

COUNCIL
109th session
5 to 9 November 2012

C 109/D
19 November 2012
Original: ENGLISH

SUMMARY OF DECISIONS

Agenda item	Page No.
GENERAL	3
INVITATION TO NON-MEMBERS OF THE COUNCIL TO ATTEND THE SESSION	3
EXPRESSIONS OF CONDOLENCE	3
STATEMENT BY ARGENTINA	3
1 ADOPTION OF THE AGENDA	3
2 REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS	4
3 STRATEGY, PLANNING AND REFORM	4
4 RESOURCE MANAGEMENT:	7
(a) Human resource matters, including amendments to the Staff Regulations and Staff Rules	7
(b) Recommendations of the External Auditor: implementation action plan	8
(c) Report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 61 of the IMO Convention	8
(d) Budget considerations for 2012 and 2013	8
(e) Development of a long-term plan for the future financial sustainability of the Organization	9
5 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME	10
6 CONSIDERATION OF THE REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE	10
7 REPORT ON THE 34TH CONSULTATIVE MEETING OF CONTRACTING PARTIES TO THE LONDON CONVENTION 1972 AND THE 7TH MEETING OF CONTRACTING PARTIES TO THE 1996 PROTOCOL TO THE LONDON CONVENTION	12

Agenda item	Page No.
8 REPORT ON THE 2012 CONFERENCE FOR THE ADOPTION OF AN AGREEMENT ON THE IMPLEMENTATION OF THE 1993 PROTOCOL RELATING TO THE 1977 TORREMOLINOS CONVENTION ON THE SAFETY OF FISHING VESSELS	12
9 IMO INTERNATIONAL MARITIME LAW INSTITUTE: REVIEW OF THE IMLI STATUTE	13
10 PROTECTION OF VITAL SHIPPING LANES	13
11 PERIODIC REVIEW OF ADMINISTRATIVE REQUIREMENTS IN MANDATORY IMO INSTRUMENTS	13
12 EXTERNAL RELATIONS:	14
(a) Relations with the United Nations and the specialized agencies	14
(b) Joint Inspection Unit	15
(c) Relations with intergovernmental organizations	15
(d) Relations with non-governmental organizations	15
(e) Day of the Seafarer	16
(f) Report on World Maritime Day 2012	16
13 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION	17
14 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS	17
15 SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDAS FOR THE NEXT TWO SESSIONS OF THE COUNCIL	15
16 PLACE, DATE AND DURATION OF THE NEXT SESSION OF THE COUNCIL	18

GENERAL

The 109th session of the Council was held from 5 to 9 November 2012, under the Chairmanship of Mr. J. Lantz (United States). The Vice-Chairman, Mr. D. Ntuli (South Africa), was also present.

INVITATION TO NON-MEMBERS OF THE COUNCIL TO ATTEND THE SESSION

Algeria, Angola, Belize, Colombia, the Comoros, the Cook Islands, Côte d'Ivoire, Cuba, the Dominican Republic, Ecuador, El Salvador, Gabon, the Gambia, Ghana, Grenada, Guatemala, Honduras, the Islamic Republic of Iran, Kazakhstan, Kuwait, Libya, Luxembourg, the Marshall Islands, Monaco, Nigeria, Peru, Poland, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Switzerland, the Syrian Arab Republic, Ukraine, Uruguay, Vanuatu, the Bolivarian Republic of Venezuela and Yemen attended the session as observers. Hong Kong, China (Associate Member) also attended the session as an observer.

EXPRESSIONS OF CONDOLENCE

The Council extended its condolences, in particular to those who had lost loved ones, and to all those who had suffered from the effects of Hurricane Sandy, which devastated areas of the Caribbean, the mid-Atlantic, the north-eastern United States and eastern Canada, in late October 2012.

The Council also extended its condolences to those who lost their lives in the incident off the coast of Libya, reported by the Government of Italy and the two incidents off the coast of Labuan Island, east Malaysia and Jeju Island, the Republic of Korea, reported by the Government of Malaysia and expressed its thanks to all the search and rescue services involved.

Audio file: Monday, 5 November 2012: a.m.

The Council further extended its condolences to the Government of Guatemala and to the families of those killed or injured in the devastating 7.4 magnitude earthquake which hit off the Pacific Coast of Guatemala on 7 November 2012.

Audio file: Friday, 9 November 2012: a.m.

STATEMENT BY ARGENTINA

The Council noted a statement by Her Excellency Ms. Alicia Castro, Ambassador Extraordinary and Plenipotentiary and Permanent Representative of the Argentine Republic to the International Maritime Organization, giving a detailed account of the situation and expressing the concern of the Government of Argentina with regard to the arrest and continuing detention of the Argentinian Navy's signature training ship **Libertad**, in the seaport of Tema, Ghana.

