examination of SOLAS chapter VI and the inclusion therein of provisions which would make it easy, in practice, for any seafarer on board to communicate such information.

5.18 The delegation of Brazil supported the statement of ICFTU.

STANDARDIZED FORMAT OF INFORMATION AND ARRIVAL OF VESSELS IN PORT

5.19 The Committee recalled that the 2002 SOLAS Conference had requested the Organization, through operative paragraph 1(g) of Conference resolution 3, to “consider, in the context of security, relevant aspects of facilitation of maritime traffic such as, for example, port arrivals and departures, standardized forms of reporting and electronic data interchange and take action as appropriate” and that this matter was referred to the FAL Committee for consideration and action.

5.20 The Committee noted the discussions, during FAL 31, relating to the Standardized format of information and arrival of vessels in ports and considered the request of FAL 31 to:

- .1 consider the outcome of the SPI Working Group, which met during FAL 31, on the issue of the Standardized format of information and arrival of vessels in ports with a view of advising the FAL Committee as deemed appropriate; and

- .2 review the content of the recommended data set (which is set out in the annex to document MSC 79/5) with a view to advising the FAL Committee on whether the suggested data set includes the security-related information a ship might expect to provide prior to its arrival, if it is requested to do so.

5.21 The United Kingdom (MSC 79/5/5) supported the concept of establishing standard minimum data set of information to be provided, since this would make it easier for ships to compile and submit the requisite information and suggested a number of changes to the standard minimum data set developed by FAL 31. The United Kingdom further suggested that SOLAS Contracting Governments should be free to request, in accordance with SOLAS regulation XI-2/9.2.1.6, additional security-related information where this is necessary for security purposes. They also recommended that the time period for submission of the information should be left to be decided by each individual Contracting Governments, with a default of 24 hours if no time limit is specified and they further argued that the submission of security-related information should be separate from the submission of other pre-arrival information.

5.22 BIMCO *et al* (MSC 79/5/5) highlighted additional examples (in addition to those which are recorded in paragraph 8.28 of document FAL 31/20) of Member States demanding the submission of information beyond what was prescribed in SOLAS regulations XI-2/9.2.1.1 to XI-2/9.2.1.6. They expressed the view that such requirements inhibited the ship from responding quickly to requests for security-related information before arrival and they stated that a standard data set, acceptable to all national authorities, is required. Such a document, or data transmission, could be prepared by the ship prior to arrival in any port. BIMCO *et al* suggested that the Committee should establish the maximum security-related data a ship might be expected to provide to a Member State before arrival; and request FAL 32 to develop, as a matter of some urgency, a documentary and electronic format consistent with other IMO FAL Forms, encompassing the new and amended data requirements and to consider amending the provisions of the FAL Convention as necessary.

5.23 The Committee, recognizing that the provisions of SOLAS regulation XI-2/9 do not create any obligation on a ship to provide, in advance of arrival in a port, security-related information to a duly authorized officer without receiving a formal request, agreed that the large and diverse variety of practices which had been developed since 1 July 2004 demanding the submission of information, were not conducive to the efforts to enhance maritime security. As a result, the development by the Organization of a standard data set of security-related information which a ship might be expected to submit pursuant to the provisions of SOLAS regulation XI-2/9, would be desirable.

5.24 The majority of those who spoke stated that such a standard data set or form should contain the minimum security-related information and should not prevent a SOLAS Contracting Government from seeking the submission of further information within the framework of SOLAS regulation XI-2/9.2.1 and of paragraphs B/4.37 to B/4.40 of the ISPS Code. It was also suggested that the data set or form to be developed should also provide for information on whether the ship is carrying any stowaways or illegal migrants.

5.25 The Committee also discussed the latest time for the submission of the security-related information prior to the arrival of the ship in port. The majority of those who spoke favoured a time limit of 24 hours prior to the arrival of the ship in port, unless the SOLAS Contracting Government specifies a different time period. During the debate some delegations, bearing in mind their geographic location and the trading patterns of ships, calling at their ports, suggested that such time should be set at 48 or even 96 hours. The Committee acknowledged that in the

case of voyages of short duration the 24 hour time limit might, in some cases, be too long while in other cases it would be possible for a SOLAS Contracting Government, due to its geographic location, to establish a longer period.

5.26 The Committee referred the issue to the MSWG and instructed it, bearing in mind the discussions and conclusions of FAL 31 (MSC 79/5, paragraphs 10 to 19 and annex) (Secretariat) and the submissions of the United Kingdom (MSC 79/5/5) and BIMCO *et al* (MSC 79/5/8), to advise the Committee on the question of the Standardized format of the security-related information to be submitted by a ship prior to its arrival in port. The Committee instructed the MSWG to:

- .1 develop a standardized form as a means of providing, prior to arrival in port, the minimum security-related information which may be requested in accordance with the provisions of SOLAS chapter XI-2 and the ISPS Code;
- .2 consider, in the context of SOLAS regulations XI-2/9.2.1.1 to XI-2/9.2.1.5, the data set which has been developed by FAL 31, with a view to advising the Committee as to whether the FAL Committee should be informed that the suggested data set includes the security-related information to be provided by a ship prior to its arrival in port, if it is requested to do so;
- .3 consider and advise the Committee, so as to enable it to advise the FAL Committee whether the data set developed by FAL 31 should include appropriate elements relating to the provisions of SOLAS regulation XI-2/9.2.1.6 and, if so, which elements would need to be included; and
- .4 on the understanding that the Committee had accepted the need to establish a minimum time period for submission of the information by the ship, prior to its arrival in port, and that it had agreed on a recommended default minimum period for the submission of such information not to be less than 24 hours, advise the Committee whether the 24 hour time period is adequate or whether it should be extended.

CHECKLIST FOR USE IN CONDUCTING PORT FACILITY SECURITY SELF-ASSESSMENTS FOR ISPS CODE COMPLIANCE

5.27 The Committee recalled that the delegation of the United States, during MSC 78 (MSC 78/26, paragraph 7.90), referring to the Communiqué issued at the end of the Meeting of G8 Justice and Home Affairs Ministers, which was held in Washington, DC on 11 May 2004, had advised the Committee that the Ministers had agreed to ask their experts to develop an auditing checklist to enable countries to conduct voluntary self-audits to verify their compliance with the ISPS Code. In addition, they had agreed that such a checklist could serve as a model for harmonizing compliance regimes among Contracting Governments. The delegation of the United States had stated, during MSC 78, its intention, once the checklist was approved, to forward it to the Committee for its consideration.

5.28 Japan and the United States (MSC 79/5/2) proposed the adoption of a standardized checklist for conducting port facility security self-assessments to aid in the full implementation of the ISPS Code. In their view, the use of the checklist would provide standard means of self-assessment and documentation of the ISPS Code compliance. They invited the Committee to consider whether it would be appropriate to issue the checklist under an MSC circular,

recommending that it be used by all SOLAS Contracting Governments when conducting port facility security self-assessments.

5.29 The Republic of Korea (MSC 79/5/15) stated that it had utilized the draft checklist to aid in national assessment processes and to manage dialogue with international partners following the implementation process for the ISPS Code. They expressed the view that the checklist would be a useful tool for assisting countries to self-identify areas in which they need to improve their compliance with the ISPS Code. Further, the Republic of Korea was of the opinion that, in order to encourage the use of the checklist by all SOLAS Contracting Governments when conducting port facility security self-assessments, it would be prudent to issue it under an MSC circular. While supporting the use of the self-assessment checklist by all SOLAS Contracting Governments, the Republic of Korea provided further comments on, and suggested amendments to, the checklist.

5.30 BIMCO *et al* (MSC 79/5/14) stated that they supported the concept of an internationally endorsed national level checklist along the lines proposed by Japan and the United States. However the checklist, in their view, could, with advantage, be extended to encompass all Contracting States' responsibilities as a port or coastal State, including those related to ships, imposed as a result of the adoption of the security-related amendments to SOLAS and the ISPS Code and, thus, they suggested a number of amendments to this end. In addition, they indicated the need for co-operation between governments, port authorities and the shipping industry in implementing the ISPS Code to ensure the greatest level of security for ships and port facilities and proposed to address this concept.

5.31 The Secretariat advised the Committee that the same draft ISPS Code Self-Verification Checklist was received from the G8 Lyon-Rome Anti-Crime and Terrorism (ACT) Group, on behalf of the G8, with the message that the checklist reflects best practice recommendations as developed in the G8 Lyon-Rome ACT Group and the document is a work in progress. The message received also indicated that the G8 would conduct trials within their own countries using the checklist.

5.32 The delegation of the Netherlands supported the principle of a checklist for SOLAS Contracting Governments to carry out self-assessments of compliance with the SOLAS chapter XI-2 and the ISPS Code. However, in their view, the checklist proposed by Japan and the United States (MSC 79/5/2) was not suitable for use in its present format. They proposed that the submitted documents should be forwarded to the MSWG for discussion. The MSWG should be instructed to consider, at this stage, only the philosophy, the principles, the purpose and the format of a checklist.

5.33 The delegation of Brazil considered the checklist for conducting port facility security self-assessments for ISPS Code compliance, annexed to document MSC 79/5/2, to be a useful tool in the enhancement of the one developed by the Brazilian authorities in the process of issuing Statements of Compliance to the Brazilian port facilities. Brazil supported the dissemination of such a checklist by means of an MSC circular with the recommendation that SOLAS Contracting Governments should consider using such a checklist when verifying the compliance of the port facilities located within their respective territories with requirements of SOLAS chapter XI-2 and the ISPS Code. However, in the view of Brazil such a checklist could not and should not be used either by one SOLAS Contracting Government to verify the compliance of another SOLAS Contracting Government or to question the authority of a SOLAS Contracting Government in issuing a Statement of Compliance to a port facility.

5.34 The delegation of New Zealand supported and saw merit in the principle of self-assessment checklists, provided that the intent and purpose of the “tool” were to assist SOLAS Contracting Governments to measure how well they implemented the special measures to enhance maritime security rather than a compliance check to be used by third parties for verification of the implementation of SOLAS chapter XI-2 and the ISPS Code.

Bearing in mind that the checklist proposed in document MSC 79/5/2 concentrated on port facilities, the delegation of New Zealand was of the view that there was some risk (if the scope and range of the checklist was to be extended so as to include all the security-related duties and responsibilities of SOLAS Contracting Governments and thus include therein too many details) for the checklist to become too unwieldy, complex and, in effect, an alternative version of the ISPS Code, rather than a self-evaluation tool.

That delegation suggested that the checklist proposed would benefit from further development, including the inclusion of an evaluation or scoring mechanism with an appropriate weighting. The proposed checklist currently included many references to the non-mandatory part B of the ISPS Code which was an issue warranting attention. It should be referred to the MSWG to develop the concept of self-assessment before it became an “agreed” tool. The delegation of Vanuatu shared the views expressed by the delegation of New Zealand.

5.35 The delegation of the United States, as a co-sponsor of the proposal, thanked those Member States who supported the proposal and drew attention to the opening remarks of the Secretary-General, during which he had indicated that there was a level of concern over the implementation of SOLAS chapter XI-2 and the ISPS Code, as it related to port facilities. The proposal sponsored by Japan and the United States sought to assist SOLAS Contracting Governments to work towards implementation of SOLAS chapter XI-2 and the ISPS Code, by providing a tool that could be used by a spectrum of port and national officials responsible for port facility security. In their view, many SOLAS Contracting Governments would benefit from such a checklist and there was a need for the Organization to provide additional guidance on the implementation of the security measures relating to port facilities.

The delegation of the United States pointed out that almost six months had passed since the date when SOLAS Contracting Governments had communicated to the Organization that their port facilities were in compliance with the requirements of SOLAS chapter XI-2 and the ISPS Code; in fact, the end of the one-year time period, in which many SOLAS Contracting Governments had required an audit of the port facility’s security measures, was fast approaching. Therefore, timing was critical and there was a need to provide meaningful guidance to all SOLAS Contracting Governments in order to assist them in the full implementation of the port facility security requirements. To do this, it was essential to begin work at this session to reach consensus on the content of the self-assessment tool. The checklist should therefore be referred to the MSWG for refinement and technical amendments. The MSWG should be given sufficient flexibility in its task, so that, if an agreement was reached as to the content of the checklist, the Committee would be in a position to finalize a meaningful guidance on voluntary self-assessment for port facilities at its current session.

5.36 A considerable number of other delegations spoke on the issue and, in principle, expressed support for, and saw benefits from, the development and dissemination of a self-assessment questionnaire to assist SOLAS Contracting Governments in the implementation of, and the maintenance of compliance with, the requirements of SOLAS chapter XI-2 and of the ISPS Code.

5.37 Whilst some delegations supported the view that the checklist proposed by Japan and the United States should be disseminated by means of an MSC circular in its current format, others expressed the view that documents MSC 79/5/2 (Japan and United States), MSC 79/5/15 (Republic of Korea) and MSC 79/5/14 (BIMCO *et al*) should be referred to the MSWG for detailed discussion so as to ensure that the eventual self-assessment questionnaire would not become a mere “Yes/No” checklist.

5.38 The view was also expressed that there was a need to maintain the distinction between the requirements which are set out in mandatory part A of the ISPS Code and those of recommendatory part B of the ISPS Code. The way the proposed checklist had been presented did not maintain this distinction.

5.39 The majority of those who spoke stressed that the purpose of any eventual self-assessment questionnaires to be developed and adopted by the Organization should be to assist SOLAS Contracting Governments. Such self-assessment questionnaires were not intended and should not be used as tools for conducting any form of external or third party audits of the implementation of the special measures to enhance maritime security by any SOLAS Contracting Government.

5.40 It was suggested to extend the purpose and scope of the proposed self-assessment questionnaires to address the duties and obligations of SOLAS Contracting Governments as flag States, with respect to the ships entitled to fly their flags; as States exercising control and compliance measures; as States in whose territory port facilities were located; and as coastal States.

5.41 However, the majority of those who spoke indicated a clear preference to limit, at this stage, the development of such self-assessment questionnaires to matters relating to port facilities only. It was also pointed out that any eventual self-assessment questionnaires should be accompanied by an appropriate guidance, indicating how to conduct the self-assessment and how to evaluate and assess its results.

5.42 After a detailed debate, the Committee referred documents MSC 79/5/2, MSC 79/5/15 and MSC 79/5/14 to the MSWG and instructed it to develop, for the consideration of the Committee, an MSC circular on self-assessment questionnaire(s) together with the associated guidance on how to conduct a self-assessment. The purpose of the self-assessment questionnaire was to assist SOLAS Contracting Governments in the implementation of, and the maintenance of compliance with, the requirements of SOLAS chapter XI-2 and the ISPS Code. The self-assessment questionnaire(s) is/are not intended for use in third party or external audit of the security measures implemented by a SOLAS Contracting Government. The self-assessment questionnaire(s) should address the duties and responsibilities of SOLAS Contracting Governments relating to the port facilities located within their respective territories. The Committee also instructed the MSWG to consider and advise the Committee when the proposed self-assessment questionnaire(s) should be adopted.

ISSUES ARISING FOLLOWING THE INTRODUCTION AND ENTRY INTO FORCE OF SOLAS CHAPTER XI-2 AND THE ISPS CODE

Interpretation and application of the provisions of SOLAS chapter XI-2 and the ISPS Code

5.43 The Committee considered document MSC 79/5/3 (France) reporting that, on a number of occasions, the provisions of the ISPS Code had been used for the purpose of obstructing or delaying the access on board of public service and law enforcement officials and emergency

response services and suggesting the approval of an MSC circular in order to clarify and address the matter.

5.44 BIMCO *et al* (MSC 79/5/7) raised, as a result of the experience of their members, a number of difficulties which they had encountered and sought the consideration and resolution of these matters by Committee.

5.45 ICFTU (MSC 79/5/16) referred to the difficulties encountered in some ports for ship security officers (SSO) to familiarize themselves with the security situation on a change over day and to possible subsequent delays caused by the authorities. As a result, ICFTU suggested that the practice of designating the master as the SSO warranted renewed discussion within the Organization to ensure that this practice did not impair the ability of masters to fulfil their other duties or endanger the safety or security of those on board the ship and of the ship itself and of the cargo carried.

5.46 Colombia (MSC 79/5/17) referred to problems encountered due to the persistent signing of Declarations of Security and the arbitrary changes in ship security levels in contradiction to the provisions of the ISPS Code.

5.47 The Committee referred documents MSC 79/5/3, MSC 79/5/7 and MSC 79/5/17 to the MSWG and instructed it to advise the Committee on matters relating to the interpretation and application of the provisions of SOLAS chapter XI-2 and the ISPS Code raised therein.

5.48 With respect to the issue raised in document MSC 79/5/16, the Committee recalled that the matter had been debated in detail at MSC 78 (MSC 78/26, paragraph 7.51) and, therefore, saw no reason to reconsider, at this stage, the conclusion of MSC 78 that the provisions of the ISPS Code did not prevent the master from being appointed as the ship security officer.

The legal status of a ship's security level

5.49 The Committee considered document MSC 79/5/9 (BIMCO *et al*) which stated that lawyers had raised a question as to interpretation of the provisions of SOLAS chapter XI-2 and the ISPS Code, relating to the security level of a ship when in a port facility which is within the territory of a Contracting Government which was not its flag State.

5.50 The Committee referred document MSC 79/5/9 to the MSWG and instructed it to advise the Committee on the question relating to the legal status of a ship's security level raised therein.

SOLAS regulation XI-2/9 - Obligation to notify flag States

5.51 The Committee considered document MSC 79/5/11 (Marshall Islands) pointing out that a considerable number of SOLAS Contracting Governments when taking control measures or steps pursuant to the provisions of SOLAS regulation XI-2/9 had failed to notify the flag State of the ship in question, as required by the aforesaid regulation and as provided for in resolution MSC.159(78) on Interim guidance on control and compliance measures to enhance maritime security.

5.52 The Committee noted (MSC 79/WP.1, paragraph 3) that the Secretariat had received, until 29 November 2004, only reports or information pursuant to the provisions of SOLAS regulation XI-2/9 from Italy (1), the Marshall Islands (1), the United States (43)(for July and August 2004 only) and Hong Kong, China (17). The remaining SOLAS Contracting Governments had failed, so far, when taking control measures or steps pursuant to the provisions

of SOLAS regulation XI-2/9, to submit the required information to the Organization. The Committee urged Contracting Governments to also comply with the obligations to notify the flag States of the measures undertaken in accordance with that regulation.

5.53 The Committee referred document MSC 79/5/11 (Marshall Islands) to the MSWG and instructed it to consider the issue raised in the aforesaid document and to advise the Committee on any recommended actions.

Sharing information on maritime security

5.54 The Committee considered document MSC 79/5/13 (Japan) suggesting the sharing of security-related information such as the security level set by each SOLAS Contracting Government in accordance with SOLAS chapter XI-2 and the ISPS Code and proposing various actions in relation to the Global Integrated Shipping Information System to achieve this objective.

5.55 The Committee referred document MSC 79/5/13 to the MSWG and instructed it to advise the Committee on the proposal relating to the sharing of information on maritime security contained therein.

FALSE SECURITY ALERTS – DISTRESS/SECURITY DOUBLE ALERTS

5.56 The Committee recalled that MSC 78 had considered the proposals of France (MSC 78/7/3), in relation to “false security alerts” and “distress/security double alerts” and that, with respect to “false security alerts”, France had proposed that the Committee should explore what might be done, during the period between the time a ship-to-shore security alert is received for the first time ashore and the time competent authorities start intervening. With respect to “distress/security double alerts”, France had suggested that the Committee should consider the recommended actions in the event of a distress/security double alert.

5.57 The Committee further recalled that, bearing in mind the need to identify the nature and extent of the aspects involved, it had decided to consider the proposals of France in relation to “false security alerts” and “distress/security double alerts” further at MSC 79 in the light of the experience gained and that, in this respect, MSC 78 had invited Member Governments and international organizations to submit information and data in relation to actual cases they might experience during the period between 1 July 2004 and 15 October 2004; decided that the information and data to be submitted did not necessarily need to identify the particular ships involved in the specific incidents to be reported; and approved MSC/Circ.1109 on False security alerts and distress/security double alerts.

5.58 The Committee noted that, until 15 October 2004, the Secretariat (MSC 79/5/4, paragraphs 3 to 5 and MSC 79/5/4/Add.1) had received no response to either paragraph 7.46 of document MSC 78/26 or paragraph 7 of MSC/Circ.1109 or any other submissions providing information or data relating to actual cases of “false security alerts” and “distress/security double alerts” experienced since 1 July 2004. However, the Secretariat informed the Committee that it had received, after 15 October 2004, from Brazil and Japan the information appearing in annex 4 to document MSC 79/WP.1.

5.59 The Committee, bearing in mind the provisions of SOLAS regulation XI-2/6.1 with respect to ships constructed before 1 July 2004, agreed that it was probable, at this stage, that the number of ships which had been provided, until now, with SSAS might be small. As a result, the Committee concluded that, at this stage, there was no need for action to be taken in relation to

this issue on the understanding that the Committee would reconsider the issue on a future occasion based on the information to be made available to the Organization. The Committee therefore agreed to leave open the invitation to submit information and data relating to actual cases of “false security alerts” and “distress/security double alerts” to future sessions and instructed the MSWG to prepare, for the approval of the Committee, a draft new MSC circular which would address the issues covered in MSC/Circ.1109 on False security alerts and distress/security double alerts and which would extend the invitation for submission of information relating to false security alerts and distress/security double alerts.

PRIORITY OF SHIP SECURITY ALERT SYSTEMS

5.60 The Committee considered document MSC 79/5/6 (Italy) pointing out that, so far, no routing priority had been assigned to the ship security alert signal and highlighting, as a result, potential difficulties that might be experienced unless satellite ship security alerts were assigned a priority higher than routine. It was also pointed out that some countries did not accept distress priority as appropriate for the ship security alert signal.

5.61 The Committee recalled that, during MSC 78, the MSWG had identified that the current performance standards for ship security alert systems do not envisage any priority for the ship security alert signal and MSC 78 had already instructed (MSC 78/26, paragraph 7.111) the COMSAR Sub-Committee to consider and address, during its next session in February 2005, the priority of the ship security alert signal.

5.62 The Committee expressed appreciation to Italy for raising the matter anew and referred document MSC 79/5/6 to COMSAR 9 for consideration.

FREELY AVAILABLE AIS-GENERATED SHIP DATA AND THE ATTENDANT SECURITY RISKS

5.63 The Committee considered document MSC 79/5/10 (BIMCO *et al*) highlighting risks to the security of ships as a result of publishing on a freely available and public website ship related information and inviting the Committee to take action in this respect.

5.64 The Committee, noting the inherent security risks involved, referred document MSC 79/5/10 to the MSWG and instructed it to advise the Committee on the question of freely available AIS-generated ship data and the attendant security risks raised therein.

LONG-RANGE IDENTIFICATION AND TRACKING (LRIT)

Purpose and scope of LRIT

5.65 The Committee recalled that MSC 78, when considering the outcome of COMSAR 8 in relation to long-range identification and tracking (LRIT) had noted that a number of delegations were putting forward proposals to expand the scope of LRIT from being a security tool to a tool which might be used for safety and pollution prevention purposes.

5.66 The Committee further recalled that MSC 78 had agreed that it should consider the matter and define, before COMSAR 9, the purpose and scope of LRIT, so as to enable COMSAR 9 to proceed with its assigned work and invited interested parties to make submissions to this end for consideration by MSC 79.

5.67 The Committee considered document MSC 79/5/12 (Australia) exploring the possibility of using LRIT-sourced ship position data for multiple purposes, such as security and ship

reporting systems and concluding that the ship identity and position data sourced from an LRIT system could be used for other ship tracking systems sponsored by IMO. In the view of Australia, these included ship reporting systems for search and rescue purposes, ship reporting systems for navigational safety and pollution prevention and potentially vessel traffic services. Australia suggested that this approach could limit the demands upon ships and potentially reduce costs for SOLAS Contracting Governments. The LRIT-sourced data would not replace the need for the other systems but should rather be viewed as a potential source of position data to feed these reporting systems. SOLAS Contracting Governments could be authorized to subscribe to the LRIT service provider for the data they require for their respective areas at the data rates required to satisfy their various systems. Australia invited the Committee to consider broadening the scope of LRIT as they have outlined in their submission.

5.68 The Committee supported the Australian proposal and agreed that the purpose and scope of LRIT should be extended to include safety and environmental protection applications, subject to the resolution of the technical issues by the COMSAR Sub-Committee. However, before being able to embark on the detailed technical consideration of the extension of LRIT by the COMSAR Sub-Committee it would be necessary for the Committee to define the safety applications and for the Marine Environment Protection Committee to define the environmental protection applications for which LRIT would be used.

5.69 During the discussion of the proposed extension of the purpose and scope of LRIT, a number of delegations proposed the use of LRIT information for search and rescue purposes. In this respect, the Committee recalled that the work carried out by COMSAR 8 in relation to LRIT, which had been considered by MSC 78 (MSC 78/26, paragraphs 7.32.9 and 7.98 and COMSAR 8/WP.5/Rev.1, annex 1), already specified, in the proposed new SOLAS regulation, that “SOLAS Contracting Governments may seek to receive or may make use of identification and tracking information they may have received in relation to the rescue of persons in distress at sea.

