



MARITIME SAFETY COMMITTEE
80th session
Agenda item 24

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**REPORT OF THE MARITIME SAFETY COMMITTEE
ON ITS EIGHTIETH SESSION**

Section	Page
1 INTRODUCTION – ADOPTION OF THE AGENDA	4
2 DECISIONS OF OTHER IMO BODIES	9
3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS	9
4 PASSENGER SHIP SAFETY	19
5 MEASURES TO ENHANCE MARITIME SECURITY	23
6 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS	47
7 FORMAL SAFETY ASSESSMENT	60
8 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME	66
9 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY (report of the forty-seventh session of the Sub-Committee)	70
10 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (report of the ninth session of the Sub-Committee)	71
11 TRAINING AND WATCHKEEPING (report of the thirty-sixth session of the Sub-Committee)	73
12 FIRE PROTECTION (report of the forty-ninth session of the Sub-Committee)	78
13 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE (report of the ninth session of the Sub-Committee)	81
14 SHIP DESIGN AND EQUIPMENT (urgent matters emanating from the forty-eighth session of the Sub-Committee)	85

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Section	Page
15 FLAG STATE IMPLEMENTATION (urgent matters emanating from the thirteenth session of the Sub-Committee)	87
16 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY	93
17 PIRACY AND ARMED ROBBERY AGAINST SHIPS	95
18 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS	98
19 RELATIONS WITH OTHER ORGANIZATIONS	101
20 APPLICATION OF THE COMMITTEE'S GUIDELINES	101
21 WORK PROGRAMME	105
22 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2006	115
23 ANY OTHER BUSINESS	116

LIST OF ANNEXES

ANNEX 1	RESOLUTION MSC.194(80) – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED
ANNEX 2	RESOLUTION MSC.195(80) – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL MANAGEMENT CODE FOR THE SAFE OPERATION OF SHIPS AND FOR POLLUTION PREVENTION (INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE)
ANNEX 3	RESOLUTION MSC.196(80) – ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CODE FOR THE SECURITY OF SHIPS AND OF PORT FACILITIES (INTERNATIONAL SHIP AND PORT FACILITY SECURITY (ISPS) CODE)
ANNEX 4	RESOLUTION MSC.197(80) – ADOPTION OF AMENDMENTS TO THE GUIDELINES ON THE ENHANCED PROGRAMME OF INSPECTIONS DURING SURVEYS OF BULK CARRIERS AND OIL TANKERS (RESOLUTION A.744(18), AS AMENDED)
ANNEX 5	DRAFT AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978

- ANNEX 6 DRAFT AMENDMENTS TO PART A OF THE SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) CODE
- ANNEX 7 DRAFT STCW.6 CIRCULAR ON AMENDMENTS TO PART B OF THE SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) CODE
- ANNEX 8 RESOLUTION MSC.198(80) – ADOPTION OF AMENDMENTS TO THE FORMAT AND GUIDELINES FOR THE MAINTENANCE OF THE CONTINUOUS SYNOPSIS RECORD (CSR) (RESOLUTION A.959(23))
- ANNEX 9 DRAFT ASSEMBLY RESOLUTION ON THE CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS
- ANNEX 10 DRAFT AMENDMENT TO SOLAS REGULATION II-2/9.4.1.3.3
- ANNEX 11 DRAFT AMENDMENTS TO THE INTERNATIONAL CODE FOR FIRE SAFETY SYSTEMS (FSS CODE)
- ANNEX 12 DRAFT AMENDMENTS TO SOLAS REGULATION II-2/15
- ANNEX 13 RESOLUTION MSC.199(80) – ADOPTION OF AMENDMENTS TO PROVISION OF RADIO SERVICES FOR THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS) (RESOLUTION A.801(19))
- ANNEX 14 DRAFT AMENDMENTS TO SOLAS CHAPTER IV
- ANNEX 15 DRAFT AMENDMENTS TO SOLAS REGULATION III/7
- ANNEX 16 DRAFT AMENDMENTS TO THE INTERNATIONAL LIFE-SAVING APPLIANCE (LSA) CODE
- ANNEX 17 RESOLUTION MSC.200(80) – ADOPTION OF AMENDMENTS TO THE REVISED RECOMMENDATION ON TESTING OF LIFE-SAVING APPLIANCES
- ANNEX 18 WORK PROGRAMMES OF THE SUB-COMMITTEES
- ANNEX 19 PROVISIONAL AGENDAS FOR THE FORTHCOMING SESSIONS OF THE SUB-COMMITTEES

1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The eightieth session of the Maritime Safety Committee (MSC) was held from 11 to 20 May 2005 under the Chairmanship of Mr. T. Allan (United Kingdom). The Committee Vice-Chairman, Mr. N. Ferrer (Phillipines) was also present.

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

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

SUDAN
SWEDEN
SWITZERLAND
SYRIAN ARAB REPUBLIC
THAILAND
TONGA
TRINIDAD AND TOBAGO
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:

KUWAIT
NICARAGUA

OMAN
SAINT KITTS AND NEVIS

and the following Associate Members of IMO:

HONG KONG, CHINA

FAROE ISLANDS

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

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

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

WORLD CUSTOMS ORGANIZATION (WCO)
INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
ARAB FEDERATION OF SHIPPING (AFS)
MARITIME ORGANISATION FOR WEST AND CENTRAL AFRICA (MOWCA)
INTERNATIONAL COSPAS-SARSAT PROGRAMME AGREEMENT
(COSPAS-SARSAT)
PORT MANAGEMENT ASSOCIATION OF EASTERN AND SOUTHERN AFRICA
(PMAESA)
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)
PORT MANAGEMENT ASSOCIATION OF WEST AND CENTRAL AFRICA
(PMAWCA)
EUROPEAN COMMISSION (EC)

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 (ICHCA)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
INTERNATIONAL INSTITUTE OF CONTAINER LESSORS (IICL)
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)
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 (ISMA)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERFERRY

and by a representative of the:

WORLD MARITIME UNIVERSITY (WMU)

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

Secretary-General's opening address

1.6 In welcoming participants, the Secretary-General recalled that the setting of standards and their effective implementation were at the heart of the Organization's mission to promote safe, secure, environmentally sound, efficient and sustainable shipping that serves the needs of world trade and economic development. This important role of shipping was implicit in the theme for this year's World Maritime Day, "International Shipping – Carrier of World Trade", which provided a welcome opportunity to draw attention to the image of shipping, as it is widely perceived nowadays, and to seek ways and means to improve it. In support of his firm belief that the perception that shipping was an uncaring and selfish industry paying scant concern about the

environment was unfair, the Secretary-General highlighted the contribution made by shipping to the global economy and the community as a whole. All those involved in the maritime sector should continue to strive to make ships safer and the environment cleaner and to generally use every available opportunity to promote the role of shipping and to ensure that it was presented to both public and politicians as what it really is nowadays: largely safe, secure, efficient and environmentally friendly.

The Secretary-General recalled that the Committee had agreed that goal-based standards should set broad, over-arching goals against which ship safety should be verified at the design and construction stages and during ship operation and that they should provide a framework of construction standards under which future classification society rules should be verified. In view of the need to harmonize any goal-based standards developed by the Organization with the construction rules of classification societies, he reminded the Committee that its decisions on basic principles such as design life; risk and environmental loads assessment; fatigue evaluation methods; and the concept of corrosion margins should clearly enable classification societies to establish appropriate rules that would allow the goals to be met. Notwithstanding the fact that the IACS Common Structural Rules were reportedly in an advanced stage of development as compared to the goal-based standards being developed by IMO, the Secretary-General wished to see the two approaches remaining complementary and counted upon IACS to continue providing its usual expert knowledge and sound contribution to IMO's technical work.

Regarding the development of the formal safety assessment concept, the Secretary-General looked forward to the outcome of the Committee's consideration of ways and means of improving the FSA process so that, in future, the Organization would have, as part of its decision-making process, a single, internationally recognized tool upon which it could base its decisions and recommendations, and this could possibly be done through a group of experts who would be entrusted to provide consistent expert judgement for specific FSA studies.

In the context of the Committee's work on various aspects of passenger ship safety and, in addition to related matters progressed through the sub-committees, the Secretary-General recalled that the Committee would be considering the role of the World Maritime University in co-ordinating search and rescue research projects related to passenger ships, which he considered would be beneficial to the work of both the Organization and the University.

With regard to the issue of the safety of large bulk carriers, within the context of the implementation of the yet-to-come-into-force SOLAS amendments adopted in December 2004, the Secretary-General appealed to all parties concerned to apply the experience, acquired over the years, in the design, construction and operation of bulk carriers, to work out solutions which would serve the best interests of the safety of such ships and which would ensure that their crews were afforded all necessary safeguards.

Turning to the special measures to enhance maritime security, the Secretary-General was pleased to note that, since their introduction on 1 July 2004, in addition to reports of reductions in both the incidence of thefts and the number of accidents in security restricted areas, there had been a 50% drop in stowaway cases in the United States ports. However, the Secretary-General was concerned that, at the same time, other information suggested that the level of stringency of implementing, adhering to and enforcing the provisions of SOLAS chapter XI-2 and the ISPS Code seemed to have been relaxed in some instances. He, therefore, recommended that all the States concerned seriously examine their level of implementation of the IMO security measures and take any necessary corrective action without delay.

Bearing in mind the United Nations' agenda on the global fight against terrorism and its numerous resolutions reflecting on the work done to date and addressing the many issues involved, including those underlying the causes of terrorism, the Secretary-General acknowledged that the maintenance of an effective maritime security regime could not stand totally outside of the wider developments of ensuring complementarity between development, security and respect for human dignity. He was confident that the Committee would take this into consideration when deciding upon its short-, medium- and long-term work programme and would take all necessary steps to further enhance security in the maritime transport network, while at the same time reducing the incidence of piracy and armed robbery against ships.

The Secretary-General referred to a number of IMO initiatives on the subject of prevention and suppression of unlawful acts at sea, which included a recent sub-regional seminar on piracy and armed robbery against ships, including maritime security issues, which was conducted in Sana'a, Yemen, in April 2005 and informed the Committee that, as requested by the Council, consultations with interested Governments were ongoing towards convening an IMO-sponsored meeting in Jakarta later in the year, in the context of IMO's work to protect shipping lanes of strategic importance and significance, particularly the Straits of Malacca and Singapore.

On the subject of STCW implementation and, more particularly, on the subject of the training of seafarers, the Secretary-General raised two issues of specific concern, namely, the reported shortage of seafarers in general and the demand for adequately trained and experienced seafarers to support the burgeoning liquefied natural gas shipping fleet. If, as expected, the BIMCO/ISF Manpower Update due to be published this year, presented a gloomy picture of the manpower situation, then all possible ways and means to enhance the attractiveness of a career at sea should be explored so as to tackle the shortage problem before it reached unmanageable proportions and ensure that the rise in demand for LNG carriers was matched by the continuous provision of highly qualified and well-trained officers to man those ships.

The Secretary-General went on to reiterate the importance of the Voluntary IMO Member State Audit Scheme as a key tool in the battle against sub-standard ships and as a unique opportunity for the Organization to attain its objectives in a uniform manner. He reminded the Committee that the implementation of the scheme was eagerly anticipated by all those who wanted to see an ever-improving safety record in shipping and an ever-cleaner and healthier marine environment, including the United Nations General Assembly.

Turning to IMO's response to the tsunami tragedy in the Indian Ocean of December 2004, the Secretary-General reported that he had recently handed over to UN Secretary-General Kofi Annan a cheque for approximately £90,000, representing the balance of the Tsunami Maritime Relief Fund, established in early January. In so doing, he had requested that the IMO Fund money be used specifically for the restoration of the affected maritime infrastructure and the reconstruction of the fishing industry in the region. The Secretary-General also expressed his thanks to all donors for their generosity.

In concluding, the Secretary-General drew the Committee's attention to an issue of growing concern – the apparently ever-increasing number and size of documents both submitted to, and produced by Committees and sub-committees, during sessions. His concerns related, firstly, to the Secretariat's ability to manage this increase, within its limited resources, whilst still maintaining the standards expected by the membership and secondly, to the adverse effect this was having on the health and well-being of the Secretariat staff. If the Organization was to continue its practice of issuing final reports in the three working languages at the end of a meeting week, the only option, in an effort to accommodate the interests of all parties concerned, would be to set a ceiling for the number of pages which could be translated within the

Secretariat's current resources and to work within that limit - postponing, if necessary, the translation of documents of a less urgent nature after the meeting and the consideration of others of the same nature to subsequent meetings. The Secretary-General would, in due course, inform the Committee of any decisions made in this respect but, for the time being, he appealed to the membership to keep in mind the overall issue and to show its usual understanding and co-operation.

Chairman's remark

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

Adoption of the agenda and related matters

1.8 The Committee adopted the agenda (MSC 80/1) and a provisional timetable for guidance during the session (MSC 80/1/1, annex, as amended). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 80/INF.14.

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

Credentials

1.10 The Committee was informed that the credentials of delegations attending the session, as submitted, were in due and proper form (see also paragraph 1.2).

2 DECISIONS OF OTHER IMO BODIES

Outcome of the ninetieth session of the Legal Committee

2.1 The Committee noted the information provided on the outcome of LEG 90 (MSC 80/2) related to the:

- .1 draft convention on wreck removal (DWRC);
- .2 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 (SUA Convention and Protocol);
- .3 places of refuge; and
- .4 fair treatment of seafarers.

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, V, XI-1 and XI-2 of the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention;
- .2 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;
- .3 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; and
- .4 the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), in accordance with the provisions of article VIII and regulation XI-1/2 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 the mandatory Codes and Guidelines were circulated in accordance with SOLAS article VIII(b)(i) to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by circular letters No. 2556 of 28 May 2004 (SOLAS chapter XI-1, the ISM Code and the ISPS Code), No.2584 of 23 September 2004 (SOLAS chapters II-1 and V and resolution A.744(18)), No.2589 of 15 October 2004 (SOLAS chapter II-1), No.2592 of 28 October 2004 (SOLAS chapter II-1) and No.2595 of 10 November 2004 (SOLAS chapter XI-2).

3.3 The Committee was invited to consider the unanimous acceptance procedure for the proposed amendments to the 1966 Load Lines Convention, specified in article 29(2) of the Convention and take action as deemed appropriate.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION AND MANDATORY CODES AND GUIDELINES

CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1

3.4 The Committee recalled that the proposed amendments to SOLAS chapter II-1 (MSC 80/3/4, annex 1), which were replacement of parts A, A-1, B and B-1 of the chapter, had been developed by DE 47 and SLF 47 and approved by MSC 79.

Regulation 1 – Application

3.5 The Committee noted square brackets in paragraphs 1.1, 1.3.2 and 2 of the regulation and, having recalled its decision on the date of entry into force of the revised chapter II-1 (see paragraph 3.33), agreed that the respective dates referred to in the aforementioned paragraphs should be 1 January 2009.

Regulation 2 – Definitions

3.6 Having recalled that, by resolution MSC.170(79), it adopted, for inclusion in the existing chapter II-1, a new definition of bulk carrier, the Committee agreed to incorporate the definition in the revised chapter II-1.

Regulation 3-6 – Access to and within spaces in the cargo area of oil tankers and bulk carriers

3.7 The Committee noted the footnote to the regulation, which states that the text of the regulation needs to be revised, and recalled that MSC 78 had adopted, by resolution MSC.151(78), amendments to this regulation and that the amendments were expected to be accepted on 1 July 2005 for entry into force on 1 January 2006. Following the discussion, the Committee agreed that the amendments adopted by resolution MSC.151(78) should be incorporated in the regulation.

Regulation 3-7 – Construction drawings maintained on board and ashore

3.8 The Committee noted square brackets in paragraph 1 of the regulation and, having recalled its decision on the date of entry into force of the revised chapter II-1 (see paragraph 3.33), agreed that the date of application of the regulation should be 1 January 2007.

Regulation 3-8 – Towing and mooring equipment

3.9 The Committee considered a modification proposed by Norway (MSC 80/3/12), regarding the inclusion in the draft regulation of the words “be detailed on an approved plan and”, and did not agree to the proposal.

3.10 The Committee noted square brackets in paragraph 1 of the draft regulation and, having recalled its decision on the date of entry into force of the revised chapter II-1 (see paragraph 3.33), agreed that the date of application of the regulation should be 1 January 2007.

Regulation 6 – Required subdivision index R

Paragraph 2

3.11 The Committee considered a proposal by Sweden and the United States (MSC 80/3/11), to keep the formulations for required subdivision index R in the draft SOLAS regulation II-1/6 unchanged, and agreed to the proposal.

Paragraphs 2.3 and 2.4

3.12 The Committee considered document MSC 80/3/9 (CESA), proposing modifications to paragraphs 2.3 and 2.4 of the draft regulation so that subdivision requirements should be, as far as possible, independent of the life-saving appliances configuration and area of operation and that adequate flexibility in designing of all types of passenger ships is provided. In this context, the Committee noted that DE 48 had not felt it appropriate to prepare any modifications to the revised SOLAS chapter II-1, but agreed that it should consider possible consequential amendments to SOLAS chapter III concerning relaxation from life-saving requirements for passenger ships engaged on short international voyages. Following the debate, the Committee did not agree to the proposal by CESA.

Regulation 7-1 – Calculation of the factor “ p_i ”

3.13 The Committee, having recalled that an intersessional meeting of the Working Group on Subdivision and Damage Stability (SDS) was held to consider the proposals by Italy in documents MSC 80/3, MSC 80/3/1 and MSC 80/3/2, considered the revision of the draft SOLAS regulation II-1/7-1 proposed by the intersessional meeting of the SDS Working Group (MSC 80/3/5), and agreed to the revised draft SOLAS regulation II-1/7-1.

Regulation 19 – Damage control information

3.14 The Committee considered a submission by France and Sweden (MSC 80/3/8), providing draft Guidelines for damage control plans and information to the master, prepared on the basis of MSC/Circ.910 and submitted, as requested by MSC 79, following the Committee’s decision to add, in the draft regulation II-1/19, a new paragraph 5 requiring that damage stability information should provide the master with a simple and easily understandable way of assessing ship’s survivability in all damage cases; and agreed to refer the document to SLF 48 for detailed consideration of the draft Guidelines and appropriate action.

Regulation 24-1 – Water level detectors on single hold cargo ships other than bulk carriers

3.15 The Committee noted square brackets in paragraph 1 of the regulation, which was renumbered as regulation 25, and, having recalled its decision on the date of entry into force of the revised chapter II-1 (see paragraph 3.33), agreed that the date of application of the regulation should be 1 January 2009 (see also paragraph 3.51).

Regulation 35-1 - Bilge pumping arrangements

3.16 The Committee considered document MSC 80/3/10 (Secretariat), providing a new SOLAS regulation II-1/35-1, prepared on the basis on the present SOLAS regulation II-1/21, aimed at placing the former regulation in part C, rather than in part B, of the SOLAS chapter II-1, and agreed to the proposal.

3.17 In this context, the Committee, having noted that there were references to the present regulation II-1/21 in other SOLAS regulations (such as regulation II-2/20), instructed the drafting group to prepare appropriate amendments to replace the reference to regulation II-1/21 by regulation II-1/35-1 as well as other possible consequential amendments to the Convention, for adoption at the current session of the Committee.

General

3.18 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 V

3.19 The Committee recalled that the proposed amendments to SOLAS regulation V/19 (MSC 80/3/4, annex 1) had been developed by NAV 50 and approved by MSC 79.

3.20 The Committee considered document MSC 80/3/7, in which the United Kingdom expressed the opinion that it was premature to introduce the proposed change to the regulation and that the work of the NAV Sub-Committee and the Committee, to date, in adopting standards

for display of AIS information is entirely sufficient, and, following the debate, decided not to adopt the proposed amendments to regulation V/19.

3.21 The delegations of Germany, Denmark, Norway and Sweden stated that the fact that a large number of ships transmitted the wrong AIS signals was detrimental to the safety of navigation. The proposal that the information provided through the AIS should be presented to the officer of the watch (OOW) was, therefore, necessary, so that the OOW would be aware of the wrong information and could take steps to correct it. Compliance with the proposed amendments would only require retrofitting on those ships without even a minimum keyboard display in a proper location.

PROPOSED AMENDMENTS TO SOLAS CHAPTER XI-1

3.22 The Committee recalled that the proposed new SOLAS regulation XI-1/3-1 and amendments to SOLAS regulations XI-1/5 (MSC 80/3/4, annex 1) had been developed by FSI 12 and approved by MSC 78.

3.23 The Committee further recalled that, with respect to the draft new SOLAS regulation XI-1/3-1 and draft amendments to SOLAS regulation XI-1/5, MSC 79 had decided to defer to MSC 80 taking a decision on the adoption of the mandatory IMO unique company and registered owner identification number scheme.

3.24 In the context of the aforementioned proposed amendments, having considered a submission by the Marshall Islands (MSC 80/3/13), reporting on their experience with the implementation, on a voluntary basis, of the IMO unique company and registered owner identification number scheme (resolution MSC.160(78)) and proposing that the procedures outlined in circular letter No.2554 on Implementation of IMO unique company and registered owner identification number scheme, be reviewed and revised as necessary, the Committee noted the information provided by the Marshall Islands in document MSC 80/3/13 and further information by the United Kingdom and agreed to refer the review of the circular letter to FSI 14 for consideration and appropriate action.

3.25 The Committee, having acknowledged the instrumental role of the Lloyd's Register – Fairplay (LR-F) in, and the significance of LR-F's contribution to, the work on the review of the scheme, noted that any such contribution, when received by the Organization, would be submitted by the Secretariat to the Committee or sub-committees, as appropriate, for consideration.

Regulation 3-1 - Company and registered owner identification number

3.26 The Committee noted square brackets in paragraph 5 of the regulation and, having considered several options for the date of entry into force of the amendments to SOLAS chapter XI-1, agreed, bearing in mind some of the difficulties encountered during the testing phase of the identification number scheme as well as the reported need for a considerable amount of resources, that the amendments to SOLAS chapter XI-1, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2008 and should enter into force on 1 January 2009.

General

3.27 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 XI-2

New regulation 14 - Long-range identification and tracking of ships

3.28 The Committee recalled that a draft new SOLAS regulation XI-2/14 (MSC 80/3/3, annex) had been proposed by the United States in accordance with SOLAS article VIII and circulated by circular letter No.2595.

3.29 The Committee recalled further that COMSAR 9 had continued the development of the draft new regulation of SOLAS chapter XI-2 on LRIT, taking into account the decisions and instructions of MSC 78 and MSC 79, and had invited the Committee to note the work in progress.

3.30 Having noted that the issue of LRIT was discussed under agenda item 5 and that the Working Group on Maritime Security was instructed to consider the matter in detail and advise the Committee as appropriate, the Committee suspended the discussion on the proposed new regulation XI-2/14 until the report of the Working Group on Maritime Security was submitted to plenary (see also paragraphs 5.93 to 5.113).

DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

3.31 The Committee recalled its decision, at MSC 59 (MSC 59/3/3, 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.

3.32 The Committee noted the DE 48's view that the time period between the adoption of amendments to SOLAS chapter II-1 and their entry into force should be sufficient for the DE Sub-Committee to deal with consequential amendments to SOLAS chapter III, in particular to SOLAS regulation III/21.1.2, so that the draft amendments to SOLAS chapter II-1 under consideration at this session and proposed amendments to SOLAS chapter III, when developed by the Sub-Committee and adopted by the Committee, could enter into force simultaneously. In this context, a view was expressed that, as the revised SOLAS chapter II-1 introduces a fundamental change to the way ships are designed and would have a significant effect on shipbuilders and ship operators, there is a need for sufficient time before the revised chapter II-1 enters into force in order that shipbuilders and ship operators can develop and optimize new designs before such entry into force.

3.33 Following discussion, the Committee, having recalled its decision with regard to entry-into-force date of the proposed amendments to SOLAS chapter XI-1 (see paragraph 3.26), agreed that the amendments to SOLAS chapter II-1 parts A, B and B-1, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2008 and should enter into

force on 1 January 2009, while proposed amendments to SOLAS chapter II-1 parts A-1 and C should be deemed to have been accepted on 1 July 2006 and should enter into force on 1 January 2007. Consequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

3.34 In this context, the Committee agreed that the draft amendments to SOLAS regulation III/21.1.2, referred to in paragraph 3.32 above, should be considered with a view to adoption at MSC 83 and instructed the DE Sub-Committee to prepare the draft amendments accordingly.

PROPOSED AMENDMENTS TO THE MANDATORY CODES AND GUIDELINES

PROPOSED AMENDMENTS TO THE ISM CODE

3.35 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 80/3/4, annex 2) had been prepared by the FSI Sub-Committee and approved by MSC 78.

3.36 The Committee recalled further that, at MSC 79, the expanded Committee had decided to defer taking decision on the adoption of the mandatory IMO unique Company and registered owner identification number scheme (new SOLAS regulation XI-1/3-1) and, subsequently, on the adoption of the amendments to the ISM Code and ISPS Code, to this session.

3.37 The Committee, having noted that no comments had been submitted on the proposed amendments to the ISM Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.38 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 July 2008 and should enter into force on 1 January 2009. Consequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE ISPS CODE

3.39 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) (MSC 80/3/4, annex 3) had been prepared by the FSI Sub-Committee and approved by MSC 78.

3.40 The Committee recalled further that, at MSC 79, the expanded Committee had decided to defer taking decision on the adoption of the mandatory IMO unique Company and registered owner identification number scheme (new SOLAS regulation XI-1/3-1) and, subsequently, on the adoption of the amendments to the ISM Code and ISPS Code, to this session.

3.41 The Committee, having noted that no comments had been submitted on the proposed amendments to the ISPS Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.42 The Committee agreed that the amendments to the ISPS Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2008 and should enter into force on 1 January 2009. Consequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE GUIDELINES ON THE ENHANCED PROGRAMME OF INSPECTIONS DURING SURVEYS OF BULK CARRIERS AND OIL TANKERS (RESOLUTION A.744(18))

3.43 The Committee recalled that the proposed amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)) (MSC 80/3/4, annex 4) had been developed by DE 47 and were approved by MSC 79.

3.44 The Committee, referring to paragraph 2.2.1 of part A of Annex B to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), recalled that MSC 79, in approving the proposed amendments to the Guidelines, had recalled the ongoing consideration of the term “any five-year period” in the FSI Sub-Committee and agreed to keep paragraph 2.2.1 in square brackets, subject to a final decision at this session when the outcome of FSI 13 on the matter would be available.

3.45 In this respect, the Committee recalled that, under agenda item 15 (Flag State implementation), noting that FSI 13, in considering interpretation of the term “any five-year period” in the context of the proposed amendments to the survey-related requirements of the 1988 SOLAS Protocol and of Annex B to the Guidelines, recommended that the square brackets around aforementioned paragraph 2.2.1 should be deleted, it had agreed to the recommendation. Consequently, the Committee instructed the drafting group accordingly.

Date of entry into force of the proposed amendments

3.46 The Committee agreed that the amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), 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. Consequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

ESTABLISHMENT OF A DRAFTING GROUP

3.47 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 and aforementioned mandatory codes and guidelines, together with the associated draft MSC resolutions, for consideration and adoption by the Committee.

THE UNANIMOUS ACCEPTANCE PROCEDURE FOR THE PROPOSED AMENDMENTS TO THE 1966 LOAD LINES CONVENTION

3.48 Having recalled that the Chairman, at MSC 79, following the adoption of the proposed amendments to Annex III to the 1966 Load Lines Convention in accordance with the provisions of article 29(3)(a) of the International Convention on Load Lines, 1966, for subsequent adoption by the twenty-fourth session of Assembly, had referred to other procedures for amendments

specified in article 29 of the Convention and offered to consider the issue in detail and submit the appropriate proposal to this session, the Committee considered a submission by the Chairman (MSC 80/3/6), outlining the application of the unanimous acceptance procedure and proposing, in paragraph 8, action the Assembly can take, when adopting the proposed amendments to the Convention.

3.49 After debate, the Committee agreed that the Secretariat should submit information provided in paragraphs 5 to 9 of document MSC 80/3/6 to the twenty-fourth session of the Assembly for consideration, in conjunction with the proposed amendments to the 1966 LL Convention adopted by MSC 79.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION AND MANDATORY CODES AND GUIDELINES

Report of the drafting group

3.50 Having received the report of the drafting group (MSC 80/WP.10 and MSC 80/WP.10/Add.1), the Committee took action as indicated hereunder.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

Adoption of amendments to the 1974 SOLAS Convention

3.51 The expanded Committee, including delegations of 99 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to SOLAS chapters II-1, II-2, VI, IX, XI-1 and XI-2 of, and to the appendix to the Annex to, the Convention, prepared by the drafting group (MSC 80/WP.10, annex 1) and, having agreed to also include, under part B, a new regulation 23-3 (Water level detectors on single hold cargo ships other than bulk carriers), in the proposed amendments to SOLAS chapter II-1 set out in annex 1 to annex 1 to document MSC 80/WP.10, adopted the amendments unanimously by resolution MSC.194(80), as set out in annex 1.

3.52 In adopting resolution MSC.194(80), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that:

- .1 the adopted amendments to SOLAS chapter II-1 parts A, A-1, B and C (MSC 80/WP.10, annex 1 to annex 1) 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; and
- .2 the adopted amendments to SOLAS chapters II-1 (parts A, B, B-1 and C), II-2, VI, IX, XI-1, XI-2 of, and to the appendix to the Annex to, the Convention (MSC 80/WP.10, annex 2 to annex 1) should be deemed to have been accepted 1 July 2008 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2009, in accordance with the provisions of article VIII thereof.

3.53 In this context, as advised by the drafting group, the Committee agreed that, consequential to the aforementioned amendments, the SOLAS regulations XII/12.1.2 and XII/13.1 and the form of Safety Certificate for Nuclear Passenger Ships adopted by

resolution MSC.170(79) should be amended, when the amendments adopted by resolution MSC.170(79) have entered into force.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE MANDATORY CODES AND GUIDELINES

Adoption of amendments to the ISM Code

3.54 The expanded Committee, including delegations of 99 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 80/WP.10, annex 2) and adopted the amendments unanimously by resolution MSC.195(80), as set out in annex 2.

3.55 In adopting resolution MSC.195(80), 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 July 2008 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2009, in accordance with the provisions of article VIII thereof.

Adoption of amendments to the ISPS Code

3.56 The expanded Committee, including delegations of 99 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the ISPS Code, prepared by the drafting group (MSC 80/WP.10, annex 3) and adopted the amendments unanimously by resolution MSC.196(80), as set out in annex 3.

3.57 In adopting resolution MSC.196(80), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the ISPS Code should be deemed to have been accepted on 1 July 2008 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2009, in accordance with the provisions of article VIII thereof.

Adoption of amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18))

3.58 The expanded Committee, including delegations of 99 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), prepared by the drafting group (MSC 80/WP.10, annex 4) and adopted the amendments unanimously by resolution MSC.197(80), as set out in annex 4.

3.59 In adopting resolution MSC.197(80), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)) 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 article VIII thereof.

INSTRUCTIONS TO THE SECRETARIAT

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

4 PASSENGER SHIP SAFETY

General

4.1 The Committee recalled that, at MSC 79, having considered the outcomes of sub-committees on their work on passenger ship safety matters, it had agreed that this matter should be included in the agenda for this session and, in particular, to:

- .1 consider the outcomes of the COMSAR, DE, FP and STW Sub-Committees;
- .2 consider matters related to the “time to rescue”;
- .3 consider any submissions to the session on this subject; and
- .4 establish an *ad hoc* Drafting Group on Passenger Ship Safety, at MSC 80.

Outcome of the Sub-Committees

4.2 The Committee received reports on passenger ship safety carried out by STW 36, FP 49, COMSAR 9 and DE 48 prepared by the Secretariat (MSC 80/4) and noted, in particular, that:

- .1 STW 36 had endorsed amendments to part B of the STCW Code, on guidance on engine-room resource management, and the associated STCW.6 circular and had instructed the Secretariat to revise IMO model course 1.28 - Crowd management, passenger safety and safety training for personnel providing direct services to passengers in passenger spaces and IMO model course 1.29 - Proficiency in crisis management and human behaviour training including passenger safety, cargo safety and hull integrity training, as appropriate, to incorporate the “safe area” definition. The Sub-Committee also invited the Committee to extend the target completion date for this item to 2006;
- .2 FP 49 had prepared draft amendments for SOLAS chapter II-2, relating to the safe area concept and the maintaining of essential systems and services, with a view towards finalization at FP 50; proposed amendments to its work plan and invited MSC 80 to clarify the starting time for the “time to remain habitable”; and re-established its Correspondence Group on Passenger Ship Safety to progress the matter intersessionally;
- .3 COMSAR 9 had agreed that it was difficult to define “an area remote from SAR facilities” as there were no analytical tools, proposing to wait until a better tool would be available; recommended voluntary fitment of air band radio equipment on SOLAS ships other than passenger ships, marine search and rescue vessels and other Government-owned vessels; and re-established its Correspondence Group on Passenger Ship Safety to progress the matter intersessionally; and

- .4 DE 47 had agreed to draft amendments to SOLAS regulation III/7.2.1 for the carriage of infant lifejackets, for approval by MSC 80; prepared draft amendments for SOLAS chapters II-1 and III, relating to essential systems and alternative designs and arrangements, with a view towards finalization at DE 49; invited MSC 80 to consider the Sub-Committee's opinion on "the starting point for the time to remain habitable"; and invited the Committee to remove the task relating to the development of functional requirements for emergency towing arrangements and carriage of infant lifejackets; and re-established its Correspondence Group on Passenger Ship Safety to progress the matter intersessionally.

