

MARITIME SAFETY COMMITTEE
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**REPORT OF THE MARITIME SAFETY COMMITTEE ON ITS
NINETY-SEVENTH SESSION**

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The ninety-seventh session of the Maritime Safety Committee was held at the IMO Headquarters from 21 to 25 November 2016, chaired by Mr. Brad Groves (Australia). The Vice-Chair of the Committee, Mr. Juan Carlos Cubisino (Argentina), was also present.

1.2 The session was attended by delegations from Members and Associate Members; by representatives from the United Nations Programmes, specialized agencies and other entities; by observers from intergovernmental organizations with agreements of cooperation; and by observers from non-governmental organizations in consultative status; as listed in document MSC 97/INF.1.

1.3 The session was also attended by the Chair of the Council, Mr. Jeffrey G. Lantz (United States), the Chair of the Marine Environment Protection Committee, Mr. Arsenio Domínguez (Panama), and the Chair of the Facilitation Committee, Mr. Yury Melenas (Russian Federation).

Opening address of the Secretary-General

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link:
<http://www.imo.org/en/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings/Pages/Default.aspx>

Chair's remarks

1.5 The Chair thanked the Secretary-General for his opening address and stated that his advice and requests would be given every consideration in the deliberations of the Committee.

Adoption of the agenda and related matters

1.6 The Committee adopted the agenda (MSC 97/1) and agreed to be guided in its work, in general, by the annotations contained in document MSC 97/1/1 and the arrangements in document MSC 97/1/2. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 97/INF.13.

Credentials

1.7 The Committee noted that credentials of the delegations attending the session were in due and proper form.

2 DECISIONS OF OTHER IMO BODIES

Outcome of C 116, LEG 103, TC 66 and MEPC 70

2.1 The Committee noted the decisions of C 116 (MSC 97/2), LEG 103 (MSC 97/2/1), TC 66 (MSC 97/2/2) and MEPC 70 (MSC 97/2/3) and took appropriate action under the relevant agenda items.

Minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions

2.2 Several delegations expressed the view that the amendments to the *2013 Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* (resolution MEPC.262(68)) (2013 Interim Guidelines), being considered by the MEPC, should also be considered by the Committee to ensure that all safety-related issues are adequately addressed.

2.3 In this context, the Chair of the MEPC advised the Committee that the draft text of the revised 2013 Interim Guidelines would be submitted to MEPC 71 for consideration.

2.4 After some discussion, the Committee agreed to invite the MEPC to forward the proposed revised Guidelines to the Committee, once the MEPC has finalized the draft amendments to the Guidelines, with a view to ensuring that the safety aspects were adequately covered.

Implementation for ships to comply with the 0.5% m/m sulphur content of fuel oil requirement with effect from 1 January 2020

2.5 Several delegations drew the Committee's attention to the fact that MEPC 70, pursuant to regulation 14.1.3 of MARPOL Annex VI, had agreed the effective date of implementation for ships to comply with the 0.5% sulphur cap for fuel oil used on board ships. In their opinion, the Committee should consider this decision of the MEPC, as it could impact on the safety of ships, in particular with regard to the use of low-flashpoint fuels. In this regard, some delegations pointed out that no documents had been submitted to this session for consideration.

2.6 In this context, the Chair of the MEPC advised the Committee that similar concerns had been expressed at MEPC 70. In this regard, the Committee noted that MEPC 70 had not taken any decision to refer this issue to the Committee and had instructed PPR 4 to consider all matters related to implementation of the above-mentioned decision.

2.7 Furthermore, the Chair of the CCC advised the Committee that, although the CCC Sub-Committee agreed to amend the IGF Code regarding fuel cells, it had not made any decisions on low-flashpoint fuels.

2.8 After some discussions, the Committee invited MEPC 71 to provide the relevant information to the Committee where safety issues are identified with a view to ensuring that safety aspects were adequately covered to implement the above-mentioned decision of MEPC 70.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

GENERAL

3.1 Contracting Governments to the 1974 SOLAS Convention were invited to consider and adopt proposed amendments to:

- .1 chapters II-1, II-2, III and XI-1 of the annex to the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention;

- .2 the International Code for Fire Safety Systems (FSS Code), in accordance with the provisions of article VIII and regulation II-2/3.22 of the Convention;
- .3 the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), in accordance with the provisions of article VIII and regulation VII/11.1 of the Convention;
- .4 the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), in accordance with the provisions of article VIII and regulation XI-1/2 of the Convention; and
- .5 the International Code on Intact Stability, 2008 (2008 IS Code), in accordance with the provisions of article VIII and regulation II-1/2.27 of the Convention.

3.2 More than one third of the Contracting Governments to the 1974 SOLAS Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with articles VIII(b)(iii) and VIII(b)(iv) of the Convention. The proposed amendments to the 1974 SOLAS Convention and the Codes mandatory under the Convention had been circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Member States and Contracting Governments to the Convention by Circular Letter No.3644 of 20 May 2016.

3.3 Parties to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol) were invited to consider and adopt proposed amendments to the International Code on Intact Stability, 2008 (2008 IS Code), as amended, in accordance with the provisions of article VI of the 1988 Load Lines Protocol and regulation 3(16) of annex I to the International Convention on Load Lines, 1966, as modified by the 1988 Load Lines Protocol, as amended. Parties constituting more than one third of the total of Parties to the Protocol were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of paragraphs 2(c) and 2(d) of article VI of the 1988 Load Lines Protocol. The proposed amendments to the 2008 IS Code had been circulated, in accordance with paragraph 2(a) of article VI of the 1988 Load Lines Protocol, to all IMO Member States and Parties to the Protocol by Circular Letter No.3645 of 20 May 2016.

3.4 Parties to the 1978 STCW Convention were invited to participate in the consideration and adoption of proposed amendments to chapters I and V of the 1978 STCW Convention, as amended, chapters I and V of part A of the STCW Code and chapter I of part B of the STCW Code. More than one third of the Parties to the 1978 STCW Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article XII(1)(a)(iv) and regulation I/1.2.3 of the Convention. The proposed amendments to the 1978 STCW Convention and parts A and B of the STCW Code had been circulated in accordance with article XII(1)(a)(i) of the Convention to all IMO Member States and Parties to the Convention, by Circular Letter No.3641 of 20 May 2016.

3.5 The Committee was also invited to consider and approve the following draft MSC circulars on:

- .1 Revised Guidance for watertight doors on passenger ships which may be opened during navigation;

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- .2 Early implementation of the amendments to SOLAS regulations II-2/1 and II-2/10 on exemption from the requirement to have an approved foam-type extinguisher of at least 135 l capacity;
 - .3 Early implementation of the amendments to SOLAS regulation II-1/12.6.1 on the acceptance of the use of butterfly valves on cargo ships; and
 - .4 Early implementation and acceptance of the amendment to paragraph 3.2.5 of the IGC Code.

DRAFT AMENDMENTS TO THE 1974 SOLAS CONVENTION

Draft amendments to SOLAS chapter II-1 on subdivision and damage stability regulations

3.6 The Committee recalled that the draft amendments to SOLAS chapter II-1 on subdivision and damage stability regulations (MSC 97/3, annex 1; and MSC 97/WP.5, annex 1), had been prepared by SDC 3, with some inputs from HTW 3, and approved by MSC 96 (MSC 96/25, paragraphs 11.4 and 11.5).

3.7 The Committee had for its consideration document MSC 97/3/5 (United States), proposing modifications to the draft amendments to SOLAS regulation II-1/1 in order to clarify the intended application of the draft new SOLAS regulation II-1/19-1 concerning damage control drill requirements to existing passenger ships (also indicated as notes in annex 1 to document MSC 97/WP.5).

3.8 Having noted the support for the proposal, the Committee agreed to the modifications proposed in document MSC 97/3/5.

3.9 The Committee had for its consideration document MSC 97/3/7 (China et al.), proposing modification of the formula for the required subdivision index R set out in the draft SOLAS regulation II-1/6.

3.10 In the ensuing discussions, the Committee noted the following views:

- .1 the current safety level for smaller ships was sufficient;
- .2 when increasing requirements of index R , consideration should be given to the fact that it would have a significant impact on developing countries as well as Small Island Developing States (SIDS), which includes the possible reduction of persons on board ships and the need for alteration of port facilities;
- .3 when amending regulations, provisions of resolution A.1103(29) should be taken into account;
- .4 based on the analysis in document MSC 97/3/7, the proposed index R for smaller ships should be reduced, taking into account the insufficient evaluation of adequacy and less flexibility of design of smaller ships in the draft amendments related to index R , i.e. those carrying fewer than 2,000 persons on board;

- .5 the current text of the draft regulation II-1/6, approved by MSC 96, was already a compromise solution, which was lower than the original proposal, based on the EMSA FSA study;
- .6 in accordance with the FSA Guidelines, the FSA Experts' Group concluded that the EMSA study had taken into account smaller ships, carrying more than 400 persons, and Germany and CESA conducted the study for smaller ships, carrying less than 400 persons; and
- .7 the proposed index *R*, contained in document MSC 97/3/7, would significantly reduce the survivability of passenger ships and would be even lower than the current SOLAS requirements for the same size of ships.

3.11 After an in-depth discussion and having considered the above-mentioned divergence of views, the Committee, as suggested by the Chair, agreed to hold the adoption of the draft amendments to SOLAS chapter II-1 on subdivision and damage stability regulations in abeyance until MSC 98. Notwithstanding the above decision, the Committee noted that this would still allow for the amendments to SOLAS chapter II-1, if adopted at MSC 98, to enter into force as planned, i.e. on 1 January 2020.

3.12 Consequently, the Committee invited interested Member States and international organizations to work together intersessionally, with a view to submitting proposals to the next session in order to try to achieve consensus on this important issue. In this context, the Committee also agreed that any further modifications to regulation II-1/6 should not lower the current safety level of SOLAS provisions.

3.13 Notwithstanding the decision taken to defer the adoption of SOLAS chapter II-1, the Committee agreed to consider all the documents submitted to this session and finalize the draft text of the amendments, with a view to adoption at this session or at the next session, as appropriate. In this context, the Committee considered document MSC 97/3/4 (Bahamas), proposing to harmonize text in regulations II-1/22, 23 and 24 without altering the content of the approved amendments, since multiple expressions for similar requirements had been identified. Some existing cross references within the regulations were also identified as requiring amendments.

3.14 Following a brief discussion, the Committee generally agreed to the modifications proposed in document MSC 97/3/4.

Application dates

3.15 The Committee recalled that MSC 96, having considered the application dates of the draft amendments to SOLAS chapter II-1, agreed that the application date of the aforementioned amendments should be 1 January 2020 (MSC 96/25, paragraph 11.5).

3.16 In this regard, the Committee noted that in the draft amendments to SOLAS regulation II-1/1.1.1 (MSC 97/WP.5, annex 1), the Secretariat had completed the three dates based on the guidance contained in paragraph 4.2.1.2 of MSC.1/Circ.1500, taking into account the decision by MSC 96 that the application date of the aforementioned amendments should be 1 January 2020 (i.e. date 1 (contract date) is 1 January 2020; date 2 (keel laying) is 6 months after date 1; and date 3 (delivery) is 48 months after date 1).

3.17 Subsequently, the Committee confirmed the contents of the proposed amendments to SOLAS chapter II-1 on subdivision and damage stability regulations, except for SOLAS regulation II-1/6, as set out in annex 1 of document MSC 97/WP.5, subject to the modifications proposed in documents MSC 97/3/5 and MSC 97/3/4 and editorial improvements, if any, with a view to adoption at MSC 98.

Draft amendments to SOLAS regulation II-1/3-12 on Protection against noise

3.18 The Committee recalled that the draft amendments to SOLAS regulation II-1/3-12 on Protection against noise (MSC 97/3, annex 1; and MSC 97/WP.5, annex 1) had been developed and approved by MSC 96 (MSC 96/25, paragraph 20.10), as corrections of minor issues.

3.19 Having noted that no comments had been submitted on the proposed amendments, the Committee confirmed the contents of the proposed amendments to SOLAS regulation II-1/3-12 on Protection against noise, as set out in annex 1 of document MSC 97/WP.5, subject to editorial improvements, if any.

Draft amendments to SOLAS regulations II-2/1 and II-2/10 on firefighting

3.20 The Committee recalled that the draft amendments to SOLAS regulations II-2/1 and II-2/10 on firefighting (MSC 97/3, annex 1; and MSC 97/WP.5, annex 1) had been developed by SSE 2 and approved by MSC 96 (MSC 96/25, paragraph 8.2).

3.21 Having noted that no comments had been submitted on the proposed amendments, the Committee confirmed the contents of the proposed amendments to SOLAS regulations II-2/1 and II-2/10, as set out in annex 1 of document MSC 97/WP.5, subject to editorial improvements, if any.

Draft amendments to SOLAS regulations III/1.4, III/30 and III/37 on damage control drills for passenger ships

3.22 The Committee recalled that the draft amendments to SOLAS regulations III/1.4, III/30 and III/37 on damage control drills for passenger ships (MSC 97/3, annex 1; and MSC 97/WP.5, annex 1) had been developed by SDC 3 and approved by MSC 96 (MSC 96/25, paragraph 11.19).

3.23 Having noted that no comments had been submitted on the proposed amendments, the Committee confirmed the contents of the proposed amendments to SOLAS regulations III/1.4, III/30 and III/37, as set out in annex 1 of document MSC 97/WP.5, subject to editorial improvements, if any. In this context, the Committee recognized that the draft amendments to SOLAS chapter III were also related to the draft amendments to SOLAS chapter II-1. Accordingly, the Committee, in light of its decision to defer adoption of amendments related to subdivision and stability to MSC 98 (see paragraph 3.11), agreed to also hold in abeyance the draft amendments to SOLAS chapter III until MSC 98.

Draft new SOLAS regulation XI-1/2-1 on Harmonization of survey periods of cargo ships not subject to the ESP Code

3.24 The Committee recalled that the draft new SOLAS regulation XI-1/2-1 on Harmonization of survey periods of cargo ships not subject to the ESP Code (MSC 97/3, annex 1; and MSC 97/WP.5, annex 1) had been developed by III 2 and approved by MSC 96 (MSC 96/25, paragraph 9.12).

3.25 Having noted that no comments had been submitted on the proposed amendment, the Committee confirmed the contents of the proposed new SOLAS regulation XI-1/2-1, as set out in annex 1 of document MSC 97/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.26 The Committee agreed that the above SOLAS amendments to chapters II-1, II-2 and XI-1, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2019 and enter into force on 1 January 2020, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

AMENDMENTS TO THE FSS, IGC AND 2011 ESP CODES, MANDATORY UNDER THE 1974 SOLAS CONVENTION

Draft amendment to the FSS Code

3.27 The Committee recalled that the draft amendment to chapter 13 (paragraph 2.1.2.2.1) of the FSS Code, regarding clarification of the crew distribution in public spaces (MSC 97/3, annex 2; and MSC 97/WP.5, annex 2), had been developed by SDC 3 and approved by MSC 96 (MSC 96/25, paragraph 11.15).

3.28 Having noted that no comments had been submitted on the proposed amendment, the Committee confirmed the contents of the proposed amendment to chapter 13 of the FSS Code, as set out in annex 2 to document MSC 97/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendment

3.29 The Committee agreed that the above amendment to the FSS Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2019 and enter into force on 1 January 2020.

Draft amendment to the IGC Code

3.30 The Committee recalled that the draft amendment to paragraph 3.2.5 of the IGC Code on fire rating of wheelhouse windows (MSC 97/3, annex 3; and MSC 97/WP.5, annex 3), had been developed by CCC 2 and approved by MSC 96 (MSC 96/25, paragraph 10.12).

3.31 The Committee had for its consideration document MSC 97/3/8 (IACS), commenting on the draft amendment to the IGC Code, and recommending that the fire integrity requirements for wheelhouse windows specified in paragraph 11.3.2 of the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (the IGF Code) be aligned with the draft amendments to paragraph 3.2.5 of the IGC Code. In addition, the document invited the Committee to clarify how the amendments to paragraph 3.2.5 of the IGC Code and the proposed amendments to paragraph 11.3.2 of the IGF Code were to be applied, underscoring the need to make clear, within the text of the draft amendments, the application dates for both new and existing ships.

3.32 While noting the general support for the proposal, the Committee instructed the Secretariat to prepare, on the basis of document MSC 97/3/8, draft amendments to paragraph 11.3.2 of the IGF Code, for approval at this session, with a view to adoption at the next session. In this regard, the Director of the Legal Affairs and External Relations Division confirmed that the draft amendments to the IGF Code could be circulated before the date of entry into force of the IGF Code, i.e. 1 January 2017, according to the Vienna Convention on the Law of Treaties, 1969 (see paragraph 3.100).

3.33 The Committee subsequently confirmed the contents of the proposed draft amendment to paragraph 3.2.5 of the IGC Code, as set out in annex 3 to document MSC 97/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendment

3.34 The Committee agreed that the above amendment to the IGC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2019 and enter into force on 1 January 2020.

Draft amendments to the 2011 ESP Code

3.35 The Committee recalled that the draft amendments to the 2011 ESP Code (MSC 97/3, annex 4; and MSC 97/WP.5, annex 4), had been prepared by SDC 3 and approved by MSC 96 (MSC 96/25, paragraph 11.21).

3.36 Having noted that no comments had been submitted on the proposed amendments, the Committee confirmed the contents of the proposed amendments to the 2011 ESP Code, as set out in annex 4 to document MSC 97/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.37 The Committee recalled that MSC 95 had decided that the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500) should not apply, in its entirety, to the 2011 ESP Code, since the aforementioned Code was updated annually, similarly to the IMDG and IMSBC Codes (MSC 95/22, paragraph 10.26).

3.38 The Committee recalled also that MSC 96 had decided that the date of entry into force of draft amendments to the 2011 ESP Code should be set to the earliest allowable date (i.e. 18 months following adoption) (MSC 96/25, paragraph 3.34).

3.39 In this context, the Committee agreed that the above amendments to the 2011 ESP Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2018 and enter into force on 1 July 2018, taking into account the aforementioned decisions.

PROPOSED AMENDMENTS TO THE 2008 IS CODE, MANDATORY UNDER THE 1974 SOLAS CONVENTION AND THE 1988 LL PROTOCOL

Draft amendments to the introduction and part A of the 2008 IS Code

3.40 The Committee recalled that the draft amendments to the introduction of the 2008 IS Code regarding ships engaged in anchor handling operations had been developed by SDC 2 and approved by MSC 95, and, regarding vessels engaged in lifting and towing operations, including escort towing, had been developed by SDC 3 and approved by MSC 96, with a view to subsequent adoption at this session (MSC 96/25, paragraphs 11.11 and 11.12). The Secretariat, as instructed, prepared the consolidated text, as set out in annexes 1 (under SOLAS) and 2 (under the 1988 Load Lines Protocol) to document MSC 97/3/1, and in annexes 5 (under SOLAS) and 6 (under the 1988 Load Lines Protocol) to document MSC 97/WP.5, respectively, with a view to adoption at this session.

3.41 Having noted that no comments had been submitted on the proposed amendments, the Committee confirmed the contents of the proposed amendments to the introduction and part A of the 2008 IS Code, as set out in annexes 5 and 6 to document MSC 97/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.42 The Committee agreed that the above amendments to the introduction and part A of the 2008 IS Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2019 by Contracting Governments to the SOLAS Convention and by Parties to the 1988 Load Lines Protocol, and enter into force on 1 January 2020.

Draft amendments to part B of the 2008 IS Code

3.43 The Committee recalled that the draft amendments to part B of the 2008 IS Code, which are related to ships engaged in anchor handling operations, had been developed by SDC 2 and approved by MSC 95, and should become operative on the same date as the amendments to the mandatory part of the 2008 IS Code.

3.44 The Committee also recalled that the draft amendments to part B of the 2008 IS Code, after approval at MSC 95, had been further modified at MSC 96 (MSC 96/25, paragraph 11.12). The Secretariat prepared the final consolidated text of the amendments to part B of the 2008 IS Code, as set out in annex 3 to document MSC 97/3/1 and in annex 7 to document MSC 97/WP.5.

3.45 The Committee had for its consideration the following three documents submitted by Germany:

- .1 MSC 97/3/6, proposing a further improved definition of waters that are not exposed in the context of the draft amendments to part B of the Code for ships engaged in lifting operations. It also reported on the first validation exercise of the draft amendments to part B of the Code and proposed modifications to the draft amendments, in order to ensure equal safety level independent of a calculation method;
- .2 MSC 97/INF.10, providing sample calculations according to the draft amendments to the 2008 IS Code for ships engaged in lifting operations and explaining the difference between the two methods of stability evaluation, to support document MSC 97/3/6; and
- .3 MSC 97/3/10, proposing a fall-back position for the Committee in respect of the potential outcome of the consideration of document MSC 97/3/6. Specifically, if the modifications proposed in document MSC 97/3/6 were not sufficiently supported due to their highly technical nature, Germany proposed that the Committee adopt the amendments to the 2008 IS Code regarding ships engaged in lifting operations, as developed by SDC 3, and requested the SDC Sub-Committee to develop guidance with regard to the different calculation methods for stability evaluation.

3.46 With regard to the proposal related to the definition of waters that are not exposed, the Committee agreed to the modification included in document MSC 97/3/6. The Committee did not agree to other proposals in document MSC 97/3/6 and instructed SDC 4 to consider them and develop guidance with regard to the different calculation methods for stability evaluation, if considered necessary.

3.47 Following the discussion, the Committee confirmed the contents of the proposed amendments to part B of the 2008 IS Code, as set out in annex 7 to document MSC 97/WP.5, subject to the modifications as agreed (see paragraph 3.46) and editorial improvements, if any.

3.48 The Committee agreed that the above amendments to part B of the 2008 IS Code, proposed for adoption at the current session, should take effect on 1 January 2020.

PROPOSED AMENDMENTS TO THE 1978 STCW CONVENTION, AS AMENDED, AND THE STCW CODE

3.49 The Committee recalled that the draft amendments to the 1978 STCW Convention and the STCW Code, related to the Polar Code, developed by HTW 2 and approved by MSC 95, had been forwarded to this session, with a view to adoption as a consolidated package with the draft amendments relating to passenger ship-specific safety training, as developed by HTW 3 and approved by MSC 96 (MSC 96/25, paragraphs 3.97, 3.98, 12.5 and 12.6).

