



MARITIME SAFETY COMMITTEE
78th session
Agenda item 26

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

Section	Page
1 INTRODUCTION	6
2 DECISIONS OF OTHER IMO BODIES	13
3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS	15
4 LARGE PASSENGER SHIP SAFETY	27
5 BULK CARRIER SAFETY	37
6 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS	43
7 MEASURES TO ENHANCE MARITIME SECURITY	47
8 SHIP DESIGN AND EQUIPMENT (report of the forty-sixth session and urgent matters emanating from the forty-seventh session of the Sub-Committee)	71
9 BULK LIQUIDS AND GASES (report of the eighth session of the Sub-Committee)	74
10 FLAG STATE IMPLEMENTATION (report of the eleventh session and urgent matters emanating from the twelfth session of the Sub-Committee)	77
11 SAFETY OF NAVIGATION (report of the forty-ninth session of the Sub-Committee)	86
12 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY (report of the forty-sixth session of the Sub-Committee)	93
13 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (report of the eighth session of the Sub-Committee)	97
14 FIRE PROTECTION (report of the forty-eighth session of the Sub-Committee)	99

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15	TRAINING AND WATCHKEEPING (report of the thirty-fifth session of the Sub-Committee)	101
16	RADIOCOMMUNICATIONS AND SEARCH AND RESCUE (report of the eighth session of the Sub-Committee)	106
17	TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY	113
18	ROLE OF THE HUMAN ELEMENT	113
19	FORMAL SAFETY ASSESSMENT	117
20	PIRACY AND ARMED ROBBERY AGAINST SHIPS	117
21	IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS	124
22	RELATIONS WITH OTHER ORGANIZATIONS	124
23	APPLICATION OF THE COMMITTEE'S GUIDELINES	126
24	WORK PROGRAMME	126
25	ANY OTHER BUSINESS	139

LIST OF ANNEXES

ANNEX 1	RESOLUTION MSC.151(78) - ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED
ANNEX 2	RESOLUTION MSC.152(78) - ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED
ANNEX 3	RESOLUTION MSC.153(78) - ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED
ANNEX 4	RESOLUTION MSC.154(78) - ADOPTION OF AMENDMENTS TO THE PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974
ANNEX 5	RESOLUTION MSC.155(78) - ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979, AS AMENDED

- ANNEX 6 RESOLUTION MSC.156(78) - ADOPTION OF AMENDMENTS TO THE SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) CODE
- ANNEX 7 RESOLUTION MSC.157(78) - ADOPTION OF AMENDMENTS TO THE INTERNATIONAL MARITIME DANGEROUS GOODS (IMDG) CODE
- ANNEX 8 RESOLUTION MSC.158(78) - ADOPTION OF AMENDMENTS TO THE TECHNICAL PROVISIONS FOR MEANS OF ACCESS FOR INSPECTIONS
- ANNEX 9 DRAFT AMENDMENTS TO CHAPTER XII OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED
- ANNEX 10 DRAFT AMENDMENT TO CHAPTER III OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED
- ANNEX 11 DRAFT MSC RESOLUTION ON STANDARDS AND CRITERIA FOR SIDE STRUCTURES OF BULK CARRIERS OF SINGLE-SIDE SKIN CONSTRUCTION
- ANNEX 12 DRAFT MSC RESOLUTION ON STANDARDS FOR OWNERS' INSPECTION AND MAINTENANCE OF BULK CARRIER HATCH COVERS
- ANNEX 13 RESOLUTION MSC.159(78) – INTERIM GUIDANCE ON CONTROL AND COMPLIANCE MEASURES TO ENHANCE MARITIME SECURITY
- ANNEX 14 DRAFT AMENDMENTS TO REGULATION II-1/45 OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED
- ANNEX 15 DRAFT AMENDMENTS TO THE INTERNATIONAL CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING LIQUIFIED GASES IN BULK (IGC CODE)
- ANNEX 16 DRAFT AMENDMENTS TO THE INTERNATIONAL CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (IBC CODE)
- ANNEX 17 DRAFT AMENDMENTS TO REGULATION VII/10 OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED
- ANNEX 18 DRAFT AMENDMENTS TO THE CERTIFICATES CONTAINED IN IMO INSTRUMENTS, REGARDING THE DATE OF COMPLETION OF THE SURVEY

- ANNEX 19 DRAFT AMENDMENTS TO SOLAS CHAPTER XI-1, THE ISM AND ISPS CODES AND RESOLUTION A.959(23)
- ANNEX 20 RESOLUTION MSC.160(78) - ADOPTION OF THE IMO UNIQUE COMPANY AND REGISTERED OWNER IDENTIFICATION NUMBER SCHEME
- ANNEX 21 NEW AND AMENDED TRAFFIC SEPARATION SCHEMES AND ASSOCIATED ROUTEING MEASURES
- ANNEX 22 ROUTEING MEASURES OTHER THAN TRAFFIC SEPARATION SCHEMES
- ANNEX 23 RESOLUTION MSC.161(78) – AMENDMENTS TO THE EXISTING MANDATORY SHIP REPORTING SYSTEM “IN THE TORRES STRAIT AND INNER ROUTE OF THE GREAT BARRIER REEF”
- ANNEX 24 RESOLUTION MSC.162(78) – AMENDMENTS TO THE EXISTING MANDATORY SHIP REPORTING SYSTEM "OFF CAPE FINISTERRE"
- ANNEX 25 DRAFT AMENDMENTS TO SOLAS REGULATION V/20 AND TO THE RECORD OF EQUIPMENT FOR THE CARGO SHIP SAFETY EQUIPMENT CERTIFICATE
- ANNEX 26 RESOLUTION MSC.163(78) – PERFORMANCE STANDARDS FOR SHIPBORNE SIMPLIFIED VOYAGE DATA RECORDERS (S-VDRs)
- ANNEX 27 DRAFT AMENDMENTS TO THE RECORD OF EQUIPMENT FOR THE CARGO SHIP SAFETY EQUIPMENT CERTIFICATE OF THE 1988 SOLAS PROTOCOL
- ANNEX 28 RESOLUTION MSC.164(78) - REVISED PERFORMANCE STANDARDS FOR RADAR REFLECTORS
- ANNEX 29 RESOLUTION MSC.165(78) - ADOPTION OF AMENDMENTS TO THE GENERAL PROVISIONS ON SHIPS’ ROUTEING (RESOLUTION A.572(14), AS AMENDED)
- ANNEX 30 RESOLUTION MSC.166(78) - APPLICATION OF PERFORMANCE STANDARDS FOR TRANSMITTING HEADING DEVICES (THDs) TO MARINE TRANSMITTING MAGNETIC HEADING DEVICES (TMHD)
- ANNEX 31 DRAFT AMENDMENT TO REGULATION V/19.2.5.1 OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974
- ANNEX 32 DRAFT AMENDMENT TO THE FTP CODE
- ANNEX 33 DRAFT AMENDMENTS TO THE STCW CODE

- ANNEX 34 RESOLUTION MSC.167(78) - GUIDELINES ON THE TREATMENT OF PERSONS RESCUED AT SEA
- ANNEX 35 DRAFT AMENDMENTS TO THE 1974 SOLAS CONVENTION REGARDING THE FORMS OF NUCLEAR SHIP SAFETY CERTIFICATES
- ANNEX 36 WORK PROGRAMMES OF THE SUB-COMMITTEES
- ANNEX 37 PROVISIONAL AGENDAS FOR THE FORTHCOMING SESSIONS OF THE SUB-COMMITTEES

1 INTRODUCTION – ADOPTION OF THE AGENDA

General

1.1 The seventy-eighth session of the Maritime Safety Committee was held from 12 to 21 May 2004 under the chairmanship of Mr. T. Allan (United Kingdom). The Committee Vice-Chairman, Admiral F.S.A.H. El Kady (Egypt) was also present.

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

ALGERIA	IRAN (ISLAMIC REPUBLIC OF)
ANGOLA	IRELAND
ANTIGUA AND BARBUDA	ISRAEL
ARGENTINA	ITALY
AUSTRALIA	JAMAICA
AZERBAIJAN	JAPAN
BAHAMAS	JORDAN
BAHRAIN	KENYA
BANGLADESH	KUWAIT
BARBADOS	LATVIA
BELGIUM	LEBANON
BELIZE	LIBERIA
BRAZIL	LIBYAN ARAB JAMAHIRIYA
CAMBODIA	LITHUANIA
CANADA	LUXEMBOURG
CHILE	MADAGASCAR
CHINA	MALAYSIA
COLOMBIA	MALTA
CROATIA	MARSHALL ISLANDS
CUBA	MEXICO
CYPRUS	MOROCCO
CZECH REPUBLIC	NAMIBIA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	NETHERLANDS
DENMARK	NEW ZEALAND
DOMINICA	NIGERIA
ECUADOR	NORWAY
EGYPT	PAKISTAN
ESTONIA	PANAMA
FINLAND	PERU
FRANCE	PHILIPPINES
GEORGIA	POLAND
GERMANY	PORTUGAL
GHANA	QATAR
GREECE	REPUBLIC OF KOREA
HUNGARY	ROMANIA
ICELAND	RUSSIAN FEDERATION
INDIA	SAINT VINCENT AND THE GRENADINES
INDONESIA	SAUDI ARABIA

SIERRA LEONE
SINGAPORE
SOUTH AFRICA
SPAIN
SUDAN
SWEDEN
SWITZERLAND
SYRIAN ARAB REPUBLIC
THAILAND
TONGA
TUNISIA

TURKEY
UKRAINE
UNITED KINGDOM
UNITED REPUBLIC OF
TANZANIA
UNITED STATES
URUGUAY
VANUATU
VENEZUELA
YEMEN

the following Associate Members of IMO:

HONG KONG, CHINA

FAROE ISLANDS

and the following State not Member of IMO:

COOK ISLANDS

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

OFFICE OF THE UN HIGH COMMISSIONER FOR REFUGEES (UNHCR)
INTERNATIONAL LABOUR ORGANIZATION (ILO)

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

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

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

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

INTERNATIONAL RADIO MARITIME COMMITTEE (CIRM)
PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION
CONGRESSES (PIANC)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
ICHCA INTERNATIONAL UNITED (ICHCA)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS (IICL)
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL COUNCIL OF MARINE INDUSTRY ASSOCIATIONS
(ICOMIA)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL LIFESAVING APPLIANCES MANUFACTURERS'
ASSOCIATION (ILAMA)
THE ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS
(AWES)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
SOCIETY OF INTERNATIONAL GAS TANKERS AND TERMINAL OPERATORS
LIMITED (SIGTTO)
INTERNATIONAL LIFEBOAT FEDERATION (ILF)
INTERNATIONAL ROAD TRANSPORT UNION (IRU)
INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (ISMA)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
INTERNATIONAL SAILING FEDERATION (ISAF)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERNATIONAL MARINE TRANSIT ASSOCIATION/INTERFERRY (IMTA)

1.5 The session was also attended by Mr. A.I. Chrysostomou (Cyprus), Chairman of the Marine Environment Protection Committee (MEPC), Captain M.U. Ahmed (Bangladesh), Chairman of the Technical Co-operation Committee (TC) and Mr. C. Abela (Malta), Chairman of the Facilitation Committee (FAL). The Chairmen of all sub-committees, except for the Chairman of the BLG Sub-Committee, were also present.

Attendance by journalists

1.6 At the opening of the session, the Chairman sought the Committee's approval for a journalist from Lloyds List to attend its deliberations during the session, having reminded the Committee of rule 8 of its Rules of Procedure and its relevant previous decisions on the matter.

1.7 Following a short debate, the Committee agreed to allow the press to attend its deliberations reiterating the conditions it had set, i.e.:

- .1 the reporting should accurately reflect the proceeding and decisions made;
- .2 the Committee and IMO retain the right to reply with regard to any published articles related to the Committee's proceedings; and
- .3 the press should not quote any statement and comments made by any specific delegation.

Secretary-General's opening address

1.8 In welcoming participants, the Secretary-General said that since this was the first time he was addressing the Committee in his new capacity, he wished to take the opportunity to reiterate the plea he had made to the Council and Assembly last year, when he had invited all with an interest in the affairs of IMO and the shipping industry to join forces so that a safer, more secure and environmentally friendly maritime world can be created, and to repeat that his prime objective in his new role would be to pursue, with the assistance of the staff, the IMO mission through the delivery of high quality services, the implementation of the Organization's Strategic Plan, the development and implementation of the audit scheme and sharpening the strategic focus of the Organization and, thereby, delivering value in all respects.

The Secretary-General drew attention to the fact that although recent statistics had shown a most welcome steady decrease in loss of life at sea and pollution of the marine environment, there had, unfortunately, been a chain of accidents since the beginning of the year. They had come as yet another grim reminder of the perils of any sea venture and, at the same time, of the need for more work if further accidents in the future were to be prevented.

Recalling the devastating atrocities in Madrid last March, the Secretary-General pointed out that, it had demonstrated the vulnerability of all modes of transport to acts of terrorism. To continue serving the shipping industry well, the Organization's concern should be which mode of transport would attract next the interest of the perpetrators of these evil acts and, therefore, to make sure that shipping, international trade and the global economy was protected from those whose motives and acts had nothing to do with all that the civilized world stands for and all available resources are mobilized. The hectic work the Organization had undertaken expeditiously to build an adequate security regime so that Governments and the industry would have enough guidance to protect shipping against terrorism was known and what remained to be done was to ensure that all the measures adopted were widely and effectively implemented without delay.

He then referred to the results of the earlier survey the Secretariat had carried out on progress made on the implementation of the ISPS Code and had indicated that Governments which had responded to the initial request for information, represented 32% by tonnage and 25% by number of ships of the world merchant fleet. He was disappointed to note that Governments had reported that only 2.6% of ships flying their flag had been issued with International Ship Security

Certificates. The situation concerning port facilities was not much better. One month later, with more information provided by Governments representing 68% of world tonnage and 52% of the world's merchant ships, the situation had improved slightly to 4.6%. In this context, the Secretary-General referred to two MSC circulars issued in January and in March, urging all concerned to redouble their efforts to ensure compliance with the requirements of SOLAS chapter XI-2 and the ISPS Code. He had also emphasized the importance of the IMO contribution to the worldwide efforts to enhance security, to prevent heavy loss of life and catastrophic pollution of the marine environment. The Secretary-General had also noted that strict compliance with the anti-terrorism measures of IMO might also have contributed to a reduction in acts of piracy and armed robbery against ships as had been reported for the first three months of 2004.

Noting recent information provided by IACS regarding the number of approved Ship Security Plans, he indicated that this had demonstrated that security assessments had been carried out and security plans drawn up in respect of more than half of the international fleet in advance of the 1 July deadline. The companies and seafarers involved had already raised their awareness and some defences had been placed against the threat of terrorism. In this context, he had also made reference to the relevant information provided by ICS, INTERTANKO and BIMCO.

Referring to the activity of the Secretariat which had, through the ITCP, ceaselessly assisted Member Governments to implement the ISPS Code, urged awareness of the security threat and emphasized the need for immediate action, the Secretary-General had stressed that, while the Code constituted a pact among Governments doing business in a civilized manner under the mutually binding provisions of a treaty instrument, this meant nothing to terrorists who might decide to strike wherever and whenever they assessed that defences were not high enough to prevent and deter them from committing any atrocities against the industry, international trade and the world economy. In addition to call for extreme vigilance and alertness, the Secretary-General had called for raising the defences as high as possible without further delay as risks were too high to allow for any complacent attitude, since terrorism was not a matter of concern to one country or a group of countries – it was a global issue which should be addressed as such. In this particular case, prevention was better, much better, than cure.

He pointed out that to further raise awareness of the need to be always vigilant, the Council and the Assembly had agreed that the World Maritime Day theme for this year should be: “IMO 2004: Focus on Maritime Security”, which was significant of the importance and seriousness the Organization's governing bodies had attached to the issue.

On matters relating to the human element, the Secretary-General pointed out that, if standards were to be maintained and improved, efforts must be redoubled to support those at the “sharp end” - the seafarers. A number of countries had expressed concern about their medium- to long-term ability to provide qualified personnel for the wider maritime services sector, following a steep decline in the number of ships manned by nationals of their flag and growing signs that the supply of an experienced workforce may be drying up. He urged Members to do the utmost to raise the profile of shipping and encourage youngsters to choose shipping as a career thus ensuring the long-term sustainability of a vibrant shipping industry. For his part, he had closely followed the recent situation of seafarers detained ashore as a result of accidents involving ships on which they were serving and had recognized the complexity of the issue. He had every sympathy for the seafarers involved and was concerned that the efforts of Governments and the industry to attract youngsters to the maritime profession would be wasted unless adequate measures were taken in good time to rectify the situation. He had mentioned his recent visit to Pakistan in the context of his efforts to facilitate the repatriation of those involved in the

unfortunate **Tasman Spirit** incident which he had undertaken to convey a strong message to seafarers from all over the world that the maritime community as a whole recognized and appreciated their contribution, cared about them and was there to look after them.

The reported global annual loss of some 24,000 fishermen was a source of deep concern, and the Secretary-General noted, with disappointment, that neither the 1993 Torremolinos Protocol nor the 1995 STCW-F Convention had yet come into force in spite of the efforts of the Organization to raise awareness of the benefits of the STCW-F Convention through a series of regional seminars. He considered it his duty to reiterate the plea he had made at every opportunity to all Governments concerned to do more to contribute to the improvement of the situation vis-à-vis both the Torremolinos Protocol and the STCW-F Convention as soon as practicable.

The Secretary-General referred to his personal commitment to the success of the Voluntary IMO Member State Audit Scheme and observed that his vision of the scheme was of one which, rather than causing embarrassment to those to be audited by exposing their weaknesses, would, instead, bring Members closer together – the one helping the other in the pursuit of the common goals of enhanced safety and environmental protection. In this context, he mentioned that he had strengthened the Internal Oversight Section of his Office by expanding its mandate to include, from the perspective of the Secretariat, the audit scheme as well and had intended to keep a close eye on the development and implementation of the scheme.

Referring to the previous Committee's decision, on a proposal for IMO to play a larger role in determining the standards to which new ships were built, the Secretary-General had expressed the view that he was sure that the proposals submitted to the session would receive attention commensurate to the importance the Organization had given to this innovative approach to maritime safety. He had stated that high expectations had been placed by Administrations and many quarters of the maritime industry on the success of this initiative and had believed that, for this exercise to be successful, the Committee should remove any ambiguity in the respective roles of IMO and IACS, and to define them in a clear manner so that both institutions continue, in close co-operation, providing quality services to the benefit of enhanced safety and environmental protection.

The Secretary-General observed that the Organization's long-standing commitment to enhancing the safety of bulk carriers had continued undiminished, as exemplified by several distinct milestones since the early 1990s, such as the adoption of SOLAS chapter XII in 1997. The array of bulk carrier safety measures IMO had taken so far had started paying dividends as evidenced by INTERCARGO's Casualty Report for 2003 which had shown that none of the 4 bulk carriers over 10,000 dwt each identified as total losses were attributable to either a structural failure, capsize or a loading/unloading procedure and, more importantly, that no loss of life had occurred from those incidents. He noted that some of the issues emanating from recommendations based on several FSA studies had been straightforward and the Committee had already established measures based upon them, while others, of a more complex nature, such as the proposed measure calling for mandatory double-side skin construction of new bulk carriers, was still requiring meticulous consideration. He expressed the belief that the Committee would focus its attention on which proposal would best serve the interests of maritime safety and was confident that, given the Committee's excellent record in making the right decisions in pursuit of its objectives, it would be successful in reaching decisions which would further enhance the safety of bulk carriers.

On the issue of the proposed amendments to the SOLAS regulation concerning permanent means of access, the Secretary-General remarked, without any wish on his part to pre-empt the outcome

of discussions, that IMO had always strived to make the right decision in its quest for optimum safety and environmental protection and if, on the basis of convincing argumentation based on analytical information derived from studies or from reports into accidents and industry inputs, it realized that the course set needed adjustment to bring the ship to the port of destination safely and without harm to the marine environment, the Organization had always had the courage, prudence and wisdom to do so.

With regard to the work on large passenger ship safety, he emphasized that the decision to ensure that the various safety standards applicable to large passenger ships adequately served their purpose was of utmost importance and highlighted the importance of the contribution by the sub-committees to the overall work. He had felt confident that, building on the Committee's decisions based on the input of all contributing sub-committees, the Organization would respond satisfactorily to the identified need, and then feel proud in the knowledge that IMO had also contributed to the overall design, construction, equipment and operation of beautiful passenger ships such as the **Queen Mary 2**, which had had an impressive positive impact on the image of shipping as a whole. Noting steady progress on this proactive initiative while more work remained to be done, he had seen that the first phase of this innovative exercise had now been completed and the expert sub-committees had provided clear recommendations on the specialist work that should be undertaken to accomplish the strategic goals and objectives and invited the Committee to intensify efforts to ensure the highest practicable standards for large passenger ships.

He referred to the consideration of the need for the setting up of an international SAR Fund for the establishment and operation of regional MRCCs and MRSCs initially in African waters, as recommended by the 2000 Florence Conference and informed the Committee that, in co-operation with ICAO, ILF and other relevant stakeholders in the provision of SAR services, a pilot project for the establishment and operation of the regional MRCC in Mombasa and the MRSCs in the Seychelles and Tanzania was being developed, which, if successful, could serve as a model for the other four African regions and indeed other regions of the world, for which the support of the international SAR Fund, if established, would be of significant importance.

Referring to the progress report on the review of safety measures and procedures for the treatment of persons rescued at sea, endorsed by the Council and the Assembly, and the Committee's action regarding the approval of amendments to SOLAS chapter V and the SAR Convention and the development of necessary guidance, the Secretary-General recalled a draft MSC resolution on Guidance for the treatment of persons rescued at sea, which was expected to be adopted in the context of the amendments to SOLAS and the SAR Conventions. He informed the Committee that following adoption of these new requirements and guidance a meeting of the inter-agency group was planned to be convened to consider what further action may be required to ensure a co-ordinated United Nations response and assistance in any future relevant cases. The successful outcome would help to remove any ambiguity as to what action should be taken by whom and when, an issue which, if left unregulated, might lead to persons found in distress at sea being deprived of the humanitarian services to which they were entitled.

The Secretary-General reminded the Committee that, as from the beginning of this year, the IMDG Code should be implemented as a mandatory instrument under the SOLAS Convention and, as the Committee, was invited to consider, with a view to adoption, proposed amendments to the Code in order to harmonize the requirements of the Code with those in the UN Recommendations on the Transport of Dangerous Goods and the IAEA regulations, it was of paramount importance that its provisions were kept in harmony with applicable requirements pertaining to the carriage of dangerous goods laid down for other modes of transportation.

Turning to procedural matters, he mentioned the pertinent decision of the Council to cover all sub-committees with the trial reporting system aimed at enabling the sub-committees and their working and drafting groups to devote more time to their substantive work during a meeting week and, at the same time, reducing the load on the translation services, which would also help to assure that all documents prepared during a meeting were available in all working languages. He had expressed hope that, based on comments on the outcome of the exercise carried out so far by seven sub-committees, the Committee would be able to gauge the success or otherwise of the new system and make recommendations which, together with those to be made by the MEPC, would enable the Council to agree on the most appropriate, efficient and rational reporting procedure for the sub-committees.

Further, in referring to the proposed guidelines concerning the attendance by the media of meetings of IMO bodies, he reiterated that his approach to the issue was rather liberal and derived from the acceptance of the role of the representatives of the specialized maritime press as one of partnership in both sides serving the same industry. If such an understanding could be reached, a system could be worked out aiming at building the necessary climate of trust and co-operation which would assist all to move forward in the achievement of the objectives.

Chairman's remark

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

Adoption of the agenda and related matters

1.10 The Committee adopted the agenda (MSC 78/1) and a provisional timetable for guidance during the session (MSC 78/1/1, annex, as amended). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 78/INF.18.

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

Credentials

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

2 DECISIONS OF OTHER IMO BODIES

Outcome of the twenty-third session of the Assembly

2.1 The Committee noted the outcome of the twenty-third session of the Assembly (MSC 78/2/4) in respect of consideration of the reports and recommendations of the Committee and other matters pertaining to its work during the past biennium and, in particular, that:

- .1 on the review of safety measures and procedures for the treatment of persons rescued at sea (MSC 78/2/4, paragraph 20), the Assembly decided that the Committee and Facilitation Committee should continue to work on the subject and that the progress should be reported to the Council in due course; and
- .2 on the review of safety measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships (MSC 78/2/4, paragraph 21), the Assembly invited the Committee to keep the Council informed of the developments,

and considered the decisions of the Assembly affecting the work programme of the Committee and its subsidiary bodies under agenda item 24 (Work programme).

Outcome of the ninetieth regular and twenty-second extraordinary sessions of the Council

- 2.2 The Committee noted the information provided in document MSC 78/2/3.

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

- 2.3 The Committee noted the outcome of TC 53 (MSC 78/2) and, in particular, the proposal to establish a Maritime Security Trust Fund which was welcomed and supported by the TCC. The Committee considered the information provided under agenda item 17 (Technical assistance sub-programme on maritime safety and security).

Outcome of the forty-ninth, fiftieth and fifty-first sessions of the Marine Environment Protection Committee

- 2.4 The Committee noted the outcome of MEPC 49, MEPC 50 and MEPC 51 (MSC 78/2/1 and Add.1) and, in particular, the discussion of MEPC 51 on the proposed Particularly Sensitive Sea Areas, on requests from news media to attend IMO meetings, on the outcome of the second session of the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member States Audit Scheme and on the revision of the IBC Code. The Committee considered the information provided under relevant agenda items.