4.3 The Committee, having noted the progress made by STW 36, FP 49, COMSAR 9 and DE 48 on passenger ship safety issues, endorsed, in general, the work on this matter by the aforementioned Sub-Committees and agreed that the drafting group, once established, should take the outcomes of STW 36, FP 49, COMSAR 9 and DE 48 into account when updating the revised work plan on passenger ship safety (see paragraphs 4.13 to 4.17).

World Maritime University proposed research project on passenger ship safety

4.4 The Committee noted that, at MSC 79, it had 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 passenger ship safety. In particular, a question was raised at MSC 78 on cost implications of such co-ordinating work to be carried out by the WMU and, in this regard, the Secretariat was requested to provide further information on this aspect for consideration at MSC 80.

4.5 The Committee considered documents MSC 80/4/1 and MSC 80/INF.6 (Secretariat), providing information on the co-ordinating role of the World Maritime University (WMU) for search and rescue research projects related to passenger ships, and noted that proposal from WMU, as set out in document MSC 80/INF.6, has the following four phases:

- Phase 1: Initial data collection and reporting on the state of the art and current research efforts and results in the subject area.
- Phase 2: Further work in data collection from sources not identified by the Member States; development of an on-line database of current research; and organization of a workshop/seminar on the subject area, to include the research community as well as other stakeholders.
- Phase 3: Identification of gaps in knowledge, expertise and practices that should be dealt with as a matter of urgency.
- Phase 4: Long-term vision and horizon scanning and reporting to the Organization on regular basis.

4.6 The Committee also noted that the initial phase, which is expected to last for one year and can be undertaken at no cost to the Organization, included the following activities:

- .1 the Organization to request all Member States to provide the World Maritime University, with information about the research programmes either recently completed or currently underway. The University will contact the research teams to get further information on their effort; and
- .2 the University will catalogue the reported work by Member States and report back to IMO,

and that any work beyond the above initial phase would require substantial funds to carry out the research work (i.e. phase 2, as proposed by WMU, would require US\$90,000).

4.7 Following extensive debate, the Committee, recognizing the importance of the research which was considered to be beneficial both to the Organization and the WMU, agreed to the WMU Proposal to co-ordinate a search and rescue (SAR) research programme related to passenger ship safety and:

- .1 decided that phase 1 of the Proposal should be implemented from May 2005 to April 2006, and requested the WMU to proceed with phase 1 as defined in document MSC 80/INF.6.

In this context, the Committee further decided to instruct the Secretariat to issue a circular letter requesting all IMO Members to provide the WMU with information about the research programmes either recently completed or currently underway; and

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

Consequently, the Committee invited the WMU to submit a final report on phase 1 to MSC 82, for consideration.

Clarification of the starting time for the “time to remain habitable”

4.8 The Committee, having noted that FP 49 had invited the Committee to clarify the starting point for the time to remain habitable and that DE 48 had also provided its views on the matter, considered the submission by ICCL (MSC 80/4/2), proposing that the starting time for the agreed 3-hour “time to remain habitable” begins with the initiation of the event.

4.9 In the course of the consideration of the above document, the Committee also debated the views expressed by:

- .1 the delegation of the United Kingdom which was of the opinion that, where the damage is less than the “return to port” threshold, the ship should be expected to survive indefinitely, noting that abandonment is not considered in such situations. Therefore, the “time to remain habitable” should commence after this “return to port” threshold is exceeded, when abandonment is a possible outcome; and
- .2 the delegation of the United States which, having recalled that the “time to remain habitable” concept included both time for damage assessment and time for evacuation, was of the opinion that, for prolonged events where damage assessment has had already taken place, only one hour should be needed after the casualty threshold is exceeded for a safe and orderly evacuation.

4.10 Subsequently, the Committee agreed to instruct the drafting group, taking into account the proposal by ICCL and the above views, to consider the starting time for the 3-hour time to remain habitable and advise the Committee accordingly.

Establishment of the Drafting Group on Passenger Ship Safety

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

- .1 update the work plan set out in annex 3 to document MSC 79/WP.13, taking into the outcomes of STW 36, FP 49, COMSAR 9 and DE 48 (MSC 80/4); and
- .2 consider the matter related to the starting time for the 3-hour time to remain habitable, taking into account the views of FP 49 and DE 48 (MSC 80/4) and the comments by ICCL (MSC 80/4/2) and the outcome of the debate at MSC 78 and MSC 79, with a view to advising the Committee in respect to issue on which the FP and DE Sub-Committees have sought the Committee’s clarification.

REPORTS OF THE DRAFTING GROUP AND *AD HOC* TECHNICAL GROUP

4.12 Having received the reports of the drafting group (MSC 80/WP.11 and Corr.1) and *ad hoc* technical group (MSC 80/WP.11/Add.1/Rev.1), the Committee approved them in general and took action as outlined in the following paragraphs.

Work plan on passenger ship safety

4.13 The Committee approved the revised work plan, as set out in the annex to document MSC 80/WP.11, as modified by MSC 80/WP.11/Corr.1, and forwarded it to the COMSAR, DE, FP, NAV, SLF and STW Sub-Committees for action as appropriate.

Definition for casualty threshold

4.14 The Committee also approved a definition for the term “casualty threshold”, as contained in paragraph 9 to document MSC 80/ WP.11/Add.1/Rev 1, for clarification purposes.

Time to remain habitable

4.15 Having considered document MSC 80/WP.11/Add.1/Rev.1 for matters related to the “time to remain habitable”, the Committee reaffirmed that the original intent of the above timeframe was to ensure that, in cases where casualty threshold for return to port is exceeded, there will be sufficient time for the safe and orderly abandonment of the ship. In this regard, the Committee was of the view that the wording “time for orderly evacuation and abandonment” would better suited the above concept instead of the original wording “time to remain habitable”, and consequently approved a definition for the new term, as contained in paragraph 7 of document MSC 80/WP.11/Add.1/Rev.1.

4.16 In considering the 3-hour timeframe for habitability agreed at MSC 78, the Committee reiterated its previous decision that future passenger ships should be designed to meet the safe return to port concept after a casualty and that relevant casualty thresholds should be developed. However, in the event a casualty exceeds the above threshold, the Committee endorsed the group’s recommendation that an additional casualty scenario, for design purposes, should be developed by the FP and SLF Sub-Committees to support the concept that the ship will remain viable for at least 3 hours to allow for a safe and orderly evacuation and abandonment.

4.17 Having considered the above matters, the Committee conveyed the aforementioned groups’ reports, in their 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.

5 MEASURES TO ENHANCE MARITIME SECURITY

GENERAL

5.1 The Committee recalled that, at MSC 79, it had considered various matters which had arisen following the entry into force, on 1 July 2004, of the special measures to enhance maritime security and had instructed a number of sub-committees to consider and report on salient issues.

5.2 The Committee considered documents MSC 80/5 and MSC 80/5/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 STW 36, COMSAR 9, FSI 13, JWGMSA 3 and BLG 9.

5.3 The Committee further considered documents MSC 80/3/3 (United States), MSC 80/5/1 (France), MSC 80/5/2 and MSC 80/5/3 (Secretariat), MSC 80/5/4 (Austria *et al*), MSC 80/5/5 (IMSO), MSC 80/5/6 and MSC 80/5/7 (Germany), MSC 80/5/8 (United States), MSC 80/5/9 (Marshall Islands), MSC 80/5/10 (Republic of Korea), MSC 80/5/11 (Greece), MSC 80/5/12 (ICS *et al*), MSC 80/5/13 and MSC 80/5/14 (Japan), MSC 80/5/15 (Canada), MSC 80/INF.2 (European Commission) and MSC 80/23/9 (Marshall Islands). The Committee referred document FSI 13/6/7 (United Kingdom) to the MSWG as requested by FSI 13.

5.4 The Committee recalled the opening remarks of the Secretary-General and, in particular, that reports indicated that not all SOLAS Contracting Governments have given full effect to all of the applicable provisions of SOLAS chapter XI-2 and the ISPS Code and that the level of stringency in implementing, adhering to and enforcing the provisions of SOLAS chapter XI-2 and the ISPS Code seemed to have been relaxed in some instances. The Secretary-General had noted that these were worrying developments and stressed that there was an immediate need for

the SOLAS Contracting Governments concerned to take any necessary corrective actions without delay. In addition, he had advised the Committee that the time had come to look into the future to decide its short-, medium- and long-term work programme, and to take all necessary steps to further enhance security in the maritime transport network, reducing, at the same time, the incidence of piracy and armed robbery against ships, in line with the Organization's strategic objectives. In this respect, he had reminded the Committee that the United Nations itself had advanced the agenda on the global fight against terrorism and had adopted a number of resolutions reflecting on the work done to date and addressing the many issues involved, including those underlying the causes of terrorism.

DECISIONS OF IMO BODIES

Outcome of STW 36

Training and certification requirements for ship security officers

5.5 The Committee recalled that MSC 77 had instructed (MSC 77/26, paragraph 6.82) STW 35 to develop, with high priority, training and certification requirements for ship security officers (SSOs) in the longer term and to consider all possible options; and that MSC 78 had noted (MSC 78/26, paragraph 7.20) the work of STW 35 in this regard.

5.6 The Committee noted that STW 36 had completed the development of requirements for the issue of certificates of proficiency of SSOs (MSC 80/5, paragraphs 2 to 5 and 12.1 to 12.3; MSC 80/11, paragraphs 2.5 to 2.7; and STW 36/17, paragraphs 8.13 to 8.15 and annexes 5, 6 and 7).

5.7 The Committee approved the draft amendments to the STCW Convention along with the associated draft MSC resolution, regarding requirements for the issue of certificates of proficiency for ship security officers, as set out in annex 5 and requested the Secretary-General to circulate them, in accordance with STCW article XII, for consideration with view to adoption at MSC 81.

5.8 The Committee approved the draft amendments to part A of the STCW Code on Training requirements for issue of certificates of proficiency for ship security, as set out in annex 6 and requested the Secretary-General to circulate them, in accordance with STCW article XII, for consideration with view to adoption at MSC 81.

5.9 The Committee approved the related draft amendments to part B of the STCW Code on Guidance regarding training for ship security officers and the associated STCW.6 circular, as set out in annex 7, for adoption at MSC 81, to become operative on the same date as the entry into force of the aforementioned amendments to the STCW Convention and part A of the STCW Code.

Guidelines on the training and certification of company security officers

5.10 The Committee recalled that MSC 78 had instructed (MSC 78/26, paragraph 7.26) the STW Sub-Committee to develop, and submit for the consideration and approval by the Committee, concise guidelines on the training and certification of company security officers (CSOs). The STW Sub-Committee had been instructed to consider whether the proposed guidelines should include any guidance with respect to any requirements, other than those relating to training, which CSOs should meet, as well as the form of certification of the training.

5.11 The Committee noted that STW 36 had completed the development of guidelines on the training and certification of CSOs (MSC 80/5, paragraphs 8 and 12.4; MSC 80/11, paragraph 2.13; and STW 36/17, paragraph 13.15 and annex 10).

5.12 The Committee referred STW 36/17, annex 10 to the MSWG for editorial review before approving the proposed MSC circular.

Outcome of COMSAR 9

General

5.13 The Committee considered matters relating to Long-range identification and tracking separately (see paragraphs 5.55 to 5.70 below).

Ship security alert systems

5.14 The Committee recalled that MSC 78 had:

- .1 noted that the current performance standards for ship security alert systems did not envisage any priority for the ship security alert signal and thus instructed COMSAR 9 (MSC 78/26, paragraph 7.111) to consider and address this; and
- .2 agreed with the view of COMSAR 8 that there was a need to develop a test message protocol for testing ship security alert systems and instructed COMSAR 9 (MSC 78/26, paragraph 7.43) to develop such protocols and submit them to the Committee for approval.

5.15 The Committee noted that COMSAR 9 had considered (MSC 80/5, paragraph 9) the aforementioned issues and:

- .1 agreed that, as the message priority requirement applied only to satellite communications and given the diversity of ship security alert systems, there was no need (MSC 80/5, paragraphs 9.1 and 12.5 and COMSAR 9/19, paragraphs 12.30 to 12.33, 12.48.8 and 12.50.1) to develop a message priority requirement for ship security alerts;
- .2 agreed that, although there was a need for ship security alert systems to be subject to testing, given the multiplicity of ship security alert systems and bearing in mind that many ship security alert systems already in use had test systems in place, it would be impractical (MSC 80/5, paragraphs 9.2 and 12.6 and COMSAR 9/19, paragraphs 12.35, 12.36, 12.48.9 and 12.50.2) to develop a test protocol to cover all systems;
- .3 agreed that test procedures for ship security alert systems were a matter for individual Administrations (MSC 80/5, paragraphs 9.2 and 12.6 and COMSAR 9/19, paragraph 12.50.2); and
- .4 instructed the MSWG to prepare an MSC circular providing guidance to SOLAS Contracting Governments on matters relating to the priority and testing of the ship security alert signals, as recommended by COMSAR 9 (MSC 80/5, paragraphs 9.1.1 to 9.1.3 and 12.5 and COMSAR 9/19, paragraphs 12.50.1.1 to 12.50.1.3), and to submit it to the Committee for approval.

Review of MSC/Circ.623/Rev.3

5.16 The Committee recalled that:

- .1 MSC 77, in approving the revised MSC/Circ.967 as MSC/Circ.1073 on Guidelines for maritime rescue co-ordination centres on acts of violence, had instructed COMSAR 8 (MSC 77/26, paragraph 6.88) to consider whether corresponding amendments needed to be made to paragraphs 25 to 31 of MSC/Circ.623/Rev.3; and
- .2 MSC 78 had noted (MSC 78/26, paragraph 7.44) that in the absence of specific submissions in this regard, COMSAR 8 had considered it prudent not to embark on any discussion on this issue and invited those parties having an interest in the revision of MSC/Circ.623/Rev.3 to make relevant submissions to COMSAR 9, so as to enable it to consider the matter and carry out the task assigned to it.

5.17 The Committee noted that no submissions had been made in this regard to COMSAR 9. However, on the advice of the working group which had been set up to deal with matters relating to the measures to enhance maritime security, and which had reviewed the relevant sections of the circular, COMSAR 9 had agreed (COMSAR 9/19, paragraphs 12.47, 12.48.11 and 12.50.4) to recommend that there was no need to amend MSC/Circ.623/Rev.3.

5.18 The Committee agreed (MSC 80/5, paragraphs 10 and 12.7) that, in the context of MSC/Circ.1073, there was no need to amend paragraphs 25 to 31 of MSC/Circ.623/Rev.3.

Outcome of FSI 13

5.19 The Committee noted that FSI 13 had discussed:

- .1 as instructed by MSC 78 (MSC 78/26, paragraph 7.97), the need to review or amend the provisions of any of the instruments under its purview, with a view of including therein security-related provisions (MSC 80/5/Add.1, paragraph 7) (see paragraph 5.28.1 below); and
- .2 various matters which either related to, or had implications for, the special measures to enhance maritime security (MSC 80/5/Add.1, paragraphs 4 to 6).

5.20 The Committee:

- .1 referred the information from the Paris (FSI 13/6/7 (United Kingdom)) and Tokyo MoUs on the findings of their programmes of checks on ship security which were carried out following the entry into force of SOLAS chapter XI-2 and the ISPS Code to the MSWG (MSC 80/5/Add.1, paragraphs 4 and 14.1 and MSC 80/15, paragraph 5.6);
- .2 noted the discussions during FSI 13, in relation to the inclusion of security-related elements in the draft Code for the implementation of mandatory IMO instruments (MSC 80/5/Add.1, paragraph 5 and 14.2) and further considered the matter under agenda item 8 (see paragraphs 8.10.5 and 8.10.6); and

- .3 noted the discussions during FSI 13, in relation to the definition of the term bulk carrier and in relation to ships other than bulk carrier carrying bulk cargoes (MSC 80/5/Add.1, paragraphs 6.2 and 14.3).

Outcome of JWGMSA 3

5.21 The Committee noted that the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme, established by the Council for the development of this scheme, had completed its task and that the scheme would be considered by the Committee, TCC 55, MEPC 53, C 94 and C/ES 23 and forwarded to A 24 for adoption.

5.22 The Committee also noted the discussions, during C 92 and JWGMSA 3, in relation to the inclusion, in the Voluntary IMO Member State Audit Scheme, of security-related elements (MSC 80/5/Add.1, paragraphs 9 to 12 and 14.7) and further considered the matter under agenda item 8 (see paragraphs 8.11 to 8.15).

Revision of the Recommendations on the safe transport of dangerous cargoes and related activities in port areas

5.23 The Committee recalled that MSC 79 had instructed (MSC 79/23, paragraph 5.15.2) the BLG and STW Sub-Committees to consider those aspects of the revision of MSC/Circ.675 on Recommendations on the safe transport of dangerous cargoes and related activities in port areas (DSC 9/15, annex 7) falling under their purview and advise the DSC Sub-Committee, as the co-ordinating Sub-Committee, accordingly.

5.24 The Committee noted that:

- .1 STW 36 had agreed (MSC 80/11, paragraph 2.8 and STW 36/17, paragraph 8.18) to advise the DSC Sub-Committee to delete the references to the resolutions of the 1978 STCW Conference from the draft revised Recommendations and to replace them with a reference to the requirements of sections A/VIII - 4.1 and A/VIII - 4.5 of the STCW Code; and
- .2 BLG 9 had agreed (MSC 80/5/Add.1, paragraphs 13 and 14.8) to advise the DSC Sub-Committee that no modifications to the draft revised Recommendations were necessary.

5.25 The Committee endorsed the views of STW 36 and of BLG 9 on the matter and instructed the Secretariat to inform DSC 10 accordingly.

Instruments to be reviewed and amended so as to include appropriate security-related provisions

5.26 The Committee recalled that MSC 78 had instructed (MSC 78/26, paragraph 7.97) the various sub-committees, under their existing work programmes and agenda item on "Measures to enhance maritime security", to identify the various instruments under their responsibility, which might need to be reviewed and amended so as to include appropriate security-related provisions.

5.27 The Committee also recalled that MSC 79 had considered (MSC 79/23, paragraphs 5.7, 5.9 and 5.10) the outcome of NAV 50 and DSC 9 in this respect.

5.28 The Committee noted that STW 36, COMSAR 9 and FSI 13, as instructed by MSC 78, had discussed the need to review or amend the provisions of any of the instruments under their purview, with a view of including security-related provisions. The Committee, in particular:

- .1 noted that STW 36 (MSC 80/5, paragraphs 6 and 7 and STW 36/17, paragraphs 8.16 and 8.17) had invited the submission of specific proposals on the actions which needed to be taken in relation to the revision of the 1978 STCW Convention and the Principles of Safe Manning, in order to enable STW 37 to have an in-depth discussion of the issue with a view to providing the Committee with a holistic proposal on the issues which needed to be addressed; and
- .2 concurred with the views of COMSAR 9 (COMSAR 9/19, paragraphs 12.39 and 12.40) and FSI 13 (MSC 80/5/Add.1, paragraphs 7.1 and 14.4 and MSC 80/15, paragraph 5.13) that:
 - .1 at this stage, there was no need to review or amend the provisions of any of the instruments under their purview with a view to including security-related provisions; and
 - .2 the various guidelines, recommended practices and model courses under their purview provide a subordinate role and as such did not warrant, at this stage, any review or amendments with a view to including therein security-related provisions.

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

Access of public authorities, emergency response services and pilots to ships

5.29 The Committee recalled that MSC 79 had approved (MSC 79/23, paragraph 5.95) the establishment of a correspondence group, under the co-ordination of France, which had been tasked with the development of 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 and instructed it to report to MSC 80. Subsequently, France (MSC 80/5/1) reported on the outcome of the above correspondence group.

5.30 ICS *et al* (MSC 80/5/12) provided comments on the draft 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, in the areas of concern to the shipping industry, and suggested a number of amendments to this end.

5.31 The Committee instructed the MSWG to finalize the draft MSC circular on 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, on the basis of the work done by the correspondence group (MSC 80/5/1, annex 2), taking into account the comments of ICS *et al* (MSC 80/5/12) and the discussions in plenary and submit it to the Committee for approval.

Guidance on the term “500 gross tonnage”

5.32 The Netherlands *et al* (MSC 80/5/4) noted, in relation to the application of SOLAS regulation XI-2/2.1.1.1.2, that SOLAS Contracting Governments had adopted a variety of interpretations of term “500 gross tonnage and upwards” which led to a number of cargo ships

not being required to comply with the provisions of SOLAS chapter XI-2 and the ISPS Code. They expressed the view that, from an operational standpoint, the uncertainty arising from the lack of consistent application of the provisions of SOLAS chapter XI-2 and of the ISPS Code, was confusing and from a security standpoint, allowing ships of sometimes considerable size to be exempted from the security regime, was unsustainable. In their view, such an exemption devalued the guiding principles of the special measures to enhance maritime security by leaving a significant loophole and did nothing to address the risk of a maritime security incident involving these ships. The Netherlands *et al* requested the Committee to consider the matter and develop appropriate guidance to this end.

5.33 The Committee recalled that the 2002 SOLAS Conference had adopted Conference resolution 7 on Establishment of appropriate measures to enhance the security of ships, port facilities, mobile offshore drilling units on location and fixed and floating platforms not covered by chapter XI-2 of the 1974 SOLAS Convention, which, *inter alia*, invited SOLAS Contracting Governments to establish, as they might consider necessary, and to disseminate, as they deemed fit, appropriate measures to enhance the security of ships and of port facilities other than those covered by SOLAS chapter XI-2.

5.34 The Committee acknowledged the fact that some of the salient provisions in other treaties or resolutions (e.g. TONNAGE 69 article 3(2)(d), resolutions A.494(XII) and A.791(19)) were adopted long before the development of the special measures to enhance maritime security and thus, it would be unreasonable to argue in favour of their application in relation to SOLAS regulation XI-2/2.1.1.2 or section A/3.1.1.2 of the ISPS Code, since this was not conducive to the efforts to enhance maritime security.

5.35 The Committee instructed the MSWG to consider, taking into account the discussions in plenary, the matters raised in document MSC 80/5/4 (Netherlands *et al*) in relation to the term “500 gross tonnage” in SOLAS regulation XI-2/2.1.1.2 and, if necessary, prepare an MSC circular providing guidance on the issue and submit it to the Committee for approval. The MSWG was also instructed to advise the Committee on any potential consequences of the actions it may recommend in relation to SOLAS chapter IX and the application of the ISM Code and in relation to other existing resolutions.

Standard wording of the Continuous Synopsis Record

5.36 Germany (MSC 80/5/7) indicated that in some instances the standard wording foreseen in resolution A.959(23) on Format and guidelines on the Continuous Synopsis Record (CSR) might not be compatible with provisions of national legislations relating to the registration of ships. Since national legislations on the matter pre-existed resolution A.959(23) and were associated with an accumulated jurisprudence, custom and practice needed to be preserved and adhered to. Germany suggested that SOLAS Contracting Governments should be allowed to reasonably vary from the standard wording stipulated in resolution A.959(23) so as to meet, when issuing a CSR, the requirements of national laws which prevail as far as matters related to the registration of ships are concerned.

5.37 A number of delegations, whilst acknowledging the fact that the wording foreseen in the format of the CSR (item 13 of Forms 1 and 2 of the Appendix to the Annex to resolution A.959(23)) presented, on a number of occasions, practical difficulties, suggested the inclusion of a provision for “Remarks” in lieu of amending the wording. Other delegations advocated the idea of amending the standard wording foreseen in resolution A.959(23) with a view to addressing the issue. It was also pointed out, that when ships are transferred from the flag of one SOLAS Contracting Government to another, on a number of occasions the issue of a CSR

to a ship, within the time frame specified in resolution A.959(23) was hindered due to the failure of the losing flag State to transmit the CSR of the ship as required by SOLAS regulation XI-1/5 to the Administration and that this has been causing difficulties to ships during port State control.

5.38 The Committee instructed the MSWG to consider the matters raised in document MSC 80/5/7 (Germany) in relation to the standard wording foreseen in resolution A.959(23), taking into account the discussions in plenary and, if necessary, prepare an MSC circular providing guidance on the issue or appropriate amendments to resolution A.959(23) and submit it to the Committee for approval.

Definitions and clarification of terms

5.39 The Republic of Korea (MSC 80/5/10) indicated that verification auditors and shipboard and shore-based personnel in charge of security in the Republic of Korea had suggested that a number of terms used in SOLAS chapter XI-2 or in the ISPS Code such as for example “security threat” and “breach of security” required definition, whilst others, such as for example “authorized access”, “persons with appropriate skills to evaluate the security of a ship” and “drills”, needed to be clarified.

5.40 The Committee recalled that the practice of the Organization and the convention in IMO documents over the years had been and was to include definitions where the terms used had special meanings. Where the dictionary definition or common sense made the meaning clear, there was no need to proceed with a formal definition.

5.41 The view was expressed that there was no need develop definitions for “security threat” and “breach of security”, as proposed by the Republic of Korea (MSC 80/5/10) since this would not cater for the evolving security needs of individual SOLAS Contracting Governments and would interfere with national security-related legislations.

5.42 The Committee instructed the MSWG to consider, taking into account the discussions in plenary, the proposals in document MSC 80/5/10 (Republic of Korea) for definitions and clarification of terms and, if necessary, to prepare an MSC circular providing guidance on the issue and submit it to the Committee for approval. The MSWG was also instructed to advise the Committee on potential consequences of the actions it may recommend and whether the adoption of relevant amendments to either SOLAS chapter XI-2 or the ISPS Code was warranted.

Development of tools to assist the verification of compliance with the provisions of SOLAS chapter XI-2 and of the ISPS Code

5.43 Greece (MSC 80/5/11) expressed the view that there was a need to ensure the harmonized, consistent and effective implementation of the provisions of SOLAS chapter XI-2 and the ISPS Code and suggested that one way of achieving this would be for the Organization to develop appropriate guidelines, check lists or other appropriate tools to assist SOLAS Contracting Governments in the verification of compliance of ship and of port facilities with the requirements of SOLAS chapter XI-2 and of the ISPS Code.

5.44 The view was expressed that the development of appropriate guidelines, check lists or other appropriate tools to assist SOLAS Contracting Governments in the verification of implementation of the requirements of SOLAS chapter XI-2 and of the ISPS Code should be favoured, however, such tools should not be made mandatory, as the circumstances for their use varied between SOLAS Contracting Governments.

5.45 The Committee instructed the MSWG to consider, taking into account the discussions in plenary, the desirability of pursuing the proposals in document MSC 80/5/11 (Greece).

INTERIM GUIDANCE ON VOLUNTARY SELF-ASSESSMENT BY SOLAS CONTRACTING GOVERNMENTS AND BY PORT FACILITIES

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

5.47 The Committee noted that, in an effort to allow as much time as possible to all parties concerned to carry out their self-assessments and to submit the results of their experience to the Committee, and following consultation with the Chairman, arrangements were made (MSC 80/5/3) for the Secretariat to accept submissions containing the results on the experience gained from the use of the Interim Guidance until 18 March 2005 (if the document was four pages or less) and until 1 April 2005 (if the document was two pages or less).

5.48 Germany (MSC 80/5/6) informed the Committee that the self-assessment forms, set out in MSC/Circ. 1131, had been used by the Designated Authorities of the German Federal States of Hamburg and Bremen and by a number of larger port facilities to conduct internal voluntary self-assessments. Germany advised the Committee that the feedback it had received indicated that the self-assessment forms were simple to use, easy to fill in and practicable.

5.49 Japan (MSC 80/5/13) informed the Committee that it had conducted a trial use of the Voluntary self-assessment questionnaire for Contracting Government (appendix 1 of the annex to MSC/Circ.1131) and found that the self-assessment was comprehensive, integrated and easy to understand the Contracting Governments strategy for SOLAS chapter XI-2 and the ISPS Code. Japan advised the Committee that it had observed, during the process of sharing its own experience with other SOLAS Contracting Governments, a variance in the level of detail in the answers to the questionnaire and suggested the inclusion of some descriptions that would imply the level of the detail in the answers to be provided in the Interim Guidance.

5.50 Japan (MSC 80/5/14) also informed the Committee that it had conducted a trial use of the Voluntary self-assessment questionnaire for port facility security (appendix 2 of the annex to MSC/Circ.1131) in some ports in Japan. Japan advised the Committee that the feedback it had received indicated that the self-assessment questionnaire helped the understanding of the port facility security requirements; the extent of compliance with the requirements of SOLAS chapter XI-2 and ISPS Code; and the relationship between parts A and B of the ISPS Code. Japan suggested, as a result of the experience gained, a number of possible amendments to the questionnaire.

5.51 Canada (MSC 80/5/15) informed the Committee that security personnel of the Government of Canada had used the Voluntary self-assessment questionnaire for port facility security (appendix 2 of the annex to MSC/Circ.1131) in a number of port facilities across Canada. Canada advised the Committee that the feedback it had received indicated that the self-assessment questionnaire helped the appreciation of the compliance of a port facility with the requirements of the ISPS Code and was easy to read and use. Canada suggested, as a result of the experience gained, a number of possible amendments to the questionnaire.

5.52 The Committee acknowledged that the experience of those who had undertaken voluntary self-assessments using the Interim Guidance had shown that the Interim Guidance assisted 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 and thus it contributed to the enhancement of the global standard of security generally. It was indicated that the Interim Guidance did not appear to cater for all types of port facilities and, in particular, small ports. In addition, the Committee was reminded that the Interim Guidance had been developed solely for use by SOLAS Contracting Governments and by port facilities in conducting internal voluntary self-assessments and that it should not be used by SOLAS Contracting Governments to assess the compliance of other SOLAS Contracting Governments with SOLAS chapter XI-2 and the ISPS Code.

5.53 The Committee instructed the MSWG to consider, taking into account the discussions in plenary, the suggested in documents MSC 80/5/6 (Germany), MSC 80/5/13 and MSC 80/5/14 (Japan) and MSC 80/5/15 (Canada) corrections, improvements and guidance in relation to the use of Interim Guidance and, if necessary, prepare a revised MSC circular and submit it to the Committee for approval.

REPORT OF THE FOURTH SPECIAL MEETING UN SECURITY COUNCIL COUNTER-TERRORISM COMMITTEE

5.54 The Committee noted the information provided by the Secretariat (MSC 80/5/3) in relation to the outcome of the Fourth Special Meeting of the United Nations Security Council Counter-Terrorism Committee with International, Regional and Sub-Regional Organizations which was held in Almaty, Kazakhstan from 26 to 28 January 2005. The meeting had adopted a Joint Statement (the Joint Statement), set out in annex 1 of document MSC 80/5/3. Operative paragraph 3 of the Joint Statement referred to the declaration adopted in Vienna by International, Regional and Sub-Regional Organizations on 12 March 2004 at the follow-up meeting to the Special Meeting of the United Nations Counter-Terrorism Committee of 6 March 2003, set out in annex 2 to document MSC 80/5/3.

LONG-RANGE IDENTIFICATION AND TRACKING OF SHIPS

5.55 The Committee recalled that it had been discussing the issue of long-range identification and tracking of ships (LRIT) since February 2002. The matter had also been debated by the 2002 SOLAS Conference which had adopted Conference resolution 10 on Early implementation of long-range ship's identification; and, last year, in an effort to make progress on the issue, COMSAR 8, MSC 78 and MSC 79 had extensively debated the matter.

5.56 The Committee also recalled that MSC 79 had agreed (MSC 79/23, paragraph 5.68) that the purpose and scope of LRIT should be extended ultimately to include safety and environmental protection applications, subject to 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.

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

5.58 The Committee noted that COMSAR 9 had an extensive discussion of the issue (MSC 80/5, paragraphs 11 and 12.8 to 12.10; MSC 80/13, paragraph 2.15 to 2.17; and COMSAR 9/19, paragraphs 12.14 to 12.28 and 12.50.5 to 12.50.10) and, in an effort to progress the work on LRIT, had established:

- .1 a working group which discussed the matter further (COMSAR 9/WP.5/Rev.1, paragraphs 13 to 59) and proposed preliminary draft amendments to the SOLAS Convention, based on the work done by COMSAR 8 and draft performance standards for the operation of the international long-range identification and tracking system for ships, which are set out in annexes 14 and 15 to COMSAR 9/19; and
- .2 a correspondence group, under the co-ordination of the United States, to address the outstanding issues (with terms of reference set out in COMSAR 9/19, annex 16) and to report back to COMSAR 10, taking into account any further instructions of the Committee in this respect.

5.59 The Committee recalled that the United States (MSC 80/3/3) had, in accordance with SOLAS article VIII(b), proposed the adoption of a new SOLAS regulation XI-2/14 on Long-range identification and tracking, circulated by the Secretary-General under cover of Circular letter No.2507. The text of the proposed amendments had been developed by the United States, taking into account the work done by COMSAR 8, with selected square brackets removed to reflect the position of the United States on the matter. The Committee noted, in this context, that the amendments proposed by the United States in document MSC 78/3/5 have been withdrawn.