Proposed amendments to the STCW Convention

3.50 The Committee considered the draft amendments to the STCW Convention, as set out in annex 1 to document MSC 97/3/2 and in annex 8 to document MSC 97/WP.5.

3.51 Having noted that no comments had been submitted on the proposed amendments, the Committee confirmed the contents of the proposed amendments to the STCW Convention, as set out in annex 8 to document MSC 97/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.52 The Committee agreed that the above amendments to the 1978 STCW Convention, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2018 and enter into force on 1 July 2018.

Proposed amendments to part A of the STCW Code

3.53 The Committee considered the draft amendments to part A of the STCW Code, as set out in annex 2 to document MSC 97/3/2 and in annex 9 to document MSC 97/WP.5.

3.54 The Committee noted that no comments had been submitted on the proposed amendments to part A of the STCW Code, related to the Polar Code and to passenger ship-specific training and certification, and confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.55 The Committee agreed that the above amendments to part A of the STCW Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2018 and enter into force on 1 July 2018.

Proposed amendments to part B of the STCW Code

3.56 The Committee considered the draft amendments to part B of the STCW Code, as contained in the draft STCW.6 circular in annex 3 to document MSC 97/3/2 and in annex 10 to document MSC 97/WP.5.

3.57 Having noted that no comments had been submitted on the proposed amendments to part B of the STCW Code, the Committee confirmed the contents of the proposed amendments to part B of the STCW Code related to the Polar Code and to passenger ship-specific training and certification, as set out in annex 10 to document MSC 97/WP.5, subject to editorial improvements, if any. In this context, the Committee agreed that the above amendments to part B of the STCW Code should take effect on 1 July 2018.

Training requirements for master, chief mate and officers in charge of a navigational watch for ships operating in polar waters

3.58 The Committee had for its consideration document MSC 97/3/9 (Japan), providing a comparison table in order to facilitate the understanding of the training requirements for master, chief mate and officers in charge of a navigational watch for ships operating in polar waters in case an Administration allows the use of a person(s) other than the aforementioned, as set out in paragraph 12.3.2 of the Polar Code.

3.59 The Committee, while noting with appreciation the information contained in the document, invited Japan to submit an appropriate submission to HTW 4 for specific actions to be taken on the matter, if any.

NON-MANDATORY INSTRUMENTS

Revised Guidance for watertight doors on passenger ships which may be opened during navigation

3.60 The Committee recalled that MSC 95 had approved, in principle, the draft MSC circular on *Revised Guidance for watertight doors on passenger ships which may be opened during navigation*, that had been developed by SDC 2, with a view to approval at this session, in conjunction with the adoption of the draft amendments to SOLAS regulation II-1/22 (MSC 95/22, paragraph 10.23).

3.61 The Committee considered the draft MSC circular on Revised Guidance, as set out in annex 1 to document MSC 97/3/3, and annex 11 to document MSC 97/WP.5.

3.62 Having noted that no comments on the above proposed draft MSC circular had been received, the Committee confirmed its contents, subject to editorial improvements, if any. In this connection, the Committee recalled that the adoption of the draft amendments to SOLAS chapter II-1 had been deferred to the next session (see paragraph 3.11), and agreed to hold the approval of the draft circular in abeyance until MSC 98.

Early implementation circulars

3.63 The Committee agreed to consider the matters related to the early implementation circulars, as set out in annexes 2 to 4 to document MSC 97/3/3, and annexes 12 to 14 to document MSC 97/WP.5, based on the decision made under agenda item 9 (Implementation of IMO Instruments) regarding the early implementation circulars (see paragraph 9.11).

Early implementation of the amendments to SOLAS regulations II-2/1 and II 2/10 on exemption from the requirement to have an approved foam-type extinguisher of at least 135 l capacity

3.64 The Committee recalled that MSC 96 had endorsed the proposal, in principle, made in document MSC 96/8/1 (China), with a view to further consideration and final approval of the draft MSC circular at this session, in conjunction with the adoption of the draft amendments to SOLAS regulations II-2/1 and II-2/10 (MSC 96/25, paragraph 8.3).

3.65 The Committee considered the draft MSC circular on *Early implementation of the amendments to SOLAS regulations II-2/1 and II-2/10 on exemption from the requirement to have an approved foam-type extinguisher of at least 135 l capacity*, as set out in annex 2 to document MSC 97/3/3, and annex 12 to document MSC 97/WP.5.

3.66 The Committee, having noted that this draft circular was not related to corrections to existing provisions, agreed not to consider the circular at this session but to consider it at MSC 98, if necessary, after the general principles related to the early implementation had been considered.

Early implementation of the amendments to SOLAS regulation II-1/12.6.1 on the acceptance of the use of butterfly valves on cargo ships

3.67 The Committee recalled that MSC 96, having agreed, in principle, to the draft MSC circular (MSC 96/11/7, annex), decided to approve it at this session, in conjunction with the associated SOLAS amendments (MSC 96/25, paragraph 11.6).

3.68 The Committee considered the draft MSC circular on *Early implementation of the amendments to SOLAS regulation II-1/12.6.1 on the acceptance of the use of butterfly valves on cargo ships*, as set out in annex 3 to document MSC 97/3/3, and annex 13 to document MSC 97/WP.5.

3.69 While agreeing that this draft circular was related to corrections to existing provisions, the Committee, having noted the explanation by the Director of the Legal Affairs and External Relations Division that there may be a possibility whereby the error could be corrected in accordance with article 79 (Correction of errors in texts or in certified copies of treaties) of the Vienna Convention on the Law of Treaties, 1969, agreed to consider the matter at MSC 98, after taking into account the document to be submitted by the Secretariat on how to correct the errors.

Early implementation and acceptance of the amendment to paragraph 3.2.5 of the IGC Code

3.70 The Committee recalled that MSC 96 had agreed to further consider the draft MSC circular at this session, in conjunction with the adoption of the associated draft amendments to the IGC Code, and requested the Secretariat to submit the draft MSC circular under agenda item 3 at this session (MSC 96/25, paragraph 10.13).

3.71 The Committee considered the draft MSC circular on *Early implementation and acceptance of the amendment to paragraph 3.2.5 of the IGC Code*, as set out in annex 4 to document MSC 97/3/3, and annex 14 to document MSC 97/WP.5.

3.72 While agreeing that this draft circular was related to corrections to existing provisions, the Committee, having recognized the urgent need to solve the problem, agreed to approve the circular at this session, changing the title from "Early implementation and acceptance .." to

"Notification of amendments to paragraph 3.2.5 of the IGC Code", subject to editorial improvements, if any. The Committee also agreed to consider the matter further at MSC 98, after taking into account the document to be submitted by the Secretariat on how to correct the errors.

3.73 In this connection, the Committee, having recalled its decision to amend the IGF Code (paragraph 3.32), agreed to instruct the Drafting Group to prepare a circular for the IGF Code, similar to the one prepared for the IGC Code, for approval at MSC 98.

ESTABLISHMENT OF THE DRAFTING GROUP

3.74 Having considered the above matters, the Committee established the Drafting Group on Amendments to Mandatory Instruments and instructed it, taking into account decisions taken in plenary, to prepare, for consideration by the Committee with a view to adoption or approval, as appropriate:

- .1 the final text of the draft amendments to regulation II-1/3-12 and chapters II-2 and XI-1 of the 1974 SOLAS Convention, as amended, including the requisite MSC resolution;
- .2 the final text of draft amendments to the FSS Code (chapter 13), including the requisite MSC resolution;
- .3 the final text of draft amendments to paragraph 3.2.5 of the IGC Code, including the requisite MSC resolution;
- .4 the final text of draft amendments to the 2011 ESP Code, including the requisite MSC resolution;
- .5 the final text of draft amendments to the 2008 IS Code, including the requisite MSC resolutions for SOLAS Contracting Governments and the 1988 Load Lines Protocol Parties, respectively;
- .6 the final text of draft amendments to the 1978 STCW Convention and STCW Code, including the requisite MSC resolutions and STCW.6 circular;
- .7 the draft MSC circular on *Notification of amendments to paragraph 3.2.5 of the IGC Code*; and

for consideration by the Committee at the next session with a view to adoption or approval, as appropriate:

- .8 the final text of the draft amendments to chapters II-1 and III of the 1974 SOLAS Convention, as amended, including the requisite MSC resolution;
- .9 the draft MSC circular on *Revised Guidance for watertight doors on passenger ships which may be opened during navigation*; and
- .10 the draft MSC circular on *Notification of amendments to paragraph 11.3.2 of the IGF Code*.

REPORT OF THE DRAFTING GROUP

3.75 Having considered the report of the Drafting Group on Amendments to Mandatory Instruments (MSC 97/WP.6 and Add.1), the Committee approved it in general and took action as indicated hereunder.

Adoption of amendments to the 1974 SOLAS Convention, as amended, including related mandatory codes

Adoption of amendments to the 1974 SOLAS Convention

3.76 The expanded Committee, including delegations of 105 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to regulation II-1/3-12 and chapters II-2 and XI-1 of the 1974 SOLAS Convention, prepared by the Drafting Group (MSC 97/WP.6, annex 1), and unanimously adopted the amendments to the 1974 SOLAS Convention by resolution MSC.409(97), as set out in annex 1.

3.77 In adopting resolution MSC.409(97), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Convention should be deemed to have been accepted on 1 July 2019 (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 enter into force on 1 January 2020, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the FSS Code

3.78 The expanded Committee, including delegations of 105 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapter 13 of the FSS Code, prepared by the Drafting Group (MSC 97/WP.6, annex 2), and adopted the amendments to the FSS Code unanimously by resolution MSC.410(97), as set out in annex 2.

3.79 In adopting resolution MSC.410(97), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the FSS Code should be deemed to have been accepted on 1 July 2019 (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 enter into force on 1 January 2020, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the IGC Code

3.80 The expanded Committee, including delegations of 105 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to paragraph 3.2.5 of the IGC Code, prepared by the Drafting Group (MSC 97/WP.6, annex 3), and adopted the amendments to the IGC Code unanimously by resolution MSC.411(97), as set out in annex 3.

3.81 In adopting resolution MSC.411(97), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IGC Code should be deemed to have been accepted on 1 July 2019 (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 enter into force on 1 January 2020, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the 2011 ESP Code

3.82 The expanded Committee, including delegations of 105 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 2011 ESP Code, prepared by the Drafting Group (MSC 97/WP.6, annex 4), and adopted the amendments to the 2011 ESP Code unanimously by resolution MSC.412(97), as set out in annex 4.

3.83 In adopting resolution MSC.412(97), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 2011 ESP Code should be deemed to have been accepted on 1 January 2018 (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 enter into force on 1 July 2018, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the 2008 IS Code***Mandatory parts under SOLAS***

3.84 The expanded Committee, including delegations of 105 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the introduction and part A of the 2008 IS Code, prepared by the Drafting Group (MSC 97/WP.6, annex 5), and adopted the amendments to the introduction and part A of the 2008 IS Code, unanimously by resolution MSC.413(97), as set out in annex 5.

3.85 In adopting resolution MSC.413(97), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the introduction and part A of the 2008 IS Code, should be deemed to have been accepted on 1 July 2019 (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 enter into force on 1 January 2020, in accordance with the provisions of SOLAS article VIII.

Mandatory parts under 1988 Load Lines Protocol

3.86 The expanded Committee, including delegations of 78 Parties to the 1988 Load Lines Protocol, considered the final text of the proposed amendments to the introduction and part A of the 2008 IS Code, prepared by the Drafting Group (MSC 97/WP.6, annex 6), and adopted the amendments to the introduction and part A of the 2008 IS Code, unanimously by resolution MSC.414(97), as set out in annex 6.

3.87 In adopting resolution MSC.414(97), the expanded Committee determined, in accordance with paragraph 2(f)(ii)(bb) of article VI of the 1988 Load Lines Protocol, that the adopted amendments to the introduction and part A of the 2008 IS Code, should be deemed to have been accepted on 1 July 2019 (unless, prior to that date, objections are communicated to the Secretary-General, as provided in paragraph 2(g)(ii) of article VI of the Protocol) and enter into force on 1 January 2020, in accordance with the provisions of article VI of the Protocol.

Part B under SOLAS and 1988 Load Lines Protocol

3.88 The Committee considered the final text of the proposed amendments to part B of the 2008 IS Code, prepared by the Drafting Group (MSC 97/WP.6, annex 7), and adopted, with some editorial modifications, in accordance with the Rules of Procedures of the MSC, the amendments to part B of the 2008 IS Code, unanimously by resolution MSC.415(97), as set out in annex 7.

3.89 Having adopted, by resolutions MSC.413(97) and MSC.414(97), amendments to part A of the 2008 IS Code, the Committee decided that the above amendments to part B of the 2008 IS Code will take effect on 1 January 2020.

Adoption of amendments to the 1978 STCW Convention, as amended, and the STCW Code

Adoption of amendments to the 1978 STCW Convention

3.90 The expanded Committee, including delegations of 105 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to STCW Convention, prepared by the Drafting Group (MSC 97/WP.6, annex 8), and adopted the amendments to the STCW Convention, unanimously by resolution MSC.416(97), as set out in annex 8.

3.91 In adopting resolution MSC.416(97), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments should be deemed to have been accepted on 1 January 2018 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article XII(1)(a)(ix) of the Convention) and enter into force on 1 July 2018.

Adoption of amendments to part A of the STCW Code

3.92 The expanded Committee, including delegations of 105 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to part A of the STCW Code, prepared by the Drafting Group (MSC 97/WP.6, annex 9), and adopted the amendments unanimously by resolution MSC.417(97), as set out in annex 9.

3.93 In adopting resolution MSC.417(97), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments should be deemed to have been accepted on 1 January 2018 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article XII(1)(a)(ix) of the Convention) and enter into force on 1 July 2018.

Adoption of amendments to part B of the STCW Code

3.94 The Committee considered the final text of the proposed amendments to part B of the STCW Code, prepared by the Drafting Group (MSC 97/WP.6, annex 10), and adopted, in accordance with the Rules of Procedures of the MSC, the amendments unanimously, which is being circulated by STCW.6/Circ.12.

3.95 Having adopted, by resolutions MSC.416(97) and MSC.417(97), amendments to the STCW Convention and part A of the STCW Code, the Committee decided that the amendments to part B of the STCW Code will become effective on 1 July 2018.

Approval of non-mandatory instruments

3.96 The Committee considered the final text of non-mandatory instruments prepared by the Drafting Group (MSC 97/WP.6, annexes 11 and 12) and approved the following MSC circulars:

- .1 MSC.1/Circ.1549 on *Notification of amendments to paragraph 3.2.5 of the IGC Code*; and
- .2 MSC.1/Circ.1550 on *Unified interpretations relating to the application of SOLAS regulations II-2/10.2.1.3, II-2/10.2.2.4.1.2, II-2/10.7.3.2.3 and II-2/19.3.1, as amended, and paragraph 2.2.1.1 of chapter 12 of the FSS Code* (see paragraph 8.43).

3.97 The Committee noted the progress made by the Group on the following (MSC 97/WP.6/Add.1, annexes 13 to 15):

- .1 the text of the draft amendments to chapters II-1 and III of the 1974 SOLAS Convention, as amended, with the exception of regulation II-1/6, including the requisite MSC resolution (MSC 97/WP.6, annex 13);
- .2 the draft MSC circular on *Revised Guidance for watertight doors on passenger ships which may be opened during navigation* (MSC 97/WP.6, paragraph 22 and annex 14); and
- .3 the draft MSC circular on *Notification of amendments to paragraph 11.3.2 of the IGF Code* (MSC 97/WP.6, paragraph 23 and annex 15).

INSTRUCTIONS TO THE SECRETARIAT

3.98 The Committee authorized the Secretariat, when preparing the authentic texts of the amendments adopted at this session, to make any editorial corrections that may be identified, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions which require action by the Contracting Governments to the 1974 SOLAS Convention, the Parties to the 1988 Load Lines Protocol and the 1978 STCW Convention.

3.99 The Committee further requested the Secretariat to ensure that the final text of the amendments contained in the annexes of the Committee's report is presented as clean text (i.e. without track changes).

AMENDMENTS TO THE IGF CODE

3.100 Having considered the draft amendments to paragraph 11.3.2 of the IGF Code, prepared by the Secretariat (MSC 97/WP.9, annex), the Committee, while noting the view that further modifications may be needed, approved the draft amendments to the IGF Code, as set out in annex 10, and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 98.

4 MEASURES TO ENHANCE MARITIME SECURITY

Guidelines on maritime cyber risk management

4.1 The Committee recalled that MSC 96 had approved MSC.1/Circ.1526 on *Interim guidelines on maritime cyber risk management* (the Interim Guidelines) and noted that Member States and interested international organizations could bring any issues that might be identified with the use of the Interim Guidelines to the attention of MSC 97 under this agenda item.

4.2 The Committee also recalled that MSC 96 had approved the Interim Guidelines with the understanding that they could be subsequently revoked and superseded by a joint FAL/MSC circular once the work of FAL 41 on facilitation aspects was completed.

4.3 The Committee considered document MSC 97/4 (Islamic Republic of Iran) providing comments on the Interim Guidelines and proposing the development of a mandatory instrument to ensure consistent application of cyber security measures and procedures on board ships and on shore-based systems interfacing with ships.

4.4 In the ensuing discussion, the following views were expressed:

- .1 all delegations that spoke recognized the importance of implementing the high-level recommendations on maritime cyber risk management approved by the Organization;
- .2 a careful assessment should be conducted before developing any mandatory provisions on maritime cyber risk management in order to avoid additional administrative burdens;
- .3 FAL 41 should be allowed to conclude its consideration of the facilitation aspects of cyber security before any further work is undertaken;
- .4 as stated already in the Interim Guidelines, maritime cyber risk management should be addressed through the existing management practices set out in the International Ship and Port Facility Security (ISPS) Code and the International Safety Management (ISM) Code; and
- .5 the development of mandatory provisions for maritime cyber risk management would require formal consideration of a proposal for a new output in accordance with the Committees' document on Organization and method of work MSC-MEPC.1/Circ.5.

4.5 After some discussion, the Committee thanked the Islamic Republic of Iran for highlighting the issue and agreed to wait for FAL 41 to complete the work on facilitation aspects before giving any further consideration to the possible mandatory nature of the Guidelines. In this context, the Committee invited interested Member States to submit a proposal for a new output to a future session of the Committee for consideration, if so required.

Communication of information through the Maritime Security module of GISIS

4.6 The Committee considered document MSC 97/4/1 (Secretariat) related to the development of a data transfer mechanism for the Maritime Security module of the Global Integrated Shipping Information System (GISIS) with the aim of facilitating the process of communication of information to the Organization, as required by SOLAS regulation XI-2/13 and the ISPS Code.

4.7 The delegations that spoke supported the proposal for the development of such a mechanism as it would reduce administrative burdens and avoid unintentional errors. However, appropriate standard procedures should be developed to ensure the secure transfer of information, using the necessary validation and authentication mechanisms and bearing in mind the impact on current national databases implementations.

4.8 After some discussion, the Committee agreed to request the Secretariat to develop and implement a data transfer mechanism for the Maritime Security module of GISIS and to submit to the Committee for approval, before the mechanism is made available for use, any procedures to be followed or conditions relating to the use of such a mechanism.

Other issues

Safety and security of navigation in the North-Eastern part of the Black Sea

4.9 The Committee considered the following documents:

- .1 MSC 97/4/2 (Georgia and Ukraine), inviting the Committee to consider the approval of a draft Assembly resolution on *Safety and security of navigation in the North-Eastern part of the Black Sea*; and
- .2 MSC 97/4/3 (Russian Federation), commenting on document MSC 97/4/2, and expressing the view that the proposal contained in the aforementioned document is outside IMO's mandate and should not be considered.

4.10 The Committee noted the information provided in documents MSC 97/4/2 (Georgia and Ukraine) and MSC 97/4/3 (Russian Federation). The introductory statements made by the Russian Federation and Ukraine are set out in annex 27.

4.11 During the ensuing discussions, the majority of the delegations that spoke:

- .1 did not recognize the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, nor the Autonomous Republic of Abkhazia as an independent State;
- .2 condemned this action and shared the security and safety of navigation concerns expressed in document MSC 97/4/2;
- .3 expressed the view that this was a political issue and that IMO was not the appropriate forum for the development of the proposed resolution; and
- .4 supported an alternative approach suggested by a delegation to invite Member States and interested parties to inform the IMO Secretariat of any threats to the security and safety of navigation in these parts of the Black Sea, for circulation to all Member States.

4.12 After an in-depth discussion, the Committee concluded that IMO was not the appropriate forum to discuss the matter. However, recognizing the importance of security and safety of navigation, the Committee agreed to invite Member States and interested parties to notify to the Organization of any threats to the security and safety of navigation in the North-Eastern part of the Black Sea, for circulation to all Member States in accordance with IMO procedures.

4.13 Statements made by Georgia and the United States are set out in annex 27.

5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

General

5.1 The Committee recalled that MSC 96 had considered the final GBS verification audit reports delivered by the five audit teams established for this purpose, which included two common reports on IACS Common Packages (CP) 1 and 2, including IACS Common Structural Rules (CSR), and 12 individual reports of IACS member recognized organizations (RO), and had overwhelmingly confirmed that the information provided by the submitters (12 IACS member ROs) demonstrated that their rules conform to the Standards (resolution MSC.287(87)). In this context, MSC 96 had agreed that the identified non-conformities were to be rectified, taking into account the recommendations made by the audit teams and the corrective action plans, together with the comments contained in document MSC 96/5/9. MSC 96 had further agreed that the ROs should submit new requests for a verification audit on the rectification of non-conformities.

5.2 In this regard, the Committee also recalled that MSC 96 had requested that the ROs address the identified observations in the future, taking into account the recommendations made by the audit teams and the corrective action plans, together with the comments contained in document MSC 96/5/9, and that the ROs should submit the outcome of their review in the future.

5.3 The Committee further recalled that, based on the experience gained during the initial verification process, and having noted the opinion of the participating audit teams that there was room for improvement of the *Guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers* (resolution MSC.296(87)) (GBS Verification Guidelines), MSC 96 had decided that work on the amendments to the Guidelines should be initiated at this session.