- 2.5 The Committee noted, in particular, that:

- .1 MEPC 49 had approved, in principle, the designation of the Western European Waters as a PSSA and had decided to consider the potential final designation at MEPC 52 once it had been informed of the NAV 50's consideration on the proposed associated protective measures (APMs); and had noted the outcome of A 23 and LEG 87 with regard to the proposed designation of the Western European Waters as a PSSA;
- .2 with regard to the Guidelines for the identification and designation of particularly sensitive areas annexed to resolution A.927(22), the Chairman at MEPC 51 had indicated that the majority of delegations had agreed, in principle, that the PSSA Guidelines should be reviewed, provided that there are specific proposals as well as justification submitted to a future session. In this context, MEPC 51 had considered a proposal for a moratorium on the application for PSSA designations and had agreed not to recommend establishing such a moratorium for the duration of the review of the PSSA Guidelines;

- .3 MEPC 51 had approved, in principle, the designation of the waters of the Canary Islands, of the Galapagos Archipelago and, by majority, of the Baltic Sea area, as PSSAs and had noted that the countries concerned would submit detailed proposals for APMs to NAV 51; and
- .4 MEPC 51 had reiterated its decision that all future PSSA applications should include full and comprehensive information on the specific issues to comply with the PSSA Guidelines, including the legal basis for any APM and nautical charts, on which the PSSA and any APMs are marked.

Outcome of the eighty-seventh and eighty-eighth sessions of the Legal Committee

2.6 The Committee noted the information provided in documents MSC 78/2/2 and Add.1 and, in particular, the discussion at LEG 88 on the issue of amendments to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and its Protocol of 1988 relating to Fixed Platforms located on the Continental Shelf (SUA Convention and Protocol); on the issue of fair treatment of seafarers; and on requests from news media to attend IMO meetings. The Committee considered the information provided under the appropriate agenda items.

Outcome of the International Conference on Ballast Water Management for Ships

2.7 The Committee noted the information provided in document MSC 78/2/5.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

General

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

- .1 chapters II-1, III, IV, V and XI-2 and the appendix to the Annex of the 1974 SOLAS Convention, as amended;
- .2 the IMDG Code; and
- .3 the Technical provisions for means of access for inspections (resolution MSC.133(76)),

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

3.2 The proposed amendments to SOLAS chapters II-1, III, IV, V and XI-2 and the appendix to the Annex, to the IMDG Code and to the Technical provisions for means of access for inspections were circulated by the Secretary-General in accordance with SOLAS article VIII(b)(i) to all IMO Members and Contracting Governments to the

1974 SOLAS Convention by circular letters No.2481 of 10 July 2003 (amendments to chapters III, IV, V and appendix to the Annex), No.2507 of 10 November 2003 (amendments to chapter XI-2), No.2509 of 12 November 2003 (amendments to chapter II-1 and to the Technical provisions for means of access for inspections) and No.2503 of 13 October 2003 (amendments to the IMDG Code).

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

3.4 The proposed amendments to the 1988 SOLAS Protocol were circulated by the Secretary-General in accordance with SOLAS article VIII(b)(i) and article VI(c) of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1988 SOLAS Protocol by circular letter No.2481 of 10 July 2003.

3.5 Parties to the 1979 SAR Convention were invited to participate in the consideration and adoption of proposed amendments to chapters 2, 3 and 4 of the Annex to the Convention. Parties constituting more than one third of the total of Parties to the SAR 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 III(2)(a) of the Convention.

3.6 The proposed amendments to the 1979 SAR Convention were circulated by the Secretary-General in accordance with article III(2)(a) of the Convention to all IMO Members and Parties to the Convention by circular letter No.2480 of 8 July 2003.

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

3.8 The proposed amendments to the STCW Code were circulated by the Secretary-General in accordance with article XII(1)(a)(i) of the STCW Convention to all IMO Members and Parties to the Convention by circular letter No.2473 of 16 June 2003.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

Proposed amendments to SOLAS chapter II-1

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

3.9 The Committee recalled that the proposed amendments to SOLAS regulation II-1/3-6 (MSC 78/3/6, annex 1) were proposed by Greece and circulated by circular letter No.2509. The Committee also recalled that DE 47, following agreement at A 23, prepared further amendments to the regulation (MSC 78/3/11, annex 1) and agreed that the latter document should serve as the basic document for the consideration of the proposed amendments to regulation II-1/3-6.

3.10 Noting that no further comments had been submitted on the proposed amendments to the aforementioned regulation, the Committee confirmed their contents, subject to editorial improvements, if any.

Proposed amendments to SOLAS chapter III

3.11 The Committee recalled that the proposed amendments to SOLAS regulations III/19, III/20 and III/32 (MSC 78/3, annex 1) were developed by the DE Sub-Committee and approved by MSC 77.

Regulation 19 – Emergency training and drills

3.12 The Committee considered a modification proposed by the Netherlands (MSC 78/3/10), i.e. to add the words “without persons [or with only the minimum complement] on board” in paragraph 3.3.3 of the regulation. The Committee did not agree with the proposal.

Regulation 20 – Operational readiness, maintenance and inspections

3.13 The Committee considered modifications to paragraphs 6.2, 7.1, 11.1.3, 11.2.2 and 11.2.3 proposed by the Netherlands (MSC 78/3/10) and agreed to add the words “if weather and sea conditions so allow” at the end of the proposed new paragraph 7.1.

Regulation 32 – Personal life-saving appliances

3.14 The Committee considered a modification proposed by the Netherlands (MSC 78/3/10), i.e. to add at the end of the first sentence of paragraph 3.2 the words “or other means providing the same level of protection”. The Committee did not agree with the proposal.

3.15 The Committee also considered the date of application referred to in square brackets in paragraph 3.1 (MSC 78/3) and agreed with the proposal of the DE Sub-Committee, i.e. that the amendments should apply from the date of their entry into force.

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

Proposed amendments to SOLAS chapter IV

Regulation 15 – Maintenance requirements

3.17 The Committee recalled that the proposed amendments to SOLAS regulation IV/15 (MSC 78/3, annex 1) were developed by the COMSAR Sub-Committee and approved by MSC 77.

3.18 The Committee considered a proposal by Finland, Norway, Sweden, Latvia, Denmark and Poland (MSC 78/3/8) for a modified text of paragraph 9.1 and agreed with the proposal. The drafting group was instructed to incorporate the new text for paragraph 9.1 in the amendments.

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

Proposed amendments to SOLAS chapter V

Regulation 2 – Definitions

Regulation 33 – Distress messages: Obligations and procedures

Regulation 34 – Safe navigation and avoidance of dangerous situations

Regulation 34-1 – Master’s discretion

3.20 The Committee recalled that the proposed amendments to SOLAS regulations V/2, V/33 and V/34 and a new SOLAS regulation V/34-1 (MSC 78/3, annex 2) were developed by the COMSAR Sub-Committee and approved by MSC 77.

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

3.22 The delegation of Malta stated that they reserved their position on the proposed amendments to regulation V/33, subject to the proposed associated Guidelines on the treatment of persons rescued at sea being appropriately amended (see paragraphs 16.46 to 16.56).

Proposed amendments to SOLAS chapter XI-2

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

3.23 The Committee recalled that the proposed new SOLAS regulation XI-2/14 (MSC 78/3/5, annex) was proposed by the United States and circulated by circular letter No.2507.

3.24 The Committee further recalled that MSC 77, in considering under the item “Measures to enhance maritime security” a similar proposal for a new SOLAS regulation XI-2/14 on “Long-range identification and tracking of ships”, instructed COMSAR 8 to consider and finalize the proposed new SOLAS regulation and submit its recommendations to this session, for the Committee to approve the appropriate amendments with a view to adoption at MSC 79.

3.25 The Committee noted that COMSAR 8 considered the issue of long-range identification and tracking of ships (LRIT) as instructed and that the outcome has been discussed under agenda item 7 (Measures to enhance maritime security).

3.26 The Committee, therefore, suspended the discussion on the proposed new SOLAS regulation XI-2/14 until the report of the Working Group on Maritime Security was available in plenary (see paragraphs 7.39 and 7.100).

Proposed amendments to the appendix to the Annex to the SOLAS Convention

Record of Equipment for the Cargo Ship Safety Equipment Certificate (Form E)

Record of Equipment for the Cargo Ship Safety Certificate (Form C)

3.27 The Committee recalled that the proposed amendments to the appendix to the Annex to the SOLAS Convention (MSC 78/3, annex) were developed by the DE Sub-Committee and approved by MSC 77.

3.28 With regard to the proposed amendments to the Record of Equipment for the Cargo Ship Safety Certificate (Form C), the Committee noted that no such certificate is contained in the 1974 SOLAS Convention, but is required by the 1988 SOLAS Protocol. The amendment referred to in paragraph 10 of document MSC 78/3, annex 1, is therefore not relevant to the SOLAS Convention and the Committee agreed to delete it. Noting that no further comments had been submitted on the proposed amendments to the appendix to the Annex to the SOLAS Convention, the Committee confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.29 The Committee recalled its decision at MSC 59 (MSC 59/33, paragraphs 26.2 and 26.7) when it had agreed on a four-year interval between bringing successive amendments to Conventions and mandatory Codes into force. However, it had, at that time, also decided that observance of this four-year interval was subject to the Organization being able, in exceptional circumstances, to adopt and bring into force new amendments at shorter intervals if, on the basis of experience, it was deemed necessary to do so in order to rectify a mistake or for any other compelling reasons.

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

3.31 In view of the urgency of the matter, the Committee further agreed that the amendments to SOLAS regulation II-1/3-6 proposed for adoption at this session should be deemed to have been accepted on 1 July 2005 and should enter into force on 1 January 2006.

3.32 Some delegations expressed the concern whether MSC could adopt the amendments at this session, because the proposed amendments concerned previously adopted amendments which were deemed to have been accepted on 1 January 2004 but have not yet entered into force (1 July 2004) under the provisions of SOLAS article VIII(b) and its tacit acceptance procedure. Regarding the question of the timing of the adoption of the proposed amendments, the Committee noted the view of IMO's Legal Office that the MSC can adopt an amendment to the text of SOLAS which anticipates that the previous amendment will have entered into force prior to the date on which the subsequent amendment enters into force (which is the case here), provided that subsequent amendment is drafted to take the previous amendment into account to prevent conflict and confusion. The subsequent amendment can then be adopted and come into force in accordance with the standard amendment procedures in SOLAS. The Committee was satisfied with this explanation and agreed to proceed with the adoption at this session.

3.33 The Committee considered document MSC 78/3/12 (China) relating to the date of entry into force and the early implementation of the draft amendments to SOLAS regulation II-1/3-6 in order to allow the provisional application of the amended regulation before the date of entry into force of the amendments to be adopted at this session (1 January 2006).

3.34 The Committee agreed that, although the proposed amendments will only come into force on 1 January 2006, there should be a mechanism under which the revised requirements on means of access could be applied even before the entry into force. The Committee, therefore, agreed that:

- .1 a separate MSC resolution for the adoption of the amendments to regulation II-1/3-6 should be prepared and such a resolution should include a paragraph under which the flag State administration would be allowed to apply the revised requirements to new ships to be constructed on or after 1 January 2005 instead of applying the original requirements of regulation II-1/3-6; and
- .2 an MSC circular should be prepared, drawing the attention of Member States to the matter of the provisional application of the amendments to regulation II-1/3-6 and to the Technical provisions, as described above.

Consequently, the Committee instructed the drafting group to prepare the text of the draft resolution and the draft circular for adoption/approval.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1988 SOLAS PROTOCOL

Proposed amendments to the Annex to the 1988 SOLAS Protocol

Record of Equipment for the Cargo Ship Safety Equipment Certificate (Form E)

Record of Equipment for the Cargo Ship Safety Certificate (Form C)

3.35 The Committee recalled that that the proposed amendments to the Appendix to the 1988 SOLAS Protocol (MSC 78/3/1, annex) were developed by the DE Sub-Committee and approved by MSC 77.

3.36 Noting that no comments had been submitted on the proposed amendments to the Appendix to the 1988 SOLAS Protocol, the Committee confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

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

CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1979 SAR CONVENTION

Proposed amendments to the 1979 SAR Convention

Chapter 2 - Organization and co-ordination

Chapter 3 - Co-operation between States

Chapter 4 – Operating procedures

3.38 The Committee recalled that the proposed amendments to chapters 2, 3 and 4 of the 1979 SAR Convention (MSC 78/3/2, annex and MSC 78/3/2/Corr.1) were developed by the COMSAR Sub-Committee and approved by MSC 77.

3.39 The Committee considered a proposal by Spain (MSC 78/3/7) for modifications to paragraph 3.1.6 of chapter 3 and the insertion of a new paragraph 4.8.5 in chapter 4.

3.40 The Committee, recognizing that the proposed amendment to chapter 4 to include new paragraph 4.8.5, had been inadvertently omitted from document MSC 78/3/2 and had been resubmitted in document MSC 78/3/2/Corr.1, agreed to it in principle and referred it to the drafting group for finalization.

3.41 With regard to the proposed change to the amendment to chapter 3 (new paragraph 3.1.6.4) by Spain, the Committee was of the understanding that this was already covered in the originally prepared text in new paragraph 4.8.5 under chapter 4 – Operating procedures. Under this, the MRCC was authorized to “initiate” the identification of a place of safety, while the States, under chapter 3 – Cooperation between States (new paragraph 3.1.6.4), have the responsibility to complete the identification of a place of safety and arrange the delivery of the persons found in distress at sea to that place.

3.42 Recalling their earlier reservation to SOLAS regulation V/33 (see paragraph 3.22), the delegation of Malta stated that they also reserved their position with regard to the proposed amendments to the SAR Convention, subject to the proposed associated Guidelines on the treatment of persons rescued at sea being appropriately amended (see paragraphs 16.46 to 16.56).

3.43 Noting that no further comments had been submitted on the proposed amendments to the 1979 SAR Convention, the Committee confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.44 The Committee agreed that the amendments to the 1979 SAR Convention, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE STCW CODE

Proposed amendments to section A-I/2 of Part A of the STCW Code

3.45 The Committee recalled that the proposed amendments to section A-I/2 of Part A of the STCW Code (MSC 78/3/3, annex) were developed by the STW Sub-Committee and approved by MSC 77.

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

Date of entry into force of the proposed amendments

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

CONSIDERATION OF PROPOSED AMENDMENTS TO THE IMDG CODE

Proposed amendments to the IMDG Code

3.48 The Committee recalled that the proposed amendments to the IMDG Code were developed by the DSC Sub-Committee (MSC 78/3/4, annex) and were circulated in accordance with article VIII(b)(i) of the 1974 SOLAS Convention, in accordance with the amendment procedure for the IMDG Code agreed by MSC 75 (MSC 75/24, paragraph 7.36.3).

3.49 The Committee noted that paragraphs 1.4.1.3 to 1.4.1.5 of proposed new chapter 1.4 (Security provisions), concerning the training and shore-side operations, had been left in square brackets for a final decision by the Committee. The Committee agreed to retain paragraphs 1.4.1.3 to 1.4.1.5.

3.50 The Committee considered a proposal by Spain (MSC 78/3/9) to add the words "Delete the last sentence in column 17" to the entry for UN No.3375 in the Dangerous Goods List in chapter 3.2 (document MSC 78/3/4) and agreed with the proposal.

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

Date of entry into force of the proposed amendments

3.52 The Committee agreed that the amendments to the IMDG Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2005 and should enter into force on 1 January 2006.

3.53 The Committee noted that in accordance with the procedure adopted at MSC 75 for the adoption of amendments to the IMDG Code, Governments are invited to apply new amendments one year prior to their date of entry into force on a voluntary basis. During that period, the carriage of dangerous goods in compliance with either the IMDG Code in force or the Code incorporating the new amendments should be acceptable (MSC 75/24, paragraph 7.36.5). Therefore, the amendments, if adopted, may be applied on a voluntary basis from 1 January 2005, pending their entry into force date on 1 January 2006.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE TECHNICAL PROVISIONS FOR MEANS OF ACCESS FOR INSPECTIONS

Proposed amendments to the Technical provisions for means of access for inspections

3.54 The Committee recalled that that the proposed amendments to the Technical provisions for means of access for inspections (resolution MSC.133(76)) (MSC 78/3/6, annex 2) were

proposed by Greece and circulated by circular letter No.2509. The Committee also recalled that DE 47, following agreement at A 23, prepared further amendments to the Technical provisions (MSC 78/3/11, annex 2) and agreed that the latter document should serve as the basic document for the consideration of the proposed amendments to the Technical provisions.

3.55 The delegation of Norway, supported by several other delegations, proposed to delete the words “combination of vertical ladders on transverse webs and” in table 1, paragraph 1.1.6, since this provision as standing would allow the use of ladders up to a length of 17 m, which they found not appropriate. The Committee agreed to delete the aforementioned words from paragraph 1.1.6 of table 1 of the proposed amendments to the Technical provisions.

3.56 The IACS observer stated they supported the adoption of the amendments to the Technical provisions. They agreed that the proposal was a more practical application of the principle of access for crew, surveyors and inspectors and noted with satisfaction that access to forepeak tanks had been incorporated. However, they drew the attention of the Committee particularly to two matters which needed, in their view, improvement:

- .1 the requirements for toe boards for walkways and elevated passageways had been removed without adequate reason being given and IACS considered that this provided for an unsafe situation; and
- .2 for oil tankers, there was no explicit reference to the provision of direct escape routes from cargo tank overhead accesses, contrary to the arrangements for bulk carriers (paragraph 3.13.2 of the Technical provisions).

The observer from IACS further informed that they had submitted a Unified Interpretation to the Committee which was based on the current SOLAS regulation II-1/3-6 and Technical provisions. If the relevant amendments were adopted at this session, then IACS would be happy to prepare a new UI and had, in fact, already begun this process.

3.57 Noting that no comments had been submitted on the proposed amendments to the Technical provisions for means of access for inspections, the Committee confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.58 The Committee agreed that the revised Technical provisions for means of access for inspections, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2005 and should enter into force on 1 January 2006.

ESTABLISHMENT OF A DRAFTING GROUP

3.59 Following a general discussion in plenary, the Committee established an *ad hoc* drafting group to prepare the final texts of the draft amendments to the 1974 SOLAS Convention, the 1988 SOLAS Protocol, the 1979 SAR Convention, the 1995 STCW Code, the IMDG Code and the Technical provisions for means of access for inspections, together with the associated draft MSC resolutions and the draft MSC circular (see paragraph 3.31), for consideration and adoption/approval by the Committee.

ADOPTION OF AMENDMENTS TO THE 1974 SOLAS CONVENTION, THE 1988 SOLAS PROTOCOL, THE 1979 SAR CONVENTION, THE STCW CODE, THE IMDG CODE AND THE TECHNICAL PROVISIONS FOR MEANS OF ACCESS FOR INSPECTIONS

Report of the drafting group

3.60 Having received the report of the drafting group (MSC 78/WP.11 and MSC 78/WP.11/Corr.1), the Committee took action as indicated hereunder.

Adoption of amendments to the 1974 SOLAS Convention

3.61 The expanded Committee, including delegations of 94 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to SOLAS chapters II-1, III, IV and V and the appendix to the Annex prepared by the drafting group (MSC 78/WP.11, annex 1 and MSC 78/WP.11/Corr.1) and adopted them by resolution MSC.151(78) (amendments to chapter II-1) set out in annex 1, resolution MSC.152(78) (amendments to chapters III and IV and the appendix to the Annex) set out in annex 2 and resolution MSC.153(78) (amendments to chapter V) set out in annex 3.

3.62 In adopting resolution MSC.151(78), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to SOLAS chapter II-1 concerning means of access for inspections should be deemed to have been accepted on 1 July 2005 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2006, in accordance with the provisions of article VIII thereof, i.e. in view of their urgency earlier than the four-year interval agreed at MSC 59.

3.63 In considering the draft MSC resolution on the adoption of the amendments to chapter V, opinions in the Committee were divided with regard to the eighth preambular paragraph concerning the provision of a place of safety. While a number of delegations supported the paragraph as contained in document MSC 78/WP.11, annex 1, others favoured the deletion of the paragraph or advocated the alternative text provided in document MSC 78/WP.11/Corr.1 with some amendments.

3.64 At the request of the delegation of Malta, the Committee took a vote, in accordance with the Rules of Procedure of the Committee, on:

- .1 the proposal to delete the preambular paragraph starting with the words “REALIZING FURTHER” in document MSC 78/WP.11;
- .2 the proposal to replace the paragraph with the alternative text contained in document MSC 78/WP.11/Corr.1, with the change of the words “AGREEING” in the second part to “BEING DESIROUS”; and
- .3 the proposal to replace the paragraph with the alternative text contained in document MSC 78/WP.11/Corr.1 as standing.

3.65 The voting on the above proposals produced the following results:

- .1 on whether the paragraph in question should be deleted, 13 delegations voted in favour of deleting the paragraph (see paragraph 3.64.1), 39 delegations voted against the proposal and 18 delegations abstained;
- .2 on whether the paragraph should be replaced with the alternative text contained in document MSC 78/WP.11/Corr.1, including the proposed amendment (see paragraph 3.64.2), 19 delegations voted in favour of the amended alternative text, 39 delegations voted against the proposal and 13 delegations abstained; and
- .3 on whether the paragraph should be replaced with the alternative text contained in document MSC 78/WP.11/Corr.1, 19 delegations voted in favour of the alternative text, 30 delegations voted against the proposal and 17 delegations abstained.

3.66 The Chairman, therefore, stated that the agreement of the Committee was to retain the original paragraph as contained in document MSC 78/WP.11.

3.67 The delegation of Malta stated that the inclusion of the preambular paragraph starting with the words “REALIZING FURTHER” was an interpretation of the SOLAS and SAR Conventions which could only be done by consensus. This was clearly not achieved and the Committee did not have the right to include this paragraph in the resolution. Consequently, the delegation of Malta reserved its position on the parts of the resolutions relating to the amendments to SOLAS chapter V and the SAR Convention and Malta was, therefore, not bound by the relative provisions of both the resolutions and the amendments to the two Conventions.

3.68 In adopting resolutions MSC.152(78) and MSC.153(78), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to SOLAS chapters III, IV and V and the appendix to the Annex should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 July 2006, in accordance with the provisions of article VIII thereof, based on the four-year interval principle agreed at MSC 59.

3.69 The Committee also approved circular MSC/Circ.1107 on the Application of SOLAS regulation II-1/3-6 on Access to and within spaces in, and forward of the cargo area of oil tankers and bulk carriers and application of the Technical provisions for means of access for inspections.

Adoption of amendments to the 1988 SOLAS Protocol

3.70 The expanded Committee, including delegations of 55 Parties to the 1988 SOLAS Protocol, considered the final text of the proposed amendments to the appendix to the Annex to the Protocol prepared by the drafting group (MSC 78/WP.11, annex 2) and adopted the amendments unanimously by resolution MSC.154(78), as set out in annex 4.

3.71 In adopting resolution MSC.154(78), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol, that the adopted amendments referred to above should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the

Secretary-General, as provided for in article VIII(b)(vi)(2) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol) and should enter into force on 1 July 2006, in accordance with the provisions of SOLAS article VIII and article VI of the 1988 SOLAS Protocol.

Adoption of amendments to the 1979 SAR Convention

3.72 The expanded Committee, including delegations of 61 Parties to the 1979 SAR Convention, considered the final text of the proposed amendments to the Annex to the Convention prepared by the drafting group (MSC 78/WP.11, annex 3 and MSC 78/WP.11/Corr.1) and adopted the amendments unanimously by resolution MSC.155(78), as set out in annex 5.

3.73 When considering the adopting resolution, the Committee recalled the outcome of its discussions during the adoption of the related amendments to SOLAS chapter V (see paragraphs 3.63 to 3.66).

3.74 The delegation of Malta reserved its position for the reasons stated in paragraph 3.67.

3.75 In adopting resolution MSC.155(78), the expanded Committee determined, in accordance with article III(2)(f) of the 1979 SAR Convention, that the adopted amendments referred to above should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections by more than one third of the Parties are communicated to the Secretary-General) and should enter into force on 1 July 2006, in accordance with the provisions of article III(2)(h) of the 1979 SAR Convention.

Adoption of amendments to the STCW Code

3.76 The expanded Committee, including delegations of 92 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to section A-I/2 of Part A of the STCW Code prepared by the drafting group (MSC 78/WP.11, annex 4) and adopted the amendments unanimously by resolution MSC.156(78), as set out in annex 6.

3.77 In adopting resolution MSC.156(78), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments referred to above should be deemed to have been accepted on 1 January 2006 (unless, prior to that date, objections are communicated to the Secretary-General as provided for in article XII(1)(a)(vii) of the Convention) and should enter into force on 1 July 2006, in accordance with the provisions of article XII of the 1978 STCW Convention.

Adoption of amendments to the IMDG Code

3.78 The expanded Committee, including delegations of 94 Contracting Governments to the 1974 SOLAS Convention, considered the text of proposed amendments to the IMDG Code (MSC 78/3/4, annex) together with modifications thereto prepared by the drafting group (MSC 78/WP.11, annex 5) and adopted them unanimously by resolution MSC.157(78), as set out in annex 7.

3.79 In adopting resolution MSC.157(78), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IMDG Code should be deemed to have been accepted on 1 July 2005 (unless, prior to that

date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2006, in accordance with the provisions of article VIII thereof.

3.80 The Committee encouraged Contracting Governments to the 1974 SOLAS Convention to apply the aforementioned amendments in whole or in part on a voluntary basis as from 1 January 2005.