5.70 During consideration of the issue, it was pointed out that there was a need to address the security of data to be transmitted so as to prevent any unauthorized interception. In this respect, the Committee also recalled that, when MSC 78 had considered the work of COMSAR 8 on the matter, it had concurred (MSC 78/26, paragraphs 7.32.5.3, 7.32.6, 7.32.7 and 7.98 and COMSAR 8/WP.5/Rev.1, paragraphs 26 to 28) with the view of COMSAR 8 that, *inter alia*, it would be necessary to develop and agree to the security requirements to be complied with by LRIT systems, including the level of security and encryption which needed to be applied during the transmission of the LRIT information; the security-related aspects to be complied with by LRIT service providers; and that the LRIT systems should be designed to ensure the integrity of the data and to prevent the intentional or accidental transmission of false information.

5.71 The delegation of the United States expressed the view that, if COMSAR 9 was to be instructed to commence work on the extension of the purpose and scope of LRIT so as to include safety and environmental protection applications, this might delay the completion of the work which COMSAR 9 needed to undertake, following the instructions of MSC 78, so as to enable MSC 80 to consider and adopt the required amendments to SOLAS chapter XI-2 in order to make LRIT mandatory.

5.72 The Committee agreed that COMSAR 9 should be advised to bear in mind that the ultimate objective was to extend, at the appropriate time, the purpose and scope of LRIT to include safety and environmental protection applications. Nevertheless, COMSAR 9 should proceed, as instructed by MSC 78, with the development of LRIT as a tool which SOLAS Contracting Governments may use for the enhancement of maritime security. In addition, and as

agreed by MSC 78, the ability of any SOLAS Contracting Government to use, or to seek to obtain, the LRIT information for the rescue of persons at sea should be retained.

5.73 The Committee was advised that, apart from the document submitted by the Secretariat as a report on the outcome of the consideration of the work of COMSAR 8 by MSC 78 and an information document from IALA reporting the outcome of an IALA seminar on long-range tracking held in Victoria (Canada) during last November, no substantive documents on LRIT had been submitted until 2 December 2004, for consideration at COMSAR 9. Noting that the deadline for the submission of non-bulky documents to COMSAR 9 was 3 December 2004, the Committee, with the concurrence of the Chairman of the COMSAR Sub-Committee, decided to extend the deadline for the submission to COMSAR 9 of documents relating to LRIT, to 17 December 2004 for non-bulky documents and to 31 December 2004 for commenting documents of 4 pages or less.

Impact assessment

5.74 The Committee recalled that:

- .1 MSC 78 had noted that, during COMSAR 8, some delegations had expressed the view that a cost benefit analysis and study needed to be undertaken before the issue of LRIT could be pursued further;
- .2 operative paragraph 2 of resolution 3 of the 2002 SOLAS Conference invited the Organization to carry out, as a matter of urgency, an impact assessment of the proposals to implement the long-range identification and tracking of ships and, if found necessary, to develop and adopt appropriate performance standards and guidelines for long-range ship identification and tracking systems, and that no such study had been undertaken so far;
- .3 MSC 78, when considering the report of the MSWG, had noted that the MSWG had concluded that the material available so far, on which an impact assessment may be based, is very limited and thus the possible outcome of any impact assessment on LRIT might be diverse and misleading and might even be disputed;
- .4 MSC 78 had agreed that, in the light of the conclusions of the MSWG in relation to the outcome of COMSAR 8 relating to LRIT and on the role of the Organization in collecting, storing and disseminating the LRIT information, the conduct of the impact assessment, as suggested in operative paragraph 2 of Conference resolution 3 was, at that stage, not practically possible;
- .5 MSC 78 had noted that the MSWG had also agreed that if, in addition to security, the purpose of LRIT was to be expanded to include safety and pollution prevention aspects, or if the architecture of LRIT envisaged by COMSAR 8 was to be amended (for example, in such a way as to require the installation on board of dedicated equipment), then the issue of the impact assessment might need to be reconsidered; and
- .6 MSC 78 had agreed to consider the issue of the impact assessment further at this session.

5.75 The Committee, recalling its decision at MSC 78 and bearing in mind that no proposals had been received on this issue, instructed the MSWG, if there was sufficient time, to advise the

Committee on the elements to be included in the impact assessment on LRIT, bearing in mind operative paragraph 2 of resolution 3 of the 2002 SOLAS Conference.

SECRETARIAT ACTIVITIES TO FACILITATE THE IMPLEMENTATION OF THE ISPS CODE

5.76 The Committee noted that the information provided in document MSC 79/5/1 (Secretariat), relating to the status, as of 1 September 2004, of the implementation of the special measures to enhance maritime security detailed in SOLAS chapter XI-2 and the ISPS Code; the information on the capacity-building activities of the Secretariat; and the status of the technical co-operation funds.

5.77 The Committee further noted that C 93 (15 to 19 November 2004) considered document C 93/4/Add.1 which, in essence, covered the issues which were addressed in document MSC 79/5/1 and:

- .1 noted, with satisfaction, the progress relating to the implementation of the special measures to enhance maritime security adopted by the Organization in 2002 and that, based on the information available to date, the entry into force of SOLAS chapter XI-2 and the ISPS Code had not caused any significant disruption to world trade;
- .2 requested the Committee to continue, in co-operation with the Technical Co-operation Committee, its work on the implementation of SOLAS chapter XI-2 and the ISPS Code and to take appropriate action on issues brought to its attention that may necessitate either inclusion in, or updating of, the two instruments;
- .3 agreed that, in the context of enhancement of security in the international maritime transport sector, the Organization should continue the delivery of technical assistance to, and capacity-building of, SOLAS Contracting Governments and other IMO Members seeking such assistance through the Organization; and
- .4 urged Member States, organizations, institutions, shipping companies and individuals to provide financial support to the International Maritime Security Trust Fund.

5.78 The Committee also noted the information provided in annexes 1 to 3 to document MSC 79/WP.1 (Secretariat), relating to the status, as of 29 November 2004, of the implementation of the special measures to enhance maritime security detailed in SOLAS chapter XI-2 and the ISPS Code and instructed the MSWG to advise the Committee on:

- .1 actions to be undertaken so as to ensure that all SOLAS Contracting Governments communicate to the Organization and maintain and update the information specified in SOLAS regulation XI-2/13; and
- .2 capacity-building activities which need to be undertaken during 2005 and during the 2006-2007 biennium.

5.79 The Committee expressed appreciation to the Secretariat for its tireless work undertaken throughout the implementation phase of SOLAS chapter XI-2 and the ISPS Code.

REPORT OF THE HEADS OF ASIAN COAST GUARD AGENCIES MEETING IN TOKYO

5.80 The delegation of Japan (MSC 79/INF.6) referred to the outcome of the Heads of Asian Coast Guard Agencies Meeting held in Tokyo, during which representatives of 16 States and one area and 12 observers participated and discussed various matters related to combating piracy and armed robbery against ships and maritime terrorism among Asian States. At the meeting, the Asia Maritime Security Initiative 2004 was adopted (MSC 79/INF.6, annex), in order to demonstrate the agencies' resolve to co-ordinate and co-operate in the enhancement of maritime security.

5.81 The Committee noted the information provided by Japan in document MSC 79/INF.6 and the statements made, in this respect, by the delegations of China, Indonesia and the Republic of Korea. The Committee further agreed that the matter could be discussed further under agenda item 16 (Piracy and armed robbery against ships), should any of the participants or observers wish to make any comments on the matter.

ESTABLISHMENT OF THE WORKING GROUP

5.82 The Committee re-established the Maritime Security Working Group (MSWG) and instructed it, taking into account the related documents, the comments made and the decisions taken, in relation to each issue during the consideration of the matter in plenary, to:

- .1 advise the Committee on the question of the Standardized format of information to be submitted by a ship prior to its arrival in port (Related documents: paragraphs 10 to 19 and annex to MSC 79/5 (Secretariat), MSC 79/5/5 (United Kingdom) and MSC 79/5/8 (BIMCO *et al*)). In this respect, the working group should:
 - .1 develop a standardized form as a means of providing, prior to arrival in port, the minimum security-related information which may be requested in accordance with the provisions of SOLAS chapter XI-2 and the ISPS Code;
 - .2 consider, in the context of SOLAS regulations XI-2/9.2.1.1 to XI-2/9.2.1.5, the data set which has been developed by FAL 31, with a view to advising the Committee as to whether the FAL Committee should be informed that the suggested data set includes the security-related information a ship might expect to provide prior to its arrival in port, if it is requested to do so;
 - .3 consider and advise the Committee, so as to enable it to advise the FAL Committee, whether the data set which FAL 31 has developed should include appropriate elements relating to the provisions of SOLAS regulation XI-2/9.2.1.6 and, if so, which elements would need to be included;
 - .4 on the understanding that the Committee has accepted the need to establish a minimum time period for submission of the information by the ship prior to its arrival in port, and that it has agreed on a recommended default minimum period for the submission of such information not to be less than 24 hours, advise the Committee whether the 24 hour time period is adequate or whether it should be extended;

- .2 develop, for the consideration of the Committee, a draft MSC circular on self-assessment questionnaire(s) together with the associated guidance on how to conduct a self-assessment. The purpose of the self-assessment questionnaire is to assist SOLAS Contracting Governments in the implementation of, and the maintenance of compliance with, the requirements of SOLAS chapter XI-2 and the ISPS Code. The self-assessment questionnaire(s) is/are not intended for use in third party or external audits of the security measures implemented by a SOLAS Contracting Government. The self-assessment questionnaire(s) should address the duties and responsibilities of SOLAS Contracting Governments relating to the port facilities located within their respective territories. The working group should also consider and advise the Committee when the proposed self-assessment questionnaire(s) are to be adopted. (Related documents: MSC 79/5/2 (Japan and United States), MSC 79/5/15 (Republic of Korea) and MSC 79/5/14 (BIMCO *et al*));
- .3 advise the Committee on the issues which have arisen following the entry into force of SOLAS chapter XI-2 and the ISPS Code. Particularly, the working group should advise the Committee:
 - .1 on matters relating to the interpretation and application of the provisions of SOLAS chapter XI-2 and of the ISPS Code raised in documents MSC 79/5/3 (France), MSC 79/5/7 (BIMCO *et al*) and MSC 79/5/17 (Colombia);
 - .2 on the question relating to the legal status of a ship's security level raised in document MSC 79/5/9 (BIMCO *et al*);
 - .3 on the question of the obligation of a SOLAS Contracting Government to notify, when exercising control and compliance measures pursuant to the provisions of SOLAS regulation XI-2, the flag State of the ship involved as a result of the issues raised in document MSC 79/5/13 (Marshall Islands); and
 - .4 on the proposal relating to the sharing of information on maritime security contained in document MSC 79/5/13 (Japan);
- .4 prepare, for the approval of the Committee, a draft new MSC circular addressing the issues covered in MSC/Circ.1109 on False security alerts and distress/security double alerts and which will extend the invitation for submission of information relating to false security alerts and distress/security double alerts;
- .5 advise the Committee on the question of freely available AIS-generated ship data and the attendant security risks (Related document: MSC 79/5/10 (BIMCO *et al*);
- .6 if there is sufficient time, advise the Committee on the elements to be included in the impact assessment on LRIT, bearing in mind operative paragraph 2 of resolution 3 of the 2002 SOLAS Conference;
- .7 consider the statistical information relating to the current status of implementation of SOLAS chapter XI-2 and the ISPS Code with a view to advising the Committee on:

- .1 actions to be undertaken so as to ensure that all SOLAS Contracting Governments communicate to the Organization and maintain update the information specified in SOLAS regulation XI-2/13 (Related documents: MSC 79/5/1 (Secretariat) and MSC 79/WP.1 (Secretariat)); and
- .2 capacity-building activities which need to be undertaken during 2005 and during the 2006-2007 biennium;
- .8 consider, in the context of resolution A.924(23), bearing in mind that C 93 has considered and approved the outcome of FAL 31, the decision of FAL 31 to retain on its agenda and work programme the item on “Measures to enhance maritime security: Facilitation aspects” (MSC 79/5, paragraph 20 and document FAL 31/20, paragraphs 12.29 to 12.43) with a view to advising the Committee on any information which may need to be communicated to the FAL Committee with a view of delineating the activities to be undertaken; and
- .9 submit a report to plenary by Thursday, 9 December 2004.

ACTION AFTER CONSIDERATION OF THE MSWG’S REPORT

5.83 Having received the report of the Maritime Security Working Group (MSC 79/WP.7, MSC 79/WP.7/Add.1 and MSC 79/WP.7/Add.2), the Committee noted the actions taken on the various documents and proposals submitted and the outcome of the MSWG’s considerations; approved the report in general; and took action as set out in the ensuing paragraphs.

Minimum security-related information

5.84 The Committee noted that the MSWG, in the context of SOLAS regulation XI-2/9, the guidance provided in paragraphs B/4.29 to B/4.40 of the ISPS Code and resolution MSC.159(78) on Interim guidance on control and compliance measures to enhance maritime security, had developed guidance material and a standard data set in respect of the issue of the security-related information a ship might be expected to provide prior to its entry into a port of a SOLAS Contracting Government.

5.85 The Committee agreed that the “Gross tonnage” of the ship (item 1.8 of the standard data set) should be included in the particulars of the ship to be reported.

5.86 The Committee further agreed to authorize the Secretariat to effect any consequential amendments to the standard data set with respect to the reporting of the “Company identification number¹”.

5.87 The Committee agreed that prescribing a specific form or developing a specific format was premature and decided to keep the issue of the standard data set under review and to reconsider this issue at a later stage when SOLAS Contracting Governments have gained practical experience of using the standard data.

5.88 The Committee agreed that the finalized standard data set should be included in part B of the ISPS Code.

¹ Refer to resolution MSC.160(78) - Adoption of the IMO Unique Company and Registered Owner Identification Number Scheme.

5.89 Subject to the consequential amendments necessary in the light of paragraphs 5.85 and 5.86 above, the Committee approved MSC/Circ.1130 on Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port.

Advice to the FAL Committee

5.90 The Committee agreed to express their appreciation to the FAL Committee for the work done so far and to advise them that, in the light of the work done by the Committee, there was no need for the FAL Committee to continue its work on the development of a data set of security-related information a ship might be expected to provide prior to its entry into port.

5.91 The Committee agreed to advise the FAL Committee that even though the standard data set contained in MSC/Circ.1130 was subject to review and amendment by the Committee, the FAL Committee was requested to commence the development of an electronic data interchange message (EDI message), for joint adoption by the Committee and the FAL Committee, and for inclusion in the IMO Compendium on Facilitation and Electronic Business, through which the standard data set could be transmitted electronically.

The 24 hour default minimum period for the submission of security-related information

5.92 The Committee noted that the MSWG had agreed that the 24 hour default minimum period for the submission of security-related information was, as a default time period, adequate and recommended.

SELF-ASSESSMENT QUESTIONNAIRE(S) TO ASSIST SOLAS CONTRACTING GOVERNMENTS IN THE IMPLEMENTATION OF, AND THE MAINTENANCE OF COMPLIANCE WITH, THE REQUIREMENTS OF SOLAS CHAPTER XI-2 AND OF THE ISPS CODE

5.93 The Committee approved MSC/Circ.1131 on Interim Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities.

ISSUES WHICH HAVE ARISEN FOLLOWING THE ENTRY INTO FORCE OF SOLAS CHAPTER XI-2 AND THE ISPS CODE

Matters relating to the interpretation and application of the provisions of SOLAS chapter XI-2 and of the ISPS Code

5.94 The Committee approved MSC/Circ.1132 on Guidance relating to the implementation of SOLAS chapter XI-2 and of the ISPS Code.

5.95 The Committee approved the establishment of a correspondence group, co-ordinated by France^{*}, with the terms of reference to develop, based on the preparatory work of the MSWG set out in annex 6 of document MSC 79/WP.7/Add.1, the Guidance on the access of public authorities, emergency response services and pilots on board ships to which SOLAS chapter XI-2 and the ISPS Code apply, for consideration by MSC 80.

*
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SOLAS regulation XI-2/9 – Obligation to notify the flag State of the ship involved

5.96 The Committee approved MSC/Circ.1133 on Reminder of the obligation to notify flag States when exercising control and compliance measures.

Sharing of information on maritime security

5.97 Noting the discussions of the MSWG in relation to the sharing of information on maritime security, in general, the Committee:

- .1 noted that the MSWG had agreed that the ISPS Code Database should be modified so as to enable SOLAS Contracting Governments to post, on a voluntary basis, the security level applicable to each of the port facilities located within their respective territories;
- .2 agreed that, before such a task was undertaken it would be necessary for the Committee to discuss the issue with a view to providing guidance to the Secretariat on what was to be expected;
- .3 noted that the MSWG had agreed that the ISPS Code Database should not be modified so as to enable Administrations to post the security level applicable to the ships flying their respective flags;
- .4 noted that the MSWG had agreed that it would be very helpful if the information posted in the ISPS Code Database could be downloaded in an electronic format which could then be processed for communication purposes and further noted that, until the required changes in the ISPS Code Database were implemented, the Secretariat was willing to provide such information in an excel format on request; and
- .5 noted that the MSWG had agreed that the simplification of the procedures of communication required under section A/7.8 of the ISPS Code would require possibly amendments to the ISPS Code and, at this stage, it was premature to pursue this proposal further.

FALSE SECURITY ALERTS AND DISTRESS/SECURITY DOUBLE ALERTS

5.98 The Committee approved MSC/Circ.1109/Rev.1 on False security alerts and distress/security double alerts replacing, in essence, MSC/Circ.1109.

FREELY AVAILABLE AIS-GENERATED SHIP DATA AND THE ATTENDANT SECURITY RISKS

5.99 Noting the discussions of the MSWG in relation to the freely available AIS-generated ship data on the world-wide web, the Committee:

- .1 agreed that the publication on the world-wide web or elsewhere of AIS data transmitted by ships could be detrimental to the safety and security of ships and port facilities and was undermining the efforts of the Organization and its Member States to enhance the safety of navigation and security in the international maritime transport sector;

- .2 urged masters of ships, notwithstanding the provisions of the Guidelines for the on-board operational use of automatic identification systems (AIS), adopted by the Organization by resolution A.917(22), as amended by resolution A.956(23), not to switch off the ship's AIS on account of the publication on the world-wide web or elsewhere of the AIS data transmitted by their ships;
- .3 urged Member Governments, subject to the provisions of their national laws, to discourage those who make available AIS data to others for publication on the world-wide web, or elsewhere, from doing so;
- .4 condemned the regrettable publication on the world-wide web or elsewhere of AIS data transmitted by ships;
- .5 condemned those who irresponsibly publish AIS data transmitted by ships on the world-wide web or elsewhere, particularly if these offer other services to the shipping and port industries; and
- .6 requested the Secretary-General to bring to the attention of those who publish or who may publish AIS data transmitted by ships on the world-wide web or elsewhere, the conclusions of the Committee.

5.100 The Committee further instructed the COMSAR Sub-Committee to bear in mind the lessons learnt from the publication on the world-wide web or elsewhere, of AIS data transmitted by ships when developing the LRIT system.

IMPACT ASSESSMENT ON LRIT

5.101 The Committee noted the discussion of the MSWG on the question of the impact study of LRIT and agreed that the conduct of an impact study had been overtaken by events and as such was no longer necessary.

STATUS OF IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE

Status of implementation of SOLAS chapter XI-2 and the ISPS Code and Communication of information pursuant to SOLAS regulation XI-2/13

5.102 In noting the discussions of the MSWG on the status of implementation of SOLAS chapter XI-2 and the ISPS Code, and on Communication of information pursuant to SOLAS regulation XI-2/13, the Committee:

- .1 instructed the Secretariat to issue a circular letter reminding SOLAS Contracting Governments of their obligation to communicate to the Organization information pursuant to the provisions of SOLAS regulation XI-2/13 and implications for Governments and the industry of the failure to do so. In addition, the suggested circular letter should offer, based on the more common occurring errors or omission, guidance on the required corrections to the information submitted in the ISPS Code Database;
- .2 instructed the Secretariat to communicate with the SOLAS Contracting Governments which either have not yet submitted the required information or have submitted incomplete information, with a view to assisting the States concerned in rectifying the matter; and

- .3 instructed the Secretariat to periodically review the information posted on the ISPS Code Database and to communicate, as necessary, with the SOLAS Contracting Governments concerned, with a view to ensuring that the information provided was in line with, and serves the purpose and objectives of, the special measures to enhance maritime security.

Capacity-building activities

5.103 The Committee, having noted the capacity-building activities planned for 2005 and the anticipated new technical co-operation activities proposed for the 2006 – 2007 biennium reported to the MSWG:

- .1 urged SOLAS Contracting Governments and industry to contribute to IMO's technical co-operation programme, in general, and the International Maritime Security Trust Fund, in particular;
- .2 noted that the MSWG had acknowledged and appreciated the contribution made by the Global Technical Co-operation Programme on Maritime Security to raising the standard of maritime security globally; and
- .3 urged SOLAS Contracting Governments and the industry to make experts with practical experience of the implementation of security measures available to assist in future technical co-operation projects for capacity-building.

MEASURES TO ENHANCE MARITIME SECURITY: FACILITATION ASPECTS

5.104 The Committee noted that the MSWG had concluded that the approach taken by the FAL Committee was a sound one and that the two Committees should co-operate, within their respective mandates, and co-ordinate their activities with a view to enhancing security whilst, at the same time, maintaining a reasonable balance of facilitation of maritime traffic. In addition, the approach taken by FAL 31 was delineating, by itself, the activities and the involvement of the two Committees, as far as the establishment of security-related requirements was concerned.

OTHER MATTERS DISCUSSED BY THE MSWG

The ISPS Code Database

5.105 The Committee noted that the MSWG had requested the Secretariat to improve the functionality and user friendliness of the ISPS Code Database.

The need for a single publication

5.106 Noting the discussion in relation to the need to have a single maritime security publication consolidating the work done by the Organization so far, the Committee instructed the Secretariat to review and to consolidate, under the direction of the Chairman of the Committee, the various MSC circulars which have been approved by the Committee so far in relation to the enhancement of maritime security which eventually should replace the existing ones.

APPRECIATION OF THE SERVICES RENDERED BY MR. JAMES FRANCIS WALL

5.107 The Committee was advised by Mr. James Francis Wall (United Kingdom), Chairman of the MSWG, that this was the last time he was chairing the group.

5.108 The Committee expressed its deep and sincere appreciation to Mr. Wall for the services he has rendered to the Committee by chairing and steering the MSWG through, on occasions, turbulent times and controversial issues and wished him a long and happy retirement and the best for the future.

6 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

6.1 The Committee recalled that MSC 78 had continued the consideration of the development of goal-based standards (GBS) started at MSC 77 and had had an extensive debate on the subject. MSC 78 had concluded that there was general agreement on the establishment of a working group at this session and that document MSC 78/6/2 should be used as a basis for the work of the group which should also take into account the other documents submitted to MSC 78 and the comments made in plenary during that session. MSC 78 emphasized that the working group should also bear in mind environmental, human element and security issues. It was agreed that, for the time being, the work on GBS should remain under the auspices of the Committee, in consultation with the sub-committees, as and when necessary, in the understanding that the MEPC would consider the issue from the environmental protection point of view and provide its contribution for discussion at the MSC and its working group.

6.2 The Committee was advised by the Chairman that the intention was that the goal-based standards be developed to form the foundation for the future advance of international regulatory standards. He recalled that MSC 78 had agreed that the goals set for the Tier I should not be prescriptive – that was inherent in the standards being goal-based, and that the goals should identify what Member States wished to see achieved. The objectives should be clear and measurable, they should define the steps required to satisfy the goals, and the proposal to MSC 78 from the Bahamas, Greece and IACS (MSC 78/6/2) was a first effort to define those steps. It was the Chairman's view that, in order to have a level playing field for the whole of the international maritime industry, the GBS performance requirements should be sufficient for classification societies to develop definitive prescriptive standards that can be applied and implemented consistently on a world-wide basis. At each stage of construction, maintenance and operation, it should be possible to demonstrate and, more importantly, verify that the ship structure and design comply with the IMO GBS. He further stated that it should also be ensured that there was very limited scope for varying standards depending on where, or for whom, the ship was being built. GBS set by IMO should be readily and universally understood, unambiguous and capable of being assessed as being achieved by the prescriptive standards to be set. While it needed to be recognized that the goals would be set for a long time, it should also be accepted that the actual acceptable limits will change as technology progresses and public/political perception changes.

6.3 The Committee agreed that, in view of the large number of submissions received, it would not be conducive to the proceedings to have them all introduced in plenary. Instead, the issues for consideration in document MSC 79/6/1 and the five-tier system proposed in document MSC 78/6/2 were considered by going through the questions posed in document MSC 79/6/1 one-by-one with a view to reaching an agreed basic position of the Committee on each of the questions. The Committee then briefly considered the remaining documents containing further suggestions and proposals, without having them introduced in plenary.

6.4 The Committee noted document MSC 79/6 (Secretariat) providing a background summary of the item and document MSC 79/6/1 (Chairman) inviting comments on ten potential subjects for consideration.

Consideration of the questions in the annex to document MSC 79/6/1

6.5 The Committee had for its consideration documents MSC 79/6/2 (Marshall Islands), MSC 79/6/4 (Poland), MSC 79/6/8 (Greece), MSC 79/6/9 (ICS), MSC 79/6/10 (Ireland), MSC 79/6/11 and MSC 79/6/12 and Corr.1 (Brazil), MSC 79/6/13 and MSC 79/6/14 (Republic of Korea), MSC 79/6/15 and MSC 79/INF.5 (Denmark, Iceland, Norway and Faroe Islands, Denmark), MSC 79/6/16 (Canada), MSC 79/6/17 (United States), MSC 79/6/18 (Islamic Republic of Iran), MSC 79/6/20 (Bahamas), MSC 79/6/21 (IACS), MSC 79/6/22 (Japan), MSC 79/6/23 (Spain), MSC 79/6/24 (United Kingdom) and MSC 79/6/26 (INTERTANKO).