Audio file: Thursday, 8 November 2012: a.m.

1 ADOPTION OF THE AGENDA (agenda item 1)

1.1 The Council adopted the agenda and proposed timetable, as contained in document C 109/1/Rev.1; and noted the annotations to the agenda contained in document C 109/1/1.

1.2 With regard to agenda item 12(d), on Relations with non-governmental organizations, the Council decided to reconvene the group of Council Members, which had met during its 108th session, with the task of discussing further the Rules Governing Relationship with Non-Governmental International Organizations and the Guidelines on the Grant of Consultative Status, as well as the questionnaire to be attached to new applications for consultative status; and submitting amendments to them for the Council's consideration. The group was also requested to consider how the Secretariat could engage in the process of screening new applications.

1.3 The Council agreed that the group be composed of representatives from the delegations of Australia, the Bahamas, China, Cyprus, Liberia, Mexico, the Netherlands, the Republic of Korea, Singapore and the United States, and that it be chaired by Mr. Brad Groves (Australia). Other Council Members and other delegations who wished to attend the meetings of the group were invited to do so.

Reference documents: C 109/1/Rev.1 and C 109/1/1

Audio file: Monday, 5 November 2012: a.m.

2 REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS (agenda item 2)

2.1 With reference to rule 9 of its Rules of Procedure, the Council noted the Secretary-General's report that the credentials of all delegations attending the session were found to be in order.

Reference document: C 109/2

Audio files: Monday, 5 November 2012: a.m.
Wednesday, 7 November 2012: a.m.

3 STRATEGY, PLANNING AND REFORM (agenda item 3)

3.1 The Council noted the information set out in documents C 109/3, C 109/3/1 and C 109/3/2 (Germany), as well as that provided orally by the Secretary-General and the delegation of Germany.

3.2 With regard to document C 109/3, providing a report on the status of planned outputs for 2012–2013 and an update on the Organizational Planning Database, the Council:

- (i) noted the information on the status of planned outputs and, taking into account the large number of outputs labelled as "continuous", requested the Secretary-General, as well as the committees and sub-committees, to specify interim outputs, or specify target completion years for these outputs, when proposing the next High-level Action Plan for the 2014-2015 biennium; and
- (ii) endorsed the trial for using modified reporting formats; and instructed the Ad Hoc Council Working Group on the Organization's Strategic Plan, at its thirteenth session, to evaluate the trial and, if appropriate, propose changes to the reporting formats of the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization (GAP)*.

3.3 With regard to document C 109/3/1, containing the Secretary-General's proposals on the review and reform of the Organization, the Council welcomed the proposals in general

and noted that there were financial implications arising from them which would be considered in detail under item 4(e) of its agenda, on the development of a long-term plan for the future financial sustainability of the Organization.

3.4 The Council also noted the information provided in the document on human resources and office structure; technical co-operation; and information technology; and, with regard to the latter, requested the Secretary-General to keep it apprised of developments for the utilization of social media as a tool for disseminating information.

3.5 With regard to the proposals relating to meeting support arrangements and priority-setting mechanisms contained in the document, and with particular reference to the proposals for the sub-committees, the Council, by majority, with the proviso contained in paragraph 3.9:

- (i) endorsed, in principle, the proposal for the establishment of a sub-committee to deal exclusively with environment-related matters and, as a consequence, the renaming of the BLG Sub-Committee as the Sub-Committee on the Environment; and
- (ii) also endorsed, in principle, the proposal on the renaming of the DSC Sub-Committee as the Sub-Committee on Cargoes (to include both wet and dry cargoes).

3.6 The Council endorsed, in principle, the proposal for the amalgamation of the NAV and COMSAR Sub-Committees, but, taking into account the majority views expressed, did not endorse the proposal for SAR issues to be considered in an intersessional working group reporting directly to the Maritime Safety Committee (MSC) on a biennial basis, pending further consideration by the MSC of this and other related issues (see paragraph 3.9 below). The Council invited the Secretary-General to provide information as to how the work of the ICAO/IMO Joint Working Group on SAR would proceed.

3.7 The Council endorsed, in principle, the proposal for the reallocation of responsibilities between the current DE, FP and SLF Sub-Committees; as well as the proposal for the amalgamation of the FP, SLF and DE Sub-Committees into two new Sub-Committees with revised responsibilities and, as a consequence, the renaming of the new Sub-Committees as Technical I and Technical II.

3.8 The Council agreed to rename the Sub-Committee on Flag State Implementation as the Sub-Committee on Implementation, retaining its existing terms of reference.