Adoption of amendments to the Technical provisions for means of access for inspections

3.81 The expanded Committee, including delegations of 94 Contracting Governments to the 1974 SOLAS Convention, considered the final text of proposed amendments to the Technical provisions for means of access for inspections (resolution MSC.133(76)) prepared by the drafting group (MSC 78/WP.11, annex 6) and adopted them unanimously by resolution MSC.158(78), as set out in annex 8.

3.82 In adopting resolution MSC.158(78), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Technical provisions for means of access for inspections should be deemed to have been accepted on 1 July 2005 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2006, in accordance with the provisions of article VIII thereof.

3.83 The Committee also agreed that Contracting Governments to the 1974 SOLAS Convention may apply the aforementioned amendments on a provisional basis as from 1 January 2005 (see also paragraph 3.69).

INSTRUCTIONS TO THE SECRETARIAT

3.84 In adopting the aforementioned amendments, the Committee authorized the Secretariat, when preparing the authentic texts of the amendments, to effect any editorial corrections that may be identified, and to bring to the attention of the Committee any errors or omissions which require action by the Contracting Governments to the 1974 SOLAS Convention, the Parties to the 1988 SOLAS Protocol, the Parties to the 1979 SAR Convention or the Parties to the 1978 STCW Convention.

3.85 In view of the provisions for the provisional application of the amendments to SOLAS regulation II-1/3-6 and to the Technical provisions for means of access for inspections (see paragraphs 3.69 and 3.83) approved at this session, the Committee instructed the Secretariat to prepare and distribute the certified copies with the authentic texts of these amendments, as a matter of urgency, as soon as possible after the meeting.

4 LARGE PASSENGER SHIP SAFETY

General

4.1 The Committee recalled that, at MSC 77, having considered the outcomes of sub-committees on their work on large passenger ship safety matters, it had agreed that this matter should be included in the agenda for this session and, in particular, to:

- .1 consider any recommendations forwarded from the sub-committees assigned work on large passenger ship safety, providing additional guidance, as necessary;
- .2 further consider the issues highlighted in paragraphs 15.3 to 15.7 of document MSC 77/4/3;
- .3 consider any submissions made on the issue; and
- .4 re-establish the *ad hoc* Working Group on Large Passenger Ship Safety at MSC 78.

4.2 The Committee also recalled that MSC 77 had instructed the Secretariat to prepare a report on progress made on large passenger ship safety issues *vis-à-vis* the guiding philosophy, strategic goals, objectives and assigned tasks, as appropriate, so that the Committee would have a global picture of the situation; and noted that the above report was set out in document MSC 78/4/1.

Outcome of the Sub-Committees

4.3 The Committee received reports on large passenger ship safety carried out by NAV 49, SLF 46, FP 48, STW 35, COMSAR 8 and DE 47 prepared by the Secretariat (MSC 78/4 and Add.1) and noted, in particular, that:

- .1 NAV 49 had considered the submission by IHO (NAV 49/11), assessing the current status of hydrographic surveying, and had invited IHO to advise NAV 50 on the progress made and any specific actions that needed to be undertaken for the improvement of the surveying, cartographic and navigational coverage of remote areas, to ensure the safety of navigation. The Sub-Committee had also invited the Committee to extend the target completion date for this item to 2004;
- .2 SLF 46 had agreed to characterize the survivability of existing large passenger ships for the work on time-to-flood, taking into account the research currently underway by Finland, Italy, Japan and the United States. To this end, the Sub-Committee had instructed the Correspondence Group on Subdivision and Damage Stability to progress its work on large passenger ship safety intersessionally and invited the Committee to extend the target completion date for this item to 2004;
- .3 FP 48 had agreed to a proposed definition for “safe haven” and decided to develop functional requirements, fire scenarios and performance standards based on the definition of “safe haven”, taking into account guiding philosophy. The Sub-Committee had also agreed to re-establish its Correspondence Group on Large Passenger Ship Safety to progress the matter intersessionally and invited the Committee to extend the target completion date for this item to 2006;
- .4 STW 35 had provided comments on the recommendations developed by COMSAR 7 that were within the purview of the STW Sub-Committee; and noted that FP 48 had requested STW 36 to review the model courses relevant to training in crisis management and human behaviour in light of the new definition for “safe haven” to ensure that such courses adequately emphasize the new concept.

In light of the request of FP 48, the Committee was invited to extend the target completion date for this item to 2005;

- .5 COMSAR 8 had reconsidered the 35 recommendations it prepared at COMSAR 7 and consolidated them into 11 recommendations. The Committee was invited to consider these recommendations and to extend the target completion date for this item to 2005; and
- .6 DE 47 had recommended that engine-room resource management be included in the STCW Code. In considering the comments on holistic approach approved by MSC 75, the Sub-Committee prepared a process map to illustrate the connection between the work of this Sub-Committee and the relevant objectives and tasks for consideration by the Committee. The Sub-Committee also agreed to re-establish its Correspondence Group on Large Passenger Ship Safety to progress the matter intersessionally and invited the Committee to extend the target completion date for this item to 2006.

4.4 The Committee noted the progress made by NAV 49, SLF 46, FP 48, STW 35, COMSAR 8 and DE 47 on large passenger ship safety issues and agreed that the working group, once established, should take the outcomes of the aforementioned Sub-Committees into account in the course of its deliberations (see paragraphs 4.30 to 4.36).

4.5 The Committee decided to consider the requests of NAV 49, SLF 46, FP 48, STW 35, COMSAR 8 and DE 47 to extend their respective target completion dates for this item under agenda item 24 (Work programme).

Report on progress on large passenger ship safety issues

4.6 The Committee noted the progress report contained in document MSC 78/4/1 (Secretariat), which compared the tasks assigned on large passenger ship safety issues *vis-à-vis* the approved guiding philosophy with a view to clearly showing which tasks have been completed and which tasks will require further work, and agreed that the working group should take this report into account in the course of its deliberations. In this regard, the Committee also agreed that, based on the progress made on this issue, the initial phase of this project, which was to identify gaps in the present regulations with respect to large passenger ship safety, had essentially been completed and that the Committee should now focus on developing the priorities for the tasks that have been identified in document MSC 78/4/1.

4.7 The delegation of Sweden, in making reference to the note by the Secretary-General (MSC 72/21) and the decision of MSC 74 that the work plan should contain both design and operational aspects, reiterated that this is a proactive initiative intended to be dealt with primarily at the Committee level and that the results, in this regard, have not been satisfactory. They emphasized that the Committee has a responsibility to ensure that any work delegated to the sub-committees is limited to only those areas where technical expertise is essential and that the majority of the work on this item should remain at the Committee level.

4.8 The delegation of Cyprus, in supporting the delegation of Sweden, expressed their view that the current work on this initiative is being handled in a piece-meal fashion and suggested that a clear definition should be developed regarding the term "large passenger ships". The delegations of Bahamas and Greece supported the views expressed by the delegation of Cyprus.

4.9 In concluding its discussion on the above issues, the Committee agreed that the time had come to make a final decision as to the scope of the term “large passenger ships” and instructed the working group to further consider the above comments and advise the Committee accordingly.

Holistic approach to large passenger ship safety issues

4.10 The Committee discussed the submissions by Japan (MSC 78/4/5 and MSC 78/INF.13), the United Kingdom (MSC 78/4/3 and MSC 77/4/3) and the United States (MSC 78/4/4) proposing that the Committee prepare specific casualty scenarios and thresholds so that the sub-committees have a singular framework to work towards and agreed to forward the above documents to the working group for detailed consideration.

4.11 The Committee also considered the information submitted by Norway (MSC 78/4/2), the Republic of Korea (MSC 78/INF.7 and MSC 78/INF.8) and ICCL (MSC 78/INF.9 and MSC 78/INF.10) and agreed that the working group should take the above documents into account in the course of its deliberations.

Establishment of the Working Group on Large Passenger Ship Safety

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

- .1 further consider matters related to the holistic approach, in particular the preparation of casualty scenarios for return to port and timeframes related to abandonment and recovery, taking into account documents MSC 78/4 and Add.1 (Secretariat), MSC 78/4/2 (Norway), MSC 77/4/3 and MSC 78/4/3 (United Kingdom), MSC 78/4/4 (United States), MSC 78/4/5 and MSC 78/INF.13 (Japan), MSC 78/INF.7 and MSC 78/INF.8 (Republic of Korea) and MSC 78/INF.9 and MSC 78/INF.10 (ICCL), and advise the Committee as appropriate;
- .2 consider the outcomes of NAV 49, SLF 46, FP 48, STW 35, COMSAR 8 and DE 47 (MSC 78/4 and Add.1 and MSC 78/4/1) with a view to advising the Committee in respect of issues on which the Sub-Committees have sought the Committee’s clarification and/or approval;
- .3 consider the comments made in plenary on the scope of this item with regard to the term “large passenger ships” and advise the Committee accordingly;
- .4 consider the relevant parts of documents MSC 78/12/1 (Italy), MSC 78/12/2 (ICCL), MSC 78/12/3 (Norway), MSC 78/12/1 (United States) and MSC 78/12/1 (Japan), taking into account the decisions made in plenary, and advise Committee, as appropriate; and
- .5 update the work plan set out in annex 4 to document MSC 75/WP.12, taking into account annex 5 to document DE 47/25 and the progress made at the session, indicating work which should be done by the Committee itself and that which should be assigned to sub-committees to deal with the issues identified in such a work plan.

Report of the working group

4.13 Having received the report of the working group (MSC 78/WP.14), the Committee approved it in general and took action as outlined in the following paragraphs.

Holistic approach

General

4.14 The Committee considered the submission by Norway (MSC 78/4/2), reporting on the results of their FSA study on navigational safety of large passenger ships, and noted that Norway would submit a more comprehensive summary of the aforementioned study to NAV 50 for detailed consideration.

4.15 In considering the submission by the Republic of Korea (MSC 78/INF.7), regarding the damage survivability assessment system, the Committee agreed to forward the above document to SLF 47 for information purposes within the context of their work on the revision of SOLAS chapter II-1.

4.16 In considering the submission by the Republic of Korea (MSC 78/INF.8), providing the results of an experimental study on the walking speed prediction in evacuation analysis, the Committee agreed to forward the above document to FP 49 for information purposes within the context of their work on the revision of the Interim Guidelines on evacuation analysis for new and existing passenger ships (MSC/Circ.1033).

4.17 The Committee considered the submission by the United Kingdom (MSC 78/4/3), providing a summary of the findings for a campaign of inspections on cruise ships carried out in the region of the Paris MOU during the summer season of 2003, and noted that it was considered in the course of the group's deliberations.

Fire and flooding thresholds and timeframes

4.18 In considering documents MSC 77/4/3 (United Kingdom), MSC 78/4/4 (United States), and MSC 78/4/5 and MSC 78/INF.13 (Japan), regarding the need for a casualty threshold for return to port and timeframes related to abandonment and recovery, the Committee agreed, as a general principle, that the casualty thresholds (extent of damage) should stipulate the amount of damage a ship must be able to withstand and still safely return to port under its own power. In addition, even if this casualty threshold is exceeded, the Committee agreed that a ship was to remain habitable for a minimum time to allow for safe and orderly abandonment.

4.19 The Committee also agreed that casualty thresholds were to be used by the subsidiary bodies to develop requirements for passenger ships to maintain their essential systems and return to port.

Fire safety threshold and timeframe

4.20 With regard to a casualty threshold for fire, the Committee agreed for the purposes of providing the necessary essential services for the return to port and for the safety and habitability of the crew and passengers (i.e. propulsion, ventilation, sanitation, food, etc.) within a main vertical zone, a fire scenario should include:

- .1 loss of the space of origin up to the nearest “A” class boundaries, which may be a part of the space of origin, if the space of origin is protected by a fixed fire-extinguishing system; or
- .2 loss of the space of origin and adjacent spaces up to the nearest “A” class boundaries, which are not part of the space of origin.

4.21 For the purpose of providing a safe area, as defined in paragraph 4.31, the fire is assumed to result in the loss of the main vertical zone in which it occurred.

4.22 In considering the timeframes proposed in paragraph 5 of document MSC 78/4/4, the Committee agreed that the “time to remain habitable” should be at least 3 hours. The 3 hour criteria includes the length of time beginning with the initiating event until all persons have safely abandoned the ship. During that time, a ship should be capable of remaining habitable in the event a fire casualty exceeds the threshold damage used to design the ship for improved survivability. Thus, certain essential equipment must remain operational during this time to support habitability and to enable the ship’s crew to mitigate or slow the progression of the fire damage.

4.23 Having agreed to the above matters, the Committee recalled its previous decisions that the use of analytical tools such as event tree diagrams, formal safety assessment, the human element analyzing process, cost/benefit analysis, risk assessment and other methods may be used at the discretion of the bodies assigned specific work on matters related to this work programme item.

Flooding threshold and timeframe

4.24 In considering the relevant parts of documents MSC 78/12/1 (Italy), MSC 78/12/2 (ICCL), MSC 78/12/3 (Norway), MSC 78/12/4 (United States) and MSC 78/12/5 (Japan), taking into account the decisions made in plenary, the Committee agreed to a minimum “time to flood” criteria of 3 hours survivability. The 3 hour criteria includes the length of time beginning with the initiating event until all persons have abandoned the ship.

4.25 To this end, the Committee decided to instruct the SLF Sub-Committee to develop threshold criteria such that each contribution to the attained index will satisfy either of the following scenarios:

- .1 return to port; or
- .2 remain habitable for at least 3 hours for evacuation.

4.26 The Committee also instructed SLF 47 to provide an outline and work plan for consideration and approval at MSC 79.

Abandon ship timeframe

4.27 The Committee endorsed the group’s view that SOLAS regulation III/21.1.4 should be modified to clearly state that the “30 minute timeframe” stipulated in the regulation starts when all the passengers have been mustered, with lifejackets donned, and the master gives the abandon ship signal. To this end, the Committee endorsed the group’s instruction to DE 48 to prepare an appropriate amendment to SOLAS chapter III so that the intent of the above

regulation is clear, taking into account that ships may have different types of marine escape systems employed for ship abandonment purposes.

Search and rescue timeframe

4.28 The Committee considered whether a “time to recover” criteria should be developed and agreed that it would be beneficial to set such a criteria (for example, a 5 day timeframe), taking into account the complex and specialist nature of SAR operations (i.e. rescue in remote areas, resources necessary to deal with a large number of passengers, providing humanitarian assistance, etc.). However, the Committee agreed that more time is necessary to resolve this issue. Member Governments and international organizations, particularly those with expert knowledge on this subject, were invited to submit comments and proposals to MSC 79 so that this matter could be finalized in time for COMSAR 9 and DE 48 to consider the Committee’s decisions.

Holistic diagram

4.29 In concluding its discussion on this matter, the Committee noted that the group had prepared a diagram, as set out in annex 1 to document MSC 78/WP.14, to show the relationships between threshold damage, timeframes and the safe area concept.

Outcome of the Sub-Committees

Outcome of FP 48

4.30 The Committee noted that the group had considered the outcome of FP 48 in conjunction with the tasks assigned in the work plan and had discussed in detail the work outlined in annexes 2 and 3 to document FP 48/19.

4.31 In considering the use of the term “safe haven” with respect to large passenger ships, as contained in annex 2 to document FP 48/19, the Committee agreed that the use of this term may be confused with its traditional meaning of “safe harbour” or be viewed as meaning a single protected space. Therefore, the Committee decided to use the term “safe area” and agreed to the following definition:

“A safe area(s), in the context of a fire casualty, is, from a perspective of habitability, any area outside the main vertical zone(s) in which a fire has occurred such that it can safely accommodate all persons on board to protect them from hazards to life or health and provide them with basic services.”

4.32 The Committee endorsed the Sub-Committee’s decision to develop functional requirements, fire scenarios and performance standards in support of the “safe area” concept and noted that the functional requirements being prepared by the Sub-Committee for the safe area concept would include guidance on the term “basic services”.

Outcome of STW 35

4.33 The Committee considered the outcome of STW 35 and endorsed the group’s recommendation to instruct STW 36 to:

- .1 prepare amendments to part B of the STCW Code for engine-room resource management, taking into account that this recommendation may be expanded to cover more than just passenger ships; and
- .2 review the model courses for crisis and crowd management to incorporate the safe area concept and provide recommendations to MSC 80.

Outcome of COMSAR 8

4.34 The Committee noted that the group had considered the outcome of COMSAR 8 in conjunction with the tasks assigned in the updated work plan (MSC 75/WP.12) and endorsed the group's instructions to the COMSAR Sub-Committee to:

- .1 prepare comprehensive guidelines on recovery techniques and experiences in co-operation with the STW Sub-Committee;
- .2 develop functional requirements for the recovery of persons from survival craft and from the water into ships, considering, in particular, the general applicability of the recovery systems required under SOLAS for ro-ro passenger ships to ships of all other types (including fishing vessels);
- .3 prepare guidelines on how the SAR services may best provide on-board support as an aid to incident containment, taking into account any existing memoranda of understanding and IMO guidelines addressing this subject;
- .4 develop guidelines on contingency planning between companies operating passenger ships in such areas and relevant SAR services, taking into account MSC/Circ.1079; and
- .5 develop revised guidelines on the prevention and treatment of hypothermia taking into account mass rescue operations.

4.35 With respect to the recommendation to fit marine band radio equipment on maritime SAR aircraft and the carriage of air band equipment on ships, the Committee agreed to forward this issue to the ICAO/IMO Joint Working Group for consideration and advice, as appropriate, the outcome of which should be reported to COMSAR 9.

4.36 In considering whether research projects should play a larger part in the work on SAR matters, the Committee, recognizing that a number of valuable research projects were currently under way and that such information could greatly assist the Organization in its work on large passenger ship safety, agreed to invite the World Maritime University to explore the possibility of taking a role in co-ordinating such research projects. Having noted the above decision, the delegation of Cyprus reserved its position on this matter.

Scope of the work on large passenger ship safety

4.37 As instructed, the group considered the need for providing a clear definition for the term "large passenger ships" and noted that, to date, the Committee had instructed the group and the expert sub-committees to develop relevant parameters, as necessary, for application purposes of any proposed recommendations. Such parameters may include, but are not limited to, the ship length, tonnage, number of persons, design parameters, etc. Thus, in practice, the work of the

subsidiary bodies has never been restricted to areas that are directly related to the size of the ship or the number of passengers even though the emphasis has always been on large passenger ships.

4.38 In this regard, the Committee noted that the group was not surprised that the review associated with this proactive initiative has highlighted areas of concern for all sizes of passenger ships, particularly for passenger ships operating in areas that lack sufficient SAR services or are remote to such services. On the basis of the above considerations, the Committee noted the group's view that its main task had been to propose a new regulatory philosophy for the design, construction and operation of passenger ships that would better address the future needs of this industry as a whole.

4.39 Taking into account the above points and having noted the large divergence of views on this issue, the Committee agreed to finalize its decision on the scope of this work programme item at MSC 79 so that the sub-committees assigned tasks would have clear instructions. In the interim period, sub-committees assigned work on large passenger ship safety should continue to develop relevant parameters, as necessary, for application purposes of any proposed recommendations, as agreed at MSC 75 (MSC 75/24, paragraph 4.12).

4.40 In noting the above decision, the delegation of the United Kingdom, which supported the recommendation of the group, stated that the development of a definition of the term "large" was unnecessary as a precursor to further work being undertaken on this important issue. Rather, the work should continue, based on the emerging philosophy of the group regarding the development of thresholds and timeframes both for the ship to remain habitable and thereafter for abandonment and rescue. In this way, an understanding of the practicable application of these concepts to passenger ships of decreasing size would emerge. In effect, a "large" passenger ship would emerge as one able to support these concepts.

4.41 To this end, the Committee noted that the existing SOLAS regulations and other relevant IMO instruments already had parameters contained within their provisions (i.e. SOLAS chapter II-2 fire pump regulations are currently applied based on tonnage) and that this point should be taken into account by subsidiary bodies in the course of their deliberations.

4.42 In taking the above decision, the Committee invited Member Governments and international organizations to submit comments and proposals to MSC 79, taking into account the group's recommendation (MSC 78/WP.14, paragraphs 59 to 67).

Work plan on large passenger ship safety

Medical and sanitation guidelines

4.43 The Committee noted that the group had considered documents MSC 78/INF.9 and MSC 78/INF.10 (ICCL) on medical and sanitation guidelines within the context of the two tasks assigned to it and endorsed its recommendation that an MSC circular should be prepared for detailed consideration at MSC 79. To progress the matter intersessionally, the Committee instructed the Secretariat to prepare a draft MSC circular, for consideration at MSC 79, using the American College of Physicians (ACP) Guidelines for cruise ship medical facilities (MSC 78/INF.9) and the Centers for Disease Control and Prevention (CDC) Guidelines on vessel sanitation (MSC 78/INF.10), as a basis.

Revision of the work plan

4.44 The Committee noted that the group had closely examined the proposed work plan contained in annex 4 to document MSC 75/WP.12, taking into account the outcome of the sub-committees assigned work on this subject and the view of the Committee that any instructions should be very specific, and agreed to consolidate and redraft a number of tasks accordingly, based on the recommendations of the sub-committees, taking into account the need to avoid any duplication of work.

4.45 After having concluded its discussions on the work to be accomplished on large passenger ship safety, the Committee approved the revised work plan, as set out in annex 4 to document MSC 78/WP.14, and forwarded it to the COMSAR, DE, FP, NAV, SLF and STW Sub-Committees for action as appropriate. The Committee also conveyed the group's report, in its entirety, to the relevant sub-committees so that they may use it as a basis for their work and further instructed the relevant sub-committees to keep the Committee informed of their progress on matters assigned.

4.46 In concluding the discussion on this issue, the Committee expressed the view that, taken as a total package, including the group's reports at MSC 73, MSC 74 and MSC 75, there was enough information to allow the sub-committees to complete their assigned tasks. The Secretariat was instructed to forward the revised work plan, once approved, to the correspondence groups established by the DE, FP and SLF Sub-Committees.

Reconvening of the working group

4.47 Taking into account the progress made at this session, the Committee agreed to retain this item on the agenda for, and reconvene the working group at, MSC 79 to:

- .1 continue work on the "time to recover";
- .2 consider the outcomes of NAV 50 and SLF 47;
- .3 further consider matters related to health and sanitation; and
- .4 consider any submissions to the session on this subject.

Member Governments and international organizations were invited to submit comments and proposals to MSC 79 on the above matters and, in particular, provide information on traffic patterns of ships to assist with the work on recovery issues.

4.48 The Committee also recognized that it needed to maintain control of this initiative at the Committee level in order to keep the holistic approach and avoid fragmentation of the issue involved.

5 BULK CARRIER SAFETY

GENERAL

5.1 The Committee recalled that, in considering this agenda item, MSC 77 had addressed the recommendations emanating from the various FSA studies on bulk carrier safety, which had been previously agreed by MSC 76, and MSC 77 had instructed the relevant sub-committees to further consider the issues concerned and take appropriate action to translate the recommendations into amendments to mandatory instruments, as well as guidelines and recommendations, as appropriate. MSC 77 had also agreed that a Drafting Group on Bulk Carrier Safety would be established at this session.

5.2 The Committee agreed to deal with this agenda item under the following separate headings:

- .1 consideration of the comparative study of single- and double-side skin bulk carriers; and
- .2 outcome of sub-committees on the recommendations for decision-making.

CONSIDERATION OF THE COMPARATIVE STUDY OF SINGLE- AND DOUBLE-SIDE SKIN BULK CARRIERS

5.3 In introducing this matter, the Chairman recalled that MSC 76 had agreed to the recommendation to require double-side skin construction for all new bulk carriers of 150 m in length and upwards, which should be implemented by amending the relevant provisions in SOLAS chapter XII and other chapters as necessary. Although not opposing the above decision, a few delegations, however, had not agreed to making double-side skin construction mandatory mainly because there were still some technical requirements which should be further considered. In arriving at the conclusion opting for double-side skin construction, MSC 76 had agreed that there was a need to develop uniform international technical standards for double-side skin construction and for coatings, preferably in collaboration with IACS, as well as to consider the width of the double hull space as it affects the provision of adequate access for inspection and maintenance.

5.4 The Committee noted that this matter was raised at DE 47 and that, subsequently, the Sub-Committee had requested the Committee to consider the concerns expressed by some delegations regarding the decision of MSC 76 to require double-side skin construction for all new bulk carriers over 150 m length. As requested by MSC 77, DE 47 had prepared draft SOLAS regulations making the double-side skin construction mandatory, for the Committee's consideration.

5.5 In this respect, the Committee considered documents submitted by:

- .1 Greece (MSC 78/5/1 and MSC 78/INF.6), presenting the findings of a comparative FSA study of single- and double-side skin bulk carriers and concluding that the mandatory introduction of double-side skin construction in new bulk carriers is not cost-effective;

- .2 the United Kingdom (MSC 78/5/4), commenting on the findings of the comparative FSA study of single- and double-side skin bulk carriers provided in documents MSC 78/5/1 and MSC 78/INF.6;
- .3 IBTA (MSC 78/5/3), expressing concern that bulk carriers should be suited to their operational environment, and in full acknowledgement that most terminals operate under the auspices of national health and safety regimes whose rules and requirements are strictly enforced; and
- .4 ICS (MSC 78/5/2), commenting on the comparative FSA study submitted by Greece and questioning the appropriateness of mandatory double hull requirements for bulk carriers.

5.6 In support of the arguments presented in documents MSC 78/5/1 and MSC 78/INF.6, the delegation of Greece emphasized the merits of the FSA methodology, provided it was conducted in a scientific and rational manner, with the correct ship population at risk, and using first principles where the experience in estimating risk reduction was limited. The comparative study presented in document MSC 78/INF.6 had identified gaps and inconsistencies in the international collaborative FSA study, such as the overestimation of risk reduction and ship life of bulk carriers of double-side skin construction. Additionally, these ships would suffer from discontinuities due to increased torsional rigidity (leading to higher local stress concentrations causing fatigue cracks) and maintenance and repair difficulties which would lead to increased corrosion, having in mind the confined nature of double-side spaces. The adoption of double-side skin construction was, in Greece's opinion, not cost-effective.