6.6 Following consideration of ten potential issues presented in document MSC 79/6/1 and comments thereon made in the aforementioned documents, the Committee agreed, in general, with the following basic understanding on which further work on GBS should be progressed:

- .1 GBS should be broad, over-arching goals against which ship safety should be verified at design and construction stages and during ship operation. They are not intended to set prescriptive requirements or to give specific solutions. Therefore, a definition of goal-based standards should be developed by the working group to be established, which should limit the scope of its work to GBS for new ship construction only, at the initial stage of the work;
- .2 the safety objectives in Tier I could be supported in general; however, it was emphasized that the specifics of the proposed framework need significant further discussion and development. Additional items for inclusion in GBS were identified, such as maintenance, repair, operation, residual strength, building materials and recycling;
- .3 the functional requirements in Tier II could be supported in general, subject to further discussion and consideration. In addition, new items for inclusion were identified, such as design accessibility, structural strength/reliability and maintenance. It was recognized that Tiers I and II needed to be further aligned which might necessitate the re-arrangement of items in the tiers;
- .4 in the longer term, GBS should be extended to cover all main functions of the ship, but only after experience has been gained with GBS for ship construction;
- .5 Tier II should include explicit quantitative safety and environmental acceptance criteria, in order to avoid differing interpretations. However, it was recognized that this could limit flexibility in construction and it was agreed that the working group should give special attention to this issue;
- .6 compliance with GBS should be verified through a combination of review of design plans, construction surveys and periodic surveys throughout the ship's life by Administrations and/or recognized organizations acting on their behalf;
- .7 a verification system was necessary. However, in the course of the discussion, opinions were divided whether this should be done by Administrations, IMO,

IACS or the classification societies themselves. It was agreed that this item needed to be addressed in some detail, but that this could be done at a later stage in the process of the development of GBS;

- .8 the development of a Ship construction file and a Ship inspection and maintenance file should be undertaken, however, the details of the concrete contents of these files should be discussed at a later stage; and
- .9 survey regimes would need to be modified, but that it was premature to discuss the matter at this point in time.

6.7 The Committee, having confirmed that Tiers I to III referred to in document MSC 78/6/2 constituted the goal-based standards to be developed by IMO, agreed, with regard to the establishment of high-level performance goals (so called Tier 0), that this could be dealt with at a later stage, in order to link goal-based standards for various issues.

6.8 The Committee agreed to request the MEPC to consider the environmental aspects of the goal-based standards taking into account the recommendations on the issue to be made by the working group.

6.9 The Committee briefly discussed the link between goal-based standards, in particular the monitoring and verification aspect, and the Voluntary IMO Member State Audit Scheme currently under development and agreed that the matter should not be considered at this point in time.

Evaluation of the current safety level of existing mandatory regulations

6.10 The Committee considered document MSC 79/6/3 (Germany) inviting the Committee to consider a holistic approach in the development of a goal-based regulatory framework for ship construction standards; to task the working group to define a procedure for the risk-based evaluation of the current safety level of existing mandatory regulations related to ship safety; and to consider ways forward to establish future risk acceptance criteria using FSA.

6.11 The Committee, having agreed with the general concept, presented in the submission, that the current safety levels of existing mandatory IMO regulations should be assessed, decided, however, that the working group to be established should not be given such an enormous task at this session. It was agreed to consider the proposals contained in the document further when the FSA-related submissions under this agenda item were discussed under agenda item 15 (Formal safety assessment) (see paragraph 15.9.5).

Formal safety assessment and goal-based standards

6.12 The Committee had for its consideration the following submissions:

- .1 document MSC 79/6/19 (Bahamas) considering the limitations of FSA and the need to appreciate its limitations before its full potential could be realized, how FSA could be improved and briefly looking at the role which goal-based standards could play in this improvement; and
- .2 document MSC 79/6/25 (United Kingdom) addressing the crucially important question of the relationship between goal-based standards and the development of

prescriptive regulations and discussing the relationship between the roles of FSA and GBS in the IMO decision making process.

6.13 The Committee agreed that the two subjects, i.e. goal-based standards and formal safety assessment should be kept separate for the time being. While it was recognized that FSA will help in developing GBS, there was agreement that it could be applied for this purpose but only at a later stage. The Committee therefore agreed to further discuss the above two documents under agenda item 15 (Formal safety assessment).

Ship safety assurance system

6.14 The Committee considered document MSC 79/6/5 (Poland) proposing the concept of a ship safety assurance system, whereby below the GBS two lower levels are introduced, namely the level of ship construction quality which should be determined by ship construction quality requirements (SCQR), which meet the GBS prerequisites for the quality of ship construction and the level of a ship's technical condition which should be determined by the ship structure condition requirements (SSCR) which meet the GBS prerequisites concerning the ship's technical condition during operation. The Committee agreed that the document should be further considered by the working group.

Issues for further development

6.15 The Committee considered document MSC 79/6/6 and Corr.1 (India) addressing issues regarding the development and implementation aspects of GBS in the light of accountability, universality, enforcement and feedback for the maritime regulatory regime and proposing to use the "Goal tree – Success Tree Concept", described in the document, as methodology for the calibration of the new standards. They also proposed the establishment of a unified class notation system, taking into account the newly developed IACS Common Rules for Tankers and Bulk Carriers. The Committee agreed to refer the document to the working group for further consideration.

Role of the human element

6.16 The Committee considered document MSC 79/6/7 (Denmark and United Kingdom) stating that the introduction of GBS had implications for operation and maintenance; inviting the Committee to consider the specific application of human element principles and goals to the development and application of such construction standards; and proposing to task the Joint MSC/MEPC Working Group on Human Element to assist in the development and implementation of a structured approach to considering the human element. The Committee instructed the working group to give initial consideration to the issue with a view to developing relevant feedback to the Joint MSC/MEPC Working Group on Human Element, as appropriate.

Establishment of the working group

6.17 As agreed at MSC 78, the Committee established the Working Group on Goal-based Standards and instructed it to consider the documents submitted to this session and to MSC 78, taking into account comments and proposals made in plenary and, in particular, to:

- .1 prepare an outline of the basic principles of "goal-based standards";

- .2 develop the framework of a five-tier system for goal-based new ship construction standards, using document MSC 78/6/2 as a basis and taking into account the submissions to this session and to MSC 78, and in particular:
 - .2.1 the safety objectives in Tier I, including a working description of each objective;
 - .2.2 the functional requirements in Tier II, including a working description of each requirement, relating them to the safety objectives in Tier I; and
 - .2.3 the associated Tier III verification compliance criteria for the functional requirements in Tier II;
- .3 identify any other fundamental subjects the Committee should consider at this stage in the context of the goal-based standards and provide appropriate recommendations;
- .4 give preliminary consideration to the issue of how the provisions of the goal-based standards could be incorporated in the appropriate IMO instruments;
- .5 develop a plan for the future work to be carried out under the item; and
- .6 submit a brief oral report on progress made to the Committee on Thursday, 9 December 2004, and prepare a full written report immediately after the meeting for submission to MSC 80.

Consideration of the working group's report

6.18 The Committee received an oral report of the Chairman of the working group and noted, in particular, the following points:

- .1 the group considered and developed basic principles for IMO goal-based standards, largely based on the input received from the responses to the questions posed by the Chairman of the MSC in document MSC 79/6/1. These principles, as developed, are meant to be applicable for all goal-based standards to be developed by IMO. They are not considered to be a final recommendation, and the group agreed that they should be generally considered as a working definition and need to be further considered in the future, as more experience is gained in this effort;
- .2 the group reached general agreement on a framework for goal-based new ship construction standards, which is the five-tier system shown in document MSC 78/6/2. However, it was noted that for the purposes of IMO, the goal-based new ship construction standards would consist of Tiers I, II and III, as Tiers IV and V are developed by classification societies, other recognized organizations and industry organizations;
- .3 using document MSC 78/6/2 as a basis, the group developed Tier I goals along with working descriptions. The group was of the view that it was more appropriate for Tier I to be called "goals", rather than "safety objectives", as originally proposed. The group limited the consideration to new construction of the ship's structure and agreed that they were applicable to all ships. The Tier I goals do not address operations or maintenance of ships in service. They address safety and

environmental friendliness with respect to structural integrity and strength, dismantling and recycling and the need for design and construction to provide for safe access, inspection and proper maintenance and they include provisions regarding operating and environmental conditions and specified design life;

- .4 the group developed 12 Tier II functional requirements, each with a working description and discussed the issue of applicability for Tier II, noting that, when completely developed, the Tier II functional requirements should apply to all ships. However, at this time, the group considered bulk carriers and tankers only as a method to assist in focusing the discussion and therefore, at this time, the Tier II functional requirements, as developed, should only be considered relevant to those ship types;
- .5 the group recognized that the development of Tier I goals and Tier II functional requirements is an iterative process and thus, while development of Tier I leads to the development of Tier II, the results of the development of Tier II will lead to further consideration and development of Tier I;
- .6 in developing the Tier II functional requirements, the group discussed a number of issues including linkage between Tier I and Tier II, whether the working descriptions were accurate, the appropriateness of including specific values in Tier II and whether or not they would be better placed in Tier III or a lower Tier. The results of these discussions are reflected in the preliminary nature of the text developed for the Tier II functional requirements;
- .7 the discussions in the group exposed a wide range of divergent views held by different Administrations. A number of delegations were of the view that the group did not use the correct methodology and that the results were not adequately risk-based. Other delegations were of the view that the Tier II functional requirements were not necessarily goal-based and were too prescriptive and that there was no universal understanding by all members of the group of what was meant by goal-based standards, including the terminology;
- .8 the group developed a work plan which calls for the consideration of the work done by the group at this session in the further development of the basic principles, including methodology and definitions, and in the further development of Tier I, Tier II and Tier III. The work plan also includes an item to explore the linkage between FSA and goal-based standards;
- .9 the group briefly considered how goal-based standards could be incorporated in the appropriate IMO instruments and, having concluded that it was premature to consider the matter at this time, included it as an item in the work plan; and
- .10 the group briefly discussed Tier III, verification and compliance criteria, and exchanged views on the issue which included the question of how class societies will show that their detailed rules fulfil the goal-based standards; the role of IMO and Administrations in verification; and the need for verification to be credible and transparent.

6.19 The Committee noted that a written report of the Chairman of the working group, including the full text of the basic principles, Tier I goals, Tier II functional requirements and the

work plan as agreed by the group, would be completed as soon as possible after this session and submitted to MSC 80 in accordance with the terms of reference for the working group.

6.20 The delegation of Japan expressed its appreciation for the work carried out by the working group and put forward the views, which were supported by a number of delegations that:

- .1 it is necessary to agree to the basic principles of GBS before going into the details at any tier;
- .2 the goal should be carefully established taking into account risk-based criteria;
- .3 GBS, through its tiers I to III, should not be prescriptive. There should be flexibility to develop and/or choose the way for achieving the goal; and
- .4 it is important to establish methods/procedure to verify and approve the way for achieving the goal. The process of verification/approval shall be transparent.

7 IMPLEMENTATION OF THE STCW CONVENTION

SECRETARY-GENERAL'S REPORTS PURSUANT TO STCW REGULATION I/7, PARAGRAPH 2

General

7.1 The Committee recalled that MSC 69 (MSC 69/22, paragraph 7.11) had instructed the Secretariat to keep the Committee informed of progress being made in preparation of reports pursuant to STCW regulation I/7, paragraph 2.

Progress report

7.2 The Committee noted the progress on the evaluation of information communicated by STCW Parties as at 1 September 2004 (MSC 79/7), and that, at the end of MSC 78, the so-called 'white list' had consisted of 113 Parties, out of a total of 147 current STCW Parties, as promulgated by MSC/Circ.1121.

7.3 The Committee also noted that:

- .1 eighty-two Parties had submitted the required information in accordance with the STCW Convention by the deadline of 1 August 1998;
- .2 since the above deadline, up to date, 39 Parties had submitted the required information among which relevant reports for 31 Parties have been cleared by the Committee, giving a total of 113 Parties on the White List;
- .3 as indicated in document MSC 79/7, as at 1 September 2004, panels of competent persons for eight Parties had completed their initial evaluation.

7.4 Following a proposal from the delegation of Cyprus, the Committee agreed that since those 82 Parties who had met the deadline of 1 August 1998, have been confirmed by the Committee to be giving 'full and complete effect' to the requirements of the revised Convention, it was not necessary for the Secretariat to keep the Committee informed of progress being made

in the preparation of reports pursuant to STCW regulation I/7, paragraph 2, unless there is a change to the information provided which requires reporting.

7.5 In introducing his report (MSC 79/WP.3), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. Each report, as required by MSC/Circ.796/Rev.1, is comprised of:

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

7.6 The Committee was subsequently invited to consider the reports attached to document MSC 79/WP.3 for the purpose of confirming that the information provided by those Governments concerned confirmed that full and complete effect was given to the provisions of the STCW Convention.

7.7 As was the case with the Secretary-General's reports to previous sessions of the Committee, the Committee considered each report individually under the same procedures for the assessment of information as had been applied for previous cases.

7.8 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of the one STCW Party included in the Secretary-General's report and instructed the Secretariat to prepare a draft MSC circular (along the lines of those approved previously, namely MSC/Circs.978, 996, 1018, 1031, 1066, 1092 and 1121) attaching a list of Parties so far found to be giving the STCW Convention full and complete effect, including the one confirmed by the current session. The Committee also confirmed that the procedures for assessment of information provided had been correctly followed in respect of the other STCW Party which had communicated additional information pursuant to regulation I/10 of the STCW Convention, included in the Secretary-General's report.

7.9 Having considered the draft MSC circular (MSC 79/WP.10), the Committee approved MSC/Circ.1134 on Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, confirmed by the Maritime Safety Committee to have communicated information which demonstrates that full and complete effect is given to the relevant provisions of the Convention, listing all the STCW Parties so far confirmed.

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

General

7.10 The Committee recalled that MSC 78 had agreed to consider the Secretary-General's report pursuant to STCW regulation I/8 at each session of the Committee, as they are completed but to issue the 'official' IMO updated so-called 'white list' only at or after MSC 80.

Progress report

7.11 The Committee noted that 63 reports of independent evaluations pursuant to STCW regulation I/8 had been received and had been forwarded to panels of competent persons for evaluation. The present situation was that three reports had been considered by MSC 77 and 17 reports had been considered by MSC 78 and, since then, 19 panels had completed their evaluation. Out of the balance, 13 panels had completed their initial evaluation and the relevant Parties had been requested to provide clarifications. Evaluation continues with respect to the 11 remaining Parties.

Secretary-General's report

7.12 In introducing his report (MSC 79/WP.3/Add.1), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. Each report, as required by MSC/Circ.997, is comprised of:

- .1 the Secretary-General's report to the Committee;
- .2 a description of the procedures followed; and
- .3 a summary of the conclusions reached in the form of a comparison table.

7.13 The Committee was subsequently invited to consider the reports attached to document MSC 79/WP.3/Add.1 for the purpose of confirming that the information provided by the STCW Parties pursuant to STCW regulation I/8 confirmed that full and complete effect was given to the provisions of the STCW Convention.

7.14 As was the case with the Secretary-General's reports to previous sessions of the Committee, the Committee considered each Party report individually under the same procedures for the assessment of information provided as had been applied for previous cases.

7.15 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 19 STCW Parties bearing in mind that MSC 77 had agreed that any information on the outcome of this process with respect to reports on independent evaluation required by STCW regulation I/8, should not be promulgated until MSC 80.

APPROVAL OF COMPETENT PERSONS

7.16 The Committee approved additional competent persons nominated by Governments (MSC 79/7/1 and Add.1) and instructed the Secretariat to update MSC/Circ.797/Rev.10 accordingly and issue the updated circular as MSC/Circ.797/Rev.11.

DEVELOPMENT OF COMPETENCE FOR RATINGS (OUTCOME OF THE ILO PREPARATORY TECHNICAL CONFERENCE)

7.17 The Committee recalled that MSC 78 had noted that STW 35 had deferred consideration of preliminary proposals for the development of competence for ratings until the outcome of the ILO Preparatory Technical Conference would be made available.

7.18 The Committee further recalled that MSC 78 had agreed that IMO was the appropriate body to deal with standards related to competence for ratings, excluding ship's cook, and had instructed the Secretariat to convey this decision to ILO.

7.19 Having recalled that MSC 78 had noted that MSC 79, on receipt of the outcome of the ILO Preparatory Technical Conference, would be in a position to instruct STW 36 to consider the issue and the possible implications arising from standards for training related to ratings being regulated by the Organization and to suggest the best way forward, the Committee noted the outcome of the ILO Preparatory Technical Conference (MSC 79/7/2) and instructed STW 36 to do as mentioned above and report to MSC 80.

7.20 The ISF observer was of the view that, in light of the term 'able seamen' in various ILO instruments, it would be appropriate for IMO to make the relevant definition of this term consistent with its original intent, so that it would not be confused with a broader term encompassing all ratings.

7.21 The ISF observer informed the Committee that BIMCO/ISF were in the process of updating the 2000 BIMCO/ISF manpower study and would be sending questionnaires to Member Governments to ascertain the manpower supply numbers. The ISF observer requested Member Governments to support this effort and to respond to the questionnaire.

Information received from STCW Parties

7.22 The Committee noted the information provided by Belgium (MSC 79/INF.7) related to verification of certificates of competency and instructed the Secretariat to amend the website accordingly.

8 SHIP DESIGN AND EQUIPMENT

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

General

8.1 The Committee, recalling that MSC 78 had considered urgent matters emanating from the forty-seventh session of the Sub-Committee on Ship Design and Equipment (DE), approved in general the report of that session of the Sub-Committee (DE 47/25 and Add.1) and took action on all remaining items (MSC 79/8) as indicated hereunder.

Draft amendments to resolution A.744(18)

8.2 In considering draft amendments to resolution A.744(18) on Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers, prepared by the Sub-Committee, the Committee agreed with the recommendation that the hatch covers in the forward quarter length and one additional hatch cover should be surveyed in operation annually, for inclusion in the draft amendments to resolution A.744(18). Subsequently, having decided to replace the words "50% of cargo hatch cover sets" in paragraph 3.3.2 of Annex A to resolution A.744(18) with the words "the hatch covers sets within the forward 25% of the ship's length and at least one additional set, such that all the sets on the ship are assessed at least once in every 5-year period", the Committee approved the proposed amendments to resolution A.744(18), set out in annex 22, for consideration with a view to adoption at MSC 80. The Committee noted that the original text of the amendments as prepared by the

DE Sub-Committee had already been circulated, in accordance with SOLAS article VIII, by circular letter No.2584 for consideration at MSC 80, subject to approval at this session. The Committee instructed the Secretariat to issue the revised text of the amendments as a basic document for consideration at MSC 80.

8.3 Recalling the on-going consideration of the term “any five year period” in the FSI Sub-Committee, the Committee agreed to keep paragraph 2.2.1 of the proposed amendments to Annex B of resolution A.744(18) in square brackets, subject to a final decision at MSC 80 when the outcome of FSI 13 in the matter would be available.

Guidelines for bulk carrier hatch cover surveys and owner’s inspections and maintenance (MSC/Circ.1071)

8.4 The Committee noted that after the entry into force of the Standards for owner’s inspections and maintenance of bulk carrier hatch covers (resolution MSC.169(79)) (see also paragraph 3.92.2) and the aforementioned amendments to resolution A.744(18), the Guidelines for bulk carrier hatch cover surveys and owner’s inspections and maintenance (MSC/Circ.1071) would no longer be valid, as the provisions of the circular have been included in the aforementioned mandatory Standards and resolution A.744(18).

Proposed new SOLAS regulation II-1/3-7

8.5 The Committee approved the draft new SOLAS regulation II-1/3-7 on Construction drawings maintained on board and ashore, set out in annex 23, for adoption at MSC 80. The Committee noted that the numbering of the regulation might need to be aligned with the draft amendments to SOLAS chapter II-1 parts A, B and B-1, as prepared by SLF 47 (see also paragraph 11.8) and instructed the Secretariat to make any necessary editorial changes. The Committee noted that the text of the new regulation had already been circulated, in accordance with SOLAS article VIII, by circular letter No.2584 for consideration at MSC 80, subject to approval at this session.

As-built construction drawings to be maintained on board the ship and ashore

8.6 The Committee approved MSC/Circ.1135 on As-built construction drawings to be maintained on board the ship and ashore.

Measures to prevent accidents with lifeboats

8.7 As proposed by the Sub-Committee, the Committee approved:

- .1 MSC/Circ.1136 on Guidance on safety during abandon ship drills using lifeboats;
and
- .2 MSC/Circ.1137 on Guidelines for simulated launching of free-fall lifeboats,

and endorsed the updated work plan for measures to prevent accidents with lifeboats.

Fast rescue boats and means of rescue

8.8 With regard to the use of fast rescue boats as a means of rescue, the Committee noted the view of the Sub-Committee that:

- .1 fast rescue boats should not, as a rule, be regarded as means of rescue; and
- .2 training with fast rescue boats needed to be enhanced, noting in this connection that the STW Sub-Committee was currently working on the issue.

Proposed new SOLAS regulation II-1/3-8

8.9 The Committee, in considering the draft new SOLAS regulation II-1/3-8 on Anchoring, mooring and towing equipment, prepared by DE 47, noted that NAV 50, which had been requested to consider the draft regulation, was of the opinion that there was no need for the word "anchoring" in the title and paragraph 2 of the regulation and that the footnote relating to SOLAS regulation I/6 should ideally refer to an MSC circular rather than an IACS Unified Requirement, which could change over time. Having debated the above, the Committee agreed to the changes proposed by NAV 50.

8.10 The Committee considered a proposal by IACS (MSC 79/8/3) to amend paragraph 4 of the proposed draft regulation by deleting the words "and emergency" and agreed to the proposal.

8.11 Taking into account the above decisions, the Committee approved the draft new SOLAS regulation II-1/3-8 on Mooring and towing equipment, set out in annex 24, for adoption at MSC 80. The Committee noted that the numbering of the regulation might need to be aligned with the proposed amendments to SOLAS chapter II-1 parts A, B and B-1, as prepared by SLF 47 (see also paragraph 11.8) and instructed the Secretariat to make any necessary editorial changes. The Committee noted that the original text of the amendments as prepared by the DE Sub-Committee had already been circulated, in accordance with SOLAS article VIII, by circular letter No.2584 for consideration at MSC 80, subject to approval at this session. The Committee instructed the Secretariat to issue the revised text of the amendments as a basic document for consideration at MSC 80.

8.12 In the context of this item, the Committee considered a proposal by Australia (MSC 79/8/4) to amend the instructions, given to the Secretariat by DE 47, to prepare, for consideration at DE 48, a draft circular including the provisions of IACS Unified Requirement A1 (Mooring and anchoring) and A2 (Shipboard fittings and supporting hull structures associated with towing and mooring on conventional vessels), by deleting the instruction for IACS UR A1 to be included in the draft MSC circular, to reflect the deletion of "anchoring" from the regulation, as proposed by NAV 50 and agreed by the Committee (see paragraph 8.9 above).

8.13 The Committee noted the proposal and information by the delegation of Australia that they would make a relevant submission to DE 48. Noting that the relevant draft MSC circular, following the instructions of DE 47, had already been prepared by the Secretariat and issued as document DE 48/6, the Committee instructed DE 48 to consider the proposal by Australia when finalizing the draft circular.

Proposed new SOLAS regulation II-1/23-3

8.14 The Committee approved the draft new SOLAS regulation II-1/23-3 on Water level detectors on single hold cargo ships other than bulk carriers, set out in annex 25, for adoption at MSC 80. The Committee noted that the numbering of the regulation might need to be aligned with the proposed amendments to SOLAS chapter II-1 parts A, B and B-1, as prepared by SLF 47 (see also paragraph 11.8) and instructed the Secretariat to make any necessary editorial changes. The Committee noted that the text of the new regulation had already been circulated, in

accordance with SOLAS article VIII, by circular letter No.2584 for consideration at MSC 80, subject to approval at this session.

Performance standards for water level detectors on bulk carriers and single hold cargo ships other than bulk carriers

8.15 The Committee adopted resolution MSC.188(79) on Performance standards for water level detectors on bulk carriers and single hold cargo ships other than bulk carriers, set out in annex 26.

Interpretations to SOLAS chapter II-1

8.16 The Committee considered a proposal by Germany (MSC 79/8/5) to include in the draft MSC circular on Interpretations to SOLAS chapter II-1, as prepared by DE 47, an additional unified interpretation to SOLAS regulations II-1/42 and II-1/43. Following support for the proposal from other delegations and further requests for amendments, the Committee agreed to refer the draft MSC circular to the DE Sub-Committee for review, in particular with regard to section 1 (SOLAS regulation II-1/26.11), as proposed by the delegation of Japan and the observer from IACS, and section 6 (SOLAS regulations II-1/42 and II-1/43), as proposed by the delegation of Germany in document MSC 79/5/8. The Committee invited the delegation of Japan and IACS to submit relevant proposals to the DE Sub-Committee.