3.9 The Council invited the MSC and the Marine Environment Protection Committee (MEPC) to give early consideration to the implications and practicability of the relevant proposals under their purview in paragraphs 3.5 to 3.8 above, including appropriate new names for the sub-committees in question; and to report to C 110.

3.10 Taking into consideration the suggested proposals, the Council noted the potential saving of four meeting weeks per biennium.

3.11 With regard to the proposed changes to working practices affecting the Committees' Guidelines, including revisions to annotated agendas and summary reports, the Council:

- (i) did not endorse the proposal that the Committees' Guidelines on the organization and method of work be amended such that the restriction of the combination of the five ad hoc groups at any session of the

sub-committees be removed; neither did it endorse the proposal that the maximum number of substantive agenda items (all corresponding to High-level Action Plan outputs) at any session be restricted to 10; but in so doing, noted that there was no intention to foreclose the Committees' input on these issues;

- (ii) endorsed the proposal that unplanned outputs only be accepted within a biennium in exceptional circumstances; and highlighted the need to ensure that costs be taken into account when considering new unplanned outputs;
- (iii) noted the potential for future savings through utilizing experienced editors (rather than technical officers) in the preparation of meeting documents;
- (iv) endorsed the proposed revision of the annotated agendas of meetings to contain all relevant background information; and
- (v) requested the Secretary-General to put forward a detailed proposal at C 110 on the conduct and evaluation of a trial for a revised reporting format and procedures, taking advantage of the use of enhanced audio equipment and other related proposals, including identification of the costs and benefits for both Member States and the Secretariat, taking into account the views expressed at C 109.

3.12 The Council did not endorse the streamlining of the reporting of discussion (summary of decisions format) in working groups which met in committee rooms without recording facilities.

3.13 With respect to the Secretary-General's proposal on priority setting, the Council agreed to defer, until the 2014–2015 biennium, planned output 4.0.4.2 – the implementation of the proposals on applying the risk management framework to all elements of the Strategic Direction and the High-level Action Plan – and to use the resources thus made available to establish a one-off Council Working Group on Prioritization (which would meet in Spring 2013 and be open to all Member States), with the terms of reference contained in document C 109/WP.3, to develop a process to be used on an interim basis to prioritize the planned outputs for the 2014-2015 biennium. The Council invited Member Governments to submit proposals to the Group.

3.14 With regard to document C 109/3/2 (Germany), dealing with the application of the Organization's Risk Management Framework (RMF), the Council thanked Germany for its proposal and decided to refer the document to the sixth session of the Council Risk Review, Management and Reporting Working Group which should be held early in the 2014-2015 biennium, for detailed consideration, in conjunction with the entire Risk Management Framework (RMF), including consideration of the impact of the workload on the Secretariat.

Reference documents: C 109/3, C 109/3/1, C 109/3/2, C 109/4(d), C 109/4(e), C 109/WP.3; C 108/3/1, C 108/3/3, C 108/5(e), C 108/5(f); C 106/3(b); C 100/3(b); C/ES.26/D, C/ES.26/3; CWGSP 12/8; CWGRM 5/4; resolutions A.1037(27), A.1038(27) and A.1013(26)

Audio files: Monday, 5 November 2012: a.m. and p.m.
Tuesday, 6 November 2012: a.m. and p.m.
Thursday, 8 November 2012: a.m.

4 RESOURCE MANAGEMENT:

(a) Human resource matters, including amendments to the Staff Regulations and Staff Rules (agenda item 4(a))

4(a).1 The Council noted the information set out in documents C 109/4(a) and its addendum, C 109/4(a)/1, C 109/4(a)/2, C 109/4(a)/3 and C 109/4(a)/4 (submitted by Spain), as well as that provided orally by the Secretary-General and the delegation of Spain, on human resource matters, including amendments to the Staff Regulations and Staff Rules.

4(a).2 With regard to documents C 109/4(a), C 109/4(a)/Add.1 and C 109/4(a)/1, the Council:

- (i) approved, in respect of the base/floor salary scale for staff in the professional and higher categories and the maximum admissible education grant expenses, the implementation of the related United Nations General Assembly decisions with effect from the dates determined by the General Assembly; and
- (ii) decided, in respect of possible changes in the mandatory age of separation for staff, that it was premature to consider the issue, pending consideration by the United Nations General Assembly of the recommendations of the UNJSPF Board and the ICSC for organizations of the United Nations system to raise their mandatory age of separation to 65 years for staff recruited on or after 1 January 2014. Consequently, the Council also decided to defer consideration of document C 109/4(a)/1 to another session.