5.7 In addition to the case presented in document MSC 78/5/4, the delegation of the United Kingdom stated that the recommendations accepted by MSC 76 represented a package of linked measures aimed at avoiding water entering the hull; making the crew aware of any water entering the hull; mitigating the effects of shipped water; and protecting the crew in such circumstances. The fundamental strengths of the FSA methodology lied in its transparency and in the fact that all stakeholders' interests were taken into account and that it was continuously subject to peer review. Having reviewed documents MSC 78/5/1 and MSC 78/INF.6, that delegation had concluded that the study therein had overestimated the risk reduction attributable to the application of SOLAS chapter XII; had used a sea spectrum for wave loading computations that was not representative; had been overly pessimistic in the hazard identification conducted; and had excessively estimated the additional costs associated with double-side skin construction. Therefore, the study presented in document MSC 78/INF.6 did not provide a sufficiently rigorous and objective justification to overturn the Committee's previous decision to mandate double-side skin construction for new bulk carriers.

5.8 There was general agreement that, before discussing the other matters under this agenda item, in particular the proposed amendments to SOLAS chapter XII, the Committee should make a firm decision as to whether double-side skin construction should be made mandatory for new bulk carriers or be considered as an alternative to single-side skin construction.

5.9 The delegation of the Bahamas expressed concern at the possibility of using an oversimplified approach which would allow the use of lighter scantlings in a double-side skin bulk carrier if maintaining the size and deadweight capacity of a ship of single-side skin construction. This could lead to corrosion and fatigue problems early in the life of the ship. Having stated no definitive preference for either of the designs, but considering that the latest

findings presented in the comparative study submitted by Greece merited detailed technical examination, that delegation suggested that a firm decision should be postponed until all the facts had been properly investigated. Additionally, the design and construction of double-side skin bulk carriers could be referred, as a test case, to the working group to be established at MSC 79 to deal with goal-based standards for new ship construction.

5.10 Following a lengthy debate, a large number of delegations expressed their opinion on the three views expressed as above, i.e. reaffirming the decision of MSC 76 to make double-side skin construction mandatory for new bulk carriers and approve the draft revised text of SOLAS chapter XII prepared by DE 47; leaving double-side skin construction as an option rather than a requirement; and postponing a decision pending further studies, including referring the matter to the MSC 79 working group on goal-based standards.

5.11 While a significant number of delegations supported the view expressed by the United Kingdom, an equally significant number of delegations supported the view expressed by Greece or the view to postpone taking a decision at this session having in mind the view expressed by the Bahamas.

5.12 This situation required the Committee to take a vote, in accordance with the Rules of Procedure of the Committee, on the draft requirements included in regulation XII/6.2 to make double-side skin construction mandatory for new bulk carriers of 150 m in length and above carrying high-density cargoes in bulk, or to leave this requirement as an optional alternative to single-side skin bulk carriers of similar characteristics, in which case the double-side skin construction standards would be still required if this design option were taken.

5.13 Following a show of cards:

- .1 32 delegations preferred not to make double-side skin construction mandatory, but to offer it as an optional alternative;
- .2 22 delegations voted in favour of making double-side skin construction mandatory; and
- .3 15 delegations abstained.

5.14 The Chairman, therefore, instructed the drafting group (see also paragraph 5.29) to modify the draft text of the amendments to SOLAS chapter XII developed by DE 47 to reflect the decision of the Committee and include therein requirements for double-side skin construction as an optional alternative to single-side skin construction. The group was also requested to introduce in the draft chapter any necessary consequential amendments.

5.15 Notwithstanding the above decision, the Committee agreed to refer the double-side skin construction requirements to the MSC 79 working group on goal-based standards as a test case.

OUTCOME OF SUB-COMMITTEES ON THE RECOMMENDATIONS FOR DECISION-MAKING

5.16 The Committee had before it the outcome of the consideration of bulk carrier safety-related matters by NAV 49, SLF 46 and DSC 8 (MSC 78/5) and by STW 35, DE 47 and FSI 12 (MSC 78/5/Add.1), in pursuance of the relevant instructions given by MSC 76 and MSC 77.

5.17 The Committee agreed to consider in detail under this agenda item only the input from sub-committees that entailed technical decisions, leaving other requests, such as noting progress made or approval of non-technical MSC circulars, for consideration under the respective agenda items for the relevant sub-committees. Thus, only the outcome of SLF 46 and DE 47 relating to bulk carrier safety would be considered at this stage, whereas the relevant outcome of NAV 49, DSC 8, STW 35 and FSI 12 reported in MSC 78/5 and Add.1 was noted. The Committee agreed that, after deciding on the action to be taken regarding the outcome of SLF 46 and DE 47, a Drafting Group on Bulk Carrier Safety would be established to finalize the agreed text of amendments to SOLAS chapter XII and the associated standards and guidelines, together with the necessary draft MSC resolutions, as appropriate (see paragraphs 5.29 and 5.30).

Outcome of SLF 46

5.18 Having considered the action requested by SLF 46, as indicated in document MSC 78/12, paragraphs 2.13 and 2.14, the Committee concurred with the two-way approach agreed by the Sub-Committee to deal with the item on improved loading stability information for bulk carriers, whereby the guidelines mandated by MSC 76, to be developed by the next session, would be augmented by a carriage requirement for a stability computer. In connection with the latter, the Committee approved in principle the proposed amendments to SOLAS regulation XII/11 (Loading instrument) to make the fitting of a stability computer mandatory on small bulk carriers, as set out in annex 1 to document MSC 78/5, and referred them to the drafting group for possible editorial refinement.

Outcome of DE 47

5.19 The Committee, in considering the action requested by DE 47 (MSC 78/8/1, paragraphs 5.8 to 5.10 and 5.12 to 5.16), agreed to proceed as indicated in the following paragraphs.

Draft revised SOLAS chapter XII

5.20 The Committee decided to consider the draft revised SOLAS chapter XII (set out in annex 17 to document DE 47/25) for approval, after the drafting group had reviewed it in accordance with the decision taken previously on whether double-side skin construction should be mandatory for new bulk carriers, bearing also in mind that the text of regulation XII/12 (Hold, ballast and dry space water ingress alarms) and regulation XII/13 (Availability of pumping systems), which will enter into force on 1 July 2004, would remain as adopted by MSC 76.

Standards and criteria for side structures

5.21 The Committee approved in principle the draft MSC resolution on Standards and criteria for side structures of bulk carriers of single-side skin construction, contained in annex 18 to document DE 47/25, and agreed that the Standards should be made mandatory under SOLAS regulation XII/14 (Restrictions from sailing with any one hold empty). The drafting group was instructed to take this decision into account and review the draft MSC resolution with the purpose of making any necessary editorial improvements.

Restrictions applied under draft SOLAS regulation XII/14

5.22 At the request of DE 47, the Committee instructed DSC 9 to consider whether any restrictions applied under draft SOLAS regulation XII/14 should be annotated in the ship's Cargo loading manual.

Identification of a ship as a bulk carrier

5.23 In considering DE 47's request to develop clear guidance to enable the unequivocal identification of a ship as a bulk carrier, which would be footnoted under amended SOLAS regulation XII/1.1 (Definitions), the Committee noted that the guidance in question was meant for port State control purposes, where reportedly there still were serious problems when trying to identify certain ships as bulk carriers or general cargo ships, despite the various interpretations of the term "bulk carrier" adopted by the Organization and the inclusion of "bulk carrier" as a ship type in the form of relevant SOLAS safety certificates. Consequently, the Committee instructed FSI 13 to develop the clear guidance proposed by DE 47, to be footnoted under amended regulation XII/1.1.

Owners' inspections and maintenance of bulk carrier hatch covers

5.24 The Committee approved in principle the draft MSC resolution on Standards for owners' inspections and maintenance of bulk carrier hatch covers, set out in annex 19 to document DE 47/25, and agreed that the Standards should be made mandatory under SOLAS regulation XII/7.2 (Survey and maintenance of bulk carriers). The drafting group was instructed to review the draft MSC resolution with the purpose of making any necessary editorial improvements.

Longitudinal strength of bulk carriers during loading and unloading

5.25 The Committee approved, in principle, the draft MSC circular on Guidelines for assessing the longitudinal strength of bulk carriers during loading, unloading and ballast water exchange, contained in annex 20 to document DE 47/25, and referred it to the drafting group for possible editorial refinement.

5.26 In that connection, the Committee noted that the proposed Guidelines represented the DE Sub-Committee's response to the Committee's request, also made to the SLF Sub-Committee (see paragraph 5.18), regarding the provision of detailed, comprehensive and user-friendly information covering stability and longitudinal stress characteristics of the ship's hull during loading and unloading. The Secretariat was instructed to inform the SLF Sub-Committee of the action taken in this respect.

Performance standards for protective coatings

5.27 The Committee agreed to request IACS and the industry to consider developing draft performance standards for protective coatings in double-side skin spaces of bulk carriers and to submit their proposals to DE 48.

Free-fall lifeboats with float-free capability

5.28 The Committee endorsed the decision of DE 47 to keep in abeyance the part of the proposed amendments to SOLAS chapter III developed by DE 46 (DE 46/32, paragraph 28.4)

addressing the float-free capability of free-fall lifeboats for bulk carriers until the relevant technology for float-free arrangements becomes available. The part of the draft amendments addressing the carriage requirements for free-fall lifeboats would, however, be kept. The drafting group was instructed to finalize the draft amendments to SOLAS regulation III/31 taking into account the above decision.

Establishment of the Drafting Group on Bulk Carrier Safety

5.29 The Committee proceeded with the establishment of the Drafting Group on Bulk Carrier Safety, under the chairmanship of Mr. S. Assheuer (Germany), and instructed it to:

- .1 review the draft amendments to SOLAS chapter XII developed by DE 47, taking into account the relevant decisions made in plenary, in particular regarding the Committee's decision not to make double-side skin construction mandatory for new bulk carriers, and prepare a final text of the draft amendments for approval by the Committee with a view to adoption at MSC 79;
- .2 taking into consideration any relevant comments and decisions made in plenary, review, with the purpose of making editorial improvements, the following draft instruments prepared by DE 47:
 - .2.1 draft MSC resolution on Standards and criteria for side structures of bulk carriers of single-side skin construction (DE 47/25, annex 18);
 - .2.2 draft MSC resolution on Standards for owners' inspections and maintenance of bulk carrier hatch covers (DE 47/25, annex 19); and
 - .2.3 draft MSC circular on Guidelines for assessing the longitudinal strength of bulk carriers during loading, unloading and ballast water exchange (DE 47/25, annex 20); and
- .3 finalize the draft amendments to SOLAS regulation III/31 developed by DE 46 (DE 46/32, paragraph 28.4), taking into account that the requirement regarding float-free arrangements should not be included in the amendments for the time being.

Report of the drafting group

5.30 Having received the report of the drafting group (MSC 78/WP.15), the Committee approved it in general and, in particular:

- .1 approved, after making some editorial amendments to draft regulations XII/1.2 and 1.3, the proposed draft amendments to SOLAS chapter XII set out in annex 9;
- .2 approved the proposed draft amendments to SOLAS regulation III/31, set out in annex 10;
- .3 approved the draft Standards and criteria for side structures of bulk carriers of single-side skin construction, together with the associated draft MSC resolution, with a view to adoption at MSC 79, set out in annex 11;

- .4 approved the draft Standards for owners' inspections and maintenance of bulk carrier hatch covers, together with the associated draft MSC resolution, with a view to adoption at MSC 79, set out in annex 12; and
- .5 approved MSC/Circ.1108 on Guidelines for assessing the longitudinal strength of bulk carriers during loading, unloading and ballast water exchange.

5.31 Subsequently, the Committee requested the Secretary-General to circulate the draft amendments referred to in paragraphs 5.30.1 and 5.30.2 above, in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 79.

5.32 The delegation of the United Kingdom, referring to the decision reached earlier by the Committee, which that delegation respected, regarding the mandating of double-side skin construction for new bulk carriers of 150 m in length and upwards carrying cargoes having a density of 1,000 kg/m³ and above, stated its belief that the decision had removed a significant and important element from the international regulatory framework for such ships, that is, ensuring adequacy of the side shell structures. The impact of this decision on the package of linked and logical measures that had been agreed with the view of ensuring the safety of the ships and those who sail on them, would take some time to analyse. The United Kingdom Government, therefore, reserved its position regarding the approval of the draft amended SOLAS chapter XII.

6 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

General

6.1 In reviewing document MSC 78/6 (Secretariat), the Committee recalled that MSC 77, in the context of proposals made by Greece to MSC 76 concerning quality standards and strength of new buildings, considered several submissions touching upon the above subject and decided to:

- .1 forward its discussion on the proposals to the Council for its consideration at the ninetieth session in the context of the development of the Organization's Strategic Plan;
- .2 include a new appropriate item in its work programme and agenda for this session; and
- .3 invite interested Member Governments and international organizations to submit, to this session, specific proposals on goal-based standards and design philosophy in order to clarify and define their meaning.

6.2 The Committee noted that, subsequently, the Council, at its ninetieth session, had noted the decisions of MSC 77 and, at its twenty-second extraordinary session, had included a reference to the development of goal-based standards in the strategic directions for the Organization. The Committee also noted that the twenty-third session of the Assembly had resolved that the IMO would establish goal based standards for the design and construction of new ships, as reflected in resolution A.944(23), and had introduced an item on goal-based new ship construction standards in the long-term work plan of the Organization, adopted by the said resolution.

6.3 With respect to document MSC 78/6/1 (Secretariat), the Committee noted that MEPC 49 had considered documents MEPC 49/16/4 (Bahamas) and MEPC 49/16/8 (AWES) and had taken them into account in its deliberations of the proposed amendments to MARPOL Annex I. Furthermore, noting that the documents addressed a number of issues, such as structural condition, ship repair practices, quality of coatings and scantlings, which were more related to the remit of the MSC, the MEPC had invited the Committee to consider the above documents in its work from the safety point of view.

Consideration of substantive submissions

6.4 Having noted that the two related documents submitted to MEPC 49 by the Bahamas (MEPC 49/16/4) and AWES (MEPC 49/16/8) had been overtaken by events, the Committee considered the substantive documents submitted to this session by:

- .1 the Bahamas, Greece and IACS (MSC 78/6/2), presenting a proposal for the development of goal-based standards for shipbuilding, focused, for the time being, on ship structures;
- .2 Poland (MSC 78/6/3), presenting a specific concept on goal-based new ship construction standards and defining their meaning;
- .3 AWES (MSC 78/6/4), suggesting modifications to the proposal submitted in document MSC 78/6/2;
- .4 Japan (MSC 78/6/5), commenting on documents MSC 78/6/2 and MSC 78/6/3; and
- .5 France (MSC 78/6/6), proposing that the effect of fatigue on critical parts of the structure of oil tankers be taken into account.

6.5 In introducing document MSC 78/6/2, the delegation of the Bahamas indicated that the aims of the original proposal which covered the entire ship had been narrowed to concentrate on the hull and new buildings, firstly, to ensure a proper focus on the proposal's principles and secondly, to ensure that for the time being it remains within the sole purview of the Committee. The main objective was to introduce a system whereby the standards would be a measure against which ship safety could be assessed during the design and construction stages, as well as later on during its operation. The delegation of the Bahamas also outlined the proposal to divide the standard setting process into five tiers and described the general purpose of each tier. Finally, the delegation requested the Committee to establish a working group at its next session to enable the matter to be progressed further and to approve the use of document MSC 78/6/2 as a basis for further discussions on this issue.

6.6 The delegation of Japan, in introducing document MSC 78/6/5, highlighted three important points to be taken into consideration in the development of goal-based standards. Firstly, that maintenance and operation standards should be developed at the same time as design and construction standards are developed; secondly, that goal-based standards should be flexible to accommodate and encourage innovations in design and construction technology, which are constantly evolving; and thirdly, that the design life and environmental conditions should be as proposed in document MSC 78/6/2. The delegation also flagged the proposal by AWES in document MSC 78/6/4 relating to the development of a "Ship inspection and maintenance file" and a "Ship inspection and maintenance record book" as a very interesting idea. Finally, the

delegation advised the Committee, that in view of the importance of the issue of goal-based standards, which required further thorough technical review by experts, the Government of Japan was planning to host a seminar in London on 30 November 2004, immediately prior to MSC 79 and invited any interested delegations to contact the Japanese delegation for further information.

6.7 In debating the issue of goal-based new ship construction standards and the proposals presented in the above submissions, the Committee focused its consideration on:

- .1 gauging the level of support in principle for the regulatory framework presented in document MSC 78/6/2;
- .2 ascertaining that the other proposals submitted were generally compatible with those proposed in the aforementioned document; and
- .3 determining whether there was sufficient support for the establishment of a working group to deal with the issue on goal-based standards at MSC 79.

6.8 In its intervention, the delegation of Sweden:

- .1 stressed the importance of formulating standards which should not be prescriptive in nature, while at the same time, recognizing that this would not be an easy task for the Organization which had a history and tradition of developing prescriptive maritime safety regulations;
- .2 raised the issue of what constituted an acceptable level of risk, with the proviso that, at least initially, no attempt should be made to set such a level as it would be preferable to use the current level, and in future seek to raise it, if deemed necessary;
- .3 proposed that as well as discussing technical standards, maintenance and survey standards should also be considered; and
- .4 drew the attention of the Committee to the fact that, in future discussions relating to goal-based standards, the Committee should focus on setting values against which the Organization and classification societies can measure exactly what and how they regulate.

6.9 Several delegations, in addition to expressing widespread support for the intervention by the delegation of Sweden, also highlighted additional issues, such as widening the scope of materials used in ship design; safeguarding the impartiality of verification procedures; implications resulting from acceptance criteria and certification of ships; the issue of governance; who will set standards; and which sea areas would be used.

6.10 The delegation of the United Kingdom supported the view of IACS that the introduction of goal-based standards should not be seen as a decision-making tool, but rather as a philosophy or new working method and also that care should be taken to ensure that the drafting of the standards should not include vague wording or expressions, which, *inter alia*, would present difficulties when IMO reviewed the adequacy of the detailed technical standards to ensure that they satisfied the goal-based standards established by the Organization.

6.11 With regard to the proposal by Poland that recognized organizations (ROs) should be recognized by IMO, there was general consensus that the recognition of ROs should not be taken over by IMO and should remain the responsibility of the flag State. In this connection, the importance of impartial verification was emphasized.

6.12 The delegation of the Islamic Republic of Iran, while referring to its intervention on this subject at MSC 77, stated that IMO should be responsible for setting rules and standards; that goal-based standards should cover construction, maintenance and operations; and that IACS members should work as recognized organizations on behalf of Administrations. The delegation also proposed that the working group should be comprised of three groups of experts, namely; naval architects, maintenance experts from industry and operational experts from ship management companies. Finally, they suggested that the standards should include all the current standards in operation and possibly, expanded in the future.

6.13 During the debate, in view of the differing opinions regarding the goal-based regulatory framework, contained in the annex to document MSC 78/6/2, the prescriptive nature of tier I was highlighted and the importance of tier III, dealing with compliance verification was stressed. There was a view that the debate on operational and maintenance issues could be taken into consideration under tiers IV and V, while the other view, in support of document MSC 78/6/4, was expressed that these issues should be kept within the IMO instruments.

6.14 The delegation of Poland stated that goal-based standards should be separated from instruments (e.g. detailed rules, prescribed requirements, computer programs, design formula, etc.) for verification of the implementation of the standards in ship structure, which can be continuously developed.

6.15 The Chairman of the MEPC drew the Committee's attention to the work which had already been carried out by the MEPC which might be of relevance to the goal-based standards, such as the "green passport" and ship recycling and suggested that MEPC 52 should examine this issue and advise MSC 79 on how best to use its existing work. He also suggested that the working group should be a joint MSC/MEPC working group.

6.16 In summing up, the Chairman:

- .1 highlighted a number of important issues discussed by the Committee;
- .2 stated that there was general agreement on the establishment of a working group at MSC 79 and that document MSC 78/6/2 should be used as a basis for the work of the group, which should also take into account the documents submitted to this session of the Committee and the comments made in plenary;
- .3 emphasized that in its deliberations, the working group should also bear in mind environmental, human element and security issues; and
- .4 stated that, for the time being, the work should remain under the auspices of the MSC, in consultation with the sub-committees, as and when necessary, with the understanding that the MEPC will consider the issue from the environmental protection point of view and provide its contribution for discussion at the MSC and its working group.

6.17 The Committee approved the Chairman's summary and invited Member Governments and international organizations to submit relevant comments and proposals to MSC 79.

6.18 The Committee noted, with appreciation, a presentation by IACS on Goal-based standards and Common Rules for the Hull Structures of Tankers and Bulk Carriers.

7 MEASURES TO ENHANCE MARITIME SECURITY

7.1 The Committee recalled that at its seventy-sixth and seventy-seventh sessions, it had considered the outcomes of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 which was convened in December 2002 (the 2002 SOLAS Conference) and which had adopted special measures to enhance maritime security.

7.2 The Committee also recalled the Secretary-General's opening statement placing emphasis on the timely and effective implementation of the measures adopted by the 2002 SOLAS Conference; and urging the Committee to make as much progress at this session as possible to pave the way for a successful implementation of the new mandatory security measures which were expected to come into force on 1 July 2004.

7.3 The Committee noted that, following consultations between the Secretary-General and the Chairman of the Committee, MSC/Circ.1104 on Implementation of SOLAS chapter XI-2 and the ISPS Code and MSC/Circ.1106 on Implementation of SOLAS chapter XI-2 and the ISPS Code to port facilities had been issued in January and March 2004 respectively urging all parties concerned to take expeditious action to ensure the timely and effective implementation of the SOLAS and ISPS Code provisions.

7.4 The Committee recalled that the provision, to the Organization, of information in accordance with the requirements of SOLAS regulation XI-2/13 is a treaty obligation of the Contracting Governments to the 1974 SOLAS Convention (Contracting Governments) and is an essential and integral part of the measures to enhance maritime security. The Committee stressed the fact that the shipping industry expected and needed the Organization to disseminate the information set out in regulation XI-2/13 as soon as possible but, in any case, not later than 1 July 2004 so as to fulfil, in turn, its own obligations under SOLAS chapter XI-2 and the ISPS Code. As a result, the Committee strongly urged those Contracting Governments, which have not yet provided the Organization with the information required by regulation XI-2/13 to do so as soon as possible.

7.5 The Committee noted that, pursuant to the instructions of the Committee, the Secretariat has developed a web-based reporting system for the purpose of making widely available all the information which needs to be communicated to the Organization in accordance with the provisions of SOLAS regulation XI-2/13. This system forms an integral part of the Organization's Global Integrated Shipping Information System (GISIS) and it allows Contracting Governments to supply the information required by regulation XI-2/13 either by direct input over the Internet or through submission of manually completed forms. Circular letters No.2514 and No.2529 provide further details to this end. In this respect, the Committee urged those Contracting Governments which have not yet done so to notify the Secretariat of the single national contact point they have nominated to interface with the Organization for maritime security matters.

7.6 The plenary of the Committee adjourned at 16:00 hours on Monday, 17 May 2004, and, as from 16:30 hours, a presentation session took place during which a number of Contracting Governments presented their activities relating to the implementation of the special measures to enhance maritime security. The presentations of the Contracting Governments were followed by two short presentations from the Secretariat relating to the activities of the Secretariat in this respect.

7.7 The Committee considered the actions requested in documents MSC 78/7, MSC 78/7/Corr.1 and MSC 78/7/Add.1 (Secretariat) and, taking into account related documents and comments made in plenary, decided on issues of principle before referring them to the Working Group on Maritime Security (MSWG) and/or other relevant IMO bodies for further consideration and advice. In this respect, the Committee considered the relevant parts of the reports on the outcome of the consideration of the decisions of the 2002 SOLAS Conference, and of MSC 76 and MSC 77 by A 23, COMSAR 8, DSC 8, FSI 12, NAV 49 and STW 35 which had met after MSC 77.

7.8 The Committee further considered documents MSC 78/7/1 and MSC 78/7/2 and Add.1 (Secretariat), MSC 78/7/3 and MSC 78/7/7 and Corr.1 (France), MSC 78/7/4 and MSC 78/7/5 (Marshall Islands), MSC 78/7/6 (ICS *et al*), MSC 78/7/8 (Netherlands and Sweden), MSC 78/7/9 (Denmark), MSC 78/7/10 (Vanuatu), MSC 78/7/11 (United States), MSC 78/7/12 (BIMCO), MSC 78/7/13, MSC 78/7/14 and MSC 78/15/4 (ICS and ICCL), MSC 78/7/15 (Norway), MSC 78/INF.2 (United Kingdom), MSC 78/INF.3 (IAPH), MSC 78/INF.4 (Colombia), MSC 78/INF.14 (Islamic Republic of Iran); MSC 78/WP.3 (Ecuador) and MSC 78/WP.3/Add.1 (Secretariat).

OUTCOME OF THE TWENTY-THIRD SESSION OF THE ASSEMBLY

7.9 The Committee noted, in general, the various issues relating to the enhancement of maritime security, which were discussed during A 23, as reported in paragraphs 19 and 21 of document MSC 78/2/4 and in paragraphs 2 to 14 of document MSC 78/7 as amended by document MSC 78/7/Corr.1, as well as the discussions during A 23 of the progress report on review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships, submitted to A 23 by the Secretary-General in compliance with operative paragraph 6 of resolution A.924(22).