Interpretations to the Guidelines for design, construction and operation of passenger submersible craft

8.17 The Committee approved MSC/Circ.1138 on Interpretations to the Guidelines for design, construction and operation of passenger submersible craft.

Explanatory notes to the standards for ship manoeuvrability (MSC/Circ.1053)

8.18 The Committee noted the view of the Sub-Committee that there was no need to amend appendix 3 (Stopping ability of very large ships) of the Explanatory notes to the standards for ship manoeuvrability (MSC/Circ.1053) at this point in time.

Rectification of references in SOLAS chapter III

8.19 Having noted, as advised by the Sub-Committee, that there are references in SOLAS chapters III and II-1 as indicated by the delegation of the Russian Federation, which have become incorrect with the entry into force of revised SOLAS chapter II-2, the Committee instructed the Secretariat to initiate the necessary process verbale of rectification.

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

8.20 The Committee noted that the Sub-Committee had considered the draft Guidelines on the basic elements of a shipboard occupational health and safety programme (BLG 8/WP.4), as prepared by the BLG Sub-Committee and had agreed that no modifications to the draft Guidelines were necessary from the ship design and equipment point of view; and further noted that BLG 9 had been informed accordingly.

PROPOSED AMENDMENTS TO SOLAS REGULATION II-1/31 - MACHINERY CONTROL

8.21 The Committee had for its consideration document MSC 79/8/1, in which the United Kingdom suggested that paragraph 2.10 of SOLAS regulation II-1/31, adopted by resolution MSC.134(76) and entered into force on 1 July 2004, had been unintentionally applied not only to new ships but also to existing ships. They indicated that the paragraph, because of its location in SOLAS chapter II-1, applied to all ships the keels of which were laid after 1 July 1986 and, therefore, they proposed a draft amendment to SOLAS regulation II-1/31 to restrict the application of paragraph 2.10 to new ships only. Furthermore, they proposed that an MSC circular should be issued, clarifying the intent of the regulation. The Committee agreed that this was an error and should be rectified as proposed by the United Kingdom and, having been informed of the procedure for rectification from the Secretariat, agreed that the best way forward would be to adopt the proposed amendment at MSC 80 and issue an MSC circular to clarify the intention of the regulation adopted by resolution MSC.134(76).

8.22 The Committee noted the above proposal and that, as requested by the United Kingdom, the aforementioned draft SOLAS amendment had been circulated by circular letter No.2592 of 28 October 2004, in accordance with SOLAS article VIII, to all IMO Members and SOLAS Contracting Governments for consideration with a view to adoption at MSC 80.

8.23 Regarding the draft MSC circular referred to in paragraph 8.22 above, the Committee considered MSC 79/WP.4, containing a draft text for such a circular, and, subsequently, approved MSC/Circ.1139 on Conditions applicable to propulsion control automation systems of ships built after 1 July 1986 but before 1 July 2004.

OUTCOME OF THE XXVIIITH ANTARCTIC TREATY CONSULTATIVE MEETING

8.24 The Committee considered documents MSC 79/8/2 and MSC 79/INF.2 (Secretariat), conveying a request by the XXVIIth Antarctic Treaty Consultative Meeting (ATCM) for IMO to consider amending the Guidelines for ships operating in Arctic ice-covered waters (MSC/Circ.1056 – MEPC/Circ.399) so that they are also applicable to ships operating in ice-covered waters in the Antarctic Treaty Area. In addition to the proposed replacement of the term “Arctic” by “Arctic and Antarctic” in the Guidelines, the Antarctic Treaty Consultative Parties further wished to draw IMO’s attention to whether full double bottom construction was necessary for all classes of ships operating in Antarctic ice-covered waters or if there were other ways of ensuring the same standards of ship stability and safe floating.

8.25 Following consideration, the Committee agreed to refer the above documents to the DE Sub-Committee for detailed consideration and to include, in the work programme of the DE Sub-Committee, which developed the original Guidelines, a new high priority item on “Amendments to the Guidelines for ships operating in Arctic ice-covered waters”, with two sessions needed to complete the item, enlisting the co-operation of the SLF Sub-Committee as necessary. The Secretariat was instructed to inform the MEPC of the above decision.

SHIP MASTER’S GUIDE ON WATER INGRESS MONITORS AND EARLY ABANDONMENT

8.26 The Committee noted information provided by BIMCO (MSC 79/INF.3) on the Ship Master’s Guide on Water Ingress Monitors and Early Abandonment, developed by BIMCO’s Marine Committee and thanked BIMCO for the submission of the Guide.

9 FLAG STATE IMPLEMENTATION

REPORT OF THE TWELFTH SESSION OF THE SUB-COMMITTEE

General

9.1 The Committee, recalling that MSC 78 had considered urgent matters emanating from the twelfth session of the Sub-Committee, approved, in general, the report of that session of the Sub-Committee (FSI 12/22) and, having noted the MEPC's relevant decisions and approval of that report, as outlined in document MSC 79/2/3, took action on all remaining items (MSC 79/9) as indicated hereunder.

Casualty-related matters

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

- .1 to 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/Circ.953 - MEPC/Circ.372;
- .2 to provide information on whether human element was an underlying cause of a casualty or injury;
- .3 to 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 to provide the Secretariat with preliminary information on casualties derived from RCCs, according to MSC/Circ.802 - MEPC/Circ.332, to enable the Organization to provide its Member States with timely and accurate information on casualties;
- .5 to indicate in the reports on investigations into casualties whether fraudulent certificates have been involved; and
- .6 to submit reports involving thermal oil systems accidents.

9.3 Having noted the low rate of preliminary information on casualties received from Member States, the Committee instructed the Secretariat to prepare letters to be addressed to the National Authorities in charge of Maritime Rescue Co-ordination Centres (RCCs) reiterating the invitation to provide preliminary information on casualties derived from RCCs in accordance with MSC/Circ.802 - MEPC/Circ.332.

9.4 While concurring with the Sub-Committee's decision on the issue of technical co-operation programmes, the Committee agreed that such programmes should not necessarily focus on the conduct of the investigation itself but on the means to communicate with the Organization in general and, in particular, on reporting the requested findings.

9.5 The Committee agreed with the proposed amendments to MSC/Circ.953 - MEPC/Circ.372 on Reports on marine casualties and incidents and, having instructed the Secretariat to prepare a new MSC/MEPC circular, incorporating the proposed amendments, for

submission to MSC 80 and MEPC 53 for approval, requested the DE Sub-Committee to provide comments on the proposed life-saving appliance casualty record, as appropriate.

9.6 The Committee decided to refer to STW 36, for consideration, as appropriate, the casualty analyses information relating to training issues for passenger ships collected by the Sub-Committee.

Port State control-related matters

9.7 The Committee had for its consideration, under this agenda item, the outcome of the review by the Sub-Committee of the report of the second IMO Workshop for Port State control MoU (Agreement) Secretaries and Directors of Information Centres. The Committee also had for its consideration, under agenda item 13, the Record of Recommendations of the third IMO Workshop for Port State control MoU (Agreement) Secretaries and Directors of Information Centres (see paragraphs 13.16 to 13.21).

9.8 With regard to the provision of PSC-related data to ILO, the Committee agreed that the latter Organization should be invited, in turn, to provide IMO with any relevant PSC-related data.

9.9 On the issue of the development of a distance learning package for training of PSCOs, the Committee, noted that the Chairman of the Paris MoU had informed the Sub-Committee that the Paris MoU had already developed such a package and that, in order to avoid unnecessary efforts and development costs, the Organization could consider inviting the Paris MoU to make this training material available in the context of the IMO TC activities. The Committee accordingly instructed the Secretariat to liaise with the Secretariat of the Paris MoU in this regard.

9.10 Regarding the consideration of the proposal relating to the Lloyd's Register-Fairplay (LR-F) World fleet database, the Committee concurred with the Sub-Committee's opinion that the development of the IMO Global Integrated Shipping Information System (GISIS), together with the development of the performance indicators contained in the Strategic Plan for the Organization (resolution A.944(23)), required the availability to Member States and the Secretariat of relevant information and analysing tools, such as an accurate database on the world fleet.

9.11 The Committee endorsed the instruction given to the Secretariat to prepare a further analysis of the LR-F proposal for consideration at FSI 13 based on the following issues needing further study:

- .1 identification of the added value of the scheme to existing contractual arrangements between Member States and LR-F;
- .2 clarification concerning the costing methods applied in the proposal and development of a financial option based on the equal share for all Member States in the IMO regular budget;
- .3 identification of data, the accuracy of which could be improved by the scheme in order to assist in complying with safety-, security- and pollution prevention-related requirements and methods to achieve such an improvement;
- .4 review of accessibility options as presented in the LR-F proposal; and
- .5 review of existing potential sources.

9.12 The Committee considered the proposal for the FSI Sub-Committee to carry out in-depth analyses of the annual reports on port State control activities. Having acknowledged the dangers of amalgamating data from different origins, the Committee agreed to the proposal made by the Chairman of the Paris MoU that the IMO Secretariat be associated with the work of the Paris MoU task force dealing with the specific issue of analysing PSC statistical data, as contained in the annual Blue Book, in order to prepare a submission for the next session of the Sub-Committee describing the process of in-depth analysis carried out within the Paris MoU.

Transfer of ships between States

9.13 The Committee considered the opinion of the Sub-Committee on the establishment of a procedure under which the transfer of ships between flags should be conducted so that the “gaining” flag State could seek safety-related information from the “losing” flag State.

9.14 In this context, having noted MEPC 52’s concurrent decision, the Committee approved MSC/Circ.1140 - MEPC/Circ.424 on Transfer of ships between States.

Guidelines for the authorization of organizations acting on behalf of the Administrations

9.15 The Committee, having concurred with the decision of the Sub-Committee on the use of radio communication specialists under the supervision of recognized organizations (ROs) for performing survey and certification services, approved draft amendments to the Guidelines for the authorization of organizations acting on behalf of the Administrations (resolution A.739(18)), as set out in annex 27 and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 81.

9.16 In this context, the Committee noted the concern expressed by the delegation of Panama that, as a result of the aforementioned amendments, it would be probable that duly qualified and trained persons, who were not employed by recognized organizations as exclusive surveyors, would be excluded from carrying out statutory survey and certification functions even though, heretofore, such persons had been carrying out such tasks on behalf of Administrations.

9.17 On this point, the Committee noted that the draft amendments concerned the use of exclusive surveyors and auditors employed solely by recognized organizations authorized to act on behalf of an Administration and that Administrations can always employ or nominate their own surveyors and auditors, or request another party State, for the purpose of carrying out statutory survey and certification functions. The Committee also noted the Procedural Requirements of IACS that, where particular circumstances so demanded it, an exclusive surveyor or auditor of an authorized IACS member could, always with the consent of the flag State in question, carry out statutory survey and certification functions on behalf of another authorized IACS member. The Committee recognized that other recognized organizations could adopt similar procedures when particular circumstances so demanded.

One-week course on flag State implementation

9.18 The Committee agreed to consider, under agenda item 13 (Technical assistance sub-programme in maritime safety and security) (see paragraph 3.14), the recommendation of the Sub-Committee that the one-week course on flag State implementation be included in the IMO Programme of Model Courses.

Harmonized System of Survey and Certification

9.19 The Committee concurred with the Sub-Committee that the timely preparation of relevant amendments to the Revised Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.948(23)), based on new requirements, should become a priority.

9.20 Consequently, the Committee endorsed the instructions to the Secretariat to prepare, for every session of the Sub-Committee, a list of new requirements adopted during the intersessional period, in order to allow the identification of those which might necessitate the preparation of appropriate amendments to the Guidelines.

Unified interpretation of the term “first survey”

9.21 The Committee approved MSC/Circ.1141 on Unified interpretation of the term “first survey” referred to in SOLAS regulations II-2/1.2.2.2, V/19.1.2.2, V/19.2.4.2.2 and V/20.1.2.

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

9.22 The Committee, having noted that FAL 31 had not provided any information on the list of plans, manuals and other documents to be marked with the IMO ship identification number, concurred with the Sub-Committee that the application of such non-mandatory provisions should be limited to new ships only.

9.23 In this context, the Committee, having noted MEPC 52’s concurrent decision, approved MSC/Circ.1142 - MEPC/Circ.425 on Marking the ship’s plans, manuals and other documents with the IMO ship identification number.

SECOND JOINT MINISTERIAL CONFERENCE OF THE PARIS AND TOKYO MEMORANDA OF UNDERSTANDING ON PORT STATE CONTROL

9.24 The Committee recalled that the First Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on Port State Control had taken place in Vancouver in 1998 on the theme of “Tightening the Net: Inter-regional Action to Control Substandard Shipping” and was informed (MSC 79/INF.12) that the Second Joint Ministerial Conference, which was attended by the Secretary-General on behalf of IMO, had taken place in Vancouver on 2 and 3 November 2004 on the theme of “Strengthening the Circle of Responsibility”.

9.25 The Committee noted that the Declaration adopted by the latter Conference and further details on the event would be submitted to FSI 13.

10 SAFETY OF NAVIGATION

REPORT OF THE FIFTIETH SESSION OF THE SUB-COMMITTEE

General

10.1 The Committee approved, in general, the report of the fiftieth session of the Sub-Committee on Safety of Navigation (NAV) (NAV 50/19 and MSC 79/10) and took action as indicated hereunder.

Adoption of new traffic separation schemes (TSSs)

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

- .1 "In the Approaches to the Cape Fear river"; and
- .2 "Off Mina Al-Ahmadi".

as set out in annex 28, for dissemination by COLREG.2/Circ.55.

10.3 With respect to the new traffic separation scheme "Off Mina Al-Ahmadi", the Committee agreed to the revised accurate co-ordinates of six geographical positions of the traffic separation scheme as proposed by Kuwait after consultations with its hydrographic office.

Amendments to the existing traffic separation schemes (TSSs)

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

- .1 "In Puget Sound and its approaches in Haro Strait, Boundary Pass and in the Strait of Georgia";
- .2 "In the approaches to Chesapeake Bay";
- .3 "Off Cape Roca";
- .4 "Off Cape S. Vicente";
- .5 "In the approaches to Puerto San Martin"; and
- .6 "Off Berlenga" (revoked),

as set out in annex 28, for dissemination by COLREG.2/Circ.55.

Routeing measures other than TSSs

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

- .1 the new area to be avoided and a mandatory no anchoring area in the West Cameron Area of the Gulf of Mexico;
- .2 the proposed amendments to the Notes for the existing "Deep-water route in the southern approach to Chesapeake Bay"; and
- .3 the proposed new area to be avoided in the region of the Berlengas Islands,

as set out in annex 29, for dissemination by SN/Circ.240.

Implementation of the adopted routeing measures

10.6 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 10.2 and 10.4, respectively (annex 28); and the routeing measures other than traffic separation schemes referred to in paragraph 10.5 (annex 29), should be implemented six months after their adoption, i.e. on 1 July 2005 at 0000 hours UTC.

Amendments to the General provisions on Ships' Routeing

10.7 In accordance with resolution A.572(14), as amended, the Committee adopted, subject to confirmation by the Assembly, proposed amendments to section 3 "Procedures and responsibilities" of the General provisions on ships' routeing (resolution A.572(14), as amended), as given in annex 30, for dissemination by SN/Circ.241.

Amendments to the Guidelines and criteria for ship reporting systems (resolution MSC.43(64), as amended by resolution MSC.111(73))

10.8 The Committee, by resolution MSC.189(79), adopted the amendments to section 3.3 (Proposing a ship reporting system to the Organization for adoption) of the Guidelines and criteria for ship reporting systems (resolution MSC.43(64), as amended by resolution MSC.111(73)), as set out in annex 31.

Mandatory ship reporting system in the Western European Waters Particularly Sensitive Sea Area (PSSA)

10.9 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.190(79), the proposed new mandatory ship reporting system in the Western European Waters Particularly Sensitive Sea Area (PSSA), as set out in annex 32, for dissemination by SN/Circ.242.

10.10 The Committee decided that the new ship reporting system in the Western European Waters Particularly Sensitive Sea Area (PSSA) should be implemented at 0000 hours UTC on 1 July 2005 as indicated by Belgium, France, Ireland, Portugal, Spain and the United Kingdom in document NAV 50/3/6.

Torres Strait Particularly Sensitive Sea Area (PSSA)

10.11 With respect to the Torres Strait Particularly Sensitive Sea Area (PSSA), the Committee recalled the discussion at NAV 50 on the proposed pilotage system in the Torres Strait (NAV 50/19, paragraph 3.29).

10.12 The Committee also noted the outcome of the consideration of the aforementioned issue by MEPC 52 and LEG 89. The Committee further noted that the MEPC had now embarked on a revision of the PSSA guidelines (resolution A.927(22)).

10.13 The Committee considered Australia's and Papua New Guinea's proposal to extend the current associated protective measure of a system of pilotage within the Great Barrier Reef to include the Torres Strait. The current system of pilotage within the Great Barrier Reef is contained within resolution MEPC.45(30). Australia proposed a resolution that would be identical to resolution MEPC.45(30), but would include the following:

- .1 note the fact that the Torres Strait has been identified as a PSSA;
- .2 extend the existing associated protective measure of a system of pilotage within the Great Barrier Reef to include the Torres Strait; and
- .3 revoke resolution MEPC.45(30).

The operative paragraph of the new MEPC resolution would read as follows:

“RECOMMENDS that Governments recognize the need for effective protection of the Great Barrier Reef and Torres Strait region and inform ships flying their flag that they should act in accordance with Australia’s system of pilotage for merchant ships 70 m in length and over or oil tankers, chemical tankers and gas carriers, irrespective of size when navigating:

- (a) the inner route of the Great Barrier Reef between the northern extreme of Cape York Peninsula (10°41'S) and 16°40'S and in Hydrographers Passage;
- (b) the Torres Strait and the Great North East Channel between Booby Island (latitude 10°36'S, longitude 141°54'E) and Bramble Cay (latitude 09°09'S, longitude 143°53'E).”

10.14 Pursuant to resolution A.927(22), the Committee agreed that Australia’s proposal to extend the associated protective measure of a system of pilotage within the Great Barrier Reef to the Torres Strait should be adopted. The Committee agreed with Australia’s proposal to incorporate the above changes to resolution MEPC.45(30) into a new MEPC 53 resolution.

10.15 The Committee invited MEPC 53 to consider adopting the resolution as proposed by Australia and Papua New Guinea.

10.16 In the light of the above decision, the Committee, with regard to the NAV 50’s request for the Committee to consider whether there might be a need to develop guidelines and criteria for a pilotage system in straits used for international navigation, decided that there was no need to develop such guidelines and criteria.

NEW AND AMENDED PERFORMANCE STANDARDS FOR NAVIGATIONAL EQUIPMENT

Performance standards for the presentation of navigation-related information on shipborne navigational displays

10.17 In accordance with resolution A.886(21), the Committee adopted resolution MSC.191(79) on Performance standards for the presentation of navigation-related information on shipborne navigational displays, as set out in annex 33.

Guidelines for the presentation of navigation-related symbols, terms and abbreviations

10.18 The Committee approved SN/Circ.243 on Guidelines for the presentation of navigation-related symbols, terms and abbreviations.

10.19 The Committee also agreed that there was no need to revoke SN/Circ.217 applicable to the existing equipment displaying AIS information, as SN/Circ.217 would be automatically revoked on the date of application of new performance standards for the presentation of navigation-related information on shipborne navigational displays.

Revised performance standards for radar equipment

10.20 In accordance with resolution A.886(21), the Committee adopted resolution MSC.192(79) on Revised performance standards for radar equipment, as set out in annex 34.

10.21 In adopting the Revised performance standards for radar equipment, the Committee took into consideration a few minor editorial and substantive comments regarding the Revised performance standards, as proposed by IEC, and instructed the Secretariat to incorporate the editorial changes and comments into the Revised performance standards.

Chapter X of the draft revised fishing vessel Safety Code and chapter 10 of the draft revised Voluntary Guidelines

10.22 The Committee endorsed the action by the Sub-Committee in submitting chapter X of the draft revised fishing vessel Safety Code and chapter 10 of the draft revised Voluntary Guidelines to SLF 47 and considered the item further under agenda item 11 (Stability, load lines and fishing vessel safety).

Proposed amendments to SOLAS regulation V/19

10.23 The Committee, in considering the proposed amendments to SOLAS regulation V/19 (NAV 50/19, annex 11), discussed the retrospective application of the proposed draft amendments to existing ships; and, whilst some delegations were of the opinion that the amendments should not be approved and should be referred back to the NAV Sub-Committee for review, other delegations supported the approval of the proposed amendments at this session and adoption by MSC 80.

10.24 Taking into account the various views expressed during the discussion, the Committee approved the draft amendments to SOLAS regulation V/19, as set out in annex 35, for consideration with a view to adoption at MSC 80. The Committee noted that the original text of the draft amendments, as prepared by the NAV Sub-Committee, had already been circulated by circular letter No.2584 for consideration at MSC 80 subject to approval of the Committee at this session. The Secretariat was instructed to editorially review the text of the draft amendments and to issue the revised text of the draft amendments as a basic document for consideration at MSC 80.

ITU matters

10.25 The Committee endorsed the action by the Sub-Committee in submitting a liaison statement to ITU-R Working Party 8B.

Large passenger ship safety

10.26 The Committee endorsed the work to be undertaken for the tasks assigned to the Sub-Committee on large passenger ship safety.

Guidelines on early assessment of hull damage and possible need for abandonment of bulk carriers

10.27 The Committee approved MSC/Circ.1143 on Guidelines on early assessment of hull damage and possible need for abandonment of bulk carriers.

Additional guidance for uniform application of Rule 1(e) of the International Regulations for Preventing Collisions at Sea, 1972, as amended

10.28 The Committee approved MSC/Circ.1144 on Additional guidance for uniform application of rule 1(e) of the International Regulations for Preventing Collisions at Sea, 1972, as amended.

Guidance on the use of UN/LOCODE in the destination field in AIS messages

10.29 The Committee approved SN/Circ.244 on Guidance on the use of UN/LOCODE in the destination field in AIS messages.

Amendments to the Record of Equipment for the nuclear ship safety certificates

10.30 The Committee noted that the draft amendments to the Record of Equipment for the Nuclear Ship Safety Certificates had been considered under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (paragraphs 3.43 to 3.45 and 3.93) based on the documents submitted by the Russian Federation (MSC 79/3/11, MSC 79/3/11/Add.1, MSC 79/3/12 and MSC 79/3/12/Add.1), which contained editorial modifications including those agreed to by NAV 50, to bring the Forms of Nuclear Ship Safety Certificates in line with the other SOLAS forms.

Amendments to the Guidelines for the installation of a shipborne automatic identification system (AIS)

10.31 The Committee approved SN/Circ.245 on Amendments to the Guidelines for the installation of a shipborne automatic identification system (AIS) (SN/Circ.227).

Reporting procedure

10.32 The Committee noted that NAV 50 had used the trial reporting procedure. The Committee further noted that the outcome of the discussion on the trial reporting procedure had been considered under agenda item 19 (paragraphs 19.3 to 19.7).

ASSOCIATED NEW RULES AND PROCEDURES FOR SHIPS TRANSITING AND USING THE ANCHORAGE AND THE SEPARATION ZONE OF THE TRAFFIC SEPARATION SCHEME "IN THE SINGAPORE STRAIT"

10.33 The Committee noted (MSC 78/26, paragraphs 11.3 to 11.9) that MSC 78 had adopted, in accordance with the provisions of resolution A.858(20), an amendment to the traffic separation scheme "In the Singapore Strait" for the establishment of an anchorage area in the existing separation zone for the emergency anchoring of vessels including damaged vessels proceeding for repairs, prior to entry into a shipyard or similar matters. This information was circulated by COLREG.2/Circ.54 and the amendment would be implemented at 0000 hours UTC on 1 January 2005. The delegation of Indonesia had informed MSC 78 that the associated new rules and procedures for ships transiting and using the amended TSS "In the Singapore Strait" would be submitted to IMO before 1 December 2004.

10.34 The Committee further noted that on 28 June 2004, the Organization received a copy of the text of a Decree of the Directorate General of the Sea Communications No. PP 72/8/1-03, dated 20 November 2003, on “Standard operating procedures for management and operation of the Nipah transit anchorage area on the waters of Nipah” from the Government of the Republic of Indonesia. This information was circulated to Member Governments by means of SN/Circ.238 of 20 July 2004.

10.35 The observer from INTERTANKO, speaking also on behalf of OCIMF, recalled that, OCIMF, INTERTANKO and SIGTTO had submitted, to MSC 78, document MSC 78/11/6 in which they had listed several concerns of a navigational nature with respect to the new anchorage area being established, in the amended traffic separation scheme in the Singapore Straits. OCIMF, INTERTANKO and SIGTTO had requested that the scheme be referred back to the NAV Sub-Committee in order that the Ships’ Routeing Working Group might once again consider the navigational and safety aspects of the amendment. MSC 78 had adopted the amendments; however, it was stated that after the adoption of amendments, new rules and procedures for ships transiting and using the amended Scheme would be prepared by the littoral States. All interested parties were invited to give their comments and contributions directly to the three littoral States and that it was therefore not necessary to refer the proposed amendments back to NAV 50. Accordingly, OCIMF, INTERTANKO and SIGTTO had written to the littoral States, reiterating their navigational concerns and requesting the opportunity to discuss these further and a response was awaited. It had been further noted that the Organization had received a copy of the Decree, dated 20 November 2003 on “Standard operating procedures for management and operation of the Nipah transit anchorage area in the waters of Nipah”, which predated their document MSC 78/11/6, and did not appear to have considered their concerns. Hence, it was requested that the implementation date of 1 January 2005 be delayed until their concerns had been addressed.