4(a).3 With regard to documents C 109/4(a)/2 and C 109/4(a)/4 (Spain), dealing with the policy for the engagement of secondees provided at no cost to IMO on secondment from institutions, private sector corporations or Member States, the Council generally approved the Secretary-General's policy and procedures for their engagement, as set out in the former document, and, having thanked Spain for its proposals, the Council further agreed that:

- (i) all proposals for the engagement of secondees, including those emanating from the private sector, should be channelled through Member Governments of the Organization;
- (ii) only sponsors from the private sector would be required to pay IMO an annual sum of 12 per cent of total costs if their secondees are paid through IMO, or a fee of US\$10,000, if not; and
- (iii) where secondees are paid through IMO, advance payments of their emoluments should be made to IMO so that the Organization would not be compromised financially.

4(a).4 The Council noted the information set out in document C 109/4(a)/3, reporting on senior-level appointments; the recruitment of women; the geographical and age distribution of staff; and staff development and training as at 31 October 2012.

Reference documents: C 109/4(a) and Add.1, C 109/4(a)/1, C 109/4(a)/2, C 109/4(a)/3, C 109/4(a)/4, C 109/3/1, C 109/4(d) and C 108/5(a)/2

Audio file: Tuesday, 6 November 2012: p.m.

(b) Recommendations of the External Auditor: implementation action plan (agenda item 4(b))

4(b).1 Due to time constraints, the Council decided not to consider this agenda item in detail but took action as requested in document C 109/4(b), noting the information set out therein, providing an update on the implementation of the External Auditor's recommendations emerging from the 2011 year-end audit; and that further updates on implementation of audit recommendations would, in accordance with customary practice, be provided by the new External Auditor, the Auditor General of Ghana, in his management letter.

Reference documents: C 109/4(b) and C 108/5(b)

Audio file: Friday, 9 November 2012: a.m.

(c) Report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 61 of the IMO Convention (agenda item 4(c))

4(c).1 Due to time constraints, the Council decided not to consider this agenda item in detail but took action as requested in document C 109/4(c) and its addenda on arrears of Member States' contributions; advances to the Working Capital Fund; and the implementation of Article 61 of the IMO Convention.

Reference documents: C 109/4(c) and Add.1-2; C 108/5(d) and Add.1-2

Audio file: Friday, 9 November 2012: a.m.

(d) Budget considerations for 2012 and 2013 (agenda item 4(d))

4(d).1 The Council noted the information set out in document C 109/4(d), and that provided orally by the Secretary-General, on budget considerations for 2012 and 2013.

4(d).2 In particular, the Council noted:

- (i) the review on pay and price factors;
- (ii) the overview of the expenditure and forecast position of the regular budget for 2012, assessed to be kept within the approved appropriation for 2012;
- (iii) the status of the Trading Fund for 2012;
- (iv) the expenditure status of the Headquarters Capital Fund; the Termination Benefit Fund; the Training and Development Fund; the Technical Co-operation Fund and extra-budgetary programmes;
- (v) the review of the regular budget for 2013;
- (vi) the review of the Trading Fund for 2013 and other Funds' budgets; and
- (vii) the summary and the Secretary-General's conclusions on his budget considerations for 2012 and 2013.

4(d).3 The Council authorized the Secretary-General to make, as and when necessary, timely transfers between Strategic Results to the extent that balances are available to cover or reduce deficits in Strategic Results appropriation balances, in accordance with the Organization's Financial Regulations and Financial Rules.

Reference documents: C 109/4(d); C 108/5(e); A 27/16(c) and Add.1 and resolution A.1039(27)

Audio file: Wednesday, 7 November 2012: a.m.

(e) Development of a long-term plan for the future financial sustainability of the Organization (agenda item 4(e))

4(e).1 The Council noted the information set out in documents C 109/4/(e) and C 109/INF.2, as well as that provided orally by the Secretary-General, dealing with the development of the Secretary-General's long-term plan for the Organization's future financial sustainability, in response to the Assembly's request in resolution A.1039(27).

4(e).2 The Council noted the study in broad terms and expressed appreciation for the excellent work carried out by the Secretary-General and his team with respect to the historical review of the Organization's finances, the identification of relevant trends and lessons learned, and the use of those elements in projecting the Organization's future financial status under a variety of scenarios.

4(e).3 Having considered elements of the study relating to a streamlined delivery mechanism during its consideration of document C 109/3/1 on the Secretary-General's review and reform process, the Council, with regard to other aspects of the study, in particular budget growth scenarios, the reform of the Secretariat and strategic funding initiatives as summarized in document C 109/4(e), expressed its appreciation to the Secretary-General for submitting several budget growth scenarios in a transparent manner, together with their projected implications for both Member States and the Secretariat. There was majority support for the Secretary-General's "review and reform path", or mixed zero growth, representing a middle way between zero nominal and zero real growth; and the Council encouraged him to continue following the same scenario in building his budgetary proposals for the future, taking into account the support by many delegations for zero nominal growth. There was some support for a variant of mixed zero growth which would provide for zero real growth for non-discretionary expenses and zero nominal growth for discretionary expenses.