5.4 In accordance with the revised timetable and schedule of activities for the implementation of the GBS verification scheme approved at MSC 96, the Committee also noted that amendments to parts A and B of the GBS Verification Guidelines should be finalized at MSC 98 and MSC 100, respectively.

Outcome of MSC 96

5.5 The Committee considered document MSC 97/5 (Secretariat), containing the outcome of MSC 96, as well as the additional information on the actions taken by the Secretariat since that session.

5.6 In this regard, the Committee noted that the Secretariat had sent notification letters to the relevant ROs as to the final decision taken at MSC 96 and its confirmation that the submitted rules conformed to the Standards. Additionally, the Committee also noted that the Secretariat was working on the arrangements to conduct the non-conformities verification audit as follows:

- .1 the audit team had already been established and the contractual issues were in progress;
- .2 the documentation packages are expected to be submitted to the Secretary-General by mid-December of this year;
- .3 the verification audit is expected to be conducted by the end of January 2017; and
- .4 the final audit report is expected to be delivered to the Secretary-General by the audit team by the end of February 2017.

Proposed amendments to the GBS Verification Guidelines

5.7 As far as the preparation of amendments to the GBS Verification Guidelines was concerned, the Committee had for its consideration the following documents:

- .1 MSC 97/5/1 (Secretariat), providing a detailed consideration of the observations raised by the GBS audit teams at MSC 96 and a follow-up to the decisions taken by MSC 96 regarding the planned activities for the implementation of the GBS verification scheme, including the preparation of amendments to the GBS Verification Guidelines (resolution MSC.296(87)), with a view to facilitating discussions on this matter at this session;
- .2 MSC 97/5/2 (IACS), proposing amendments to the introduction and part A of the GBS Verification Guidelines which address, inter alia, the maintenance of verification process and the verification audit of common submission, and include the consideration of an application date of any amended version of the Guidelines;
- .3 MSC 97/5/3 (Argentina and Spain), proposing, among others, the introduction in the Guidelines of the concepts "continuous improvement process" and "proactive approach";
- .4 MSC 97/5/4 (IACS), providing comments on document MSC 97/5/2 and the GBS audit process, based on the experience gained to date of the GBS audit process, and informing about the IACS's intention to submit proposals to MSC 98 in order to amend part B of the GBS Verification Guidelines;
- .5 MSC 97/5/5 (China), proposing clarifications of a number of definitions in the Guidelines;
- .6 MSC 97/5/6 (China), proposing amendments to the Guidelines which address issues such as the maintenance of verification process and the introduction of the "appeal" concept in the maintenance of verification process; and

- .7 MSC 97/5/7 (Japan), proposing the addition of two new paragraphs in the GBS Verification Guidelines in order to base the verification of conformity not only on the self-assessments submitted by Submitters, as defined in the Guidelines, but also on alternative approaches stemming from the auditors' expert knowledge.

5.8 During the discussion, the Committee noted the view expressed that the experience gained during the initial verification process was key to the enhancement of the whole GBS verification audit process and that it would allow an increase in its robustness and efficiency.

5.9 Following consideration of the documents introduced, the Committee agreed to forward them to the GBS Working Group for detailed review.

Financial arrangements for the maintenance of verification audits

5.10 The Committee recalled that:

- .1 MSC 86 had noted that, for the maintenance of verification, the submitter should be responsible for the audit team's expenses (e.g. fees, travel, DSA), which would be in proportion to the volume of rule changes selected for audit;
- .2 MSC 90 had considered the financial arrangements for the maintenance of verification audits (MSC 90/5/1), in particular that, while initial verification requested a non-refundable audit fee of \$50,000, no provisions had been made with regard to the financing of the maintenance of verification audits, taking into account that the establishment of audit teams would need to be financed in some way, as they gave rise to fees and travel expenses of the auditors;
- .3 further, MSC 90 had considered the resource limitations (i.e. financing of appeals, verification of annual rule changes, appointment of a Permanent Secretary, etc.) and the constraints which might subsequently arise for the implementation of the GBS verification scheme, but decided to only note this issue at that stage, being of the view that resource matters fell under the remit of the Council; and
- .4 C 108 had noted the action taken at MSC 90 on issues related to goal-based standards and concurred with the view that the remaining unresolved resource constraints, which might impede the implementation of the GBS verification scheme, fell under the remit of the Council.

5.11 Having noted that C 117, to be held from 5 to 9 December 2016, would not consider this matter, the Committee decided that it would advise the Council to consider the financial arrangements for the maintenance of verification audits as and when agreed by the Committee.

5.12 The Committee also noted the concerns expressed by the delegation of Germany regarding the current scheme established for the funding of the GBS verification audits, in particular that the funding by Submitters could discourage the introduction of changes in rules that had already been confirmed by the Committee as conforming to the GBS Standards.

5.13 Bearing in mind that, at the current stage, the remaining financial matters needed to be resolved, the Committee decided that the potential financial arrangements for the maintenance of verification audits should be considered by the GBS Working Group.

Establishment of the Working Group

5.14 Having considered the above matters, the Committee established the Working Group on Goal-based Standards and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 prepare draft amendments to part A of the GBS Verification Guidelines (resolution MSC.296(87)), taking into account documents MSC 97/5/1, MSC 97/5/2, MSC 97/5/3, MSC 97/5/4, MSC 97/5/5, MSC 97/5/6 and MSC 97/5/7;
- .2 update the revised timetable and schedule of activities for the implementation of the GBS verification scheme, based on the annex to document MSC 97/5, taking into account the progress made on the amendments to the GBS Verification Guidelines; and
- .3 if time permitted, consider potential financial arrangements for the maintenance of verification audits, and advise the Committee accordingly.

Report of the Working Group

5.15 Having considered the report of the Working Group on Goal-based Standards (MSC 97/WP.8), the Committee approved it in general and took action as described hereunder.

Draft amendments to part A of the GBS Verification Guidelines

5.16 The Committee noted that, as a consequence of the work on amendments to the GBS Verification Guidelines, the footnote contained in the *International goal based ship construction standards for bulk carriers and oil tankers* (resolution MSC.287(87)) referring to the *Guidelines for verification of conformity with goal based ship construction standards for bulk carriers and oil tankers* (resolution MSC.296(87)) would need to be updated, as appropriate, when the associated new resolution takes effect.

5.17 With regard to the inclusion of an application date to any revised version of the Guidelines, the Committee noted the inclusion of such a provision as an operative paragraph of the draft resolution and the fact that the date, when any revised version would take effect, should be decided on a case-by-case basis for any future revision, depending upon the nature of the amendments to the Guidelines.

5.18 The Committee noted that, although the proposal to include new subcategories for non-conformities, i.e. "minor" and "major" non-conformities, had been made in order to overcome the broad nature of the audit standard, the Group had decided not to introduce definitions for these subcategories, based on the fact that there is neither a mechanism to classify non-conformities nor a process to deal with these two subcategories.

5.19 The Committee also noted that the Group had agreed that:

- .1 any potential conflict or misalignment between the rules and the IMO mandatory requirements should not be addressed either in the definition of "Non-conformity" or in the provisions for the verification process; and
- .2 such issues and their consequences should be analysed by the auditors on a case-by-case basis, based on their professional judgement.

5.20 With regard to the introduction of the new term "periodic verification", the Committee noted that this term would mean a verification audit concept additional to the existing "initial verification" and "maintenance of verification", which would result in an ongoing review of the rules to verify that they remain in conformity, as opposed to the current "maintenance of verification" process, which is triggered by changes to rules.

5.21 Within the same context, the Committee also noted that, taking into account current paragraph 20 of the GBS Verification Guidelines, the Group had agreed to delete the proposed definition of the term "periodic verification" due to the potential impact on the current GBS verification scheme.

5.22 In light of the foregoing, the Committee invited Member States and international organizations to submit proposals related to the concept of an ongoing systematic verification of rules, i.e. "periodic verification", in the Revised GBS Verification Guidelines.

5.23 The Committee noted that, during the consideration of the "audit process", the Group had agreed to the inclusion of provisions for the submission of "corrective action plans" and the way in which they would fit in the process with a view to include the practice initiated in the initial verification process as well as the additional review of such plans by the audit team before sending its recommendation to the Secretary-General.

5.24 Having considered the above matters, the Committee endorsed the Group's view that the remaining work concerning the amendments to the GBS Verification Guidelines should focus on unresolved issues and those issues yet to be considered based on the Group's report at MSC 98.

Revised timetable and schedule of activities for the implementation of the GBS verification scheme

5.25 The Committee approved the revised timetable and schedule of activities for the implementation of the GBS verification scheme set out in annex 2 of document MSC 97/WP.8.

5.26 In this context, the Committee agreed with the Group's recommendation that the full set of amendments to the GBS Verification Guidelines should be adopted when the amendments to both parts A and B are finalized.

Financial arrangements for the maintenance of verification audits

5.27 The Committee noted the information and data available,¹ including the experience gained during the initial verification audits in relation to the financial arrangements in place.

5.28 The Committee also noted the views expressed by the auditors after the initial verification audits regarding financial matters².

5.29 Subsequently, the Committee endorsed the Group's recommendation to invite Member States and international organizations to submit proposals regarding financial arrangements for the maintenance of verification.

¹ Refer to documents containing relevant information on financial arrangements: C 108/D, MSC 86/26, MSC 89/5/1, MSC 90/5/1, MSC 93/5, MSC 94/5, MSC 95/5/1 and MSC 96/5/4.

² Refer to document MSC 96/5/2.

6 MANDATORY INSTRUMENT AND/OR PROVISIONS ADDRESSING SAFETY STANDARDS FOR THE CARRIAGE OF MORE THAN 12 INDUSTRIAL PERSONNEL ON BOARD VESSELS ENGAGED ON INTERNATIONAL VOYAGES

General

6.1 The Committee recalled that MSC 96:

- .1 having endorsed the outlines of the draft new chapter [XV] of SOLAS and the draft new code addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages, as set out in annexes 2 and 3 to document MSC 96/WP.7, respectively, had instructed the SDC Sub-Committee to use these outlines as a basis for further developments, taking into consideration the impact on other IMO instruments; and
- .2 being unable to finalize the draft Recommendation providing an interim solution for safe carriage of industrial personnel due to the complex nature of the legal issue under consideration, had requested the Secretariat to provide supplemental legal advice on this matter, with a view to deciding on the interim solution and finalizing the detailed road map, which included the priorities, time frames, responsibilities and long- and short-term objectives, at MSC 97.

Supplemental legal advice regarding the introduction of mandatory safety standards for the carriage of more than 12 industrial personnel

6.2 The Committee had the following documents for its consideration:

- .1 MSC 97/6 (Secretariat), providing a supplemental legal analysis and advice regarding the three main options considered at MSC 96 for accommodating an interim solution for safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages;
- .2 MSC 97/6/6 (Vanuatu), offering comments and proposals on the way forward for both the long- and short-term solutions for the safe carriage of industrial personnel; and
- .3 MSC 97/6/7 (India), providing views on the proposed interim solution and certain additional factors to be considered while taking a final decision on the interim solution.

Need for an interim solution

6.3 In considering the above documents, the Committee agreed to first confirm whether there was a need for any interim solution pending the development and entry into force of a new chapter of SOLAS along with a new code to address the carriage of industrial personnel; and, if so, then to decide on what this solution could be, based on the options set out in the supplemental legal advice provided by the Secretariat (MSC 97/6). Subsequently, the Committee, having noted the following views expressed on this issue:

- .1 any interim solution would be of a non-mandatory nature and, therefore, may be interpreted by flag Administrations differently and create legal uncertainty;

- .2 instead of developing a non-mandatory solution it would be better to focus on the long-term solution, i.e. on the development of the draft new chapter [XV] of SOLAS and the draft new code addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages;
- .3 the interim solution should be developed as a matter of urgency, because ships carrying industrial personnel are already operating with different safety regimes; and
- .4 an interim solution should be developed and aligned with the expected final outcome of IMO's work, and it should be consistent with the MLC 2006,

agreed that there was an urgent need for an interim solution.

Option to accommodate an interim solution

6.4 After an in-depth discussion, the Committee, having noted comments and preferences expressed to the options outlined in document MSC 97/6, agreed that:

- .1 option 1 (i.e. creating a definition of industrial personnel by means of an MSC resolution, specifically stating that industrial personnel were not passengers within the meaning of SOLAS regulation 1/2(e) and identifying the applicable interim standards within this resolution) was the option preferred, with necessary modifications;
- .2 the comment that industrial personnel should be treated as passengers with special risk profile should be further considered, when finalizing the interim solution; and
- .3 all efforts should be made to align an interim solution with the future development of the long-term solution (i.e. the draft new chapter [XV] of SOLAS and the draft new code addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages).

6.5 After an in-depth discussion, the Committee decided that a Working Group on Carriage of Industrial Personnel needed to be established to finalize the draft MSC resolution providing interim recommendations on safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages, taking into account the above-mentioned views expressed.

Draft definitions of industrial personnel and industrial activities

6.6 The Committee had the following documents for its consideration:

- .1 MSC 97/6/3 (ITF), proposing draft amendments to the definition of industrial personnel and the draft definition of industrial activities that clarify the scope of personnel and activities to be covered in addressing the safety standards for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages;
- .2 MSC 97/6/4 (China), providing further comments on the interim solution addressing safety standards for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages, taking into

account the discussion outlined in paragraph 7.7 of document MSC 96/25, and the draft Recommendation set out in annex 1 to document MSC 96/WP.7, and proposing draft amendments to paragraphs 1 and 2 of the draft Recommendation and the associated draft MSC resolution; and

- .3 MSC 97/6/5 (IADC, CESA and IMCA), providing comments on the draft MSC resolution contained in annex 1 to document MSC 96/WP.7 and proposing a minor amendment to address the concerns expressed at MSC 96 about the definition of industrial activities.

6.7 In considering the above documents, the Committee noted the statement of the International Labour Office (ILO) delivered by the Secretariat at the ILO's request, as set out in annex 27, and the following views expressed during the discussion:

- .1 the proposal in the annex to document MSC 97/6/3 should be taken as a good starting point for definitions related to industrial personnel and should be further discussed in the Working Group;
- .2 the views provided by the ILO should be taken on board;
- .3 the scope of application should be limited to application to offshore activities only;
- .4 any possible requirements related to training should be forwarded to the relevant sub-committees for further consideration;
- .5 the decision by MSC 95 not to limit the scope of application to offshore activities only should be followed; and
- .6 the definitions of "industrial personnel" and "industrial vessel" set out in annex 1 to document SDC 3/16/10 (Vanuatu) should be further considered by a working group.

6.8 Following discussion, the Committee agreed to instruct the Working Group on Carriage of Industrial Personnel to further consider this issue, with a view to finalizing the draft interim recommendations on safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages including the definitions of industrial personnel and industrial activities.

Roadmap for further developments

6.9 The Committee had the following documents for its consideration:

- .1 MSC 97/6/1 (Secretariat), reproducing the draft roadmap prepared by the Working Group on Carriage of Industrial Personnel at MSC 96, for the work to be accomplished under this output; and
- .2 MSC 97/6/2 (United Kingdom), addressing the possible timescales for completion of the output.

6.10 Having considered the above documents, the Committee noted the following views expressed on this issue:

- .1 entry into force of the draft new chapter [XV] of SOLAS and the draft new code on 1 January 2020 was not achievable and, therefore, this would lead to the 2024 entry-into-force date;
- .2 1 January 2022 might be considered as an entry-into-force date, based on the provisions for "exceptional circumstances" in MSC.1/Circ.1481;
- .3 the SSE Sub-Committee should not be considered the only associated body to take part in this work, i.e. the SDC Sub-Committee should be authorized to decide on which sub-committees should be involved in the development of the draft new chapter [XV] of SOLAS and the draft new code;
- .4 concrete proposals should be provided to facilitate the consideration of the issue by the SDC Sub-Committee; and
- .5 a draft new code had already been submitted by Germany to SDC 4 for consideration.

6.11 Following discussion, the Committee agreed to instruct the Working Group on Carriage of Industrial Personnel to finalize the roadmap for further developments, based on the conclusions in document MSC 97/6/2, taking into account that the SSE Sub-Committee might not be the only associated body.

Establishment of the Working Group

6.12 Having considered the above matters, the Committee established the Working Group on Carriage of Industrial Personnel and instructed it, taking into account the comments made and decisions taken in plenary and documents MSC 96/WP.7 (annex 1), MSC 97/6, MSC 97/6/1, MSC 97/6/2, MSC 97/6/3, MSC 97/6/4, MSC 97/6/5, MSC 97/6/6 (including the definitions of "industrial personnel" and "industrial vessel" set out in annex 1 to document SDC 3/16/10) and MSC 97/6/7, to:

- .1 finalize the draft MSC resolution providing interim recommendations on safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages, based on option 1 set out in document MSC 97/6, focusing its work on the definitions of industrial personnel and industrial activities that clarify the aspects, such as scope of personnel and activities, and types of ships, to be covered in addressing the safety standards for the carriage of more than 12 industrial personnel; and
- .2 finalize the roadmap for further developments, specifying the priorities, time frames, responsibilities and long- and short-term objectives.

Report of the Working Group

6.13 Having considered the report of the Working Group on Carriage of Industrial Personnel (MSC 97/WP.7), the Committee approved it in general and took action as described hereunder.

Draft Interim Recommendations on the safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages

Definitions of industrial personnel and industrial activities

6.14 In considering the part of the Group's report relating to definitions of industrial personnel and industrial activities, the Committee noted that the Group had considered a number of issues, inter alia:

- .1 the statement contained in option 1 (MSC 97/6);
- .2 the proposal by Canada that industrial personnel should be treated as passengers with special risk profile and its potential consequences;
- .3 the need to ensure that there is no conflict with the existing instruments;
- .4 the concept that only the safe transportation or accommodation of industrial personnel would be addressed; and
- .5 that the definition of industrial activities should be indicative, not generic.

6.15 The Committee also noted that the Group, having developed a definition of industrial personnel and a broad definition of offshore industrial activities, agreed that:

- .1 the definitions proposed in annex 1 to document SDC 3/16/10 were sufficiently covered in the definitions of industrial personnel and offshore industrial activities as developed, though they should be taken into account during the development of the new code;
- .2 the definitions of industrial personnel and offshore industrial activities should be a basis for the development of the mandatory instrument; and
- .3 the text "Such industrial personnel should not be considered or treated as passengers under SOLAS regulation 1/2(e)", set out in the definition of industrial personnel, would provide a clear basis for the safe carriage of industrial personnel during the interim period, until the mandatory instrument enters into force.

6.16 With regard to the ILO statement delivered by the Secretariat (see paragraph 6.7 above), the Committee noted the Group's view that the Interim Recommendations do not appear to be in conflict with the Maritime Labour Convention, 2006 (MLC 2006).

Qualification provisions for industrial personnel

6.17 Having considered the part of the Group's report relating to qualification provisions for industrial personnel, the Committee noted that the Group finalized qualification provisions for industrial personnel, based on the view that they should be specified separately (i.e. should not be included in the definition of industrial personnel).

6.18 With regard to the provision for the minimum age, the Committee noted:

- .1 the view accepted by the majority of the Group that the age of 16 years should be the minimum threshold for the carriage of industrial personnel, taking into account that the Administration may decide on a higher minimum age; and

- .2 the opinion of the delegation of France that the use of "16 years" as minimum threshold could lead to confusion and that this issue should be dealt with by the ILO (under respective conventions).

Applicable interim standards

6.19 With regard to the applicable interim standards, the Committee noted that the Group:

- .1 agreed that all instruments and standards referred to in annex 1 to document MSC 96/WP.7 are applicable and should be kept in the Interim Recommendations;
- .2 agreed that reference to the STCW standards is used only for the purpose of establishing a baseline and, therefore, their inclusion was not meant to require STCW certification for these personnel, i.e. the Administration may choose to use different standards;
- .3 having noted that medical fitness was a criterion for not treating industrial personnel as passengers, clarified that the standard in section A-I/9 of the STCW Code, applicable to engineers, or equivalent, may be used as the minimum level; and
- .4 also agreed with the generic recommendations for the transfer of industrial personnel at sea and other standards applicable to ships.

6.20 The Committee also noted the Group's recommendation to use the types of offshore installations outlined in appendix 1 to the OSV Code (resolution A.863(20)) when developing a new code addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages, for the purpose of language consistency.

Draft associated MSC resolution

6.21 In considering the draft MSC resolution on *Interim Recommendations on the safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages* finalized by the Group, the Committee noted:

- .1 that the Group agreed that the title of the MSC resolution should be revised in accordance with the approved terms of reference (see paragraph 6.12.1 above);
- .2 the Group's view that, with regard to the possible difficulties related to the certification of ships of less than 500 gross tonnage, for the purpose of the Interim Recommendations, the Administrations should decide upon the appropriate certification of ships for the safe carriage of industrial personnel and instruct the authorities or organizations, acting on their behalf, accordingly; and
- .3 general statements on the interim solution finalized by the Group made by the delegations of Ireland and the United States, the full text of which is set out in annex 27.

6.22 After some discussion, the Committee adopted resolution MSC.418(97) on *Interim Recommendations on the safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages*, as set out in annex 11, and endorsed the Group's view that the proposed definitions of industrial personnel and offshore industrial activities should be a basis for the development of the mandatory instrument.

Roadmap for further developments

6.23 In considering the part of the Group's report relating to the finalization of the roadmap for further developments, the Committee, having noted that the Group agreed to:

- .1 delete all actions related to MSC 96;
- .2 delete all instructions for the SSE Sub-Committee; and
- .3 add the wording "in association with other relevant sub-committees, as and when necessary" to the instruction for the SDC Sub-Committee,

approved the roadmap, as set out in annex 2 to document MSC 97/WP.7, and instructed the SDC Sub-Committee to follow the approved roadmap when developing the draft new chapter [XV] of SOLAS and the draft new code.