10.36 The delegation of Indonesia thanked OCIMF, INTERTANKO and SIGTTO for their concerns on the establishment of an anchorage area in the Straits of Malacca and Singapore called Nipah Anchorage Area (NAA). As already explained at NAV 49 the purpose of the establishment of an anchorage area was to enhance the safety of navigation in the Straits, which had been adopted by MSC 78 in May 2004. The Indonesian delegation further explained that due to a very tight meeting schedule in the region, the Tripartite Technical Experts Group (TTEG) on the safety of navigation in the Straits of Malacca and Singapore, among the three littoral States was meeting in Jakarta concurrently with MSC 79 and was also discussing the concerns submitted by the OCIMF, INTERTANKO and SIGTTO regarding the NAA.

10.37 The delegation of Indonesia, bearing in mind the aforementioned reasons, therefore, proposed to await the outcome of the TTEG Meeting and agreed to inform the Committee accordingly of the possible consequential adjustment of the new rules and procedures for ships transiting and using the anchorage in the Singapore Straits adopted by the MSC 78. Consequently, the Committee was also informed that the implementation date had been postponed to 1 July 2005.

10.38 The Committee instructed the Secretariat to issue an appropriate addendum to COLREG.2/Circ.54 to bring this information to the attention of all Member Governments. Accordingly, the Secretariat issued COLREG.2/Circ.54/Add.2 dated 8 December 2004 relaying the postponed date of implementation of the amended traffic separation scheme “In the Singapore Strait” for the information of all Member Governments.

TRANSITORY NON-COMPLIANCE WHEN CONDUCTING BALLAST WATER EXCHANGE

10.39 The Committee noted that, having recalled, in this context, the proposal of MEPC 49 (document MSC 78/2/1, paragraph 3) to confirm the acceptability of transitory non-compliance with safety regulations when conducting ballast water exchange, MSC 78 had instructed NAV 50 (paragraph 24.34 of the annex to NAV 50/2/2) "to specify the permissible limits of transitory deviation for safety problem areas".

10.40 The Committee further noted that NAV 50 was unable to reach a conclusion on this matter, including which requirements might be deviated from and whether this could be addressed in guidance or whether the relevant mandatory instrument should be amended to take account of such situations.

10.41 The Committee considered the proposal by the United Kingdom (MSC 79/10/2) on possible transitory non-compliance, especially with bridge visibility requirements in SOLAS regulation V/22, when ships conduct ballast water exchange at sea, which addresses the issue of transitory non-compliance with requirements for propeller immersion, minimum draught and/or trim and bridge visibility.

10.42 The Committee noted that the same issue had also been discussed at MEPC 52 based on a near identical document submitted by the United Kingdom (MEPC 52/2/12) to MEPC 52.

10.43 The Committee also noted that MEPC 52 (MEPC 52/24, paragraphs 2.8 to 2.9) had agreed to refer documents MEPC 52/WP.3 (containing legal advice on transitory non-compliance with SOLAS regulation V/22 during ballast water exchange as provided by the Legal Office of the Organization) and MEPC 52/2/12 (United Kingdom) proposing amendments to SOLAS regulation V/22 in connection with transitory non-compliance with SOLAS when conducting ballast water exchange, to it for consideration.

10.44 The Committee, having noted that identical advice had been provided by the Legal Office of the Organization regarding document MSC 79/10/2, considered document MEPC 52/WP.3 and reviewed the proposed amendments to SOLAS regulation V/22, as proposed by the United Kingdom, and the proposed text suggested by the Legal Office of the Organization.

10.45 The Committee, based on the concurrence of the United Kingdom, agreed to replace the draft text in annex 2 to document MSC 79/10/2 with the text given in paragraph 4 of document MEPC 52/WP.3.

10.46 There was some debate on the issue with some delegations urging caution in revising SOLAS regulation V/22, as ballast water exchange was an operational issue and the safety of the ship was important; whilst other delegations were of the opinion that the point of view of the master also needed to be considered, including national/regional regulations or requirements regarding ballast water exchange.

10.47 The Committee, recognizing that there was equal support for both views, approved the proposed amendments to SOLAS regulation V/22, as set out in annex 36, with a view to adoption at MSC 81. To this effect, the Committee invited the Secretary-General to circulate the aforementioned amendments in accordance with SOLAS article VIII.

10.48 In order to facilitate the consideration of the draft amendments at MSC 81, the Committee instructed NAV 51 to look at the proposed amendments in detail and submit any comments to MSC 81.

10.49 In the context of this issue, the Committee approved MSC/Circ.1145 on Precautionary advice to masters when undertaking ballast water exchange.

11 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

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

General

11.1 The Committee considered urgent matters referred to it emanating from the forty-seventh session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 47/17 and Add.1, 2 and 3 and MSC 79/11) and took action as indicated hereunder.

Revision of SOLAS chapter II-1 parts A, B and B-1

11.2 The Committee considered the draft revised SOLAS chapter II-1 parts A, B and B-1 proposed by the Sub-Committee for approval at this session and subsequent adoption by MSC 80. In considering this subject, the Committee had before it documents submitted by:

- .1 Finland (MSC 79/11/3), providing comments on draft SOLAS regulations II-1/13 and III/21.1 and recommending to prepare guidelines to ensure the uniform application of draft SOLAS regulation II-1/6.2.3;
- .2 France and Sweden (MSC 79/11/2), containing comments and proposals to modify draft SOLAS regulation II-1/19;
- .3 Italy (MSC 79/11/1) which referring to discussions held at, and decisions made by, SLF 47 on the subject, proposed to discuss their proposal for modifications to the draft revised SOLAS chapter II-1 parts A, B and B-1 and establish a correspondence group to develop the modifications; and
- .4 Norway (MSC 78/11/4), providing comments and proposals to modify draft SOLAS regulations II-1/7.4, 9.6 and 9.7; (MSC 79/11/5), containing information and comments on the role of the HARDER project in the development of draft revised SOLAS chapter II-1 parts A, B and B-1; and (MSC 79/11/6), containing comments on document MSC 79/11/1 and, while concluding that the probability factors developed by the SLF Sub-Committee are the best conclusions to be reached from the current statistics, recommending that the proposed amendments to the SOLAS Convention are adopted.

11.3 Following consideration of the submissions by Italy (MSC 79/11/1) and Norway (MSC 79/11/5 and MSC 79/11/6), the Committee agreed to hold an intersessional meeting of the Working Group on Subdivision and Damage Stability, to be held at IMO Headquarters from 19 to 21 January 2005, to consider the issues raised by the delegation of Italy and instructed it to:

- .1 consider the submissions from Italy (MSC 80/3, MSC 80/3/1 and MSC 80/3/2), presenting relevant information and proposals on the probability densities of damage length and damage penetration for large ships, and propose modifications to the draft SOLAS regulation II-1/7-1 (MSC 79/23, annex 37), as appropriate, and any related submissions to MSC 80 available at the time of the meeting,

taking into account the Committee's view that any changes to the aforementioned draft regulation have to be fully validated and verified; and

- .2 submit a report to MSC 80.

The Committee was of the view that the work of the intersessional meeting and any modifications to the draft regulation should not cause further delay in the finalization of the work on the revision of SOLAS chapter II-1 parts A, B and B-1 and the intended adoption of the new regulations.

11.4 Member Governments were requested to send their technical experts on subdivision and damage stability to the above-mentioned intersessional meeting.

11.5 Having considered the submission by France and Sweden (MSC 79/11/2), containing comments and proposals to modify regulation II-1/19 of the draft revised SOLAS chapter II-1 parts A, B and B-1, the Committee agreed to add a new paragraph 5, as proposed by France and Sweden, and requested these delegations to provide a draft of the proposed guidelines to MSC 80 for consideration and action, as appropriate, when adopting the revised SOLAS chapter II-1.

11.6 With regard to the submission by Finland (MSC 79/11/3), providing comments on draft SOLAS regulations II-1/13 and regulation III/21.1 and recommending to prepare guidelines to ensure the uniform application of draft SOLAS regulation II-1/6.2.3, the Committee agreed to forward document MSC 79/11/3 to DE 48 for consideration and preparation of appropriate recommendations for consideration by MSC 80.

11.7 In considering the submission by Norway (MSC 78/11/4) proposing to modify regulations II-1/7.4 and 9.7 of the draft SOLAS chapter II-1 parts A, B and B-1, the Committee, having agreed to the modifications proposed for regulation II-1/9.7 and having noted that the delegation of Norway had withdrawn their proposal relating to regulation II-1/9.6, did not agree to the modifications to regulation II-1/7.4.

11.8 Following the above, the Committee approved the draft amendments to SOLAS chapter II-1 parts A, B and B-1, set out in annex 37, and instructed the Secretariat to issue the revised text of the amendments as a basic document for consideration at MSC 80. The Committee noted that the text of the draft amendments to SOLAS chapter II-1, parts A, B and B-1, as prepared by SLF 47, had been circulated, at the request of Denmark and Germany, in accordance with SOLAS article VIII, for consideration and adoption at MSC 80.

Explanatory notes to the revised SOLAS chapter II-1 parts A, B and B-1

11.9 The Committee noted the progress made on the development of the Explanatory notes for the harmonized SOLAS chapter II-1 and that the Sub-Committee, in order to expedite their development, had established a correspondence group with a view to finalizing these draft Explanatory notes for adoption by the Committee in time before the entry into force of the revised SOLAS chapter II-1 parts A, B and B-1.

Revised fishing vessel Safety Code and Voluntary Guidelines

11.10 The Committee, having considered the proposed revised fishing vessel Safety Code and Voluntary Guidelines and, having agreed to minor modifications thereto, approved:

- .1 the Code of Safety for Fishermen and Fishing Vessels, 2005, set out in annex 38; and
- .2 the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005, set out in annex 39,

and instructed the Secretariat to forward them to FAO and ILO for concurrent approval, as appropriate.

11.11 Following the approval of the aforementioned fishing vessel Safety Code and Voluntary Guidelines, the Committee considered the recommendation of SLF 47 to investigate, in co-operation with FAO, the utility of providing an information note on the provision of support to fishing vessels, taking into account that the existing part B of the fishing vessel Safety Code contains a similar information note which is now outdated. Having agreed to the above recommendation, the Committee instructed the Secretariat to communicate with FAO accordingly.

11.12 The Committee considered the recommendation of SLF 47 to have the fishing vessel Safety Code and Voluntary Guidelines published in all the official languages of the Organization. Having noted that the Secretariat does not publish codes and guidelines in more than the three working languages as a matter of policy, the Committee agreed, in view of UN Resolution A/Res/58/240 on Oceans and the Law of the Sea and taking into account the justification provided by the Sub-Committee (SLF 47/17, annex 5), to the aforementioned recommendation, as an exceptional case. The Council was invited to endorse the view of the Committee to publish the Safety Code and Voluntary Guidelines in all the official languages of the Organization as an exceptional case.

Revision of the OSV Guidelines

11.13 The Committee agreed to the recommendation of SLF 47 to include, in the DSC Sub-Committee's work programme and agenda for DSC 10, a new item on "Revision of the LHNS and OSV Guidelines", taking into account that the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (resolution A.673(16)), which is part of the revision of the OSV Guidelines, address matters under the purview of the DSC Sub-Committee.

Large passenger ship safety

11.14 The Committee considered the outcome of the Sub-Committee relating to large passenger ship safety under agenda item 4 (Large passenger ship safety).

Safety of small fishing vessels

11.15 Having considered the relevant justification of the Sub-Committee, the Committee agreed to include in the Sub-Committee's work programme and the provisional agenda for SLF 48, a new item on "Safety of small fishing vessels", aiming at developing safety standards for fishing vessels below 12 m in length, bearing in mind that the large majority of fishing fatalities occur aboard such vessels (see paragraph 20.32.1).

12 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

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

General

12.1 The Committee considered urgent matters emanating from the ninth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 9/15 and addendum and MSC 79/12) and took action as indicated hereunder.

Revised Code of safe practice for solid bulk cargoes (BC Code)

12.2 Following consideration of the draft revised Code of safe practice for solid bulk cargoes, prepared by the Sub-Committee, the Committee adopted resolution MSC.193(79) on Adoption of the Code of safe practice for solid bulk cargoes, 2004, as set out in annex 40, and authorized the Secretariat to effect any editorial corrections when preparing the final text of the 2004 BC Code.

Mandatory application of the BC Code

12.3 The Committee noted that, following MSC 78's decision regarding the mandatory status of the BC Code, the Sub-Committee prepared a timetable on the envisaged sequence of events leading to the mandatory application of the BC Code (DSC 9/15, annex 1), and endorsed the timetable, which could be subject to revision depending upon the progress made over the years, noting that future work on the mandatory application of the BC Code would include:

- .1 identification of mandatory and recommendatory parts of the BC Code, including consequential amendments; and
- .2 preparation of draft amendments to SOLAS chapters VI and VII on making the BC Code mandatory.

Transport of zinc ingots

12.4 The Committee endorsed the issue of DSC/Circ.26 on Incidents involving transport of zinc ingots, which was based on lessons learnt from accidents involving three ships carrying zinc ingots.

Replacement of MSC/Circ.671

12.5 The Committee approved MSC/Circ.1146 on Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective, to supersede MSC/Circ.671.

Casualty and incident reports

12.6 The Committee endorsed the issue of DSC/Circ.27 on Explosion in a cargo hold loaded with recycled aluminium, which was prepared on the basis on lessons learnt from the casualty report of m.v. **Sierkdorf**.

Inspection of containers/vehicles carrying packaged dangerous goods

12.7 The Committee approved MSC/Circ.1147 on Questionnaire on inspections of containers/vehicles carrying packaged dangerous goods, and urged Member Governments to complete the questionnaire as fully as possible and return the completed form by 1 June 2005 so as to enable the Secretariat to collate and compile the results for consideration at DSC 10.

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

12.8 Having recalled the decisions on the progress made and the course of action taken by DSC 9 under agenda item 5 (Measures to enhance maritime security) (see paragraph 5.15 above), the Committee requested, in addition, the FAL Committee to consider those aspects of the Recommendations which fall within its purview.

Measures to enhance maritime security

12.9 The Committee considered, under agenda item 5 (Measures to enhance maritime security), the conclusions of the Sub-Committee in relation to the instruments which are under the purview of the Sub-Committee and which need to be reviewed and amended so as to include appropriate security-related provisions (see paragraphs 5.8 to 5.10).

Document of compliance

12.10 The Committee approved MSC/Circ.1148 on Issuing and renewal of document of compliance with the special requirements applicable to ships carrying dangerous goods.

Terms of reference for the Sub-Committee

12.11 The Committee considered the draft terms of reference for the Sub-Committee under agenda item 19 (Application of the Committees' Guidelines) (see paragraphs 19.12 to 19.14).

Intersessional meetings of the Editorial and Technical Group

12.12 The Committee approved the holding of two one-week meetings of the Editorial and Technical Group (E&T) in 2005, which have been tentatively scheduled from 25 to 29 April 2005 and from 3 to 7 October 2005.

REPORT ON CASUALTY OF M.V. "YTHAN"

12.13 The Committee considered document MSC 79/12/1 (Marshall Islands) providing a preliminary report of the casualty of the m.v. **Ythan** which, while carrying a cargo of hot briquetted iron/direct reduced iron (HBI/DRI) fines, from Venezuela to China, experienced a series of explosions in the cargo holds and the cargo of HBI/DRI fines on 28 February 2004, in a location North of Santa Martha, Colombia. The explosions and subsequent sinking of the vessel resulted in the death of the ship's master, with five engine-room staff missing after the casualty. The Committee offered condolences to the families and friends of those who had lost their lives in the casualty.

12.14 In view of the importance of the issue and the need to address immediate concerns of the Committee, it requested a group of experts to look into the matter and, having been advised by

the group of experts (MSC 79/WP.9), approved MSC/Circ.1149 on Accidents involving bulk cargoes not specifically listed in the Code of safe practice for solid bulk cargoes (BC Code).

12.15 The Committee further decided to forward document MSC 79/12/1 to DSC 10 for detailed consideration and appropriate action and invited the Marshall Islands to submit the formal report of the casualty, when prepared, to the Organization. Member Governments and international organizations were invited to submit proposals on the issue for consideration at DSC 10 so that an informed decision could then be taken.

13 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

DEVELOPMENTS CONCERNING TECHNICAL CO-OPERATION ACTIVITIES

13.1 The Committee recalled that, at MSC 78, owing to lack of time, it had deferred consideration of this item to its present session.

Activities executed and planned

13.2 The Committee noted the information provided on safety- and security-related and facilitation activities executed during 2004 and those planned for 2005 (MSC 78/17 and MSC 79/13/1) and, in particular, those activities carried out prior to and since the coming into force of the 2002 SOLAS amendments and the ISPS Code, as well as the maritime security train-the-trainer courses being delivered during 2004-2005.

Global Flag State Implementation Workshop, March 2005

13.3 The Committee noted that the Secretariat is preparing a global Flag State Implementation Workshop to be held at IMO from 2 to 4 March 2005. The Committee noted with appreciation that the event, involving participants from around 35 countries, is being financed by the United Kingdom in the context of its Memorandum of Understanding with IMO on technical assistance.

Support to Yemen

13.4 The Committee noted that the Secretariat was planning a series of technical assistance activities in Yemen, including a national course for port State control officers, as well as a regional seminar on piracy and armed robbery against ships and maritime security, which will be attended by other countries of the region.

Marine Electronic Highway Project

13.5 The Committee noted, in respect of the regional Marine Electronic Highway Project in the Straits of Malacca and Singapore, that a comprehensive proposal for a four-year Demonstration Project had now been prepared, to be executed by IMO in partnership with Indonesia, Malaysia and Singapore, as well as IHO, INTERTANKO and ICS. The new project will use modern information technologies to integrate maritime safety and environmental management, particularly in respect of navigational safety, precision navigation and emergency response, with a view to improving safety, security and environmental protection in one of the world's most vital shipping lanes. The Committee further noted that the new proposal had been endorsed by the GEF in July 2003 and was now before the World Bank, with execution starting

in 2005. The project implementation plans were accordingly being updated and two agreements were being finalized to put in place the institutional arrangements among relevant parties.

International SAR Fund

13.6 The Committee noted that the TCC had concurred with, and the Council had subsequently approved, the decision of MSC 78 on the formal establishment of the International SAR Fund within the framework of IMO's technical co-operation programme, as recommended by the Florence Conference (MSC 79/2 and MSC 79/2/1). The Committee further noted that C 93 also considered and approved the Secretariat's further proposals on that Fund's operational modalities (MSC 79/2/1/Add.1).

International Maritime Security Trust Fund

13.7 The Committee noted, with respect to maritime security, that C 93 had been informed that IMO's total financial contribution to related technical assistance activities had exceeded US\$2.6 million and that expenditure to date was now over US\$2.5 million. While this showed the excellent level of delivery, maritime security support was still very much in demand and, to that end, the International Maritime Security Trust Fund had been established in June 2003. The Committee noted with appreciation that, so far, contributions amounting to some US\$508,000 had been received from Denmark, Egypt, Germany, Sweden, the United Kingdom and the United States, while other Member States had indicated their willingness to contribute also. The Committee was further informed that the North East Marine Institute (International Ship and Port Security Division) had lately contributed US\$50,000 to the Trust Fund.

13.8 The Committee urged Governments and industry to contribute generously to IMO's technical co-operation programme, and requested the Secretariat to continue providing it with updated information on the programme's activities.

THEMATIC PRIORITIES FOR THE ITCP FOR 2006-2007

13.9 The Committee was informed that the Secretariat was preparing the ITCP for 2006-2007, for consideration by TC 55 in June 2005. In that context, it was first necessary to establish the biennial thematic priorities of all the IMO Committees, to facilitate the construction of the new ITCP around the corresponding technical assistance needs of developing countries. Accordingly, the Committee had been invited to identify its thematic priorities for the next biennium, taking into account the proposals in the annex to document MSC 79/13/1/Add.1.

13.10 Noting the additional information provided orally by the Secretariat and following discussion, the Committee agreed that the seven items listed in the annex to document MSC 79/13/1/Add.1 were all high priorities and that it was unnecessary to prioritize between them. The Committee also agreed that the Secretariat (MSD and TCD) should consider how best to address these priorities over the next biennium taking into account its views and the limited resources available to the ITCP.

13.11 With respect to the text of the agreed thematic priorities, the Committee requested the Secretariat to make the following amendments:

- .1 in the first item, delete "SOLAS chapter XI-2 and the ISPS Code,";
- .2 in the second item, insert "SOLAS chapter XI-2 and the ISPS Code and" after "promoting" and before "the continued";

- .3 in the third item, replace “activities” with “MoUs”;
- .4 in the fourth item, delete “[promoting]” and the square brackets around “capacity-building for”; and
- .5 in the sixth item, insert “small fishing vessels and” after “including” and before “domestic passenger ferries”.

ASSISTANCE TO SOMALIA

13.12 The Committee noted that C 93 (MSC 79/2/1/Add.1, paragraphs 18 and 19), had noted the information with respect to IMO’s possible role in the creation of a caretaker marine authority for Somalia; supported the recommendation of the Monitoring Group on Somalia that IMO, in consultation with neighbouring States and other agencies and organizations concerned, should develop a practical coastline-monitoring programme for Somalia; and endorsed the Secretary-General’s initiative to bring this recommendation to the attention of the MSC, MEPC and TCC, for consideration and action, as appropriate. The Committee also noted that the Secretariat is already examining ways of implementing the Monitoring Group’s recommendation.

IMO MODEL COURSE PROGRAMME

13.13 The Committee noted the information on the further progress made under the IMO model course programme (MSC 78/17/1 and MSC 79/13/2) and expressed its appreciation to the Government of India and IACS for their support in the preparation and revision of several courses.

13.14 The Committee agreed with the FSI Sub-Committee’s recommendation, and the related decision of the MEPC (MEPC 52/24, paragraph 10.14), that the one-week course on flag State implementation be included in the IMO programme of model courses, thereby ensuring that it is regularly updated, translated into French and Spanish and made available to all.

13.15 The Committee requested the Secretariat to report further developments on the IMO model course programme to MSC 80.

OUTCOME OF THE THIRD WORKSHOP FOR PORT STATE CONTROL MOU/AGREEMENT SECRETARIES AND DIRECTORS OF INFORMATION CENTRES

13.16 The Committee considered the information (MSC 79/13/3) on the outcome of the Third Workshop for port State control MoU/Agreement Secretaries and Directors of Information Centres, which was held from 9 to 11 June 2004, at IMO Headquarters.

13.17 In this context, the Committee noted the additional information provided by the Secretariat that the workshop had facilitated a technical exchange of views and the development of global recommendations on the further harmonization and co-ordination of port State control (PSC) activities (i.e. in-depth analysis of PSC statistical data and development of a common code of conduct), the PSC regimes’ greater involvement in IMO’s work (i.e. on the development of PSC guidelines and the inspection of non-Convention vessels), and the operational support required from the Secretariat (i.e. dissemination to the PSC regimes of data on recognized organizations, the harmonization of PSC codes and the identification of new convention requirements).

13.18 The Committee consequently agreed to refer the full report of the workshop to FSI 13 for detailed consideration and instructed the Sub-Committee to report to MSC 81.

13.19 Regarding the possibility of organizing further workshops in the future, the Committee recalled its previous decision that such events should take place biennially and noted the opinion of the majority of delegations who spoke and of the Secretariat that the workshops provided a very useful forum for the exchange of views and experiences leading towards the global harmonization and co-ordination of PSC activities.

13.20 Concerning the actual conduct of such further workshops, some delegations expressed the view that the Technical Co-operation Fund (TC Fund) should not finance also the participation in such events of representatives of developed countries. In this context, the Committee considered that the general question of TC Fund support for such workshops was a matter for decision by the Technical Co-operation Committee (TCC) and the Council. Additionally, the Committee noted the Secretary-General's view that, while the recent Joint Ministerial Conference of the Paris and Tokyo MoUs had called for further harmonization between the two regimes, such positive initiatives should not be limited to one or two regions but should be extended to all. Therefore, events such as IMO's global PSC workshops could continue and, if the TC Fund could not support them, other options could be explored such as external donor funding or self-financing by the participants.

13.21 The Committee decided to refer further consideration of this matter to FSI 13 so that, in reviewing the outcome of the third workshop, the Sub-Committee could also consider the qualitative value of such events, as well as their funding options, and recommend to MSC 80 whether they should continue or whether alternative arrangements could be made. In this regard, the Committee noted also the Secretariat's plan to include a further workshop in the draft ITCP for 2006-2007, for consideration by the TCC and the Council in June 2005, pending the Committee's decision on the future of such events and taking into account its approval of a thematic priority for the next biennium on promoting the global harmonization and co-ordination of port State control MoUs.

14 ROLE OF THE HUMAN ELEMENT

14.1 The Committee recalled that, at MSC 78, the Joint MSC/MEPC Working Group on Human Element had been reconvened to develop the Organization's strategic plan to address the human element.

14.2 The Committee also recalled that the Joint MSC/MEPC Working Group on Human Element, due to the complex and interrelated issues involved and time constraints, had not been able to develop a complete strategic plan and had, instead, developed a working document, which could serve as a basis for developing the strategic plan to address the human element.