4(e).4 The Council also noted the Secretary-General's initial proposals on possible Secretariat reform and future funding initiatives; and encouraged him to continue developing such measures in the context of his future budgetary proposals, taking into account the views expressed during the debate and the experience of Member States that had already applied some of those measures within their own civil services.

Reference documents: C 109/4(e), C 109/3/1, C 109/4(d), C 109/INF.2 and resolution A.1039(27)

Audio files: Wednesday, 7 November 2012: a.m. and p.m.

5 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME (agenda item 5)

5.1 The Council noted the information set out in documents C 109/5, C 109/5/1 and C 109/5/2, as well as that provided orally by the Secretary-General, on the Voluntary IMO Member State Audit Scheme.

5.2 With regard to document C 109/5, reporting on the progress made in the implementation of the Scheme since its last session, the Council:

- (i) encouraged Member States that had not yet volunteered for audits to do so as and when they were ready and as early as possible;
- (ii) invited Member States to continue to nominate as many qualified auditors as possible; to make them available to undertake audits of volunteering States; and for those nominated, to participate in the auditors' training courses being arranged by the Organization; and
- (iii) encouraged Member States in need of assistance to enable them to participate in the Scheme, to seek such assistance through the Integrated Technical Co-operation Programme (ITCP).

5.3 With regard to document C 109/5/1, containing the sixth consolidated audit summary report set out in the annex thereto, the Council noted the information provided and requested the MSC and MEPC to consider the report and advise the Council, in due course, of the outcome of their consideration.

5.4 With respect to the development of the scheme, the Council requested the Joint Working Group on the Member State Audit Scheme (JWGMSA) to consider the financial implications associated with the implementation of the mandatory scheme, in particular, in respect of the conduct of audits.

5.5 With regard to document C 109/5/2, providing the background on the issue of confidentiality in the context of a mandatory audit scheme; and the outcome of consideration of the issue by the MSC and MEPC, the Council decided that the release of the executive summary report and the Member State's comments on the implementation of its corrective action plan to the public or Member States will be subject to the authorization of the Member State concerned prior to the audit. The Council also agreed to keep this aspect of the mandatory scheme under review.

Reference documents: C 109/5, C 109/5/1, C 109/5/2; C 106/D, C 106/8/1, C 106/8/2; MSC 90/28; MEPC 64/23; resolutions A.974(24) and A.1018(26)

Audio files: Wednesday, 7 November 2012: p.m.
Thursday, 8 November 2012: a.m.

6 CONSIDERATION OF THE REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE (agenda item 6)

6.1 The Council noted the information set out in document C 109/6, and that provided orally by the Chairman of the Marine Environment Protection Committee and the Secretary-General, on the report of the Committee's sixty-fourth session (1 to 5 October 2012).

6.2 The Council endorsed, subject to MSC 91's concurrent decision, the Committee's proposals on activities, priorities and plan of meeting weeks of the Committees and their subsidiary bodies for the 2014–2015 biennium, for inclusion in the Secretary-General's relevant budget proposals.

6.3 The Council approved the intersessional meetings of the OPRC-HNS Technical Group and the ESPH Working Group in 2013.

6.4 The Council also noted:

- (i) the adoption of the 2012 amendments to the IBC Code;
- (ii) the decisions taken, and work carried out, concerning the BWM Convention, while recognizing that technical issues remain outstanding; and urged the MEPC to identify and suggest pragmatic solutions to any impediments, in particular Port State Control issues, to the early entry into force and implementation of the Convention;
- (iii) the decision taken, and work carried out, concerning the Hong Kong Ship Recycling Convention;
- (iv) the decisions taken, and work carried out, concerning implementation of the amendments to MARPOL Annex VI on energy efficiency for ships;
- (v) the decisions taken, and progress made, concerning reduction of GHG emissions from ships; in this connection, the Council instructed the Secretariat to seek comments from the World Trade Organization (WTO) on document MEPC 64/5/3 (submitted by India and Saudi Arabia) entitled "Possible incompatibility between WTO rules and Market-Based Measures (MBM) for international shipping", with a view to facilitating further consideration of that document at MEPC 65;
- (vi) the approval, subject to MSC 91's concurrent decision, of three draft Assembly resolutions respectively on the III Code; the revised *Guidelines on implementation of the ISM Code by Administrations*; and the revised *Guidelines for the structure of an integrated system of contingency planning for shipboard emergencies*; to be submitted to the twenty-eighth session of the Assembly for adoption;
- (vii) the approval of draft amendments to the MARPOL Annexes to make the III Code and the RO Code mandatory respectively with a view to adoption at future sessions of the MEPC;
- (viii) the designation of the Saba Bank as a PSSA; and
- (ix) the status of planned outputs concerning the work of the MEPC for the 2012–2013 biennium.