6.24 In discussing possible arrangements for the next session of the SDC Sub-Committee, the Committee considered:

- .1 the proposal to establish a working/experts' group to deal with this issue at SDC 4 (see the statement made by the delegation of Germany in annex 27); and
- .2 the clarification provided by the Chair of the SDC Sub-Committee (Mr. K. Hunter of the United Kingdom) that this issue should be considered by the SDC Sub-Committee on a regular basis, taking into account that no slots are currently available for establishing a dedicated working group to consider this issue at SDC 4 and there was no need to establish an experts' group as this output need not be treated as a special case,

and agreed to the way forward proposed by the Chair of the SDC Sub-Committee.

6.25 In this context, the Committee noted that Germany had already submitted a technical proposal on the long-term solution for consideration at SDC 4 and encouraged Member States and international organizations to submit concrete proposals for consideration at SDC 4.

7 NAVIGATION, COMMUNICATIONS, SEARCH AND RESCUE

REPORT OF THE THIRD SESSION OF THE SUB-COMMITTEE

General

7.1 The Committee approved, in general, the report of the third session of the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR 3/29 and MSC 97/7) and took action as indicated in paragraphs 7.2 to 7.10, recalling that MSC 96 had already taken action on urgent matters emanating from NCSR 3.

Amendments to the General provisions on ships' routing

7.2 The Committee adopted resolution MSC.419(97) on *Amendments to the General provisions on ships' routing (resolution A.572(14), as amended)*, on establishing multiple structures at sea, as set out in annex 12, and instructed the Secretariat to forward the amendments to the Assembly, at its thirtieth session, for confirmation.

Amendments to the LRIT Technical documentation, Part I

7.3 The Committee approved amendments to MSC.1/Circ.1259/Rev.6 on *LRIT Technical documentation, Part I*, to facilitate and expedite the implementation of new versions of security communication protocols in the documentation in line with industry standards, and authorized the Secretariat to issue them as MSC.1/Circ.1259/Rev.7.

Amendments to the International SafetyNet Manual and NAVTEX Manual

7.4 The Committee approved amendments to MSC.1/Circ.1364 on *Revised International SafetyNet Manual* and MSC.1/Circ.1403 on *Revised NAVTEX Manual*, and authorized the Secretariat to issue them as MSC.1/Circ.1364/Rev.1 and MSC.1/Circ.1403/Rev.1, respectively.

7.5 Having considered a proposal by the IHO observer on behalf of the Chair of the World-Wide Navigational Warning Service Sub-Committee for an earlier entry-into-force date of these manuals and, consequently, to delete the requirement of providing at least 12 months notification, the Committee decided that this should be considered by the NCSR Sub-Committee before agreeing to the proposed modifications relating to the entry-into-force dates.

Liaison statement to the ITU

7.6 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to convey the liaison statement on AIS uncontrolled novel applications to ITU-R Working Party 5B.

Revised unified interpretation on Pilot transfer arrangements

7.7 The Committee approved MSC.1/Circ.1495/Rev.1 on the *Revised unified interpretation of SOLAS regulation V/23.3.3 on Pilot transfer arrangements*, clarifying that SOLAS regulation V/23.3.3.1 prescribed an operational instruction that limited the climb to not more than nine metres on a single ladder regardless of the trim or list of the ship.

7.8 The Committee noted the statement by the delegation of Japan, as set out in annex 27, that there was a need for clarification on the meaning of "the steps of the pilot ladders should be free of knots" and that they would be making an appropriate submission to NCSR 4 on this subject.

Expert Group on ships' routing

7.9 The Committee authorized the Sub-Committee to establish an expert group on ships' routing at future sessions, as appropriate, taking into account the submissions received on navigation-related subjects.

GISIS related issues

7.10 The Committee endorsed:

- .1 the renaming of the previous GISIS COMSAR module to the Global SAR Plan module;
- .2 the development of a new GISIS module on *Maritime Assistance Services*, replacing the existing MSC.5 circular; and
- .3 the development of a new GISIS module on *Shore-based facilities for the GMDSS*, replacing the existing GMDSS.1 circular.

INVOLVEMENT OF HTW 4 IN THE DEVELOPMENT OF THE MODERNIZATION PLAN OF THE GMDSS

7.11 Having noted the information provided by the Secretariat regarding the progress on the development of the draft Modernization Plan of the GMDSS and the need for the involvement of HTW 4 (MSC 97/7/1), the Committee instructed the Correspondence Group on the Modernization of the GMDSS, established by NCSR 3, to submit a document to HTW 4, containing a draft of the Modernization Plan of the GMDSS and specifically providing focus on issues for the HTW Sub-Committee's consideration, and instructed HTW 4 to provide comments and advice to NCSR 4, as appropriate.

AUDIT PROCESS OF THE INTERNATIONAL LRIT DATA EXCHANGE

7.12 The Committee considered a proposal by Austria et al. (MSC 97/7/2) related to the audit process of the International LRIT Data Exchange (IDE), and comments on that proposal by IMSO (MSC 97/7/6).

7.13 During the ensuing discussions the following views were expressed:

- .1 appreciation to the European Commission and the European Union countries for hosting, operating and maintaining the IDE, through the European Maritime Safety Agency (EMSA), free of any charge to SOLAS Contracting Governments and, up to now, without any major problems;
- .2 appreciation also to IMSO for fulfilling its role as the LRIT Coordinator in conducting the audits and the performance review of the LRIT system on behalf of the SOLAS Contracting Governments, which helped maintain the LRIT system compliant with relevant IMO standards;
- .3 in operating the IDE, EMSA had implemented a number of control mechanisms, automatic reporting and build-in quality checks and the system operated almost at 100% capacity all the time. Thus, annual audits of the IDE were considered to be unnecessary and time-consuming;
- .4 audits would be additionally useful to assess and verify compliance of the IDE, especially with the changes to be introduced after the second modification testing phase of the LRIT system;
- .5 considering the pace of developments in technology, reducing the audit cycle would not serve the purpose of the audit;

- .6 the main aim of the audit was to act proactively and minimize risks by identifying any possible deviations from the adopted standards, which should be verified by an independent body. It was important, therefore, to avoid unnecessary risks and maintain the annual audit of the IDE due to the central role of the IDE in the LRIT system;
- .7 a general discussion was required in order to analyse the impact of changing the audit intervals not only of the IDE, but also of LRIT Data Centres;
- .8 while consultations between EMSA and IMSO had taken place, the issue had not been resolved. The proposal for a three-year audit cycle was meant to take into account proportionality between administrative burden on the one hand and the need to safeguard the operation of the LRIT system on the other hand; and
- .9 it was important to involve all stakeholders in the consultation process, including Data Centre operators.

7.14 After an in-depth discussion and having noted the divergent views, the Committee agreed with the proposal by the Chair that further consultations between interested parties was needed to explore a compromise solution and thus, the situation should remain the same.

7.15 The Committee noted the concern expressed by the delegation of Germany on the Committee's conclusion that everything would stay the same and there was no timeline for a final resolution.

NAVIGATIONAL WARNINGS CONCERNING OPERATIONS ENDANGERING THE SAFETY OF NAVIGATION

7.16 The Committee considered a proposal for a draft MSC circular by the Republic of Korea et al. (MSC 97/7/3) recalling the attention of Members to relevant IMO documents to ensure that appropriate navigational warnings were issued in accordance with resolution A.706(17) prior to operations which might threaten the safety of navigation, and comments to that proposal by the Democratic People's Republic of Korea (MSC 97/7/5).

7.17 During the ensuing discussions the following views were expressed:

- .1 the Democratic People's Republic of Korea had launched numerous missiles without any proper navigational warning and generated electronic jamming signals affecting GPS signals;
- .2 the unannounced missile launches by the Democratic People's Republic of Korea were a serious threat to the established order of maritime safety and were unacceptable to all Member States; and
- .3 not issuing appropriate navigational warnings was posing a real and significant danger to all seafarers and shipping and affecting the ability to navigate safely around the world.

7.18 Following the discussion, the Committee approved MSC.1/Circ.1551 on *Navigational Warnings concerning operations endangering the Safety of Navigation*.

7.19 The statements of the delegations of the Democratic People's Republic of Korea, the United States and the IFSMA are set out in annex 27.

RECOGNITION OF THE INMARSAT FLEETBROADBAND SYSTEM FOR USE IN THE GMDSS

7.20 The Committee considered the information provided by the United Kingdom (MSC 97/7/4) on the subject of the Inmarsat FleetBroadband Maritime Safety Data Service (MSDS) for recognition and use in the GMDSS.

7.21 After a brief discussion, the Committee instructed the NCSR Sub-Committee to consider, under its agenda item "Developments in GMDSS satellite services", how the process should be undertaken and, in particular, whether this was to be considered as a new application, or as a bolt-on addition to the existing services. The Sub-Committee was further instructed to report back to the next session of the Committee providing comments and advice on, in particular, which requirements of resolution A.1001(25) should be applicable.

8 SHIP SYSTEMS AND EQUIPMENT

REPORT OF THE THIRD SESSION OF THE SUB-COMMITTEE

General

8.1 The Committee approved, in general, the report of the third session of the Sub-Committee on Ship Systems and Equipment (SSE) (SSE 3/16 and MSC 97/8) and took action as indicated in paragraphs 8.2 to 8.36, recalling that MSC 96 had already taken action on urgent matters emanating from SSE 3 (MSC 96/25, section 8).

Amendments to the Guidelines on alternative design and arrangements for fire safety (MSC/Circ.1002)

8.2 Having considered the draft amendments to the *Guidelines on alternative design and arrangements for fire safety* (MSC/Circ.1002), consisting of a new appendix A intended to provide a methodology for the selection of performance criteria used to address the survivability of persons on board when exposed to the effects of heat, smoke, toxicity and reduced visibility, for the use of Administrations when evaluating proposed alternative designs and arrangements, the Committee approved MSC.1/Circ.1552 on *Amendments to the Guidelines on alternative design and arrangements for fire safety* (MSC/Circ.1002).

8.3 Notwithstanding the above, the Committee noted the concerns raised by the delegation of France regarding the lack of clarity of provisions such as those addressing the conditions in which the threshold values of toxicity and visibility were evaluated, the fire intensities, soot and toxic products yields and the cases where the fractional effective dose could be used.

Draft amendments to SOLAS regulation II-2/9.4.1.3

8.4 The Committee considered the draft amendments to SOLAS regulation II-2/9.4.1.3, which were intended to clarify the requirements for fire integrity of windows on passenger ships carrying not more than 36 passengers and special purpose ships with more than 60 (but not more than 240) persons on board, in conjunction with document MSC 97/8/3 (Japan and IACS), proposing that an application provision be included in the draft amendments.

8.5 In the ensuing discussions, the Committee noted the following views expressed:

- .1 the intention of this draft amendment was to clarify that the application of the amendments to SOLAS regulation II-2/9.4.1.3 was adequately addressed;

- .2 in this regard, ships carrying not more than 36 passengers should have the same level of safety as those carrying more than 36 passengers; and
- .3 the text of the draft amendments might need further refinement.

8.6 Following discussion, the Committee approved the draft amendments to SOLAS regulation II-2/9.4.1.3, as set out in annex 13, and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 98.

8.7 With reference to paragraph 8.5.3 above, the Committee invited Member States and international organizations to submit proposals to MSC 98 for consideration under agenda item 3 (Consideration and adoption of amendments to mandatory instruments), in conjunction with the adoption of the aforementioned amendments, in order to address the issues raised.

MSC circular on Shipboard escape route signs and emergency equipment markings

8.8 The Committee noted that SSE 3 requested that the Secretariat, in cooperation with the ISO Central Secretariat, prepare a draft MSC resolution containing the graphical symbols from the standard ISO 24409-2:2014, for consideration at SSE 4, and that it should not be published until MSC 97 considered the course of action proposed at SSE 3 and the views of the ISO Central Secretariat on this matter.

8.9 The Committee further noted that SSE 3 (SSE 3/16, paragraphs 10.6 and 10.7) required cooperation between IMO and the ISO, for consistency in the actions to be taken and copyright purposes. In this regard, the Secretariat advised the Committee that it had contacted the ISO and had received confirmation from ISO that there were no copyright issues.

8.10 Taking into account the course of action proposed by the Sub-Committee, the Committee also noted that this draft MSC circular was an interim measure in order to encourage use of the ISO standard 24409 series on a voluntary basis.

8.11 In this context, the Committee considered document MSC 97/8/4 (ISO), providing feedback on the current situation of the standard ISO 24409-2:2016, and noted that the aforementioned standard was in the final phase of preparation, and that ISO expressed support for the draft MSC circular prepared by SSE 3.

8.12 In light of the foregoing, the Committee approved MSC.1/Circ.1553 on *Shipboard escape route signs and emergency equipment location markings* and instructed the Secretariat, in cooperation with the ISO Central Secretariat, to prepare a draft MSC resolution containing the graphical symbols from ISO 24409-2:2014, for consideration at SSE 4.

Unified interpretation of chapter 9 of the FSS Code

8.13 The Committee approved MSC.1/Circ.1554 on *Unified interpretation of chapter 9 of the FSS Code*.

Unified interpretations of SOLAS chapter II-2

8.14 The Committee approved MSC.1/Circ.1555 on *Unified interpretations of SOLAS chapter II-2*.

Application of SOLAS regulation II-2/20-1

8.15 The Committee considered the Sub-Committee's decisions that only "pure car and truck carriers" needed to comply with SOLAS regulation II-2/20-1 and that the definition provided in SOLAS regulation II-2/3.56 should be amended accordingly, and confirmed that:

- .1 the proposed amendment to SOLAS regulation II-2/3.56 could be treated as a minor correction without requiring a new output (in accordance with the understanding reflected in the summary of decisions at C/ES.27 (C/ES.27/D, paragraph 3.2(vi))); and
- .2 an MSC circular could be used as an interim measure pending the entry into force of the amendment to SOLAS regulation II-2/3.56 (see paragraph 8.11).

8.16 In this regard, the Committee had for its consideration document MSC 97/8/7 (Antigua and Barbuda, Germany, Norway and IACS), providing draft amendments to SOLAS regulation II-2/3.56, which had been developed to clarify that only "pure car and truck carriers" should comply with SOLAS regulation II 2/20-1, based on the unified interpretation included in the draft MSC circular on *Unified interpretations of SOLAS chapter II-2* (see paragraph 8.14).

8.17 In considering document MSC 97/8/7, the Committee noted the following views expressed during the discussion:

- .1 the proposed amendments might exclude pure car/truck carriers when they carried vehicles that were not empty; and
- .2 the "purpose" paragraph of SOLAS regulation II-2/20-1 might include some inconsistencies in relation to the cargo spaces referred to therein and there should be complete alignment between the provisions of both SOLAS regulations II-2/3.56 and II-2/20-1.

8.18 Having considered the above views, the Committee approved the draft amendment to SOLAS regulation II-2/3.56, as set out in annex 14, and requested the Secretary-General to circulate the draft amendments in accordance with article VIII, with a view to adoption at MSC 98.

8.19 Notwithstanding the above decision, the Committee invited Member States and international organizations to submit proposals to MSC 98 for consideration under agenda item 3, in conjunction with the adoption of the aforementioned amendments, in order to address the issues raised in paragraph 8.17 above.

Unified interpretation of chapter 8 of the FSS Code and the Revised guidelines for approval of sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12 (resolution A.800(19)) as amended by resolution MSC.265(84)

8.20 The Committee approved MSC.1/Circ.1556 on *Unified interpretation of chapter 8 of the FSS Code and the Revised guidelines for approval of sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12 (resolution A.800(19)), as amended by resolution MSC.265(84)*.

Amendments to the *Unified interpretation of SOLAS regulation III/31.1.4 (MSC.1/Circ.1490)*

8.21 The Committee, having considered that the draft amendments to the *Unified interpretation of SOLAS regulation III/31.1.4 (MSC.1/Circ.1490)* were intended to clarify the specifications for self-contained battery power lights, as well as the calculation of the length of the embarkation ladder used to board the remotely located survival craft, noted that the text of paragraph 6 of the annex to the draft amendments was kept in square brackets pending the decision at MSC 96 on the draft amendment to SOLAS regulation III/11.7.

8.22 In this context, the Committee recalled that MSC 96 had decided that the amendments to SOLAS regulation III/11.7 required a proposal for a new output in accordance with the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4) (MSC 96/25, paragraph 24.16), and emphasized that the application of the 10 degrees adverse trim criteria for the calculation of the length of the embarkation ladder would remain until SOLAS regulation III/11.7 was amended.

8.23 In light of the foregoing, the Committee agreed to delete paragraph 6 of the proposed amendments to the *Unified interpretation of SOLAS regulation III/31.1.4 (MSC.1/Circ. 1490)* on guidance on arrangements for remotely located survival craft and, having also agreed to several minor amendments to the provisions related to the location of self-contained battery-powered lamps, approved MSC.1/Circ.1490/Rev.1 on *Amendments to the Unified interpretation of SOLAS regulation III/31.1.4 (MSC.1/Circ.1490)*.

Urgent matters emanating from SSE 4

8.24 The Committee endorsed the recommendation that the full report of SSE 4 be submitted to MSC 98 for consideration (see also paragraph 18.20).

Draft amendments to the 1994 and 2000 HSC Codes

8.25 The Committee approved the draft amendments to the 1994 and 2000 HSC Codes providing the possibility of exempting high-speed craft of less than 30 m (2000 HSC Code) and less than 20 m (1994 HSC Code) in length from carrying a rescue boat, provided that a number of requirements were fulfilled, as set out in annexes 15 and 16, respectively, and requested the Secretary-General to circulate the draft amendments in accordance with article VIII, with a view to adoption at MSC 98.

8.26 Having noted the concerns expressed over the proliferation of circulars on early implementation since the application of the four-year cycle for the entry into force of amendments, the Committee also considered the associated draft MSC circular on *Early implementation of the amendments to the 1994 and 2000 HSC Codes* prepared by SSE 3 (SSE 3/16, annex 14) and agreed that the aforementioned draft MSC circular was unnecessary. However, the Committee acknowledged that these draft amendments constituted corrections to existing provisions.

Additional performance and test standards for the equipment and systems on board ships operating in polar waters

8.27 The Committee endorsed the Sub-Committee's decision that additional performance and test standards for the equipment and systems on board ships operating in polar waters should be developed.

8.28 In light of the foregoing, the Committee agreed to consider under this agenda item the following documents:

- .1 MSC 97/21/3 (Argentina, Marshall Islands, New Zealand, Norway and Vanuatu), proposing to instruct the SSE and NCSR Sub-Committees to review, adapt and/or develop the necessary requirements (e.g. personal life-saving appliances, pyrotechnics, survival craft, fire safety, communication, navigation) as "add-on" parts to relevant instruments dealing with performance and test standards, in order to ensure that additional test and performance requirements for equipment on board ships certified to operate in polar waters did not unintentionally affect current equipment requirements and/or test regimes; and
- .2 MSC 97/21/12 (ICS and CLIA), providing comments on document MSC 97/21/3 to clarify the scope of work and type of equipment for the development of additional performance/test standards and highlighting that any unintended consequences for ships operating within their existing design capabilities should be avoided.

8.29 In considering the above documents, the Committee noted the following views expressed during the discussion:

- .1 the proposals and observations contained in both documents should be considered when undertaking any work on additional performance and test standards for the equipment and systems on board ships operating in polar waters;
- .2 not every ship operating in polar waters needed life-saving appliances that complied with additional performance and test standards;
- .3 conditional clauses such as operation in low air temperature, operation during extended periods of darkness and the maximum expected time of rescue should be the basis on which to resolve whether equipment complying with additional performance and test standards needed to be fitted; and
- .4 the Sub-Committees should be given flexibility to determine whether the additional tests or performance standards should be developed as "add-on" parts to the relevant instruments.

8.30 After some discussion and having noted that the proposed work was necessary in order to support the implementation of the Polar Code, and that it could be undertaken under the existing output 5.2.1.15 (Consequential work related to the new Polar Code), the Committee instructed the SSE Sub-Committee to:

- .1 review the LSA Code and the relevant IMO resolutions to adapt current testing and performance standards to the Polar Code provisions or develop additional requirements, if necessary. In this regard, the application should only address life-saving appliances in polar waters when requested by the relevant application requirements in the Polar Code (all ships, ships intended to operate in low air temperature, ship ice classes in accordance with chapter 3, etc.); and

- .2 develop guidance on extinguishing media at polar service temperatures and consider any necessary amendments to current standards for firefighters' outfits.

8.31 Additionally, the Committee endorsed the view that the SSE Sub-Committee should have the flexibility to determine if any additional tests or performance standards should be developed as "add-on" parts to the relevant instruments in order to ensure that additional test and performance requirements for equipment on board ships certified to operate in polar waters did not unintentionally affect current equipment requirements and/or test regimes.

8.32 Subsequently, the Committee agreed to include the existing output 5.2.1.15 (Consequential work related to the new Polar Code) in the provisional agenda for SSE 4 (see also paragraph 19.25).

Draft amendments to paragraphs 6.1.1.5 and 6.1.1.6 of the LSA Code and paragraph 8.1.1 of part 1 of the annex to resolution MSC.81(70)

8.33 The Committee endorsed the view of SSE 3 that the draft amendments to paragraphs 6.1.1.5 and 6.1.1.6 of the LSA Code, providing consistency to the static tests and their proof loads that launching appliances had to withstand, including their structural members and winches, should be treated as minor corrections/issues and that a new output was not necessary, in accordance with the understanding reflected in the summary of decisions at C/ES.27 (C/ES.27/D, paragraph 3.2(vi)).

8.34 Subsequently, the Committee approved the draft amendments to paragraphs 6.1.1.5 and 6.1.1.6 of the LSA Code, as set out in annex 17, and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 98.

8.35 Additionally, the Committee also approved, in principle, the draft amendments to paragraph 8.1.1 of part 1 of the annex to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)), and instructed the Secretariat to prepare the associated draft MSC resolution, for consideration at MSC 98, with a view to subsequent adoption, in conjunction with the adoption of the LSA Code amendments.

Report of the incident of the Swanland

8.36 The Committee noted that the Sub-Committee, having noted that no comments or proposals had been submitted for consideration at SSE 3, had decided not to open discussion on this issue.