14.3 The Committee further recalled that, in order to facilitate the finalization of the strategic plan, MSC 78 had invited Member Governments to submit comments on the working document (MSC 78/WP.16) to this session.

14.4 The Committee finally recalled that MSC 78 agreed that the Joint MSC/MEPC Working Group on Human Element should be convened at least once a year, preferably at alternate sessions of the MSC and MEPC, as appropriate, following consultations between the Chairmen of the two Committees.

Development of a strategic plan for addressing the human element

14.5 The Committee considered document MSC 79/14 (Liberia) outlining a draft strategic plan for IMO to address the human element taking into account three fundamental questions:

- .1 assistance to IMO: What can be developed to ensure the comprehensive consideration of the human element in the development of mandatory and non-mandatory IMO instruments?
- .2 assistance to shipowners and ship managers: What can be developed by IMO to assist shipowners and ship managers to efficiently and effectively implement human element efforts to comply with mandatory and non-mandatory instruments?
- .3 assistance to seafarers: What can be developed by IMO to assist seafarers in the prevention of safety and environmental accidents and injuries to personnel, ships, the environment and other relevant stakeholders?

14.6 The Committee also considered document MSC 79/14/1 (Liberia) proposing the development of guidance for the Organization to facilitate the comprehensive consideration of the human element in the development of guidance, tools, mandatory and non-mandatory instruments. Liberia also proposed developing a check list for the use by committees, sub-committees and working groups.

14.7 The Committee further considered documents MSC 79/14/2 and MSC 79/14/3 (Liberia) proposing the development of a human element action plan for consideration of ergonomics within IMO and greater participation by Member States to ensure presence of human element expertise at the relevant sessions of the committees, sub-committees, working and correspondence groups concerned at IMO.

14.8 The Committee considered document MSC 79/14/4 (ISF) proposing that the above-mentioned documents (MSC 79/14, MSC 79/14/1, MSC 79/14/2 and MSC 79/14/3) should be referred to the next session of the Joint MSC/MEPC Working Group on Human Element.

14.9 The Committee also considered documents MSC 79/14/5 and MSC 79/14/6 (ICFTU) which proposed to include standards for seafarer's occupational health and safety in the Organization's human element strategy and to consider ergonomics in the engine-room of ships in addition to discussing bridge ergonomics.

14.10 The ISF observer was of the view that the subject of occupational health and safety fell clearly within the remit of ILO and the proposed consolidated Maritime Labour Convention, as well as WHO, rather than IMO. In response, the ICFTU observer expressed the view that, seafarers were excluded from the provisions of ILO Convention related to general health and safety for workers; the proposed consolidated Convention included reference to standards related to noise levels, as set out in IMO resolution A.468(12) only, while reference to health and safety standards promulgated by the BLG and DSC Sub-Committees were not included.

14.11 The Committee noted that, following consultations between the Chairmen of the Committees, MEPC 52 agreed that the next session of the Joint MSC/MEPC Working Group on Human Element would be reconvened at MEPC 53.

14.12 The Committee agreed that the Joint MSC/MEPC Working Group on Human Element should change the title of the proposed plan to ‘Organization’s strategy for addressing the human element’, so that it would not be confused with the Organization’s Strategic Plan. The Committee also agreed that the proposed plan should not be in conflict with the Organization’s Strategic Plan.

14.13 The Committee further agreed that the draft Guidelines on the basic elements of a shipboard occupational health and safety programme (BLG 8/WP.4) should also be considered by the working group at its next session to be held at MEPC 53.

14.14 The Committee agreed that documents MSC 79/14, MSC 79/14/1, MSC 79/14/2, MSC 79/14/3 MSC 79/14/4, MSC 79/14/5 and MSC 79/14/6 should be considered in detail by the Joint MSC/MEPC Working Group on Human Element at MEPC 53.

Impact of the ISM Code and its effectiveness

14.15 The Committee noted the information provided by the Secretariat (MSC 79/14/7) on the establishment of the Independent Experts Group to study the impact of the ISM Code, at no cost to the Organization, and appreciated the initiative of the Secretary-General to establish the Experts Group.

14.16 The Committee requested the Secretariat to take note of the comments made relating to collection of data and submit an interim report on the activities of the Experts Group to MSC 80.

15 FORMAL SAFETY ASSESSMENT

15.1 The Committee recalled that MSC 78, due to lack of time, had decided to defer consideration of the item to this session and noted the list of the documents deferred from MSC 78, as contained in document MSC 79/15. The Committee further recalled that MSC 77, having discussed proposed amendments to the FSA Guidelines (MSC/Circ.1023 – MEPC/Circ.392) and whether sub-committees should apply the principles of the FSA methodology when analysing casualties referred to them by the FSI Sub-Committee, established a correspondence group to review the Guidelines and prepare draft amendments, as appropriate; to consider the application of the FSA methodology to the analysis of casualties; and to consider the need for developing a procedure for estimating risk reduction after the introduction of certain safety measures, for possible appending to the FSA Guidelines.

15.2 The Committee noted that:

- .1 MEPC 49, when considering FSA matters, had tasked the FSA correspondence group mentioned above with additional terms of reference, i.e. to consider the need to develop a risk index relevant to the protection of the marine environment; and
- .2 FSI 12’s working group on casualty analysis had considered the use of FSA methodology in the casualty analysis process and found that its application would be a good step forward towards improvements in organizing casualty analysis. A procedure had been developed by the group, with steps 1 and 2 of the FSA being specified for use in casualty analysis in a practical way. The group believed that the proposed procedure formed a good basis for trial and further

improvement. FSI 12 agreed with the proposed casualty analysis procedure (FSI 12/WP.2, annex 5) and informed MSC 78 accordingly.

15.3 In the context of this item, the Committee recalled the discussion under item 6 (Goal-based new ship construction standards) on the role of the FSA methodology in the development of a goal-based regulatory framework for ship construction standards, in particular the consideration of documents MSC 79/6/3 (Germany), MSC 79/6/19 (Bahamas) and MSC 79/6/25 (United Kingdom) (paragraphs 6.10 to 6.13) and agreed to take the outcome of that discussion into account when considering this agenda item.

15.4 The Committee had for its consideration the report of the correspondence group MSC 78/19 (Japan); documents MSC 78/19/1, MSC 78/19/2 and MSC 78/19/3 (IACS); document MSC 79/15 (Secretariat) providing a list of documents deferred to this session; and document MSC 79/15/1 (Secretariat) providing the outcomes of MSC 77, MSC 78 and FSI 12 on the issue of application of the FSA methodology to casualty analysis.

Consideration of IACS submissions

15.5 The Committee considered the following three IACS submissions:

- .1 document MSC 78/19/1 analysing the FSA studies carried out at IMO so far and commenting on various aspects of the studies in some detail. This includes problems with FSA studies with too large a scope, the definition of the generic model, the limitations and disadvantages of the use of historical data, procedures to re-evaluate the cost effectiveness of RCOs before adopting measures, presentation of results and project management in the conduct of large FSA studies. Deriving from the analysis, proposals are made for the improvement of the FSA Guidelines, however, no concrete text for amendments is suggested;
- .2 document MSC 78/19/2 suggesting a set of quantified risk acceptance and cost-effectiveness criteria, which could be agreed by IMO as guidance for the use in future FSA studies. Agreed risk evaluation criteria would enable FSA studies to be conducted in a more consistent manner, making results and the way they were achieved better comparable and understandable. The document provides clarification on available criteria to assess the acceptability or tolerability of risks, so-called risk acceptance criteria, and the cost effectiveness of risk control options, so-called cost effectiveness criteria. The paper also recommends how these criteria should be applied. It is suggested that similar criteria are developed for risk to environment and property;
- .3 document MSC 78/19/3 suggesting a specific technique to indicate the degree of agreement (concordance) between experts, in a situation where experts are asked to rank hazards in terms of severity. Experts are sometimes used to rank risks associated with accident scenarios, or to rank the frequency or severity of hazards. One example is the ranking that takes place at the end of FSA Step 1 – Hazard identification. This is a subjective ranking, where each expert may develop a ranked list of accident scenarios, starting with the most severe. To enhance the transparency in the result, the resulting ranking should be accompanied by a concordance coefficient, indicating the level of agreement between the experts.

15.6 The Committee agreed that these IACS submissions contained valuable comments and proposals which warranted further detailed consideration and decided to instruct the

Correspondence Group on FSA (paragraph 15.14) to consider them further with a view to preparing relevant amendments to the FSA Guidelines, as appropriate.

Consideration of the report of the correspondence group

15.7 Following consideration of the report of the correspondence group (MSC 78/19), in conjunction with the abovementioned documents, in particular the action requested of the Committee in the report of the correspondence group, the Committee:

- .1 approved, subject to MEPC's concurrent decision, the proposed draft amendments to the FSA Guidelines (MSC/Circ.1023 - MEPC/Circ.392) as set out in annex 41 and instructed the Secretariat to inform MEPC 53 accordingly;
- .2 noted the opinion of the group with regard to document MSC 76/5/12, proposing a number of considerations on the decision-making process when independent FSA studies show different final recommendations, and agreed on the need to develop appropriate amendments to the FSA Guidelines to address the issue as well as to make sure that the stages in the FSA process, where subjectivity can substantially influence the results, are defined in a way that the possibility of obtaining inconsistent results is reduced to a minimum;
- .3 with regard to the recommendation of the group that the FSI Casualty Analysis Working Group should not apply the FSA methodology in its work, decided, taking into account the recommendation of the FSI Sub-Committee's Working Group on Casualty Analysis (see paragraph 15.2.2 above) and background information on the matter as contained in document MSC 79/15/1, to instruct the FSI Sub-Committee to ensure that casualty data are collected in a uniform manner and to develop guidelines for the analysis of casualties which could also be used as a guidance by other sub-committees;

In this connection, the Committee, having recalled its decision, under agenda item 20 (Work programme), to include a new item on "Review of the Code for the investigation of marine casualties and incidents" in the work programme of the FSI Sub-Committee which would include the review of the reporting requirements in the context of casualty investigations that could impact on the data collected by the Organization for casualty analysis purposes, noted that further work of the FSI Sub-Committee on the uniform manner of data collection would be compatible with the aforementioned new work programme item;

- .4 noted the view of the group that any technique for analysis should be notified, examined and recognized by a technological or scientific forum before it is introduced into FSA;
- .5 noted the view of the group that indices relevant to the protection of the marine environment were currently not well defined and were under development and that, therefore, no concrete proposal on such indices for FSA could be developed at this point in time;
- .6 endorsed the view of the group that the development of a risk index for marine environment protection was an important issue which should be further discussed; and

- .7 agreed with the recommendation of the group regarding further work necessary under the FSA item, as follows:
 - .7.1 the guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the rule making process of IMO (MSC/Circ.1022) should be used more actively, and if necessary, should be further amended to ensure its application; and
 - .7.2 the development of relevant indices for use in FSA for marine environment protection should be undertaken.

Establishment of a group of experts on FSA

15.8 The Committee recalled the proposal by IACS (MSC 78/19/1) for an FSA review process, foreseeing a standing MSC working/correspondence group to carry out independent reviews of FSA studies submitted to IMO. The Committee recognized that there was clearly a need to improve the FSA process so that, in the future, the Organization could base its decisions on a single, internationally recognized, set of findings and recommendations that are based on the formal safety assessment process.

15.9 Following from the above, the Chairman suggested that this could be achieved by the establishment of a group of experts which would be entrusted to provide expert judgement for specific FSA studies, either to be carried out under the auspices of IMO or to be reviewed by the expert group. The terms of reference of such a group should be decided by the Committee and may include, for example, the following activities:

- .1 review past IMO experience with the application of FSA with a view to identifying any weak points in applying the process and providing recommendations on how to avoid having different sets of results in the future;
- .2 prepare relevant amendments to the FSA Guidelines, also taking into account the recommendations of the FSA Correspondence Group (MSC 78/19) in this regard;
- .3 carry out FSA studies on specific subjects as directed by the MSC and other Committees;
- .4 review FSA studies on specific subjects submitted to the Organization as directed by the MSC and other Committees;
- .5 consider any role for FSA to play in the framework of the goal-based standards, taking into account documents MSC 79/6/3, MSC 79/6/19 and MSC 79/6/25; and
- .6 prepare relevant reports for submission to the MSC and other Committees.

15.10 The delegation of the United States, in agreeing that the Chairman's proposal might be the right course of action to improve the FSA application in IMO, suggested that the matter, including participation, funding and terms of reference for such a group, should be discussed in detail at MSC 80; that a Working Group on FSA should be established for that purpose; and that the Secretariat could be instructed to prepare a basic document for consideration at MSC 80, covering the above issues.

15.11 Several other delegations, when supporting the proposal by the delegation of the United States on how to proceed, mentioned other issues which needed to be addressed in this connection, such as the status of the group and its independence, the selection of experts, how to ensure transparency, and the linkage between FSA and goal-based standards.

15.12 Subsequently, the Committee agreed to establish the Working Group on FSA at MSC 80 in order to consider the need for such a group of experts, including representation, funding, independence and transparency issues, and to advise the Committee accordingly. The Committee further agreed that the working group should also be tasked with the consideration of the documents submitted to MSC 78, MSC 79 and MSC 80, in order to improve the FSA Guidelines, and with the consideration of the link between FSA and goal-based standards, taking into account the three FSA related submissions under agenda item 6 (Goal-based new ship construction standards), as mentioned in paragraph 15.3.

15.13 Consequently, the Committee instructed the Secretariat to prepare a basic document for the establishment of such a group of experts, including procedures for selection of experts and funding options, for consideration at MSC 80.

Re-establishment of the correspondence group

15.14 Taking into account the above decisions, the Committee agreed to re-establish the Correspondence Group on FSA, under the co-ordination of Japan*, with the following terms of reference:

- .1 to consider documents MSC 78/19/1, MSC 78/19/2 and MSC 78/19/3 and prepare relevant amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023 – MEPC/Circ.392), as appropriate;
- .2 to consider further unresolved issues raised in the report of the correspondence group (MSC 78/19), e.g. inconsistent results of different FSAs on the same subject and clarifications of the technology used for particular FSAs;
- .3 to consider whether any amendments to the Guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the rule making process of IMO (MSC/Circ.1022) were necessary in order to make it more user-friendly;
- .4 to develop relevant indices for use in FSA for marine environment protection and report the outcome directly to the MEPC; and
- .5 to submit a report to MSC 80.

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16 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Statistical information

16.1 The Committee noted (MSC 79/16) that, since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships had been circulated under the MSC.4/Circ. series, while the annual report for the period between March 2003 and March 2004 had been issued under the symbol MSC.4/Circ.50 and had been presented at MSC 78.

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

16.3 Based on the above reports and additional information provided orally by the Secretariat, the Committee noted that the number of acts of piracy and armed robbery against ships, which occurred during the first nine months of 2004, as reported to the Organization, was 252, a decrease of 28% over the figure for the corresponding period in 2003. The Committee further noted that the total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of September 2004, was 3,653.

16.4 The Committee observed that, although this 28% annual decrease in the reported acts of piracy and armed robbery against ships was encouraging, as was the increased number of repelled or otherwise unsuccessful attacks, the fact that the monthly reports indicated an increase in the violence of the attacks, was not. The incidence of such acts remained a cause for concern and, therefore, as emphasised on previous sessions of the Committee, much more still needed to be done to reduce this menace. The Committee agreed that it was too soon to quantify the effect that the implementation of the new regulatory maritime security regime has had in reducing the number of piracy and armed robbery cases.

16.5 In further considering the statistical information for the period between 1 January and 30 September 2004, the Committee expressed deep concern on the information received on incidents allegedly committed against ships during the period under review, which had resulted in six ships being hijacked, two ships being sunk/capsized and seven ships being damaged by gunfire. From the reports received, it had also emerged that the most affected areas in 2003 (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, South America and the Caribbean, the Indian Ocean and West and East Africa. Most of the attacks worldwide had occurred or been attempted in the coastal States' concerned territorial waters while the ships were at anchor or berthed. In many of the reports received, the crews were violently attacked by groups of five to ten people carrying knives or guns. The Committee was particularly concerned to note that that, during the same period, 30 crew members and passengers were reportedly killed, 94 were injured and 113 were taken hostage. Amongst those confirmed as still missing to date and unaccounted for were 36 crew members including 17 crew members thrown overboard in the reported incidents.

16.6 The Committee observed that, although since the 11 September 2001 attacks emphasis had been placed on maritime security, piracy and armed robbery against ships continued to trouble the shipping industry. Although the implementation of SOLAS chapter XI-2 and the ISPS Code was expected to have a positive impact on the reduction of piracy and armed robbery incidents, Contracting Governments should be aware of the fact that continued activities of that nature would raise serious concerns as to the compliance of the ports and port facilities of the country concerned with the new maritime security regime. The Committee, therefore, urged, once again, all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

16.7 The Committee noted that after MSC 78 the Secretariat had received no reports from Member Governments on action they took with regard to incidents reported to have occurred in their territorial waters. Therefore, the Committee urged all Governments to provide the Organization with the information requested.

16.8 The Committee noted the information by ICFTU (MSC 79/INF.8) on “In the Firing Line”, a report produced by NUMAST, an ICFTU affiliate, which provided the seafarers’ perspective of the unacceptable threat to merchant shipping and how seafarers perceive the problem could be best addressed.

16.9 The Committee noted the verbal report by the delegation of the Netherlands on the armed attack against the vessel **Smitwijs London** in the Malacca Strait on 1 November 2004, and the concerns raised by the delegation of Liberia on recent reports of ships arming themselves for their own protection. The Committee also noted the Secretary-General’s recollection that MSC 62 in June 1992, in approving MSC/Circs.622 and 623, had endorsed the view that ships should not carry firearms on the basis that, *inter alia*, the carriage of such weapons requires the training of those using them; may encourage attacks to seize weapons from ships known to be armed; would lead to an escalation of violence; and had legal implications in respect of self-defence.

16.10 The Committee further noted the activities of the Secretariat in conducting workshops and seminars on combating piracy; the actions taken pursuant to the Secretary-General’s initiative on the protection of vital shipping lanes, as endorsed by the Council, at its ninety-third session and, in particular, the intention to hold a meeting on maritime safety, security and environmental protection of the Malacca and Singapore Straits in Jakarta in July or August 2005; and the plan to hold a regional seminar on piracy and armed robbery against ships and maritime security in Yemen in March or April 2005.

Update on the United Nations Open-ended Informal Consultative Process

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

16.12 The Committee, having received the report (MSC 79/16/1) on the outcome of discussions, in relation to piracy and armed robbery held, during the Fifth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea which met from 7 to 11 June 2004, noted the information provided in paragraphs 4 and 5 of document MSC 79/16/1, which had meanwhile been adopted, with editorial changes, as part of the United Nations General Assembly Resolution 59/24 on Oceans and the Law of the Sea as operative paragraphs 47 and 48:

“47. Urges all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration.”

“48. Welcomes the progress in regional cooperation in the prevention and suppression of piracy and armed robbery at sea in some geographical areas, and urges States to give urgent attention to promoting, adopting and implementing cooperation agreements, in particular at the regional level in high-risk areas.”

16.13 The Committee instructed the Secretariat to keep the Committee updated on future developments on this Consultative Process.

Information on the development of GISIS

16.14 The Committee recalled that MSC 78, noting that the preparation of a statistical presentation of the additional information on total figures of reported incidents and responses received from the coastal States was not envisaged at this stage, had instructed the Secretariat to investigate and to inform the Committee on the possibility of making the corresponding entire set of data, which was being stored in the Secretariat database on piracy and armed robbery against ships, accessible and searchable on the IMO public website when developing the respective application in the context of the IMO Global Integrated Shipping Information System (GISIS).

16.15 The Committee noted the report by the Secretariat (MSC 79/16/2) on the status of the development of the IMO Global Integrated Shipping Information System (GISIS), with regard to the piracy and armed robbery module, and was informed about the specific need for information on incidents, as submitted to the Organization, to contain the IMO ship identification number, as appropriate.

17 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Implementation of instruments

17.1 The Committee noted the information on the status of acceptance, as at 31 March 2004, of safety-related conventions, protocols and amendments thereto and of the status of implementation of codes, recommendations, guidelines and other safety related non-mandatory instruments (MSC 78/21 and MSC 78/INF.17), as well as the updated information, as at 30 September 2004, regarding safety-related conventions, protocols and amendments thereto (MSC 79/17/1 and MSC 79/INF.11). The Committee was advised orally by the Secretariat of additional information on instruments of ratification, acceptance, approval of, or accession to, safety-related IMO conventions and protocols deposited with the Secretary-General on or after the date the above documents were prepared.

17.2 On the specific issue of the status of implementation of codes, recommendations, guidelines and other safety related non-mandatory instruments referred to in annex 4 to document MSC 78/INF.17, which the Secretariat introduces once every two years at the first session of the

Committee following every Assembly session, the Committee, having noted the small number of updates received, requested the Secretariat to issue MSC/Circ.1150 on Provision of information on the implementation of codes, recommendations, guidelines and other non-mandatory instruments, to encourage Member States to provide relevant information to the Secretariat and, if there was a sufficiently large response, to provide the Committee with updated information on the status of such instruments.

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

17.3 The Committee considered the information contained in documents MSC 78/21/1, MSC 79/17/2 and MSC 79/2/1/Add.1, together with data on related TC activities contained in documents MSC 78/17 and MSC 79/13/1/Add.1.

17.4 The Committee recalled that it had been requested by the Assembly, through resolution A.925(22), to review the situation concerning the entry into force of the two aforementioned instruments and to take action, as deemed appropriate; and also that the Secretary-General had been requested to take additional measures aimed at assisting Member Governments in the process of becoming Parties to, and implementing, the said instruments. In this context, the Committee noted the information provided by the Secretariat (MSC 78/21/1) on IMO activities comprising a series of regional seminars and workshops to raise awareness of the benefits of meeting the standards of the 1995 STCW-F Convention and to promote the acceptance and implementation by Governments of that Convention and of the 1993 Torremolinos Protocol.

17.5 On the promotion of the implementation and eventual entry into force of the latter Protocol, including also other relevant instruments such as the FAO/ILO/IMO Code of safety for fishing vessels and fishermen and the FAO/ILO/IMO Voluntary Guidelines for the design, construction and equipment of small fishing vessels, the Committee noted that, pursuant to resolution A.925(22), a regional seminar was held in Beijing, People's Republic of China, from 21 to 24 September 2004, for selected South East Asian countries. The seminar was attended by high-level Government and maritime Authority officials with relevant decision-making functions relating to fishing vessel safety.

17.6 A similar regional seminar had also been programmed for selected Latin American countries in 2005, and, subject to appropriate funding becoming available, further regional seminars would be organized in other parts of the world during 2006-2007.

17.7 On the promotion of the implementation and eventual entry into force of the 1995 STCW-F Convention, the Committee noted that document MSC 78/17 provided information on planned activities for 2004 and was informed that a regional seminar and workshop on the implementation of that Convention had been planned for the Caribbean region from 11 to 15 October 2004, in St. George's, Grenada, but the event was cancelled due to the devastating effect of Hurricane Ivan and will be rescheduled in due course.

17.8 In the same context, the Committee noted that the ITCP for 2004-2005 included a specific programme of seminars and workshops targeting technical assistance for national Administrations to address specific needs, on demand, relating to the ratification and implementation of the 1995 STCW-F Convention; and that its thematic priorities for the ITCP covering the 2006-2007 biennium (MSC 79/13/1/Add.1) included the promotion of the acceptance of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention as well as proactive safety measures relating to fishing vessels and their personnel.

17.9 In regard to the consideration by C 93 of the study carried out by the Secretariat on the legal and practical implications of amending the entry-into-force provisions of the 1993 Torremolinos Protocol, the Committee noted that the Council had (see MSC 79/2/1/Add.1):

- .1 noted the study provided by the Secretariat, in particular the current estimate of the size of the world fishing vessels fleet and the legal analysis of the entry-into-force provisions of the 1993 Torremolinos Protocol (C 93/4/Add.2 and C 93/4/Add.4);
- .2 urged Member Governments, which have not yet responded to the Secretary-General's request for information, to do so in order that reliable information is obtained on the size of the world fishing vessels fleet and insights are gained into the reasons why some States have been reluctant to ratify the 1993 Torremolinos Protocol;
- .3 agreed, in the context of accelerating the entry into force of the 1993 Torremolinos Protocol, to urge Member States to accept that Protocol as soon as possible; and
- .4 agreed that the Organization should continue its technical co-operation activities related to fishing vessel safety.

17.10 The Committee decided to refer the information contained in documents MSC 78/21/1, MSC 79/17/2 and in the relevant paragraphs of document MSC 79/2/1/Add.1 to the FSI, SLF and STW Sub-Committees for information purposes.

18 RELATIONS WITH OTHER ORGANIZATIONS

RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

18.1 The Committee recalled that MSC 78, whilst considering the application for consultative status by the International Bunker Industry Association (IBIA) and taking into account the decision by MEPC 51 in this respect, was of the opinion that IBIA was not able to provide a significant contribution to the work of the Committee, but possibly to other bodies of the Organization such as the MEPC. From the information available, it was further not clear whether IBIA was in conflict or rivalry with any other organizations in consultative status such as the International Ship Supply Association (ISSA).

18.2 The Committee further noted that MSC 78, in agreeing that additional clarification was necessary on the above points, recommended to the Council to invite IBIA to provide the required information and defer the matter until that had been received. Subsequently C 92 had decided to defer the application of IBIA, pending the provision of additional information regarding its access to IMO through other organizations.