6.5 The Council approved the report of the sixty-fourth session of the Marine Environment Protection Committee and decided to transmit it, together with its comments and recommendations, to the twenty-eighth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

Reference documents: C 109/6; MEPC 64/23 and Add.1

Audio file: Wednesday, 7 November 2012: a.m.

7 REPORT ON THE 34TH CONSULTATIVE MEETING OF CONTRACTING PARTIES TO THE LONDON CONVENTION 1972 AND THE 7TH MEETING OF CONTRACTING PARTIES TO THE 1996 PROTOCOL TO THE LONDON CONVENTION (agenda item 7)

7.1 The Council noted the information set out in document C 109/7 and its addendum, as well as that provided orally by the Secretary-General on the report of the 34th Consultative Meeting of Contracting Parties to the London Convention 1972 and the 7th Meeting of Contracting Parties to the 1996 Protocol to the London Convention.

7.2 The Council did not agree to the convening of the 6th session of the Compliance Group on the day prior to the commencement of the next Meetings of the governing bodies scheduled tentatively for Sunday, 13 October 2013.

Reference documents: C 109/7 and Add.1; LC 34/15, LC 34/4 and LC 34/WP.1

Audio file: Friday, 9 November 2012: a.m.

8 REPORT ON THE 2012 CONFERENCE FOR THE ADOPTION OF AN AGREEMENT ON THE IMPLEMENTATION OF THE 1993 PROTOCOL RELATING TO THE 1977 TORREMOLINOS CONVENTION ON THE SAFETY OF FISHING VESSELS (agenda item 8)

8.1 The Council noted the information set out in document C 109/8, and that provided orally by the Secretary-General, reporting on the outcome of the 2012 International Conference on the Safety of Fishing Vessels.

8.2 In particular, the Council:

- (i) noted the successful conclusion of the Conference;
- (ii) expressed appreciation to the President and the other Officers for their exemplary work in preparing and conducting the Conference;
- (iii) expressed deep appreciation to the Government of the Republic of South Africa for its generous support and cooperation; and
- (iv) authorized the Secretary-General to perform the functions requested of him, as set out in paragraph 8 of document C 109/8.

Reference documents: C 109/8; SFV-P/CONF.1/15, SFV-P/CONF.1/16 and SFV-P/CONF.1/17

Audio file: Friday, 9 November 2012: a.m.

9 IMO INTERNATIONAL MARITIME LAW INSTITUTE: REVIEW OF THE IMLI STATUTE (agenda item 9)

9.1 The Council noted the information set out in document C 109/9, and that provided orally by the Secretary-General, on the review of the Statute of the International Maritime Law Institute (IMLI).

9.2 The Council thanked the Director of IMLI and the Legal Affairs and External Relations Division of the Secretariat for the review; and the Secretary-General for his explanation.

9.3 The Council decided to adopt all the amendments to the IMLI Statute contained in the annex to document C 109/9, subject to the following decisions:

- (i) with regard to article 10, that the Governing Board should be limited to 20 members;
- (ii) with regard to article 16, that the Director's term of office shall be for an initial period of four years, renewable for similar further terms; and that the square brackets around the last sentence be removed;
- (iii) with regard to article 26, that the budget should be "reported" rather than "transmitted" to the Council; and
- (iv) with regard to article 34, that the operative date for the amended Statute to take effect would be 1 July 2013.

9.4 The Council further agreed to include in article 2 of the Statute, a reference to IMLI being a "Centre of Excellence".

Reference documents: C 109/9; C 108/13(c); C 106/D and C106/14(a)/1

Audio file: Friday, 9 November 2012: a.m.

10 PROTECTION OF VITAL SHIPPING LANES (agenda item 10)

10.1 Due to time constraints, the Council decided not to consider this agenda item in detail but took action as requested in documents C 109/10 and C 109/10/1; and noted the information set out therein.

Reference documents: C 109/10, C 109/10/1; C 108/D, C 108/14 and Add.1-2, C 108/14/1; resolution A.1044(27)

Audio file: Friday, 9 November 2012: a.m.

11 PERIODIC REVIEW OF ADMINISTRATIVE REQUIREMENTS IN MANDATORY IMO INSTRUMENTS (agenda item 11)

11.1 The Council noted the information set out in documents C 109/11 and C 109/11/1, as well as that provided orally by the Secretary-General and the Chairman of the Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR), on the periodic review of administrative requirements in mandatory IMO instruments.