5.60 The United States (MSC 80/5/8) proposed a way forward towards the adoption of the amendments to SOLAS on long-range identification and tracking of ships, requesting the Committee to consider, for adoption, the above amendments (MSC 80/3/3, annex) as revised by COMSAR 9 (COMSAR 9/19, annex 14), and proposed the scheduling of an intersessional meeting to resolve any outstanding technical issues related to the implementation of LRIT. The United States requested the Committee to await the report of the MSWG on its progress for LRIT before discussing the appropriateness of such an intersessional meeting. In addition, the United States indicated that they were prepared to consider the participation of IMSO in a limited administrative oversight role. The United States noted that MSC 78 and MSC 79 had both agreed to proceed with LRIT for security as a matter of priority. It further noted that MSC 79 had agreed to proceed to finalize the work with respect to LRIT for security prior to discussing other uses of LRIT. With respect to this decision, the United States was of the view that any amendment for LRIT should be provided within SOLAS chapter XI-2.

The United States pointed out that their proposal for LRIT would not require any additional equipment to be installed on ships. Currently fitted GMDSS, Fleet Management Systems and some others systems carried on ships were capable of transmitting the ship's position automatically and could be used for the purposes of LRIT. They pointed out that the LRIT proposal would not require the ship's crew to undertake significant new responsibilities and that the costs of LRIT would only be borne by those States that opt to obtain the data.

The United States stated further that the LRIT proposal would ensure that other important elements were in place. The LRIT system would have in place an agreed upon mechanism for ensuring the security of transmitted information against unwanted access. The text of the LRIT amendment made clear that LRIT was not intended to affect the rights and obligations of States under international law. Finally, LRIT would be structured so as to require flag States to ensure

ships entitled to fly their flags were required to automatically transmit vessel position reports to repositories, or a data centre, rather than require direct notification by ships or flag States directly to coastal States.

The United States acknowledged that coastal State access had not yet been agreed by the Committee and suggested that a distance of 2,000 nautical miles was the appropriate distance. The United States recognized that technical operational issues regarding LRIT had still to be resolved by COMSAR, but suggested that those technical process issues should not hold up discussion related to an LRIT amendment to SOLAS. Despite the continuing work of the COMSAR Sub-Committee, the United States was of the view that an LRIT amendment should be approved or adopted at the current session.

5.61 The majority of the delegations who spoke stated that they were not in a position, at this stage, to proceed with the adoption of the proposed amendment to SOLAS to introduce LRIT, although they acknowledged the fact that most ships which might be required to transmit LRIT information would be able to use equipment already fitted on board in compliance with the requirements of SOLAS chapter IV. In their view, and as identified by COMSAR 9, work still needed to be done on the development and completion of the performance standards and the operation of LRIT, hence it was essential and necessary for the Committee and for SOLAS Contracting Governments to have before them the entire LRIT package. As a result they stressed that it was important for the COMSAR Sub-Committee to complete the work outstanding before considering the matter further. It was also indicated that it was important to ensure that LRIT was consistent with the rights of States under international law and in particular UNCLOS.

5.62 A considerable number of delegations indicated that, whilst recognizing the contribution of LRIT to enhancing security, for them the safety and environmental applications of LRIT were also important and a priority. To this end, whilst accepting the decision of MSC 79 that the security applications of LRIT should be given priority, they indicated that they wish to have certainty that the safety and environmental applications would be pursued and completed as soon as possible. They further advocated the inclusion of LRIT in SOLAS chapter V which, in their view, bearing in mind all the eventual applications of LRIT, was the most appropriate place in SOLAS. In this respect, it was recalled that the Committee had developed, and the 2002 SOLAS Conference had adopted, amendments to SOLAS chapter V on AIS as part of the overall measures to enhance maritime security.

5.63 A number of delegations indicated that the technology for LRIT was available now and it was necessary to expedite and to complete the work outstanding on LRIT as soon as possible. They also stated that it was necessary for the Committee to make firm decisions and to set definite targets in relation to the adoption of the required amendments to SOLAS to make LRIT a reality. These delegations shared the views of the United States.

5.64 The Committee, being aware that LRIT had been under discussion since February 2002 and that the progress made to date was not entirely satisfactory, agreed that the work outstanding had to be completed as soon as possible. The Committee agreed to instruct the MSWG to consider and advise the Committee whether the SOLAS amendments relating to LRIT should be included in SOLAS chapter V or chapter XI-2.

5.65 The Committee instructed the MSWG to prepare, taking into account the discussions and decisions in plenary, based on the text developed by COMSAR 9 (COMSAR 9, annex 14) and the proposals by the United States (MSC 80/3/3 and MSC 80/5/8), proposed amendments to SOLAS on LRIT for consideration by the Committee. The MSWG was also instructed to advise the Committee:

- .1 in which chapter of SOLAS the suggested amendments should be included, bearing in mind that LRIT would have, eventually, safety, security and environmental applications;
- .2 on the survey and certification requirements to be applied in relation to LRIT and, if necessary, to prepare consequential amendments for the consideration of the Committee; and
- .3 on the policy issues which need to be decided by the Committee at this stage, so as to enable COMSAR 10 to complete all the work outstanding on LRIT.

5.66 IMSO (MSC 80/5/5) invited the Committee to consider a practical system for implementing LRIT and proposed that IMSO could undertake the role of operating the LRIT databases and overseeing the system, as defined by IMO.

5.67 The Marshall Islands (MSC 80/5/9) brought to the attention of the Committee the results of an Operations Feasibility Study on LRIT they had conducted, using existing mobile-satellite communications systems, services and equipment and proposed an LRIT architecture for the task. In addition, the Marshall Islands suggested that the Committee should request the COMSAR Correspondence Group on LRIT to consider the proposed LRIT architecture; and that prospective LRIT operators should volunteer pre-operational demonstrations prior to the entry into force of the suggested mandatory requirements for LRIT.

5.68 The Committee noted the information provided by the European Commission (MSC 80/INF.2) on the NAUPLIOS project, a demonstration project that had been launched to evaluate new long-range maritime surveillance services that could benefit from the implementation of Galileo services.

5.69 A number of the delegations supported requesting IMSO to consider undertaking the role of the LRIT Co-ordinator and, in particular, carrying out, on behalf of the Organization, the oversight of those providing LRIT Tracking Services. However, a number of delegations indicated that they preferred a detailed discussion of the issues involved by the MSWG before the Committee making decisions on the matter and formulating the request of the Organization to IMSO in this respect. It was indicated that there were other alternative options in relation to the oversight of those providing LRIT Tracking Services which might be explored.

5.70 The Committee referred the submissions of IMSO (MSC 80/5/5), of the Marshall Islands (MSC 80/5/9) and of the European Commission (MSC 80/INF.2) to the MSWG for further consideration and to advise the Committee on the matters raised therein and in particular on the involvement of IMSO in operational and/or oversight role.

DEVELOPMENTS WITHIN THE WORLD CUSTOMS ORGANIZATION

5.71 The Committee recalled the 2002 SOLAS Conference had adopted Conference resolution 9 on Enhancement of security in co-operation with the World Customs Organization which, *inter alia*, requested the World Customs Organization (WCO) to urgently consider measures to enhance security throughout international movements of closed cargo transport units (closed CTUs); and stated that the SOLAS Contracting Governments had agreed that SOLAS should be amended, if and when appropriate, to give effect to relevant decisions taken by the WCO and endorsed by them insofar as these relate to the carriage of closed CTUs by sea.

5.72 The Committee noted that the Secretariat had been following the developments within WCO and, in February 2005, the Secretary-General had written to the Secretary-General of WCO advising him of the latest development in relation to the work undertaken by the Organization in the area of enhancement of maritime security and seeking from him, with a view to bring the information to the attention of the Committee, a report on the WCO activities and recommendations relating to supply chain security and, in particular, maritime transport and the carriage of closed CTUs by sea.

5.73 The Committee also noted that the Secretary-General of WCO had responded to the Secretary-General on 19 April 2005 advising that:

“The WCO Council had tasked, in June 2004, an *ad hoc* High Level Strategic Group of the representative Director Generals of Customs from across all WCO regions to draw together by June 2005, the measures and instruments to enhance the security of the international supply chain which the WCO Task Force developed between June 2002 and April 2003, into a Framework of Standards to secure and facilitate global trade (the Framework Standard).

The Framework Standards were being developed with four principles in mind, namely that Customs services would undertake to harmonize advance electronic information; to use a consistent risk management approach; use non-intrusive detection equipment; and lead to the accrual of benefits to customs, business and ultimately nations.

At the heart of the Framework Standards were two ‘pillars’, the Customs-to-Customs pillar and the Customs-to-Business pillar.”

5.74 The observer from WCO advised the Committee that the WCO proposals would be debated by the WCO Council in June 2005 and that final texts would be made available to the Organization at some time after that. In addition, it informed the Committee of the intention of the WCO to provide assistance on States’ capacity building, primarily in the field of diagnostic needs assessment missions and providing assistance to accessing funding. He also advised that WCO guidance material was available to States.

5.75 The Committee agreed that copies (in the English language only) of the document on Seal integrity programme for secure containers shipments, which had been sent by the WCO to the Organization, should be provided to the MSWG for information purposes.

OTHER MATTERS

5.76 The Marshall Islands requested and the Committee agreed to consider document MSC 80/23/9 (Marshall Islands), addressing issues with respect to the seizure of original ship’s log-books, seafarers’ identification and record books, Oil Record Books, as well as other assorted records from on board the ship, under agenda item 5.

5.77 The Marshall Islands (MSC 80/23/9) referred to a specific case where a port State governmental agency in pursuing a criminal investigation wanted to seize the originals of the ship’s log-books, seafarers’ identification and record books, oil discharge monitoring and control system records, the Oil Record Book. This case did not relate to the conduct of a port State control inspection in accordance with SOLAS regulation I/19 and, following the intervention by flag State authorities, the investigators had agreed to take the official documents ashore, copy them and then return them to the ship.

5.78 The Committee instructed the MSWG to consider the matters raised in document MSC 80/23/9 (Marshall Islands) and, if necessary, prepare an MSC circular on this issue and submit it to the Committee for approval.

ESTABLISHMENT OF THE MSWG

5.79 The Committee re-established the Maritime Security Working Group and instructed it, taking into account the comments and decisions made by the plenary, to:

- .1 editorially review the proposed MSC circular on Guidelines on the training and certification of company security officers (STW 36/19, annex 10) and submit it to the Committee for approval;
- .2 prepare an MSC circular on Guidance on the priority and testing of ship security alert system along the lines recommended by COMSAR 9 (MSC 80/5, paragraph 9) and submit it to the Committee for approval;
- .3 consider the information from the Paris (FSI 13/6/7 (United Kingdom)) and Tokyo MoUs on the findings of their programmes of checks on ship security which were carried out following the entry into force of SOLAS chapter XI-2 and the ISPS Code (MSC 80/5/Add.1, paragraph 4);
- .4 finalize an MSC circular on 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 on the basis of the work done (MSC 80/5/1, annex 2) by the correspondence group established by MSC 79 and taking into account the comments of ICS *et al* (MSC 80/5/12) and submit it to the Committee for approval;
- .5 consider the matters raised in document MSC 80/5/4 (Austria *et al*) in relation to the term “500 gross tonnage” in SOLAS regulation XI-2/2.1.1.2 and, if necessary, prepare an MSC circular providing guidance on the issue and submit it to the Committee for approval. The group was instructed to advise on potential consequences of the recommended actions in relation to SOLAS chapter IX and the application of the ISM Code and in relation to other existing resolutions;
- .6 consider the matters raised in document MSC 80/5/7 (Germany) in relation to the standard wording foreseen in resolution A.959(23) in connection with the Continuous Synopsis Record and, if necessary, prepare an MSC circular providing guidance on the issue or appropriate amendments to resolution A.959(23) and submit it to the Committee for approval;
- .7 consider the suggested in document MSC 80/5/10 (Republic of Korea) definitions and clarification of terms and, if necessary, prepare an MSC circular providing guidance on the issue and submit it to the Committee for approval. The group was instructed to advise on potential consequences of the recommended actions and whether the adoption of relevant amendments to either SOLAS chapter XI-2 or the ISPS Code were warranted;

- .8 consider the desirability of pursuing the proposals in document MSC 80/5/11 (Greece) on developing appropriate guidelines, check lists or other appropriate tools to assist SOLAS Contracting Governments in the verification of compliance of ships and of port facilities with the requirements of SOLAS chapter XI-2 and of the ISPS Code;
- .9 consider the suggested in documents MSC 80/5/6 (Germany), MSC 80/5/13 (Japan), MSC 80/5/14 (Japan) and MSC 80/5/15 (Canada) corrections, improvements and guidance in relation to the use of Interim Guidance and, if necessary, prepare a revised MSC circular and submit it to the Committee for approval;
- .10 consider the information provided in documents MSC 80/5/5 (IMSO), MSC 80/5/9 (Marshall Islands) and MSC 80/INF.2 (European Commission) in relation to long-range identification and tracking of ships and to advise on the matter raised therein and in particular on the involvement of IMSO in an operational and/or oversight role;
- .11 prepare, based on the text developed by COMSAR 9 (COMSAR 9/19, annex 14), proposed amendments to 1974 SOLAS Convention on long-range identification and tracking for consideration with a view to approval by the Committee and formal adoption at MSC 81. The group should advise the Committee:
 - .1 in which chapter of the 1974 SOLAS Convention the suggested amendments should be included bearing in mind that the long-range identification and tracking would have, eventually, safety and environmental applications;
 - .2 on the survey and certification requirements which long-range identification and tracking would be subjected to, in order to certify the initial and the maintenance of compliance with the requirements. The group should propose, for the consideration of the Committee, the required consequential amendments; and
 - .3 on the policy issues which need to be decided by the Committee at this stage, so as to enable COMSAR 10 to complete all the work outstanding on LRIT;
- .12 consider the matters raised in document MSC 80/23/9 (Marshall Islands) and, if necessary, prepare an appropriate MSC circular and submit it to the Committee for approval; and
- .13 submit its report for consideration by the plenary on Thursday, 18 May 2005.

ACTION AFTER CONSIDERATION OF THE MSWG'S REPORT

5.80 Having received the report of the group (documents MSC 80/WP.7 and Add.1), the Committee noted the actions taken on the various documents and proposals submitted and the outcome of the group's considerations; and took action as indicated in the ensuing paragraphs.

Guidelines on the training and certification of company security officers

5.81 The Committee approved MSC/Circ.1154 on Guidelines on the training and certification of company security officers.

5.82 The Committee instructed the STW Sub-Committee to develop guidelines on the training and certification of port facility security officers (PFSOs). The guidelines should be concise and take into account the duties and responsibilities of PFSOs and the required knowledge and training specified in parts A and B of the ISPS Code and the IMO Model Course 3.21 on port facility security officers. The guidelines should address, *inter alia*, issues relating to competence, knowledge, understanding and proficiencies; methods for demonstrating competence; and criteria for evaluating competence. The STW Sub-Committee should also consider whether the proposed guidelines should include any guidance with respect to any criteria, other than those relating to training, which PFSOs should meet, as well as the form of certification of the training.

Guidance on the message priority and the testing of the ship security alert systems

5.83 The Committee approved MSC/Circ.1155 on Guidance on the message priority and testing of ship security alert systems.

Findings of the Paris and Tokyo port State control MoUs following the entry into force of SOLAS chapter XI-2 and the ISPS Code

5.84 Noting that despite the issuance of MSC/Circ.1133 which reminded, *inter alia*, SOLAS Contracting Governments and all duly authorized officers of the obligation to notify, as required by SOLAS regulation XI-2/9.3.1, the Organization when taking control measures or steps against ships; and noting that the situation had not improved, the Committee decided, once again, to:

- .1 encourage the various regional port State control MoUs and agreements to submit information on the exercise of control and compliance measures; and
- .2 urge SOLAS Contracting Governments to discharge their obligations under SOLAS regulation XI-2/9 and to notify the Organization when taking control measures or steps against ships.

Access of public authorities, emergency response services and pilots to ships

5.85 The Committee approved MSC/Circ.1156 on 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.

Guidance on the term “500 gross tonnage”

5.86 Noting that some Administrations had exempted cargo ships from compliance with SOLAS chapter XI-2 and part A of the ISPS Code by allowing them to use their gross tonnages determined in accordance with national tonnage rules, and that this was undermining the work done by the Organization by leaving a significant loophole, the Committee decided that the gross tonnage to be used for determining whether a cargo ship, irrespective of the date on which its keel was laid, was required to comply with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code, shall be that determined in accordance with the provisions of the 1969 TM Convention.

5.87 To regularize the situation, the Committee:

- .1 approved MSC/Circ.1157 on Interim scheme for the compliance of certain cargo ships with the special measures to enhance maritime security;
- .2 noted that a similar situation (with respect to the manner in which the provision in SOLAS regulation IX/2.1.3 to “500 gross tonnage and upwards” had been implemented) might exist in relation to the application of SOLAS chapter IX and the ISM Code, but, in the absence of facts, no definite conclusions could be reached on the matter; and decided to refer the issue to the FSI Sub-Committee to investigate the matter before reaching any firm decisions on the approach to be taken in relation to SOLAS chapter IX and the ISM Code;
- .3 decided to invite the Assembly, at its twenty-fourth session, to agree that resolution A.494(XII) entitled “Revised interim scheme for tonnage measurement for certain ships” does not apply for matters related to SOLAS chapter XI-2 and the ISPS Code; and
- .4 invited Member Governments and international organizations to submit proposals and suggestions on how to deal with special purpose ships in relation to SOLAS chapter XI-2 and the ISPS Code.

Standard wording of the Continuous Synopsis Record

5.88 The Committee, noting the deliberations of the group on the problem of ships transferring flag between SOLAS Contracting Governments when the losing flag State was not promptly forwarding the CSR of a ship to the gaining flag State, and having adopted, by resolution MSC.194(80), amendments to SOLAS regulation XI-1/3 introducing the IMO unique company and registered owner identification number scheme; and amendments to SOLAS regulation XI-1/5 to include the registered owner and the company identification numbers in the CSR, adopted resolution MSC.198(80) on Adoption of amendments to the Format and guidelines for the maintenance of the continuous synopsis record (resolution A.959(23)), as set out in annex 8.

Definitions and clarification of terms

5.89 The Committee agreed that the development, at this stage, of any new definitions or the clarification of any of the terms used in SOLAS chapter XI-2 or the ISPS Code was not required.

Development of tools to assist the verification of compliance

5.90 While acknowledging that checklists may be of use to those who were reviewing or approving amendments to new or existing security assessments or plans, the Committee agreed that the development, at this stage, of tools to assist SOLAS Contracting Governments in the verification of compliance of ships and of port facilities with the requirements of SOLAS chapter XI-2 and of the ISPS Code was not required.

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

5.91 The Committee endorsed the summary of lessons learnt from the use of the Interim Guidance, thus far, as set out in annex 7 to document MSC 80/WP.7, and recommended that those undertaking self-assessments should bear these in mind. The Committee, noting the close proximity between MSC 79, when the Interim Guidance was approved, and MSC 80, agreed that it is not prudent to embark, at this stage, on any revision of the Interim Guidance or to consider the termination of its interim status. The Committee also urged SOLAS Contracting Governments to submit the results of their experience gained from the use of the Interim Guidance for consideration by MSC 81 to enable the Committee to review and improve, if necessary, the Interim Guidance and to bring to an end its interim status.

Matters raised in document MSC 80/23/9 (Marshall Islands)

5.92 The Committee, noting that the group had agreed that there was merit in considering the matters raised by the Marshall Islands on the physical removal of original documents from ships by various authorities (MSC 80/23/9) and in adopting appropriate guidance to this end, in the form of an MSC/MEPC circular, recalled that it had approved, subject to MEPC's concurrent decision, draft MSC/MEPC circular on Retention of original records/documents on board ships, under agenda item 23 (see paragraph 23.34).

Long-range identification and tracking

SOLAS chapter V vs. XI-2

5.93 The Committee agreed that it would decide, at the appropriate time, on the SOLAS chapter into which the proposed SOLAS regulation on LRIT would be included.

LRIT architecture

5.94 The Committee noted the deliberations of the group with respect to architecture of the LRIT system and decided that the LRIT architecture should:

- .1 enable the ship to transmit LRIT information to LRIT Tracking Services. A ship may use any approved LRIT Tracking Service acceptable to the ship's Administration. The system should allow for multiple LRIT Tracking Services (i.e. Application Service Providers) and Communications Service Providers. The LRIT Tracking Services should provide LRIT information to LRIT Data Centre(s). SOLAS Contracting Governments should be able to obtain LRIT information from LRIT Data Centre(s). The LRIT Co-ordinator should carry out oversight functions and should report its findings to the Organization;
- .2 not allow a ship to transmit LRIT information directly to a port or a coastal State;
- .3 allow for the interfacing with national vessel monitoring systems;
- .4 not prevent the Administration from obtaining LRIT information from the national vessel monitoring system; and
- .5 allow for varying the frequency of reporting.

5.95 The Committee instructed COMSAR 10 to take into account the LRIT architecture agreed by the Committee, as detailed above, when developing further the requirements for LRIT.

5.96 In considering the group's discussions on the flow of LRIT information, the Committee decided that each Administration should be required, before the proposed SOLAS regulation on LRIT enters into force, to provide the LRIT Data Centre with information on the ships entitled to fly its flag which are required to transmit LRIT information and, thereafter, to promptly advise the LRIT Data Centre of any relevant changes. The Committee, therefore, instructed COMSAR 10 to consider the practical issues associated with the maintenance by the LRIT Data Centre of an up-to-date list of ships which are required to comply with the proposed SOLAS regulation on LRIT.

5.97 Recalling that MSC 78 (MSC 78/26, paragraph 7.99) had agreed that the LRIT information to be reported, from the security point of view, by a ship was the identity of the ship, its location (latitude and longitude) and the time and date of the position; and taking into account the further deliberations of the group in this regard, the Committee instructed COMSAR 10 to ensure that the ship should not be required to transmit to the LRIT Tracking Service or the LRIT Data Centre, any additional information (except the transmission of a notice that the ship is proceeding to a particular port, to enable the LRIT Data Centre to provide the port State with the LRIT information to which it is entitled) and that the transmission of LRIT information should not require any intervention by shipboard personnel.

LRIT Co-ordinator

5.98 Recalling that MSC 78 (MSC 78/26, paragraphs 7.103 to 7.105) had also instructed the COMSAR Sub-Committee to develop and propose a robust intergovernmental oversight scheme for the approved LRIT Tracking Service(s) and LRIT Data Centre(s) through which their adherence to the conditions imposed on them, at the stage of their approval, could be verified in a transparent manner to the satisfaction of all SOLAS Contracting Governments, the Committee:

- .1 agreed that the LRIT Co-ordinator should carry out the oversight of the LRIT Data Centre, the LRIT Tracking Services and relevant elements of the communications systems used and, as appropriate, of the contracts between participants in the system;
- .2 agreed that oversight by the LRIT Co-ordinator should include verification that the security requirements established by the Organization for the entire LRIT system are adhered to; and that the LRIT Co-ordinator should report to the Organization on its findings;
- .3 requested IMSO to advise the Committee whether IMSO would be willing and able to undertake the oversight of the LRIT system on behalf of the Organization; and
- .4 invited IMSO, if it was not already doing so, to contribute to the work of the COMSAR Correspondence Group on LRIT.

5.99 The delegation of the Russian Federation reserved, for the time being, its position on the concept of LRIT Co-ordination centres and oversight due to possible conflicts with the existing domestic legislation on the protection of information.

Provision of LRIT information to search and rescue purposes

5.100 The Committee upheld its previous decisions on the provision of LRIT information to SOLAS Contracting Governments for search and rescue purposes and decided that the provision of the LRIT information for search and rescue purposes to the Rescue Co-ordination Centre (RCC), co-ordinating the performance of the search and rescue operations and/or to the SOLAS Contracting Government, in which the RCC is located, should be free of charge.

5.101 The Committee further decided to instruct COMSAR 10 to consider the above decision and, if necessary, develop appropriate arrangements, taking into account the provisions of resolution A.707(17) on Charges for distress, urgency and safety messages through the Inmarsat system.

Charges for the provisions of LRIT information

5.102 Recalling that MSC 78 had concurred with the view of COMSAR 8 that the provision of LRIT information should be at no cost to the ship and that the total cost of the LRIT information should be paid by the user SOLAS Contracting Government(s), the Committee decided that SOLAS Contracting Governments (in their capacity as flag, port or coastal States) should pay the LRIT Data Centre for LRIT information they request and receive.

5.103 In order to reduce the overall operating costs of the LRIT system, the Committee instructed COMSAR 10 to consider all possible forms of technology available for LRIT purposes.

Standard data format for the exchange of LRIT information

5.104 Noting that the need to standardize the exchange of data between the LRIT Tracking Service and the LRIT Data Centre and the transmission of LRIT information from the LRIT Data Centre to the SOLAS Contracting Governments was especially important since the proposed LRIT architecture envisaged the involvement of multiple LRIT Tracking Services, the Committee instructed COMSAR 10 to develop a standard data format for the transmission of LRIT information and standard system commands for the operation of the LRIT system.

5.105 The Committee further instructed COMSAR 10 to consider the reporting parameters necessary to allow SOLAS Contracting Governments to obtain the LRIT information to which they are entitled.

Instructions to the COMSAR Correspondence Group on LRIT

5.106 In considering the instructions to the COMSAR Correspondence Group on LRIT, the Committee instructed the group to:

- .1 consider the matters raised in paragraphs 5 to 30 of document MSC 80/WP.7/Add.1 and to complete the work for consideration by COMSAR 10, taking into account paragraphs 5.94 to 5.104 above; and
- .2 bring, without any delay, to the attention of the Chairman of the Committee and of the Chairman of the COMSAR Sub-Committee, any issues which are outside the current terms of reference of the correspondence group (as modified by the Committee) which would need to be resolved.

Instructions to COMSAR 10

5.107 The Committee instructed COMSAR 10 to finalize, with the highest priority, all of the work which needs to be completed and be brought before the Committee for consideration and adoption of the proposed SOLAS regulation on LRIT.

Provision of LRIT information to a coastal State

5.108 The Committee noted the Chairman had summarized the current position relating to the provision of LRIT information to SOLAS Contracting Governments, as follows:

“General

1 Nothing in the regulation shall prejudice the rights or obligations of States under international law.

Purpose

2 The purpose of the regulation is to establish a mechanism for the collection from ships of LRIT information for security, search and rescue and any other purpose as determined by the Organization and a scheme for the provision of LRIT information to Contracting Governments.

Application

3 The regulation shall apply to the following types of ships engaged on international voyages:

- .1 passenger ships, including high-speed passenger craft;
- .2 cargo ships, including high-speed craft, of 500 gross tonnage and upwards;
and
- .3 mobile offshore drilling units as defined in SOLAS regulation XI-2/1.1.5.

Flag State

4 The Administration shall be able to receive LRIT information from all ships entitled to fly its flag irrespective where such ships may be located.

4.1 An Administration shall be able to communicate to the Organization the name(s) of the Contracting Government(s) which shall not receive, under the provisions of paragraph 6, LRIT information from some, all, or certain types of the ships entitled to fly its flag.

[4.2 An Administration shall be able to decide and communicate to the Organization the distance that it consents to any Contracting Government receiving, under paragraph 6, LRIT information.]

Port State

5 A Contracting Government shall be able to receive LRIT information from all ships, irrespective of the flag such ships are entitled to fly, which have communicated to that Contracting Government an intention to enter a port facility or a place under its jurisdiction.

5.1 Contracting Governments shall specify, and shall communicate to the Organization, either the distance from their coast or the period of time prior to the expected time of arrival of the ship in a port facility or a place under their jurisdiction, during which they request the provision of LRIT information.

Coastal State

6 Subject to the provisions of paragraph 4.2, a Contracting Government shall be able to receive LRIT information from all ships, irrespective of the flag such ships are entitled to fly and not intending to enter a port facility or a place under its jurisdiction, navigating within a distance not exceeding [2000] nautical miles from its coastline, commensurate to its security needs. Contracting Governments shall communicate to the Organization the distance from their coastline within which they request the provision of LRIT information.

6.1 A Contracting Government shall not receive LRIT information until such time it communicates to the Organization the distance from its coastline, within which it requests the provision of LRIT information.

6.2 A Contracting Government which has been prevented from receiving LRIT information under the provisions of paragraph 4.1, shall be able to conclude with the Administration concerned an agreement which would enable the Contracting Government to receive LRIT information. Such agreements shall be communicated to the Organization.

Related matters

7 The Organization shall circulate salient elements of the communications received, to Contracting Governments, on a need to know basis, for their information. The Organization and the Contracting Governments are obliged to respect the confidential nature of the information provided and shall protect these against unauthorized access or disclosure. Information circulated by the Organization shall, in no way, adversely affect the security of Contracting Governments or of ships entitled to fly their flags.

8 Communications shall be considered as being effective [30] days after the date on which they are notified to the Organization.

9 A Contracting Government shall be able, at any time, to amend, modify or withdraw any communications it has made to the Organization.

10 A Contracting Government, other than the flag State, shall not receive LRIT information from any ship whilst that ship is within the internal waters [or territorial sea] of another Contracting Government.

Development of LRIT

11 The LRIT system should be developed in such a way so that, when it expands to include other applications as determined by the Organization, it will not require any substantial changes.”

5.109 The Chairman of the group informed the Committee that he understood that a number of delegations had come to MSC 80 with certain instructions as to the view and the positions they could take on the LRIT issue. The purpose of his summary was to provide a reasonable, fair and balanced reflection of the views expressed during the deliberations of the group so as to enable consideration of the matter by the Committee. It would also enable those who may attend the Committee at future sessions to appreciate what had been previously achieved, when engaging in future debates. Furthermore, his summary identified the contentious issues (which were shown by using square brackets) and thus would facilitate the focusing of future discussions. One of the most contentious issues was the link between paragraphs 4.2 and 6. He also informed the Committee that he understood that not all delegations were in a position to agree with all elements of his summary. However, what he had sought from the group was an understanding that his summary provided a reasonable record of the situation and that, despite any misgivings delegations might have, delegates were prepared to accept his summary. He pointed out that the Committee was simply invited to note his summary and that the Committee was not requested to take any decisions or to discuss elements of his summary. He also stated that there were delegations attending the session which had not attended the group which no doubt had views on the matter and thus expressing the views, at that stage, would therefore be counter-productive especially in the light of the proposals of the group for further work during the intersessional period.

5.110 The Committee noted that the group had accepted that the Chairman’s summary was fair, reasonable and balanced and that, in the view of the group, it recorded substantial progress and enabled delegations to consider their positions and to prepare for the discussions of the issue.

5.111 The delegation of the Russian Federation supported by China, Islamic Republic of Iran, India and the Democratic People’s Republic of Korea suggested the deletion of the square brackets around paragraph 4.2 of the group’s Chairman summing (the summing up). In addition, the Islamic Republic of Iran suggested other changes to part II of the group’s report and to the summing up. The Committee, bearing in mind that this was the summing up of the Chairman of the group which the Committee was invited to note and that square brackets were used to identify contentious issues, decided that the summing up should not be changed.

5.112 The delegation of Islamic Republic of Iran expressed the view that in their opinion the summing up was neither fair nor reasonable or balanced. However, the Committee did not share this view and agreed with the Chairman that the summing up presented a fair, reasonable and balanced reflection of the situation at that time.

Intersessional work

5.113 Recognizing that, in the light of developments and with things as they were, the Committee would not be in a position to approve any draft SOLAS amendments on LRIT which may be circulated in accordance with SOLAS article VIII, with a view to adoption at MSC 81, the Committee:

- .1 authorized the convening of an MSC intersessional working group on LRIT, from 17 to 19 October 2005 (with a deadline for submission of documents of 16 September 2005), for the purpose of developing draft SOLAS amendments on LRIT; and
- .2 authorized the convening of a five-day intersessional COMSAR working group on LRIT during the week preceding COMSAR 10, so as to enable the completion during COMSAR 10 of all the technical work relating to LRIT.

5.114 The Committee approved the report of the group in general.

5.115 The Chairman of the MEPC, citing the decisions of MSC 79 on the purpose of LRIT and recalling the decisions made earlier on by the Committee when considering the report of the MSWG, inquired whether MEPC 53 was expected to provide any input to any of the intersessional working groups. In this respect, the Chairman, recalling the decisions of MSC 79 in relation to the eventual purpose and scope of LRIT (MSC 79/23, paragraphs 5.68, 5.71 and 5.72) suggested, and the Committee agreed, that the two intersessional working groups and COMSAR 10 should concentrate on the development of LRIT for maritime security purposes and when that task had been completed then instructions should be sought from the Committee and the MEPC with regard to the safety and environmental aspects.

6 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

6.1 The Committee recalled that MSC 79 had extensively debated the subject and reached a basic understanding on which the further work could be progressed, in particular with regard to the meaning of the term “goal-based standards” (GBS) and the use of the five-tier system. The Committee established a working group to progress matters and received an oral report by the Chairman of the group on its considerations, noting that a written report including the full text of the basic principles, Tier I goals, Tier II functional requirements and a work plan as agreed by the group, would be submitted to this session. The report has been circulated as document MSC 80/6.