7.10 The Committee noted, in particular, that A 23 had requested:

- .1 Member Governments and the industry to take every conceivable effort to meet the entry-into-force date of 1 July 2004 of the new regulatory maritime security regime; and
- .2 Contracting Governments to supply the information on contact points for liaison between ships covered by SOLAS chapter XI-2 and the ISPS Code and port facilities not so covered, in accordance with 2002 SOLAS Conference resolution 7.

7.11 The Committee also noted that A 23 had adopted:

- .1 resolution A.955(23) entitled “Amendments to the principles on safe manning (resolution A.890(21))”;

- .2 resolution A.956(23) entitled “Amendments to the Guidelines for the onboard operational use of shipborne automatic identification systems (AIS) (resolution A.917(22))”; and
- .3 resolution A.959(23) entitled “Format and guidelines for the maintenance of the Continuous Synopsis Record (CSR)”.

7.12 The Committee was advised that the Secretariat intended to insert, in future editions of the 1974 SOLAS Convention publication, appropriate footnotes to regulation V/14.1 so as to include references to resolutions A.890(21) and A.955(23); to regulation V/19.2.4.7 so as to include references to resolutions A.917(22) and A.956(23); and to regulation XI-1/5.5.2 so as to include reference to resolution A.959(23). In addition, in future editions of the ISPS Code publication, the footnote relating to paragraph B/4.28 of the ISPS Code on manning levels will be revised accordingly so as to include a reference to resolution A.955(23).

CONTINUOUS SYNOPSIS RECORD (CSR)

7.13 The Committee further noted that A 23 had requested the Committee, through operative paragraph 4 of resolution A.959(23), to:

- .1 consider the wording of SOLAS regulation XI-1/5.5.2 with a view to incorporating the practice recommended in resolution A.911(22) regarding uniform wording in referencing to IMO instruments; and
- .2 keep the format and guidelines for the maintenance of the continuous synopsis record (CSR) under review and to amend them, as appropriate.

7.14 With respect to the consideration of the wording of SOLAS regulation XI-1/5.5.2 (operative paragraph 4(a) of resolution A.959(23)), the Committee referred the matter to the MSWG for further consideration and advice.

DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (OUTCOME OF DSC 8)

7.15 The Committee noted that DSC 8 had established a correspondence group for the purpose of pursuing the instructions of MSC 75 regarding the review, from the point of view of security, of the existing guidance material for dangerous goods, solid cargoes and containers.

7.16 The Committee also considered the fact that DSC 8 had identified a number of cargo-related IMO instruments which may need to be amended so as to include appropriate security-related provisions and had requested the Committee’s instructions regarding the review of the instruments which are relevant to the work of the DSC Sub-Committee.

7.17 The Committee decided to refer the issue raised by DSC 8 with respect to cargo-related IMO instruments which may need to be amended so as to include appropriate security-related provisions to the MSWG for further consideration and advice.

7.18 During the discussion of the issue raised by DSC 8, the Chairman recalled that operative paragraph 1 of resolution A.924(22) on Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crew and the safety of ships, directed the Committee, under the direction of the Council, to review “(any other) relevant IMO instrument under (its) scope and/or to adopt other security measures and, in the light of such a review, to

take prompt action as appropriate”. The Chairman noted that the Committee had, so far, not been engaged in any policy discussions with respect to the matter. The Committee agreed that this issue should be considered at an appropriate time in future based on proposals to be made by Member Governments.

TRAINING AND CERTIFICATION OF PERSONNEL (OUTCOME OF STW 35)

Introduction

7.19 The Committee recalled that MSC 77 (paragraph 6.82 of document MSC 77/26), in considering training and certification for maritime security, had agreed that, in the long-term, certification was required and instructed STW 35 to develop, with high priority, training and certification requirements for ship security officers (SSOs) in the longer term and to consider all possible options. The Committee further agreed to include a high priority item in the Sub-Committees’ work programme and the agenda for STW 35 on the development of training requirements for company security officers (CSOs) and port facility security officers (PFSOs) and for certification, if appropriate.

Training and certification of ship security officers

7.20 The Committee noted the work of STW 35 concerning the development of minimum mandatory training and certification requirements for ship security officers.

Continuation of the interim arrangements regarding the certification of shipboard personnel

7.21 The Committee concurred with the view of STW 35 that, until the introduction, in the STCW Convention and in the STCW Code, of mandatory training and certification requirements for ship security officers (SSOs), the interim measure, recommended by MSC 77, regarding certification of the training of shipboard personnel and, in particular, that the International Ship Security Certificate (ISSC) should be accepted as *prima facie* evidence that ship security officer and ship’s security personnel have received training in accordance with the guidance provided in paragraph B/13 of the ISPS Code (paragraphs 18 and 19 of the annex to MSC/Circ.1097), should be maintained.

7.22 The Committee agreed that the use of the term “minimum mandatory” training and certification requirements was redundant and decided that the term “minimum mandatory” should not be used.

Training and certification of company and port facility security officers

7.23 The Committee noted the discussions, during STW 35, concerning the development of mandatory training and certification requirements for company and port facility security officers.

7.24 The Committee considered the request of STW 35 to clarify and to provide guidance with respect to the instructions of MSC 77 (paragraph 6.82 of MSC 77/26) relating to the development of training and certification requirements for company and port facility security officers.

7.25 In this respect, ICS and ISF (MSC 78/15/4), commenting on the outcome of STW 35 on this issue, expressed serious reservations about the need for developing detailed competence and certification requirements for company security officers (CSOs), especially given the practical

difficulties involved and the absence of any precedent for IMO handling training of shore-based shipping company personnel. ICS and ISF suggested that there was no need to develop competence standards, examinations or certification requirements for CSOs, in view of IMO's role regarding seafarers and shore-based personnel, the existing ISPS Code requirements, Model Course 3.20 and practical difficulties involved; and that a better way to proceed would be to issue an MSC circular highlighting the existing responsibilities of companies under the ISPS Code to ensure CSOs perform their duties, and promoting IMO Model Course 3.20.

7.26 The Committee decided to instruct the STW Sub-Committee that the Committee's instructions contained in paragraph 6.82 of document MSC 77/26 should not be pursued. The STW Sub-Committee should instead develop, and submit for the consideration and approval by the Committee, guidelines on the training and certification of company security officers (CSOs). The guidelines to be developed should be concise and should take into account the duties and responsibilities of CSOs and the knowledge and training specified in parts A and B of the ISPS Code and the IMO Model Course 3.20 on company security officers. The guidelines should address, *inter alia*, issues relating to competence, knowledge, understanding and proficiencies; methods for demonstrating competence; and criteria for evaluating competence. The STW Sub-Committee was also instructed to consider whether the proposed guidelines should include any guidance with respect to any requirements, other than those relating to training, which CSOs should meet, as well as the form of certification of the training.

7.27 The Committee, having noted that no submissions had been received by STW 35, so as to enable the STW Sub-Committee to consider the issues relating to the training and certification of port facility security officers (PFSOs), decided that, at this stage, the STW Sub-Committee should not pursue the issue further.

LONG-RANGE IDENTIFICATION AND TRACKING (OUTCOME OF NAV 49 AND COMSAR 8)

Introduction

7.28 The Committee recalled that MSC 77 had recognized, with regard to the proposed new SOLAS regulation XI-2/14 (Long-range identification and tracking of ships (LRIT)), that neither NAV 49 nor COMSAR 8 had finalized the work which was assigned to them on the LRIT system, the outcome of which was to be reported to MSC 78, and agreed that it was premature to approve the incorporation of such a regulation in chapter XI-2. In addition, MSC 77 had concluded that it was also, from the procedural point of view, preferable to make any necessary amendments to the provisions of chapter XI-2 after their entry into force.

7.29 The Committee also recalled that MSC 77 had:

- .1 instructed the NAV Sub-Committee to review the modified functional requirements and draft amendments to the SOLAS Convention and to submit its comments to COMSAR 8;
- .2 instructed the COMSAR Sub-Committee to:
 - .1 consider the means of best implementing the modified functional requirements;
 - .2 finalize the draft amendment to the SOLAS Convention, taking the modified functional requirements into account;

- .3 recommend, if considered appropriate, the means for recognizing appropriate satellite systems;
 - .4 recommend, if considered appropriate, the appropriate body that could co-ordinate identification and tracking among satellite service providers; and
 - .5 submit its recommendations to MSC 78 so that the Committee could then approve the appropriate amendments to the SOLAS Convention for long-range identification and tracking of ships, with a view to adoption at MSC 79; and
- .3 established an intersessional correspondence group co-ordinated by the United States to begin discussion on the above issues and to report to COMSAR 8.

Outcome of NAV 49

7.30 The Committee noted the work of NAV 49 concerning the LRIT.

Outcome of COMSAR 8

7.31 The Committee also noted, in general, the work of COMSAR 8 on the LRIT and, in particular, the work-in-progress on the draft of the proposed new regulation for SOLAS chapter XI-2 on the LRIT and the view of COMSAR 8 that considerable work needed to be done before the COMSAR Sub-Committee will be in a position to advise the Committee on the issue of the LRIT.

7.32 The Committee, without prejudice to the consideration of the proposal by the United States (MSC 78/3/5) relating to the adoption of a proposed new SOLAS regulation XI-2/14 on the LRIT, concurred, with respect to the LRIT, with the views of COMSAR 8 that:

- .1 there was a need to develop a phased-in implementation scheme with respect to those ships to which chapter XI-2 applies;
- .2 ships operating exclusively within Sea Area A1 which are fitted with automatic identification systems (AIS) did not need to be fitted with additional equipment to provide the LRIT information;
- .3 each Administration should be able to receive the LRIT information for all the ships entitled to fly its flag irrespective of where such ships may be;
- .4 port States should be able to receive the LRIT information for the ships which have indicated to that port State their intention to enter a port facility under its jurisdiction and that the distance or the period for receiving such information should be determined by each Contracting Government;

- .5 it would be necessary to develop and agree to:
 - .1 the functional requirements which the LRIT systems have to meet;
 - .2 the criteria for the assessment of such systems;
 - .3 the security requirements to be complied with by such systems;
 - .4 the procedures for the recognition and acceptance of such systems; and
 - .5 the procedures and arrangements for the oversight of LRIT service providers;
- .6 it would be necessary to develop and agree to various security-related aspects to be complied by the LRIT service providers;
- .7 the LRIT system should be designed to ensure the integrity of the data and to prevent the intentional or accidental transmission of false information;
- .8 the provision of the LRIT should be at no cost to the ship and that the total cost of the LRIT information should be paid by the user Contracting Government to the LRIT service provider; and
- .9 the LRIT information may be provided by a Contracting Government to Search and Rescue Services,

and instructed the MSWG to consider these aspects when examining the other issues relating to the LRIT (paragraphs 7.33 and 7.39) which had been referred also to the MSWG for consideration and advice.

7.33 The Committee considered the views of COMSAR 8 with respect to the following aspects of the LRIT:

- .1 that, from the security point of view, the only information which needs to be provided by a ship is the identity of the ship, its location (latitude and longitude) and the time and date of the position; and
- .2 that the LRIT should not be interfaced with the AIS.

7.34 In this respect, the Netherlands and Sweden (MSC 78/7/8) commenting on the outcome of COMSAR 8 on the LRIT suggested that the LRIT information should also include the destination of the ship, given as UNLOCODE; the estimated time of arrival of the ship; and the types of hazardous cargo being carried. They further suggested making use of some of the information that is already available in the AIS and for interfacing the AIS with the LRIT system.

7.35 The Committee referred document MSC 78/7/8 to the MSWG for consideration and advice.

7.36 The Committee also considered the request of COMSAR 8 to clarify its position:

- .1 on the issue of the provision of the LRIT information to a coastal State by ships exercising the right of innocent passage and not intending to proceed to a port facility under the jurisdiction of a coastal State; and
- .2 in this respect, on the role of the Organization in collecting, storing and disseminating of the LRIT information,

and referred the matter to the MSWG for detailed consideration and advice.

7.37 The Committee noted that during COMSAR 8 some delegations had expressed the view that a cost benefit analysis and study needed to be undertaken before the issue of the LRIT could be pursued further. In this respect, the Committee recalled that operative paragraph 2 of the 2002 SOLAS Conference resolution 3 invited the Organization to carry out, as a matter of urgency, an impact assessment of the proposals to implement the long-range identification and tracking of ships and, if found necessary, develop and adopt appropriate performance standards and guidelines for long-range ship identification and tracking systems, and that no such study had been undertaken so far.

7.38 The Committee instructed the MSWG to consider and advise the Committee on the elements which such a study should contain so as to enable, in due course, the preparation thereof.

7.39 The Committee, when discussing the issues relating to the LRIT, decided to refer also the proposal of the United States (MSC 78/3/5), relating to the adoption of a new regulation XI-2/14 on the LRIT, to the MSWG for consideration and advice in the light of the work done by COMSAR 8 on the issue of the LRIT and in view of the discussion in plenary up to the establishment of the MSWG.

SHIP SECURITY ALERT SYSTEMS (OUTCOME OF COMSAR 8)

7.40 The Committee noted, in general, the work of COMSAR 8 relating to ship security alerts and ship security alert systems.

7.41 The Committee concurred with the establishment and maintenance, by the Secretariat, of a database to collect, compile and distribute the specific requirements of Administrations regarding ship security alerts. The database should contain the following information:

- .1 the name of the flag State;
- .2 the competent authority for ship security alerts;
- .3 the ultimate destination of ship security alert messages;
- .4 the required content fields for the ship security alert messages;
- .5 formats for the message body text;

- .6 delivery formats; and
- .7 unique test messages,

and invited Contracting Governments to submit to the Secretariat relevant details. In this respect the Committee noted that COMSAR 8 had agreed that the information which might be supplied by Administrations, if they have any additional specific requirements with respect to ship security alert systems, were not considered to be security-sensitive; and that COMSAR 8 had agreed that the database would be particularly useful to the industry in providing important flag State guidance on this matter. The Committee also agreed that the information on the database should be made publicly available through the IMO website and instructed the Secretariat to ensure that the format of the database to be developed was user-friendly.

7.42 The Committee reiterated the invitation of COMSAR 8 to those Contracting Governments that have yet to establish criteria for the delivery of ship security alerts, to do so as a matter of priority.

7.43 The Committee agreed with the view of COMSAR 8 that there was a need to develop a test message protocol for testing ship security alert systems and instructed COMSAR 9 to develop such protocols and submit them to the Committee for approval.

7.44 The Committee recalled that MSC 77, in approving the revised MSC/Circ.967, as MSC/Circ.1073 on Guidelines for maritime rescue co-ordination centres on acts of violence, had instructed COMSAR 8 to consider whether corresponding amendments needed to be made to MSC/Circ.623/Rev.3. The Committee noted that COMSAR 8, in the light of the absence of specific submissions relating to the MSC/Circ.623/Rev.3 so as to ensure consistency with the guidance given in MSC/Circ.1073, had considered it prudent not to embark on any discussion on this issue. The Committee invited those parties having an interest in the revision of MSC/Circ.623/Rev.3 to make relevant submissions to COMSAR 9 so as to enable the COMSAR Sub-Committee to consider the matter and to carry out the task assigned to it.

FALSE SECURITY ALERTS – DISTRESS/SECURITY DOUBLE ALERT

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

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

7.47 The Committee, in order to ensure the widest possible awareness of the expected consideration of the issue at MSC 79 and with a view of ensuring the submission of relevant information and data, instructed the MSWG to develop a corresponding MSC circular.

7.48 The Committee, in light of the potential consequences of a “distress/security double alert” also instructed the MSWG to consider this issue with a view to establishing the preliminary advice that could be offered, in this respect at this stage.

DIRECTIVES ON RECEIPT AND DISTRIBUTION OF SECURITY ALERTS AND INFORMATION SENT FROM SHIPS

7.49 The Committee considered the proposals of France (MSC 78/7/7 and Corr.1 (English only)), suggesting the adoption of an MSC circular aiming at providing assistance, in combination with the directives provided in MSC/Circ.1073, to governmental organizations involved in the reception, handling and internal and external distribution of ship-to-shore security alerts in accordance with the provisions of SOLAS regulation XI-2/6; and in the reception, handling, internal and external distribution and, when appropriate, the dissemination to ships of security-related information in accordance with the provisions of SOLAS regulation XI-2/7. In addition, France proposed that the Committee should consider and define the role of the competent authority designated by the Administration, in accordance with the provisions of regulation XI-2/6.2.1, and the role of the contact point provided by Contracting Governments, in accordance with the provisions of regulation XI-2/7.2.

7.50 The Committee decided to refer the proposal of France to the MSWG for further consideration and advice and instructed it to ensure that the guidance to be developed reflected the fact that a number of Contracting Governments may have already put in place corresponding arrangements.

DESIGNATION OF THE MASTER AS THE SHIP SECURITY OFFICER (OUTCOME OF FSI 12)

7.51 The Committee endorsed the conclusion of the FSI 12 that the provisions of the ISPS Code did not prevent the master from being appointed as the ship security officer, if so decided by the Administration. The Committee agreed that this did not entail any communication or reporting requirement for Administrations.

CONTROL AND COMPLIANCE MEASURES (OUTCOME OF FSI 12)

Introduction

7.52 The Committee recalled that MSC 76 had decided to include, in the FSI Sub-Committee’s work programme and in the provisional agenda for FSI 11, a high priority item on “Measures to enhance maritime security”, with a target completion date of 2004; and had also instructed FSI 11, in the context of the 2002 SOLAS Conference resolution 3 (operative paragraphs 1(b) and 1(i), respectively), to give preliminary consideration to:

- .1 the review of the Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)) and, if found necessary, to proceed with the development of appropriate amendments thereto; and

- .2 the need and, if necessary, the development of any other guidance or guidelines to ensure the global, uniform and consistent implementation of the provisions of SOLAS chapter XI-2 and part A of the ISPS Code,

and that MSC 77 took note of the outcome of FSI 11 in this respect.

7.53 The Committee also recalled that MSC 77 had decided that the outcome of the work of FSI 12 on the guidelines on PSC activities with respect to the ISPS Code should be reported to MSC 78 as an urgent matter.

7.54 The Committee noted that A 23 had recognized the need for guidelines for port State control officers in relation to the use of the Continuous Synopsis Record and had directed FSI 12 to develop appropriate guidelines for approval by MSC 78.

7.55 The Committee considered the draft MSC resolution on Control and compliance measures to enhance maritime security, prepared by FSI 12 (paragraphs 9.1 and 10.2 of, and the annex to, document MSC 78/7/Add.1).

Compatibility of the proposed guidance with regulations I/19 and XI-2/9

7.56 The Committee considered document MSC 78/7/10 submitted by Vanuatu. Vanuatu referred to the discussions, during MSC 71 (MSC 71/23, paragraphs 10.6 to 10.19), on the issue “clear grounds” *vis-à-vis* the provisions of regulation I/19; to the opinion expressed, at that time, by the Director of the Legal Affairs and External Relations Division on the issue; and to the decisions of MSC 71 on the matter; and expressed the view that paragraph 41 of the proposed Control and compliance measures to enhance maritime security, which states that “Clear grounds for further action may be established during an initial inspection in port. Examples of possible clear grounds may include, when relevant (ISPS Code paragraph B 4.33)”, was *ultra vires*. Vanuatu stated that regulation XI-2/9.1.1 clearly specifies that “Such control shall be limited to verifying that there is on board a valid International Ship Security Certificate or a valid Interim International Ship Security Certificate issued under the provisions of part A of the ISPS Code (“Certificate”) which if valid shall be accepted, unless there are clear grounds for believing that the ship is not in compliance with the requirements of this chapter or part A of the ISPS Code”. Vanuatu expressed the view that references to adopted practices cannot override this fundamental condition and the fact that the wording of regulation XI-2/9.1.1 follows that of regulation I/19 also limits the control to verification of the validity of the certificates.

7.57 After an extensive discussion, the Committee agreed with the proposal of the Chairman to amend the heading of preceding paragraph 41 of the proposed Control and compliance measures to enhance maritime security to read “Establishment of clear grounds”; to delete the first sentence, in the chapeau of paragraph 41; and to amend the second sentence of the chapeau to read “Examples of possible clear grounds under regulations XI-2/9.1 and XI-2/9.2 may include, when relevant”.

Professional profile, qualifications and training of authorized officers

7.58 The Committee considered the proposal of the United States (MSC 78/7/11) relating to the addition of specific provisions regarding to the training and qualifications of duly authorized officers in the draft guidelines on control and compliance measures to enhance maritime security.

7.59 The Committee agreed that the proposed Control and compliance measures to enhance maritime security should include provisions regarding the training and qualifications of duly authorized officers and instructed the MSWG to consider the matter further and to include corresponding provisions in the guidelines. In this respect, the MSWG was instructed to ensure that the provisions to be included in the proposed guidelines should be drafted in such a way so as to allow Contracting Governments to authorize different officers to carry out different control and compliance activities and thus affording Contracting Governments the flexibility of deploying their available resources. The MSWG was also instructed to address the issue of language; the aspect of identification documents; and the issue of contact points for verifying/confirming the identity and authority of the officers conducting control and compliance measures.

Specific comments on the proposed guidance

7.60 The Committee considered the comments and proposals submitted by Norway (MSC 78/7/15), BIMCO (MSC 78/7/12) and ICS and ICCL (MSC 78/7/13) on various aspects of the guidelines for control and compliance measures to enhance maritime security.

7.61 The Committee instructed the MSWG to consider further the issues raised in these documents, namely:

- .1 the suggestions of Norway with respect to the title and paragraph 26 of the proposed guidelines which had received wide support;
- .2 the issues raised by BIMCO with respect to the disclosure of the source and content of “reliable information” which are referred to in various parts of the proposed guidelines; and
- .3 the proposal of Japan with respect to the addition to the proposed guidelines of a list of detainable deficiencies, similar to the one which is currently included in Appendix 1 of the publication Procedures for Port State Control – 2000 Edition (resolution A.787(19) as amended by resolution A.882(21)).

Guidance and clarifications requested by FSI 12

7.62 The Committee recalled that FSI 12 had invited the Committee (paragraphs 9.3 and 10.3 of document MSC 78/7/Add.1) to provide guidance and clarification on the following issues relating to the guidance being prepared for control and compliance measures:

- .1 the requirement for individual ships to participate in exercises;
- .2 the need to include references to the AIS, ship identification number and CSR in guidance to port State control inspectors;
- .3 the need for “large crews” to display identification documents; and
- .4 the need to take into account that certain security-related provisions of SOLAS come into effect progressively after 1 July 2004.

7.63 The Committee instructed the MSWG to consider the various issues raised by FSI 12, bearing in mind the suggestions of ICS and ICCL (MSC 78/7/14) and to reflect its conclusions in this respect in the proposed guidelines for control and compliance measures to enhance maritime security.

Difficulties encountered by ships which have already implemented the ISPS Code

7.64 The Committee considered the information provided by Denmark (MSC 78/7/9) in relation to difficulties encountered by a Danish ship, that had implemented the ISPS Code early, during a visit to a port, when local officials declined to observe the security measures and procedures the ship was implementing. Denmark suggested that uniformed officials should be required to observe the security measures and procedures implemented by ships; that port States should not act in manner which prevents ships from implementing security measures early; and that these aspects should be made clear in the guidelines in relation to the control and compliance measures to enhance maritime security under consideration.

7.65 The Committee invited Member Governments to respect the security measures and procedures in place on ships which have implemented the provisions of chapter XI-2 and of the ISPS Code and to support all voluntary efforts enhance maritime security.

7.66 The Committee instructed the MSWG to consider the issues raised by Denmark (MSC 78/7/9) and to include an appropriate provision in the proposed guidelines for control and compliance measures to enhance maritime security.

IMO/ILO CODE OF PRACTICE ON SECURITY IN PORTS

7.67 The Committee recalled that the 2002 SOLAS Conference resolution 8, *inter alia*, invited the Organization and ILO to establish a joint ILO/IMO working group to undertake any further work, which may be required, on the wider issue of port security.

7.68 The Committee also recalled that MSC 77 had designated Brazil, Egypt, India, Nigeria, Panama, the Philippines, the United Kingdom and the United States as the IMO Government representatives at the Joint ILO/IMO Working Group on Port Security.

7.69 The Committee noted that the Joint ILO/IMO Working Group on Port Security had met in Geneva from 9 to 11 July 2003 to review the initial draft developed by an informal group and to adopt a draft ILO/IMO Code of practice on security in ports.

7.70 The Committee also noted that the draft ILO/IMO Code of practice on security in ports, as adopted by the Joint ILO/IMO Working Group on Port Security, had been further reviewed by a Sub-Committee of the Tripartite Meeting of Experts on Security, Safety and Health in Ports held in Geneva from 8 to 17 December 2003 and the revised draft ILO/IMO Code of practice on security in ports had been agreed. The Government representation at this tripartite meeting had comprised the eight Contracting Governments nominated by MSC 77 with further representation from China, Germany, South Africa and Spain. This Tripartite Meeting of Experts had agreed, *inter alia*, that the ILO/IMO Code of practice on security should be a distinct publication.

7.71 The Committee was informed that the ILO Governing Body, at its 289th Session (March 2004), had considered and approved for publication the resulting revised draft ILO/IMO Code of practice on security in ports, which complements the provisions of the ISPS Code with respect to security of the wider port area.

7.72 The Committee subsequently considered and approved for publication the draft ILO/IMO Code of practice on security in ports, as set out in the annex to document MSC 78/7/2.