OTHER MATTERS

Fire integrity of the bulkheads between the wheelhouse and a toilet inside the wheelhouse, the location of manually operated call points and the minimum width of external escape routes

8.37 The Committee considered document MSC 97/8/5 (Panama and IACS), providing comments on the report of SSE 3 in relation to the fire integrity of the bulkheads between the wheelhouse and a toilet inside the wheelhouse, the location of manually operated call points and the minimum width of external escape routes, issues that were discussed by the Sub-Committee under its agenda item on "Unified interpretations of provisions of IMO safety, security, and environment related Conventions".

8.38 In the ensuing discussions, the Committee noted the view that there was a need to address, in the *Procedures for Port State Control, 2011* (resolution A.1052(27)), those matters that Port State Control officers should accept when approved by the flag States.

8.39 Following discussion, the Committee agreed to instruct III 4 within the context of resolution A.1052(27):

- .1 in relation to the fire integrity of the bulkheads between the wheelhouse and a toilet inside the wheelhouse, to review paragraphs 6.1 and 6.2 of appendix 6 to the above-mentioned resolution, in order to apply the provision in paragraph 6.2 (i.e. "queries on the method of structural protection should be addressed to the flag Administration and the PSCO should generally confine the inspection to the effectiveness of the arrangements provided"), currently applicable to passenger ships only, to cargo ships and prepare draft amendments accordingly;
- .2 with reference to the arrangements for the location of manually operated call points and the minimum width of external escape routes, to consider means to advise PSC regimes, as appropriate, that the arrangements approved by the flag Administrations should be accepted; and
- .3 to consider means to advise PSC regimes when this approach should also be applied in a wider context than within fire safety arrangements only.

Hazardous area classification

8.40 The Committee considered document MSC 97/8/1 (IACS), proposing a draft MSC circular based on the IACS' Unified Interpretation (UI) SC 274, which clarified that, until IEC completed its review of the standard IEC 60092-502 (1999), where differences existed between the provisions in the relevant IMO instruments and the IEC standard 60092-502 (1999) concerning the hazardous areas classification in respect of selection of electrical equipment, cables and wiring, and positioning of openings and air intakes, the IMO instruments were to take precedence.

8.41 After a brief discussion and having introduced some minor amendments in the title and the text of the circular, the Committee approved MSC.1/Circ.1557 on *Unified interpretation of SOLAS regulation II-1/45.11*.

Fire pumps in ships designed to carry five or more tiers of containers on or above the weather deck

8.42 The Committee had for its consideration document MSC 97/8/2, providing a copy of IACS UI SC 270 Rev.1 on the main fire pumps capacity and the fire main diameter in ships designed to carry five or more tiers of containers on or above the weather deck, as required by SOLAS regulations II-2/10.2.1.3, II-2/10.2.2.4.1.2 and II-2/10.7.3.2.3 and paragraph 2.2.1.1 of chapter 12 of the FSS Code.

8.43 After having noted the general support for the revised unified interpretation, the Committee agreed with the proposed unified interpretation, and instructed the Drafting Group on Amendments to Mandatory Instruments, established under agenda item 3 (see paragraph 3.96.2), to prepare the final text of the draft MSC circular on *Fire pumps in ships designed to carry five or more tiers of containers on or above the weather deck*.

Interim guidelines for the development and application of IMO goal-based standards safety level approach

8.44 The Committee recalled that MSC 96 had noted the progress made at that session on the further development of draft *Interim guidelines for development and application of IMO goal-based standards safety level approach* (GBS-SLA). In this regard, MSC 96 had endorsed the view of the Working Group on the compelling need for a GBS-SLA example and invited Member States and international organizations to submit, to this session, concrete GBS-SLA examples as well as comments and proposals on the draft Interim Guidelines to assist in the finalization of this work.

8.45 In this context, the Committee noted, with appreciation, the information contained in document MSC 97/8/6 (Germany), relating to the project initiated by Germany in order to continue the work that started following MSC 90 and to develop a more detailed example for GBS-SLA, including a risk model. The Committee also noted Germany's intention to submit the results of the ongoing work to both the Committee, in order to support the work on GBS-SLA, and the SSE Sub-Committee, in order to support the work carried out on safety objectives and functional requirements for SOLAS chapter III.

8.46 The Committee noted a statement by the delegation of Japan that there was a need for clarification of the interpretation of "free from knots" in paragraph 6.1.6.2.1 of the LSA Code, and that they will submit a document to SSE 4 on the subject.

9 IMPLEMENTATION OF IMO INSTRUMENTS

REMAINING MATTERS FROM THE SECOND SESSION OF THE SUB-COMMITTEE (GUIDELINES FOR PORT STATE CONTROL OFFICERS ON THE ISM CODE)

9.1 The Committee recalled that MSC 96 had concurred with the decision of MEPC 69 to defer further the consideration of the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code*, as prepared by the second session of the Sub-Committee on Implementation of IMO Instruments (III), and to request the Secretariat to provide the relevant outcome of HTW 2 with a view to approval of the aforementioned circular.

9.2 The Committee noted that MEPC 70 approved, subject to concurrent decision by MSC 97, the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code*, as developed by III 2.

9.3 Having considered documents MSC 97/9/1 (Secretariat), providing the relevant outcome of HTW 2 and III 2, and MSC 97/9/2 (Islamic Republic of Iran), commenting on the above-mentioned draft Guidelines, the Committee noted that, while some delegations supported the modifications made by HTW 2 in particular to the description of "serious failure", the majority of the delegations supported the Guidelines prepared by III 2. Subsequently, the Committee approved MSC-MEPC.4/Circ.4 on *Guidelines for port State control officers on the ISM Code*, as prepared by III 2.

REPORT OF THE THIRD SESSION OF THE SUB-COMMITTEE

General

9.4 The Committee approved, in general, the report of III 3 (III 3/14 and MSC 97/9) and, taking into account relevant decisions and comments made by MEPC 70 (MSC 97/2/3), took action as indicated hereunder.

Quality of reports of investigation into casualties

9.5 Having been advised that MEPC 70 did not endorse, but noted, the issuance of III.3/Circ.4 on *Casualty Analysis and Statistics*, containing observations on the quality of reports of investigation into casualties, on the grounds of the terminology "marine safety investigation", which can be found in the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (MSC.255(84)), the Committee endorsed the issuance of III.3/Circ.4.

Methodology for developing guidelines on port State control

9.6 The Committee, in concurring with MEPC 70, endorsed the methodology agreed by III 3 for developing guidelines for port State control (PSC) and amendments thereto, under its coordination, for consolidation within the *Procedures for Port State Control, 2011* (resolution A.1052(27), as amended) and in the context of existing outputs. Individual guidelines should rather be appended to the Procedures for PSC than issued as stand-alone instruments.

Collection and consideration of CIC-related information from PSC regimes

9.7 Having concurred with III 3 that the collection and consideration of Concentrated Inspection Campaigns (CICs)-related information from PSC regimes do not require guidance such as the one contained in III.2/Circ.1 on the *Process for advancing recommendations to relevant IMO bodies resulting from reports of Concentrated Inspection Campaigns (CICs)*, the Committee agreed to revoke the circular and to remove it from IMODOCS. The Committee invited MEPC 71 to note the above decision.

Early implementation of amendments to SOLAS

9.8 The Committee considered the following recommendations and views on early implementation of amendments to SOLAS, emanating from groups established during III 3, which the Sub-Committee had agreed to convey to the Committee for its consideration:

- .1 particular cases should be identified and brought to the attention of the III Sub-Committee;
- .2 MSC circulars on early implementation should advise port States that these changes should be treated in a practical and pragmatic manner;
- .3 a standard paragraph should be inserted in each early implementation circular as follows:

"The Secretary-General encourages all IMO Member States and international organizations to ensure that awareness of the acceptance of early implementation of amendments pertaining to [XXXX] is as widespread as possible. Furthermore, the Secretary-General urges SOLAS Contracting Governments to ensure that the necessary information and processes for early implementation of amended [SOLAS regulation xxx] are brought to the attention of their port State control officers";
- .4 Member States should refer the circulars to their port State control officers (PSCOs);

- .5 the legislative process from the adoption of amendments to SOLAS 1974 to their implementation is a lengthy and complex process, including, inter alia, the adoption of amendments; the acceptance, preparation and promulgation of international law and domestic legislation; and the entry into force, implementation and enforcement thereof;
- .6 early implementation of amendments to SOLAS 1974 may lack international legal basis and be in conflict with the intent of the four-year cycle of entry into force;
- .7 GISIS might be a good facility for notification of early implementation;
- .8 notification through exemption or equivalent might be one possible way, but it might still lack legal basis because the amendments to SOLAS 1974 have not yet been accepted or are not in force. Therefore, mandatory regulations might be lacking to allow such an exemption or equivalent to be granted;
- .9 it would be necessary for a ship to have clear evidence on board in the same way as an equivalent to the provision of SOLAS 1974, as may be required by PSCOs; and
- .10 amendments to SOLAS 1974 resulting in corrections or relaxations or improvements should be treated differently regarding their early implementation.

9.9 In this context, the Committee noted the following views expressed:

- .1 the four-year cycle of entry into force of amendments to SOLAS and related mandatory instruments (MSC.1/Circ.1481) should be followed;
- .2 further consideration should be given to making reference to "early application" in lieu of "early implementation";
- .3 different approaches could be adopted depending on the distinction between early implementation of provisions, as opposed to corrections to existing provisions in force or about to become effective;
- .4 consideration should be given to the approaches taken by PSC regimes with regard to early implementation of SOLAS amendments-related cases, as appropriate;
- .5 guidelines on the consideration of matters related to early implementation, as well as related criteria should be developed for a consistent approach to the matter;
- .6 the potential use of relevant provisions of the Vienna Convention on the Law of Treaties, 1969 (article 25 on *Provisional application* and article 79 on *Correction of errors in texts or in certified copies of treaties*) could be considered;
- .7 the amendments to the 1994 and 2000 HSC Codes should be considered at the next session in the context of early implementation-related matters, as a good case study; and

- .8 a detailed consideration of matters related to early implementation of SOLAS amendments and corrections to existing provisions in force or about to become effective should be carried out at the next session by a dedicated group with a view to finalization.

9.10 After an in-depth discussion, the Committee recognized that a clear way forward could not be identified on the basis of the outcome of III 3 and agreed to:

- .1 reiterate the need to follow the four-year cycle of entry into force of amendments to SOLAS and related mandatory instruments (MSC.1/Circ.1481);
- .2 further consider the reference to "early application" in lieu of "early implementation", as appropriate;
- .3 consider in detail the distinction between early implementation of provisions and corrections to existing provisions in force or about to become effective in order to follow different approaches;
- .4 consider the approaches taken by PSC regimes with regard to early implementation of SOLAS amendments-related cases, as appropriate;
- .5 develop guidelines and identify criteria for a consistent approach to these matters;
- .6 further consider potential relevant provisions of the Vienna Convention on the Law of Treaties, 1969 (article 25 on *Provisional application* and article 79 on *Correction of errors in texts or in certified copies of treaties*);
- .7 consider early implementation-related matters in the context of the amendments to the 1994 and 2000 HSC Codes, as a case study; and
- .8 under a new agenda item for the next session of the Committee, review matters related to early implementation of SOLAS amendments, including corrections to existing provisions in force or about to become effective.

9.11 Taking into account the views expressed stressing the difficulties, which the industry could face in the absence of some corrections to existing provisions in force or about to become effective, the Committee agreed to consider, one by one, the three related draft MSC circulars on early implementation-related matters under agenda item 3, in particular, those related to corrections (see paragraph 3.63).

Guidelines for port State control officers on certification of seafarers, hours of rest and manning

9.12 With regard to the draft *Guidelines for PSCOs on certification of seafarers, hours of rest and manning*, as initially developed by III 1, the Committee referred the outcome of the consideration by III 3 of the specific issues, referred to it by HTW 3, to HTW 4. In this context, the Committee instructed HTW 4 to finalize the draft *Guidelines for PSCOs on certification of seafarers, hours of rest and manning*, for approval by MSC 98 and subsequent referral to III 4, for incorporation, as a replacement for the existing appendix 11 of the annex to resolution A.1052(27), into the draft Assembly resolution on *Procedures for Port State Control* to be considered by A 30 for adoption.

Analysis of consolidated audit summary reports (CASRs)

9.13 The Committee considered the five actions requested of it with regard to the analysis of the ten consolidated audit summary reports (CASRs). In this context, the Committee was advised that III 3 carried out the analysis of the tenth CASR (C 116/6/1), which C 116 had referred to the MSC and the MEPC for advising the Council, in due course, of the outcome of its consideration.

9.14 In concurring with MEPC 70, the Committee endorsed the following five main areas of recurrent findings, which lack effectiveness in implementation and enforcement of mandatory IMO instruments and the Code for the Implementation of Mandatory IMO Instruments and their detailed specific related issues: flag State surveyors; delegation of authority; initial actions/legislation; implementation; and enforcement.

9.15 With regard to the identified highest numbers of non-conformities, recorded against specific provisions of the mandatory instruments, which demonstrate the lack of effective implementation, the Committee, while concurring with MEPC 70, noted the numbers relating to SOLAS 1974 (articles I and III, and regulations I/6, V/7 and XI-1/1); STCW 1978 (articles I, IV and VIII, and regulation I/8); LL 1966 (articles 1, 6 and 26); and TONNAGE 1969 (article 15).

9.16 The Committee also concurred with MEPC 70 in noting the following four main areas of root causes identified that led to a majority of shortcomings, i.e. legislation, policies and procedures, management, and implementation.

9.17 While further concurring with MEPC 70, the Committee noted the identified areas where additional assistance to Member States is needed and agreed to forward these identified areas to the Technical Cooperation Committee for consideration in terms of technical assistance to Member States.

9.18 The Committee considered the identified specific requirements of the relevant IMO instruments to be reviewed in terms of their appropriateness and effectiveness for implementation and was advised that MEPC 70, having recalled that MEPC 69 had already considered the specific requirements of MARPOL article 11 under the agenda item on "Analysis of recommendations to reduce administrative burdens in environment-related IMO instruments", and agreed that no further action was necessary.

9.19 While recalling the work carried out by MSC 96 on "Analysis of recommendations to reduce administrative burdens in environment-related IMO instruments as identified by the SG-RAR" (MSC 96/25, paragraph 19.4) and its related decisions, the Committee took the following actions:

- .1 with regard to the communication of laws, decrees, orders, regulations and other instruments (SOLAS article III (b); STCW 1978 article IV (1)(a); LL 1966 article 26 (1)(b); and TONNAGE 1969, article 15 (b)), MSC 96 had agreed that Member Governments, in consultation with the Legal Affairs Office, should consider providing electronic versions of their national legislation or web links to a site where the legislation can be accessed. The Committee agreed, therefore, that no further action was necessary;
- .2 with regard to the communication of specimen certificates (SOLAS article III (c); STCW 1978 article IV (1)(c); LL 1966 article 26 (1)(a); and TONNAGE 1969, article 15 (a)), MSC 96 had encouraged Member States to use GISIS modules to fulfil relevant reporting requirements, taking into account resolution A.1074(28) on *Notification and circulation through*

G/SIS, and had urged Administrations to expedite the implementation of electronic certificates, taking into account the guidance provided in FAL.5/Circ.39/Rev.2. The Committee agreed, therefore, that no further action was necessary; and

- .3 with regard to other matters related to the STCW Convention and Code, MSC 96 had instructed HTW 4 to continue its work on the development of a framework for a *GISIS* module. The Committee requested the Secretariat to provide updated information thereon, as appropriate.

9.20 In considering further the issue of the review of specific requirements of the relevant IMO instruments, in terms of their appropriateness and effectiveness for implementation, the Committee recalled that, according to paragraph 5.2.4 of the *Framework and procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), the audit will systematically feedback any lessons learned from the audits, as may be appropriate, for further consideration by the Organization of the effectiveness and appropriateness of its legislation.

9.21 In this context, the Committee concurred with MEPC 70 in requesting the III Sub-Committee to review the methodology for the analysis of CASRs in line with the Council framework and to make suggestions for the consideration of the Committee.

Polar Code-related amendments to the Survey Guidelines

9.22 The Committee considered the draft Polar Code-related amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), as developed by III 3, prior to the expected entry into force of the new SOLAS chapter XIV and the Polar Code on 1 January 2017.

9.23 Having concurred with MEPC 70, the Committee approved MSC-MEPC.5/Circ.12 on *Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2015 for Ships Operating in Polar Waters*, taking into account that the amendments should be incorporated in the draft Assembly resolution on the Survey Guidelines under the HSSC to be developed by III 4 and considered by A 30 for adoption.

Unified Interpretation on the expiration date of statutory certificates

9.24 While concurring with MEPC 70, the Committee approved MSC-MEPC.5/Circ.13 on *Unified Interpretation on the expiration date of statutory certificates*.

Direct reporting of III 4 to A 30

9.25 The Committee, having noted that III 4, scheduled to be held in September 2017, will be expected to finalize draft Assembly resolutions, concurred with the decision of MEPC 70 in authorizing the Sub-Committee to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions to A 30 directly.

List of certificates and documents required to be carried on board ships

9.26 The Committee noted that, while LEG 103 had requested the Secretariat to include insurance certificates in the draft revised *List of certificates and documents required to be carried on board ships* (FAL.2/Circ.127-MEPC.1/Circ.817-MSC.1/Circ.1462), insurance certificates under the 2010 HNS Convention have not been included therein since the Convention has not yet entered into force.

9.27 Having concurred with MEPC 70, the Committee approved, subject to concurrent approval by FAL 41 and LEG 104, the consolidated draft FAL.2-MEPC.1-MSA.1-LEG.1 circular on *List of certificates and documents required to be carried on board ships*, as set out in annex 9 of document III 3/14, to supersede FAL.2/Circ.127-MEPC.1/Circ.817-MSA.1/Circ.1462, as a joint FAL, MSA, MEPC and LEG circular.

10 CARRIAGE OF CARGOES AND CONTAINERS

Urgent matters emanating from the third session of the Sub-Committee

10.1 The Committee considered urgent matters referred to it (MSC 97/10) emanating from the third session of the Sub-Committee on Carriage of Cargoes and Containers (CCC) (CCC 3/15) and took action as indicated in paragraphs 10.2 to 10.11.

Interim recommendations for carriage of liquefied hydrogen in bulk

10.2 The Committee adopted resolution MSC.420(97) on *Interim recommendations for carriage of liquefied hydrogen in bulk*, as set out in annex 18.

Draft amendments to the IMSBC Code with regard to TML testing

10.3 The Committee approved the draft amendments to paragraphs 4.5.1 and 4.5.2 of the IMSBC Code, highlighting the responsibility of the shipper for ensuring that a test to determine the transportable moisture limit (TML) of a solid bulk cargo is conducted, as set out in annex 19, and requested the Secretary-General to circulate the above draft amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 98 in conjunction with the adoption of the draft amendments (04-17) to the IMSBC Code.

Draft amendments to SOLAS regulations II-2/20.2 and II-2/20-1

10.4 With regard to the draft amendments to SOLAS regulations II-2/20.2 and II-2/20-1 (CCC 3/15, annex 3), the Committee agreed that, in light of the draft amendments to SOLAS regulation II-2/3.56, which the Committee approved under agenda item 8 (Ship systems and equipment (report of SSE 3)) (see paragraph 8.18), the draft amendments to SOLAS regulation II-2/20-1 developed by CCC 3 were unnecessary.

10.5 Consequently, the Committee approved the draft amendments to SOLAS regulation II-2/20.2 only, as set out in annex 20, and requested the Secretary-General to circulate the above draft amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 98.

Draft amendments to the IMSBC Code regarding HME substances

10.6 The Committee approved the draft amendments to the IMSBC Code related to substances that are harmful to the marine environment (HME), as set out in annex 21, and requested the Secretary-General to circulate the above draft amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 98, in conjunction with the adoption of the draft amendments (04-17) to the IMSBC Code.

Corrections to the IGF and IGC Codes

10.7 The Committee endorsed the decision of CCC 3 to request the Secretariat to prepare a corrigendum to annex 1 to the report of MSC 95 (MSC 95/22/Add.1), containing resolution MSC.391(95) on *Adoption of the International Code of Safety for Ships using Gases*

or other Low-flashpoint Fuels (IGF Code), with a correction to paragraph 11.7.1 of the IGF Code, with a view to also incorporating the correction in the authentic text of resolution MSC.391(95).

10.8 Similarly, the Committee endorsed the decision of CCC 3 to request the Secretariat to prepare a corrigendum to annex 6 to the report of MSC 93 (MSC 93/22/Add.1), containing resolution MSC.370(93) on *Amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code)*, with corrections to paragraphs 5.11.6.3 and 13.6.4 of the IGC Code, with a view to also incorporating the corrections in the authentic text of resolution MSC.370(93).

Unified interpretations of the IGF Code

10.9 The Committee approved MSC.1/Circ.1558 on *Unified interpretations of the IGF Code*.

Unified interpretations of the IGC Code

10.10 The Committee also approved, with minor modifications, MSC.1/Circ.1559 on *Unified interpretations of the IGC Code (as amended by resolution MSC.370(93))*.

Meetings of the E&T Group in 2017

10.11 The Committee approved the holding of two intersessional meetings of the E&T Group in 2017 to prepare the next set of amendments to the IMDG Code, one in the first half of 2017 and another directly after CCC 4 (see also paragraph 19.35).

11 IMPLEMENTATION OF THE STCW CONVENTION

Secretary-General's report pursuant to STCW regulation I/7, paragraph 2

11.1 In introducing his report (MSC 97/WP.3), the Director of the Maritime Safety Division on behalf of the Secretary-General, advised the Committee that no reports pursuant to STCW regulation I/7 (Communication of information), paragraph 2, had been submitted to this session.

Secretary-General's report pursuant to STCW regulation I/8

11.2 In introducing his report (MSC 97/WP.3), the Director of the Maritime Safety Division, on behalf of the Secretary-General, advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 3, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 7 of section A-I/7 of the STCW Code and circulated as MSC.1/Circ.797. Each report, as required by MSC.1/Circ.1449, 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.

11.3 The Committee was subsequently invited to consider the reports attached to document MSC 97/WP.3 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.

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

- .1 review the procedures to identify any entries requiring clarification;
- .2 review the information presented in comparison table format; and
- .3 confirm that each report reflected that the procedures for the assessment of the information provided by the Parties concerned had been correctly followed.