6.2 The Committee had for its consideration the following submissions:

- .1 document MSC 80/6, containing the report of the working group on goal-based new ship construction standards at MSC 79;
- .2 document MSC 80/6/1 (Japan), commenting on the report of the working group and proposing extensive modifications to Tiers I and II;
- .3 documents MSC 80/6/2, MSC 80/INF.3 and MSC 80/INF.4 (Poland), concerning the quantification of certain Tier II functional requirements, including the introduction of safety factors;
- .4 document MSC 80/6/3 (Bahamas), commenting on the report of the working group and, in particular, requesting that no formal link between FSA and GBS should be established and stating that the human element is integral to the GBS and need not be considered separately;

- .5 document MSC 80/6/4 (Germany), proposing a general GBS framework consisting of six tiers and the introduction of a rule development process based on a risk-based approach;
- .6 document MSC 80/6/5 (Greece), commenting on the report of the working group, in particular on the basic principles and Tier II and proposing to keep risk analysis separate from GBS for the time being;
- .7 documents MSC 80/6/6 and MSC 80/6/7 (Denmark and Norway), proposing the introduction of limit state parameters and commenting on the basic principles, the verification process and advocating a risk-based approach through introduction of the structural reliability analysis concept, respectively;
- .8 documents MSC 80/6/8 and MSC 80/6/9 (IACS), commenting on design life and actual service life and proposing definitions for design life, structural strength, corrosion and fatigue, respectively;
- .9 document MSC 80/6/10 (Islamic Republic of Iran), commenting on the report of the working group, in particular Tiers I, II and III;
- .10 document MSC 80/6/11 (Republic of Korea), commenting on the report of the working group, in particular the basic principles and Tiers I and II and proposing extensive modifications;
- .11 document MSC 80/6/12 (United States), commenting on the report of the working group, in particular Tiers I and II and advocating that a risk-based approach should not be pursued at this time; and
- .12 document MSC 80/6/13 (CESA), commenting on the report of the working group and document MSC 80/6/1, in particular regarding the functional requirements in Tier II.

Basic principles of goal-based standards

6.3 The Committee noted the view of the GBS Working Group at MSC 79 that the basic principles of goal-based standards, as developed to this point, are considered preliminary and should be used as input for consideration in the future work and effort in development of goal-based new ship construction standards (MSC 80/6, paragraph 29.1 and annex 1).

6.4 The Committee further noted that in the submissions to this session the basic principles as prepared by the group were generally supported (MSC 80/6/3 by the Bahamas), with comments made by Greece (MSC 80/6/5) and Denmark and Norway (MSC 80/6/7) and proposals for modifications regarding lifecycle and classification society requirements made by the Republic of Korea (MSC 80/6/11).

6.5 Following a brief debate which showed general agreement with the basic principles as developed by the group at MSC 79, the Committee instructed the working group established at this session to finalize the basic principles of goal-based standards, for approval by the Committee, taking into account the documents submitted as well as decisions, comments and proposal made in plenary.

Methodology

6.6 The Committee noted that several submissions were advocating a risk-based approach to the development of GBS, including structural reliability analyses, limit state assessment and introduction of Tier 0 – top-level safety objectives (MSC 80/6/4 by Germany, MSC 80/6/5 by Greece, MSC 80/6/6 and MSC 80/6/7 by Denmark and Norway). In contrast, the United States (MSC 80/6/12) and Greece (MSC 80/6/5) were maintaining that a risk-based approach should not be pursued at this particular point in time.

6.7 The Committee recalled, in this connection, that MSC 79 had considered the issue and, while agreeing with the general concept that the current safety levels of existing mandatory IMO regulations should be assessed, had decided that the group at that session should not be given such an enormous task and that the matter could be further considered under the agenda item on FSA.

6.8 The Committee then embarked on an intensive discussion of the advantages and disadvantages of a full risk-based approach for the development of GBS, during which the following views were put forward:

- .1 the development of goal-based new ship construction standards was a very important issue which should not be rushed and where it was important to get the first step right;
- .2 some Members were afraid that the new GBS would be too deterministic and prescriptive and favoured, instead, the introduction of an accepted probability of failure;
- .3 a robust programme of surveys and also the inclusion of maintenance and repair was necessary;
- .4 essential safety issues needed to be separated from desirable commercial issues;
- .5 the risk-based approach was not something that could be completed in the short term, therefore the five-tier system should be finalized before thinking about the application of the risk-based approach in the longer term. The door should be left open for future safety initiatives based on a risk-based analysis, for which a lot of experience has been gained in the past and which was at a very advanced stage, including techniques and software;
- .6 others stressed that GBS should be standards for rule-making, i.e. rules for making rules, that the risk-based approach was necessary as a back up technology and that any quantification of requirements could only be carried out through risk analysis;
- .7 the current safety levels imminent in the existing IMO instruments needed to be determined in risk-based terms in order that new goals could be set. The data needed for such an exercise needed to be determined and this could be carried out in parallel with the development of GBS for new ship construction; and
- .8 the offshore industry was mentioned as an example of how to successfully derive goal-based standards from risk analysis.

6.9 In his summing-up, the Chairman stated that the Committee had a long road in front of it where GBS were concerned. Many divergent views on how to proceed had been expressed. However, the general view of the Committee was to continue with the development of GBS as started at the last session. While nobody had opposed the utilization of the risk-based approach, timing was of the essence and the Committee had also not been entirely clear about what exactly goal-based standards entailed, so that further elaboration was necessary.

6.10 The Chairman, consequently, instructed the working group established at this session to continue with the development of GBS for new ship construction based on the outcome of MSC 79. However, he also proposed to instruct the working group to consider how the risk-based approach could fit in with the five-tier framework agreed so far. He invited further submissions by Member Governments and international organizations to MSC 81, in particular with regard to the determination of the current safety level inherent in IMO instruments.

Tier I - Goals

6.11 The Committee noted the view of the GBS Working Group at MSC 79 that the Tier I goals, as developed to this point, are considered preliminary and should be used as input for consideration in the future work and effort in development of goal-based new ship construction standards (MSC 80/6, paragraph 29.1 and annex 2).

6.12 The Committee further noted that, in the submissions to this session, the Tier I goals as prepared by the group were generally supported (MSC 80/6/3 by the Bahamas, MSC 80/6/10 by the Islamic Republic of Iran and MSC 80/6/12 by the United States), with extensive proposals for modifications made by Japan (MSC 80/6/1), Germany (MSC 80/6/4) and the Republic of Korea (MSC 80/6/11). The comments made concentrated on the issues of applicability of the goals, design life, actual service life, operating and environmental conditions, transparency and certification.

6.13 During the discussion, the Tier I goals as developed by the group at MSC 79 were generally supported. The need for clarification of their applicability, i.e. to all ships or to all new ships, was stressed.

6.14 The Committee instructed the working group established at this session to finalize the Tier I goals, for approval by the Committee, taking into account the documents submitted as well as decisions, comments and proposal made in plenary.

Tier II - Functional requirements

6.15 The Committee noted the view of the GBS Working Group at MSC 79 that the Tier II functional requirements, as developed to this point, are considered preliminary and should be used as input for consideration in the future work and effort in development of goal-based new ship construction standards (MSC 80/6, paragraph 29.1 and annex 2).

6.16 The Committee further noted that the submissions to this session commented in detail on the Tier II functional requirements as prepared by the group and contained extensive proposals for modifications (MSC 80/6/1 by Japan, MSC 80/6/2 by Poland, MSC 80/6/3 by the Bahamas, MSC 80/6/4 by Germany, MSC 80/6/5 by Greece, MSC 80/6/8 and MSC 80/6/9 by IACS, MSC 80/6/10 by the Islamic Republic of Iran, MSC 80/6/11 by the Republic of Korea and MSC 80/6/13 by CESA).

6.17 The submissions showed general agreement that Tier II for now should apply only to tankers and bulk carriers, whereby an extension to all SOLAS ships could be considered at a later stage. The proposed changes concentrated on the issues of design life, environmental conditions, fatigue life, coating life, corrosion addition, structural strength, construction quality, maintenance and transparency. The inclusion of new requirements concerning operating conditions, information keeping, actual service life and watertight and weathertight integrity was proposed. There was general support for the notion that Tier II should also contain quantitative criteria, with the introduction of safety factors proposed by Poland (MSC 80/6/2).

6.18 During the discussion, the following views were expressed by delegations:

- .1 not all the functional requirements as given in annex 2 of the report of the working group at MSC 79 were functional and a definition of “functional requirement” was necessary;
- .2 the functional requirements should not be too detailed or too prescriptive;
- .3 the functional requirements should apply to all types of new ships, while subsequent tiers could apply to specific ship types;
- .4 it was imperative to finalize the functional requirements as soon as possible in view of the expected coming into effect of the IACS Common Structural Rules (CSR) in January 2006; and
- .5 in order to focus the discussion, the functional requirements should concentrate on tankers and bulk carriers at this point in time.

6.19 Following debate, the Committee instructed the working group established at this session to finalize the Tier II functional requirements, for approval by the Committee, taking into account the documents submitted as well as decisions, comments and proposal made in plenary.

Tier III – Verification of compliance

6.20 The Committee noted that the GBS Working Group at MSC 79 had only a brief and preliminary discussion on Tier III verification and compliance criteria, not with a view to arriving at any conclusions or agreement, but to hear the views of delegates in order to assist in the future work (MSC 80/6, paragraph 22).

6.21 The Committee further noted that the submissions to this session contained only very few comments on the issue of verification (MSC 80/6/4 by Germany, MSC 80/6/7 by Denmark and Norway and MSC 80/6/10 by the Islamic Republic of Iran), which in general agreed that the demonstration of compliance with the functional requirements needs to be part of the framework.

6.22 During the discussion, the following views were expressed:

- .1 it was necessary to verify the entity that actually produces the rules for ship construction and it was also necessary to verify the terminology used;
- .2 it should be up to the classification societies to demonstrate compliance with the rules;

- .3 Tier III could not be finalized until Tiers I and II were in place and, therefore, the matter should not be further discussed at this session;
- .4 the working group should consider the establishment of a correspondence group to progress work on the issue intersessionally and draft terms of reference for such a group, for consideration by the Committee; and
- .5 classification societies acting as recognized organizations were monitored by the maritime Administration that authorized them and were, therefore, subject to separate standards.

6.23 Following the brief debate, the Committee instructed the working group established at this session to develop draft Tier III criteria for the verification of compliance with the functional requirements in Tier II, including a proper title for the tier, for the consideration of the Committee, taking into account the documents submitted as well as decisions, comments and proposal made in plenary.

Incorporation of goal-based standards in IMO instruments

6.24 The Committee noted that the GBS Working Group at MSC 79 had only given preliminary consideration to the issue of how the goal-based standards could be incorporated in the appropriate IMO instruments (MSC 80/6, paragraph 28). The Committee further noted that the submissions to this session contained only very few comments on the issue, notably by the Bahamas (MSC 80/6/3).

6.25 During the discussion, there was general agreement that it was too early to discuss the matter in detail and that GBS needed to be finalized before a decision on how to incorporate them could be taken.

6.26 The Committee instructed the working group established at this session to consider how the provisions of the goal-based new ship construction standards could be incorporated in the IMO framework, taking into account the documents submitted as well as decisions, comments and proposal made in plenary.

Work plan for future work on goal-based standards

6.27 The Committee noted that the GBS Working Group at MSC 79 had developed a work plan for use in the future work on the agenda item (MSC 80/6, annex 3) and instructed the working group established at this session to review and update it, for approval by the Committee, taking into account comments made in the documents submitted.

Other issues raised in the documents submitted

Linkage between FSA and GBS

6.28 The Committee noted that the Bahamas (MSC 80/6/3) suggested that no formal link between FSA and GBS should be established and that the two issues should be continued separately, whereas Greece (MSC 80/6/5) was maintaining that the final goal-based standards cannot be viewed separately from FSA. The Committee recalled, in this connection, that MSC 79 had agreed that the two subjects should be kept separate for the time being, but had also agreed that the link between FSA and GBS should be further considered by the FSA Working Group at this session, taking into account the three FSA-related submissions to MSC 79 under

the agenda item on “Goal-based new ship construction standards” (documents MSC 79/6/3, MSC 79/6/19 and MSC 79/6/25).

Human element

6.29 The Committee noted that the Bahamas, in document MSC 80/6/3, suggested that there would be no advantage in treating the human element as a separate area to study since it is an integral part of the work carried out and recalled in this connection that the GBS Working Group at MSC 79 had considered the issue of the human element as submitted in document MSC 79/6/7 (Denmark and the United Kingdom) and noted that the delegation of Denmark had stated that, based on the work done at MSC 79 and on the fact that the focus of the goal-based standards was on ships’ structure, they would reconsider this issue.

Establishment of the working group

6.30 The Committee re-established the Working Group on Goal-based New Ship Construction Standards and instructed it to consider the documents submitted to this session, taking into account decisions taken and comments and proposal made in plenary and, in particular, to:

- .1 finalize the basic principles of goal-based standards, including methodology and definitions, for approval by the Committee, including consideration of how the risk-based approach could be considered in the framework of goal-based standards;
- .2 finalize Tier I – Goals, for approval by the Committee;
- .3 further develop Tier II - Functional requirements, including a working description of each requirement, for approval by the Committee;

and, as time permits, to:

- .4 develop draft Tier III criteria for the verification of compliance with the functional requirements in Tier II, including a proper title for the tier, for the consideration of the Committee;
- .5 consider how the provisions of the goal-based new ship construction standards could be incorporated in the IMO framework;
- .6 review the work plan for the development of GBS, as contained in annex 3 of document MSC 80/6, for approval by the Committee;
- .7 consider the establishment of a correspondence group to progress work intersessionally and draft terms of reference for the group, as appropriate and advise the Committee accordingly; and
- .8 submit a written report to plenary on Thursday, 19 May 2005.

Report of the working group

6.31 Having received the report of the working group (MSC 80/WP.8), the Committee approved it in general and took action as outlined in the following paragraphs.

Methodology

6.32 In discussing general aspects of the report of the working group, some delegations were of the view that the group had not fully considered the risk-based methodology which was important for future considerations of GBS and pointed out that duplications with classification society requirements needed to be avoided. Other delegations reiterated their support for the presently used methodology which was based on the vast practical experience gained with oil tankers and bulk carriers and stressed the need for clearly quantified functional requirements.

6.33 The Committee noted that the group had noted documents MSC 80/6/4 (Germany) and MSC 80/6/6 and MSC 80/6/7 (Denmark and Norway) which proposed the use of a risk-based approach instead of the deterministic methodology used at MSC 79, and also those portions of documents MSC 80/6/5 (Greece) and MSC 80/6/12 (United States) which in principle supported the risk-based approach but recommended that for pragmatic reasons the group should proceed on the basis of the methodology used at MSC 79. The Committee also noted that the group had an extensive and wide ranging discussion on this issue with active participation by many different Administrations, during which support for both methodologies was expressed.

6.34 The Committee noted the summing-up of the discussion by the Chairman of the working group which noted that the current task was the development of goal-based standards for new ship construction. At this time, this did not include maintenance and surveys. He had noted from the discussions in plenary that, while there was support for the risk-based approach, there also was wide support to continue using the same methodology as applied at MSC 79. He also noted that GBS for new ship construction were not to be limited to bulk carriers and tankers, but were meant to address all ship types and that in the future, as part of completing this task, the results to date would have to be expanded in order to make them applicable to all ship types.

6.35 The working group's Chairman had also noted from the terms of reference, that the group was instructed to consider the risk-based methodology and, as stated by the Committee Chairman, also to consider how the issue could be addressed at MSC 81. Based on this, the working group Chairman proposed that further development of GBS for new ship construction using the risk-based methodology be postponed to MSC 81. However, for this to continue on a parallel track, it would be advantageous for countries supporting this methodology to take the opportunity and make submissions to MSC 81 that would more clearly demonstrate the elements of the different tiers. The group's Chairman also noted that, looking forward, the risk-based approach may be needed in order to expand the current effort to include all ship types. He observed that in the future, if it was decided to adopt the risk-based approach, this would require a revisit of the goal-based standards developed under the deterministic methodology to verify consistency and make changes, where necessary.

6.36 The Committee recalled, in this connection, the plenary discussions on the issue, in particular that the Committee Chairman had invited further submissions by Member Governments and international organizations to MSC 81, especially with regard to the determination of the current safety level inherent in IMO instruments (see paragraph 6.10). The delegation of Japan, referring to the relevant discussions in the working group (see paragraph 6.35), offered to co-ordinate relevant submissions by interested countries to further explore the application of the risk-based methodology to the development of GBS in order to keep both approaches on a parallel track, so that the matter could be discussed in more detail at MSC 81. The delegations of Denmark, Germany and Sweden appreciated the Japanese initiative and expressed their willingness to co-operate and their conviction that other Member Governments would join in the effort.

6.37 The delegation of Germany reserved its position with regard to the inclusion of the risk-based approach in the work of the working group. They stated that even though reiterated at various occasions in plenary and subsequently in the working group, the group did not give any consideration to the possible inclusion of the risk-based approach in the framework of the draft goal-based standards. The delegation of Germany wished to reiterate the need for a parallel approach, i.e. to provide a set of functional requirements for tankers and bulk carriers to be built in the short-term but, at the same time, to develop risk-based considerations, with a possible starting point being the establishment of the current safety levels. The delegations of Denmark, the Netherlands, Norway and Sweden associated themselves with this statement.

Basic principles of goal-based standards

6.38 The Committee noted that the group had considered document MSC 80/6/3 (Bahamas), which proposed that the basic principles as developed by the working group at MSC 79 and shown in document MSC 80/6 were adequate with no further change needed, and also document MSC 80/6/11 (Republic of Korea), which recommended some changes, including the need to include “construction” which was in line with the title of the agenda item. The group did not accept this change, noting that the concept of the ship’s lifecycle, which is currently included in the basic principles, also encompassed the design and construction of the ship. In conclusion, the group decided that the original wording as contained in document MSC 80/6 was adequate and did not need to be changed. Subsequently, the Committee noted the completion of the basic principles for GBS, at this time, and agreed, in principle, to the following text for the basic principles:

IMO goal-based standards are:

- .1 broad, over-arching safety, environmental and/or security standards that ships are required to meet during their lifecycle;
- .2 the required level to be achieved by the requirements applied by classification societies and other recognized organizations, Administrations and IMO;
- .3 clear, demonstrable, verifiable, long-standing, implementable and achievable, irrespective of ship design and technology; and
- .4 specific enough in order not to be open to differing interpretations.

Goals (Tier I)

6.39 The Committee noted that the group had considered the Tier I goals on the basis of annex 2 to the report of the working group at MSC 79 (MSC 80/6) and in consideration of the submissions by Japan (MSC 80/6/1) and Bahamas (MSC 80/6/3) which contained specific proposed changes to Tier I. Subsequently, the Committee noted the completion, at this time, of, and agreed, in principle, to the Tier I goals for new ship construction standards as follows:

(Applicable to all types of new ships)

Ships are to be designed and constructed for a specified design life to be safe and environmentally friendly, when properly operated and maintained under the specified

operating and environmental conditions, in intact and specified damage conditions, throughout their life.

- .1 Safe and environmentally friendly means that the ship shall have adequate strength, integrity and stability to minimize the risk of loss of the ship or pollution to the marine environment due to structural failure, including collapse, resulting in flooding or loss of watertight integrity.
- .2 Environmentally friendly also includes the ship being constructed of materials for environmentally acceptable dismantling and recycling.
- .3 Safety also includes the ship's structure being arranged to provide for safe access, escape, inspection and proper maintenance.
- .4 Specified operating and environmental conditions are defined by the operating area for the ship throughout its life and cover the conditions, including intermediate conditions, arising from cargo and ballast operations in port, waterways and at sea.
- .5 Specified design life is the nominal period that the ship is assumed to be exposed to operating and/or environmental conditions and/or the corrosive environment and is used for selecting appropriate ship design parameters. However, the ship's actual service life may be longer or shorter depending on the actual operating conditions and maintenance of the ship throughout its life cycle.

6.40 The Committee noted that the group had discussed the issue of applicability, noting that it was addressed in a number of the documents submitted to this session, and that it was important to make sure it was clearly understood. The goal-based standards for new ship construction are being developed for all types of new ships. This means that they would apply to all types of ships that would be considered new, as based on an entry-into-force date, to be decided when the standards become mandatory. They are not being developed to apply retroactively.

Functional requirements (Tier II)

6.41 The Committee noted that the group had further considered the Tier II functional requirements on the basis of annex 2 to the report of the working group at MSC 79 (MSC 80/6) together with the submissions to this session and the comments made in plenary and that the functional requirements agreed by the group, after extensive debate, were set out in annex 3 to the report of the working group (MSC 80/WP.8).

Applicability

6.42 The Committee noted that the group had confirmed agreement that Tier II, when completed, would apply to all types of new ships but had also agreed that, for the time being, it would continue, as begun at MSC 79, to consider bulk carriers and tankers as a means of focussing the discussion. The issue was raised if this meant all tankers, including chemical tankers. While some delegations did not think the impact of also considering chemical tankers was that significant, the group had agreed that it would consider oil tankers and not pure chemical tankers.

Design life

6.43 The Committee noted that much of the discussion on this functional requirement was devoted to whether or not it was appropriate to include a specific quantitative value. It was noted that the group had agreed that it was appropriate to include a specific value for oil tankers and bulk carriers engaged in unrestricted navigation, but that for others, i.e. those not in unrestricted navigation, it was not appropriate. The difficulties as well as variations of text to accommodate both those with unrestricted navigation and others were discussed. It was also noted that the same difficulties would exist when developing the other Tier II functional requirements. It was also brought out that the ships' hull structural issues are primarily related to ships engaged in unrestricted navigation. It was, therefore, agreed that Tier II, at this time, should only be applied to oil tankers and bulk carriers engaged in unrestricted navigation.

6.44 The Committee also noted that the group had agreed on 25 years as the appropriate design life for oil tankers and bulk carriers engaged in unrestricted navigation, noting the service life data pertaining to tankers and bulk carriers as provided by the Japanese delegation in presenting their paper (MSC 80/6/1).

Environmental conditions

6.45 The Committee noted that the discussion in the group had focused on whether or not it was appropriate to specify environmental conditions and if so, should it be North Atlantic conditions since, in general, ships do not exclusively trade in the North Atlantic environment for their service life. It was noted that the group had agreed that, based on the Tier II functional requirements being applicable only to bulk carriers and oil tankers in unrestricted navigation at this time, the North Atlantic was the appropriate environmental condition.

Fatigue life

6.46 The Committee noted that the issue at the centre of discussion was whether or not the fatigue life should be longer than the design life. The argument was presented by some delegations that due to the uncertainties in calculating fatigue life, it needed to be longer than the design life in order to account for the uncertainties, while at the same time providing an appropriate safety margin. Other delegations had noted that using the North Atlantic as the environment provided a suitable safety margin since, in general, ships do not trade exclusively in the North Atlantic. It was also noted that the issue of safety margin was addressed under the functional requirement on structural strength and, therefore, it would be redundant to also include it here. The majority of the group had agreed that the fatigue life need not be longer than the specified design life.

Structural strength

6.47 The Committee noted that the group had decided that the issue of structural redundancy needed to be a separate functional requirement and that agreement was reached on the appropriate text for this new functional requirement. In addition, the group had agreed that additional text to properly address safety margins needed to be included. In the course of the discussions on safety margins, some delegations had supported the need to specify a value for the safety margin for different failure modes, whereas other delegations expressed the view that this was too specific and not suitable for Tier II.

Residual strength

6.48 The Committee noted that the group had agreed that the purpose of this functional requirement was for the ship's hull to have sufficient residual strength to withstand certain damage conditions. However, the group had agreed that including "foreseeable" damage conditions was too open-ended and subject to differing interpretations and, therefore, agreed that it should be "specified" damage conditions which means those damage conditions specified in SOLAS chapter II-1. It was also noted that this would be consistent with the Tier I goals.

Construction quality procedures

6.49 The Committee noted that, in agreeing upon the text for this functional requirement, the group had considered a proposal by Japan (MSC 80/6/1) to include a footnote stating that the Organization would develop guidelines for the standards for quality construction standards and had agreed that this would not be appropriate.

Maintenance

6.50 The Committee noted that the group had considered a proposal by Japan (MSC 80/6/1), providing a revised text for this functional requirement along with the proposal that IMO should develop standards for maintenance procedures and had not agreed to the proposals.

Design transparency

6.51 The Committee noted that the group had agreed that the purpose of this functional requirement was to make design information available necessary to verify that the as-built new ship complies with safety standards, which includes the goal-based parameters as well as other relevant design parameters that may limit the operation of the ship. The group had also recognized that intellectual property rights needed to be considered when making this information available.

6.52 The Committee noted that there had been considerable discussion in the group on how this information should be made available. Some delegations had expressed the view that it should be included in a Ship Construction File and this needed to be included as an element of this functional requirement. The delegation of the Bahamas, along with their proposal (MSC 80/6/3), expressed the view that a Ship Construction File could be a large collection of documents and therefore, it would also be appropriate to have a shorter and concise document that provides the important design parameters. The majority of delegations expressing a view on this issue had generally agreed that there may be a need for a Ship Construction File as well as the document proposed by the Bahamas, but, however, that this was too specific and thus not appropriate for inclusion at the Tier II level, but was more appropriate at a lower tier. The group had been in wide agreement that the issue of how this information was documented was very important and would need further consideration at a later time.

Survey

6.53 The Committee noted that, in discussing this functional requirement, the group had recalled that time spent discussing this item at MSC 79 had been somewhat limited, as indicated by the entire text being left in square brackets. The group had agreed that it was appropriate to have a functional requirement addressing ship survey and that it needed to focus on those issues of survey related to ship construction, and not issues related to surveying the ship during its operating life. The group had also agreed that, during the design and construction, areas that

needed special attention during in-service surveys may be identified, which needed to be documented for future use during in-service surveys.

Protection against corrosion

6.54 The Committee noted that the group had had an extensive discussion on this item, primarily on two separate but related issues. A number of delegations had strongly expressed the view that this needed to be addressed with two separate functional requirements, namely, “corrosion addition” and “coating life”, as shown in the outcome of the discussions at the last session (MSC 80/6). In expressing this view, they had maintained that the corrosion addition was needed in addition to other corrosion protection measures, such as coating, cathodic protection, etc., as the corrosion addition, besides being provided to counteract the effects of corrosion, was also included as an integral component of the scantlings in determining compliance with strength requirements. They had concluded that since the inclusion of a corrosion addition, in addition to other corrosion protection measures, would not necessarily be required in the future, this could lead to unsafe ships.

6.55 The Committee also noted that the majority of the group had not agreed with this position. In their view it was appropriate that the issue of protection against corrosion should be addressed by one functional requirement, with separate subitems for both corrosion addition and coating life. They also did not agree that it was appropriate at this level (Tier II) to have the specific requirement that a corrosion addition always be included. They had noted that, in reality, there would always need to be a corrosion addition because to date it was highly unlikely that any corrosion protection measure (coating, cathodic protection, impressed current, etc.) will be able to provide complete protection against corrosion for the specified design life. They had also noted that the functional requirement “structural strength” adequately addressed required net scantling.

Watertight and weathertight integrity

6.56 The Committee noted that the group had considered a proposal by the Republic of Korea (MSC 80/6/11) for a new functional requirement on “watertight and weathertight integrity” and had agreed on its inclusion in Tier II.

Work plan for future work on goal-based standards

6.57 The Committee approved the work plan for future work on GBS, as set out in annex 4 to the report of the working group (MSC 80/WP.8).

Establishment of a correspondence group

6.58 The Committee agreed with the recommendation of the group to establish a correspondence group in order to progress work on the goal-based standards for new ship construction intersessionally, under the co-ordination of the United States*, with the following terms of reference:

* **Co-ordinator:**
Mr. Jeffrey G. Lantz
Commandant (G-MSE-4), US Coast Guard
2100 2nd Street, S.W.
Washington, DC 20593-0001
Phone: (202) 267-1076
Fax: (202) 267-1069
e-mail: jlantz@comdt.uscg.mil

- .1 to develop draft Tier III criteria for the verification of compliance, for consideration of the Committee; and
- .2 to submit a report to MSC 81.

Terms of reference not completed

6.59 The Committee noted that, due to lack of time, the group had not been able to do any substantive work on items 4 (Criteria for the verification of compliance) and 5 (incorporation of GBS in the IMO framework) of its terms of reference. However, the group was able to have a preliminary discussion on the risk-based methodology. The Chairman of the group informed the Committee that he would submit the outcome of these discussions to MSC 81.

7 FORMAL SAFETY ASSESSMENT

Introduction

7.1 The Committee recalled that MSC 79 had re-established the Correspondence Group on FSA and noted that the report of the group is contained in document MSC 80/7/1. The Committee further recalled that MSC 79 had agreed to establish a working group at this session in order to:

- .1 consider the need for the establishment of a group of experts on FSA, including representation, funding, independence and transparency issues;
- .2 consider the documents submitted to MSC 78, MSC 79 and MSC 80 in order to improve the FSA Guidelines; and
- .3 consider the link between FSA and goal-based standards, taking into account the three FSA-related submissions, to MSC 79, under the agenda item on “Goal-based new ship construction standards” (documents MSC 79/6/3, MSC 79/6/19 and MSC 79/6/25),

and that the Secretariat had been instructed to prepare a basic document for the establishment of a group of experts on FSA, including procedures for selection of experts and funding options, for consideration at this session, which has been submitted as document MSC 80/7.

Report of the correspondence group

7.2 The Committee considered the report of the correspondence group (MSC 80/7/1) submitted by Japan and took action, as follows:

- .1 the Committee considered the proposed draft amendments to the FSA Guidelines (MSC/Circ.1023-MEPC/Circ.392) presented in paragraphs 6 to 9, 12 to 14 and 16 to 18 of, and in the annex to, document MSC 80/7/1, noting that the draft amendments contained in the annex had already been approved at MSC 79, subject to MEPC 53’s concurrent decision; and agreed to refer the new draft amendments to the working group established at the session, for finalization;

- .2 the Committee noted that, due to shortage of time, the group could not complete its terms of reference concerning further unresolved issues raised in the report of the correspondence group to MSC 78 and amendments to the Guidelines on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the rule making process of IMO (MSC/Circ.1022), in order to make the Guidelines more user-friendly; and agreed to instruct the working group established at this session, to consider the two tasks and to advise the Committee accordingly; and
- .3 the Committee noted that the correspondence group would report the outcome of its considerations on the development of relevant indices for use in FSA for marine environment protection directly to MEPC 53.

Consideration of the establishment of a group of experts on FSA

7.3 The Committee had a lengthy discussion on document MSC 80/7 (Secretariat), containing options and proposals regarding the establishment of a group of experts on FSA. During the debate, the following views were expressed:

- .1 a group of experts on FSA should only be established if necessary and should not meet on a regular basis like GESAMP;
- .2 if a group of experts on FSA is established, it should not conduct formal safety assessments, as outlined in annex 3 to document MSC 80/7;
- .3 formal safety assessments have been used successfully in the past to assist the Committee in its decision making and should continue to be used for making decisions on future issues;
- .4 many of the issues faced in the past when considering formal safety assessments could have been avoided had there been a standing group of experts to review such assessments;
- .5 if a group of experts on FSA is not properly funded, then some Member States will not be able to participate due to lack of funds;
- .6 no funding should be allocated for the formal establishment of a group of experts on FSA;
- .7 the current Guidelines on formal safety assessment for use in the IMO rule-making process (MSC/Circ.1023-MEPC/Circ.392) should be reviewed, as a first step, to identify any weaknesses before taking a clear decision on whether to establish a group of experts; and
- .8 only formal safety assessments that are going to be used in decision-making by the Committee should be reviewed by a group of experts, if established.

7.4 Following debate, the Committee agreed that a group of experts on FSA should be established and instructed the working group established at this session to discuss the relevant details and to advise the Committee accordingly. However, the Committee, while deciding to hold matters related to funding options in abeyance until the work of the group was completed,

did not agree to propose the inclusion of the relevant appropriation for the group of experts in the Organization's regular budget for the 2006-2007 biennium.

SAFEDOR - Risk-based design, operation and regulation of ships

7.5 The Committee noted information provided by Denmark (MSC 80/INF.8) regarding the European research project SAFEDOR, focussing on risk-based design, operation and regulation of ships and thanked Denmark for the information.

Establishment of the working group

7.6 The Committee established the Working Group on Formal Safety Assessment and instructed it, taking into account decisions and comments and proposals made in plenary, to:

- .1 develop generic terms of reference for the group of experts on FSA and consider procedures for selection of experts and any other organizational details for the establishment of such a group, taking into account document MSC 80/7, and provide appropriate recommendations for consideration by the Committee;
- .2 to prepare draft amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023–MEPC/Circ.392), based on the report of the correspondence group (MSC 80/7/1);
- .3 to consider unresolved issues raised in the report of the correspondence group to MSC 78 (MSC 78/19) and further discussed in the correspondence group to this session (MSC 80/7/1), in particular concerning inconsistent results of different FSAs on the same subject and clarifications of the technology used for particular FSAs;
- .4 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) are necessary in order to make it more user-friendly;
- .5 to consider the link between FSA and goal-based standards, taking into account the three FSA related submissions to MSC 79 under the agenda item on "Goal-based new ship construction standards" (documents MSC 79/6/3, MSC 79/6/19 and MSC 79/6/25); and
- .6 to submit a report by Thursday, 19 May 2005.