7.73 The ILO observer advised the Committee that, in the view of the International Labour Office, the ILO/IMO Code of practice on security in ports (the IMO/ILO Code) provided useful guidelines to help to reduce the risk to ports from threats posed by unlawful acts. The IMO/ILO Code offered a valuable framework for formulating and implementing security strategies and identifying potential risks to a port's security and was intended to promote a common approach to port security. The International Labour Office had made the necessary arrangements for the publication of the ILO/IMO Code in the English, French and Spanish languages during the course of June 2004.

7.74 The Committee thanked Brazil, Egypt, India, Nigeria, Panama, the Philippines, the United Kingdom and the United States for their work in the Joint ILO/IMO Working Group on Port Security as the IMO Government representatives.

ISSUANCE OF INTERIM INTERNATIONAL SHIP SECURITY CERTIFICATES PRIOR TO 1 JULY 2004

7.75 The Committee considered the proposals of the Marshall Islands (MSC 78/7/4) regarding the issuance, prior to 1 July 2004, of Interim International Ship Security Certificates (Interim ISSCs) in the circumstances specified in section A/19.4.1 of the ISPS Code.

7.76 The delegation of the Marshall Islands referred to the provisions of the ISPS Code which permit, under strict controlled conditions, the issuance of Interim ISSCs and suggested that the circumstances (e.g. change of ownership, change of flag, new construction deliveries) which may lead to the issue of Interim ISSCs after 1 July 2004, also existed during the period leading up to 1 July 2004. In this respect they observed that whilst the 2002 SOLAS Conference resolution 6 provides for the recognition and acceptance of International Ship Security Certificates (ISSCs) issued prior to 1 July 2004 that resolution made no specific reference to the recognition and acceptance of Interim ISSCs issued prior to or on 1 July 2004. The Marshall Islands further stated that various commercial transactions, such as, for example, sale of ships leading to change of ownership or change of flag or the delivery of new buildings, would continue to occur prior to and on 1 July 2004. Thus, in the view of the Marshall Islands the issuance of Interim ISSCs, under the controlled conditions specified in the ISPS Code, prior to 1 July 2004, would assist in the orderly implementation of the ISPS Code.

7.77 The Committee, after an extensive debate and recalling the discussions of the issue during MSC 76 and the 2002 SOLAS Conference, the latter having adopted Conference resolution 6 on Early implementation of the special measures to enhance maritime security, agreed that the proposal of the Marshall Islands could not be further pursued.

INOCULATION OF SHIPS AGAINST PORT FACILITIES WITH SUBSTANDARD SECURITY

7.78 The Committee considered the proposals of the Marshall Islands (MSC 78/7/5) regarding the interim procedure to be applied by ships which comply with the requirements of chapter XI-2 and of the ISPS Code when calling at port facilities which may have not yet complied with the requirements of the special measures to enhance maritime security applicable to them.

7.79 The delegation of the Marshall Islands stated that during the implementation phase of the special measures to enhance maritime security contained in chapter XI-2 and in the ISPS Code,

there was no question that ships of all flags might call on ports where security measures were either in the process of being implemented or were non-existent. While, in the view of the Marshall Islands, significant pressure should be brought to bear on these port facilities to bring them into compliance, the fact remained that this situation was likely to exist in the short term. The Marshall Islands further expressed the view that a ship could take appropriate steps and measures to ensure its own security and, therefore, recommended the adoption (and the promulgation through an MSC circular) of interim procedures to be applied by ships which comply with the requirements of chapter XI-2 and the ISPS Code, when calling at port facilities where the security measures were either in the process of being implemented or were non-existent, so as not to put in jeopardy the security of the ship and the security of port facilities that ship subsequently visited.

7.80 After an extensive debate, the Committee instructed the MSWG to consider and advise on the guidance on the security measures and procedures to be applied:

- .1 during ship/port interface when either the ship or the port facility do not comply with the requirements of chapter XI-2 and of the ISPS Code; and
- .2 by a ship, which is required to comply with the requirements of chapter XI-2 and of the ISPS Code, when it interfaces with an FPSO or an FSU,

which the Committee might issue, in the form of an MSC circular.

SECRETARIAT ACTIVITIES TO FACILITATE THE IMPLEMENTATION OF THE ISPS CODE

7.81 The Committee noted the information provided in document MSC 78/7/1 (Secretariat) on security-related activities supported and carried out by the Maritime Safety Division of the Secretariat since the last session of the Committee.

7.82 The Committee noted, in particular, that that the Secretary-General upon taking office and in restructuring the Maritime Safety Division, created a dedicated Maritime Security Section, responsible for all aspects of the implementation of SOLAS chapter XI-2 and the ISPS Code.

PROGRESS REPORTS RELATING TO THE IMPLEMENTATION OF THE SPECIAL MEASURES TO ENHANCE MARITIME SECURITY

7.83 The Committee noted the information provided by Colombia (MSC 78/INF.4), Ecuador (MSC 78/WP.3), the Islamic Republic of Iran (MSC 78/INF.14), the United Kingdom (MSC 78/INF.2) and IAPH (MSC 78/INF.3) on the progress made in the implementation of SOLAS chapter XI-2 and the ISPS Code, updated, as appropriate, to reflect the current status.

7.84 The Committee also noted the information provided by the delegation of Yemen with respect to the actions taken by that Government in order to comply with the provisions of SOLAS chapter XI-2 and the ISPS Code. Yemen had already approved and implemented the relevant port facility security plans. That delegation also advised the Committee that Yemen had introduced a series of additional measures to enhance the security along its coast and thanked the United States for the support they had provided to Yemen in this respect.

7.85 The Committee considered document MSC 78/7/6 (ICS *et al*). ICS *et al* in their submission provided the results of a survey conducted by ICS *et al* on the implementation of the SOLAS security provisions and the ISPS Code within the shipping industry as at 1 March 2004

and highlighted concerns raised by participants in that survey. They further suggested that the Committee and, where appropriate, Contracting Governments, are asked to note the information provided and to provide information, clarification and guidance to the shipping industry and take measures to ensure that ships will not be penalised after 1 July 2004 because of failures in ISPS Code application and implementation in areas beyond their control. In addition they invited the Committee to consider establishing a mechanism for rapidly resolving conflicting interpretations of the ISPS Code, whether by Contracting Governments, the shipping and ports industries or other parties.

7.86 The AWES observer, commenting on the issues raised in paragraph 1.10 of document MSC 78/7/6 (ICS *et al*), provided the Committee the legal position of AWES with regard to the application of the provisions of SOLAS chapter XI-2 and the ISPS Code with respect to shipyards. In particular, he doubted the applicability to newbuilding yards since a ship under construction is not a SOLAS ship on international voyage and since contractual agreements could not be applied by way of analogy in public international law.

7.87 After a discussion of the issues raised in document MSC 78/7/6 (ICS *et al*), the Committee instructed the MSWG to consider and advise the Committee on:

- .1 the proposal (paragraph 3.3 of MSC 78/7/6) regarding the establishment of a mechanism for resolving conflicting interpretations of the ISPS Code; and
- .2 the proposal regarding the guidance on the issue of shipyards which the Committee may issue in the form of an MSC circular.

SEAFARERS' IDENTITY DOCUMENTS CONVENTION

7.88 The ILO observer (MSC 78/WP.3/Add.1) advised the Committee that, following the request made to ILO by the 2002 SOLAS Conference through Conference resolution 8, the General Conference of the International Labour Organization adopted, on 19 June 2003, during its 91st session, the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185). In addition, the ILO Governing Body, at its 289th session (11 to 26 March 2004), in order to facilitate the early acceptance of the ILO Convention No. 185 had selected for use the minutiae-based method for fingerprint template creation, truncation and bar code storage (PDF417 2-D bar code) and had approved document ILO SID-0002 (ILO document GB.289/7 Appendix II), embodying the standard for the fingerprint template required under item (k) of Annex I of the Convention. The new global standard will allow for the use of a "biometric template" for turning two seafarer's fingerprints into an internationally standardized 2-D bar code on the Seafarer's Identity Document. At the request of the representative of ILO, supported by the observers from ISF, ICFTU and IFSMA, the Committee urged Member States to become parties to the ILO Convention No. 185 as soon as possible, which so far had only been ratified by the Government of France.

SHORE LEAVE

7.89 The ICFTU observer, supported by the observer from IFSMA, brought to the attention of the Committee difficulties which seafarers which had recently experienced in a number of ports in relation to issues of shore leave and for joining and leaving a ship after the agreed period of service and requested the Committee to provide guidance on the interpretation of the provisions which have been included in the ISPS Code in this respect. The Committee instructed the MSWG to consider the issue and to advise the Committee on the matter.

G8 MEETING

7.90 The delegation of the United States, referring to the Communiqué issued at the end of the Meeting of G8 Justice and Home Affairs Ministers, which was held in Washington, DC on 11 May 2004, advised the Committee that the Ministers had agreed that:

“Since terrorists can exploit the vulnerabilities of international port and maritime services, co-operation is essential for the security of this crucial facilitator of trade. To address this threat, and in order, among other purposes, to provide impetus to consultation within the International Maritime Organization (IMO), we (the Ministers) agree to ask our experts to develop an auditing checklist to enable countries, should they so choose, to conduct voluntary self-audits to verify their compliance with the International Ship and Port Security (ISPS) Code. This checklist could serve as a model for harmonizing compliance regimes among IMO Contracting States and increased international co-operation through the IMO and other organizations.”

The delegation of the United States informed the Committee that once the checklist was approved it would be forwarded to the Committee for its consideration.

ISO STANDARD

7.91 The ISO observer advised the Committee that the ISO/TC8 SC11 (Intermodal and Short-Sea Shipping) Working Group had completed a major maritime security standard initiative – ISO 20858 (Publicly Available Specification) entitled “Maritime Port Facility Security Assessment and Security Plan Development”. This standard was to facilitate a consistent implementation of the ISPS Code worldwide.

ESTABLISHMENT OF THE WORKING GROUP

7.92 The Committee re-established the Maritime Security Working Group and instructed it, taking into account the relevant outcome of the Sub-Committees concerned and the decisions and comments made in plenary:

- .1 to consider and advise the Committee on:
 - .1 the wording of SOLAS regulation XI-1/5.5.2 with a view to incorporating the practice recommended in resolution A.911(22) regarding uniform wording in referencing to IMO instruments (operative paragraph 4(a) of resolution A.959(23) on Format and guidelines for the maintenance of the Continuous Synopsis Record (CSR));
 - .2 the issue raised by DSC 8 with respect to the cargo-related IMO instruments identified by DSC 8 which may need to be amended so as to include appropriate security-related provisions (paragraph 2.11 of document MSC 78/13);
 - .3 the views of COMSAR 8 on long-range identification and tracking (LRIT), as set out in paragraphs 22.2.1 to 22.2.5, 22.2.7, 22.2.8, 22.2.10 of, and the annex to, document MSC 78/7 as amended by by document MSC 78/7/Corr.1;

- .4 the views of COMSAR 8, taking into account document MSC 78/7/8, with respect to the following aspects of the LRIT:
 - .1 that, from the security point of view, the only information which needs to be provided by a ship is the identity of the ship, its location (latitude and longitude) and the time and date of the position (paragraph 22.2.6 of document MSC 78/7, as amended by document MSC 78/7/Corr.1); and
 - .2 that it should not be interfaced with the AIS (paragraph 22.2.9 of document MSC 78/7, as amended by document MSC 78/7/Corr.1);
- .5 the issue of the provision of the LRIT information to a coastal State by ships exercising the right of innocent passage and not intending to proceed to a port facility under the jurisdiction of a coastal State (paragraph 23 of document MSC 78/7, as amended by document MSC 78/7/Corr.1);
- .6 the role of the Organization in collecting, storing and disseminating the LRIT information (paragraph 23 of document MSC 78/7, as amended by document MSC 78/7/Corr.1);
- .7 the elements to be included in the impact assessment on the LRIT, bearing in mind operative paragraph 2 of 2002 SOLAS Conference resolution 3;
- .8 the proposal of the United States (MSC 78/3/5) relating to adoption of a new regulation XI-2/14 on the LRIT in the light of the work done by COMSAR 8 on the issue of the LRIT and in view of the discussions in plenary up to the establishment of the MSWG;
- .9 the proposal regarding the actions in relation to “distress/security double alerts” (paragraphs 2 and 3 of document MSC 78/7/3) with a view to establishing the preliminary advice that can be offered in this respect at this stage;
- .10 the proposal regarding the approval of an MSC circular aiming at providing assistance, to governmental organizations on matters related to regulations XI-2/6 and XI-2/7 (MSC 78/7 and MSC 78/7/Corr.1) bearing in mind the fact that a number of Contracting Governments may have already put in place corresponding arrangements;
- .11 the proposal (MSC 78/7/5) regarding the guidance which the Committee may issue in the form of an MSC circular on the security measures and procedures to be applied during ship/port interface when either the ship or the port facility do not comply with the requirements of chapter XI-2 and of the ISPS Code;
- .12 the proposal (paragraph 3.3 of document MSC 78/7/6) regarding the establishment of a mechanism for resolving conflicting interpretations of the ISPS Code;

- .13 the proposal regarding the guidance which the Committee may issue in the form of an MSC circular on the issue of shipyards;
 - .14 the proposal regarding the guidance which the Committee may issue in the form of an MSC circular on the security measures and procedures to be applied by a ship, which is required to comply with the requirements of chapter XI-2 and of the ISPS Code, when it interfaces with an FPSO or an FSU; and
 - .15 the request to provide guidance on the interpretation of the provisions of the ISPS Code relating to the ability of seafarers to go ashore for shore leave and for joining and leaving a ship after the agreed period of service;
- .2 to finalize the proposed MSC resolution on Control and compliance measures to enhance maritime security (annex to document MSC 78/7/Add.1), taking into account documents MSC 78/7/9, MSC 78/7/11, MSC 78/7/12, MSC 78/7/13, MSC 78/7/14 and MSC 78/7/15; and to submit them to the Committee for consideration and adoption; and
 - .3 to prepare and submit to the Committee for consideration and approval a draft MSC circular outlining the decision of the Committee to consider the proposals (MSC 78/7/3) in relation to “false security alerts” and “distress/security double alerts” further at MSC 79 in the light of the experience to be gained and inviting interested parties to submit information and data in relation to actual cases they might experience during the period between 1 July 2004 and 15 October 2004. In this respect, the MSWG should advise the Committee whether the information and data to be submitted needs to identify the particular ships involved in the specific incidents to be reported.

ACTION AFTER CONSIDERATION OF THE WORKING GROUP’S REPORT

7.93 Having received the report of the Maritime Security Working Group (MSWG) (MSC 78/WP.13 and Add.1), the Committee noted the actions taken on the various documents and proposals submitted and the outcome of the group’s considerations; approved the report in general; and took action as indicated in the ensuing paragraphs.

CONTINUOUS SYNOPSIS RECORD (CSR)

7.94 The Committee agreed that, although there was a need to make the format and the guidelines for the maintenance of the CSR, as detailed in resolution A.959(23), mandatory under the provisions of SOLAS regulation XI-1/5, it would not be advisable to proceed with any amendments of the provisions of regulation XI-1/5 at this stage.

7.95 The Committee decided to urge Contracting Governments to adhere to the guidance given in resolution A.959(23) until the format and the guidelines for the maintenance of the CSR are made mandatory under the provisions of regulation XI-1/5.

REVIEW OF CARGO-RELATED IMO INSTRUMENTS

7.96 The Committee agreed that, at this stage, the issue raised by DSC 8 should not be pursued further and instructed the DSC Sub-Committee to revisit the issue in accordance with paragraph 7.97 below.

7.97 The Committee instructed the various sub-committees, under their existing work programme and agenda item on “Measures to enhance maritime security”, to identify the various instruments under their responsibility, which may need to be reviewed and amended so as to include appropriate security-related provisions. In this respect, the sub-committees should bear in mind the functional requirements of the ISPS Code and in particular those relating to access control and handling of cargo. The sub-committees should expand on the need to amend each of the instruments which they will be identifying; to prioritize the work they will be suggesting and to indicate, bearing in mind their other work load and priorities, the time (number of sessions) needed to amend each of the instruments.

LONG-RANGE IDENTIFICATION AND TRACKING

Outcome of COMSAR 8

7.98 The Committee reaffirmed the endorsement of the views of COMSAR 8 referred to in paragraph 7.32 above.

LRIT parameters to be reported

7.99 The Committee endorsed the view of COMSAR 8 in respect of the LRIT information to be reported, namely that, from the security point of view, the only information which needs to be provided by a ship is the identity of the ship, its location (latitude and longitude) and the time and date of the position (paragraph 22.2.6 of document MSC 78/7, as amended by document MSC 78/7/Corr.1).

Interface of the LRIT with the AIS

7.100 The Committee endorsed the view of COMSAR 8 that the LRIT should not be interfaced with the AIS (paragraph 22.2.9 of document MSC 78/7, as amended by document MSC 78/7/Corr.1).

Provision of the LRIT information to a coastal State

7.101 The Committee noted that the Contracting Governments were not yet ready to reach an agreement on the provision of the LRIT information to a coastal State and instructed the COMSAR Sub-Committee to develop the system in such a way that it envisages three classes of users, each one of them entitled to receive different LRIT information. With respect to port States and coastal States, the criterion to be used may either be a distance off the coast of a Contracting Government or the period of time a ship may require to reach the coast of a Contracting Government.

7.102 The Committee also instructed the COMSAR Sub-Committee to ensure that the LRIT system:

- .1 is capable of being switched off on board in cases where the Administration considers that the receipt of information by another Contracting Government may compromise the safety or security of the ship or of the Administration; and
- .2 is capable of preventing a named coastal State from receiving the LRIT information, where requested by the Administration, even if the coastal State is otherwise entitled to receive that information.

The role of the Organization

7.103 The Committee noted that if the Organization was to assume any role in relation to the LRIT, there would be a need to develop and agree a legal, administrative and financial framework for its involvement which will add another layer of complexity and may even require the approval of the Council and of the Assembly. The Committee agreed that the Organization should not be involved in collecting, storing and disseminating the LRIT information.

7.104 In this respect the Committee agreed that the LRIT providers should be approved by the Committee and that Contracting Governments should be able to purchase the LRIT information directly from the approved LRIT providers. In this context, the delegation of Brazil stressed that, as suggested by COMSAR 8, the LRIT providers should be recognized by the Committee rather than approved by the Committee as suggested by the MSWG.

7.105 The Committee instructed the COMSAR Sub-Committee to develop and propose conditions which the Committee may impose on a LRIT provider when considering its approval. The Committee also instructed the COMSAR Sub-Committee to develop and propose a robust intergovernmental oversight scheme for the approved LRIT providers through which the adherence of the LRIT providers to the conditions imposed on them, at the stage of their approval, can be verified in a transparent manner to the satisfaction of all Contracting Governments.

Impact assessment

7.106 The Committee noted that the MSWG had concluded that the material available so far, on which an impact assessment may be based, is very limited and thus the possible outcomes of any impact assessment on the LRIT may be diverse and misleading and may even be disputed.

7.107 The Committee agreed that, in the light of the conclusions of the MSWG in relation to the outcomes of COMSAR 8 relating to the LRIT and on the role of the Organization in collecting, storing and disseminating the LRIT information, the conduct of the impact assessment, as suggested in operative paragraph 2 of the 2002 SOLAS Conference resolution 3 was, at this stage, not practically possible.

7.108 In this respect, however, the Committee noted that the MSWG had also agreed that if, in addition to security, the purpose of the LRIT is to be expanded to include safety and pollution prevention aspects, or if the architecture of the LRIT envisaged by COMSAR 8 is to be amended (for example in such a way to require the installation on board of dedicated equipment), then the issue of the impact assessment might need to be reconsidered.

7.109 The Committee agreed to consider further the issue of the impact assessment at MSC 79.

The proposal of the United States (document MSC 78/3/5)

7.110 The Committee noted that the delegation of the United States had advised the MSWG that document MSC 78/3/5 was submitted to MSC 78 prior to COMSAR 8. The Committee also noted that the MSWG had decided that, in the light of the discussions on the LRIT at COMSAR 8 and in plenary and since the draft regulation relating to the LRIT was included in the report of COMSAR 8 (documents COMSAR 8/18, COMSAR 8/WP.5 and MSC 78/7) and would be further discussed at COMSAR 9, the discussion of the United States paper was premature.

Other technical aspects

7.111 The Committee instructed the COMSAR Sub-Committee to consider and address the priority of the LRIT signal and the priority of the ship security alert signal.

7.112 The Committee noted that a number of delegations were putting forward proposals to expand the scope of the LRIT from being a security tool to a tool which may be used for safety and pollution prevention. The Committee agreed that it should consider the matter and should define, before COMSAR 9, the purpose and scope of the LRIT, so as to enable COMSAR 9 to proceed with its assigned work and invited interested parties to make submissions to this end for consideration by MSC 79.

FALSE SECURITY ALERTS AND DISTRESS/SECURITY DOUBLE ALERTS

7.113 The Committee approved MSC/Circ.1109 on False security alerts and distress/security double alerts.

MATTERS RELATED TO SOLAS REGULATIONS XI-2/6 AND XI-2/7

7.114 The Committee noted that the MSWG had considered the proposal regarding the adoption of an MSC circular on the receipt and distribution of security alerts and matters related to SOLAS regulations XI-2/6 and XI-2/7 (documents MSC 78/7/7 and MSC 78/7/7/Corr.1) and agreed that, bearing in mind the fact that a number of Contracting Governments may have already put in place arrangements addressing the issues raised in documents MSC 78/7/7 and MSC 78/7/7/Corr.1, it was inappropriate, at this stage, to develop such guidance.

7.115 The Committee approved MSC/Circ.1110 on Matters related to SOLAS regulations XI-2/6 and XI-2/7.

GUIDELINES FOR THE IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE

7.116 The Committee, taking into account the report of the MSWG and the report of the informal group (MSC 78/WP.19) approved MSC/Circ.1111 on Guidelines for the implementation of SOLAS chapter XI-2 and the ISPS Code, which addressed:

- .1 security measures and procedures to be applied during ship/port interface when either the ship or the port facility do not comply with the requirements of chapter XI-2 and of the ISPS Code;

- .2 security concerns;
- .3 security measures and procedures to be applied by a ship, which is required to comply with the requirements of chapter XI-2 and of the ISPS Code, when it interfaces with an FPSO or an FSU;
- .4 shipyards; and
- .5 the last ten calls at port facilities.

MECHANISM FOR RESOLVING CONFLICTING INTERPRETATIONS OF THE ISPS CODE

7.117 The Committee noted that the MSWG had considered a draft Interim Procedure for the settlement of disputes between Contracting Governments to the 1974 SOLAS Convention, regarding the application or interpretation of the provisions of SOLAS chapter XI-2 and the ISPS Code, which had been developed based on Protocol II entitled “Arbitration” of MARPOL 73, but agreed not to pursue the matter further.

7.118 The Committee:

- .1 urged those Contracting Governments which may have disputes regarding the application or interpretation of any of the provisions of chapter XI-2 or of the ISPS Code to settle the matter between themselves in an expedient manner, bearing in mind that the ultimate objective of chapter XI-2 and the ISPS Code is the enhancement of maritime security;
- .2 urged also the Contracting Governments to bring to the attention of the Committee aspects of chapter XI-2 or the ISPS Code which in their view warrant interpretation and clarification, thus enabling the Committee to consider the matter with a view to ensuring the consistent and uniform application of the special measures to enhance maritime security; and
- .3 invited those Contracting Governments which may have disputes regarding the application or interpretation of any of the provisions of chapter XI-2 or the ISPS Code to bring, if they so wish, such matters before the Committee for its consideration.

CONTROL AND COMPLIANCE MEASURES

7.119 The Committee noted that the MSWG considered the proposal of Japan with respect to the addition to the proposed guidelines of a list of detainable deficiencies, similar to the one that is currently included in Appendix 1 of the publication Procedures for Port State Control – 2000 Edition. The Committee also noted that the MSWG had supported the underlying principle that some deficiencies/non-compliances could be of such security-related nature that strong control actions, such as detention, would be warranted. However, the MSWG had advised the Committee that some delegations had expressed the view that the inclusion in the proposed guidelines of a list of detainable deficiencies/non-compliances could be interpreted as limiting the authority of a Contracting Government to expel a ship from port or to deny the entry of a ship into port, when the circumstances and the nature of the deficiencies/non-compliances so dictated. The Committee noted also that the MSWG had agreed that it would be more appropriate to consider this issue in the future based on the experiences to be gained after chapter XI-2 and the

ISPS Code enter into force. The Committee agreed that it was premature to include provisions on detainable deficiencies/non-compliances in the proposed guidelines.

7.120 The Committee adopted resolution MSC.159(78) on Interim Guidance on control and compliance measures to enhance maritime security, set out in annex 13.

7.121 The Committee agreed that there was an urgent need for an IMO Model Course for duly authorized officers.

SHORE LEAVE

7.122 The Committee approved MSC/Circ.1112 on Shore leave and access to ships under the ISPS Code.

GUIDANCE RELATING TO THE NON-SECURITY RELATED ELEMENTS OF THE 2002 SOLAS AMENDMENTS

7.123 The Committee approved MSC/Circ.1113 on Guidance to port State control officers on the non-security related elements of the 2002 SOLAS Amendments.

CONSOLIDATION AND INDEXING OF THE GUIDANCE ON MATTERS RELATING TO CHAPTER XI-2 AND THE ISPS CODE

7.124 The Committee noted that, at its previous sessions, it had adopted various guidelines (for example, MSC/Circs.1072, 1073, 1074 and 1097) on matters relating to SOLAS chapter XI-2 and the ISPS Code and was considering the adoption of further guidance on various aspects of maritime security. The Committee considered the recommendations of the MSWG regarding the consolidation of the various guidelines on maritime security, which have been issued so far, in a single document and that their indexing with reference to the provisions of chapter XI-2 and of the ISPS Code would be very useful and instructed the Secretariat to undertake this task and to issue, in due course, with the approval of the Chairman of the Committee, a consolidated MSC circular on Guidance on matters relating to SOLAS chapter XI-2 and the ISPS Code.