Applications

18.3 The Committee noted the decisions of the Council, as specified in document MSC 78/18, with respect to the applications of Fondation Africaine (FARMAPU-INTER &

CECOTRAP-RCOGL), IAASP, Interpol, IMHA and the change of name from IMTA-Interferry to INTERFERRY and AWES to CESA.

18.4 The Committee noted that C 92, in spite of some conflict between the aims of the European Maritime Heritage (EMH) and those of IMO, had decided to allow the application from EMH to proceed for further screening on a provisional basis by the Committee. C 92 had requested EMH and Member States to provide additional information they may have in order to ensure that EMH does not have access to IMO via other organizations. Additional information had meanwhile been received by the Secretariat as document MSC 79/18/Add.2.

18.5 The Committee noted the actions taken by C 93 relating to information on actions of Greenpeace International against certain bulk cargoes and their possible effect on the safety of seafarers, ships and the integrity of the ISPS Code.

18.6 The Committee was advised that applications for consultative status of the International Towing Tank Conference (ITTC) and the International Association of Airport and Seaport Police (IAASP) could be considered at MSC 80 when the additional information requested by C 93 is submitted.

18.7 The Committee considered the application for consultative status submitted by the European Maritime Heritage (EMH) (MSC 79/18, annex and MSC 79/18/Add.2), noting the comments of C 92 and the additional information provided by EMH (MSC 79/18/Add.2); and reconsidered the IBIA application in light of the additional information provided (MSC 79/18/Add.1), in accordance with the Rules governing relationships with non-governmental international organizations and the Guidelines on the grant of consultative status.

18.8 In considering the application of EMH, the Committee decided to recommend to the Council that consultative status should not be granted to EMH, as that organization was not considered to be truly international and was viewed as only being able to marginally contribute to the Committee's work.

18.9 Having reconsidered the application of IBIA, and while noting the relevant decision of MEPC 51 on IBIA, the Committee was satisfied with the additional information provided and decided to recommend to the Council that consultative status be granted to IBIA, since this organization was found to meet the requisite criteria and, in particular, because they were assessed to be able to contribute directly to the Committee's work and did not seem to have access to IMO through other organizations.

19 APPLICATION OF THE COMMITTEE'S GUIDELINES

General

19.1 The Committee recalled that, at MSC 78, it had noted the outcome of the 2004 Chairmen's Meeting (MSC 78/WP.9 and Corr.1), which had considered in detail several Secretariat documents relating to various issues under this agenda item, and that, due to lack of time, it had agreed to consider these matters further at its present session.

19.2 In this regard, the Committee decided to use the report of the 2004 Chairmen's Meeting as the baseline for its discussions under this agenda item, together with the related updating

documents submitted by the Secretariat to its present session. The Committee took decisions on these matters as indicated hereunder.

New reporting procedures and related matters

19.3 The Committee recalled that the new reporting procedure had been put to trial by all nine Sub-Committees (the SLF and DSC Sub-Committees having applied it twice) and noted their views on the results of such trials (MSC 78/23 and MSC 79/19/1/Add.3), together with the related views of the Chairmen's Meeting (MSC 78/WP.9 and Corr.1). The Committee noted also that C 92 had authorized it to make appropriate decisions on the future of the new reporting procedure for implementation by the Sub-Committees during the first half of 2005, taking into account the views of MEPC 52 (MSC 79/19/1).

19.4 During discussion, all delegations that intervened expressed the view that the trial reporting procedure had entailed the loss of historical and background information, as well as a summary of the various positions taken during debates, which was not helpful either for delegations at home or for new representatives coming to IMO meetings. In recommending a return to the previous practice, it was nonetheless acknowledged that improvements in the reporting procedures should continue to be sought and States were invited to submit relevant proposals, if any.

19.5 The Committee, noting further that MEPC 52 had recommended that the trial new reporting procedure be halted and the previous reporting procedure be re-established (MSC 79/19/1/Add.3), and that C 93 had agreed with that recommendation, subject to a concurrent decision by MSC 79 (MSC 79/2/1/Add.1), decided to halt the trial new reporting procedure and to re-establish the previous reporting procedure with immediate effect and instructed the Secretariat to inform the Council, at its ninety-fourth session, of its decision. Notwithstanding that decision, the Committee noted with appreciation the Secretariat's intention to continue with the practice of placing all working papers on the secure IMO website.

19.6 The Committee was advised that the Secretariat would endeavour to make available the final version of the Committee's and sub-committees' reports on the secure IMO website, or in hard copy, as early as possible following the end of the meetings.

19.7 The Committee also took note of the outcome of the Chairmen's Meeting on related matters, including the list of actions requested of the Committees in the reports of Sub-Committees (MSC 78/WP.9, paragraph 14), and the role and responsibilities of chairmen and vice-chairmen of sub-committees (MSC 78/WP.9, paragraphs 15 and 16).

Other issues emanating from the 2002 Chairmen's Meeting

19.8 The Committee, having noted the recommendations of the 2004 Chairmen's Meeting concerning issues that had been left unresolved by the 2002 Chairmen's Meeting (MSC 78/23/1 and MSC 78/WP.9, paragraphs 18 to 22), decided that such issues should be further discussed by the next Chairmen's Meeting, which was tentatively scheduled to take place at IMO Headquarters on Saturday, 14 May 2005, with a view to that Meeting reporting to MSC 80.

News media attendance at IMO meetings and related amendments to the Rules of Procedure of the Committee

19.9 The Committee recalled that, on the issue of news media attendance at IMO meetings, the Secretariat document submitted to its previous session (MSC 78/23/2) and the corresponding

outcome of the 2004 Chairmen's Meeting (MSC 78/WP.9, paragraph 23) had been overtaken by events since C 92 had adopted Guidelines for media access to meetings of Committees and their subsidiary bodies (MSC 79/19/1) and that, as a consequence, a media accreditation system (MSC 79/19/1/Add.1) had been established by the Secretariat and was already in operation.

19.10 The Committee recalled also that, in adopting the aforementioned Guidelines, the Council instructed the IMO bodies to follow them and to amend their respective Rules of Procedure as necessary. In this regard, the Committee noted that FAL 31, MEPC 52 and LEG 89 had adopted amendments to their respective Rules of Procedure in accordance with the instruction of the Council (MSC 79/19/1/Add.2, annex), and that the TCC would consider the issue at its fifty-fifth session.

19.11 Having noted the approach taken by the MEPC, the Committee agreed to take the same amendments, as adopted by MEPC 52, and adopted an amendment to Rule 8 (Publicity) of its Rules of Procedure, as set out in annex 42.

Terms of reference of the sub-committees

19.12 The Committee recalled that:

- .1 the COMSAR, DE, FP, FSI, NAV, SLF and STW Sub-Committees had, in accordance with the instruction given at MSC 76, drawn up their proposed terms of reference (MSC 78/23/3);
- .2 the DSC Sub-Committee had also done so at its ninth session (MSC 79/12 and DSC 9/15, annex 9);
- .3 at its eighth session, the BLG Sub-Committee, having considered its existing terms of reference, agreed that more time was necessary to finalize work on this issue (MSC 78/23/3, paragraph 3);
- .4 the Chairmen's Meeting discussed the proposed terms of reference of the Sub-Committees (except those of the DSC and BLG Sub-Committees), agreed upon a number of points that should be generic to all sub-committees (MSC 78/WP.9, paragraph 5), and recommended that the Secretariat revise the terms of reference to reflect those points and resubmit them to the sub-committees for further consideration; and
- .5 MEPC 52, having noted the aforementioned points, requested the Committee to take them into account at its present session and agreed to consider the matter further at MEPC 53 (MSC 79/19/2).

19.13 Following discussion, the Committee instructed the Secretariat to revise the terms of reference of the sub-committees in consultation with their respective Chairmen, taking into account the points agreed by the Chairmen's Meeting (MSC 78/WP.9, paragraph 5), the views of MEPC 52, as well as its own views, and submit them to MSC 80 and, as a consequence, to the next Chairmen's Meeting, for final consideration and approval by that session of the Committee and by MEPC 53.

19.14 Recalling its earlier decision that there was no immediate need to change the existing structure of the sub-committees, as subsequently noted also by the Council and the Assembly, the Committee endorsed the recommendation of the Chairmen's Meeting (MSC 78/WP.9,

paragraph 7) that, at this stage, it should not pursue any further the consolidation under one sub-committee (i.e. the DE, FP or COMSAR Sub-Committee) of the responsibility for escape, evacuation and recovery, or the change of name for the COMSAR Sub-Committee. The Committee also requested the sub-committees to refrain from proposing enlarged roles for themselves and from encroaching on the role of other sub-committees.

20 WORK PROGRAMME

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

GENERAL

20.1 Taking into account the recommendations made by the sub-committees which had met since MSC 78 (MSC 79/20 and Add.1); various proposals for new work programme items submitted to this session by Member Governments and international organizations; a preliminary assessment (MSC 79/WP.2) of such proposals undertaken by the Chairman with the assistance of the Secretariat; and decisions taken during the session, the Committee reviewed the work programmes of the sub-committees and provisional agendas for their forthcoming sessions and took action as indicated hereunder.

20.2 In considering the work programmes of the Sub-Committees and provisional agendas for their forthcoming sessions, the Committee recalled that, at MSC 78, the Chairman, in addressing the Committee's method of work relating to the consideration of proposals for new work programme items, had clarified that the objective of the Committee when discussing these proposals was to decide, based upon justification provided by Member Governments in accordance with the Guidelines on the organization and method of work, whether the new item should or should not be included in the sub-committee's work programme. A decision to include a new item in a sub-committee's work programme does not mean that the Committee agreed with the technical aspects of the proposal. If it is decided to include the item in a sub-committee's work programme, detailed consideration of the technical aspects of the proposal and the development of appropriate requirements and recommendations should be left to the sub-committee concerned.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

Outcome of MEPC 52

20.3 The Committee noted that MEPC 52 (MSC 79/2/3, paragraph 14 and MEPC 52/24, annex 12) had approved the work programme of the Sub-Committee and provisional agenda for BLG 9, including predominantly environment-related items.

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

20.4 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 43. The Secretariat was instructed to inform the MEPC accordingly.

20.5 The Committee approved the provisional agenda for BLG 9, as set out in annex 44 and instructed the Secretariat to inform the MEPC accordingly.

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)**Amendments to the Guidelines for partially weathertight hatchway covers on board containerhips**

20.6 The Committee considered document MSC 79/20/5 (Japan) proposing to amend the Guidelines for partially weathertight hatchway covers on board containerhips (MSC/Circ.1087) (and providing the text of draft amendments) in order to take into account the prohibition contained in the IMDG Code regarding stowage of class 5.2 dangerous goods under deck or in enclosed ro-ro spaces, as well as to provide clarification regarding the on-deck stowage of class 5.2 dangerous goods on partially weathertight hatchway covers on containerhips. Subsequently, the Committee decided to include, in the DSC Sub-Committee's work programme and the provisional agenda for DSC 10, a high priority item on "Amendments to the Guidelines for partially weathertight hatchway covers on board containerhips", with a target completion date of 2005.

Extension of application of the Code of practice for the safe loading and unloading of bulk cargoes (BLU Code) to include grain

20.7 Following consideration of the proposal by the United Kingdom, IFSMA and BIMCO (MSC 79/20/6) to amend the BLU Code by deleting the words "excluding grain" from paragraph 3 of the introduction to the Code, thus extending the application of the provisions of the Code to ships carrying grain so that the ships would be provided with the same level of protection from possibility of unsafe loading or discharging practices, the Committee agreed to include, in the DSC Sub-Committee's work programme and the provisional agenda for DSC 10, a high priority item on "Extension of the BLU Code to include grain", with a target completion date of 2006.

Revision of the LHNS and OSV Guidelines

20.8 The Sub-Committee recalled that, under agenda item 11 (Stability, load lines and fishing vessel safety), it had decided (see also paragraph 11.13 above) to include, in the DSC Sub-Committee's work programme and the provisional agenda for DSC 10, a new high priority item on "Revision of the LHNS and OSV Guidelines", with the target completion date of 2006.

Work programme of the Sub-Committee and provisional agenda for DSC 10

20.9 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 43.

20.10 The Committee approved the provisional agenda for DSC 10, as set out in annex 44.

SUB-COMMITTEE ON FIRE PROTECTION (FP)**Measures to prevent fire in engine-rooms and cargo pump-rooms**

20.11 The Committee considered documents MSC 79/20/3 and MSC 79/INF.9 in which the Republic of Korea proposed, based on the conclusion of their study on the effectiveness of application of SOLAS fire protection requirements and on associated experiments to simulate the actual fuel oil spray situation, to develop practical guidelines for shipbuilders and ship operators providing a set of measures to minimise the possibility of fires in the engine-rooms and cargo

pump-rooms. Having noted the pertinent opinion of FP 48 on the subject, the Committee agreed to include, in the FP Sub-Committee's work programme, a high priority item on "Measures to prevent fires in engine-rooms and cargo pump-rooms", with four sessions needed to complete the item.

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

20.12 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 43.

20.13 The Committee confirmed the approval of the provisional agenda for FP 49, as set out in annex 44.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

Outcome of MEPC 52

20.14 The Committee noted that MEPC 52 (MSC 79/2/3, paragraph 14 and MEPC 52/24, annex 12) had approved the work programme of the Sub-Committee and the provisional agenda for FSI 13, including predominantly environment-related items.

Review of the Code for the investigation of marine casualties and incidents

20.15 The Committee considered a proposal by Australia, Canada and Vanuatu (MSC 79/20/4) calling, with a view to promoting better and more consistent accident reporting and analysis, for the review of the Code for the investigation of marine casualties and incidents (resolution A.849(20)), and for consideration of annexing an appropriately amended Code to the 1974 SOLAS Convention.

20.16 In commenting on the proposal, Norway (MSC 79/20/8), while supporting the review of the Code, with regard to the proposal to annex the revised Code to the 1974 SOLAS Convention, indicated other ways to make the Code legally binding for the SOLAS Contracting Governments and, being of the opinion that it would be premature for the Committee to make a firm decision on the mandatory status of the revised Code until it has been developed, suggested that the FSI Sub-Committee should be instructed that, when developing the draft revised Code, it should aim at a format and wording consistent with the possible future mandatory status of the whole Code, or of specific parts of it, under the 1974 SOLAS Convention, if so decided by the Committee.

20.17 In this context, the Committee noted that MEPC 52, having noted (MSC 79/2/3, paragraph 15) the aforementioned proposal to amend the Code developed jointly by the MSC and the MEPC, agreed that the contents of the document should have also been submitted to the MEPC for consideration and that Members should observe the Guidelines on the organization and method of work when submitting proposals which should be considered by both Committees. Notwithstanding the above and in order to expedite the revision of the Code, MEPC 52 agreed that the proposal should be forwarded to the FSI Sub-Committee for consideration, subject to the Committee's concurrent decision, and that, if the Committee would decide to include a new item in the Sub-Committee's work programme, the MEPC would have no objection.

20.18 Following discussion, the Committee:

- .1 included, in the FSI Sub-Committee's work programme and the provisional agenda for FSI 13, a high priority item on "Review of the Code for the investigation of marine casualties and incidents", with a target completion date of 2007; and
- .2 instructed the FSI Sub-Committee, pending the Committee's decision on the mandatory status of the Code, to develop the draft revised Code in a format and wording consistent with the possible future mandatory status of the Code; and to consider the possible ways of making the Code legally binding and advise MSC 80 and MEPC 53 as appropriate.

Work programme of the Sub-Committee and provisional agenda for FSI 13

20.19 The Sub-Committee's work programme, as approved by the Committee, is set out in annex 43. The Secretariat was instructed to inform the MEPC accordingly.

20.20 The Committee approved the provisional agenda for FSI 13, as set out in annex 44 (see also paragraph 20.27.3 below) and instructed the Secretariat to inform the MEPC accordingly.

Urgent matters to be considered by MSC 80

20.21 Noting that, due to the close proximity between FSI 13 and MSC 80 and in accordance with the provisions of paragraph 4.9 of the Guidelines on the organization and method of work, it should consider, at its eightieth session, only urgent matters emanating from FSI 13, the Committee agreed, as advised by FSI 12, that the following should be urgent matters for consideration by MSC 80:

- .1 draft Code for the implementation of [mandatory] IMO instruments. In this respect, the Committee instructed FSI 13 to complete its work on the draft Code;
- .2 revision of the Revised Guidelines on the implementation of the ISM Code by Administrations (resolution A.912(22));
- .3 development of provisions on transfer of class;
- .4 review of the Code for the investigation of marine casualties and incidents;
- .5 consideration of the term "any five year period";
- .6 safety aspects, if any, of the draft Survey Guidelines for MARPOL Annex VI; and
- .7 work programme of the Sub-Committee and provisional agenda for FSI 14.

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

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

20.22 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 43.

20.23 The Committee confirmed the approval of the provisional agenda for COMSAR 9, as set out in annex 44.

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

Revision of the performance standards for VDRs and S-VDRs with respect to downloading and playback

20.24 Having considered a proposal by the United Kingdom (MSC 79/20/7) to revise the performance standards for VDRs and S-VDRs to take account of both downloading and playback of the data and to define standard method for downloading and read-out of data to better enable the data to be used for accident investigation and ship management, the Committee agreed to include, in the NAV Sub-Committee's work programme and the provisional agenda for NAV 51, a high priority item on "Revision of the performance standards for VDRs and S-VDRs", with a target completion date of 2006.

Work programme of the Sub-Committee and provisional agenda for NAV 51

20.25 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 43.

20.26 The Committee approved the provisional agenda for NAV 51, as set out in annex 44.

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

Outcome of MEPC 52

20.27 The Committee noted that MEPC 52 (MSC 79/2/3, paragraphs 2 and 4) had agreed to request DE 48 to:

- .1 consider the draft guidelines for approval of ballast water management systems (G8), as prepared by the MEPC, as a top priority and to provide comments to MEPC 53;
- .2 consider the proposed unified interpretations to MARPOL Annex VI and report the outcome to MEPC 53; and
- .3 with regard to other draft guidelines under the 2004 BWM Convention, requested the DE, FSI and SLF Sub-Committees to provide input in their development.

Revision of the Code on alarms and indicators (resolution A.830(19))

20.28 The Committee considered document MSC 79/20/1 (Russian Federation and IACS) proposing to revise the Code on alarms and indicators, with a view to updating the provisions of the Code; providing its compliance with the current IMO requirements which have been amended since the Code was adopted; and eliminating contradiction, ambiguity and unnecessary redundancy in the Code. Subsequently, the Committee decided to include, in the DE Sub-Committee's work programme, a high priority item on "Revision of the Code on alarms and indicators", with two sessions needed to complete the item, in co-operation with appropriate sub-committees, as necessary and when requested by the DE Sub-Committee; and requested DE 48 to give a preliminary consideration to the matter under its agenda item on "Any other business".

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

20.29 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 43.

20.30 The Committee confirmed the approval of the provisional agenda for DE 48, as set out in annex 44.

Urgent matters to be considered by MSC 80

20.31 Noting that, due to the close proximity between DE 48 and MSC 80 and in accordance with the provisions of paragraph 4.9 of the Guidelines on the organization and method of work, it should consider, at its eightieth session, only urgent matters emanating from DE 48, the Committee agreed, as advised by DE 47, that the following should be urgent matters for consideration by MSC 80:

- .1 passenger ship safety;
- .2 performance testing and approval standards for SOLAS personal life-saving appliances;
- .3 amendments to SOLAS chapter III consequential to the draft amendments to SOLAS chapter II-1 parts A, B and B-1;
- .4 review of the 2000 HSC Code and amendments to the DSC Code and 1994 HSC Code;
- .5 progress on the development of the draft performance standards on coating;
- .6 safety aspects, if any, of the guidelines on on-board exhaust gas cleaning systems; and
- .7 work programme of the Sub-Committee and the provisional agenda for DE 49.

SUB-COMMITTEE ON STABILITY AND LOAD LINES AND ON FISHING VESSELS SAFETY (SLF)**New work programme items proposed by SLF 47**

20.32 Endorsing proposals by SLF 47, the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for SLF 48, high priority items:

- .1 on "Safety of small fishing vessels", with a target completion date of 2009; and
- .2 on "Revision of MSC/Circ.650", with a target completion date of 2006,

and noted that, following concurrence by MSC 78, SLF 47 included, under the existing work programme item on "Analysis of damage cards", a new subitem on "Revision of IMO damage card", with a target completion date of 2006.

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

20.33 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 43.

20.34 The Committee approved the provisional agenda for SLF 48, as set out in annex 44 (see also paragraph 20.27.3).

SUB-COMMITTEE ON STANDARDS OF TRAINING AND WATCHKEEPING (STW)

Work programme of the Sub-Committee and provisional agenda for STW 36

20.35 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 43.

20.36 The Committee confirmed the approval of the provisional agenda for STW 36, as set out in annex 44.

ACTIVITIES, PRIORITIES AND PLAN OF MEETING WEEKS NEEDED IN THE BIENNIUM 2006-2007

20.37 The Committee, having recalled that the Guidelines on the organization and method of work require that, at the end of every second year, the Committee Chairmen should submit to their respective Committees a joint plan covering activities, priorities and meeting requirements of the two Committees and their subsidiary bodies over the subsequent two years, considered a joint Note by its Chairman and the Chairman of the MEPC (MSC 79/20/2), submitted in pursuance of the above requirement and after consultations with the Chairmen of the sub-committees.

20.38 Having noted that the plan for meeting weeks for the two Committees and sub-committees, would have to be approved by the Council at its next session in June 2005, based on the relevant budget proposals of the Secretary-General, the Committee took the following action:

- .1 noted the information regarding the Committees' and sub-committees' planned activities and priorities during the biennium 2006-2007 and that MEPC 52 had approved the planned activities and priorities during the biennium 2006-2007;
- .2 approved, noting MEPC 52's concurrent decision, the proposed plan of meeting weeks of the MSC and the MEPC and their subsidiary bodies for the biennium 2006-2007, for inclusion in the Secretary-General's relevant budget proposals; and
- .3 agreed that if, for budgetary purposes, there is a need to make economies, the total of the 25.5 meeting weeks proposed by the two Chairmen may be reduced by one or two, i.e. one or two sub-committee(s) should meet once during the next biennium and thereafter as early as possible during the biennium after the next, and authorized the Secretary-General to take this into account in his budget proposals for the biennium 2006-2007.

INTERSESSIONAL MEETINGS

20.39 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 3.40 of the Guidelines on the organization and method of work, as well as the Committee's decision at MSC 66, that all sub-committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justified request for consideration, the Committee, taking into account decisions made under various agenda items, approved the following intersessional meetings:

- .1 Editorial and Technical Group (E&T Group), to take place twice at the IMO Headquarters, from 25 to 29 April 2005 and from 3 to 7 October 2005;
- .2 Working Group on Evaluation of Safety and Pollution Hazards of Chemicals (ESPH), to take place at the IMO Headquarters, from 24 to 28 October 2005; and
- .3 Working Group on Subdivision and Damage Stability, to take place at the IMO Headquarters, from 19 to 21 January 2005.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 80

Substantive items for inclusion in the agendas for MSC 80 and MSC 81

20.40 The Committee agreed on the substantive items to be included in the agendas for its eightieth and eighty-first sessions, as set out in document MSC 79/WP.12.

Establishment of working groups during MSC 80

20.41 Recalling the provisions of the revised Guidelines on the organization and method of work concerning the number of groups which may be established at any given session, the Committee, taking into account decisions made under various agenda items, agreed that working groups on the following items should be established at the Committee's eightieth session:

- .1 goal-based new ship construction standards;
- .2 maritime security; and
- .3 formal safety assessment,

and drafting groups on consideration and adoption of amendments to mandatory instruments and on passenger ship safety.

Duration and dates of the next two sessions

20.42 The Committee noted that its eightieth session had been scheduled to take place from 11 to 20 May 2005; and its eighty-first session tentatively in May 2006.

Relaxation of the deadline for submission of documents

20.43 Having recalled the discussion under various agenda items, which may entail submission of proposals for new work programme items and having noted that a 20-week deadline specified

in paragraph 4.10.2 of the Guidelines on the organization and method of work would set a tight deadline for submission of documents containing proposals for new work programme items, the Committee decided to relax the deadline for submission, to MSC 80, of such documents, to 14 January 2005.

21 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2005

21.1 The Committee unanimously re-elected Mr. T. Allan (United Kingdom) as Chairman and, being informed that its Vice-Chairman, Admiral F.S.A.H. El Kady (Egypt) was standing down, unanimously elected Mr. N.F. Ferrer (Philippines) as Vice-Chairman, both for 2005.

Expression of appreciation

21.2 The Committee expressed its deep appreciation to its outgoing Vice-Chairman, Admiral El Kady, for his invaluable contribution to its work and the work of the Organization over many years and wished him every success for his future assignment as Secretary-General of the Mediterranean MoU on port State control.

22 ANY OTHER BUSINESS

22.1 The Committee recalled that due to lack of time, MSC 78 was unable to consider several documents under this agenda item and had deferred consideration of them to this session.

DOCUMENTS DEFERRED FROM MSC 78

Updating of list of certificates and documents required to be carried on board ships

22.2 The Committee recalled that MSC 77 (MSC 77/26, paragraph 2.4) had noted the decision of FAL 30 to revise FAL/Circ.90-MEPC/Circ.368-MSC/Circ.946 on the List of certificates and documents required to be carried on board ships and the FAL Committee's instruction to the Secretariat to prepare a draft revised list and submit it to the MSC, the MEPC and the FAL Committee for consideration.