Report of the working group

7.7 Having received the report of the working group (MSC 80/WP.9), the Committee approved it in general and took action as outlined in the following paragraphs.

FSA review process and group of experts

Use of FSAs in the IMO decision-making process

7.8 The Committee agreed that the FSA expert group (herewith called "expert group"), should only review an FSA study if the Committee plans to use the study for making a decision

on a particular issue. Thus, the expert group would only be established when necessary to prevent it from having to take on tasks that will have no consequence on the work of the Organization. To illustrate the above processes, the Committee agreed to the flow chart prepared by the group, as set out in annex 1 to document MSC 80/WP.9.

Terms of reference and FSA review process

7.9 Taking into account the proposal set out in document MSC 80/7, the Committee agreed that the terms of reference should not include the expert group carrying out FSA studies on specific subjects. In addition, the Committee agreed that matters related to the review of past experience with the application of the FSA Guidelines, preparation of relevant amendments to the FSA Guidelines and consideration of the role FSA is to play in the framework of goal-based standards should be considered by a working group established at a future session of the Committee or, intersessionally, by a correspondence group, so that all Member Governments and international organizations could participate.

7.10 With a view to improving the application of the FSA process in IMO decision-making so that, in the future, the Organization could base its decisions on a single, internationally recognized set of findings and recommendations, the Committee agreed, in principle, that the expert group should undertake to:

- .1 review FSA studies on specific subjects submitted to the Organization, as directed by the Committee(s); and
- .2 prepare relevant reports for submission to the Committee(s).

7.11 Having noted the group's opinion on how such a review should be carried out, the Committee agreed that guidance should be developed on this matter and, to this end, established a correspondence group to progress the work on this matter intersessionally (see paragraph 7.21).

Structure of the expert group

7.12 The Committee noted that the group had an extensive discussion on how the expert group should be structured and agreed that the structure should inherently give a Committee(s) confidence that the recommendations and/or conclusions of the expert group will be both fair and authoritative.

7.13 The Committee noted that the group had prepared three options on the expert group's structure and, owing to lack of time, invited Member Governments and international organizations to submit comments and proposals to MSC 81, taking into account paragraphs 14 and 15 of, and annex 2 to, document MSC 80/WP.9.

Selection of the experts

7.14 In considering how the expert group should be managed, the Committee agreed, in principle, that a chairman and vice-chairman should be selected by the Committee when it decides that an FSA study should be reviewed by the expert group. To ensure that the leadership is properly supported, the Committee agreed, in principle, that members participating in the expert group should have the following qualifications:

- .1 risk assessment experience;

- .2 a maritime background; and
- .3 knowledge/training in the application of the FSA Guidelines.

Procedures for establishing the expert group

7.15 The Committee agreed, in principle, that, when the Committee decides to establish an FSA group of experts for a specific project, it should determine the number of meetings necessary to meet the target completion date and appoint a chairman and a vice-chairman. Member Governments and international organizations were invited to submit, to MSC 81, comments and proposals on the selection of experts and the procedures for establishing the expert group, taking into account paragraphs 18 to 24 of document MSC 80/WP.9.

Draft amendments to the Guidelines for Formal Safety Assessment

7.16 The Committee approved, subject to MEPC's concurrent decision, the draft amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023–MEPC/Circ.392) and the associated draft MSC/MEPC circular, as set out in the annex to document MSC 80/WP.6/Add.2.

Consideration of the reports of the correspondence groups

7.17 Having considered the unresolved issues raised in the report of the correspondence group to MSC 78 (MSC 78/19) and having discussed the correspondence group report to this session (MSC 80/7/1), in particular concerning inconsistent results of different FSAs on the same subject and clarifications of the technology used for particular FSAs, the Committee agreed that these matters should be further considered by a correspondence group (see paragraph 7.21).

Draft amendments to MSC/Circ.1022

7.18 The Committee considered the necessity of 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) and agreed that amendments to MSC/Circ.1022 are only necessary if it decides to establish an FSA Group of Experts. Therefore, the Committee decided to take no action at this stage.

Linkage of FSA and goal-based standards (GBS)

7.19 The Committee noted that the group had an extensive discussion regarding the linkage between FSA and GBS and had agreed that the FSA process, in general, could be used to:

- .1 conduct holistic assessments (e.g., ship types, whole system reviews, etc.) with a view to establishing the level of risk and set goals accordingly;
- .2 identify and/or formulate high-level goals and functional requirements;
- .3 support high-level goals to determine associated hazards and develop appropriate risk control options;
- .4 assess specific issues (e.g., focus on diesel engine fires) to determine associated hazards and associated risks and develop appropriate risk control options;

- .5 identify inherent safety levels in existing standards and, from that, make explicit the inherent risk acceptance criteria;
- .6 verify compliance of regulations (e.g., classification society rules) with high-level goals and functional requirements; and
- .7 find gaps in functional requirements.

7.20 Bearing in mind that the above list is not exhaustive, the Committee noted the group's view that the first three FSA steps (HAZID, risk assessment, RCOs) are suitable for informing the development of high-level goals (Tier I) and functional requirements (Tier 2) of GBS. Equally, the last three steps (RCOs, CBA, Recommendations) could feed into Tiers IV and V of GBS, by helping to select between alternative technical or regulatory solutions to specific problems.

Establishment of a correspondence group

7.21 Taking into account the progress made at this session, the Committee agreed to establish a correspondence group, under the co-ordination of the Netherlands^{*}, and instructed it to:

- .1 prepare draft amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023–MEPC/Circ.392), taking into account the reports of the correspondence groups to MSC 78 (MSC 78/19) and MSC 80 (MSC 80/7/1), in particular to:
 - .1 evaluate the interdependencies and the combination of RCOs in a particular FSA study and from separate FSA studies on the same subject, taking into account document MSC 79/19/1;
 - .2 clarify the technology used in a particular FSA study, taking into account documents MSC 76/5/12 and MSC 78/19;
 - .3 further consider the issue of finding a balance between stake holders (“who owns the cost and who gains the benefit”), as raised in paragraph 20 of document MSC 80/7/1;
 - .4 consider matters related to cost effectiveness criteria and risk acceptance criteria, taking into account document MSC 78/19/2;
 - .5 consider matters related to expert concordance, taking into account document MSC 78/19/3;

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- .6 consider matters related to the bias caused by recent events, taking into account document MSC 80/7/1; and
- .7 reconsider the proposed draft amendments set out in paragraph 7 of document MSC 80/7/1;
- .2 prepare the draft guidance for carrying out an FSA review and reporting the results, taking into account paragraphs 11 and 12 of document MSC 80/WP.9;
- .3 consider project management issues for large FSA studies taking into account document MSC 78/19/1;
- .4 consider the development of a risk index relevant to the protection of the marine environment, taking into account the outcome of MEPC 53; and
- .5 submit a report to MSC 81.

7.22 In respect to paragraph 7.21.4 above, the Committee, in order to facilitate the work on the development of a risk index relevant to the protection of the marine environment, invited Member Governments and international organizations to submit proposals on this matter to MSC 81. The Committee invited MEPC 53 to endorse this view.

8 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME

GENERAL

8.1 The Committee recalled that, under agenda item 15 (Flag State implementation), it had been advised that the outcome of FSI 13 on the draft Code for the implementation of mandatory IMO instruments would be dealt with under this agenda item and that it had previously agreed that this subject would be an urgent matter from FSI 13 to be considered at its present session (MSC 79/23, paragraph 20.21.1).

8.2 The Committee also recalled that, as reflected in document MSC 80/8/1, FSI 13 had completed the texts of the draft Code and of an associated draft Assembly resolution (as set out in annex 9 to document FSI 13/23), on the basis that the Code was to be the audit standard under the Voluntary IMO Member State Audit Scheme, as previously agreed by the Committee (MSC 78/26, paragraphs 10.39 to 10.43). For the completion of the Code's annexes, FSI 13 had instructed the co-ordinator of its related correspondence group, together with the Secretariat, to finalize the tables listing the obligations of States and the instruments made mandatory under IMO Conventions, and these were reflected in the annexes to document MSC 80/WP.1.

8.3 The Committee recalled further that:

- .1 the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme had held its third session immediately after FSI 13, and that the outcome of its work, namely, the draft Framework and Procedures for Member State Audit, together with an associated draft Assembly resolution, was reflected in the annex to document MSC 80/8; and

- .2 C 92 (June 2004) had requested the Committee to consider the report of that session of the Joint Working Group, from its own perspective, and to provide its comments thereon to C 94 (June 2005).

8.4 In view of the fact that the draft Code would form the standard for the Audit Scheme, the Committee decided to proceed by considering firstly, the outcome of FSI 13 (MSC 80/8/1 and MSC 80/WP.1), and secondly, the outcome of the Joint MSC/MEPC/TCC Working Group (MSC 80/8).

OUTCOME OF FSI 13

Draft Code for the implementation of mandatory IMO instruments

8.5 The Committee examined document MSC 80/8/1, summarizing the outcome of discussions during FSI 13 on the draft Code, which had covered the title and objective of the Code, the inclusion or non-inclusion, within its text, of matters related to maritime security and UNCLOS, and qualification requirements for personnel responsible for, or performing, surveys, inspections and audits on ships and companies. In this respect, the Committee noted that FSI 13 had prepared the draft Code and an associated draft Assembly resolution (FSI 13/23, annex 9), for its approval and that of MEPC 53, and for subsequent adoption by the Assembly, and that document MSC 80/WP.1, providing the obligations of States and the instruments made mandatory under IMO Conventions, completed the draft Code and had also been submitted for the Committee's approval.

8.6 As a general comment relating to the draft Code, the delegation of Argentina expressed its satisfaction that FSI 13 had removed all references that could be construed as interpretations liable to affect the formulation of the rights and obligations attributed by UNCLOS to its Parties.

8.7 In considering the draft Code and the tables annexed to it, the Committee discussed the scope and exhaustiveness of the tables at some length. In this respect, and in answer to the view expressed by the delegation of India that the tables did not appear to be exhaustive, a number of delegations cautioned that by their nature they could not be exhaustive and that the tables constituted a dynamic live document that would have to be kept under regular review. To this end, the Chairman proposed that the MSC and MEPC should review the tables periodically and, in co-ordination with the Council, submit updating amendments to the Assembly for adoption.

8.8 The co-ordinator of the FSI correspondence group on the draft Code, who had been responsible with the Secretariat for the compilation of the tables, stressed that only obligations of States had been included and not rights. He also stated that the draft Code would be serving two purposes, one as the standard for the Audit Scheme and the other as guidance to Member States in the implementation of mandatory IMO instruments.

8.9 A number of delegations supported the view that, whilst it was feasible for the tables to be reviewed and updated on a regular basis, for planning purposes of the Audit Scheme, it would be preferable that this did not occur too frequently and, therefore, any updates should be adopted by the Assembly periodically.

Action taken by the Committee

8.10 Having considered the specific points related to the outcome of FSI 13 on the draft Code (MSC 80/8/1 and MSC 80/WP.1), the Committee:

- .1 agreed with the Sub-Committee's decision concerning the finalization of the tables listing the obligations of States and the instruments made mandatory under IMO Conventions (paragraphs 12 and 13 of document MSC 80/8/1);
- .2 approved the tables so finalized (annexes 1 to 5 of document MSC 80/WP.1), for incorporation in the final text of the draft Code subject to further additions that should be submitted to the Secretariat, through the co-ordinator of the FSI correspondence group, by 27 May 2005;
- .3 agreed that the tables were non-exhaustive and that, in between Assembly sessions, they would constitute the list of obligations against which States would be audited;
- .4 agreed to recommend to the Council that the tables should be reviewed on a regular basis by the Committees and referred to the Council for submission to the Assembly, for approval as the related standard for the Audit Scheme in future years;
- .5 in approving, subject to MEPC's concurrent decision, the draft Code for the implementation of mandatory IMO instruments and the associated draft Assembly resolution, as set out in annex 9, for subsequent adoption by the Assembly (paragraphs 15 and 16 of document MSC 80/8/1 and annex 9 to document FSI 13/23), decided not to include security-related matters in the draft Code, in line with its decision not to include such matters in the Audit Scheme (see paragraph 8.17.1 below);
- .6 agreed to develop, at an appropriate time, suitable provisions on the implementation of other safety- and security-related issues for eventual inclusion in the Code, taking into account the experience gained from the actual implementation of the Code; and
- .7 noted the conclusion of the FSI working group that it had addressed its terms of reference and completed its work, and decided to deal, under agenda item 21 (Work programme), with the Sub-Committee's request to delete the item from its work programme.

Draft documentation for the Audit Scheme

8.11 The Committee examined document MSC 80/8, which outlined the deliberations of the Joint Working Group on the draft Framework and Procedures for the Audit Scheme and highlighted the outstanding issues that required final decision by the Council and the Assembly, based on the advice of the Committees, namely:

- .1 the retention of security-related matters as an element of the Audit Scheme;
- .2 guidance to auditors on the STCW Convention areas to be covered by the scheme;
- .3 the development of additional guidance for coastal States;
- .4 the draft pre-audit questionnaire; and
- .5 a related draft Assembly resolution.

8.12 The Committee had a lengthy discussion relating to the inclusion or non-inclusion of security-related matters as an element of the Audit Scheme. A number of delegations, whilst acknowledging the importance of these issues, were of the opinion that, owing to the relatively recent adoption of the relevant regulations, it would be premature at this time to include them as part of the Audit Scheme and suggested that further consideration could be given to their inclusion once Member States had had more time to gain experience of their implementation. Other delegations, in further support of excluding security-related matters at this time, mentioned that in many States safety and security issues were often under the purview of different national authorities and that this could initially present difficulties for the implementation of the Audit Scheme, were maritime security issues to be retained.

8.13 Some delegations, while acknowledging the recent introduction of the security-related regulations, nevertheless supported the inclusion of security-related matters in the Audit Scheme. In this respect, it was noted that SOLAS Contracting Governments should now have in place the necessary legislation, institutions, systems and procedures and, as a result, auditors could initially examine existing processes for compliance and use their professional discretion and make consequent allowances with respect to actual implementation.

8.14 It was suggested that, if security-related matters were to be excluded from the Audit Scheme, new text could be included in the associated Assembly resolution inviting the Organization, in the future, to consider whether and how to incorporate such matters in the scheme. The delegation of the United States, acknowledging the concerns expressed by delegations, proposed that such eventual inclusion should be effected by 1 January 2008, at the latest.

8.15 In this connection, the Chairman proposed that the above-mentioned resolution should stand alone as the instrument adopting the Audit Scheme, with the possibility of a second draft Assembly resolution being submitted by interested Member States addressing the inclusion of security in the scheme and its possible timing.

8.16 In response to a query by the delegation of Panama, with regard to UNCLOS-related matters in the draft Framework for the Audit Scheme and in the draft Code for the implementation of mandatory IMO instruments, the Committee noted that the different ways this had been treated in both instruments was the result of extensive debate and a compromise within the Joint Working Group, which had invited the Council to endorse its decision not to align the related texts fully.

8.17 The delegation of Panama expressed the view that it was illogical, having agreed that the Voluntary Member State Audit would be audited in accordance with the Code for implementation of mandatory IMO instruments, to include reference to other international instruments in the Framework document of the Member State Voluntary Audit Scheme.

Action taken by the Committee

8.18 Having considered the specific points related to the outcome of the Joint MSC/MEPC/TCC Working Group on the draft documentation for the Audit Scheme (MSC 80/8), the Committee:

- .1 decided to recommend to Council that the words “security” and “recognized security organization” should be deleted from the draft Framework document (paragraph 3 of document MSC 80/8);

- .2 agreed to develop, at an appropriate time, suitable provisions for the eventual inclusion of other safety- and security-related issues in the Audit Scheme, taking into account the experience gained from the implementation of the scheme and salient safety- and security-related issues;
- .3 endorsed the guidance to auditors on the STCW Convention areas to be covered by the Audit Scheme, as set out in appendix 1 to the draft Framework (paragraph 4 of, and appendix 1 of annex 1 of the annex to, document MSC 80/8);
- .4 endorsed the proposal by IALA to develop additional guidance for coastal States, in the context of paragraph 7.4.2 of the draft Framework, and to invite the International Hydrographic Organization to consider undertaking a similar initiative in its field of competence (paragraph 5 of document MSC 80/8);
- .5 endorsed the draft Pre-audit questionnaire and recommended to the Council that the Secretariat, with assistance from the co-ordinator of the Council Correspondence Group on the Voluntary IMO Member State Audit Scheme be requested to clean up the text for any editorials and possible inconsistencies (paragraph 6 of, and appendix 2 of annex 2 of the annex to, document MSC 80/8);
- .6 endorsed the draft Assembly resolution on the adoption of the Framework and Procedures for the Voluntary IMO Member State Audit Scheme (paragraph 7 of, and annex 3 of the annex to, document MSC 80/8); and
- .7 noted the conclusion of the Joint MSC/MEPC/TCC Working Group that it had addressed its terms of reference and completed its work.

8.19 In concluding its deliberations on this agenda item, the Committee expressed its appreciation for the work carried out by:

- .1 the Council Correspondence Group and the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme, chaired, respectively, by Mr. J. Rasmussen (Denmark) and Mr. R. Kilvington (New Zealand); and
- .2 the FSI Correspondence Group and the FSI Working Group on the draft Code for the implementation of mandatory IMO instruments, chaired, respectively, by Mr. J. Rasmussen (Denmark) and Mr. J. Franson (Sweden).

9 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

The report of the forty-seventh session of the Sub-Committee

9.1 The Committee approved, in general, the report of the forty-seventh session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 47/17 and MSC 80/9) and took action as indicated hereunder, noting that MSC 79 had already taken action on urgent matters emanating from SLF 47.

Revision of the Intact Stability Code

9.2 In the context of the Sub-Committee's work on the revision of the Intact Stability Code, the Committee agreed, as requested by SLF 47, to include:

- .1 in the DE Sub-Committee's work programme and the provisional agenda for DE 49, a new high priority item on "Review of requirements on relevant equipment for the revision of the Intact Stability Code", with a target completion date of 2006; and
- .2 in the STW Sub-Committee's work programme and the provisional agenda for STW 37, a new high priority item on "Review of the operational and training requirements for the revision of the Intact Stability Code", with a target completion date of 2006.

Unified interpretations of SOLAS chapter II-1

9.3 The Committee approved MSC/Circ.1158 on Unified interpretations of SOLAS chapter II-1.

Load line interpretations

9.4 The Committee approved LL.3/Circ.162 on Unified interpretations of the International Convention on Load Lines, 1966, and the 1988 LL Protocol and its amendments.

Provision of stability-related information for bulk carriers

9.5 The Committee approved MSC/Circ.1159 on Guidelines on the provision of stability-related information for bulk carriers.

Draft amendments to the 2000 HSC Code

9.6 The Committee noted that the Sub-Committee had forwarded draft amendments to the 2000 HSC Code to the DE Sub-Committee for co-ordination purposes (SLF 47/17, paragraph 13.4 and annex 11).

10 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

General

10.1 The Committee, having recalled that MSC 79 considered urgent matters emanating from the ninth session of the Sub-Committee, approved the report, in general, and took action on all remaining items (MSC 80/10) as indicated hereunder.

Dangerous goods in limited quantities, excepted quantities and consumer commodities

10.2 The Committee endorsed the decisions of the Sub-Committee regarding transport of dangerous goods in limited quantities, excepted quantities and consumer quantities (DSC 9/15, paragraphs 3.6 to 3.11) and noted that those decisions of the Sub-Committee had been conveyed to the UN Sub-Committee of Experts on the Transport of Dangerous Goods (29 November to 7 December 2004) who would take them into account in the discussions in the biennium 2005-2006.

Delays and denials of shipments of class 7 radioactive material

10.3 The Committee endorsed the confirmation of the Sub-Committee that all shipments of class 7 radioactive material when in compliance with the relevant provisions of SOLAS chapter VII and that of the IMDG Code should not be denied on grounds of safety.

10.4 In the above context, the Committee noted that FAL 31 had considered issues relevant to the delay and denial of shipments of class 7 radioactive material specifically Cobalt-60/UN2916 in or through worldwide ports and had agreed that, ultimately, subject to the consideration of the matter by the DSC Sub-Committee and within the framework of the IAEA, the aim should be to develop either a communication by the Organization, possibly in the form of a FAL circular, or a joint communication by the Organization, the IAEA and the WHO, if possible. Such communication should stress benefits resulting from the use of Cobalt-60 in its various applications, and should confirm that the shipment of consignments of Cobalt-60 in accordance with the relevant provisions of SOLAS chapter VII and of the IMDG Code provide the required level of safety and should invite Governments and those concerned to facilitate its shipment in and through ports.

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

10.5 The Committee considered a submission by IBTA (MSC 80/10/1), proposing that it would be inappropriate to approve draft MSC circular on Manual on loading and unloading of solid bulk cargoes for terminal representatives, prepared by DSC 9, until such time as the Code of practice for the safe loading and unloading of bulk carriers (BLU Code) itself had been formally amended to take account of extension of the BLU Code to include grains and other amendments to it.

10.6 Following debate, the Committee decided to approve MSC/Circ.1160 on Manual on loading and unloading of solid bulk cargoes for terminal representatives and, in view of the fact that the agenda item on "Extension of the BLU Code to include grain" at DSC 10, as it stood now, was limited to the extension of the BLU Code to include grain, with the target completion date of 2006, invited IBTA, co-sponsored by like-minded Member Governments, to submit to the Committee an appropriate proposal, in accordance with the Guidelines on the organization and method of work.

Restrictions under SOLAS regulation XII/14

10.7 The Committee concurred with the opinion of the Sub-Committee that the restrictions under SOLAS regulation XII/14 should be annotated in the ship's booklet of relevant ships but should not be referenced to in the BLU Code.

Guidance on serious structural deficiencies in containers

10.8 The Committee approved CSC/Circ.134 on Guidance on serious structural deficiencies in containers.

Amendments to the Code of safe practice for cargo stowage and securing (CSS Code)

10.9 The Committee endorsed the action taken by DSC 9, whereby the Sub-Committee established a correspondence group and had instructed it to review the proposals for the draft new annex 14 and draft new annex 15, contained in document MSC 78/13/1, to determine

whether or not those proposals had concepts and/or content that merited inclusion in either the CSS Code in some manner or in some other instrument, such as a circular; and to submit a report including draft text, if any, for consideration at DSC 10.

11 TRAINING AND WATCHKEEPING

REPORT OF THE THIRTY-SIXTH SESSION OF THE SUB-COMMITTEE

General

11.1 The Committee approved, in general, the report of the thirty-sixth session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 36/17 and MSC 80/11) and took action as indicated hereunder.

Passenger ship safety

11.2 The Committee approved STCW.6/Circ.7 on Amendments to part B of the STCW Code, to provide guidance on engine-room resource management.

Training of crew in launching/recovering operations of fast rescue boats and means of rescue in adverse weather conditions

11.3 The Committee approved draft amendments to part A of the STCW Code, as set out in annex 6, regarding additional training requirements for the launching and recovery operations of fast rescue boats, and requested the Secretary-General to circulate them, in accordance with STCW article XII, for consideration with a view to adoption at MSC 81.

11.4 The Committee approved MSC/Circ.1161 on Guidance on training for fast rescue boats launch and recovery teams and boat crews.

Measures to prevent accidents with lifeboats

11.5 The Committee endorsed the views expressed and the action taken by the Sub-Committee in advising DE 48 to consider the need to amend SOLAS regulation III/19.3.3.4 when considering measures to prevent accidents with lifeboats.

Measures to enhance maritime security

11.6 The Committee recalled that, under agenda item 5 (Measures to enhance maritime security), it had approved draft amendments to the STCW Convention; part A of the STCW Code; and part B of the STCW Code related to training and certification requirements for ship security officers (see paragraphs 5.5 to 5.9).

11.7 The Committee endorsed the advice provided by the Sub-Committee on the draft revised Recommendations on the safe transport of dangerous cargoes and related activities in port areas and instructed the Secretariat to convey it to DSC 10 (see paragraphs 5.23 to 5.25).

Requirements for knowledge, skills and training for officers on wing-in ground (WIG) craft

11.8 The Committee considered the draft MSC circular on General principles and recommendations for knowledge, skills and training for officers on wing-in-ground (WIG) craft operating in both displacement and ground effect modes, prepared by the Sub-Committee.

11.9 The delegation of the United Kingdom stated that it continued to harbour the same concerns it had expressed at previous sessions of the Committee and the STW and DE Sub-Committees. Specifically, the United Kingdom did not believe that the risks associated with operating these craft had been suitably addressed, and that in the event of an accident the consequences were likely to be so severe that traditional maritime mitigation, thinking and procedures might not be feasible. The United Kingdom delegation, therefore, urged anyone considering operating one of these craft in the United Kingdom waters or under the United Kingdom flag to contact them as soon as possible, as such requests would be considered on a case-by-case basis and the criteria for acceptance might not be those which had been developed by the Organization. The United Kingdom delegation, noting that training and certification requirements for aviators were within the remit of the International Civil Aviation Organization (ICAO), felt that it would be more appropriate to develop and finalize these guidelines in co-operation with ICAO.

11.10 The delegation of the United States expressed its concerns with the development of training requirements for the qualifications of officers operating wing-in-ground craft, as they believed that the proper balance of maritime and aviation training was not achieved. In their opinion, all control and operation of these craft required “aviation”-related skills, knowledge and abilities.

11.11 A number of delegations supported the views expressed by the United Kingdom and the United States.

11.12 The delegation of the Russian Federation stated that ten years ago the IMO and ICAO had delineated their terms of reference related to marine and aviation issues and that the development of these guidelines was within the competence of IMO. They further stated that these guidelines were only recommendatory in nature and that it was up to Administrations either to accept them or not.

11.13 The delegation of Australia stated that in view of the fact that such craft are operating, there was a need to provide guidelines related to training and qualifications of officers serving on board these craft.

11.14 A number of delegations supported the views expressed by the Russian Federation and Australia.

11.15 Having noted that the Assembly, at its twenty-second session, had adopted, by resolution A.910(22), relevant amendments relating to WIG craft to the International Regulations for Preventing Collisions at Sea (COLREGS), 1972, the Committee approved MSC/Circ.1162 on General principles and recommendations for knowledge, skills and training for officers on wing-in-ground (WIG) craft operating in both displacement and ground effect modes. The Committee, further noting the concerns expressed by various delegations, also agreed to instruct the Secretariat to forward these Guidelines to ICAO for consideration and comments.

Development of competence for ratings

11.16 The Committee endorsed the Sub-Committee’s decision related to the development of competence for ratings and instructed the Secretariat to inform ILO accordingly.

11.17 The delegation of Greece expressed the view that the proposed development of competence for ratings should not create additional requirements for those ratings already certified as 'rating forming part of navigational/engineering watch' under the existing STCW regulations II/4 or III/4.

11.18 The delegation of the United Kingdom, noting that in order to facilitate the development of competence for ratings, STW 36 had established a correspondence group under the co-ordination of the United Kingdom* to continue the work intersessionally, requested that delegations interested in participating should contact the co-ordinator.

11.19 The Committee approved the Sub-Committee's decision that it was not necessary for STCW Parties to resubmit information pursuant to STCW regulation I/7, each time the Convention was amended, as this shall be deemed to be covered by the report of independent evaluation communicated to the Secretary-General pursuant to STCW regulation I/8. The Committee decided that this fulfils the obligation of STCW Parties related to STCW regulation I/7.

Training and certification of company security officers (CSOs) and port facility security officers (PFSOs)

11.20 The Committee recalled that it had dealt with guidance on training and documentation for company security officers (CSOs) under agenda item 5 (see paragraphs 5.10 to 5.12 and 5.81).

Casualty analysis

11.21 The Committee endorsed the decision of the Sub-Committee to refer results of casualty analysis of the **Other Aratere** to the DE Sub-Committee; the **Spirit of Tasmania** to the FP Sub-Committee; and the **Norwegian Dream/Ever Decent** to the NAV Sub-Committee for further consideration.

Recognition arrangements

11.22 The Committee instructed the Secretariat to post the information related to recognition arrangements received from STCW Parties on the IMO website and update it as and when any information is received by the Secretariat from STCW Parties.

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

11.23 The Committee recalled that MSC 79 had agreed that since all the Parties that met the 1 August 1998 deadline had been confirmed to be giving full and complete effect to the Convention, it was not necessary for the Secretariat to keep the Committee informed of the progress made in the preparation of reports pursuant to STCW regulation I/7, paragraph 2, unless there were any changes that required reporting (MSC 79/23, paragraph 7.4).

Secretary-General's report to the Committee

11.24 In introducing his report (MSC 80/WP.2), the Secretary-General advised the Committee that, in preparing the report required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. The report, as required by MSC/Circ.796/Rev.1, was comprised of:

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

11.25 The Committee was subsequently invited to consider the report attached to document MSC 80/WP.2 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.

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

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

11.27 The Committee confirmed that the procedures for the assessment of the information provided had been correctly followed in respect of the 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: MSC/Circs.978, 996, 1018, 1031, 1066, 1092 and 1134)

attaching a list of Parties so far found to be giving the STCW Convention full and complete effect, including those confirmed by the current session.

11.28 Having considered document MSC 80/WP.13, the Committee approved MSC/Circ.1163 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

Secretary-General's report

11.29 In introducing his report (MSC 80/WP.2/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, was comprised of:

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

11.30 The Committee was subsequently invited to consider the reports attached to document MSC 80/WP.2/Add.1 for the purpose of confirming that the information provided by the STCW Parties pursuant to STCW regulation I/8 confirmed that full and complete effect was given to the provisions of the STCW Convention.

11.31 As was the case with the Secretary-General's reports to previous sessions of the Committee, the Committee agreed to consider each Party report individually in order to:

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

11.32 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 14 STCW Parties and instructed the Secretariat to prepare a draft MSC circular in the format agreed at MSC 77 (MSC 77/26, paragraph 12.3) to promulgate the information on the outcome of the process with respect to reports on independent evaluation communicated by STCW Parties pursuant to regulation I/8.

11.33 Having considered document MSC 80/WP.15, the Committee, having agreed to minor modifications, approved MSC/Circ.1164 on Promulgation of information related to reports of independent evaluation submitted by 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 Parties are giving full and complete effect to the relevant provisions of the Convention.

APPROVAL OF COMPETENT PERSONS

11.34 The Committee approved additional competent persons nominated by Governments (MSC 80/11/1 and Add.1) and instructed the Secretariat to update MSC/Circ.797/Rev.11 accordingly and issue the updated circular as MSC/Circ.797/Rev.12.

12 FIRE PROTECTION

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

12.1 The Committee approved, in general, the report of the forty-ninth session of the Sub-Committee on Fire Protection (FP) (FP 49/17 and MSC 80/12) and took action as indicated hereunder.

Passenger ship safety

12.2 The Committee noted the outcome of the Sub-Committee on matters relating to passenger ship safety, in particular on matters regarding:

- .1 the Sub-Committee's decision on the work to be undertaken on passenger ship safety;
- .2 the development of functional requirements for issues under the Sub-Committee's purview;
- .3 the need to clarify the starting point for the 3-hour timeframe for habitability; and
- .4 the proposed modifications to the work plan on passenger ship safety, in particular for matters related to means of escape and fire prevention,

and decided to consider the above issues in detail under agenda item 4 (Passenger ship safety).

Note verbale of rectification for the FSS Code

12.3 The Committee noted that paragraph 2.1.2 of the FSS Code contained a typographical error and, having endorsed the Sub-Committee's recommendations to replace the heading of the aforementioned paragraph to "Sprinkler systems equivalent to those specified in paragraphs 2.2 to 2.5", instructed the Secretariat to issue a note verbale of rectification, which should include any consequential editorial corrections to the relevant subparagraphs.

Draft amendment to SOLAS chapter II-2

12.4 The Committee approved the draft amendment to SOLAS regulation II-2/9.4.1.3.3, set out in annex 10, and requested the Secretary-General to circulate the proposed amendment, in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 81.

Fixed water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms

12.5 The Committee approved MSC/Circ.1165 on Revised guidelines for the approval of equivalent water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms.

Draft amendments to the FSS Code

12.6 The Committee, after having modified paragraph 2.2.4.11 of the draft amendments, set out in annex 4 to document FP 49/17, approved draft amendments to chapter 5 of the International Code for Fire Safety Systems (FSS Code), set out in annex 11, and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 81.

Revision of the 2000 HSC Code and amendments to the DSC Code and the 1994 HSC Code

12.7 The Committee noted that the Sub-Committee had completed its work on matters related to the review of the 2000 HSC Code and amendments to the DSC Code and the 1994 HSC Code and forwarded the proposed amendments to the DE Sub-Committee for co-ordination purposes.

Evacuation analysis for high-speed passenger craft

12.8 The Committee approved MSC/Circ.1166 on Guidelines for a simplified evacuation analysis for high-speed passenger craft.