11.5 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of seven STCW Parties and requested the Secretariat to issue an updated circular MSC.1/Circ.1164/Rev.17.

Approval of competent persons

11.6 The Committee approved additional competent persons nominated by Member States (MSC 97/11 and MSC 97/11/Add.1) and requested the Secretariat to issue an updated circular as MSC.1/Circ.797/Rev.29.

Ending of the transitional provisions of the 2010 Manila Amendments to the STCW Convention

11.7 With the approaching end of the transitional provisions of the 2010 Manila Amendments on 31 December 2016, several delegations expressed their concern regarding the status of compliance of some Parties with the 2010 Manila Amendments to the STCW Convention, as some Administrations may not be in a position to issue STCW certificates in accordance with the requirements of the Convention by 1 January 2017.

11.8 In the ensuing discussion, the following views were expressed:

- .1 STCW certificate-issuing Parties should take the necessary action to ensure that they had implemented the 2010 Manila Amendments by 1 January 2017 (when the transition provisions end);
- .2 seafarers seeking to obtain flag State endorsements of their STCW certificates issued by another Party, which was not able to issue Manila Amendment-compliant certificates, could face difficulties from flag States and/or during port State control inspections;
- .3 port State control authorities and recognized organizations needed to be made aware that some Parties were facing difficulties in issuing 2010 Manila Amendment-compliant STCW certificates; and
- .4 appropriate guidance needed to be issued for port State control authorities to take a pragmatic and practical approach during inspections to avoid delays and detentions of ships, and difficulties for seafarers.

11.9 In light of the aforementioned concerns regarding the implementation of the 2010 Manila Amendments, the Committee agreed to issue a MSC circular providing advice to port State control authorities and recognized organizations for a practical and pragmatic approach for a period of six months (i.e. until 1 July 2017) to be taken during inspections in cases where seafarers were unable to provide certificates that were issued in compliance with the 2010 Manila Amendments.

11.10 Subsequently, the Committee approved MSC.1/Circ.1560 on *Advice for Parties, Administrations, port State control authorities and recognized organizations on action to be taken in cases where not all seafarers carry certificates and endorsements meeting the 2010 Manila Amendments to the STCW Convention and Code from 1 January 2017*. In this regard, the Committee instructed HTW 4 to consider the above issue and to report to the Committee at its next session.

12 CAPACITY BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

General

12.1 The Committee recalled that MSC 96 (MSC 96/25, paragraph 15.3) had requested the Vice-Chair of the Committee, in consultation with the Chair and with the assistance of the Secretariat, to submit to MSC 97 a preliminary assessment of the capacity-building implications and technical assistance needs related to approved amendments to mandatory instruments and the new outputs related to mandatory instruments, which had been approved at that session.

Assessment of capacity-building implications for the implementation of new measures

12.2 The Committee considered document MSC 97/12 (Vice-Chair), providing the outcome of the aforementioned preliminary assessment, and agreed with the assessment that some items had capacity-building implications and that technical assistance might be needed, which could be further addressed through the Organization's Integrated Technical Cooperation Programme (ITCP). Therefore, the Committee concluded that it was not necessary to establish the Ad Hoc Capacity-Building Needs Analysis Group (ACAG) at this session.

Preliminary assessment for the next session

12.3 The Committee requested the Vice-Chair, in consultation with the Chair and with the assistance of the Secretariat, to submit to MSC 98 a preliminary assessment of the capacity-building implications and technical assistance needs related to draft amendments to mandatory instruments and the new outputs related to mandatory instruments, which were approved at this session.

13 FORMAL SAFETY ASSESSMENT

Background

13.1 The Committee recalled that MSC 96 had encouraged Member States to note the views outlined in paragraph 16.6 of document MSC 96/25 when uploading casualty information onto GISIS, and agreed that interested Member States and international organizations could submit comments and proposals on enhancing the quality and relevance of the casualty data reported by means of GISIS for consideration at this session.

13.2 It was also recalled that MSC 96, having endorsed the view of the Formal Safety Assessment (FSA) Experts' Group that it might be appropriate to have all the reports previously made by the Group collected and uploaded onto IMODOCS for ease of reference, had requested the Secretariat to create a separate folder in IMODOCS, under "Meeting Documents", for uploading the reports previously made by the FSA Experts' Group and collecting new ones. In this regard, the Committee noted the information that the Secretariat had created the new folder "FSA EG Reports" in IMODOCS, under "Meeting Documents/Committee/MSC Committee", and uploaded five reports previously made by the FSA Experts' Group.

Improvement of the function of the revised GISIS MCI module

13.3 Having considered document MSC 97/13/1 (China), proposing that the function of the GISIS marine casualties and incidents (MCI) module should be enhanced in addition to the improvement of quality of casualty data reported, so as to support the application of FSA, the Committee noted the following views expressed on this issue:

- .1 the redesigned GISIS MCI module was planned to be finalized before III 4 and all detailed information on the redesign process was provided in document III 3/4/2 (Secretariat);
- .2 in addition to the existing data extraction facility in the GISIS MCI module, which covered limited fields of the casualty records, a new data extraction facility covering all fields of the casualty records was already available for download as an XML file on the GISIS MCI module advanced search page;
- .3 that document III 3/4/5 (IACS and CLIA), explaining the use of accident data in IMO instruments and the expected benefits of an enhanced version of the MCI module, provided important information with regard to FSA-related activities;
- .4 Member States should enter information, in as much detail as possible, into the GISIS MCI module in order to make this information available for use in FSA studies; and
- .5 it was difficult to extract information needed for FSA studies as the data could not be properly entered into the system.

13.4 Following discussion, the Committee, with regard to the proposal that "more detailed information of incidents to be added to the output document", agreed that no specific action needed to be taken as it had been covered by the recent development of the GISIS MCI module.

13.5 The Committee referred the proposal regarding "basic statistical and analytical functions of the GISIS MCI module" to III 4 for further consideration, with a view to deciding on whether any further improvements were needed for the GISIS MCI module and what amendments, if any, needed to be introduced in MSC-MEPC.3/Circ.4/Rev.1.

13.6 The Committee invited China and any other interested delegations to contact the Secretariat in regard to providing more details about the problem on the speed of the GISIS MCI module. The Committee requested the Secretariat to carry out an analysis on the input and output speed of the GISIS MCI module and the possibility to increase the speed of the GISIS MCI module and take action as appropriate.

Draft amendments to the FSA Guidelines

13.7 Having considered document MSC 97/13/2 (China), proposing draft amendments to paragraph 26 of appendix 10 to the *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (MSC-MEPC.2/Circ.12/Rev.1), with a view to clarifying that, before being used as a justification for amendments to mandatory instruments, the findings of an FSA study should be reviewed by the FSA Experts' Group in an appropriate way, the Committee noted the following views expressed on this issue:

- .1 if the outcome of the submitted FSA study is sufficiently clear, the Committee(s) may accept, or not accept, the FSA study as a justification for the new output without establishing the FSA Experts' Group, i.e. the FSA Experts' Group needs to be established, if the Committee(s) was/were unable, or had insufficient time, to take a decision;
- .2 the existing text is not only very clear, but it provides the Committee(s) with necessary flexibility to move FSA studies as efficiently and effectively as possible;
- .3 it might be necessary to consider amending the flow chart shown in figure 2 referred to in paragraph 27 of appendix 10 to the FSA Guidelines; and
- .4 that annex 6 of the Committees' document on Organization and method of work (MSC-MEPC.1/Circ.5) might help to clarify the matter.

13.8 Following discussion, the Committee agreed that the text of paragraph 26 of appendix 10 to the FSA Guidelines was sufficiently clear and, therefore, requested the Secretariat to amend the flow chart shown in figure 2 of appendix 10 to the FSA Guidelines, with a view to aligning it with paragraph 26 of appendix 10 to the FSA Guidelines and annex 6 of the Committees' Guidelines, for consideration at the next session.

14 PIRACY AND ARMED ROBBERY AGAINST SHIPS

General

14.1 The Committee considered document MSC 97/14 (Secretariat), including an oral update provided by the Secretariat. In doing so, the Committee noted, in particular, that:

- .1 reports of actual and attempted attacks by pirates and armed robbers are promulgated via the Global Integrated Shipping Information System (GISIS) (<https://gisis.imo.org/Public>). According to data received by the Organization up until 5 September 2016, a reduction of about 35% of piracy and armed robbery related incidents, at the global level compared to 2015 had been observed. However, an increase in incidents of 96% had been seen in west Africa;
- .2 notwithstanding the positive overall trend, credible reports indicated that commercial ships remained a target of Somali pirates. Merchant shipping should continue to take protective measures against possible piracy attacks in the Gulf of Aden and the western Indian Ocean through diligent application of IMO guidance and Best Management Practices (BMPs);

- .3 in addition, naval forces were still very much required in the West Indian Ocean to help prevent a possible resurgence of piracy. The EU Naval Force Operation Atlanta, which operates off the coast of Somalia, had recently had its counter-piracy mandate extended to the end of 2018, a move which had been welcomed by the Secretary-General; and
- .4 on 22 October 2016, the remaining 26 crew members of the fishing vessel **Naham 3** were released after 1672 days in captivity; however, ten seafarers taken from the fishing dhow **Siraj** were still held in captivity in Somalia since March 2015.

14.2 The Committee noted, with appreciation, the good news related to the release of the 26 crew members of the fishing vessel **Naham 3** and called for the immediate release of the remaining ten seafarers taken from the fishing dhow **Siraj**, urging all stakeholders to engage initiatives to secure their expeditious and safe return.

Maritime Trade Information Sharing Centre – Gulf of Guinea (MTISC-GoG)

14.3 The Committee also noted that the Maritime Trade Information Sharing Centre – Gulf of Guinea (MTISC-GoG) had concluded its successful trial in June 2016 and expressed its appreciation to OCIMF for conducting the trial, to the Government of Ghana and the Regional Maritime University in Accra for hosting it and to the States and industry bodies that supported it.

Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG)

14.4 In this context, the Committee further noted that a new "Maritime Domain Awareness for Trade – Gulf of Guinea" (or MDAT-GoG), established by the Governments of France and the United Kingdom, went live on 20 June 2016 from centres in Brest, France, and Portsmouth, England (Circular Letter No.3684 refers). The aim of the MDAT-GoG is to contribute to maritime security and safety in the Gulf of Guinea and help to protect regional and intercontinental trade.

14.5 In the ensuing discussion, the following views were expressed:

- .1 appreciation for the initiatives and work conducted so far in the Gulf of Guinea towards the enhancement of maritime security;
- .2 while recognizing that the aim of the MDAT-GoG is to help meet the demand by the global shipping community, its establishment should be seen as a short-term solution only; a long-term solution would require consultation with the countries from the region and should be locally driven;
- .3 MDAT-GoG was designed to support the Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activities in west and central Africa, adopted formally in Yaoundé in June 2013 (the Yaoundé Code of Conduct), and to help build a common maritime picture between countries in the region and support actions and interventions by regional navies in response to piracy attacks; and
- .4 sharing of LRIT information was essential for enhancing the safety and security of crews and vessels in the area; thus, MDAT-GoG should be given similar access to the LRIT Distribution Facility, as previously authorized for the MTISC-GoG, at least in a transitional period.

14.6 In his summing up, the Chair noted that the MDAT-GoG was an initiative of the Governments of France and the United Kingdom in response to global shipping concerns. This was an interim arrangement and further work was required in terms of regional cooperation.

14.7 In this context, the Committee encouraged further consultations between the States of the Gulf of Guinea, as well as with the Governments of France and the United Kingdom, in order to ensure the complementarity of this initiative with the existing regional information-sharing centres and to support the Yaoundé Code of Conduct.

14.8 The Committee noted that the decision to expand the use of the LRIT Distribution Facility to the MDAT-GoG would require further consideration.

14.9 Member States and other interested parties were further encouraged to submit proposals on these matters to a future session of the Committee.

14.10 The Committee noted that the Extraordinary Summit of the African Union held in Lomé, Togo, on 15 October 2016, adopted the African Charter on Maritime Safety, Security and African Development. The Charter aims to solidify Africa's commitment to an efficient and effective management of its oceans, seas and waterways so as to ensure sustainable, equitable and beneficial exploration of these critical resources.

14.11 The Committee urged Member States to provide information related to national points of contact for communication of information on piracy and armed robbery, through the Contact Points module of GISIS, as well as information on piracy and armed robbery incidents, using the reporting form set out in appendix 5 of MSC.1/Circ.1333/Rev.1.

14.12 The Committee noted with appreciation the information contained in document MSC 97/INF.7 (ReCAAP-ISC) providing an update on the activities carried out by the ReCAAP-ISC and the situation of piracy and armed robbery against ships in Asia for the first part of 2016, including an additional oral update on recent events from the ReCAAP-ISC. In particular, the Committee noted that an increase in incidents of abduction of crew from ships while underway in the Sulu-Celebes Sea and off eastern Sabah had been seen, which were increasingly including incidents against larger vessels. Ships operating in the area were encouraged to take into account the recommendations contained in the "Regional Guide on Combating Piracy and Armed Robbery against ship in Asia" and to exercise enhanced vigilance, implement protective measures and maintain constant contact with the enforcement authorities in the area who are closely monitoring the situation and responding to incidents in that area.

14.13 The delegation of the Philippines made a statement, as set out in annex 27, reporting on the release of the 26 crew members of the fishing vessel **Naham 3**; a capacity-building workshop jointly organized by ReCAAP-ISC and the Philippines Coast Guard (PCG); and the work being conducted with relevant authorities in its neighbouring coastal States, ReCAAP-ISC and other regional organizations and stakeholders to address piracy and armed robbery issues in the region.

15 UNSAFE MIXED MIGRATION BY SEA

15.1 The Committee noted that no documents had been submitted on this agenda item, either to MSC 96 or to MSC 97.

15.2 The Committee recalled that following consideration of the outcome of FAL 40, MSC 96 had approved MSC.1/Circ.896/Rev.2 on *Interim measures for combating unsafe practices associated with the trafficking, smuggling or transport of migrants by sea*. MSC 96

instructed the Secretariat to provide to MSC 97 information on any reported cases received from Member States. Furthermore, MSC 96 also instructed the Secretariat to provide any information received relating to the effectiveness of the reporting information in the appendix of MSC.1/Circ.896/Rev.2.

15.3 The Committee noted that since MSC 96 only two incidents with the information included in the appendix to MSC.1/Circ.896/Rev.2 had been reported, by one Member State via the facilitation module in GISIS, and no information of relevance to the SUA provisions of MSC.1/Circ.896/Rev.2 had been provided.

15.4 The Committee noted that since MSC 96, the Secretariat had participated in the Conference on Maritime Security and Migrant Protection in the Bay of Bengal and Andaman Sea, held in Jakarta on 26 and 27 July 2016; and the United Nations General Assembly high-level UN Summit for Refugees and Migrants held at the UN Headquarters in New York, on 19 September 2016. The Committee was further informed that the Secretary-General had used the International Seapower Symposium, a gathering of over a hundred Chiefs of Navies and Coast Guards, held at the United States Naval War College in October 2016, to recognize the significant contributions of ships from many of the world's navies and coastguards, to the rescue of mixed migrants by sea.

15.5 The Committee noted that the United Nations Security Council had adopted, on 6 October, resolution 2312 (2016), that extends the provisions of resolution 2240 (2015) on *Measures to fight against migrant smuggling and human trafficking and prevent loss of life in the high seas off Libyan Coast* for a further period of 12 months. The full text of the resolution in the six official languages of the United Nations may be downloaded from: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2312\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2312(2016)).

15.6 Taking into account that the humanitarian crisis in the Mediterranean region was far from being resolved, the Committee invited Member States and international organizations to submit documents to the next session, and encouraged Member States to report the incidents with the information included in the appendix of MSC.1/Circ.896/Rev.2 via the facilitation module in GISIS³.

15.7 The Secretary-General reiterated his sincere appreciation to Member States that had been contributing to the rescue of migrants at sea using naval, military and intelligence services.

16 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Matters relating to the issue of Certificates of Fitness (CoF) under the IBC, BCH, GC, IGC and EGC Codes

16.1 The Committee considered document MSC 97/16 (IACS) relating to recently introduced amendments to the IBC, BCH, GC, IGC and EGC Codes, with a view to:

- .1 establishing a long-term approach for resolving the issue of the lack of reference to the approved stability documentation in the CoF;
- .2 establishing an interim approach on how CoFs were to be completed for ships that did not yet have to comply with the amendment requiring the provision of an approved stability instrument; and

³ Details of the joint platform was promulgated in Circular Letter No.3569, issued on 15 July 2015.

- .3 addressing the matter of the resolutions that had to be stated on page 1 of the CoF.

16.2 In this context, the Committee, having been informed that MEPC 70 had:

- .1 instructed the Secretariat to prepare:
 - .1 as an interim measure, a draft joint MSC-MEPC circular addressing the issues; and
 - .2 draft amendments to the IBC, BCH, GC, IGC and EGC Codes; and
- .2 invited MSC 98 to consider the issues, raised by IACS, and approve the draft MSC-MEPC circular and draft amendments to the IBC, BCH, GC, IGC and EGC Codes, for concurrent approval by MEPC 71,

instructed the Secretariat to take action accordingly, taking into account the comment by the Chair of the MEPC that the MEPC did not have the four-year cycle for the entry into force of amendments, and agreed to consider the matter at the next session, as requested by MEPC 70.

Clarification on suitable means for the calibration of portable atmosphere testing instruments as referred to in SOLAS regulation XI-1/7

16.3 The Committee considered document MSC 97/16/1 (IACS), seeking clarification with regard to the wording "suitable means shall be provided for the calibration of all such instruments" of SOLAS regulation XI-1/7 (resolution MSC.380(94)), and whether the aforementioned provision should be understood as meaning that calibration tools should be physically provided on board, or whether other calibration methods, such as the calibration being conducted ashore by the manufacturers could be accepted. Accordingly, IACS proposed the following interpretation of SOLAS regulation XI-1/7:

"Compliance with the provision 'suitable means shall be provided for the calibration of all such instruments' in SOLAS regulation XI-1/7, as adopted by resolution MSC.380(94), may be achieved by portable atmosphere testing instruments calibrated ashore in accordance with the manufacturer's instructions."

16.4 While the proposal was generally supported, the Committee noted the following views expressed:

- .1 the interpretation should not be limited to calibrations ashore but also include calibration on board; and
- .2 the interpretation did not apply to any pre-operational accuracy tests as recommended by the manufacturer,

and agreed to prepare a unified interpretation on the matter, based on document MSC 97/16/1, taking into account the above views.

16.5 The Committee, having considered document MSC 97/WP.11, approved MSC.1/Circ.1561 on *Unified interpretation of SOLAS regulation XI-1/7*.

Clarifications on the requirements related to the initial and maintenance surveys required by the Polar Code

16.6 The Committee considered document MSC 97/16/2 (IACS), seeking clarifications on the application of the initial survey, maintenance surveys and certification, as required by paragraph 1.3 of chapter 1 of part I-A of the International Code for Ships Operating in Polar Waters (Polar Code), which would take effect on 1 January 2017. With regard to the implementation date of the Polar Code, in accordance with SOLAS regulation XIV/2.2, i.e. "by the first intermediate or renewal survey, whichever occurs first, after 1 January 2018", the IACS provided their interpretations, depending on the ships' categories of the HSSC (Harmonized System of Survey and Certification) or non-HSSC passenger/cargo ships. In order to facilitate global and unified implementation of the provision, the IACS prepared the tabulated synopsis, as shown in the annex to the document, providing a practical scheme for the surveys related to the Polar Code, and links to other SOLAS certificates, and suggested the issuance of a unified interpretation on the basis of the IACS' understanding.

16.7 The Committee, having considered document MSC 97/WP.12, approved MSC.1/Circ.1562 on *Unified interpretations of SOLAS regulation XIV/2.2 and paragraphs 1.3.2 and 1.3.6, part I-A of the Polar Code*.

Records of the development of amendments to the 1974 SOLAS Convention and related mandatory instruments

16.8 The Committee considered document MSC 97/16/3 (Secretariat), reporting on uploading of records for regulatory development onto the new GISIS module on "Development of amendments", by adding new records on the development of some draft amendments to SOLAS regulations, and requested clarification regarding practical application of the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500). The Secretariat identified the three cases where it might not be practicable to follow the provisions of MSC.1/Circ.1500 and suggested some possible solutions (paragraphs 9 to 11 of the document).

16.9 In document MSC 97/16/3, it was also suggested that the Committee should decide on the need to apply the same practice of keeping records for regulatory development to other safety-related IMO conventions (e.g. the 1966 LL Convention, the 1988 LL Protocol, the 1969 TM Convention, the 1978 STCW Convention, COLREG 1972, 1972 CSC), and to invite the Marine Environment Protection Committee to consider the application of MSC.1/Circ.1500 to environment-related conventions.

16.10 With respect to the practical aspects of the application of MSC.1/Circ.1500 to draft amendments having a long history of technical development, as raised in document MSC 97/16/3, the Committee, after a brief discussion, decided that all the issues highlighted in document MSC 97/16/3 should be further examined and agreed to consider the matter, together with the issue of the early implementation of amendments to SOLAS (see also paragraph 9.10), at the next session.

17 RELATIONS WITH OTHER ORGANIZATIONS

Relations with non-governmental organizations

17.1 The Committee noted the information in document MSC 97/17 (Secretariat), reporting on decisions of C 116 concerning relations with non-governmental organizations, applications for consultative status and related matters.

Outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters

17.2 The Committee had the following documents for consideration:

- .1 MSC 97/17/1 (IMO and FAO Secretariats), containing the report of the third session of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG 3), which included the recommendations to the Organization; and
- .2 MSC 97/17/2 (Iceland, New Zealand, South Africa and Spain), commenting on document MSC 97/17/1 and, in particular, proposing that the III Sub-Committee consider the details of the recommendations by JWG 3, for advice to the Committee.