11.2 With regard to document C 109/11, reporting on the final composition of the SG-RAR, the Council noted the information provided with regard to its composition and expressed gratitude to the Secretary-General for the actions taken.

11.3 With regard to document C 109/11/1, containing the report of the SG-RAR and presenting its work plan, the Council:

- (i) noted the report of the SG-RAR and endorsed its work plan;
- (ii) noted also the completion of planned outputs 8.0.4.1 and 8.0.4.2; and
- (iii) agreed with SG-RAR's proposals to extend the completion date for planned outputs 8.0.4.3 and 8.0.4.4 to 2014 and 2015 respectively, but requested the SG-RAR to review its timelines with a view to completing its work as soon as possible; and
- (iv) also agreed with the interim outputs for 2013, as proposed by the SG-RAR.

11.4 The Council requested the Secretary-General to report at C 110 on the estimated costs to the Organization of hosting the meetings of SG-RAR.

Reference documents: C 109/11, C 109/11/1; C 108/D, C 108/INF.2, C 108/INF.3, C 108/WP.3; resolutions A.1043(27), A.1038(27) and A.1037(27)

Audio file: Thursday, 8 November 2012: a.m.

12 EXTERNAL RELATIONS (agenda item 12):

(a) Relations with the United Nations and the specialized agencies (agenda item 12(a))

12(a).1 The Council noted the information contained in documents C 109/12(a) and C 109/12(a)/1, as well as that provided orally by the representative of UNEP and the Secretary-General, on relations with the United Nations and the specialized agencies.

12(a).2 With regard to document C 109/12(a), on matters of relevance to IMO, as discussed at the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP) at its thirteenth session (29 May to 1 June 2012), the Council requested the Secretary-General to keep it informed of any relevant developments on the issues addressed.

12(a).3 With regard to document C 109/12(a)/1, providing an update on the latest financial situation of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) and the outcomes of the Preparatory Meeting of the Contracting Parties to the Barcelona Convention, UNEP and IMO regarding the future sustainable operation of REMPEC, the Council requested the Secretary-General to keep it informed of any developments on the issues addressed.

12(a).4 The Council agreed to extend, to 31 December 2013, the financial contingency provision to REMPEC in the same amount and on the same conditions as previously agreed to at C 108; and requested the Secretary-General to provide comprehensive information on the financial situation of REMPEC for consideration at its next session.

12(a).5 Due to time constraints the Council decided not to consider document C 109/12(a)/2 in detail, but noted the information set out therein on the outcome of the United Nations Conference on Sustainable Development held in Rio de Janeiro, Brazil from 20 to 22 June 2012; and the development of Sustainable Maritime Development Goals, as requested in the document.

Reference documents: C 109/12(a), C 109/12(a)/1, C 109/12(a)/2; C 108/D, C 108/15(a)/3, C 108/15(a)/4, C 108/WP.4; MEPC 64/12/4; UN Secretary-General's reports A/67/79 and A/67/120; UN General Assembly resolutions 65/37 A and 66/231

Audio files: Thursday, 8 November 2012: a.m.
Friday, 9 November 2012: a.m.

(b) Joint Inspection Unit (agenda item 12(b))

12(b).1 Due to time constraints, the Council decided to defer discussion of this item to C 110.

Reference document: C 109/12(b)

Audio file: Friday, 9 November 2012: a.m.

(c) Relations with intergovernmental organizations (agenda item 12(c))

12(c).1 Due to time constraints, the Council decided to defer discussion of this item to C 110.

Reference documents: C 108/15(c)/1 and C 108/D

Audio file: Friday, 9 November 2012: a.m.

(d) Relations with non-governmental organizations (agenda item 12(d))

12(d).1 The Council noted the information contained in document C 109/WP.2, as well as that provided orally by the Chairman of the group of Council Members, on relations between IMO and non-governmental organizations.

12(d).2 With regard to the review of the Rules Governing Relationship with Non-Governmental International Organizations, the Guidelines on the Grant of Consultative Status and the questionnaire, the Council agreed with the group's recommendations and decided to:

- (i) approve the consolidated revised text of the Rules and Guidelines for submission to the twenty-eighth session of the Assembly for approval;
- (ii) approve the revised questionnaire; and
- (iii) endorse the existing role of the Secretariat in the process of screening new applications.

Reference document: C 109/WP.2

Audio file: Friday, 9 November 2012: a.m.

(e) Day of the Seafarer (agenda item 12(e))

12(e).1 Due to time constraints, the Council decided not to consider in detail the information contained in document C 109/12(e), on the celebrations of the Day of the Seafarer, but noted its contents and expressed appreciation to all those whose hard work contributed to the successful celebrations of the Day.