12.9 In this context, the Committee endorsed the Sub-Committee's recommendation to refer matters related to transport of dangerous goods on high-speed craft to DSC 10 for consideration, taking into account that DSC 10 would report the outcome of their deliberation directly to DE 49.

Review of the relevant provisions of the LHNS Guidelines

12.10 The Committee noted that the Sub-Committee had completed its work on the review of the fire protection provisions of the LHNS Guidelines (resolution A.673(16)) and forwarded the proposed revisions to the SLF Sub-Committee for co-ordination purposes.

Evacuation guidance systems

12.11 The Committee approved MSC/Circ.1167 on Functional requirements and performance standards for the assessment of evacuation guidance systems and MSC/Circ.1168 on Interim Guidelines for the testing and approval and maintenance of evacuation guidance systems alternative to the low-location lighting systems.

Unified interpretations to SOLAS chapter II-2

12.12 The Committee approved MSC/Circ.1169 on Unified interpretations to SOLAS chapter II-2.

12.13 In this context, the Committee considered a submission by IACS (MSC 80/12/2), proposing that Sub-Committee reconsider the IACS Unified Interpretation (UI) SC 174 (MSC 78/22/1, annex 9) on “A-60 front insulation of tankers”, and agreed to forward this matter to FP 50 for further consideration. In this regard, the Committee indicated that, if an amendment to SOLAS is proposed by the Sub-Committee, then an appropriate justification should be prepared in accordance with the Guidelines on organization and method of work.

Application of SOLAS regulation II-2/15

12.14 The Committee noted that an inadvertent error relating to the 1994 Amendments to regulation II-2/15, as adopted by resolution MSC.31(63), had the effect of making the requirements of SOLAS regulations II-2/15.2.10 and II-2/15.2.11 applicable to existing ships constructed on or after 1 February 1992 rather than only to ships constructed on or after 1 July 1998, as was the intention. After having discussed the procedures for rectification proposed by the Sub-Committee, the Committee agreed that the best way forward would be to approve an amendment to the aforementioned regulation at this session and issue a corresponding MSC circular to clarify the intention of the regulation adopted by resolution MSC.31(63), bearing in mind that a similar procedure had been used in the past to rectify similar errors. Consequently, the Committee instructed the drafting group established under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) to prepare an amendment to regulation II-2/15, as adopted by resolution MSC.31(63), and associated draft MSC circular, taking into account paragraph 13.11 and annex 14 of document FP 49/17, for consideration by the Committee with a view to approval.

12.15 Having considered the proposal prepared by the drafting group (MSC 80/WP.10, annex 5), the Committee approved the draft amendments to SOLAS regulation II-2/15 (Arrangements for oil fuel, lubricating oil and other flammable oils), as adopted by resolution MSC.31(63), set out in annex 12, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 81.

12.16 The Committee also approved MSC/Circ.1170 on Application of the SOLAS regulation II-2/15 for lubricating oil and other flammable oil arrangements for ships built before 1 July 1998.

Rectification of MSC/Circ.1002

12.17 The Committee considered a submission by Norway (MSC 80/12/1) proposing to amend MSC/Circ.1002 to eliminate the requirement to include a reference to the approved alternative design and arrangements in the appropriate SOLAS certificate and, having noted that FP 49 had recommended a similar course of action, instructed the Secretariat to issue a corrigendum to the circular to delete paragraph 7.4, for dissemination by means of MSC/Circ.1002/Corr.1.

12.18 Notwithstanding the above decision, the Committee agreed that a long-term solution was necessary to record the approval of alternative arrangements on the relevant SOLAS safety certificates, bearing in mind that other sub-committees were in the process of preparing amendments and guidelines to allow for such approvals, which are similar to SOLAS regulation II-2/17 (Alternative design and arrangements) and MSC/Circ.1002. The Committee, therefore, instructed the FSI Sub-Committee to consider the above matter and advise the Committee accordingly.

13 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

REPORT OF THE NINTH SESSION OF THE SUB-COMMITTEE

General

13.1 The Committee approved, in general, the report of the ninth session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) (documents COMSAR 9/19 and MSC 80/13) and took action as indicated hereunder.

Radiocommunication matters

Broadcast of tsunami and other natural disaster warnings

13.2 The Committee endorsed the Sub-Committee's action in issuing COMSAR/Circ.36 on Broadcast of warnings for tsunami and other natural disasters in line with its decision highlighted under agenda item 23 (Any other business) (see paragraphs 23.39 to 23.44).

Adoption of amendments to resolution A.801(19)

13.3 The Committee adopted resolution MSC.199(80) on Adoption of amendments to Provision of radio services for the Global Maritime Distress and Safety System (GMDSS) (resolution A.801(19)), set out in annex 13.

ITU matters

IMO liaison statements to the ITU and IEC

13.4 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to convey:

- .1 the liaison statement on Developments in maritime radiocommunication systems and technology to the ITU-R WP.8B;
- .2 the liaison statement concerning the technical characteristics of NAVTEX services and reliability predictions for MF radiocommunications in sea area A2 to the ITU-R WP.8B; and
- .3 the liaison statement addressing the issue of DSC complexity to the ITU-R WP.8B and the IEC TC 80,

for consideration.

13.5 The Committee was informed by the Secretariat that the liaison statements had already been conveyed to the ITU and IEC for consideration by appropriate bodies and the outcome should be submitted to COMSAR 10.

Joint IMO/ITU Experts Group

13.6 The Committee approved the re-establishment of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, with the agreed terms of reference, for further development of an IMO position to WRC-07, and agreed that the group should meet from 13 to 15 June 2005 at IMO Headquarters (see also paragraph 21.57.1).

Satellite services

Closure of Inmarsat-E services

13.7 Having recalled that MSC 79 had agreed that Inmarsat-E services should be closed on 1 December 2006 (MSC 79/23, paragraph 22.42), the Committee approved MSC/Circ.1171 on Closure of Inmarsat-E services by Inmarsat Ltd.

Proposed draft amendments to SOLAS chapter IV

13.8 Following the decision indicated in paragraph 13.7 above, the Committee approved the proposed draft consequential amendments to SOLAS chapter IV, set out in annex 14 and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 81.

SAR matters

Minimum communication needs of MRCCs

13.9 The Committee endorsed the Sub-Committee's action in issuing COMSAR/Circ.37 – Guidance on minimum communication needs of Maritime Rescue Co-ordination Centres (MRCCs), superseding COMSAR/Circ.18 of 11 March 1998.

Twelfth session of the ICAO/IMO Joint Working Group

13.10 The Committee approved the convening of the twelfth session of the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR, scheduled to take place in Stockholm, Sweden, from 29 August to 2 September 2005 (see also paragraph 21.57.2).

Medical assistance in SAR services

13.11 The Committee approved MSC/Circ.1172 on Identification of passenger ships, other than ro-ro passenger ships, which should benefit from being equipped with the emergency medical kit/bag (EMK).

Adoption of amendments to the IAMSAR Manual

13.12 The Committee noted that the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime SAR, at its eleventh session held from 19 to 26 September 2004, had prepared draft amendments to the IAMSAR Manual which were subsequently endorsed by COMSAR 9.

13.13 In accordance with the procedures prescribed in the Annex to resolution A.894(21) and, being advised that ICAO had already approved the proposed draft amendments to the IAMSAR Manual, the Committee adopted them for dissemination by means of MSC/Circ.1173, and decided that the adopted amendments should enter into force on 1 June 2006.

Review of the OSV Guidelines

13.14 The Committee noted that the Sub-Committee had agreed to the proposed draft revised text of section 7 (Radiocommunications) of the OSV Guidelines and had conveyed it to the SLF Sub-Committee for co-ordination purposes.

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

13.15 The Committee noted that the Sub-Committee had agreed to the draft amendments to the 2000 HSC, 1994 HSC and DSC Codes and had conveyed them to the DE Sub-Committee for co-ordination purposes.

Long-range identification and tracking of ships

13.16 The Committee took into account and considered the Sub-Committee's view on long-range identification and tracking of ships and related ship security matters under agenda item 5 (Measures to enhance maritime security) (see also paragraphs 5.14, 5.15, 5.55 to 5.70, 5.83 and 5.93 to 5.113).

13.17 In particular, the Committee noted:

- .1 as a basis for further discussion and development by the Sub-Committee and its Correspondence Group, the proposed preliminary draft amendments to the SOLAS Convention and the draft performance standards and operation of the International long-range identification and tracking system for ships; and
- .2 that a correspondence group, with the agreed terms of reference, was established to address the outstanding issues and to report back to COMSAR 10, taking into account any further instructions of the Committee (see also paragraph 5.58.2).

Recommendations on high-risk oceanic crossings by adventure craft

13.18 The Committee approved MSC/Circ.1174 on Basic safety guidance for oceanic voyages by non-regulated craft, as amended.

Performance of GMDSS operator's certificate holders

13.19 The Committee noted that a suggestion to change a new work programme item on "Performance of GMDSS operator's certificate holders" proposed by STW 36 to "Revalidation of GMDSS operator's certificate" was considered under agenda item 21 (Work programme) (see also paragraph 21.35.1).

REPORT ON THE VISIT TO THE INTERNATIONAL LIFEBOAT FEDERATION AND THE ROYAL NATIONAL LIFEBOAT INSTITUTION COLLEGE

13.20 In considering document MSC 80/13/1 (Secretariat), the Committee noted that the Secretariat had visited the International Lifeboat Federation (ILF) Headquarters at the Royal National Lifeboat Institution (RNLI) College at Poole on 21 and 22 February 2005, at the invitation of ILF. The visit was a follow-up to Secretary-General's visit to RNLI and ILF on the occasion of opening of the RNLI College in September 2004. The document provided details of the visit and also described discussions on ILF input to the International SAR fund, such as assistance in training, etc. in the East Africa SAR Project.

13.21 Being informed by the Secretary-General on new donations made to the SAR Fund just recently (i.e. US\$20,000 from AP Moller and its subsidiaries and US\$5,000 from BIMCO), the Committee instructed the Secretariat to continue in the development of the pilot project for the establishment and operation of the regional MRCC for East Africa.

ESTABLISHMENT OF TWO NEW NAVAREAS IN THE ARCTIC SEAS

13.22 The Committee considered document MSC 80/13/2 (Russian Federation), containing a proposal on the establishment of two new NAVAREAs (XVII and XVIII) in the Arctic Seas and, taking into account comments made on the issue, instructed COMSAR 10 to consider this document under the appropriate agenda item with a view for designating new NAVAREAs in the Arctic as a whole and advise MSC 81 accordingly.

13.23 In particular, the delegation of Norway appreciated the important initiative taken by the Russian Federation on the establishment of two new NAVAREAs in the Arctic Sea, off the northern coast of Russia. With large parts of Norway and Svalbard situated in the Arctic, Norway shared the interest of the Russian Federation to improve the safety of navigation in this vulnerable area.

However, for various reasons the Russian proposal as presented in document MSC 80/13/2 is problematic to Norway. Firstly, Norway is of the opinion that such a proposal should have been developed as a result of a co-ordinated effort between affected States, including issues like the geographical extent of the new NAVAREAs.

Moreover, Norway finds it unfortunate that the proposal by the Russian Federation only deals with a limited part of the Arctic Seas and leaves open questions relating to large remaining areas of the Arctic. It is of particular importance to Norway to have in place well-functioning NAVAREAs in the North-East Atlantic. For these reasons, Norway would not be able to support the Russian proposal as it stands.

Nevertheless, Norway can agree that the COMSAR Sub-Committee is tasked to consider this issue in a broader sense by considering the designation of new NAVAREAs in the Arctic as a whole.

CASUALTY INVESTIGATIONS AND REPORTS

13.24 The delegation of Singapore informed the Committee on a regrettable accident with the loss of lives which happened on one of its ships, which had been provided with assistance, due to lack of SAR co-ordination, only after 5 days being adrift. The Committee was also informed that

appropriate submissions on the issue would be submitted by Singapore to the COMSAR and FSI Sub-Committees, for consideration.

14 SHIP DESIGN AND EQUIPMENT

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

General

14.1 The Committee considered urgent matters referred to it (MSC 80/14) emanating from the forty-eighth session of the Sub-Committee (DE 48/25) and took action as indicated hereunder.

Passenger ship safety

14.2 The Committee noted the progress made by the Sub-Committee with regard to the tasks assigned to it on passenger ship safety issues, in particular concerning SOLAS carriage requirements for infant personal LSA, draft SOLAS amendments and draft guidelines regarding the approval of alternative designs and arrangements, requirements and performance standards for essential systems and services, the working definition for the damage control concept and also with regard to the starting point for the “time to remain habitable” and recalled that the above outcome of DE 48, as appropriate, had been dealt with in detail under agenda item 4 (Passenger ship safety) (see paragraphs 4.13 to 4.17).

14.3 The Committee recalled that it had agreed to delete the development of functional requirements for towing arrangements from the revised work plan on passenger ship safety, since the matter is dealt with under the Sub-Committee’s work programme item on “Mandatory emergency towing systems in ships other than tankers of not less than 20,000 dwt” (see paragraph 4.13).

LSA casualty record

14.4 The Committee noted that DE 48 had prepared amendments to the draft LSA casualty record developed by FSI 12 and that FSI 13 had taken those amendments into account when preparing the final version of the LSA casualty record as contained in MSC/Circ.953 – MEPC/Circ.372, as amended.

Shipboard towing and mooring equipment

14.5 The Committee approved MSC/Circ.1175 on Guidance on shipboard towing and mooring equipment.

Personal life-saving appliances

14.6 The Committee approved draft amendments to SOLAS regulation III/7 and to the LSA Code regarding personal life-saving appliances, set out in annexes 15 and 16, and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 81.

14.7 The Committee further adopted resolution MSC.200(80) on Amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)), set out in annex 17.

Alignment of the draft revised SOLAS chapter II-1 with chapter III

14.8 The Committee noted the action taken by the Sub-Committee regarding the alignment of the draft revised SOLAS chapter II-1 with chapter III, in particular the outcome of the Sub-Committee's consideration regarding relaxation from the life-saving requirements for passenger ships engaged on short international voyages for ships complying with the special standards of subdivision currently prescribed in SOLAS regulation II-1/6.5. As the revised SOLAS chapter II-1, adopted under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see paragraph 3.51), does not include those special standards of subdivision, the reference in SOLAS regulation III/21.1.2 to regulation II-1/6.5 and conditions on which relaxation can be granted will not be valid for ships constructed on or after the date of entry into force of the revised chapter II-1. The Committee noted that DE 48, having agreed that such relaxation should be retained and appropriate amendments to SOLAS regulation III/21.1 be developed, had decided to consider the matter further at DE 49.

14.9 In the context of the above, the Committee agreed to take into consideration, when considering, with a view to adoption, draft amendments to SOLAS chapter II-1 under agenda item 3, the Sub-Committee's view that the time period between the adoption of the draft revised SOLAS chapter II-1 and its entry into force should be sufficient for the Sub-Committee to deal with consequential amendments to SOLAS chapter III (see paragraphs 3.32 and 3.34).

Performance standards for protective coatings

14.10 The Committee noted the progress made by the Sub-Committee with regard to the development of performance standards for protective coatings for dedicated seawater ballast tanks and void spaces within double-hull spaces of double-hull bulk carriers and, in particular, its request for an expansion of the scope of the item to apply the performance standards to all ballast and void spaces on all types of ships. The DE Sub-Committee's Chairman also informed the Committee of other aspects of the issue, including the agreement of DE 48 on a coating life of 15 years.

14.11 In commenting on DE 48's work on the issue, Japan (MSC 80/14/1) requested the Committee, in particular:

- .1 to agree that methods and a scheme of verification and survey for protective coatings should be incorporated into the performance standards in order to facilitate their mandatory implementation; and
- .2 in the context of DE 48's request for an expansion of the scope of protective coating standards to also cover void spaces, to agree that performance standards for protective coating systems for seawater ballast tanks should be different from those for void spaces into which seawater normally does not enter and that consequential amendments to SOLAS should be prepared if the expansion of the scope is agreed.

14.12 In the ensuing discussion, two main bodies of opinion emerged:

- .1 some delegations maintained that the implications of an expansion of the scope of the item to cover all void spaces on all type of ships had not been properly evaluated. An expansion of the scope should only be considered at a later stage, after the cost effectiveness of an expansion had been established. They were also

of the view that the draft performance standard, as currently considered by the DE Sub-Committee, were too onerous and difficult to implement; and

- .2 other delegations supported the Sub-Committee's recommendation, stating that void spaces should not be ignored. In this regard, some delegations advocated that different kinds of spaces could have different coating performance standards, while others expressed the view that all void spaces should be coated to the same standard. However, the general view was that the Correspondence Group on Performance Standards for Coatings should consider the Japanese proposals in document MSC 80/14/1.

14.13 Following discussion, the Committee agreed to the expansion of the scope of the item as suggested by DE 48 and further instructed the DE Sub-Committee and its correspondence group on the subject:

- .1 to consider incorporating in the performance standards methods and a scheme of verification and survey for protective coatings;
- .2 to take into account that performance standards for protective coating systems for seawater ballast tanks should be different from those for void spaces into which seawater normally does not enter; and
- .3 to consider developing consequential amendments to SOLAS, as appropriate.

Interpretations to SOLAS chapter II-1 and XII

14.14 The Committee approved MSC/Circ.1176 on Interpretations of SOLAS chapters II-1 and XII, which also included, as approved at this session, interpretations considered by MSC 79 but referred back to DE 48 for re-consideration and submission to this session of the Committee.

Interpretations to the 2000 HSC Code

14.15 The Committee approved MSC/Circ.1177 on Unified interpretation of the 2000 HSC Code.

15 FLAG STATE IMPLEMENTATION

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

General

15.1 The Committee considered urgent matters referred to it (MSC 80/15 and Corr.1) by the thirteenth session of the Sub-Committee (FSI 13/23 and Corr.1) and took action as indicated hereunder.

IMO Global Integrated Shipping Information System (GISIS)

15.2 Having received from the Secretariat an update on the relevant outcome of FSI 13 and, in particular, that a circular letter was being prepared containing a user's manual describing the structure and capabilities of GISIS, the Committee noted that the GISIS modules on recognized organizations (ROs), on the condition assessment scheme (CAS), and on casualties had become available on the IMO website, and agreed to consider the matter further at MSC 81.

15.3 In this context, the Committee encouraged Member Governments to make ample use of the electronic data exchange and reporting facilities available through GISIS.

Study on incidents of explosions on chemical and product carriers

15.4 Having recalled that FSI 13 had been informed of the activities of the Inter-Industry Working Group (IIWG) established to study the reported incidents of explosions on chemical and product carriers, the Committee received updated information from ICS concerning the work of the IIWG and, in particular, on its work programme, as follows:

- .1 the analysis and collation of incident data resulting in the identification of 33 incidents that could warrant further detailed consideration;
- .2 the review of IMO regulations contained in the SOLAS Convention and the IBC Code relating to the use of inert gas and looking at the potential application of inert gas to further types of ships and tonnage groups, as well as at the various gas options (flue gas, nitrogen, etc.);
- .3 the identification of any inconsistencies within existing industry guidelines and regulations; and
- .4 the consideration of the effect that human factors may have had on such incidents.

15.5 The Committee also recalled that, in July 2004, the Secretariat had invited relevant flag States to provide information on the findings of the investigations into the following related casualties:

- .1 **NCC Mekka** (Norway) on 4 June 2004, off Brazil;
- .2 **Bow Mariner** (Singapore) on 28 February 2004, off the United States;
- .3 **Panam Serena** (Bahamas) on 1 January 2004, off Italy;
- .4 **Sun Venus** (Panama) on 24 December 2003, off Japan;
- .5 **Chassiron** (France) on 12 June 2003, off France; and
- .6 **Emilia Theresa** (United Kingdom, Isle of Man) on 17 January 2001, off Brazil;

and that, to date, only the report of the investigation into the **Chassiron** had been received for analysis by the FSI Correspondence Group on Casualty Analysis.

15.6 The Committee strongly urged the other flag States to provide IMO and, through the Secretariat, the IIWG, with the outstanding reports on the investigation into the casualties listed in paragraph 15.5 above and Member States, in general, to respond positively to the requests for related casualty investigation findings that they may receive from the IIWG.

15.7 Furthermore, the Committee invited the IIWG, after receipt of as many flag State reports as available into the six above-mentioned casualties and any other relevant reports (for example, from the coastal States concerned), and having carried out its analysis thereof, to submit its interim report to FP 50, STW 37, DE 49 and BLG 10, under their relevant continuous work programme items related to the analysis of casualties.

15.8 In this context, the Committee instructed the above-mentioned Sub-Committees to submit their consequent comments on the IIWG's interim report to MSC 81.

Accidents with lifeboats

15.9 In concurring with FSI 13, which had considered that the rate of accidents involving on-load release mechanisms indicated that work should be carried out by the appropriate IMO body regarding the design requirements of such equipment, including the tests required before the equipment is approved for carriage by ships, the Committee agreed to forward to DE 49 the proposed safety recommendation on lifeboats, as well as extracts from casualty analyses relating to lifeboats, for its consideration.

Reports on marine casualties and incidents

15.10 The Committee approved, subject to MEPC's concurrent decision, a draft MSC/MEPC circular on Reports on marine casualties and incidents, superseding MSC/Circ.953 - MEPC/Circ.372, as set out in annex 5 to document FSI 13/23, having instructed the Secretariat to add a reference in that circular to the internet address of the GISIS module on casualties.

15.11 Furthermore, the Committee, having noted that the revised reporting format contained in the aforementioned draft circular corresponded to the entries in the GISIS module on casualties, invited Member States (when using the revised reporting format, preferably through GISIS), as well as the Sub-Committees, to keep the format and the related GISIS module under review and to provide the FSI Sub-Committee with any proposed amendments, when appropriate.

Code for the investigation of marine casualties and incidents

15.12 The Committee noted that FSI 13 had expressed overwhelming support for the idea of making the Code for the investigation of marine casualties and incidents mandatory, whether in full or in part, on the understanding that the Code should first be revised.

15.13 On the possible ways of making the Code legally binding, the Committee also noted that the Sub-Committee had expressed a general preference towards proceeding with the introduction of a new regulation in SOLAS chapter XI-1, without prejudice, however, to further consideration of alternative options, such as developing a new SOLAS chapter XIII, amending existing SOLAS regulation I/21 by explicit acceptance or developing a new Convention on the subject.

15.14 On the same issues, the Committee considered document MSC 80/15/1 (New Zealand), containing a proposal relating to the clarification of timelines for the mandatory entry into force of the Code for the investigation of marine casualties and incidents.

15.15 Having concurred with the views contained in document MSC 80/15/1 and the establishment by FSI 13 of the Correspondence Group on the Review of the Code for the Investigation of Marine Casualties and Incidents, which had been instructed to consider all the aspects of the revision of the Code, including the review of any impediments to the implementation of a mandatory code, and whether parts of the Code should be non-mandatory, the Committee instructed the Sub-Committee to:

- .1 develop a draft revised Code;
- .2 on completion, determine whether the revised Code itself or parts thereof should be made mandatory; and
- .2 provide recommendations as to how such a revised code should be made mandatory, in full or in part.

ISM Code-related matters

15.16 The Committee recalled that, following its decision that an assessment should be undertaken of the impact of the ISM Code, the Secretary-General had established an Independent Group of Experts on the ISM Code and that FSI 13, having been instructed by MSC 78 and MEPC 52 to commence the revision of the Revised Guidelines on implementation of the ISM Code by Administrations (resolution A.913(22)), had considered a submission by IACS, proposing, instead, a revision of the ISM Code itself.

15.17 In this context, the Committee concurred with the Sub-Committee's decision to defer further consideration of the proposals concerning the revision of resolution A.913(22), taking into account the expected outcome of the Independent Group of Experts established by the Secretary-General.

15.18 Concerning the proposal by IACS to revise the ISM Code itself, the Committee noted that FSI 13 had invited interested Member States to co-sponsor the proposal to the Committees, while recommending that such work, if approved, be conducted under the Sub-Committee's continuous work programme item on "Responsibilities of Governments and measures to encourage flag State compliance".

Interpretation of the term "any five-year period"

15.19 The Committee recalled that, with regard to the term "any five-year period", FSI 13 had reiterated its position at FSI 11 where it had agreed that it would not be appropriate to amend MSC/Circ.1051 and resolution A.744(18); that regulation 10(a)(v) of chapter I of the 1988 SOLAS Protocol should be amended to be in line with the provisions of resolution A.744(18) and MSC/Circ.1051; and that there was no need to amend the 1988 Load Lines Protocol. FSI 13 did not, therefore, support a further proposal by India to amend the Survey Guidelines under the harmonized system of survey and certification (resolution A.948(23)).

15.20 Having concurred with the aforementioned decisions of FSI 13, the Committee approved the following draft amendment to the 1988 SOLAS Protocol, as prepared by FSI 11, with a view to adoption at MSC 81:

“a minimum of two inspections of the outside of the ship’s bottom during the five-year period of validity of the Cargo Ship Safety Construction Certificate or the Cargo Ship Safety Certificate, except where regulation 14(e) or (f) is applicable. Where regulation 14(e) or (f) is applicable, this five-year period may be extended to coincide with the extended period of validity of the certificate. In all cases the interval between any two such inspections shall not exceed 36 months;”

and requested the Secretary-General to circulate the proposed draft amendment in accordance with SOLAS article VIII and article VI of the 1988 SOLAS Protocol.

15.21 In view of the above decision, the Committee agreed to the proposal of the Sub-Committee concerning the deletion of the square brackets around paragraph 2.2.1 of the proposed amendments to Annex B of the Guidelines on the enhanced programme of inspections of bulk carriers and oil tankers (resolution A.744(18)) (see also paragraph 3.45).

Pre-planning of dry-dock survey

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

Survey Guidelines under the HSSC for MARPOL Annex VI

15.23 The Committee, having recalled that FSI 13 had agreed to draft amendments to resolution A.948(23) in relation to Survey Guidelines under the HSSC for MARPOL Annex VI, which entered into force on 19 May 2005, and to the associated draft MEPC resolution for submission to MEPC 53 for adoption, instructed an informal group of experts to consider any safety aspects of the proposed draft amendments. Having considered the report of that group (MSC 80/WP.16), which had examined, in particular, the sections of the draft Guidelines referring to the survey of volatile organic compounds vapour emission control systems and shipboard incinerators, the Committee was satisfied with the safety aspects of the draft Guidelines contained in annex 11 to document FSI 13/23, and instructed the Secretariat to inform MEPC 53 accordingly.

Illegal, unregulated, unreported (IUU) fishing and implementation of resolution A.925(22)

15.24 Regarding the convening of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, the Committee endorsed the Sub-Committee’s instructions to the Secretariat to progress, in co-operation with the FAO Secretariat and in accordance with the Secretariat’s oral briefing on the proposed schedule, the preparatory work for such a meeting to take place in July 2006.

15.25 The Committee noted with satisfaction that FSI 13 had received information on the reported endorsement of the Code of Safety for Fishermen and Fishing Vessels, 2005 and the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005 by the FAO Committee on Fisheries (COFI) and on the progress being made by Member States towards the ratification of the Torremolinos Protocol and the STCW-F Convention, and had welcomed the proposal by IUMI to provide IMO and FAO with data on casualties to fishing vessels.

Recommended conditions for extending the period of validity of a certificate

15.26 In relation to the consideration of the interpretation of SOLAS regulation I/14(e), the Committee approved, subject to MEPC's concurrent decision, a draft MSC/MEPC circular on Recommended conditions for extending the period of validity of a certificate, as set out in annex 12 to document FSI 13/23.

15.27 Having endorsed FSI 13's decision that the recommended conditions for extending the period of validity of a certificate should also be considered for inclusion as a new sub-section 5.9 in section 5 of the Revised Survey Guidelines under the HSSC (resolution A.948(23)), the Committee instructed FSI 14 to prepare relevant amendments to resolution A.948(23), for submission to MSC 82 and MEPC 55 for adoption.

Transfer of class-related matters

15.28 The Committee supported FSI 13's decision that the Guidelines for the Administration to apply to ensure the adequacy of transfer of class-related matters between ROs should be compatible with the IACS' Transfer of class (TOCA) agreement, and that the new provisions should also cover the requirements currently applied concerning transfers from a non-IACS society to an IACS society. The Committee accordingly approved, subject to MEPC's concurrent decision, a draft MSC/MEPC circular, as set out in annex 13 to document FSI 13/23, with the following new title:

“Guidelines for Administrations to ensure the adequacy of transfer of class-related matters between recognized organizations (ROs)”

and with the addition of the following text at the end of the definition of “Class-related matters” shown in the annex to the circular:

“or with applicable national standards of the Administration which provide an equivalent level of safety.”

Maritime security-related matters

15.29 The Committee recalled that the actions relating to the Sub-Committee's views, recommendations and decisions concerning security checks and its consideration of measures to enhance maritime security had been dealt with under agenda item 5 (Measures to enhance maritime security) (see paragraphs 5.19, 5.20, 5.26 to 5.28 and 5.84).

Date of completion of the survey and verification on which the certificates are based

15.30 The Committee supported FSI 13's rationale concerning its consideration of the IACS Unified Interpretations set out in annexes 4 (LL67), 5 (MPC10) and 17 (SC183) to document MSC 78/22/1 – on the endorsement of certificates with the date of completion of the survey on which they are based (MSC/Circ.1012-MEPC/Circ.384) – together with the related amendments to mandatory and non-mandatory IMO instruments adopted by MSC 79 and MEPC 52. The Committee accordingly approved, subject to MEPC's concurrent decision, a draft MSC/MEPC circular on Interpretations of the date of completion of the survey and verification on which the certificates are based, as set out in annex 14 to document FSI 13/23.

16 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

DEVELOPMENTS CONCERNING TECHNICAL CO-OPERATION ACTIVITIES

General

16.1 The Committee noted the information provided in annexes 1 and 2 to document MSC 80/16 on the safety-, security- and facilitation-related activities executed in late 2004 and those executed and planned for 2005 under the Integrated Technical Co-operation Programme (ITCP), including several regional train-the-trainer courses, aimed exclusively at enhancing maritime security, that had benefited from considerable in-kind support from Member States and other UN agencies, in the form of instructors provided at minimal cost to the Organization.

16.2 The Committee urged Governments and industry to contribute generously to the ITCP and requested the Secretariat to continue providing it with updated information on its activities.

Global Workshop on flag State implementation

16.3 The Committee also noted that, as previously announced (MSC 79/23, paragraph 13.3), an International Workshop on Flag State Implementation was held at IMO Headquarters, from 2 to 4 March 2005, with financing from the United Kingdom in the context of its MoU with IMO on technical assistance. The workshop, which was attended by 39 participants from 31 countries, was considered to have been a success and participants congratulated the Organization on its initiative in organizing such a workshop ahead of the FSI 13 meeting.

16.4 The Committee took note of the summary report of the workshop (MSC 80/INF.11, annex) and instructed the Secretariat to bring it to the attention of TCC 55 since it highlighted a number of areas requiring follow-up action or assistance by the Organization. In this context, the Committee noted, in particular, paragraph 14 of the report concerning the need for IMO to consider developing guidance on:

- .1 the extension of maritime security procedures to non-Convention vessels and fishing vessels (resolution 7 of the 2002 SOLAS Conference refers);
- .2 the application by flag States of safe manning requirements; and
- .3 ways to ensure that seafarers' rights are safeguarded in the context of the implementation of the ISPS Code.

Support to Yemen

16.5 The Committee noted further that, as previously announced (MSC 79/23, paragraph 13.4) and reported in document MSC 80/INF.13, a high-level Sub-regional Seminar on Piracy and Armed Robbery Against Ships and Maritime Security was held in Sana'a, Yemen, from 9 to 13 April 2005 for the benefit of Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Oman, Saudi Arabia, Somalia, Sudan and Yemen.

FUTURE OF THE WORKSHOPS FOR PSC MoU/AGREEMENT SECRETARIES AND DIRECTORS OF INFORMATION CENTRES

16.6 The Committee recalled that MSC 79 had referred consideration of the future of the IMO Workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres to FSI 13 (MSC 79/23, paragraphs 13.16 to 13.21) and noted that, as reflected in document MSC 80/16/Add.1, the Sub-Committee had examined the recommendations of the third IMO Workshop, held in June 2004, and had instructed the Secretariat to prepare, for FSI 14, an analytical paper on the future of the global PSC workshops.

16.7 The Committee also noted that the FSI Sub-Committee had acknowledged that the workshops were carrying out important work in support of global harmonization and co-ordination, in facilitating a technical exchange of views and experiences, and in building capacity among the emerging PSC regimes. The Sub-Committee had nonetheless considered it necessary to clarify their terms of reference and their linkage to a future FSI working group on PSC matters, which the Sub-Committee had provisionally agreed to establish at FSI 14 to examine the large volume of technical and policy recommendations and data on PSC that is regularly submitted to its sessions. The Sub-Committee had further recognized that it was essential to avoid duplication of effort by the workshops and its future PSC group, or work by the workshops that was independent from the Sub-Committee's. To that end, the Sub-Committee needed to define its own PSC strategies, as well as the funding limitations for, and the level of participation in, the workshops. The Secretariat had accordingly been instructed to submit an appropriate analysis in the paper to FSI 14, for further consideration of the future of the global PSC workshops, together with draft terms of reference for the envisaged Working Group on Port State Control.