22.3 The Committee, in considering documents MSC 78/25, MSC 79/22/5 and Add.1 (Secretariat), concurred with the decisions of FAL 31 and MEPC 52 and approved the draft FAL/MEPC/MSC circular on the Revised list of certificates and documents required to be carried on board ships, set out in the annex to document MSC 78/25 and amended by MSC 79/22/5, as amended, as far as maritime safety and security-related certificates and documents are concerned and instructed the Secretariat to issue FAL.2/Circ.87 - MEPC/Circ.426 - MSC/Circ.1151 accordingly.

IMO/IACS co-operation on the IACS Quality System Certification Scheme (QSCS)

22.4 The Committee recalled that, having decided, at MSC 61, that IMO should participate in the IACS Quality System Certification Scheme (QSCS), it had, at MSC 62, noted that the Secretary-General had appointed an IMO consultant/observer to participate in the Scheme in accordance with agreed terms of reference and to regularly report to the Committee on its effectiveness. In May 1997, the Committee had also agreed that IMO should participate in the IACS QSCS Advisory Committee consisting of organizations having an interest in the services rendered by IACS member societies in order to contribute to the improvement of the Scheme.

22.5 The Committee noted information provided by the Secretariat in document MSC 78/25/1 on developments since MSC 76 and the IMO consultant/observer's report annexed to that document, in accordance with which the IMO consultant/observer had continued participating in the implementation of the Scheme. Regular progress reports on activities undertaken by the consultant/observer within the Scheme had been submitted to the IMO Secretariat and IACS and, it had been reported that the Scheme was being implemented in a thorough and consistent manner and evolved positively in response to changes in international requirements. The Committee further noted that, since MSC 76, the IACS QSCS Advisory Committee had had four meetings and, with the participation of the observer from the IMO Secretariat, had continued its work aimed at assisting IACS to maintain the effectiveness of the Scheme through consideration of specific quality-related issues.

22.6 The Committee decided to extend the Organization's participation in the Scheme on the same basis as in the past, that is with no financial implication to the Organization; and instructed the Secretariat to report on developments to MSC 81.

The SPI Working Group work

General

22.7 The Committee recalled that MSC 76, after discussion of the issue of the SPI Working Group work at some considerable length (MSC 76/23, paragraphs 22.25 to 22.36), had concluded that ship/port interface issues were important for the Organization and a group dealing with SPI issues was necessary, however, management of such a group under MSC, MEPC and FAL was an issue which needed to be considered carefully; that there was also a need to consider whether the group should be under the purview of the FAL Committee only as is the current arrangement, the MSC only, both the MSC and the MEPC or the MSC/MEPC/FAL as well as the interface between the three Committees; and that the current terms of reference of the group should also be reviewed. Therefore, Member Governments were invited to provide proposals and comments for consideration at MSC 77.

22.8 The Committee recalled further that MSC 77 (MSC 77/26, paragraph 25.29), noting that no comments or proposals had been submitted, had requested the Chairmen of the MSC, MEPC and the FAL Committee, in consultation with the Secretariat, to prepare proposals on the work of the SPI Working Group and advise the MSC, MEPC and the FAL Committee accordingly.

22.9 The Committee noted that the Chairmen of the MSC, MEPC and the FAL Committee, in consultation with the Secretariat, as requested by MSC 77, had prepared document MSC 78/25/2, which contained background information on the issue, namely the outcome of FAL 29, MSC 76 and MSC 77; the current work method of the SPI Working Group; and proposals on the work of the SPI Working Group.

22.10 The Committee considered documents MSC 79/22/5 (outcome of FAL 31) and MSC 79/22/5/Add.1 (outcome of MEPC 52) and MSC 79/22/5/Add.2 on the outcome of the Chairmen's meeting during C 93.

22.11 Having concurred with the views of the FAL Committee and the outcome of the Chairmen's Meeting during C 93 (MSC 79/22/5/Add.2), the Committee agreed that the SPI Working Group would henceforth be convened as a working group of the FAL Committee as and when that Committee considered it necessary. Both the Committee and the MEPC may refer henceforth, as necessary, matters for the consideration by the FAL Committee but would not

instruct directly the SPI Working Group to deal with them. In this manner, the FAL Committee will have the opportunity to discuss the matters referred to it and to organize and manage its work appropriately.

22.12 The Committee instructed the Secretariat to inform MEPC 53 and FAL 32 accordingly.

Maritime safety aspects of the draft procedures and criteria for determining and addressing emergency situations as referred to in articles 8 and 18.1.6 of the 1996 Protocol to the London Convention 1972

22.13 The Committee noted (MSC 78/25/3) that, in preparation for the entry into force of the 1996 Protocol to the London Convention 1972, the twenty-fifth Consultative Meeting of Contracting Parties to the Convention adopted, as “work in progress”, the draft procedures and criteria for determining and addressing emergency situations as referred to in articles 8 and 18.1.6 of the 1996 Protocol and that, in order to cover the wider scope of the Protocol in this regard, the Consultative Meeting agreed, *inter alia*, to invite the views of the Committee, in particular, with respect to maritime safety risks identified in the draft procedures and criteria.

22.14 Having discussed the aforementioned draft procedures and criteria, set out in the annex to document MSC 78/25/3, in particular paragraph 3.1.1.3 thereof, the Committee, having recognized that emergency situations are often unique and exceptional and require specific solutions and attention for specific safety issues, agreed to advise the twenty-seventh Consultative Meeting (24 to 28 October 2005) that, in order to keep the draft procedures and criteria generic and relevant to all imaginable emergencies, all safety aspects indicated in the specific operational plan for sea disposal to deal with a case of emergency, should be identified in advance and considered in accordance with the applicable IMO safety requirements to the satisfaction of the authorities concerned. The Secretariat was instructed to inform the Consultative Meeting accordingly.

Correction of regulation 39(5) of amendments to the 1988 Load Lines Protocol (resolution MSC.143(77))

22.15 The Committee recalled that MSC 77 had adopted, by resolution MSC.143(77), amendments to the Protocol of 1988 relating to the International Convention on Load Lines, 1966, and noted that, subject to acceptance on 1 July 2004, the amendments would enter into force on 1 January 2005.

22.16 In that context, the Committee considered a document submitted by IACS (MSC 78/25/5), inviting the Committee to improve figure 39.3 of regulation 39(5) of the amended 1988 Load Lines Protocol, regarding the position of the forward perpendicular.

22.17 Having discussed the submission, the Committee agreed that the proposal clarified the figure currently included in the adopted text of regulation 39(5) of the 1988 Load Lines Protocol and that it did not represent an amendment as such. Consequently, the Committee instructed the Secretariat to initiate the appropriate process verbale of rectification.

Navigation through the Strait of Istanbul, Strait of Çanakkale and the Marmara Sea

22.18 The Committee considered a submission by the Russian Federation (MSC 78/25/4) stating that, having analyzed the results of the VTS operation in the Straits and Marmara Sea, the situation with regard to regulation of ships’ traffic in the Straits had not been improved. Moreover, a substantial increase of delays to tankers and other vessels waiting for permission of

passage through the Straits was being noticed. The questionnaire answers of 414 ship masters (not only tankers) clearly demonstrated that during period from 1 June 2003 to 31 December 2003 the average delay for a southbound ship at the entrances to the Straits was 23 and 21 hours respectively. For a northbound ship the delays were for the same period 21 and 69 hours respectively. The delays caused by waiting for the VTS to give permission to pass the Straits represented 62 % of all delays at the Straits entrances. Such a situation was caused by non-effective work by the VTS, when even in good weather up to 16 ships including those in a drift are forced to wait for the passage at the entrance to the Bosphorus and this could not be tolerated owing to significant safety and security complications and additional unjustified expenses of the shipping companies. The Russian Federation was fully confident that the situation in the Black Sea Straits could be improved by an effective and duly managed vessel traffic system. This must be achieved, first of all, by additional professional training of the VTS operators in combination with the utilization of modern technologies (such as ECDIS and AIS) onboard ships and ashore to provide continuous vessel traffic control and better information for ships. The Russian Federation was willing to co-operate with the Turkish Maritime Administration and also ready to assist in advanced training of the VTS operators at Russian VTS Centres.

22.19 The Committee noted the information provided by Turkey (MSC 78/INF.16) supplemented by a more updated status report (MSC 79/INF.10) providing detailed information on the Straits' Vessels Traffic Services (TSVTS) system relating to the characteristics of the Straits; increased risks to maritime security and safety; establishment, operational objectives and services of the TSVTS system; TSVTS system structures; staffing, training and certification; and operational statistics (January and September 2004); and concluding that the initial data collated indicated that the TSVTS had increased the efficiency of the traffic organization without compromising on the safety rules and regulations.

22.20 The Chairman, in inviting comments on the issue, suggested that, if need be, Members wishing to make comments on the issue should restrict their interventions to purely technical issues.

22.21 The delegation of Turkey considered that the paper by the Russian Federation gave a misleading impression of the status of the VTS and the traffic situation. In their view, the VTS was fully operational and had had a positive effect on the proper organization of the traffic, as described in MSC 79/INF 10. The Government of Turkey would keep up to date the technology utilized by the VTS and had regular and effective training for the VTS operators. To maximize the benefits to maritime safety, the VTS needed the co-operation of masters and compliance with pilotage recommendations.

22.22 The delegation of Turkey stated that they had always approached perceptively to the views voiced by IMO Member States, including the Russian Federation. In fact, they were holding regular bilateral maritime consultations with the Russian Federation, in which they also were taking up the issue of maritime traffic through the Straits. The next round of these consultations was expected to take place in Moscow next month. A full text of the statement by the delegation of Turkey is reproduced in annex 45.

22.23 The delegation of Greece stated that, notwithstanding its objection to the reference made in the information paper MSC 79/INF.10, that the Straits are located in Turkey's internal waters, Greece thanked Turkey for the information provided on the implementation of the system of the VTS aimed at enhancing maritime security and navigational safety in the Strait of Dardanelles, the Sea of Marmara and the Strait of Bosphorus.

22.24 Greece expected that the function of the said system would not affect the principle of free navigation as envisaged in the Montreux Convention of 1936.

22.25 The delegation of the Ukraine shared the views of the Russian Federation in regard to the delays being experienced and considered that since the VTS was introduced more delays were in fact being experienced. They considered that it was necessary to improve the operation of the VTS and the training of its operators and, in this regard, offered the possible use of simulators in the Ukraine to train the operators.

22.26 The delegation of the United States appreciated the information provided and noted that Turkey had reported promptly back to the Committee as requested, in respect of the operation of the VTS and the traffic situation. In their view, there were many positive aspects in the current debate and progress was being made through co-operation.

22.27 The delegation of the Russian Federation agreed that positive progress was being made in consultations with regard to the management of traffic in the Straits, but reserved the right to refer to the issue at a future session of the Committee with substantive proposals should this be necessary.

22.28 The delegation of Turkey stated that Turkey was fully committed to the Montreux Convention of 1936 while at the same time was equally determined to ensure the safety of navigation, maritime security as well as the protection of the environment, human life and property throughout the Turkish Straits. Turkey could not ignore the fact that the Strait of Istanbul, one of the busiest waterways in the world, was running right through the city of Istanbul, a city of cultural heritage for all mankind with a population of more than 12 million people.

22.29 In noting the information provided, the Committee welcomed the positive aspects within the comments made by the delegations, including the on-going consultations and co-operation between, in particular, Turkey and the Russian Federation, in the interests of promoting the safety of navigation and the protection of the marine environment in the Straits.

DOCUMENTS SUBMITTED TO MSC 79

Outcome of the seventeenth session of the IMSO Assembly

22.30 The Committee, in considering information by the Secretariat (MSC 79/22/1 and Add.1), recalled that MSC 77 had agreed that an intergovernmental oversight, similar to the oversight presently carried out by IMSO in respect of Inmarsat Ltd., would be needed when other providers of GMDSS satellite services would, in future, be accepted and recognized by the Organization. It also recalled that it had, therefore, instructed the Secretariat to communicate with IMSO enquiring if that organization could carry out the oversight of future providers of satellite services for the GMDSS.

22.31 The Committee noted that the IMSO Assembly had agreed by an overwhelming majority that IMSO is willing to carry out the oversight of future providers of mobile satellite communications systems services for the GMDSS.

22.32 In providing further information on the outcome of the IMSO Assembly, the representative of IMSO stated that there had been some delegations at that Assembly who were not certain whether the question asked by the MSC as to the oversight role, was in fact a definitive request for IMSO to undertake such a role. It was in light of that uncertainty that those

delegations preferred not to join with the "overwhelming majority" who agreed that "IMSO is willing to carry out" such oversight. He therefore requested the Committee to give a clear and unequivocal indication of its wish that IMSO shall indeed carry out this oversight role.

22.33 The delegation of the United States proposed that, before confirming that IMSO should provide such oversight, the Committee should first consider and evaluate the various available options for such an oversight mechanism.

22.34 Following discussion, in which there was no support for the proposal by the delegation of the United States, the Committee confirmed and reiterated its decision at MSC 78, that IMSO was the appropriate organization to carry out the required oversight and it, therefore, instructed the Secretariat to communicate with IMSO formally inviting that organization to carry out such oversight.

22.35 The Committee also noted information provided by IMSO that in the consideration of these matters by the IMSO Assembly, some delegations had expressed the hope that IMO would make progress in reviewing IMO Assembly resolution A.888(21) on Criteria for the Provision of Mobile-Satellite Communication Systems in the Global Maritime Distress and Safety System (GMDSS), to complement the amendments to the IMSO Convention. The Committee welcomed the submission by IMSO to COMSAR 9 in this regard.

GMDSS - Future viability of the Inmarsat L-band EPIRB system

22.36 Having considered the document by IMSO (MSC 79/22/7) on the future viability of the Inmarsat L-band EPIRB system, the Committee noted:

- .1 the history of the system and the considerable investment made by Inmarsat Ltd., in developing it; and
- .2 that despite after almost eight years of 100% operational availability, fewer than one hundred Inmarsat L-band EPIRBs were fitted on SOLAS ships and that, at the end of August 2004, the entire global population of L-Band EPIRBs remained below 1,300, with over 60% of this number being fitted on leisure craft. The growth rate has been very slow and almost constant since January 1997.

22.37 The Committee also noted that after in-depth consultations between the IMSO Secretariat and the company, Inmarsat Ltd., had advised IMSO that it would close the L-Band EPIRB service as from 1 December 2006, with the following commitments:

- .1 all existing users of L-Band EPIRBs will receive a replacement 406 MHz EPIRB with GPS capability free of charge;
- .2 this replacement programme will be carried out during 2006;
- .3 using its comprehensive registration database, Inmarsat Ltd. will notify all existing L-Band EPIRB users before 1 December 2005;
- .4 the replacement programme will address all users of L-Band EPIRBs, including leisure users, not just those within the SOLAS Convention. EPIRBs will be replaced on an equivalent "like-for-like" basis; and

- .5 no existing L-Band EPIRB user will therefore be left without equivalent EPIRB cover.

22.38 The Committee considered the submission by Germany (MSC 79/22/10), expressing its severe concerns about the safety aspects of this intended cease of service. In their view, the Inmarsat L-Band EPIRB system has been widely accepted by the shipping community as a means of providing a safety network which is not yet matched by any competitor with regard to its technical superior and reliability.

22.39 Germany, supported by some delegations, considered that even though there was a large public interest in a safety net of the kind of the GMDSS services, the Committee had agreed to accept a private company running the satellite services on the understanding that, whilst they continue to develop additional nets for different services, they were obliged to continue the GMDSS services.

22.40 Germany also considered that the Inmarsat Convention stated, in particular, that Inmarsat Ltd.'s privatization was granted upon the obligation to provide GMDSS services in the future. In their view, Inmarsat-C had been tied to Inmarsat-E upon IMO's decision to grant exclusivity to Inmarsat Ltd. as the service provider for GMDSS satellite communications.

22.41 It was also the view of Germany that the Public Service Agreement with Inmarsat Ltd. stipulated that there had to be a three year notice period before a GMDSS service was withdrawn, however other delegations were of the view that this agreement was between IMSO and Inmarsat Ltd., and that therefore this had to be taken up with IMSO and not within the Committee.

22.42 After some discussion, the Committee agreed with the conclusion of IMSO that, based upon a realistic analysis of the comprehensive information received from Inmarsat Ltd., there was no reasonable justification for requiring Inmarsat Ltd. to make the considerable investment needed to ensure continued provision of the Inmarsat-E service beyond 1 December 2006 and agreed that the service should be closed on that date, subject to the commitments given by the company. The delegation of Germany reserved their position on this decision.

22.43 The delegation of Germany stated that Germany did not concur with the proposed cessation of service of the Inmarsat L-band due to the concerns raised with regard to safety issues as outlined in document MSC 79/22/10 and, more importantly, with regard to contractual matters that had been discussed and decided at the time when privatization of this highly enhanced and technical advanced service was discussed after mandating the carriage requirements for EPIRBs for GMDSS services. In view of the need to have a reliable service provision IMO entrusted IMSO to oversee such service providers and enter into public service agreements (PSA) with companies providing such service. Subsequently, such PSA was concluded in 1999 with Inmarsat Ltd. laying down the privilege to continue service of this matter that had been developed from Administrations' resources on the basis of accepting an obligation to provide continued service by making available space segment capacity and to maintain and support applicable ship stations standards services and system including – among others – the E-services. This shall cover – transmission by satellite emergency position indicating radio beacons (satellite EPIRBs) of distress alerts through the Inmarsat geostationary service operating in the 1.6 GHz band.

This was and continues to be a very strong commitment and obligation because the Member States to IMO and IMSO must rely on this service and the continuous provision of this service.

Any ceasing of this PSA, if and where wished by a partner, is foreseen to take place only after three years advance notice.

22.44 Accordingly, the Committee requested IMSO to oversee the orderly closure of the Inmarsat-E service, ensuring that no existing L-Band EPIRB user is left without equivalent EPIRB cover at any time. The Secretariat was instructed to communicate this to IMSO and inform the Committee accordingly.

22.45 The Committee agreed that, in line with the above decision, consequential amendments would be required to SOLAS chapter IV and instructed COMSAR 9 to consider documents MSC 79/22/7 and MSC 79/22/10 and prepare appropriate draft amendments to chapter IV, a draft MSC circular on the closure of the Inmarsat-E service and recommendations concerning the status and use of the dedicated frequencies in the L-band, and any technical or operational aspects and to report to MSC 80.

Report on cost implications of providing data associated with the lists of substances subject to MARPOL Annex II

22.46 The Committee, in considering information by the Secretariat (MSC 79/22/3), recalled that, at its seventy-eighth session, in considering the BLG Sub-Committee's proposal to instruct the Secretariat to provide data associated with the lists of substances subject to MARPOL Annex II in a format suitable for uploading into a database, it had noted that MEPC 49 had acknowledged that this might have cost implications and had instructed the Secretariat to provide details in this respect to both the MSC and MEPC.

22.47 The Committee noted that the Secretariat is still studying the cost implications of providing data associated with the lists of substances subject to MARPOL Annex II, taking into account the final text of the revised IBC Code, and will provide further information for consideration of MSC 80 and MEPC 53.

22.48 In this regard, the Committee, following the intervention of the delegation of the Netherlands, agreed that the aforementioned study on cost implications should also include estimated costs for the further development of the structure of the database and the management of the data.

Amendments to the Convention on International Civil Aviation, Annex 14 - Aerodromes, Volume II – Heliports

22.49 The Committee considered information by the Secretariat (MSC 79/22/3), informing it of amendments to Annex 14 - Aerodromes, Volume II – Heliports, of the Convention on International Civil Aviation, adopted by the ICAO Council on 27 February 2004, which impact on the provisions for helicopter facilities as contained in chapter 13 of the MODU Code. The Committee further noted that ICAO had established a Heliport Design Study Group which in turn established an Offshore Heliports Sub-Group. The group was currently preparing another set of amendments to ICAO Annex 14, Volume II in respect of helidecks and shipboard heliports which were expected to be finalized by 2006. The Secretariat had established regular contact with the relevant ICAO section.

22.50 The Committee further considered document MSC 79/22/9 (IADC) providing the views of IADC on revising the MODU Code to reflect recent and anticipated amendments to Annex 14, Volume II, of the Convention on International Civil Aviation.

22.51 Following discussion, the Committee agreed to include in the work programme of the DE Sub-Committee and the provisional agenda for DE 49, an item on “Amendments to the MODU Code”, with a target completion date of 2008. The Secretariat was instructed to prepare an MSC circular advising Members of the entry into force of the amendments to annex 14 of the ICAO Convention on 25 November 2004 and that the replacement of existing installations was required by 1 January 2009. Upon receipt of MSC 79/WP.17, the Committee approved MSC/Circ.1152 on Amendments to Annex 14 - Aerodromes, Volume II – Heliports, of the Convention on International Civil Aviation.

22.52 The Committee noted, in this connection, that a number of references to SOLAS regulations in the MODU Code were no longer correct due to SOLAS amendments adopted in recent years and instructed the DE Sub-Committee to also take care of this matter when preparing amendments to the MODU Code.

International Health Regulations

22.53 The Committee recalled that, at MSC 75, the Secretariat had reported that the World Health Organization (WHO) had solicited the Organization’s support in reviewing the current International Health Regulations (IHRs) from an operational and technical viewpoint and, also, had identified a number of sub-projects that would benefit from the input of IMO.

22.54 The Committee also recalled that IMO had participated in the review of the WHO Guide to Ship Sanitation, which is directly referenced in the IHRs with the aim of ensuring that it does not conflict with existing or proposed IMO requirements.

22.55 The Committee further recalled that, at MSC 76, the Committee had instructed the Secretariat to report any further developments on the review of the IHRs and related guidance to its subsequent sessions.

22.56 The Committee noted the information provided by the Secretariat (MSC 79/22/4) on the revision of the IHRs by WHO and on the WHO protocol to provide urgent public health messages for ships using the Maritime Information Network and instructed the Secretariat to circulate the revised draft text of the IHRs to MSC 80.

Outcome of the second meeting of the UN inter-agency group on the Treatment of persons rescued at sea

22.57 The Committee recalled that MSC 78, following the adoption of amendments to the SOLAS and SAR Conventions, and associated Guidelines for the treatment of persons rescued at sea (resolutions MSC.153(78), MSC.155(78) and MSC.167(78)), had requested that the outcome of MSC 78 be brought to the attention of the other agencies, and also requested that the inter-agency group consider what other supplementary guidance may need to be developed for the post-rescue phase.

22.58 The Committee considered information by the Secretariat (MSC 79/22/6) and noted that a second meeting of the United Nations inter-agency initiative was held at IMO Headquarters on Monday, 12 July 2004.

22.59 The Committee also noted that, in considering whether further guidance was necessary to shipmasters and other relevant parties when the persons were rescued at sea in accordance with the provisions of the amendments to SOLAS and SAR Conventions, the meeting had reaffirmed that, in order to protect the integrity of the SAR System, the master was not competent, and

should not be required, to decide upon the legal status of the persons rescued; whether they are asylum seekers, refugees, undocumented migrants, etc. However, in all probability, the master will be called upon by shore authorities to seek information from those rescued in order to facilitate their disembarkation. Accordingly, the meeting also agreed that, in general, guidance was required in these instances for the post-rescue phase to assist the master and shipowners and Contracting Governments in those cases.

22.60 The Committee noted that, while the Secretariat would provide the co-ordinating role in the drafting of this guidance, as it applied to any asylum implications of the post-rescue phase, it is mainly being developed by the relevant agencies, e.g. UNHCR, and will comprise a brief guide as to which organizations to contact, their respective major responsibilities and other relevant general advice. The Committee welcomed the involvement of the relevant UN agencies in this regard and the intention of the proposed guidance to further assist the master, shipowners, insurance companies and other interested parties to disembark the persons rescued with the least disruption but expressed the expectation that such guidance should not in any way conflict with the delicately balanced compromise achieved at MSC 78 in the Convention amendments and Guidelines.

Information on explosions in petroleum tankers

22.61 The Committee considered the submission by France (MSC 79/22/8) providing information on explosions in petroleum tankers and agreed to forward document MSC 79/22/8 to FSI 13 for information, pending receipt of the formal report, as appropriate, within the context of its work on casualty investigations and to FP 49 for information purposes under its existing agenda item on the analysis of fire casualty records. The Committee also invited France to submit to the Committee any proposal for a new work programme item in accordance with the Guidelines on the organization and method of work, if necessary (see also paragraph 20.43).

22.62 Additionally, the Committee, having noted that industry organizations (i.e., ICS, INTERTANKO and IPTA) were carrying out a study on a number of casualties that had occurred under similar circumstances, with a view to determining possible causes and whether existing industry practices should be modified accordingly, invited ICS to submit the results of such work to the Organization at the earliest opportunity.

Expression of appreciation

22.63 The Committee expressed appreciation to the following delegates and observer and member of the Secretariat, who had recently retired or were transferred to other duties or were about to, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Hans Christiansen (Denmark) (on retirement)
- Mr. Jeremy M.S. Smith (Liberia) (on retirement)
- Captain Nelson Troncoso Nieves (Colombia) (on transfer to other duties)
- Captain Chris Cobby (CIRM) (on retirement)
- Captain Tore Fossum (Secretariat) (on retirement).

(The annexes will be issued as addenda to the document)