7.125 Following the consideration of the report of the MSWG (documents MSC 78/WP.13 and Add.1), the observer from ICS made a statement outlining their concerns on four matters, which in their view, were left unresolved:

- .1 that there is a lack of information on port security preparedness available to the shipping industry through the Organization's ISPS Code database;
- .2 that many ships will be left without ISSCs and CSRs due to lack of timely action by Administrations or their approved RSOs;
- .3 in the context of the record of a ship's last ten previous ports of call, whether a detailed security inspection of a ship will wipe "the slate clean" with regard to previous calls at non-ISPS compliant ports; and whether the list of ports of call should include those visited prior to 1 July 2004; and

- .4 that the tone of the Interim guidance on control and compliance measures to enhance maritime security emphasizes control and the imposition of penalties and makes the presumption that ships are guilty of security contravention until proven innocent.

The observer from ICS urged port States to bear in mind that the threat from ships will not undergo a transformation on 1 July: they will be the same ships, with the same crews, doing the same work after that date. He went on to state that the responsibility for the successful implementation of the security measures falls not just on ships but also on flag and port States.

7.126 The delegation of Panama and observers from ICCL and ICFTU associated themselves with the statement of the observer from ICS.

8 SHIP DESIGN AND EQUIPMENT

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

General

8.1 The Committee, recalling that MSC 77 had considered urgent matters emanating from the forty-sixth session of the Sub-Committee on Ship Design and Equipment (DE), approved, in general, the report of that session of the Sub-Committee (DE 46/32 and DE 46/32/Add.1) and took action on all remaining items (MSC 78/8) as indicated hereunder.

Interpretation of “any five-year period”

8.2 The Committee considered DE 46’s request for guidance on how to proceed with the matter of the interpretation of “any five-year period”, relating to the inspections of the outside of the ship’s bottom. Noting that FSI 11 had prepared relevant draft amendments to the 1988 SOLAS Protocol, the Committee agreed to deal with the matter when considering the report of FSI 11 (see paragraphs 10.3 to 10.8).

Large passenger ship safety

8.3 The Committee noted the discussion at DE 46 with regard to the term “time to recover” in connection with the safety of large passenger ships and considered the issue under agenda item 4 (Large passenger ship safety) (see paragraph 4.8).

SOLAS footnote relating to “warm climates”

8.4 The Committee concurred with the Sub-Committee’s view that in future publications of SOLAS, in any relevant chapter III regulation using the expression “warm climates”, a footnote referring to MSC/Circ.1046 on Guidelines for the assessment of thermal protection should be included and instructed the Secretariat to take necessary action.

Issue of Exemption Certificates

8.5 The Committee considered the need to update circular SLS.14/Circ.115 on Issue of Exemption Certificates under the 1974 SOLAS Convention and amendments thereto, to reflect recent amendments to chapter III and agreed to instruct the DE Sub-Committee to revise circular SLS.14/Circ.115 as necessary.

Amendments to the SPS Code

8.6 The Committee considered the need to update the Code of safety for special purpose ships (SPS Code) to reflect recent amendments to SOLAS chapter III and the adoption of the LSA Code. The Committee recalled that, since the SPS Code was adopted in 1983, many requirements of the SOLAS Convention had been amended and considerable experience had been gained in the Code's application. Therefore, the Committee considered that this might be a good opportunity for a review of the whole of the SPS Code and agreed to include a high priority item on "Review of the SPS Code", with two sessions needed to complete the item, in the work programmes of the DE (co-ordinator), COMSAR, DSC, FP, NAV and SLF Sub-Committees.

Guidelines for periodic testing of immersion suit and anti-exposure suit seams and closures

8.7 The Committee approved MSC/Circ.1114 on Guidelines for periodic testing of immersion suit and anti-exposure suit seams and closures.

Proposed amendments to SOLAS regulation II-1/45

8.8 The Committee approved the proposed draft amendments to SOLAS regulation II-1/45 concerning electrical installations in hazardous areas on board tankers, set out in annex 14, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 79.

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

8.9 The Committee considered the draft MSC circular on Guidelines on early assessment of hull damage and possible need for abandonment of bulk carriers. The Committee noted that STW 35 had endorsed the draft circular but that NAV 49 had agreed to consider it further at NAV 50. Taking into account these developments, the Committee postponed consideration of the draft circular until MSC 79, after NAV 50 would have considered it, and instructed NAV 50 to submit the draft circular, as may be amended, directly to MSC 79 for approval.

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

General

8.10 The Committee considered urgent matters referred to it (MSC 78/8/1) emanating from the forty-seventh session of the Sub-Committee (DE 47/25 and DE 47/25/Add.1) and took action as indicated hereunder.

Large passenger ship safety

8.11 The Committee recalled that the actions requested of it with regard to large passenger ship safety issues, referred to in paragraphs 5.1 to 5.6 of document MSC 78/8/1, had been dealt with under agenda item 4 (Large passenger ship safety).

Prevention of accidents in high free-fall launching

8.12 The Committee considered a draft MSC circular on Prevention of accidents in high free-fall launching of lifeboats, prepared by DE 47 as a matter of urgency in view of recent reports of injuries sustained during launches of free-fall lifeboats from heights greater than 20 m. The Committee debated the views of ICS (MSC 78/8/2) that the mandating of a work-related activity, i.e. participation in a free-fall launch, that carries with it an unacceptable risk of injury, could not be supported and the proposal of ICS to remove the references to '20 metres' and 'simulated free-fall launch' from the draft MSC circular. The Committee did not agree to the proposal and, subsequently, approved MSC/Circ.1115 on Prevention of accidents in high free-fall launching of lifeboats.

8.13 In the course of the discussion of the above proposal by ICS, the Committee noted that the aforementioned MSC circular had been developed by DE 47 on the basis of available data pertaining to accidents with lifeboats launched from heights greater than 20 m, as a short-term measure in an attempt to stem loss of life and injury among the crew engaged in high free-fall launching of lifeboats during drills and that further work will be carried out in this respect. The Committee, therefore, agreed to refer document MSC 78/8/2 (Italy) to DE 48 for consideration.

Bulk carrier safety

8.14 The Committee recalled that the actions requested of it with regard to bulk carrier safety issues, referred to in paragraphs 5.8 to 5.16 of document MSC 78/8/1, had been dealt with under agenda item 5 (Bulk carrier safety).

Terms of reference of the Sub-Committee

8.15 The Committee noted the draft terms of reference of the Sub-Committee, including the views of the Sub-Committee that all matters pertaining to SOLAS chapter III should remain under its purview and that all structural matters should be kept under its responsibility. The Committee agreed to consider them, together with the terms of reference of other sub-committees, under agenda item 23 (Application of the Committee's Guidelines).

Permanent means of access

8.16 The Committee considered the draft amendments to SOLAS regulation II-1/3-6 regarding means of access for inspections and to the associated Technical provisions for means of access for inspections, under agenda item 3 (Consideration and adoption of amendments to mandatory instruments).

9 BULK LIQUIDS AND GASES

REPORT OF THE EIGHTH SESSION OF THE SUB-COMMITTEE

General

9.1 The Committee, recalling that MSC 77 had considered urgent matters emanating from the eighth session of the Sub-Committee on Bulk Liquids and Gases (BLG) approved, in general, the report of that session of the Sub-Committee (BLG 8/18, BLG 8/18/Add.1 and BLG 8/18/Add.2) and took action on all remaining items (MSC 78/9) as indicated hereunder.

Probabilistic methodology for oil outflow analysis

9.2 The Committee noted the outcome of the work related to the probabilistic methodology for oil outflow analysis. The Committee also noted that the Revised Interim Guidelines for the approval of alternative methods of design and construction of oil tankers under regulation 13F(5) of MARPOL Annex I, as prepared by the Sub-Committee, had been adopted by MEPC 49 by resolution MEPC.110(49). The Committee further noted the draft MEPC resolution on Explanatory notes on matters related to the accidental oil outflow performance for MARPOL regulation I/21, had been approved by MEPC 49, in principle, with a view to adoption together with the revised MARPOL Annex I at a future session.

Lists of substances subject to MARPOL Annex II

9.3 In considering the Sub-Committee's proposal to instruct the Secretariat to provide data associated with the lists of substances subject to MARPOL Annex II in a format suitable for uploading into databases, the Committee noted that MEPC 49 had acknowledged that this might have cost implications and had instructed the Secretariat to provide details in this respect to both the MSC and MEPC. Having noted that the Secretariat was studying this issue with a view to making a relevant report on the cost and legal implications to MEPC 52 and MSC 79, the Committee agreed to wait for the aforementioned report prior to making a final decision on the issue.

Certificates issued under the HSSC

9.4 The Committee, recalling the previous decision that certificates issued under the HSSC should be endorsed with the words "Completion date of survey on which the certificate is based: dd/mm/yy", concurred with MEPC 49 that, wherever a date is requested in a form or a certificate, the format "dd/mm/yyyy" should be used, noting that this specifies four digits for the year.

Amendments to the IBC and IGC Codes

9.5 The Committee approved the proposed draft amendments to the IGC Code related to electrical installations, as set out in annex 15 and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 79.

9.6 The Committee also approved the proposed draft amendments to the IBC Code related to electrical installations and agreed that the above draft amendments should be incorporated into the revised IBC Code, set out in annex 16, to be adopted by MEPC 52 and MSC 79 (see paragraph 9.19).

Unified interpretations of the IBC and IGC Codes

9.7 The Committee approved MSC/Circ.1116. on Unified interpretations of the IBC and IGC Codes.

SAFETY DATA FOR THE EVALUATION OF CHEMICALS

9.8 In considering the outcome of MEPC 49 on the above issue, the Committee noted that the GESAMP/EHS Working Group had almost completed their evaluation of the hazards of those products subject to the IBC Code, enabling the ESPH Working Group to use the resultant revised GESAMP Hazard Profiles to calculate the pollution categories and ship types (MEPC 49/INF.24) to be applied under the revised MARPOL Annex II. The Committee also recognized that document MEPC 49/INF.24 also showed that the GESAMP/EHS Working Group had not been able to find sufficient data to complete one or more of columns C1, C2 or C3 of the GESAMP Hazard Profiles which relate to oral, dermal and inhalation toxicity.

9.9 The Committee further noted that, in addition, MEPC 49 had been presented with a list of products contained in document MEPC 49/INF.23, which GESAMP/EHS Working Group had been unable to evaluate sufficiently to allow the ESPH Working Group to assign pollution categories and ship types; and that MEPC 49, having considered document MEPC 49/INF.23, had urged the industry to provide the missing data. The Committee further noted that MEPC 49 had agreed that, if this data was not forthcoming, these products would not appear in the revised IBC Code, which would mean that it would not be possible to transport these chemicals in bulk after 2007.

9.10 The Committee noted that, recognizing that the missing data associated with columns C1, C2 and C3 referred to in document MEPC 49/INF.24, were related to the safety criteria adopted by the Committee to allow the carriage requirements for products to be assigned, MEPC 49 had agreed that this issue was primarily for the Committee to address.

9.11 Following discussion of the above, the Committee, having agreed to urge the chemical industry to provide the missing safety data for the products identified in document MEPC 49/INF.24 to enable the GESAMP Hazard Profiles to be completed, agreed (in line with the decision of MEPC 49, referred to in paragraph 9.9 above, that products identified in document MEPC 49/INF.24 with incomplete evaluations in columns A1, B1 and A3 of the GESAMP Hazard Profiles relating to marine pollution criteria will not be allowed to be included in the next edition of the IBC Code) that those products with missing safety properties (columns C1, C2 and C3) should not appear in the text of the revised IBC Code.

OUTCOME OF MEPC 51

9.12 The Committee considered matters emanating from MEPC 51 (MSC 78/9/1) and took action as indicated hereunder.

Revised text of the IBC Code

9.13 The Committee noted that MEPC 51, having considered the revised text of the IBC Code, as prepared by the ESPH Working Group, had approved it, as set out in the annex to document MSC 78/9/1, with a view to adoption at MEPC 52 and invited the Committee to consider this revised text of the IBC Code with a view to approval at this session.

9.14 In this context, the Chairman of the MEPC pointed out that MEPC 52 would likely adopt the revised text circulated after MEPC 51 and, if the Committee did not approve the revised text of the IBC Code at this session, then there would be two different IBC Codes in force under SOLAS and MARPOL.

9.15 In considering how best to proceed on this matter, the Committee agreed, in principle, that the revised text of the IBC Code, once adopted, should, to the extent possible, have the latest revisions, including the approved draft amendments for chapter 10 (see paragraph 9.6), which have not been incorporated into the text circulated for adoption by MEPC 52.

9.16 The Committee noted that the references to SOLAS chapter II-2 in chapter 11 of the revised text of the IBC Code are outdated and that BLG 9 would be updating the aforementioned references to refer to the regulations contained in the revised SOLAS chapter II-2 (2000 SOLAS amendments). In this regard, the delegation of Japan pointed out that chapter 11 also needed to be amended with regard to the provisions for halogenated hydrocarbon fire-extinguishing systems which are now prohibited in SOLAS chapter II-2.

9.17 The Committee considered the proposed amendments to chapter 6 (Material of construction) of the IBC Code, taking into account the concerns expressed by IACS (MEPC 51/11/5), that the proposed amendments to chapter 6 result in a lack of requirements for material and cargo compatibility and, after having considered a draft text prepared by an informal group of experts (MSC 78/WP.4), agreed to the revised text of chapter 6.

9.18 In considering matters related to the outdated fire safety references and provisions, the Committee agreed to instruct the Secretariat to update the cross-references to SOLAS chapter II-2 and remove the provisions related to halon fire-extinguishing systems, taking into account that these changes were essentially editorial in nature. This exercise would entail a number of amendments and the Committee instructed the Secretariat to submit those amendments to MEPC 52 and MSC 79 for consideration with a view to their inclusion in the final text of the amendments to the IBC Code to be adopted at MEPC 52 under the MARPOL Convention and the MSC 79 under the SOLAS Convention.

9.19 Following the above, the Committee approved the draft amendments to the IBC Code, set out in annex 16, which, *inter alia*, incorporated:

- .1 the amendments related to electrical installations (chapter 10); and
- .2 the revised text of chapter 6 (Materials of construction),

and requested the Secretary-General to circulate the draft amendments to the IBC Code, in accordance with article VIII of the SOLAS Convention, with a view to adoption at MSC 79. The Committee instructed the Secretariat to review the aforementioned draft amendments to the IBC Code to effect any editorial improvements.

9.20 Having endorsed the recommendation of MEPC 51 that the various references to 'should' be replaced by 'shall' in the revised text of the IBC Code since the Code is mandatory under both SOLAS and MARPOL, the Committee agreed to amend SOLAS regulation VII/10.1 by deleting the last sentence "For the purpose of this regulation, the requirements of the Code shall be treated as mandatory". In doing so, the Committee requested the Secretary-General to circulate the draft

amendment, set out in annex 17, in accordance with article VIII of the SOLAS Convention, for consideration with a view to adoption at MSC 79.

9.21 The delegation of the United States informed the Committee that they reserved their position on the above issue.

9.22 The Committee instructed the Secretariat to report to MEPC 52 on the above outcome.

Intersessional meetings of the ESPH Working Group

9.23 The Committee noted that MEPC 51 had agreed that the group would need only one intersessional meeting during 2004, notwithstanding the decision of MEPC 49 to hold two meetings of the ESPH Working Group in 2004, to meet from 30 August to 3 September 2004 to carry out a considerable amount of work associated with the entry into force of the revised MARPOL Annex II and that the group might need one intersessional meeting in 2005. The Committee endorsed the decision of MEPC 51 on this issue.

10 FLAG STATE IMPLEMENTATION

REPORT OF THE ELEVENTH SESSION OF THE SUB-COMMITTEE

General

10.1 The Committee, recalling that MSC 77 had considered urgent matters emanating from the eleventh session of the Sub-Committee, approved, in general, the report of that session of the Sub-Committee (FSI 11/23 and FSI 11/23/Add.1) and, having noted MEPC's relevant decisions and approval of the report of FSI 11, as outlined in document MSC 78/2/1, took action on all remaining items (MSC 78/10) as indicated hereunder.

Casualty-related matters

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

- .1 ensure that the information on reports on marine casualties and incidents are provided to the Secretariat in accordance with the reporting requirements and the revised format annexed to MSC/Circ.953-MEPC/Circ.372;
- .2 provide information on whether human element was an underlying cause of a casualty or injury;
- .3 provide the Secretariat with information on the number of fishing vessels, fishermen, total losses and lives lost, so that updated information on the matter could be incorporated in the relevant circulars;
- .4 provide the Secretariat with preliminary information on casualties derived from RCCs, in accordance with MSC/Circ.802-MEPC/Circ.332, to enable the Organization to provide its Member States with timely and accurate information on casualties; and

- .5 indicate in the reports of investigations into casualties whether fraudulent certificates had been involved,

and also endorsed the Sub-Committee's invitation to Member Governments to submit reports involving thermal oil system accidents.

Consideration of the term “any five-year period”

10.3 In considering the Sub-Committee's recommendation, concerning amendments to the 1988 SOLAS Protocol, in the context of its consideration of the term “any five-year period”, the Committee recalled that MSC 76 had considered and referred to FSI 11 and DE 46 document MSC 76/8/3 (India) proposing to amend Annexes A and B to resolution A.744(18) in order to remove perceived anomalies regarding the interpretation of the term “any five-year period” given in the Survey Guidelines under the HSSC (resolution A.746(18)), which was used when the requirements of SOLAS regulation I/10(a)(v) relating to the inspections of the outside of the ship's bottom were applied. The reason for this argument is that the conduct of such inspections, in accordance with the provisions of resolution A.744(18) could be in contravention of the intent of the term “any five-year period”, as implied in the 1988 SOLAS Protocol and as interpreted in paragraph 15.7 of the Survey guidelines under the HSSC (resolution A.746(18)).

10.4 The Committee noted that DE 46 had recognized that the concern of the delegation of India regarding the safety aspects arising out of the application of the interpretation of “any five-year period” provided in MSC/Circ.1051 might be valid but DE 46 had also acknowledged that the application of the requirements of resolution A.744(18) was at present a widely accepted practice, and the experience with the application of resolution A.744(18) had not shown any evidence that the safety of ships was compromised. The Committee also noted that FSI 11 had agreed that it would not be appropriate to amend MSC/Circ.1051 and resolution A.744(18) and that regulation I/10(a)(v) of the 1988 SOLAS Protocol with regard to the term “any five-year period” should be amended to be in line with the provisions of resolution A.744(18) and MSC/Circ.1051; and had prepared the relevant draft amendments to the 1988 SOLAS Protocol.

10.5 In the course of the debate on the issue, the delegation of India voiced its concern about the dry-docking survey procedure and periodicity based on its earlier submission MSC 76/8/3. The delegation pointed out that the amendments to regulation I/10(a)(v) of the 1988 SOLAS Protocol proposed by FSI 11, in essence, would allow to do away with two dry-dockings in any five-year period. This approach would compromise the true purpose of dry-docking surveys, as with the proposed amendments it would be possible to carry out three consecutive dry-docking surveys over an interval of three years each, as is practised by some ROs. This in turn, would result in the deferment of essential hull repairs, which should have been addressed in the fifth and eighth year, to sixth and ninth years respectively. Such a practice would be detrimental to the safety of the older bulk carriers and oil tankers. The delegation, therefore, reiterated their opinion that resolution A.744(18) should be amended, taking the above concern into account, and stated that there was no need to amend regulation I/10(a)(v) of the 1988 SOLAS Protocol.

10.6 The delegation of Norway disagreed with the views expressed by the delegation of India and indicated that paragraph 2.2.1 of the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (Annexes A and B to resolution A.744(18)) requires two inspections of the outside of the ship's bottom during the five-year period of the

Cargo Ship Safety Construction Certificate. In all cases, the maximum interval between the inspections shall not exceed 36 months. In the Norwegian delegation's opinion, this paragraph has served the ESP ships (i.e. oil tankers and bulk carriers) well for many years without evidence that the safety of these types of ships has been compromised. Hence, there is no need to amend this provision of the Guidelines. Further, it is important to have a single survey system covering all types of ships, and MSC/Circ.1051 was approved for that purpose. The delegation of Norway, therefore, strongly supported the proposed amendments to the 1988 SOLAS Protocol as agreed by FSI 11 and also stated that India's proposal might result in additional dry-dockings which are not justified by safety reasons.

10.7 In this context, the Committee noted that, in view of the explicit amendment procedure to be applied to amendments to SOLAS chapter I, it may take a long time before the amendments to the 1988 SOLAS Protocol proposed by FSI 11 come into force.

10.8 Following the discussion, the Committee, noting the complexity of the issue, agreed to instruct FSI 13 to consider the matter further, in particular, the legal and practical aspects of implementation of such amendments to the 1988 SOLAS Protocol, under its agenda item on the "Review of the survey guidelines under the HSSC (resolution A.948(23))" and to report the outcome of its consideration to MSC 80. Member Governments were invited to submit their comments and proposals to FSI 13.

Amendments to certificates regarding the date of completion of the survey

10.9 In the context of this item, the Committee considered document MSC 78/10/2 (Secretariat) containing the draft amendments to the relevant certificates regarding the date of completion of the survey, prepared by the Secretariat as instructed by the Sub-Committee, and:

- .1 approved the draft amendments to the 1974 SOLAS Convention, 1988 SOLAS Protocol, 1988 LL Protocol and the IBC, IGC, HSC, INF and ISM Codes, set out in annex 18, for consideration with a view to adoption at MSC 79, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII;
- .2 approved the draft amendments to the BCH, GC, SPS, DSC, MODU and Diving System Codes and LHNS Guidelines, set out in annex 18, and instructed the Secretariat to prepare associated draft MSC resolutions for consideration at MSC 79 when adopting the aforementioned draft amendments; and
- .3 approved the draft amendments to the 1966 LL Convention, set out in annex 18, for consideration with a view to adoption at MSC 79 and subsequent adoption by the twenty-fourth session of the Assembly, in accordance with article 29 of the 1966 LL Convention.

10.10 In respect of the draft amendments to the IBC and BCH Codes referred to in paragraph 10.9.2, the Committee instructed the Secretariat to inform MEPC 52 on the outcome of the consideration of this matter so that eventually the amendments to the IBC and BCH Codes could be adopted by the Committee and the MEPC in identical terms.

10.11 Following the intervention by the delegation of the Russian Federation, the Committee agreed that certificates annexed to the Guidelines for the design, construction and operation of passenger submersible craft (MSC/Circ.981) and the Interim Guidelines for wing-in-ground (WIG) craft (MSC/Circ.1054) should also be amended in line with the above decision and further

instructed the Secretariat to identify other non-mandatory safety-related instruments and include the appropriate draft amendments to the certificates referred to in these instruments in the annex 18 referred to in paragraph 10.9.2.

Review of the Survey Guidelines under the HSSC

10.12 The Committee concurred with the proposed methodology for future review of the Survey Guidelines under the HSSC and confirmed that the Sub-Committee should co-ordinate the review of the Guidelines so that whenever an amendment to a statutory instrument is developed by a Sub-Committee and such an amendment entails consequential amendments to the associated survey guidelines, amendments to the Guidelines should be developed by the FSI Sub-Committee under its continuous item on “Review of Survey Guidelines under the HSSC (resolution A.948(23))” before the entry into force of the amendments to a statutory instrument.

Self-assessment of flag State performance

10.13 Concerning the future work of the Sub-Committee on the self-assessment of flag State performance, the Committee noted the view of FSI 11 that, despite several attempts made, it could not identify any particular problems from the database of SAFs, which could not be disassociated from the whole process, including the forms themselves, the way in which they were completed and the review of the instructions given to the Secretariat when preparing analyses thereof.

10.14 In that context, the Committee noted the Sub-Committee’s instruction to the Secretariat to prepare, in addition to the analysis conducted in the current format, relevant anonymous extracts of the database providing information according to the three levels specified in paragraph 10.3 of document FSI 11/23. The Committee was advised that, in line with this decision, FSI 12 had conducted its work on SAFs accordingly and that the outcome thereof would be reported to MSC 79.

Measures to enhance maritime security

10.15 The Committee noted that FSI 11, in the context of maritime security-related issues, had considered the development of any guidance or guidelines to ensure the global, uniform and consistent implementation of the provisions of SOLAS chapter XI-2 or part A of the ISPS Code with regard to the possible need for special provisions to be incorporated in the Code for the Investigation of Marine Casualties and Incidents (resolution A.849(20)), in respect of precautions to be taken in the case of casualties involving security aspects. The Committee noted that FSI 11 had agreed not to pursue the matter for the time being, in the absence of specific proposals and having been unable to identify, at that session, any specific requirements.

10.16 Having noted that MSC 77 had already taken action with regard to the development of global guidelines to assist port State control (PSC) authorities in the conduct of PSC inspections relating to the ISPS Code (document MSC 77/26, paragraphs 6.23 to 6.25 and 6.103), the Committee considered the outcome of FSI 12 on the development of control and compliance measures to enhance maritime security, under agenda item 7 (Measures to enhance maritime security) (see paragraphs 7.52 to 7.66 and 7.119 to 7.121).

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

10.17 The Committee considered urgent matters emanating from FSI 12 (FSI 12/22 and MSC 78/10/1) identified by MSC 77, as well as other important matters which, in the opinion of FSI 12, merited consideration by the Committee at this session. The Committee was also advised that MEPC 51 had only considered urgent matters emanating from FSI 12 on reception facilities; the terms of reference of the FSI Sub-Committee Correspondence Group on Development of the Code for the implementation of [mandatory] IMO instruments; and illegal, unregulated and unreported (IUU) fishing and implementation of resolution A.925(22).