16.8 On this issue, the delegation of Japan was of the opinion that, if the financial situation permitted, the IMO workshops should continue to be organized once every two years with the same objectives (i.e. the collection of information on the activities of IMO and the exchange of technical views and experience supporting the harmonization of PSC activities) and they should continue to be attended by the Secretariats of the PSC regimes. Alternatively, if due to financial limitations the PSC workshops were to be discontinued, their objectives could be partly fulfilled by giving the Secretariats of the PSC regimes the right to attend IMO meetings under consultative status; increased attendance of those Secretariats at the Committee meetings of other PSC regimes; or the hosting of interregional meetings by the PSC regimes themselves.

16.9 In view of the Sub-Committee's decisions on the prospective analytical paper from the Secretariat, the Committee requested FSI 14 to report to MSC 82 on its further consideration of the matter and, having noted the views expressed by the delegation of Japan, invited it to present them in a relevant submission to FSI 14.

IMO MODEL COURSE PROGRAMME

16.10 The Committee noted the information on the progress made under the IMO model course programme (MSC 80/16/1), including their translation into French and Spanish, and requested the Secretariat to keep it informed of further developments.

17 PIRACY AND ARMED ROBBERY AGAINST SHIPS

STATISTICAL INFORMATION

17.1 The Committee recalled that, since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships have been circulated under the MSC.4/Circ. series, the annual report for the calendar year 2004 having been issued under the symbol MSC.4/Circ.64.

17.2 The Committee also recalled that, since June 2001 and in accordance with the instruction of MSC 74, the MSC circulars reporting on acts of piracy and armed robbery against ships differentiated (in separate annexes) between acts of piracy and armed robbery actually “committed” and “attempted” ones.

17.3 In considering document MSC 80/17 (Secretariat), the Committee noted that the number of acts of piracy and armed robbery against ships, which were reported to the Organization to have occurred or to have been attempted in 2004, was 330, a decrease of 130 (27%) over the figure for 2003. The total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of March 2005, was 3,787.

17.4 The Committee observed that although this 27% annual decrease in the reported acts of piracy and armed robbery against ships was encouraging, the fact that the annual report indicated an increase in the violence of the attacks, was not. The incidence of such acts remained a cause for serious concern and, therefore, as emphasized at previous sessions of the Committee, much more still needed to be done to reduce this menace. It was still too soon to quantify the effect that the implementation of SOLAS chapter XI-2 and the ISPS Code had in reducing the number of piracy and armed robbery cases.

17.5 The Committee noted that, from the reports received, it had emerged that the most affected areas in 2004 (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, West Africa, South America (Pacific and Atlantic) and the Caribbean, the Indian Ocean and East Africa; and that detailed statistical information was provided in MSC.4/Circ.64. The Committee further noted that most of the attacks worldwide had occurred or had been attempted in territorial waters while the ships were at anchor or berthed.

17.6 The Committee expressed concern that in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. It was noted that during 2004, the number of crew members and passengers reportedly killed rose from 13 to 30; the number of injured rose from 45 to 87, and at least a hundred and forty (140) crew members and passengers were taken hostage and/or were missing, out of whom forty three (43) were still unaccounted for (from 54 in 2003). Nine ships (9) were hijacked and three lost.

17.7 The Committee observed that although, since the 11 September 2001 attacks, emphasis had been placed on the enhancement of maritime security, piracy and armed robbery against ships continued to trouble seafarers and the shipping industry. 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, SOLAS 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 maritime security regime and in particular, since most of the attacks continued to occur in territorial waters, of the effectiveness of States in discharging their obligations under SOLAS regulation XI-2/7 (Threats to ships). The

Committee urged, once again, all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

17.8 Noting that since 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, the Committee reiterated the urgent need for all Governments to provide the Organization with the information requested. The Committee agreed that it was only with this information that the Organization would be able to assess if the correct actions were being taken, or if more needed to be done.

INITIATIVES TO COUNTER PIRACY AND ARMED ROBBERY AT SEA

17.9 In considering document MSC 80/17/1 (United Kingdom), the Committee noted that the United Kingdom had developed, and was now taking forward, a pro-active package of measures to both strengthen the security of its merchant fleet and to provide support, in terms of advice and capacity building to foreign nations which had a serious problem and where such assistance was sought. The Committee noted that the aim was to tackle the problem at its root cause and that international co-operation is required to maximize the impact of this initiative.

17.10 The delegations of Japan and Singapore expressed their support for the multilateral approach proposed by the United Kingdom to countering piracy and armed robbery, particularly with respect to the Malacca and Singapore Straits. The delegation of Japan, in referring to the multiple initiatives on piracy and armed robbery in the Asia Pacific Region, drew the attention of the Committee, in particular, to the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against ships in Asia (RECAAP), which had been concluded in November 2004 by 16 countries in Asia. The delegation of Singapore encouraged Member States to support the IMO meeting on the Straits to be held in Jakarta in September 2005; drew the Committee's attention to the role of the RECAAP Information Sharing Centre (ISC) in facilitating the sharing of piracy-related information; and encouraged support for RECAAP initiatives including planned capacity-building programmes.

17.11 The observers from ICS and ICFTU both welcomed the United Kingdom's proposals, noting with concern the increasing ferocity of acts of piracy and armed robbery. The observer from ICS noted with concern, the number of reported incidents, as contained in the Organization's monthly reports, where it appeared that no action had been taken following the incident. The observer from ISAF noted the increasing number of attacks against pleasure craft recorded.

17.12 The delegation of Nigeria, in welcoming the United Kingdom's proposals, suggested that regional co-ordination by coastguards could reduce the incidence of piracy and armed robbery against ships, drew attention to the project to establish a regional integrated coastguard network under the auspices of MOWCA and requested support for this initiative.

17.13 The Committee agreed to encourage Administrations and port and coastal States to develop, or review and update, their national strategies for tackling piracy and armed robbery against ships and in particular, to consider whether bi- or multilateral agreements, designed to reduce the incidence of piracy and armed robbery, are viable. The Committee further agreed to encourage Member States to report the outcome of this consideration to the Committee to enable international co-ordination through the Organization.

17.14 The Committee recalled that during the ninety-second session of the Council the Secretary-General had taken the opportunity to emphasize the need not only for the Organization to continue to contribute to worldwide efforts to enhance security and thus prevent heavy loss of life and catastrophic pollution of the marine environment resulting from a terrorist attack against shipping, but also the importance of ensuring that shipping lanes, particularly those of strategic significance and importance, were kept open under all circumstances; and recalled further that the Council had shared the Secretary-General's concern, requesting that work should continue on the issue in collaboration with all parties concerned. In addition, the Council, during its ninety-third session, considered the matter further and decided that the Organization had and could play a role in the protection of vital shipping lanes and reiterated its encouragement to the Secretary-General to continue his work relating to the issue and to report to the Council as appropriate.

17.15 In considering document MSC 80/INF.13 (Secretariat), the Committee noted that, at the request of the Government of Yemen, a Sub-regional seminar on piracy and armed robbery against ships and maritime security, had been held in Sana'a, Republic of Yemen, from 9 to 13 April 2005 at which ten States from the Red Sea and Gulf of Aden sub-region had been represented.

17.16 The Committee noted that the seminar had been highly successful and that the atmosphere throughout the seminar had been one of a commitment to take active measures to increase co-operation in the region to counter piracy and increase security. A strong resolution giving statements of intent by all of the States represented at the seminar had been issued. The Committee thanked the Government of Yemen for agreeing to host the seminar.

17.17 The delegation of Yemen, in thanking the Organization, donor States and participating States for supporting the seminar, drew the Committee's attention to five of the twenty-two action points detailed in the Seminar resolution 1. These referred to the need for international co-operation to bring stability to Somalia; in the short term, for enhanced resources for combating piracy and armed robbery; for enhancing the capacity of coastal States to combat piracy and armed robbery through the provision of suitable vessels; for the establishment of a regional maritime information centre; and for seeking the response on humanitarian grounds and consistent with UNCLOS, of military and other ships in the area to respond to security or distress alerts whilst in the region.

17.18 The Committee noted that a full report on the Yemen Seminar would be presented to MSC 81 along with a progress report on the implementation of the resolutions passed by the seminar.

17.19 The Committee further noted that the Secretariat, supported by the Government of Denmark, had also undertaken a mission to Bangladesh during April 2005, which had included participation in the national Seminar/Workshop on the ISPS Code, held in Chittagong from 4 to 8 April 2005, and a series of meetings with the Secretary, Ministry of Shipping and other senior officials of the national maritime administration in Dhaka. It was evident that Bangladesh was aware of an armed robbery against ships problem in its coastal waters and that efforts were under way to tackle the problem effectively.

18 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

STATUS OF SAFETY- AND SECURITY-RELATED CONVENTIONS, PROTOCOLS AND AMENDMENTS THERETO

Implementation of instruments

18.1 The Committee noted information on the status of acceptance, as at 31 March 2005, of safety-related conventions, protocols and amendments thereto (MSC 80/18 and MSC 80/INF.12) and was advised orally by the Secretariat of additional information on instruments of ratification, acceptance, approval of, or accession to, safety-related IMO conventions and protocols deposited with the Secretary-General received on or after the date the above documents were prepared.

Implementation of codes, recommendations, guidelines and other safety-related non-mandatory instruments

18.2 The Committee noted that, as instructed by MSC 79, the Secretariat had issued MSC/Circ.1150, encouraging Member States to provide information on the status of implementation of codes, recommendations, guidelines and other safety-related non-mandatory instruments. In this connection, the Committee recalled its instruction to the Secretariat, at MSC 79, to keep it duly informed about the status of such instruments, given a sufficiently large response from Members. Noting that only two submissions had been received by the Secretariat since the issuance of the above referred circular, the Committee invited Member Governments to provide information on the status of implementation of codes, recommendations, guidelines and other safety related non-mandatory instruments, as requested by MSC/Circ.1150.

REVISED SOLAS CHAPTER XII ADOPTED AT MSC 79

18.3 The Committee recalled that MSC 79 in December 2004 adopted amendments to the SOLAS Convention by resolution MSC.170(79), including a completely revised text for chapter XII (Additional safety measures for bulk carriers). During consideration of the amendments, MSC 79 agreed on the inclusion of a new paragraph 5 in regulation 6 (Structural and other requirements for bulk carriers) to address side shell failure in bulk carriers, following a proposal by the United Kingdom. The amendments are expected to enter into force on 1 July 2006.

18.4 The Committee had for its consideration the following documents, commenting on certain provisions of the revised SOLAS chapter XII as adopted at MSC 79:

- .1 document MSC 80/18/1 (BIMCO, ICS, INTERCARGO), requesting the development of an MSC circular by DE 49 to provide an authoritative interpretation to new SOLAS regulation XII/6.5;
- .2 documents MSC 80/18/2 (IACS) and MSC 80/18/3 (Republic of Korea), presenting interpretations to new SOLAS regulation XII/6.5 for the consideration of the Committee;
- .3 document MSC 80/18/4 (IACS), requesting a clarification for the application of new SOLAS regulations XII/4.2 and XII/5.1 to certain types of bulk carriers;

- .4 document MSC 80/18/5 (BIMCO, ICS, INTERCARGO), commenting on the interpretations to new SOLAS regulation XII/6.5 proposed by IACS in document MSC 80/18/2;
- .5 document MSC 80/18/6 (Greece), commenting on document MSC 80/18/4 by IACS and considering the development of a limited in scope clarification to be inappropriate; and
- .6 document MSC 80/18/7 (Greece), commenting on the interpretations to new SOLAS regulation XII/6.5, proposed by IACS in document MSC 80/18/2 and requesting that IACS develop relevant unified interpretations.

SOLAS regulation XII/6.5

18.5 The Committee had a lengthy discussion which addressed a wide range of possible methods of demonstrating compliance with the regulation. Given the timing, ship designers and builders need clarification in good time to allow ship designs to be developed prior to the entry into force of the regulation. It was noted that much work had been already undertaken in this regard by IACS and by other Member Governments submitting document on the issue and that the principles outlined in documents MSC 80/18/2 (IACS), MSC 80/8/7 (Greece) and MSC 80/18/5 (BIMCO, ICS, INTERCARGO) provide the necessary clarification.

18.6 In this context, the delegation of the United Kingdom, in their intervention, suggested that the Committee agree to policy instructions for DE 49 to develop the interpretations regarding regulations 6.5.1, 6.5.2 and 6.5.3 and invite the interested delegations to submit comments and proposals based on such policy instructions to DE 49.

18.7 In the course of the discussion, a view was expressed that, pending the approval of the interpretations, Administrations should apply their own interpretations. This view caused concern among other delegations which were of the opinion that it should be uniform interpretations developed by the Organization that would assist the Administrations in implementing the relevant requirements of the Convention.

18.8 The delegation of Panama, referring to the importance of providing ship designers with the interpretations in good time before the revised SOLAS chapter XII enters into force, proposed that an intersessional meeting of the working group should be held to develop the interpretations and that an extraordinary session of the Committee should be held, simultaneously with the twenty-fourth session of the Assembly, to consider and approve the interpretations. It was noted that, in accordance with Rules of procedure, this would require 15 Member States to request the Secretary-General to convene such a session and make necessary arrangements, subject to the approval of the Council.

18.9 Having debated the above issues, the Committee established an *ad hoc* group instructing it to prepare the appropriate terms of reference for the work on the development of the interpretation of the SOLAS regulation XII/6.5 (see paragraphs 18.13 and 18.14).

SOLAS regulations XII/4.2 and XII/5.2

18.10 The Committee briefly discussed document MSC 80/18/4 (IACS), proposing that a clarification for application of SOLAS regulations XII/4.2 and XII/5.2 should be developed, and document MSC 80/18/6 (Greece), commenting on the proposal by IACS and agreed, in general, that such a clarification is necessary. Subsequently, the Committee decided to request the

aforementioned *ad hoc* group, when preparing the terms of reference referred to in paragraph 18.9 above, to prepare appropriate terms of reference regarding the development of interpretations for regulations XII/4.2 and XII/5.2.

Report of the *ad hoc* group

18.11 Having received the report of the *ad hoc* group (MSC 80/WP.18), the Committee took action as indicated hereunder.

Unified interpretation of SOLAS regulations XII/4.2 and XII/5.2

18.12 The Committee briefly discussed a draft MSC circular on Unified interpretations of SOLAS regulations XII/4.2 and XII/5.2 which had been prepared by the *ad hoc* group (MSC 80/WP.18, annex). There was general agreement in the Committee that the draft circular addressed the concerns expressed in the submissions to this session and in the plenary discussions with regard to the provisions of regulations XII/4.2 and XII/5.2. Consequently, the Committee approved MSC/Circ.1178 on Unified interpretations of SOLAS regulations XII/4.2 and XII/5.2.

Matters related to SOLAS regulation XII/6.5

18.13 After discussion, the Committee agreed to establish an intersessional working group, to meet on 12 and 13 September 2005, in order to prepare a unified interpretation of SOLAS regulations XII/6.5.1 and 6.5.3. It was further agreed, that the group should report the outcome of its work to Committee 2 (Technical Committee) of the Assembly, at its twenty-fourth session, for consideration with a view to approval of the unified interpretation of the regulations.

18.14 The Committee agreed to the following terms of reference for the intersessional working group:

The intersessional working group is instructed to prepare a unified interpretation of SOLAS regulations XII/6.5.1 and 6.5.3, on the basis of the discussion of the Committee at MSC 80, recognizing that:

- .1 regarding regulation XII/6.5.1, protection of the structure of the cargo holds can be achieved by structural design features such as mandatory application of “Grab Notation” for bulk carriers together with additional protection of hatchways and coamings from grab wire damage. Additional structural design features to facilitate cargo friendliness may also be the subject of guidelines by industry organizations and classification societies; and
- .2 regarding regulation XII/6.5.3:
 - .2.1 the term “single failure of one stiffening structural member” is generally considered to mean localized mechanical damage such as local permanent deformation, cracking or weld failure that might result from accidental damage within the cargo hold; and

- .2.2 that the intent of the regulation regarding the external hull envelope within the cargo area is addressed through the structural design requirements that meet the environmental and operational loads defined in the relevant IACS requirements, and to submit a report to Committee 2 (Technical Committee) of the Assembly at its twenty-fourth session, for consideration and action as appropriate.

19 RELATIONS WITH OTHER ORGANIZATIONS

Applications for Consultative Status

19.1 In considering MSC 80/19 (Secretariat), the Committee recalled that MSC 79 was advised that applications for consultative status of the International Towing Tank Conference (ITTC) and the International Association of Airport and Seaport Police (IAASP) would be considered at MSC 80 when the additional information requested by C 93 had been submitted (MSC 79/2/1 Add.1).

19.2 The Committee also noted the decisions of the Council, as specified in document MSC 80/19, with respect to the applications of the International Towing Tank Conference (ITTC) and the International Association of Airport and Seaport Police (IAASP).

19.3 Having considered the application of IAASP, including the additional information provided, and being informed that the application still did not meet the specific requirements of the Council (C 93/D, paragraph 17(c).3), the Committee decided to defer consideration of the matter until MSC 81.

19.4 Having similarly considered the application of ITTC, the Committee was satisfied with the additional information provided and decided to recommend to the Council that consultative status be granted to ITTC, 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.

20 APPLICATION OF THE COMMITTEE'S GUIDELINES

GENERAL

20.1 The Committee was advised that, as scheduled (MSC 79/23, paragraph 19.8), a meeting of the Chairmen of the Committees and sub-committees had been held on Saturday, 14 May 2005, and that the report thereof was contained in document MSC 80/WP.3.

20.2 In this regard, the Committee noted that the issues set out in document MSC 80/20, and others, had been addressed in detail by the Chairmen's meeting and accordingly decided to use the report of that meeting as the baseline for its discussions under this agenda item.

ISSUES PENDING FROM THE 2002 AND 2004 CHAIRMEN'S MEETINGS

20.3 The Committee recalled that the issues left unresolved by the 2002 Chairmen's meeting (MSC 78/23/1) had been examined by the 2004 Chairmen's meeting and that the recommendations thereof (MSC 78/WP.9, paragraphs 18 to 22) had been considered further by the 2005 Chairmen's meeting (MSC 80/WP.3, paragraphs 4 to 20) under four broad headings entitled: improving the efficiency of meetings; control of new work programme items;

documentation; and workload management (which was considered with related matters – see paragraphs 20.17 to 20.20). On these issues the Committee decided as follows.

Improving the efficiency of meetings

20.4 The Committee agreed that working groups could start work on Monday mornings on the basis of the draft terms of reference presented by the Chairman of the committee or sub-committee concerned, pending formal discussion of those terms of reference under the relevant agenda item. However, these measures should be decided by the chairman of the committee or sub-committee concerned, on a case-by-case basis.

20.5 The Committee, recalling the Chairmen's meeting's previous recommendation that, whenever possible, specialist technical groups of experts could meet intersessionally back-to-back with the parent committee or sub-committee, endorsed the recommendation that it consider a similar approach, if appropriate to its work or that of its subsidiary bodies.

20.6 The Committee agreed that sub-committee working groups, if circumstances and time constraints so dictate, may submit their reports directly to the committees, if permitted by the parent sub-committee, following consultation among the Chairman of the group, the Chairman of the parent sub-committee and the Chairmen of the Committees concerned (MSC 78/WP.9, paragraph 21.2).

Control of new work programme items

20.7 The Committee agreed that there was no need to revise paragraph 2.11 of the Guidelines on the organization and method of work (MSC/Circ.1099 – MEPC/Circ.405), concerning the establishment of priorities of work programme items. In this regard, the Committee agreed also that, as a matter of good management, chairmen should periodically re-assess the status of any longstanding low priority items on their work programmes.

20.8 The Committee agreed that the Guidelines be reviewed, in due course, to take account of ongoing developments concerning the establishment of a high-level action plan and biennial work priorities.

20.9 The Committee requested Member Governments to refrain from submitting to the Committee proposals for new work programme items under specific agenda items and instructed the Secretariat not to accept such submissions and to advise the submitting Administration accordingly (MSC 78/WP.9, paragraph 22).

Documentation

20.10 The Committee recognized that the issues relating to the difficulties being faced by the Secretariat in processing and translating the increasing volume of meeting documentation were internal management issues for consideration by the Secretariat but concurred that chairmen, where appropriate and agreed, should allow working group reports to be processed as session documents for consideration by the subsequent meeting.

20.11 Concerning the possible reduction of the 7-week deadline for certain documents (MSC 78/WP.9, paragraph 19), the Committee requested Member Governments and international organizations to respect existing deadlines for the submission of documents. Additionally, the Committee instructed the Secretariat to advise Member Governments and international organizations on the exact format (i.e. font type and size, margin sizes and spacing) of all

meeting documents, perhaps in the document containing the agenda for each session, with a corresponding template in Word format.

20.12 Concerning the possible introduction of an additional night shift of translators on Wednesdays during sub-committee meetings (MSC 78/WP.9, paragraph 21.5), the Committee noted that no further action should be taken at this stage.

TERMS OF REFERENCE OF THE SUB-COMMITTEES

20.13 The Committee recalled that, at its seventy-ninth session, it instructed the Secretariat, in consultation with the respective sub-committee Chairmen, to revise the terms of reference of the sub-committees taking into account the points agreed by the 2004 Chairmen's Meeting, the views of the MEPC and its own views (MSC 79/23, paragraphs 19.12 to 19.14), for final consideration and approval by the Committee's present session and by MEPC 53. In accordance with those instructions, revised terms of reference for all the sub-committees, prepared by the Secretariat in consultation with the sub-committee Chairmen, were contained in the annex to document MSC 80/20.

20.14 Having considered the outcome of the 2005 Chairmen's meeting on these issues (MSC 80/WP.3, paragraphs 21 to 25), the Committee decided as follows.

20.15 The Committee approved the revised terms of reference and agreed that:

- .1 in compliance with the Chairmen's meeting's earlier recommendation that the mandate to the sub-committees should include explicit references to marine environment issues (MSC 78/WP.9, paragraph 5.2), the phrase "including the role of such measures in the protection of the marine environment" should be inserted in an appropriate place in the terms of reference of all sub-committees; and
- .2 the sub-committees should periodically review their terms of reference to ensure that they accurately reflect the work being carried out.

20.16 The Committee noted the recommendation that the MEPC should consider assigning IMO's environmental conventions, or parts thereof, to specific sub-committees, as appropriate. In this respect and with reference to paragraph 6.3 of document MSC 80/20, the Committee considered that this might apply, in particular, to the BLG Sub-Committee.

SUB-COMMITTEE'S WORKLOAD AND WORK PROGRAMME MANAGEMENT

20.17 The Committee noted that the 2005 Chairmen's meeting, under this agenda item, had considered the holding of back-to-back sub-committee meetings and other matters concerning the management of the sub-committees' workloads and work programmes, including related views of BLG 9 (MSC 80/20, paragraphs 6 and 7). On these issues, the Committee decided as indicated hereunder.

20.18 While recognizing that some sub-committees did not need to meet in plenary for an entire week and others required more than a week to complete their agenda, the Committee considered that the holding of back-to-back sub-committee sessions could potentially provide benefits in maximizing the time available, but should not be a routine practice. However, the Committee acknowledged that this required extremely careful consideration of all the implications for both Member Governments and the Secretariat and endorsed the request to the Chairmen of the MSC

and MEPC that they examine the matter further and submit relevant proposals to the Committees as soon as practicable.

20.19 The Committee also endorsed the request to the Chairmen of the MSC and MEPC that they examine the possibility of introducing flexible arrangements to facilitate the *ad hoc* assignment of certain work programme items among different sub-committees. In this connection, the Chairmen of the MSC and MEPC were requested to consider, for example, shifting the work on life-saving appliances, currently under the DE Sub-Committee, on a trial basis in 2006, to the FP or COMSAR Sub-Committees, as well as relevant environmental issues from the MEPC to the BLG Sub-Committee.

20.20 With respect to other matters raised at BLG 9 (MSC 80/20, paragraphs 6 and 7), the Committee considered that the issues covered in paragraph 6.5 of document MSC 80/20 should be examined by the MEPC.

OTHER MATTERS

20.21 The Committee agreed that experts could participate in the Committee and sub-committee sessions on condition that they provided written advice or expertise only through the Secretariat, participated only in sessions, or parts thereof, to which they had been specifically invited and did so without taking part in debates and without a vote. In this context, the Committee, having agreed to modify its Rules of Procedure, instructed the Secretariat to prepare an appropriate proposal; and, having considered document MSC 80/WP.19, adopted, in accordance with rule 45 of the Rules of Procedure, the following amendment (addition) to the Rules of Procedure:

“Invitation to experts

Rule 45

The Committee may invite any person whose expertise it may consider useful for its work. A person invited under this rule shall not have the right to vote.”,

and accordingly, agreed to renumber existing rules 45, 46 and 47 as rules 46, 47 and 48, respectively. Subsequently, the Committee invited the Council to note the adoption by the Committee of the above amendment.

20.22 The Committee reminded its subsidiary bodies of the provisions of paragraph 3.8 of the Guidelines that they “should not develop amendments to, or interpretations of, any relevant IMO instrument without authorization from the Committee(s)”.

20.23 In connection with the 20-week deadline for the submission of proposals on new work programme items, the Committee noted that a proposal had been submitted to the MEPC (MEPC 53/21) and would also be submitted to it in due course, calling for a reduction in that deadline to 13 weeks.

20.24 With regard to the view that all sub-committees should be re-established under both the MSC and MEPC, the Committee recalled that most of the sub-committees had been established under its Rules of Procedure, except for the BLG and FSI Sub-Committees, which had been established under both Committees. In this context, the Committee considered that the matter could be examined further at a future Chairmen’s Meeting, while recalling that, at present, paragraph 3.1 of the Guidelines provided that subsidiary bodies should, as necessary, operate under the instructions of both the MSC and MEPC and should report on specific items directly to the Committee concerned.

20.25 The Committee noted the difficulties arising for Member Governments and international organizations in the light of the reduced distribution of hard copies of session documents, which made their availability on the IMODOCS website crucially important. In this respect, the Committee noted that this too had been addressed in the above-mentioned MEPC document and would likely be brought up in the Council and that, to address such difficulties, it may be necessary to consider improving the reliability of access to the IMODOCS website and the distribution of documents as attachments to e-mail messages.

21 WORK PROGRAMME

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

GENERAL

21.1 Taking into account the recommendations made by the sub-committees which had met since MSC 79 (MSC 80/21 and Add.1 and Add.2); various proposals for new work programme items submitted to this session by Member Governments and international organizations; a preliminary assessment (MSC 80/WP.4) 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.

21.2 The Committee noted that Denmark and the United Kingdom had withdrawn their documents MSC 80/21/1 and MSC 80/21/6 respectively.

21.3 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)

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

21.4 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18. The Secretariat was instructed to inform the MEPC accordingly.

21.5 The Committee, in view of the need to reduce some workload of DE 49, agreed to move, on an *ad hoc* basis for 2006 only, the following items of the provisional agenda for DE 49 Sub-Committee to the provisional agenda for BLG 10:

- .1 safety aspects of ballast water management; and
- .2 guidelines on equivalent methods to reduce on-board NO_x emission.

21.6 Having recalled its decision, under agenda item 15 (Flag State implementation), that FP 50, STW 37, DE 49 and BLG 10 should consider the IIWG's interim report on investigation into casualties of tankers and submit their comments to MSC 81, the Committee included the item on "Casualty analysis" into the provisional agenda for BLG 10.

21.7 The Committee approved the provisional agenda for BLG 10, as set out in annex 19, and instructed the Secretariat to inform the MEPC accordingly.

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)

Guidance on providing a safe working platform for securing of containers

21.8 The Committee considered document MSC 80/21/7 (United Kingdom), proposing incorporation in the Code of Safe Practice for Cargo Stowage and Securing, guidance on providing a safe working platform for the securing of containers, to ensure that ship designers, builders and owners take account of the need to provide adequate arrangements to enable safe lashing and securing operations to take place so that no person is exposed to unnecessary risks to their safety and health whilst undertaking lashing and securing tasks in compliance with the vessel's approved cargo securing plan. 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 "Guidance on providing safe working conditions for securing of containers", with a target completion date of 2006.

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

21.9 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

21.10 The Committee approved the provisional agenda for DSC 10, as set out in annex 19.

SUB-COMMITTEE ON FIRE PROTECTION (FP)

Comprehensive review on the Fire Test Procedures (FTP) Code

21.11 Following consideration of document MSC 80/21/5 in which Japan proposed to review and revise, as necessary, the FTP Code with a view to enhancing its user-friendliness and providing more uniform application of the Code, with the inclusion of appropriate interpretations approved by the Committee; updating the references to ISO fire test standards; and accommodating developments in fire protection technologies, the Committee agreed to include, in the FP Sub-Committee's work programme and the provisional agenda for FP 50, a high priority item on "Comprehensive review on the Fire Test Procedures Code", with a target completion date of 2008.

21.12 The Committee, having noted the FP 49's proposal to delete, from the Sub-Committee's work programme, the item on "Amendments to resolution A.653(16) relating to the preparation of specimens for sealants and mastics", should the Committee decide to include a new item on the comprehensive review of the FTP Code, agreed, in view of the decision referred to in paragraph 21.11 above, to the proposal by FP 49.

Work programme of the Sub-Committee and provisional agenda for FP 50

21.13 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

21.14 The Committee, in view of the need to reduce some workload of DE 49, agreed to move, on an *ad hoc* basis for 2006 only, the following items of the provisional agenda for DE 49 to the provisional agenda for FP 50:

- .1 measures to prevent accidents with lifeboats;
- .2 compatibility of life-saving appliances;
- .3 inconsistencies in IMO instruments regarding requirements for life-saving appliances;
- .4 test standards for extended service intervals of inflatable liferafts; and
- .5 amendments to resolution A.761(18).

21.15 The Committee approved the provisional agenda for FP 50, as set out in annex 19.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

Work programme of the Sub-Committee and provisional agenda for FSI 14

21.16 The Committee considered the recommendation by FSI 13 (FSI 13/23, paragraph 7.6) for a single continuous item on "Port State control" to replace the existing continuous items on "Regional co-operation on port State control" and on "Reporting procedures on port State control detentions and analysis and evaluation of reports". Following discussion, the Committee agreed to amend the title of the proposed item on "Port State control" by "Harmonization of port State control activities".

21.17 The Sub-Committee's work programme, as approved by the Committee, is set out in annex 18. The Secretariat was instructed to inform the MEPC accordingly.

21.18 The Committee approved the provisional agenda for FSI 14, as set out in annex 19, and instructed the Secretariat to inform the MEPC accordingly.

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

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

21.19 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

21.20 The Committee approved the provisional agenda for COMSAR 10, as set out in annex 19.

Urgent matters to be considered by MSC 81

21.21 Noting that, due to the close proximity between COMSAR 10 and MSC 81 and in accordance with the provisions of paragraph 4.9 of the Guidelines on the organization and method of work, it should consider, at its eighty-first session, only urgent matters emanating from COMSAR 10, the Committee agreed that the following should be urgent matters for consideration by MSC 81:

- .1 ITU World Radiocommunication Conference matters;
- .2 satellite services (Inmarsat and COSPAS-SARSAT);
- .3 revision of the IAMSAR Manual;
- .4 measures to enhance maritime security;
- .5 passenger ship safety;
- .6 matters related to tsunami; and
- .7 work programme of the Sub-Committee and provisional agenda for COMSAR 11.

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

Amendments to the ECDIS performance standards

21.22 Having discussed a proposal by Greece and IHO (MSC 80/21/2) to consider proposed amendments to the ECDIS performance standards aiming at improving the standards in the light of experience gained over years, including alignment with updated relevant IHO specifications; reducing a screen clutter in critical situations; and allowing the use of encrypted datasets, the Committee agreed to include, in the NAV Sub-Committee's work programme, a high priority item on "Amendments to the ECDIS performance standards", with two sessions needed to complete the item and instructed the Sub-Committee to include the item in the provisional agenda for NAV 52.

Development of guidelines for the installation of shipborne radar equipment

21.23 The Committee considered document MSC 80/21/4 (Norway), proposing to develop guidelines on installation of shipborne radar equipment with the aim of ensuring the proper installation and setting-up of such equipment, which would contribute to ensuring that the performance of future radar installations on board ships will realize the maximum performance potential offered by the performance standards. Subsequently, the Committee decided to include, in the NAV Sub-Committee's work programme, a high priority item on "Development of guidelines for the installation of shipborne radar equipment", with three sessions needed to complete the item and instructed the Sub-Committee to include the item in the provisional agenda for NAV 52.

Amendments to COLREGs Annex I related to colour specification of lights and development of performance standards for navigation lights, navigation light controllers and associated equipment

21.24 Having considered document MSC 80/21/8 in which Norway proposed to revise COLREGs Annex I to update colour specification of lights in Annex I in accordance with International Commission of Illumination (CIE)'s revised standards and to develop international performance standards for navigation lights, navigation light controllers and associated equipment, the Committee agreed to include, in the NAV Sub-Committee's work programme:

- .1 a high priority item on "Amendments to COLREGs Annex I related to colour specification of lights"; and
- .2 a high priority item on "Development of performance standards for navigation lights, navigation light controllers and associated equipment",

with two sessions needed to complete the items and instructed the Sub-Committee to consider including the items in the provisional agenda for NAV 52.