Reference documents: C 109/12(e); resolution A.1033(27) and Circular letter No.3248

Audio file: Friday, 9 November 2012: a.m.

(f) Report on World Maritime Day 2012 (agenda item 12(f))

12(f).1 The Council noted the information contained in documents C 109/12(f) and C 109/12(f)/1, as well as that provided orally by the Secretary-General, on the celebration of World Maritime Day 2012.

12(f).2 The Council noted that this year's World Maritime Day had, once again, been a great success, and extended its appreciation to all those involved in the preparation and arrangements made for its celebration.

12(f).3 In particular, the Council noted the very worthwhile contributions which various Member Governments, organizations and individuals made to the success of the Day; by their attendance at the reception held at IMO Headquarters and through events organized by them; and the kind and meaningful messages sent to the Secretary-General on the occasion. The Council joined the Secretary-General in expressing appreciation to all those Governments, organizations and individuals.

12(f).4 The Council also noted, with pleasure, that the eighth World Maritime Day parallel event had been successfully organized, jointly by the Government of Bahrain and IMO, in Manama, on 17 and 18 October 2012. The Council expressed its appreciation to the Government of Bahrain (in particular the Ministry of Transport) for hosting a successful event; to the Member Governments and international organizations, which sent representatives to attend it; and to the media, for covering it.

12(f).5 The Council expressed particular thanks to the Arab Shipbuilding and Repair Yard (ASRY) for its generous donation to IMO's maritime security activities.

12(f).6 With regard to World Maritime Day 2013, the Council recalling that the theme for the Day should be "**Sustainable Development: IMO's contribution beyond RIO+20**", requested the Secretary-General to make all necessary arrangements for the celebration of the Day, in accordance with past practice and decisions made by the Council and the Assembly.

12(f).7 The Council decided to accept the kind offers made by the Governments of Peru and Morocco to host the parallel events in 2013 and 2014, respectively, and expressed its deep appreciation to both Governments for their offers.

Reference documents: C 109/12(f), C 109/12(f)/1; C 108/D and Circular letter No.3290

Audio file: Thursday, 8 November 2012: a.m.

13 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 13)

13.1 Due to time constraints, the Council decided not to consider in detail the information contained in document C 109/13, on the status of the IMO Convention and membership of the Organization, but took note of the information provided therein, as requested in the document.

Reference document: C 109/13

Audio file: Friday, 9 November 2012: a.m.

14 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 14)

14.1 Due to time constraints, the Council decided not to consider in detail the information contained in documents C 109/14 and C 109/14/Add.1, on the status of conventions and other multilateral instruments in respect of which the Organization performs functions, but took note of the information provided therein, as requested in the documents.

Reference documents: C 109/14 and C 109/14/Add.1

Audio file: Friday, 9 November 2012: a.m.

15 SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDAS FOR THE NEXT TWO SESSIONS OF THE COUNCIL (agenda item 15)

15.1 The Council noted the information set out in document C 105/17, and that provided orally by the Secretary-General, on the substantive items proposed for inclusion in the provisional agendas for its 110th regular and twenty-seventh extraordinary sessions.

15.2 The Council decided:

- (i) to retain the item "Protection of vital shipping lanes" on the provisional agendas of both the 110th regular and the twenty-seventh extraordinary sessions of the Council;
- (ii) to delete the item "Review of the IMLI Statute" from the provisional agenda of the 110th regular session;
- (iii) to retain the item "Relations with intergovernmental organizations" on the provisional agenda of the 110th regular session; and
- (iv) that the adoption of the agendas of both the 110th regular and the twenty-seventh extraordinary sessions of the Council would take place at the beginning of each session, in accordance with the usual practice.

15.3 The Council agreed to the proposed dates for each session, namely, 15 to 19 July 2013 for its 110th regular session and 21 to 22 November 2013 for its twenty-seventh extraordinary session.

15.4 The Council agreed further that there would be full interpretation for 10 plenary sessions during the five-day period of C 110; and that it would make a decision regarding interpretation arrangements for its twenty-seventh extraordinary session at C 110.

Reference document: C 109/15

Audio file: Friday, 9 November 2012: a.m.

**16 PLACE AND DATE OF THE NEXT SESSION OF THE COUNCIL
(agenda item 16)**

16.1 In the light of the proposal made by the Secretary-General and the decision taken by Council under agenda item 15 regarding the duration of its next session and the number of plenary sessions requiring interpretation, the Council agreed that its 110th session be held at the Headquarters of the Organization from 15 July to 19 July 2013, with 10 sessions requiring interpretation.

Reference documents: C 109/16; C 109/15; C 108/D and C 104/D

Audio file: Friday, 9 November 2012: a.m.