17.3 In this context, the Committee noted the information provided by the delegation of Indonesia regarding the success of the measures taken in cooperation with regional fishery management organizations (RFMOs) and INTERPOL, with regard to the fight against IUU fishing in waters under the jurisdiction of Indonesia. The Committee also noted that the delegation of South Africa urged Member States to expedite the work necessary for the entry into force of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, while being informed about the expected entry into force, next year, of the ILO Work in Fishing Convention, 2007.

17.4 Having concurred with the decision of MEPC 70, the Committee referred the recommendations of JWG 3, relevant to the Organization, to III 4 for detailed consideration and advice to the Committee.

18 APPLICATION OF THE COMMITTEE'S GUIDELINES

General

18.1 The Committee recalled that MSC 96, having noted that, in the operational paragraph 2 of resolution A.1099(29), the Council and the committees were explicitly requested to "review and revise, during the 2016-2017 biennium, the guidelines for the organization and method of their work, taking account of the document on *Application of the Strategic Plan and the High-level Action Plan of the Organization*, as appropriate", had considered the need to use mandatory language in order to align the Committees' Guidelines with resolution A.1099(29) on *Application of the Strategic Plan and the High-level Action Plan of the Organization*, taking into account the decisions made by FAL 40 (FAL 40/19, paragraphs 14.4 to 14.8).

18.2 The Committee also recalled that, when discussing whether the way used by the Assembly, at its twenty-ninth session, when revising the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1062(28)), should also be followed by the Committee (i.e. the word "guidelines" should be deleted from the title and the text, and mandatory language should be used in the revised document, based on the text set out in the annex to resolution A.1099(29)) or not, MSC 96 had decided to use mandatory language as necessary, based on resolution A.1099(29).

18.3 The Committee further recalled that MSC 96, taking into account the decision relating to the use of mandatory language, had agreed not to include in the revised Committees' Guidelines any references to MSC.1/Circ.1500, the checklist set out in the annex to

MSC-MEPC.7/Circ.1, the check/monitoring sheet and the record format, both set out in annexes 2 and 3 of the annex to MSC.1/Circ.1500, respectively, or any specific examples emphasizing the importance of capacity-building implications; and had instructed the Secretariat to prepare the final text of the draft amendments to the Committees' Guidelines.

18.4 The Committee noted that MSC 96 had approved the draft MSC-MEPC circular on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC 96/25/Add.1, annex 24), subject to concurrent approval by MEPC 70, and had noted that the provisions of the document would be applicable with immediate effect.

18.5 The Committee also noted that MSC 96, having considered document MSC 96/22/1 (Russian Federation), proposing further clarification of the Committees' Guidelines regarding the deadlines for posting the documents submitted for consideration by the committees or their subsidiary bodies onto the IMO document website (IMODOCS), had agreed to take no specific action at that session and had requested the Secretariat to analyse the current practice, with a view to proposing a possible solution(s) for consideration at this session.

18.6 The Committee further noted that MSC 96 had agreed to report the repeated problem with accessing documents uploaded onto IMODOCS, which occurs during the meetings, to the Council for action, as appropriate.

Draft revised Rules of Procedure of the Committee

18.7 The Committee recalled that C 116 had agreed to harmonize the terms of office in the Rules of Procedure of committees (and by extension sub-committees); to limit the total term of office of the Chair and Vice-Chair to five years in office; and to establish the use of the new gender-neutral term "Chair" in the Rules of Procedure of the committees, and had requested the Council and the relevant committees to amend their Rules of Procedure accordingly.

18.8 Having considered the Council's request, the Chairs of the MSC and MEPC agreed to revise and harmonize the Rules of Procedure of the two Committees accordingly, so that the same Rules would apply to both Committees. In this context, the aforementioned Chairs submitted the following documents for consideration by the Committee:

- .1 MSC 97/18/1, containing the revised text of the Rules of Procedure of the MSC; and
- .2 MSC 97/INF.5, presenting a table containing the existing text of the Rules of Procedure of the MSC and the MEPC as well as the suggested harmonized text, used for the preparation of the revised Rules of Procedure of the MSC, set out in document MSC 97/18/1.

18.9 In light of the above, the Committee noted that MEPC 70 had considered their Rules of Procedure (MEPC 70/14/1 and MEPC 70/INF.10) and agreed to the Rules of Procedure of the MEPC accordingly, as described in document MSC 97/2/3.

18.10 In considering documents MSC 97/18/1 and MSC 97/INF.5, the Committee noted the following views expressed during the discussion:

- .1 in rule 3, 15 Members can request an extraordinary session of the Committee. This number was based on a smaller number of Members, and therefore, it is outdated;

- .2 in rule 14, the Committee has to put in the agenda any proposal by Member States. In this connection, there should be a process by which the Committee can approve such proposals; and
- .3 in rule 34, 20 Members shall constitute a quorum. This needs to be updated as this number was related to past number of Members and presently IMO has 172 Member States.

18.11 Following discussion, and having noted that MEPC 70 had agreed to the Rules of Procedure of the MEPC (see paragraph 18.9), the Committee did not agree to the Rules of Procedure of the MSC and invited Member States to submit proposals on the issues raised (see paragraph 18.10) to MSC 98 with a view to finalization. In this connection, the Committee also noted the intention of the delegation of the United States to submit a proposal on this matter to MSC 98.

Draft amendments to the Committees' Guidelines

Outcome of MEPC 70

18.12 The Committee recalled that MSC 96 had approved the draft revision of the Committees' Guidelines, as contained in annex 24 to document MSC 96/25/Add.1, with a view to concurrent approval by MEPC 70.

18.13 The Committee also recalled that MEPC 70 had agreed to the draft revision of the Committees' Guidelines, including the use of gender-neutral terms.

18.14 Consequently, the Committee approved the draft review of the Committees' Guidelines in relation to the use of gender-neutral terms, as approved by MEPC 70 (MSC 96/25/Add.1, annex 24, as modified by MEPC 70 (MSC 97/2/3)).

Proposals for a new timeline relating to deadlines for submission and consequential posting of documents onto IMODOCS

18.15 The Committee had for its consideration documents MSC 97/18 and Corr.1 (Secretariat), containing the outcome of the analysis carried out by the Secretariat on the current practice for posting documents onto IMODOCS and proposing a possible solution for a new timeline relating to deadlines for submission and consequential posting of documents (see also paragraph 18.5).

18.16 In the context of the above, the Committee noted that the existing four-week and two-week windows, requested in paragraph 6.12 of the Committees' Guidelines for submission of commenting bulky documents (nine-week deadline) and commenting non-bulky documents (seven-week deadline), respectively, may not be realistic due to a number of reasons (MSC 97/18, paragraph 3). Additionally, most of the information documents (bulky and non-bulky) provide background information to the documents submitted on the same or previous deadlines and, therefore, need to be edited, processed and uploaded onto IMODOCS on the same dates to ensure a proper understanding of the proposals/comments contained in the main documents.

18.17 In considering the proposals contained in documents MSC 97/18 and Corr.1, the Committee noted the following views expressed:

- .1 the proposed new timeline involves less flexibility for preparation of documents, which may incur a decline in the quality of the documents submitted, including the reports of correspondence groups;
- .2 the new timeline should take into account the period between meetings; and
- .3 the proposed page limit from "four or less" to "not more than three" (paragraph 6.12.5 of the Committees' Guidelines) should be carefully considered, as it is very difficult to discuss any subject on three pages when the first page already has the summary table taking up considerable space of that page.

18.18 Consequently, the Committee did not agree to the proposals contained in documents MSC 97/18 and Corr.1, and noted that any early submission of documents is of help for the work of the Secretariat.

18.19 Following the discussion, the Committee approved MSC-MEPC.1/Circ.5 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*.

Consideration of Sub-Committees' reports in an Assembly year

18.20 The Committee, notwithstanding the relevant provisions of paragraph 6.9 of the Committees' document on Organization and method of work (MSC-MEPC.1/Circ.5) and recalling its decision under agenda item 8 (see paragraph 8.24) to authorize SSE 4 to submit its full report to MSC 98, agreed that all Sub-Committees (under the purview of the MSC) meeting before the Spring session of the Committee in an Assembly year should submit their full report to the Committee, when deemed practicable by the Secretariat.

19 WORK PROGRAMME

MARITIME SAFETY COMMITTEE

Development of international regulatory framework for "Floating Armouries"

19.1 The Committee considered document MSC 97/19/11 (India), proposing a new output to develop guidelines to regulate floating armouries. The majority of delegations were of the opinion that the compelling need for a compulsory regulatory instrument had not been demonstrated. Therefore, the Committee agreed not to include the proposed output in the biennial agenda of the Committee. However, a number of delegations supported the development of non-mandatory guidance, and the Committee invited Member States and international organizations to submit documents to MSC 98, under the current agenda item on "Piracy and armed robbery against ships," for further consideration.

SUB-COMMITTEE ON CARRIAGE OF CARGOES AND CONTAINERS (CCC)

Biennial status report of the Sub-Committee and provisional agenda for CCC 4

19.2 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for CCC 4, as set out in annexes 22 and 23, respectively. The Secretariat was requested to inform MEPC 71 accordingly.

SUB-COMMITTEE ON HUMAN ELEMENT, TRAINING AND WATCHKEEPING (HTW)**Fire safety on ro-ro spaces and special category spaces of ro-ro passenger ships**

19.3 The Committee recalled that it had agreed to include in the 2016-2017 biennial agenda of the SSE Sub-Committee and the provisional agenda of SSE 4 an output on "Review of SOLAS chapter II-2 and associated codes to minimize the incidence and consequences of fires on ro-ro spaces and special category spaces of new and existing ro-ro passenger ships" with a target completion year of 2019, in association with the SDC and HTW Sub-Committees as and when requested by the SSE Sub-Committee (see paragraph 19.18).

Biennial status report of the Sub-Committee and provisional agenda for HTW 4

19.4 The Committee confirmed the Sub-Committee's biennial status report and the provisional agenda for HTW 4, as set out in annexes 22 and 23, respectively.

SUB-COMMITTEE ON IMPLEMENTATION OF IMO INSTRUMENTS (III)**Amendments to the Code for Recognized Organizations (RO Code)**

19.5 The Committee considered document MSC 97/19/5 (Colombia, Palau, the Philippines and South Africa), proposing a new output with a view to removing inconsistencies, omissions or ambiguous wording in the RO Code, adopted by resolutions MSC.349(92) and MEPC.237(65). The majority of the delegations that intervened was of the opinion that the title and objective of the proposed output might not be relevant since some of the proposals contained therein might be beyond the scope of the RO Code, and the Committee agreed not to include, at this stage, the proposed new output in the 2016-2017 biennial agenda of the III Sub-Committee and the provisional agenda for III 4.

19.6 However, taking into account the support expressed in favour of the proposal to clarify the situation of statutory certificates of ships undertaking a single voyage for demolition, the Committee invited the co-sponsors to submit a revised proposal to the next session of the Committee, demonstrating the potential compelling need and taking into account the outcome of the consideration of document MSC 97/19/5.

Review and amend the Model agreement for the authorization of recognized organizations acting on behalf of the Administration

19.7 The Committee considered document MSC 97/19/10 (China, New Zealand and IACS), proposing a new output with a view to review and amend the *Model agreement for the authorization of recognized organizations acting on behalf of the Administration* (MSC.1/Circ.710–MEPC.1/Circ.307) for the purpose of being in line with the requirements of the RO Code, and agreed to include in the 2016-2017 biennial agenda of the III Sub-Committee and the provisional agenda for III 4, an output on "Review the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration" with a target completion year of 2018.

Biennial status report of the Sub-Committee and provisional agenda for III 4

19.8 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for III 4, as set out in annexes 22 and 23, respectively. The Secretariat was requested to inform MEPC 71 accordingly.

SUB-COMMITTEE ON NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE (NCSR)**Performance standards for shipborne combined GPS/GLONASS/BDS receiver equipment**

19.9 The Committee considered document MSC 97/19/6 (China), proposing a new output with a view to developing recommendation on performance standards for shipborne combined GPS/GLONASS/BDS receiver equipment. The Committee, having considered the following views expressed during the discussions:

- .1 the Organization had agreed to adopt generic performance standards, by means of resolution MSC.401(95) on *Performance standards for multi-system shipborne radionavigation receivers*, instead of specific ones for each provider;
- .2 there was a need for further clarification on how to implement resolution MSC.401(95) for multi-system shipborne radionavigation receivers for providers other than GPS/GLONASS; and
- .3 the guidelines associated with multi-system shipborne radionavigation receivers dealing with the harmonized provision of PNT data and integrity information, to be considered by NCSR 4, could provide further clarifications, as necessary, and there was no need for the new output,

agreed not to include this proposed output in the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 4.

19.10 The Committee agreed further to request NCSR 4 to consider whether there was a need to clarify how to implement resolution MSC.401(95) when considering the guidelines associated with multi-system shipborne radionavigation receivers dealing with the harmonized provision of PNT data and integrity information.

Revision of resolutions A.817(19) and MSC.232(82) to provide for an additional connection of ECDIS with communication equipment

19.11 The Committee considered document MSC 97/19/9 (Ukraine), proposing a new output with a view to amending paragraphs 12.2 and 15.2 of resolutions A.817(19) and MSC.232(82), respectively, to provide an additional connection of ECDIS with communication equipment.

19.12 The majority of the delegations was of the opinion that this subject should be considered from a wider perspective under the current work made on output 5.2.6.1 (Additional modules to the *Revised Performance Standards for Integrated Navigation Systems (INS)* (resolution MSC.252(83) relating to the harmonization of bridge design and display of information), and therefore the Committee agreed not to include the proposed output in the post-biennial agenda of the Committee, and invited Ukraine to submit a document to NCSR 4 for further consideration under the above-mentioned output.

Amendment of COLREGS to implement a night signal to be displayed by vessels crossing IMO adopted traffic separation schemes

19.13 The Committee considered documents MSC 97/19/12 and MSC 97/INF.6 (Liberia, the Marshall Islands and Singapore), proposing a new output on the display of a three all-round green lights night signal for vessels crossing IMO adopted traffic separation schemes

and associated amendments to the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS), and taking into account that the compelling need of the proposal had not been established, agreed not to include the proposed output in the post-biennial agenda of the Committee.

Biennial status report of the Sub-Committee and provisional agenda for NCSR 4

19.14 The Committee, having recalled the decision of including the output 5.2.1.15, "Consequential work related to the new Polar Code," in the biennial agenda of the NCSR Sub-Committee and in the provisional agenda for NCSR 4 (paragraph 21.8), confirmed the Sub-Committee's biennial status report and the provisional agenda for NCSR 4, as set out in annexes 22 and 23, respectively.

SUB-COMMITTEE ON SHIP DESIGN AND CONSTRUCTION (SDC)

Revised SOLAS regulation II-1/3-8 and associated guidelines (MSC/Circ.1175) and new guidelines for safe mooring operation for all ships

19.15 The Committee considered document MSC 97/19/2 (IACS), and agreed to instruct SDC 4 to consider the recent updates to IACS Unified Requirement (UR) A2 and the non-fishing vessel mooring-related elements of IACS Recommendation 10, in the review of MSC/Circ.1175.

Fire safety on ro-ro spaces and special category spaces of ro-ro passenger ships

19.16 The Committee recalled that it had agreed to include in the 2016-2017 biennial agenda of the SSE Sub-Committee and the provisional agenda of SSE 4 an output on "Review SOLAS chapter II-2 and associated codes to minimize the incidence and consequences of fires on ro-ro spaces and special category spaces of new and existing ro-ro passenger ships," with a target completion date of 2019, in association with the SDC and HTW Sub-Committees as and when requested by the SSE Sub Committee.

Biennial status report of the Sub-Committee and the provisional agenda for SDC 4

19.17 The Committee confirmed the Sub-Committee's biennial status report and the provisional agenda for SDC 4, as set out in annexes 22 and 23, respectively.

SUB-COMMITTEE ON SHIP SYSTEMS AND EQUIPMENT (SSE)

Making the provisions of MSC.1/Circ.1206/Rev.1 mandatory

19.18 The Committee considered documents MSC 97/19/4 and MSC 97/INF.3 (Marshall Islands et al.), related to the scope of the work remaining under agenda item 4 of the provisional agenda for SSE 4 of the output 5.1.2.1, and agreed to instruct SSE 4, when conducting a detailed review of the draft MSC circular on *Guidelines on safety during abandon ship drills using lifeboats* and the *Guidelines for developing operation and maintenance manuals for lifeboat systems* (MSC.1/Circ.1205) in order to capture possible inconsistencies emanating from the *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear* (resolution MSC.402(96)), to include consideration of industry developed draft amendments to these guidelines.

Fire safety on ro-ro spaces and special category spaces of ro-ro passenger ships

19.19 The Committee considered document MSC 97/19/3 (Austria et al.) and document MSC 97/19/13 (Japan), proposing a new output with a view to amend SOLAS and associated codes to minimize the incidence and consequences of fires on ro-ro spaces and special category spaces of new and existing ro-ro passenger ships, and agreed to include in the 2016-2017 biennial agenda of the SSE Sub-Committee and the provisional agenda for SSE 4, an output on "Review SOLAS chapter II-2 and associated codes to minimize the incidence and consequences of fires on ro-ro spaces and special category spaces of new and existing ro-ro passenger ships," with a target completion year of 2019 in association with the SDC and HTW Sub-Committees as and when requested by the SSE Sub-Committee.

19.20 However, taking into account the high number of areas subject to be considered in the analysis (MSC 97/19/3, paragraph 25), the Committee instructed SSE 4 to consider the scope and the work plan, and to advise MSC 98 accordingly.

New requirements on power ventilation systems for totally enclosed lifeboats

19.21 The Committee considered documents MSC 97/19/8 and MSC 97/INF.11 (Bahamas and Japan), proposing a new output with a view to provide adequate power ventilation systems for newly installed totally enclosed lifeboats.

19.22 The Committee, having decided to broaden the scope of the work to include all survival craft, agreed to include in the 2016-2017 biennial agenda of the SSE Sub-Committee and the provisional agenda for SSE 4, an output on "Develop new requirements for ventilation of survival craft", with a target completion year of 2018.

19.23 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500, that:

- .1 the amendments to be developed should apply to newly installed survival craft on or after the date of application, unless exempted according to SOLAS regulation III/1.4.2 in relation to replacement of launching appliances;
- .2 the instruments to be amended are the LSA Code and the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)), as amended; and
- .3 the amendments to be developed should enter into force on 1 January 2020, provided that they are adopted before 1 July 2018, and will be applied immediately or after an appropriate period for development of new design of survival craft.

19.24 The Committee also agreed to the proposal made by the delegation of the Bahamas that SSE 4 should develop the requirements related to the ventilation of totally enclosed lifeboats as the highest priority, and thereafter consider requirements for other survival craft.

Biennial status report of the Sub-Committee and provisional agenda for SSE 4

19.25 The Committee, having recalled the decision of including the output 5.2.1.15, "Consequential work related to the new Polar Code," in the provisional agenda for SSE 4 (paragraph 8.32), approved the Sub-Committee's revised biennial status report and the revised provisional agenda for SSE 4, as set out in annexes 22 and 23, respectively.

ENDORSEMENT OF NEW OUTPUTS

19.26 In accordance with the relevant provisions of the document on the *Application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1099(29)), the Committee, having agreed to the sub-committees' biennial agendas and the provisional agendas for their forthcoming sessions, invited the Council to endorse, for inclusion in the current High-level Action Plan, the following new outputs agreed by the Committee:

- .1 review the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration (paragraph 19.7);
- .2 review SOLAS chapter II-2 and associated codes to minimize the incidence and consequences of fires on ro-ro spaces and special category spaces of new and existing ro-ro passenger ships (paragraph 19.19); and
- .3 develop new requirements for ventilation of survival craft (paragraph 19.22).

BIENNIAL STATUS OF REPORT OF THE MARITIME SAFETY COMMITTEE

19.27 Having recalled that the status of outputs will only be produced after the session as an annex to the Committee's report, to avoid any unnecessary duplication of work, the Committee invited the Council to note the Report on the status of outputs for the 2016-2017 biennium, as set out in annex 24.

POST-BIENNIAL AGENDA OF THE COMMITTEE

19.28 The Committee, having noted that the updated post-biennial agenda will only be produced after the session as an annex to the Committee's report to avoid any unnecessary duplication of work, invited the Council to note the updated post-biennial agenda of the Maritime Safety Committee, as set out in annex 25.

PROPOSALS FOR THE HIGH-LEVEL ACTION PLAN AND PRIORITIES FOR THE 2018-2019 BIENNIUM

19.29 In preparation of the High-level Action Plan for the 2018-2019 biennium, the Committee instructed the sub-committees to prepare their proposed biennial agendas for the coming biennium at their forthcoming sessions, for consideration at MSC 98, and requested the Secretariat to assist them in the usual manner, taking into account that:

- .1 outputs selected for the biennial agenda should be phrased in SMART terms;⁴
- .2 where the target completion year for a specific output goes beyond that 2018-2019 biennium, an interim output should be placed in the biennial agenda with a target completion year of 2018 or 2019, as appropriate, and that a related output should be placed in the Committee's post-biennial agenda with the anticipated completion year; and
- .3 biennial and provisional agendas should not contain sub-items, and items placed on the provisional agendas should correspond with the outputs in the Sub-Committee's biennial agenda.

⁴ SMART: specific, measurable, achievable, realistic and time-bound.

19.30 The Committee requested the Secretariat, in consultation with the Chair, to prepare the Committee's proposals for the High-level Action Plan for the coming biennium, for consideration by MSC 98 and subsequent submission to C 118, for inclusion in the Organization's High-level Action Plan and priorities for the 2018-2019 biennium, taking into account that III 4 and CCC 4 will, as usual, report their proposed biennial agendas for the coming biennium directly to CWGSP 14 and/or C/ES 29, as appropriate.

ACTIVITIES, PRIORITIES AND PLAN OF MEETING WEEKS OF THE COMMITTEES AND THEIR SUBSIDIARY BODIES FOR THE 2018 – 2019 BIENNIUM

19.31 The Committee recalled that paragraph 3.5 of the *Guidelines on the organization and method of work of the Maritime Security Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.4) requires that, at the end of the first year of the biennium, the Committee Chairs should submit to their respective Committees a joint plan covering the activities, priorities and meetings of the Committees and their subsidiary bodies for the coming biennium, for consideration in the subsequent year, with a view to inclusion in the Secretary-General's relevant budget proposals.