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

21.25 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

21.26 The Committee confirmed the approval, by MSC 79, of the provisional agenda for NAV 51, as set out in annex 19.

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

New work programme item proposed by SLF 47

21.27 The Committee recalled that, under agenda item 9 (Stability, load lines and fishing vessel safety), it had decided (see also paragraph 9.2.1 above) to include, in the DE Sub-Committee's work programme and the provisional agenda for DE 49, a new high priority item on "Review of requirements on relevant equipment for the revision of the Intact Stability Code", with a target completion date of 2006.

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

21.28 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

21.29 Having recalled its relevant decision under agenda item 23 (Any other business) (see paragraph 23.11), the Committee decided to delete the item on "Review of the OSV Guidelines" from the Sub-Committee's work programme and the provisional agenda for DE 49, as the Sub-Committee had completed its work on the item.

21.30 In order to reduce the workload of DE 49, the Committee agreed to move the DE 49 agenda items related to life-saving appliances to the provisional agenda for FP 50 and the DE 49 agenda items related to ballast water management and NO_x emission control to the provisional agenda for BLG 10, as indicated in paragraphs 21.14 and 21.5, respectively. The Secretariat was

instructed to inform the Correspondence Group on Life-Saving Appliances of the above decision and the deadline for submission of its report to FP 50.

21.31 The Committee approved of the provisional agenda for DE 49, as set out in annex 19.

Urgent matters to be considered by MSC 81

21.32 Noting that, due to the close proximity between DE 49 and MSC 81 and in accordance with the provisions of paragraph 4.9 of the Guidelines on the organization and method of work, it should consider, at its eighty-first session, only urgent matters emanating from DE 49, the Committee agreed, as advised by DE 48, that the following should be urgent matters for consideration by MSC 81:

- .1 amendments to resolution A.744(18);
- .2 passenger ship safety;
- .3 review of the 2000 HSC Code and amendments to the DSC Code and the 1994 HSC Code;
- .4 performance standards for protective coatings;
- .5 mandatory emergency towing systems in ships other than tankers of not less than 20,000 dwt;
- .6 inspection and survey requirements for accommodation ladders; and
- .7 work programme of the Sub-Committee and provisional agenda for DE 50.

SUB-COMMITTEE ON STABILITY AND LOAD LINES AND ON FISHING VESSELS SAFETY (SLF)

Work programme of the Sub-Committee and provisional agenda for SLF 48

21.33 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

21.34 The Committee confirmed the approval, by MSC 79, of the provisional agenda for SLF 48, as set out in annex 19.

SUB-COMMITTEE ON STANDARDS OF TRAINING AND WATCHKEEPING (STW)

New work programme items proposed by STW 36

21.35 The Committee considered the relevant proposals by STW 36 for new work programme items and:

- .1 with regard to the new item on "Performance of GMDSS operator's certificate holders", following the recommendation of COMSAR 9 to change the title of the item, decided to include, in the STW Sub-Committee's work programme and the provisional agenda for STW 37, a high priority item on "Revalidation of GMDSS operator's certificate", with a target completion date of 2007; and

- .2 agreed to consider the proposed new item on “Review of the STCW Code requirements for demonstration of competence” in conjunction with documents MSC 80/21/3 (Norway) and MSC 80/21/11 (ISF) (see paragraphs 21.37 to 21.40 below).

Review of operational and training requirements for the revision of the Intact Stability Code

21.36 The Committee recalled that, under agenda item 9 (Stability, load lines and fishing vessel safety), it had decided (see also paragraph 9.2.2 above) to include, in the STW Sub-Committee’s work programme and the provisional agenda for STW 37, a high priority item on “Review of operational and training requirements for the revision of the Intact Stability Code”, with a target completion date of 2006.

Review and revision of the requirements in the STCW Code chapter VI on demonstration of competence

21.37 The Committee considered a proposal by Norway (MSC 80/21/3) to conduct a systematic review of all requirements regarding demonstration of competence in chapter VI of the STCW Code with the aim of clearly specifying minimum requirements, including identifying which of the items listed under column “Method for demonstrating competence” in the relevant tables that need to be demonstrated by attending training courses outside the ship itself. When the process is completed, STCW Code chapter VI should be amended to reflect the conclusion reached.

21.38 In this respect, the Committee noted that, in the context of the above proposal made by Norway to MSC 78, it had instructed STW 36 to consider only the need for the review of STCW Code chapter VI requirements and advise MSC 80 as appropriate. The Committee further noted that, as instructed by MSC 78, STW 36, following consideration of the matter, agreed that this was a complex issue requiring further discussions and, subsequently, advised the Committee that more time was needed to provide appropriate advice and accordingly invited Member Governments and international organizations to submit comments and proposals on the subject to STW 37; in that context, STW 36 invited the Committee to consider including the item on “Review of the STCW Code requirements for demonstration of competence” in its work programme and the provisional agenda for STW 37 (see document 80/11, paragraph 2.14.2).

21.39 In commenting on the proposal by Norway, while noting the view of STW 36 that more time was needed to provide appropriate advice about the need for review of the STCW Code, ISF (MSC 80/21/11) believed that, it would be of little value for the Committee to debate the issue before it was advised of the outcome of discussion at STW 37, and proposed to postpone consideration of this issue until after STW 37.

21.40 Following the discussion, in the course of which some delegations expressed the opinion that there was no compelling need to review or amend STCW Code chapter VI requirements, while a number of other delegations were of the opinion that they could support the proposal to review the requirements regarding the demonstration of competence, but did not support any amendments to the STCW Code, the Committee instructed STW 37 to consider the need for the review of the STCW Code chapter VI requirements and advise MSC 81, as appropriate and invited Member Governments and international organizations to submit their comments and proposals on the matter to STW 37.

Amendment to the STCW Convention chapter III

21.41 Having considered document MSC 80/21/9 in which India and Vanuatu proposed to amend the 1978 STCW Convention to include a new regulation III/5 (Near-coastal voyages) which specifies exemption for ships engaged on near-coastal voyages, the Committee agreed to include, in the STW Sub-Committee's work programme and the provisional agenda for STW 37, a high priority item on "Amendment to the STCW Convention chapter III", with a target completion date of 2007, and to refer document MSC 80/21/9 (India and Vanuatu) to the Sub-Committee for consideration of the annexed draft amendments in the context of the new item.

Work programme of the Sub-Committee and provisional agenda for STW 37

21.42 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 18.

21.43 The Committee approved the provisional agenda for STW 37, as set out in annex 19.

GUIDELINES ON CONTROL OF A SHIP IN AN EMERGENCY

21.44 Referring to document MSC 80/21/12 submitted by the Bahamas, the delegation of Spain stated that the document did not meet the general acceptance criteria set out in the Guidelines on the organization and method of work and requested the Committee not to consider the proposal it contained. The Spanish delegation expressed concern at the fact that the Bahamas had been able to present such a document outside the established procedures and that it had been accepted for consideration.

21.45 In this respect, the Chairman explained that the submission by the Bahamas was not considered as a proposal for a specific new programme item, which should comply with the deadline for submitting such a document, but was treated as a document of a general nature, explaining the problem and seeking the Committee's view on how the problem should be addressed. For that reason, the document was not presented in the format required by the Guidelines on the organization and method of work and, therefore, it was not included in the Chairman's preliminary assessment of proposals for new work programme items.

21.46 The delegation of the Bahamas, in introducing document MSC 80/21/12, stated that the paper was based on a recommendation in the Bahamas Report on the loss of the **Prestige**. That report had recommended that guidelines should be drawn up by IMO to help clarify the responsibilities of each party during an emergency. In particular, it was necessary to set out what degree of control remains with each party when the shore authorities have powers under national laws to assume some responsibility for the conduct of those involved in the emergency. The delegation of the Bahamas believed that, in an emergency, lines of authority must be clear, and the responsibilities of each of the parties involved must be unambiguous. They did not want to see masters or crews of ships or salvage personnel being treated as criminals because their responsibilities were not absolutely clear to them during an emergency situation. The delegation of the Bahamas informed that they intend to submit a further paper to MSC 81, but requested interested delegations to also put forward papers outlining their views on how to take the matter forward.

21.47 The delegation of Spain stated that the accident to the **Prestige** had occurred in a particularly sensitive area over which Spain exercised full jurisdiction, in accordance with UNCLOS, for the purpose of protecting and preserving the marine environment, and that the action taken by the Spanish authorities had at all times complied with international law. In particular, the Spanish delegation made clear that jurisdiction to take measures regarding vessels such as the **Prestige**, which can cause marine environmental pollution, lay with the Spanish Maritime Authority, through the Director General for the Merchant Marine, who is responsible for all maritime rescue and anti-pollution measures taken in the event of a maritime emergency. The Maritime Authority had remained in constant contact with the master of the **Prestige** – who had command of the ship – through the MRCC established in accordance with the 1979 SAR Convention and notified to IMO as the co-ordination centre for that Spanish SAR region; that centre had identified itself clearly at all times in acting on behalf of the national Maritime Authority. Accordingly, the delegation of Spain was of the opinion that the issue raised by the Bahamas in justifying its proposal had never had any substance. The Spanish delegation also explained that the **Prestige** had been in imminent danger of sinking from the very beginning of the accident, and that to deliberately ignore that fact gave the illusory impression that the master or the rescue team had been free to choose between various courses of action while the Spanish coast lay under serious threat and the authorities were taking action to protect it. Finally, the delegation of Spain recalled that analysis of the **Prestige** accident had had to be postponed pending examination of all the relevant information by the FSI Sub-Committee.

21.48 In response to the criticism by the delegation of Spain of the Bahamas Report on the investigation into the loss of the **Prestige**, the delegation of the Bahamas replied that the Report had been made available to all Members of IMO and all observer delegations. It had been widely praised for its balanced and fair approach. The delegation considered it to be unacceptable for Spain to keep making critical statements to meetings of the Organization about the contents and conclusions of the Bahamas Report without making public any evidence to substantiate its remarks. If Spain has more information which it feels should have been considered, it should release it. The Bahamas Report took into account all of the evidence that Spain released to its investigation team, even though some of it was released long after the event. At FSI 13 earlier this year, the Casualty Working Group was assured that Spain would produce a supplement to its report in time for this Committee's meeting. This has not happened. The delegation of the Bahamas cannot accept any Spanish criticism of the Bahamian Report being made without any backing evidence.

21.49 The Committee noted the above-said and invited the delegation of the Bahamas to consider submitting an appropriate proposal to the Committee in accordance with the Guidelines on the organization and method of work.

DRAFT HIGH-LEVEL ACTION PLAN AND PRIORITIZATION OF AREAS OF WORK FOR THE ORGANIZATION FOR 2006-2007 BIENNIUM

21.50 In considering document MSC 80/21/10 (Secretariat), the Committee noted that the Council, at its ninety-third session, had adopted the draft high-level action plan for the period 2006 - 2009 (i.e., for the two biennia remaining of the current Strategic Plan period), set out in annex 1 to the document, for consideration by the Committees, with a view to its adoption at the twenty-fourth session of the Assembly; the Council had also decided that priorities for the 2006-2007 biennium should be outcome-based and be agreed by the Council on the basis of proposals made by the Committees. In order to guide the Committees in their consideration of priorities for the next biennium, the Council instructed the Secretariat to prepare outline proposals for biennial priorities. For the Committee, the draft 2006-2007 biennium priorities, in

outcome-based format, linked as appropriate to the draft high-level action plan, are set out in annex 2 to the document.

21.51 The Committee, having considered the draft high-level action plan, set out in annex 1 to document MSC 80/21/10, confirmed that the high-level actions contained therein fully addressed the anticipated activities of the Committee over the remaining period of the Strategic Plan.

21.52 In considering the draft outcome-based priorities for the 2006-2007 biennium, set out in annex 2 to document MSC 80/21/10, the Committee confirmed the planned outputs over that period contained therein, with minor modifications and additions related to the IBC and BCH Codes and goal-based standards.

21.53 The Committee noted that, based on the proposed amendments by the MSC and other Committees, the Secretariat would prepare a consolidated draft high-level action plan and prioritization of areas of work for the Organization for the biennium, for consideration by the Council (and its working group) and adopting by the twenty-fourth session of the Assembly.

INFORMATION ON PROGRESS MADE ON SUBJECTS ESTABLISHED IN THE COMMITTEE'S LONG-TERM WORK PLAN (UP TO 2010)

21.54 The Committee noted document MSC 80/INF.10 (Secretariat), providing, as instructed by the twenty-first session of the Assembly, information on progress made on the subjects established in the Committee's long-term work plan (up to 2010) referred to in resolution A.943(23) and, noting that the information therein still needed to be updated to take account of work scheduled to be carried out prior to submission of an appropriate document to the twenty-fourth session of the Assembly, as indicated in paragraph 2 of the document, and also to incorporate comments made in the course of the debate, instructed the Secretariat accordingly.

21.55 In this context, the Committee also noted that the Council, at its ninety-third session, when adopting the draft high-level action plan for consideration by Committees, as indicated in the aforementioned document MSC 80/21/10 (see paragraph 21.50 above), decided that the existing long-term work plan would be discontinued at the next Assembly. Therefore, there would be no need for such document in the future.

21.56 Having expressed satisfaction with the progress made on its (and the sub-committees') work programme, the Committee invited the Council, when considering the Secretary-General's proposal for the next biennium budget, to take the Committee's progress and future work into account.

INTERSESSIONAL MEETINGS

21.57 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 Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, to meet from 13 to 15 June 2005, at IMO Headquarters, London;

- .2 Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR, to meet from 29 August to 2 September 2005, Stockholm, Sweden;
- .3 Working Group on Interpretation of SOLAS regulation XII/6.5, to meet on 12 and 13 September 2005, at IMO Headquarters, London;
- .4 MSC Working Group on Long-Range Identification and Tracking (LRIT), to meet from 17 to 21 October 2005, at IMO Headquarters, London; and
- .5 COMSAR Working Group on Long-Range Identification and Tracking (LRIT), to meet from 27 February to 3 March 2006, at IMO Headquarters, London.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 81

Substantive items for inclusion in the agendas for MSC 81 and MSC 82

21.58 The Committee agreed on the substantive items to be included in the agendas for its eighty-first and eighty-second sessions, as set out in document MSC 80/WP.5.

Establishment of working groups during MSC 81

21.59 Recalling the provisions of the revised Guidelines on the organization and method of work concerning the number of groups which may be established at any given session, the Committee, taking into account decisions made under various agenda items, agreed that working groups on the following items should be established at the Committee's eighty-first session:

- .1 goal-based new ship construction standards;
- .2 maritime security; and
- .3 passenger ship safety,

and drafting groups on consideration and adoption of amendments to mandatory instruments and on formal safety assessment. The Committee agreed to consider, at MSC 81, establishing the Working Group on Human Element at MSC 82.

Duration and dates of the next two sessions

21.60 The Committee noted that its eighty-first session had been scheduled to take place from 10 to 19 May 2006; and its eighty-second session tentatively in December 2006.

22 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2006

22.1 The Committee, having been informed of the Chairman's decision to relinquish office at the end of the current year, expressed its deep appreciation to Mr. T. Allan (United Kingdom) for the outstanding contribution he had made over many years to the attainment of IMO's objectives in general and to the work of all the Organization's bodies, especially the Committee itself and the SLF Sub-Committee, both of which he had chaired with unique distinction, and wished him happiness in life and success in all his professional undertakings.

22.2 The Committee unanimously elected Mr. I. Ponomarev (Russian Federation) as Chairman for 2006 and unanimously re-elected Mr. N. Ferrer (Philippines) as Vice-Chairman for 2006.

23 ANY OTHER BUSINESS

International Safety Management (ISM) Code

23.1 The Committee recalled that MSC 79 had 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 requested the Secretariat to submit an interim report on the activities of the Experts Group to this session.

23.2 The Committee noted the information provided by the Secretariat on the activities of the Expert's Group (MSC 80/23), *inter alia*, that:

- .1 statistical data related to detentions, claims, accidents etc., are being collected from IACS, PSC MoUs, P & I Clubs and accident investigators;
- .2 a questionnaire for Administrations had been disseminated by means of Circular letter No.2625;
- .3 questionnaires for companies, shore-based personnel and shipboard personnel had been circulated to various industry organizations and non-governmental organizations and had also been posted on the IMO website; and
- .4 data collection is expected to be completed by 30 June and 31 July 2005 respectively and, thereafter, WMU will process the data and provide primary analyses for consideration by the Experts Group at its next meeting, tentatively scheduled for 28 September 2005.

23.3 The Committee urged Member Governments, non-governmental organizations, shipping companies and shipboard personnel to assist in the study by responding to the questionnaires and instructed the Secretariat to submit the report of the Experts Group to MSC 81.

Amendments to SN/Circ.234 on Routeing measures other than traffic separation schemes

23.4 In considering MSC 80/23/1 (New Zealand) on Amendments to SN/Circ.234, the Committee recalled that, at NAV 49, New Zealand presented a submission seeking the adoption of a mandatory area to be avoided off the north-east coast of New Zealand (NAV 49/3). The measure was subsequently adopted by MSC 78. SN/Circ.234 was issued on 28 May 2004, giving effect to this newly adopted measure and it came into force, accordingly, on 1 December 2004.

23.5 New Zealand has, subsequently, identified an error in the text of SN/Circ.234, which it brought to the attention of the Committee in the above document, seeking to amend the text of the circular emphasizing the mandatory nature of the area. This error, emanating from the original submission to NAV 49, used the word "should" instead of "shall".

23.6 The Committee agreed to the proposal and instructed the Secretariat to issue a corrigendum to SN/Circ.234.

International Health Regulations

23.7 The Committee noted the information provided by the Secretariat (MSC 80/23/2) on the revision of the International Health Regulations, by the World Health Organization (WHO) and instructed the Secretariat to submit the revised draft text of the IHR to MSC 81.

Dangerous goods in packaged form

23.8 In considering document MSC 80/23/3 (Japan), the Committee noted the possible errors contained in table 19.3 in SOLAS chapter II-2, regarding the application of the requirements to various classes of dangerous goods and the invitation to rectify the table and the relevant IMO instruments.

23.9 The Committee agreed, in principle, with the proposal and invited Japan to consider submitting an appropriate proposal to MSC 81 for a new work programme item for the DSC and FP Sub-Committees, in accordance with the Guidelines on the organization and method of work.

Guidelines for dynamic positioning system (DP) operator training and DP guidelines for offshore supply vessels

23.10 The Committee noted the information provided by IMCA (MSC 80/23/4) related to the proposed amendments to IMCA M 117 - *The Training and Experience of Key DP Personnel* and IMCA M 103 - *The Guidelines for the Design and Operation of Dynamically Positioned Vessels* and invited Member Governments to contact IMCA in case they needed any clarifications or if they wished to take part in the cross industry initiative to revise these guidelines.

23.11 The Committee, noting that the Guidelines for the design and construction of offshore vessels (OSV Guidelines) are currently under revision, also considered that the inclusion of a reference to MSC/Circ.645 (Guidelines for vessels with dynamic positioning systems) in the OSV Code and the OSV Guidelines may be useful, and agreed to:

- .1 instruct the SLF Sub-Committee, as the co-ordinator of the revision of the OSV Guidelines, to consider including a reference to MSC/Circ.645 when preparing the final text of the revision of the Guidelines; and
- .2 instruct the DSC Sub-Committee to consider including a reference to MSC/Circ.645 in the OSV Code.

Deficiencies in hydrographic surveying and nautical charting worldwide

23.12 In considering document MSC 80/23/5 (IHO) on deficiencies in surveying and charting, the Committee recalled that SOLAS regulation V/9, which came into force on 1 July 2002, places obligations on Contracting Governments to arrange for the collection and compilation of hydrographic data and the publication, dissemination and updating of all nautical information necessary for safe navigation. Resolution A.958(23) further recommended Governments to ensure the earliest and widest distribution of hydrographic information and the promotion of Electronic Chart Display and Information Systems (ECDIS), together with the use and further production of official Electronic Navigational Charts (ENCs).

23.13 The IHO observer stated that the third edition of IHO Special Publication 55 “The Status of Hydrographic Surveying and Nautical Charting Worldwide” had been promulgated digitally (www.iho.shom.fr) and was subject to continuous update. It covered 80% of the coastal waters of the world. However, analysis of the data therein highlighted a number of high-risk areas where modern survey coverage and GMDSS implementation were seriously deficient.

23.14 The Committee agreed with the proposal by IHO and, having considered document MSC 80/WP.17, approved MSC/Circ.1179 on Deficiencies in hydrographic surveying and nautical charting worldwide and their impact on safety of navigation and protection of the marine environment, urging Member States to take actions to remedy the situation.

23.15 The observer from IHO informed the Committee that IHO would be willing to consider any request for assistance in this regard from IMO Member States, irrespective of whether they are IHO Member States or not.

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

23.16 The Committee, in considering document MSC 80/23/6 (Denmark), recalled that the existing mandatory ship reporting system “In the Great Belt Traffic Area” had been adopted in 1996. Denmark was seeking an amendment to the position of the reporting line as this, at present, coincided with an area of potentially difficult navigation. The delegation of Denmark stated that this proposal had been submitted simultaneously to MSC 80 and NAV 51, so that, if so decided, the Committee could authorize NAV 51 to consider the amendments to the existing mandatory ship reporting system “In the Great Belt Traffic Area” proposed in this document with a view to approval and direct submission to, and adoption by, the twenty-fourth session of the Assembly.

23.17 The Committee agreed with the proposal and instructed NAV 51 accordingly.

Designation of the Galapagos Archipelago as a Particularly Sensitive Sea Area (PSSA): Associated Protective Measure

23.18 The Committee, in considering document MSC 80/23/7 (Ecuador), recalled that MEPC 51 had approved, in principle, a request by Ecuador to designate the Galápagos Archipiélago as a Particularly Sensitive Sea Area (MEPC 51/8/2), noting that Ecuador would submit a detailed proposal for the associated protective measure (APM) to NAV 51 in 2005.

23.19 This proposal was submitted simultaneously to MSC 80 and NAV 51, with the intent that, if so decided, the Committee could authorize NAV 51 to consider it, with a view to approval and direct submission to, and adoption by, the twenty-fourth session of the Assembly.

23.20 The delegation of the United States, while supporting, in principle, the proposal by Ecuador from the Committee’s point of view, stated that they did not agree with the baselines used for the area and proposed that NAV 51 be instructed to consider each aspect of the proposed APM from the safety of navigation viewpoint and ensure that each measure is based on international law. In their view, MEPC 53 should be invited to review the aspects which are not under the purview of the NAV Sub-Committee.

23.21 The delegation of Panama, while wholly supportive of the Galapagos PSSA as a unique ecosystem, in referring to the second paragraph in the annex to document MSC 80/23/7, queried what was “large quantities of bunker fuel” as in subparagraph .1; and what “notification” would be required as in subparagraph .2. In their view, the proposed routeing chart referred to in subparagraph .7 of the second paragraph should be referred to the Committee when produced in due course, for proper consideration.

23.22 The Committee agreed with the proposal of Ecuador and instructed NAV 51 accordingly, including taking into account the above views.

Baltic Sea PSSA

23.23 The delegation of Sweden referred to the designation, in principle, by MEPC 51 of the Baltic Sea PSSA and indicated that proposed Associated Protective Measures had been submitted directly to NAV 51 (NAV 51/3/6), but unfortunately without being submitted to the Committee. The proposed APMs included, *inter alia*, establishment of new Traffic Separation Schemes; a Recommended deep-water route; mandatory Areas to be Avoided; and amendments to existing Traffic Separation Schemes. The delegation requested that the Committee authorize NAV 51 to consider these and to advise MEPC 53 and, thence, direct to the twenty-fourth session of the Assembly for adoption, in a manner consistent with the authorization on the proposal by Ecuador.

23.24 The delegation of the Russian Federation stated that they were open to discussion of issues relating to APMs in the future, but that the Committee should have had an opportunity to first consider them and that they were concerned at the apparent contravention of procedures in relation to this issue.

23.25 As several delegations spoke in support of the oral intervention of the delegation of Sweden, the Committee instructed NAV 51 accordingly.

Report on cost implications of providing data associated with the lists of substances subject to MARPOL Annex II

23.26 The Committee considered information provided by the Secretariat (MSC 80/23/8) and recalled that MSC 78, 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 databases, 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.

23.27 MSC 79 had further noted that the Secretariat was 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 would provide further information for consideration by MSC 80 and MEPC 53. MSC 79 had also agreed that the aforementioned study on cost implications should also include estimated costs for further development of the structure of the database and the management of the data.

23.28 The Secretariat had developed a relational database for the management of the lists of substances subject to MARPOL Annex II (including those lists that appear in MEPC.2/Circ). While the requirements for the revised MARPOL Annex II and the consequential amendments to the IBC Code were under development, the database also served as a research tool.

23.29 Now that the mandatory requirements had been established with the adoption of the revised MARPOL Annex II and of the consequential amendments to the IBC Code, the Secretariat had explored possible solutions on how to restructure the database using a modern database platform and its management, as well as the cost-effective options available to restructure the database.

23.30 The Committee noted that the Secretariat had opted for an in-house solution using the platform provided by the IMO Global Integrated Shipping Information System with costs being mainly absorbed internally and, therefore, were no cost implications at this time. However, should additional funding be required, the Committees, as appropriate, will be duly informed. It is intended that the restructure of the database will be completed prior to the entry into force of MARPOL Annex II on 1 January 2007.

Port State control actions

23.31 The Committee considered document MSC 80/23/9 (Marshall Islands), addressing issues with respect to the seizure of original ship's log-books, seafarers' identification and record books, Oil Record Books, as well as other assorted records from on board the ship.

23.32 The Marshall Islands referred to a specific case where a port State governmental agency, in pursuing a criminal investigation, wanted to seize the originals of the ship's log-books, seafarers' identification and record books, oil discharge monitoring and control system records, the Oil Record Book. This case did not relate to the conduct of a port State control inspection in accordance with SOLAS regulation I/19 and, following the intervention by flag State authorities, the investigators had agreed to take the official documents ashore, copy them and then return them to the ship.

23.33 Document MSC 80/23/9 referred to resolution A.916(22) for the recording of events related to navigation; SOLAS regulation V/28 for the record of navigational activities; the provisions of MARPOL 1973/78, Annex I, for the oil discharge monitoring and control system continuous record and the Oil Record Book; regulation I/4 of the STCW Convention for the failure of seafarers to hold a certificate; and article 3 of ILO Convention No.108 for the seafarer's identity document and proposed that the MSC and MEPC, issue a joint circular drawing to the attention of port State control officers and duly authorized officials, the specific provisions of SOLAS, MARPOL and other relevant conventions concerning the maintenance and retention of original records on board ship when a control action has been undertaken.

23.34 Having considered document MSC 80/WP.20, the Committee agreed to the proposal and approved, subject to MEPC's concurrent decision, a draft MSC/MEPC circular on Retention of original records/documents on board ships, as set out in the annex to document MSC 80/WP.20 with the following modifications:

- .1 in paragraph 3, the word "and" is kept and the square brackets around it are removed; the word "or" and the square brackets around it are deleted; the words "the master and" are inserted within square brackets, between the words "when" and "all the parties concerned", having agreed to leave the MEPC to decide to keep or to delete the proposed additional text; and the words "and a receipt should be left on board stating the reason for the removal" are added at the end of the paragraph after the word "copies"; and

- .2 in paragraph 6, the word “and” is kept and the square brackets around it are removed; the comma and the square brackets around it are deleted; and the words “and ILO Conventions 108 and/or 185” and the square brackets around them are deleted,

and instructed the Secretariat to bring the information contained in the draft MSC/MEPC circular to the attention of the IMO/ILO Joint Working Group on the Fair treatment of Seafarers through the Legal Committee.

Bulk carrier casualty report

23.35 The Committee noted the information provided by INTERCARGO (MSC 80/INF.5) on their annual bulk carrier casualty report covering 2004 and the previous ten years (1995-2004). The information showed that during 2004, five bulk carriers over 10,000 dwt were recorded as total losses accompanied by the tragic loss of thirteen lives. An analysis of the data to identify period trends of the last ten year period (1995-2004) continued to indicate that the average number of ships, lives and dwt tonnage being lost was falling.

Environmental protests

23.36 In considering the information provided by BIMCO, ICS, INTERCARGO and INTERTANKO (MSC 80/INF.7) in relation to an attempted boarding of a bulk carrier as part of an environmental protest, the Committee recalled that this had been an ongoing issue, causing the Council, at its ninetieth session, to withdraw consultative status of Greenpeace International in line with rule 10 of the Rules Governing Relationships with Non-Governmental International Organizations. However, this decision was rescinded later by C 91.

23.37 The Committee also recalled that MSC 79 had noted the actions taken by C 93 relating to information on the actions by Greenpeace International against certain bulk cargoes and their possible effect on the safety of seafarers, ships and the integrity of the ISPS Code (MSC 79/2/1/Add.1, paragraph 24).

23.38 The Committee noted the information provided and agreed with the Chairman that the report of the Committee to the Council should reflect the very real concerns of industry at these ongoing tactics adopted by environmental protestors, particularly Greenpeace International, which had potentially serious effects on the safety of life at sea, and, in particular, in these times of increased security awareness, had the potential for causing severe stress for the master and crews of the ships concerned.

IMO response to tsunami

23.39 In considering document MSC 80/INF.9 (Secretariat), the Committee recalled that, on 26 December 2004, a large undersea earthquake measuring 9.3 on the Richter scale had occurred off the west coast of Indonesia’s northern Sumatra Island, triggering massive tsunamis across the north Indian Ocean, which brought devastation to several countries in the North Indian Ocean region.

23.40 Tsunami-related deaths were recorded in Sri Lanka, India, Indonesia, Thailand, Malaysia, Myanmar, Maldives, Bangladesh, Somalia, Tanzania and Kenya, with an overall total in excess of 295,000. The loss of life was particularly severe in Indonesia, with some 235,000 dead and missing, Sri Lanka 35,000, India 8,800 and Thailand some 5,400 persons.

23.41 Early in January, a joint plan was developed for future actions to be undertaken together with the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) and the International Hydrographic Organization (IHO). The main focus of the plan, in conjunction with those organizations, was to undertake an evaluation of the extent of damage to the navigational aids infrastructure and the hydrographic survey requirements in the affected regions, in order to determine the scope and extent of the re-building and re-survey work required. As appropriate, evaluation of information gathered from national authorities and assessment missions had been carried out within their respective responsibilities by IHO and IALA and assistance was being given where requested.

23.42 IMO had also sought involvement, as appropriate, in the development of the proposed early Indian Ocean tsunami-warning system, similar to the one existing for the Pacific Ocean. The aim, in this respect, would be to make more effective use of the well-established IMO/IHO/WMO Maritime Safety Information networks to disseminate tsunami warnings and other vital information on natural disasters through the World-Wide Navigational Warning Service (WWNWS).

23.43 The Committee noted the information and welcomed the co-operation between the relevant organizations in the response to this disaster.

23.44 The delegation of Japan referred to the special session on the tsunami held during COMSAR 9 and in particular to the educational video which was presented by Japan during that session. Copies of this video could be made available to interested delegations. The delegation also reminded the Committee of the correspondence group established at COMSAR 9 to consider, *inter alia*, the promulgation of tsunami and other natural disaster warnings to vessels which are not covered by the 1974 SOLAS convention and invited Member Governments to consider participating in this group (COMSAR 9/19, paragraph 3.52).

Collision in the Great Belt

23.45 The delegation of Denmark informed the Committee of a recent collision which occurred between a foreign flag ship of less than 5,000 tonnes and the low-lying road bridge in the Great Belt. The collision resulted from the ship not altering course when required, apparently due to the OOW suffering from the effects of alcohol and caused considerable damage to the ship, the death of the OOW and injuries to the master and other crew members, as well as damage to the bridge. As a result, the bridge, which is a vital national link, was closed for some 6 hours while the structure was inspected. The ship was fitted with a simple type of bridge watch alarm system which, in the event, did not alert the master to the situation. The delegation of Denmark informed the Committee that they intend to submit a proposal for a new work programme item to MSC 81 in regard to mandatory carriage requirements of a bridge watch alarm system.

Expression of sympathy

23.46 The Committee, having been informed of the passing of Captain Hein Mehrkens (Germany), President of IMPA and having appreciated his contribution to the work of the Committee and promotion of maritime safety, requested the delegation of Germany to convey the Committee's condolences and sympathy to the family and friends and colleagues of the deceased official.

Expressions of appreciation

23.47 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, retired or were transferred to other duties or were about to, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Jørgen Rasmussen (Denmark) (on retirement)
- Mr. Richard Akerboom (Netherlands) (on retirement)
- Mr. Geert Besier (Netherlands) (on retirement)
- Mr. K.T. Lim (Republic of Korea) (as outgoing Chairman of the FSI Sub-Committee)
- Mr. Lee Seng-Kong (Singapore) (on transfer)
- Mr. Tom Allan (United Kingdom) (on retirement)
- Mrs. Suzy Sookia (Secretariat) (on retirement)
- Miss Mahvash Moghaddam (Secretariat) (on retirement)

(The annexes will be issued as addenda to the document)