19.32 The Committee considered document MSC 97/19/1 (MSC and MEPC Chairs), on the proposed planned meeting-weeks, and noted the decision of MEPC 70 to maintain the number of the MEPC meeting-days for the coming biennium.

19.33 The Committee, having noted the proposed planned meeting-weeks contained in document MSC 97/19/1 (MSC and MEPC Chairs), recognized the need to maintain the number of Committee meeting-days for the coming biennium at eight days for the Spring sessions, and agreed that, for budgetary planning purposes, 21 meeting-weeks of MSC and MEPC and their subsidiary bodies should be included in the Secretary-General's relevant budget proposals for the 2018-2019 biennium, and requested the Secretariat to inform C 118 accordingly, bearing in mind that any final decision made by Council will take into account the views of MSC and MEPC.

19.34 Subsequently, the Committee approved eight days for MSC 99 (May 2018), five days for MSC 100 (November 2018) and eight days for MSC 101 (June 2019), and requested the Secretariat to inform C 118 accordingly.

INTERSESSIONAL MEETINGS

19.35 The Committee, taking into account the decisions made under various agenda items at MSC 96 and at this session, approved/confirmed, as appropriate, the following intersessional meetings:

- .1 the twenty-seventh meeting of the E&T Group on the IMDG Code to be held in the second quarter of 2017;
- .2 the twenty-eighth meeting of the E&T Group on the IMDG Code to be held directly after CCC 4;
- .3 the twenty-fourth session of the ICAO/IMO Joint Working Group on Search and Rescue to take place in the second half of 2017; and
- .4 the thirteenth session of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters to take place in 2017.

and invited the Council to endorse the above decisions, as appropriate.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 98**Substantive items for inclusion in the agendas for MSC 98 and MSC 99**

19.36 The Committee agreed to substantive items to be included in the agendas of its ninety-eighth and its ninety-ninth sessions, set out in document MSC 97/WP.10, as amended.

Establishment of working and drafting groups during MSC 98

19.37 The Committee, taking into account the decisions made under various agenda items, anticipated that the working and drafting groups on the following subjects may be established at the Committee's ninety-eighth session:

- .1 goal-based standards;
- .2 maritime security;
- .3 early implementation/application of IMO instruments; and
- .4 consideration and adoption of amendments to mandatory instruments.

19.38 The Committee agreed that the Capacity-building Needs Analysis Group (ACAG) may also need to be established.

Duration and dates of the next two sessions

19.39 The Committee noted that its ninety-eighth session has been scheduled to take place from 7 to 16 June 2017; and that its ninety-ninth session is tentatively scheduled for May 2018.

20 ELECTION OF CHAIR AND VICE-CHAIR FOR 2017

20.1 The Committee unanimously re-elected Mr. Brad Groves (Australia) as Chair, and Mr. Juan Carlos Cubisino (Argentina) as Vice-Chair, both for 2017.

21 ANY OTHER BUSINESS**Proposed amendment to SOLAS Forms E, C and P**

21.1 The Committee considered document MSC 97/21 (Spain and IACS), referring to resolution MSC.401(95) on *Performance standards for multi-system shipborne radionavigation receivers*, and proposing that SOLAS Form E, part 3, item 3.1 and Forms C and P, part 5, item 3.1 were amended to include the option of multi-system shipborne radionavigation receivers.

21.2 In this context, the Committee, recalling the decisions taken at C/ES.27 (C/ES.27/D, paragraph 3.2(vi)) that minor corrections/issues could continue to be considered by the Committees under the agenda item "Any other business" without requiring a new output, approved the draft amendments, based on annex 1 to document MSC 97/21, as set out in annex 26, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, as appropriate, with a view to adoption at MSC 98.

Unified interpretations of SOLAS chapters II-1 and XII, of the Technical provisions for means of access for inspections (resolution MSC.158(78) and of the Performance standards for water level detectors on bulk carriers and single hold cargo ships other than bulk carriers (resolution MSC.188(79))

21.3 Addressing the request by MSC 96 to prepare a consolidated draft MSC circular containing provisions of MSC.1/Circ.1464/Rev.1 and its Corr.1, as amended by MSC.1/Circ.1507 and MSC.1.Circ.1545, the Committee considered document MSC 97/21/2 (Secretariat) proposing possible ways forward, as set out in paragraph 7 of the document.

21.4 In considering the proposal, the Committee noted, in particular, that:

- .1 MSC.1/Circ.1507 and MSC.1/Circ.1545 were related to means of access only and had been developed by the SDC Sub-Committee based on IACS UI SC191; however, MSC.1/Circ.1464/Rev.1 and Corr.1 also contained interpretations related to main and emergency sources of electrical power, watertight doors, water ingress alarm, etc.;
- .2 none of the above circulars had any application provisions/dates; and
- .3 MSC.1/Circ.1464/Rev.1, which was issued on 24 October 2013, did not take into account the amendments to SOLAS chapter II-1 adopted by resolutions MSC.194(80) and MSC.216(82).

21.5 The Committee also noted that the most straightforward solution recommended by the Secretariat was the option in paragraph 7.1, i.e. "to prepare a consolidated MSC circular applicable to ships constructed on or after 1 January 2009, and continue to apply MSC.1/Circ.1464/Rev.1 and Corr.1, as amended by MSC.1/Circ.1507 and MSC.1/Circ.1545, to ships constructed before 1 January 2009". In this context, the Secretariat had prepared a draft consolidated MSC circular applicable to ships constructed on or after 1 January 2009, as set out in the annex to the document, in the form of amendments to MSC.1/Circ.1464/Rev.1, for the Committee's consideration.

21.6 After a brief discussion, the Committee requested the SDC Sub-Committee to consider the consolidated draft MSC circular containing provisions of MSC.1/Circ.1464/Rev.1 and its Corr.1, as amended by MSC.1/Circ.1507 and MSC.1.Circ.1545, and advise the Committee accordingly.

Matters related to the Polar Code

Additional performance/test standards to support implementation of the Polar Code

21.7 The Committee considered document MSC 97/21/3 (Argentina, the Marshall Islands, New Zealand, Norway and Vanuatu) based on the view endorsed at SSE 3 that additional performance and test standards for the equipment and systems on board ships operating in polar waters should be developed (SSE 3/16, paragraphs 15.15 and 15.16), proposing to instruct the SSE and NCSR Sub-Committees to review, adapt and/or develop the necessary requirements (e.g. personal life-saving appliances, pyrotechnics, survival craft, fire safety, communication, navigation) as "add-on" parts to the relevant instruments dealing with performance and test standards, in order to ensure that the additional test and performance requirements for equipment on board ships certified to operate in polar waters do not unintentionally affect current equipment requirements and/or test regimes (see also paragraphs 8.28 to 8.32).

21.8 After a brief discussion, the Committee instructed the NCSR Sub-Committee to consider current communication requirements in SOLAS and the need for any amendments, taking into account the extended duration requirements in the Polar Code; and to consider the need for a new performance standard for GNSS compasses.

Non-SOLAS ships operating in polar waters

21.9 The Committee had for its consideration the following documents relating to non-SOLAS ships operating in polar waters:

- .1 MSC 97/21/8/Rev.1 (Chile), providing data requested by MSC 95 concerning non-SOLAS ships operating in polar waters and SAR incidents involving non-SOLAS ships in those waters, in particular, the non-SOLAS ships which operated in Antarctic polar waters over a period of seven years (2010-2016), SAR incidents involving non-SOLAS ships in the Chilean Antarctic SAR area and information on the parties responsible for coordinating all activities in the Chilean Antarctic SAR area, as set out in annexes 1 to 3, respectively; and
- .2 MSC 97/21/10 (FOEI, WWF and the Pacific Environment), expressing concern about the threat to human life and the marine environment from non-SOLAS ships operating in polar waters and inviting the Committee to take steps in this regard.

21.10 In this context, the Committee noted with appreciation the information provided and agreed that this information would support the next phase of the work on the Polar Code, once it commences. In this connection, the Committee recalled that, when the Polar Code was adopted, it had been agreed that the work related to the second phase for non-SOLAS ships should not begin until experience is gained with the new Code for SOLAS ships.

Prohibiting the use of asbestos on board ships

Amendments to MSC.1/Circ.1374 and MSC.1/Circ.1379

21.11 The Committee considered document MSC 97/21/4 (China), proposing to amend the *Information on prohibiting the use of asbestos on board ships* (MSC.1/Circ.1374) and the *Unified interpretation of SOLAS regulation II-1/3-5* (MSC.1/Circ.1379) so as to harmonize the implementation of SOLAS Convention and the Hong Kong Convention. In this context, having analysed the inherited nature of asbestos and the complexity in setting a threshold value for asbestos, China proposed to introduce the standard defining "material containing asbestos", as set out in the 2015 IHM Guidelines (resolution MEPC.269(68)), into the 1974 SOLAS Convention.

21.12 After a brief discussion, the Committee, noting the view that by including the proposed footnote referring to resolution MEPC.269(68), the circulars would be establishing a permissible threshold to install materials that contain asbestos on ships built after 2011, which was against the provisions of SOLAS regulation II-1/3-5, decided not to move forward with the proposal.

Draft updates to MSC.1/Circ.1426

21.13 The Committee considered document MSC 97/21/5 (IACS), providing draft amendments to the *Unified interpretation of SOLAS regulation II-1/3-5* (MSC.1/Circ.1426) in view of the adoption of the *2015 Guidelines for the development of the Inventory of Hazardous Materials (IHM)* (resolution MEPC.269(68)). In this regard, IACS proposed to add a footnote

providing a definition of "materials containing asbestos" to paragraph 2 of the annex to MSC.1/Circ.1426; and to replace all references to resolution MEPC.197(62) with references to resolution MEPC.269(68).

21.14 After a brief discussion, the Committee agreed with the above amendments proposed in document MSC 97/21/5 and instructed the Secretariat to issue MSC.1/Circ.1426/Rev.1.

Marine evacuation systems

21.15 The Committee noted with appreciation the information provided in document MSC 97/21/6 (United Kingdom), including the invitation to Member States and international organizations witnessing Marine evacuation systems (MES) deployments to share their experience with the United Kingdom via the following email address: marinetechology@mcga.gov.uk with a view to future collaboration and information-sharing.

Updated information on ratification of the 2012 Cape Town Agreement

21.16 The Committee recalled that MSC 96, having considered the outcome of A 29 (MSC 96/23/1) in the context of the *Entry into force and implementation of the 2012 Cape Town Agreement* (resolution A.1107(29)), had noted that the Committee had been requested to review the situation concerning the entry into force of the Agreement. In this context, MSC 96 had requested the Secretariat to provide updated information on ratification of the 2012 Cape Town Agreement for consideration at this session.

21.17 In light of the above, the Committee noted the information provided in document MSC 97/21/9/Rev.1 (Secretariat) on regional/sub-regional seminars on the ratification and implementation of the 2012 Cape Town Agreement organized by the Organization as a response to the request arising from the Conference resolution 3 on *Promotion of technical cooperation and provision of technical assistance*, in order to intensify the Organization's efforts to provide States with the assistance they may need in implementing the Agreement. The Committee also noted the current status of the Agreement, i.e. there were seven Contracting States to the Agreement with an aggregate number of 884 fishing vessels of 24 m in length and over operating on the high seas. In this context, the Committee urged Member States to ratify the 2012 Cape Town Agreement, as its entry into force will make a significant contribution to the safety of ships, in general, and the safety of fishing vessels, in particular.

Training and Experience of Key DP Personnel

21.18 The Committee considered documents MSC 97/21/7 and MSC 97/INF.9 (IMCA) on IMCA's revised Guidelines "Training and Experience of Key DP Personnel (IMCA M 117 Rev.2)", proposing to amend the *Guidelines for dynamic positioning system (DP) operator training* (MSC.1/Circ.738/Rev.1), which refer to the IMCA's previous Guidelines (IMCA M 117 Rev.1).

21.19 The Committee, bearing in mind the time constraints to consider the proposals in documents MSC 97/21/7 and MSC 97/INF.9, decided to forward them to HTW 4 for detailed consideration and appropriate action.

Amendments to MSC.1/Circ.1460

21.20 The Committee considered document MSC 97/21/11 (Japan), proposing amendments to the *Guidance on the validity of radiocommunication equipment installed and used on ships* (MSC.1/Circ.1460), with the intention of avoiding any unnecessary updates of HF radiocommunication equipment that is already capable of operating narrow band direct printing (NBDP), in accordance with the outcome of World Radiocommunication Conference 2012. Updating of equipment is currently recommended in MSC.1/Circ.1460.

21.21 After a brief discussion, the Committee, while noting that a revision of this circular was anticipated in parallel with the upcoming revision of SOLAS chapter IV, agreed to amend the date in paragraph 6 of the circular to 1 January 2024 and instructed the Secretariat to issue an updated circular as MSC.1/Circ.1460/Rev.1.

Approval of the battery installation on a hybrid ro-ro passenger ship

21.22 The Committee noted, with appreciation, the information provided by Denmark on the approval of a hybrid ro-ro passenger ship using a battery power pack as an energy storage system (MSC 97/INF.8).

Safe and efficient evacuation of cruise ships

21.23 The Committee noted, with appreciation, the information provided by Germany on the technical solutions for mustering and evacuation from dangerous areas on the ship, developed within the research project SIREVA, to optimize the workflow and communication of the emergency organization by providing technical support for the crew members' key functions such as counting and identifying passengers at their assembly stations (MSC 97/INF.4).

Integrated on-board monitoring system for safe and efficient ship operation

21.24 The Committee noted, with appreciation, the information provided by Japan on ongoing projects which are related to an integrated on-board monitoring system for safe and efficient ship operation; and that such monitoring data could be gathered to accumulate "big" data which might be used for future development of safety procedures and/or regulations (MSC 97/INF.12).

Global Integrated Shipping Information System (GISIS)

21.25 The Committee noted, with appreciation, the information provided by the Secretariat related to the status of the Global Integrated Shipping Information System (GISIS) (MSC 97/INF.2).

22 ACTION REQUESTED OF OTHER IMO ORGANS

22.1 The Assembly, at its thirtieth session, is invited to.

- .1 note the adoption by the Committee of amendments to the 1974 SOLAS Convention and related mandatory codes, and the 1978 STCW Convention and Code, and the approval/adoption of non-mandatory instruments (paragraphs 3.76 to 3.97, 6.22 and 10.2 and annexes 1 to 9, 11 and 18);
- .2 confirm the amendments to the General Provisions on Ships' Routeing (resolution A.572(14), as amended), which were disseminated by means of resolution MSC.419(97) (paragraph 7.2 and annex 12); and

- .3 note that III 4, which will meet after MSC 98, has been authorized to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions directly to A 30 (paragraphs 9.12, 9.23 and 9.25).

22.2 The Council, at its 118th session, is invited to:

- .1 consider the report of the ninety-seventh session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, transmit it, with its comments and recommendations, to the thirtieth session of the Assembly;
- .2 note the adoption by the Committee of amendments to the 1974 SOLAS Convention and mandatory codes and the 1978 STCW Convention and Code, and the approval/adoption of non-mandatory instruments (paragraphs 3.76 to 3.97, 6.22 and 10.2 and annexes 1 to 9, 11 and 18);
- .3 note the decisions taken on issues related to maritime security and, in particular, the ongoing work related to the development of a data transfer mechanism for the Maritime Security GISIS module to facilitate communication of information to the Organization (paragraphs 4.1 to 4.13);
- .4 note the decisions taken with regard to goal-based new ship construction standards, in particular on matters related to the implementation of the GBS verification scheme (paragraphs 5.1 to 5.29);
- .5 note the actions taken on issues related to the carriage of more than 12 industrial personnel on board vessels engage on international voyages (paragraphs 6.1 to 6.25 and annex 11);
- .6 note the decisions and actions taken in regard to the outcomes of sub-committees reporting to this session, in particular the amendments to the General Provisions on Ships' Routeing, which A 30 has been requested to confirm, and that III 4, which will meet after MSC 98, has been authorized to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions directly to A 30 (paragraphs 7.1 to 10.11 and annex 12);
- .7 note the decisions taken for matters related to formal safety assessment (paragraphs 13.1 to 13.8);
- .8 note the decisions taken in regard to piracy and armed robbery against ships (paragraphs 14.1 to 14.13);
- .9 note the decisions taken in regard to unsafe mixed migration at sea (paragraphs 15.1 to 15.7);
- .10 note the actions taken on issues related to the Rules of procedure of the Maritime Safety Committee and the organization and method of work for the MSC and MEPC (paragraphs 18.1 to 18.20);
- .11 endorse the new outputs agreed at the session for inclusion in the High-level Action Plan and priorities for the 2016-2017 biennium (paragraph 19.26 and annex 24);

- .12 note the biennial status report of the Maritime Safety Committee (paragraph 19.27 and annex 24);
 - .13 note the post-biennial agenda of the Maritime Safety Committee (paragraph 19.28 and annex 25);
 - .14 note that the proposed number of meeting weeks for the coming biennium will be 21 planned meetings weeks, for inclusion in the Secretary-General's relevant budget proposals for the biennium 2018-2019 (paragraph 19.33);
 - .15 note that the Committee approved eight days for MSC 99 (May 2018), five days for MSC 100 (November 2018) and eight days for MSC 101 (June 2019), for inclusion in the Secretary-General's relevant budget proposals for the biennium 2018-2019 (paragraph 19.34); and
 - .16 endorse the intersessional meetings approved for 2017 (paragraph 19.35).
- 22.3 The Marine Environment Protection Committee, at its seventy-first session, is invited to:

- .1 consider the invitation to forward the amendments to the *2013 Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* to the MSC, once finalized, with a view to ensuring that the safety aspects are adequately covered, and take action as appropriate (paragraph 2.4);
- .2 consider the invitation to provide relevant information on the outcome of matters related to low-sulphur fuel oil to the MSC where safety issues are identified, with a view to ensuring that safety aspects are adequately covered, and take action as appropriate (paragraph 2.8);
- .3 note the concurrent approval of MSC-MEPC.4/Circ.4 on *Guidelines for port State control officers on the ISM Code* (paragraph 9.3);
- .4 note the endorsement of III.3/Circ.4 on *Casualty Analysis and Statistics* (paragraph 9.5);
- .5 note the concurrent endorsement of the methodology agreed by III 3 for developing guidelines on port State control (paragraph 9.6);
- .6 note that III.2/Circ.1 on *Process for advancing recommendations to relevant IMO bodies resulting from reports of Concentrated Inspection Campaigns (CICs)* has been revoked and removed from IMODOCS (paragraph 9.7);
- .7 note the concurrent decisions and the actions taken on matters related to the analysis of consolidated audit summary reports (CASRs) (paragraphs 9.13 to 9.21);
- .8 note the concurrent approval of MSC-MEPC.5/Circ.11 on *Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2015 for Ships Operating in Polar Waters* (paragraph 9.23);
- .9 note the concurrent approval of MSC-MEPC.5/Circ.12 on *Unified Interpretation on the expiration date of statutory certificates* (paragraph 9.24);

- .10 note the concurrent decision to authorize III 4 to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions directly to A 30 (paragraph 9.25);
 - .11 note the concurrent approval of the consolidated draft FAL.2-MEPC.1-MSC.1-LEG.1 circular on *List of certificates and documents required to be carried on board ships*, subject to concurrent approval by FAL 41 and LEG 104 (paragraphs 9.26 and 9.27);
 - .12 note the approval of draft amendments to the IMSBC Code related to substances that are harmful to the marine environment (HME), with a view to subsequent adoption at MSC 98 (paragraph 10.6);
 - .13 note the decision to refer document MSC 97/13/1, regarding basic statistical and analytical functions of the GISIS MCI module, to III 4 for further consideration, with a view to deciding on whether any further improvements are needed for the GISIS MCI module and what amendments, if any, needed to be introduced in MSC-MEPC.3/Circ.4/Rev.1 (paragraphs 13.3 to 13.6);
 - .14 note the actions taken on matters related to the issue of Certificates of Fitness under the IBC, BCH, GC, IGC and EGC Codes (paragraphs 16.1 to 16.4);
 - .15 note the concurrent decision to refer the recommendations from the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters to III 4 for detailed consideration and advice (paragraphs 17.2 to 17.4);
 - .16 note that the Committee did not agreed to the draft Rules of Procedure of the MSC and invited Member States to submit proposals on the issues raised to MSC 98 (paragraphs 18.7 to 18.11);
 - .17 note the concurrent approval of MSC-MEPC.1/Circ.5 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (paragraph 18.19);
 - .18 note the decision that all Sub-Committees meeting before the Spring session of the MSC in an Assembly year should submit their full reports to the Spring session, when deemed practicable by the Secretariat (paragraph 18.20); and
 - .19 note that the proposed number of meeting weeks for the coming biennium will be 21 planned meetings weeks, for inclusion in the Secretary-General's relevant budget proposals for the biennium 2018-2019 (paragraph 19.33).
- 22.4 The Facilitation Committee, at its forty-first session, is invited to:
- .1 note the decisions taken on matters related to the *Interim Guidelines on Maritime cyber risk management* (paragraphs 4.1 to 4.5);
 - .2 note that the Committee approved, subject to concurrent approval by FAL 41 and LEG 104, the consolidated draft FAL.2-MEPC.1-MSC.1-LEG.1 circular on *List of certificates and documents required to be carried on board ships* (paragraphs 9.26 and 9.27); and

- .3 note the approval of MSC-MEPC.1/Circ.5 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (paragraph 18.19).

22.5 The Legal Committee, at its 104th session, is invited to note that the Committee approved, subject to concurrent approval by FAL 41 and LEG 104, the consolidated draft FAL.2-MEPC.1-MSA.1-LEG.1 circular on *List of certificates and documents required to be carried on board ships* (paragraphs 9.26 and 9.27).

22.6 The Technical Cooperation Committee, at its sixty-seventh session, is invited to:

- .1 consider the technical cooperation issues related to the analysis of consolidated audit summary reports (CASRs) and take action as appropriate (paragraphs 9.13 and 9.17); and
- .2 note the outcome on matters related to capacity-building for the implementation of new measures (paragraphs 12.1 to 12.3).

(The annexes will be issued as addenda to this document)