Urgent maritime security-related matters

10.18 The Committee considered the outcome of FSI 12 on urgent maritime security-related matters under agenda item 7 (Measures to enhance maritime security).

Revised Guidelines on the implementation of the ISM Code by Administrations

10.19 The Committee noted that the Sub-Committee, having considered submissions supporting the need for a revision of the Revised Guidelines on the implementation of the ISM Code by Administrations (resolution A.913(22)), had agreed that there was now sufficient material to undertake the revision of these Guidelines. The Committee endorsed the agreement of the FSI Sub-Committee to commence the revision of the Revised Guidelines at FSI 13 and had further agreed that document MSC 77/15/1 on the ISM Code in accident investigation should be considered in the context of that revision.

Objectives and terms of reference of the Sub-Committee

10.20 The Committee agreed that the Sub-Committee's objectives and terms of reference which were similar to those which were agreed at the time of its establishment, together with the terms of reference of other sub-committees, should be considered under agenda item 23 (Application of the Committee's Guidelines).

FSA methodology in the casualty analysis process

10.21 The Committee noted that the Sub-Committee, in reviewing the casualty analysis procedure proposed by the FSI correspondence group, had agreed that the proposed procedure (annex 2 to document FSI 12/22) was a good step forward towards improvements of organizing casualty analysis, since it basically incorporated the proposal in document FSI 11/4/1 regarding the use of formal safety assessment (FSA) methodology in casualty analysis with steps 1 and 2 of the FSA being specified for use in casualty analysis in a practical way. The Committee further noted that the Sub-Committee had agreed that the proposed process (i.e. FSA steps 1 and 2), as contained in section 3 of annex 2 to document FSI 12/22, could provide a reasonable trigger mechanism.

10.22 Noting the outcome of the MSC Correspondence Group on FSA regarding the application of the FSA methodology to the analysis of casualties, as proposed in document MSC 77/18/1, the Committee agreed to consider the outcome of FSI 12 relating to the FSA methodology under the agenda item 19 (Formal safety assessment).

Carriage requirements of the publications on board ships

10.23 The Committee noted that the Sub-Committee, having considered document MSC 77/25/6 concerning the need to standardize the carriage requirements of publications on board ships and following discussion of document FSI 12/8 providing further information on the issue, had recognized the potential advantages contained in the proposal. The Committee also noted that FSI 12 had identified some shortcomings concerning the lack of distinction between mandatory and non-mandatory publications, the impact of the carriage of national regulations and the language-related issue and had agreed to consider at FSI 13 a revised draft MSC/MEPC circular on Carriage requirements of the publications on board ships.

Code for the implementation of [mandatory] IMO instruments

10.24 The Committee noted the progress made on the development of the draft Code for the implementation of [mandatory] IMO instruments and that the draft Code was brought to the attention of the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme (see also paragraphs 10.39 to 10.43).

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

10.25 The Committee noted that the Sub-Committee, having reviewed the initiatives taken at IMO in support of the introduction of provisions applicable to the safety of fishing vessels and the training of fishermen through technical co-operation (TC) activities, had instructed the Secretariat to provide FAO with detailed information on these TC activities and invited the Committees to recommend to FAO to stimulate further co-operation between FAO, IMO and the regional fishery management organizations (RFMOs) by organizing the second meeting of the Joint IMO/FAO Working Group on IUU Fishing and Related Matters. Having noted the MEPC 51's concurrent decision, the Committee agreed to the Sub-Committee's recommendation and instructed the Secretariat to communicate with FAO accordingly.

Guidance for checking the structure of bulk carriers

10.26 In concurring with the view of the Sub-Committee concerning the urgency to provide PSC officers with guidance for the inspection of bulk carriers at the earliest convenience, the Committee approved MSC/Circ.1117 on Guidance for checking the structure of bulk carriers.

IMO unique company and registered owner identification number scheme

10.27 The Committee noted that the Sub-Committee had considered a submission by France and the United Kingdom (FSI 12/16) addressing the different aspects of the system establishing a scheme for unique IDs for company and registered owner number, similar to the IMO ship identification number scheme, in collaboration with Lloyd's Register-Fairplay (LR-F) and had developed appropriate proposals relating to the IDs scheme.

10.28 The Committee considered the aforementioned proposals by the Sub-Committee and, having agreed to the concept of a scheme for unique IDs for company and registered owner number, approved draft amendments to the 1974 SOLAS Convention, the ISM Code, the ISPS Code and resolution A.959(23), set out in annex 19, for consideration with a view to adoption at MSC 79, and requested the Secretary-General to circulate the draft amendments to the 1974 SOLAS Convention and the ISM and ISPS Codes in accordance with SOLAS article VIII.

10.29 In considering the draft MSC resolution on Adoption of the IMO unique company and registered owner identification number scheme, set out in annex 9 to document FSI 12/22 and the draft circular letter on Implementation of IMO unique company and registered owner identification number scheme, set out in annex 10 to document FSI 12/22, the Committee noted the following three options to deal with this issue at this session, proposed by the delegation of Cyprus:

- .1 to adopt the MSC resolution without reference to Lloyd's Register-Fairplay and to defer any decision on the circular letter to MSC 79;
- .2 to consider and to compare other ways of managing the system, special consideration being given to the call sign system; and
- .3 to establish an informal group to modify the circular letter, especially allowing the insertion of the following sentences:
 - .3.1 "SOLAS Contracting Governments retain the right to assign the management of the system to another organization in the future or manage it by itself";
 - .3.2 "parties have the right to charge for information forwarded to the managing organization"; and
 - .3.3 "parties shall not be liable for mistakes or errors, especially in line with the provisions of paragraph 12 of the draft circular letter".

The Committee agreed to request an informal group to consider the issue and advise the Committee as appropriate.

10.30 Having considered the report of the group (MSC 78/WP.6), the Committee took action as reflected in the ensuing paragraphs.

Proposed course of action

10.31 Concerning the course of action for the establishment of a unique IDs for company and registered owner number scheme, the Committee, having recalled its decision referred to in paragraph 10.28, agreed that the three elements supporting the introduction of the scheme, i.e. the draft resolution, the draft circular letter and the approval of the draft amendments to related instruments, needed to be finalized at this session. On such a basis, the Committee agreed to disregard the option contained in paragraph 10.29.1.

Identification of guiding principles

10.32 The Committee considered in detail those guiding principles, which could have affected the development of the scheme as proposed by FSI 12.

10.33 In that context, the Committee identified the completion of registration procedures by registers being conditional to the completion of mandatory formalities depending entirely on the intervention of a private entity, as a potential weakness of the system. However, having considered the issue of the existing responsibility of national registers of companies to issue

authentic documents providing details of the particulars of the registration of companies, the Committee agreed that the availability of such related information on the LR-F or Equasis websites, as well as from other sources other than the register itself, would not necessarily prevent continuation of issuance of certified statements by the registers. Based on the above, the Committee agreed to disregard the option contained in paragraph 10.29.3.2.

10.34 On the issue of the identification of the eligible entities for the completion of the forms requesting assignment of unique IDs by LR-F, the Committee agreed that such requests should not necessarily be handled by Administrations and that companies and registered owners should be allowed to process these requests as well.

Reference to the “designated person”

10.35 Having considered the issue of whether references to the “designated person” should appear in the forms containing the requests for company and registered owner identification numbers, the Committee agreed to delete such references since, in the case of a register owner, there was no designated person and, in the case of a company, certain jurisdictions’ data protection legislation could prohibit the public release of such information.

Insertion of the unique IDs on certificates during the voluntary period of implementation

10.36 The Committee realized that, during the implementation of the scheme on a voluntary basis, the format of the certificates required by the scheme to have the ID could not be altered in order to insert the unique IDs for companies and registered owners, as this might have detrimental consequences on the validity of the certificates themselves. The Committee, therefore, agreed that the State participating in the scheme, during the voluntary period of implementation, should insert the unique IDs at the reverse of the certificates.

Consideration of alternatives to the proposed scheme

10.37 Having discussed comparatively the IMO ship identification number scheme, involving LR-F, and the assignment of call signs, based on the interactions of Administrations and ITU, the Committee identified that there might be, in the future, the opportunity to review the way in which the system would be managed. For example, the Committee discussed the possible assignment by Administrations of the unique IDs on the basis of an agreed numbering mechanism, as well as the greater involvement of the Organization in the assignment of unique IDs, subject to the acquisition of corresponding resources. The Committee, subsequently, agreed to retain the option of a review of the system at the earliest opportunity, on the basis of the experience gained from the implementation of the scheme on a voluntary basis.

Adoption of an MSC resolution and approval of a circular letter

10.38 Following the above discussions, the Committee:

- .1 adopted resolution MSC.160(78) on Adoption of the IMO unique company and registered owner identification number scheme, set out in annex 20; and
- .2 approved Circular letter No.2554 on Implementation of the IMO unique company and registered owner identification number scheme.

OUTCOME OF THE MEETING OF THE JOINT MSC/MEPC/TCC WORKING GROUP ON THE VOLUNTARY IMO MEMBER STATE AUDIT SCHEME (JWGMSA)

10.39 The Committee considered the outcome of the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme (JWGMSA) on issues relevant to the work of the Committee and:

- .1 noted that the joint working group had agreed, in principle, that the draft Code for the implementation of [mandatory] IMO instruments should be the basis for the Audit standard; that further work is needed to ensure that the Code fully meets the requirements of the Audit standard; and that the draft Code should be evaluated against the draft [Member State] Audit Standard (part III of annex 1 to document JWGMSA 2/1); and
- .2 noted that the joint working group, in reviewing its work plan, had recognized the need for MSC 80, MEPC 53 and TCC 55 to consider the group's report on its next session and to provide comments to C 94 or C/ES.24.

10.40 In the ensuing debate, the Committee's attention was drawn to the outcome of C/ES.22 which had acknowledged that the obligations and responsibilities of Member States should be auditable in accordance with the Code for the implementation of [mandatory] IMO instruments, being developed by the Organization.

10.41 With respect to the question raised by one delegation on the relationship between the Audit standard and the draft Code *vis-à-vis* the above referred outcome of the Council, the Committee was informed by the Secretariat that the Audit standard could be developed based on the draft Code or the draft Code could be developed in such a way that it would serve as the Audit standard. Either way, consistency with the above-referred outcome of the Council could be achieved.

10.42 In that context, the Committee, having considered the relevant proposal of the joint working group agreed, noting MEPC 51's concurrent decision, to amend the terms of reference of the FSI Sub-Committee Correspondence Group on the Development of the Code for the implementation of [mandatory] IMO instruments, by adding the following item:

- “.6 adjust the draft Code, as appropriate, taking into account the draft [Member State] Audit Standard, set out in part III of annex 1 to document JWGMSA 2/1, bearing in mind that the draft Code should be the basis of the Audit standard; and”,

and instructed the Secretariat to inform the correspondence group accordingly.

10.43 The Committee noted the view expressed by the Co-ordinator of both the Council and FSI Sub-Committee's correspondence groups dealing with the Voluntary IMO Member State Audit Scheme and the Code for the implementation of [mandatory] IMO instruments, respectively, who indicated that the progress made by FSI 12 on the draft Code was such that the outcome would be taken into account and that every effort would be made in the further development of the draft Code such that it could be used as the Audit standard.

11 SAFETY OF NAVIGATION

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

General

11.1 The Committee approved, in general, the report of the forty-ninth session of the Sub-Committee on Safety of Navigation (NAV) (NAV 49/19 and MSC 78/11) and took action as indicated hereunder.

Adoption of new traffic separation schemes (TSSs)

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

- .1 “Off Ra's al kuh”;
- .2 “Approaches to the Port of Ra's al Khafji”; and
- .3 “In the Adriatic Sea”,

as set out in annex 21, for dissemination by COLREG.2/Circ.54.

Amendments to existing traffic separation schemes (TSSs)

11.3 In accordance with resolution A.858(20), the Committee adopted amendments to the following existing traffic separation schemes, including associated routeing measures:

- .1 “Between Korsoer and Sprogoe”; and
- .2 “In the Singapore Strait”,

as set out in annex 21, for dissemination by COLREG.2/Circ.54.

11.4 With respect to the proposed amendments to the existing traffic separation scheme “In the Singapore Strait”, the Committee considered a proposal by OCIMF, INTERTANKO and SIGTTO (MSC 78/11/6) suggesting that the proposed amendments to the existing traffic separation scheme “In the Singapore Strait” be referred back to the Sub-Committee in order that the Ships' Routeing Working Group may carefully reconsider the navigational and safety aspects of the amendments. The intervening period could be utilised to allow experience gained by all parties involved in the scheme from shipowners, operators and littoral States, to thoroughly investigate all aspects of the scheme before formal adoption by the Committee.

11.5 The observer from OCIMF clarified that the industry observers had not consulted the three littoral States on the proposed navigational safety and security concerns regarding the routeing system amendment.

11.6 The delegation of Indonesia stated that the proposal to amend the existing TSS in the Strait of Singapore (Main Strait) submitted by the three littoral States (Indonesia, Malaysia and Singapore) had been approved, in principle, during the forty-ninth session of the Sub-Committee on Safety of Navigation. The Indonesian delegation stated that, after the adoption of the

amendments to the TSS, new rules and procedures for ships transiting and using the amended TSS will be prepared by the littoral states. For this purpose, the three littoral States were at present expediting the process of development of new rules and procedures in line with the current international instruments on the safety of navigation and protection of the marine environment, and the result would be submitted to the IMO in due course. In this regard, the Indonesian delegation invited all interested parties to give their comments and contributions directly to the three littoral States and that it was therefore not necessary to refer the proposed amendments to the TSS back to NAV 50. This view was shared by the delegations of Malaysia and Singapore.

11.7 The Chairman was of the opinion that OCIMF, INTERTANKO and SIGTTO should have consulted with the three littoral States regarding their navigational safety and security concerns, before submitting document MSC 78/11/6.

11.8 The delegation of Indonesia further informed the Committee that the associated new rules and procedures for ships transiting and using the amended TSS "In the Singapore Strait" would be submitted to IMO before 1 December 2004.

11.9 The Committee, having adopted the proposed amendments, agreed that the amendments to the existing TSS "In the Singapore Strait" on the establishment of an anchorage area in the separation zone would take effect on 1 January 2005 at 0000 hours UTC, when the associated rules and procedures for the area would be available, as indicated by Indonesia.

Routeing measures other than TSSs

11.10 In accordance with resolution A.858(20), the Committee adopted the following routeing measures other than traffic separation schemes:

- .1 the new mandatory area to be avoided off the north-east coast of New Zealand;
- .2 the new two-way route in the Great North-East channel of the Torres Strait, off the north-east coast of Australia; and
- .3 the area to be avoided in the Paracas national reserve,

as set out in annex 22, for dissemination by SN/Circ.234.

11.11 Furthermore, with respect to the proposed new mandatory area to be avoided off the north-east coast of New Zealand, the Committee noted the clarification by New Zealand (MSC 78/INF.15) that, pursuant to Article 236 of the United Nations Convention on the Law of the Sea, 1982, it recognized that the exemption granted in respect of vessels of the Royal New Zealand Navy applied to "any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service". This exemption was also specifically provided for in section 4(1) of the New Zealand Maritime Transport Act 1994.

11.12 The Committee instructed the Secretariat to include the expanded clarification in the section "Exceptions" of the mandatory area to be avoided.

Implementation of the adopting routeing measures

11.13 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 11.2 and 11.3.1, respectively (annex 21); and the routeing measures other than traffic separation schemes referred to in paragraph 11.10 (annex 22), should be implemented six months after their adoption, i.e. on 1 December 2004 at 0000 hours UTC, except the amendment to the existing traffic separation scheme “In the Singapore Strait” referred to in paragraph 11.3.2 (annex 21), which would be implemented on 1 January 2005 at 0000 hours UTC.

Mandatory ship reporting systems

11.14 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.161(78), the proposed amendments to the existing mandatory ship reporting system “In the Torres Strait and Inner Route of the Great Barrier Reef”, off the north-east coast of Australia, as set out in annex 23, for dissemination by SN/Circ.235.

11.15 In accordance with resolution A.858(20), the Committee also adopted, by resolution MSC.162(78), the proposed amendments to the existing mandatory ship reporting system “Off Cape Finisterre”, as set out in annex 24, for dissemination by SN/Circ.235.

11.16 The Committee noted that, as instructed by MSC 77, the draft Assembly resolution on Amendments to the traffic separation scheme “Off Finisterre” had been forwarded directly to A 23, which had adopted resolution A.957(23) - Amended traffic separation scheme “Off Finisterre”. The adopted amended traffic separation scheme would be implemented at 0000 hours UTC on 1 June 2004, on which date resolution A.767(18) would be revoked. This information had already been conveyed to Member Governments through COLREG.2/Circ.53 and Corr.1.

11.17 The Committee decided that the amendments to ship reporting systems “In the Torres Strait and Inner Route of the Great Barrier Reef” and “Off Cape Finisterre” should be implemented at 0000 hours UTC on 1 December 2004 as indicated by Australia and Spain.

Places of refuge

11.18 The Committee noted that, as instructed by MSC 77, the draft Guidelines on places of refuge for ships in need of assistance, together with the associated draft Assembly resolution, as well as the draft Assembly resolution on the establishment of maritime assistance services (MAS), had been forwarded directly to A 23, which had adopted them as resolution A.949(23) – Guidelines on places of refuge for ships in need of assistance and resolution A.950(23) – maritime assistance services (MAS), respectively.

Feasibility study on mandatory carriage of VDRs on existing cargo ships

11.19 The Committee noted the outcome of the report on a feasibility study on mandatory carriage of VDRs on existing cargo ships.

Proposed amendments to SOLAS regulation V/20

11.20 The Committee considered the proposed draft amendments to SOLAS regulation V/20 and to the Record of Equipment for Cargo Ship Safety Equipment Certificate (Form E) of the 1974 SOLAS Convention, as amended, with a view to approval and subsequent adoption at MSC 79.

11.21 The Committee also considered the proposal by Japan (MSC 78/11/8) that it was necessary to provide an appropriate preparation period for retrofitting of S-VDR taking into account the large numbers of existing cargo ships and the complicated work of fitting. Japan further proposed that fitting work of S-VDRs should be concurrent with dry-docking because it would enhance reliable fitting work, especially for cabling work inside a ship's bridge.

11.22 There was general support for the Japanese proposal, however, the delegation of the United Kingdom, whilst supporting the proposed amendments, could not agree to the need of dry-docking for the fitting of S-VDRs.

11.23 The Committee approved the revised draft amendments to SOLAS regulation V/20 and to the Record of Equipment for Cargo Ship Safety Equipment Certificate (Form E) of the 1974 SOLAS Convention, as set out in annex 25, with a view to adoption at MSC 79. To this effect, the Committee invited the Secretary-General to circulate the aforementioned draft amendments in accordance with SOLAS article VIII.

Performance standards for shipborne simplified voyage data recorders (S-VDRs)

11.24 The Committee noted the following recommendations by COMSAR 8 regarding the performance standards for S-VDRs for existing ships (COMSAR 8/18, paragraphs 5.3.1.1 to 5.3.1.3 and MSC 78/16, paragraph 2.7):

- .1 EPIRBs and float-free S-VDR capsules including locating device should be considered as separate devices with differing requirements. The requirements for S-VDR capsules should be specified separately but may include reference to EPIRB Performance standards and Test standards where appropriate. This route removes any need to revise existing beacon standards and thus minimizes delay in bringing S-VDRs into service;
- .2 EPIRBs and locating devices associated with S-VDR capsules should contain coding which enables the signal to identify the specific function of the transmitting device and whether or not it needs to be recovered; and
- .3 should a manufacturer wish to combine an EPIRB and an S-VDR capsule within a single unit this should be allowed. However, this unit should meet all of the requirements for an EPIRB and all of the requirements for an S-VDR capsule. Maintenance, test specifications/testing and coding of such a device would require special attention and the relevant performance standards may need to be revised.

11.25 The Committee, also taking into account the comments by COMSAR 8 (COMSAR 8/18, paragraphs 5.3.2.1 and 5.3.2.2 and MSC 78/16, paragraph 2.8), adopted, in accordance with resolution A.886(21), resolution MSC.163(78) on Performance standards for shipborne simplified voyage data recorders (S-VDRs), as set out in annex 26.

Proposed amendments to the Record of Equipment for Cargo Ship Safety Equipment Certificate (Form E) referred to in the 1988 SOLAS Protocol

11.26 The Committee approved proposed amendments to the Record of Equipment for the Cargo Ship Safety Equipment Certificate (Form E) referred to in the 1988 SOLAS Protocol, set out in annex 27, with a view to adoption at MSC 79. To this effect, the Committee invited the Secretary-General to circulate the aforementioned draft amendments in accordance with SOLAS article VIII.

New and amended performance standards for navigational equipment

11.27 In accordance with the provisions of resolution A.886(21), the Committee adopted resolution MSC.164(78) on Revised performance standards for radar reflectors, as set out in annex 28.

Guidelines for the onboard operational use of shipborne automatic identification systems (AIS)

11.28 The Committee noted that, as instructed by MSC 77, the draft amendments to resolution A.917(22), along with the associated draft Assembly resolution, were forwarded directly to A 23 which adopted them by resolution A.956(23) on Amendments to the Guidelines for the onboard operational use of shipborne automatic identification systems (AIS) (resolution A.917(22)).

Guidance on the application of AIS binary messages

11.29 The Committee approved SN/Circ.236 on Guidance on the application of AIS binary messages.

11.30 The Secretariat was also instructed to bring to the attention of ITU and IALA the fact that the responsibility for the maintenance of the binary messages should rest with IMO.

Amendments to the General Provisions on Ships' Routeing

11.31 In accordance with resolution A.572(14), as amended, the Committee adopted resolution MSC.165(78) on Adoption of amendments to the General Provisions on Ships' Routeing, as set out in annex 29 for dissemination as SN/Circ.237, subject to confirmation by the Assembly.

PROVISION OF HYDROGRAPHIC SERVICES

11.32 The Committee noted that, as instructed by MSC 77, the draft Assembly resolution on Provision of hydrographic services was forwarded directly to A 23, which adopted it by resolution A.958(23).

11.33 The Committee considered a proposal by IHO (MSC 78/11/1) for the issuance of an MSC circular reminding Governments of their obligations under SOLAS regulation V/9 and informing them that the International Hydrographic Bureau could assist in examining their needs for developing or improving their hydrographic capabilities.

11.34 The Committee established a drafting group to finalize a draft text of the proposed MSC circular and, having considered the outcome thereof (MSC 78/WP.10), approved MSC/Circ.1118 on Implementation of SOLAS regulation V/9: Hydrographic services.

PERFORMANCE STANDARDS FOR MARINE TRANSMITTING MAGNETIC HEADING DEVICES (TMHDS) AND FOR MARINE TRANSMITTING HEADING DEVICES (THDS)

11.35 The Committee recalled that, by resolution MSC.116(73), it had adopted the Performance standards for marine transmitting heading devices (THDs). THDs may work on the basis of magnetic sensors, gyroscopic sensors or GNSS-sensors and the magnetic principle was, therefore, covered by that resolution. Before the adoption of resolution MSC.116(73), MSC 70 had already adopted the Performance standards for marine transmitting magnetic heading devices (TMHDS) by resolution MSC.86(70), annex 2.

11.36 The Committee considered a proposal by Germany (MSC 78/11/2), suggesting that resolution MSC.86(70), annex 2 relating to the Performance standards for marine transmitting magnetic heading devices (TMHDS) should be revoked to eliminate inconsistencies and misinterpretation and due to the fact that, presently, the magnetic principle of the THD was covered by both the aforementioned resolutions.

11.37 The Committee concurred with the proposal by Germany and adopted resolution MSC.166(78) on Application of performance standards for transmitting heading devices (THDs) to marine transmitting magnetic heading devices (TMHDS), as given in annex 30, superseding annex 2 to resolution MSC.86(70).

BRIDGE DESIGN AND EQUIPMENT AND ARRANGEMENTS

11.38 The Committee recalled that MSC 73 had adopted the Guidelines on ergonomic criteria for bridge equipment and layout (MSC/Circ.982) to assist shipowners, shipbuilders and Administrations in realizing a sufficient ergonomic design of the bridge, with the objective of improving the safety of navigation. These Guidelines had been developed to support SOLAS regulation V/15 (Principles relating to bridge design, design and arrangement of navigational systems and equipment and bridge procedures). However, differing interpretations had been encountered in implementing various requirements contained in MSC/Circ.982 among flag State Administrations, shipowners, shipbuilders and class surveyors with regard to the legal status of the circular and ambiguities of its contents.

11.39 The Committee further recalled that MSC 77 had been informed that IACS, being of the opinion that there was a need for mandatory provisions to standardize bridge arrangements, was currently developing a standard for bridge design, equipment and arrangements for compliance with SOLAS regulation V/15 and intended to submit the standard, in due course, to the Committee for consideration.

11.40 The Committee considered a proposal by IACS (MSC 78/11/3) providing details of the IACS Unified Interpretation SCI 81 on Bridge Design, Equipment Arrangements and Procedures which would be applied by IACS members from 1 January 2005 when acting as a recognized organization.

11.41 The Committee also considered a proposal by the Republic of Korea (MSC 78/11/4), providing general comments on the Guidelines on ergonomic criteria for bridge equipment and layout (MSC/Circ.982) and suggesting its revision or adoption of new guidelines for SOLAS regulation V/15.

11.42 The Committee agreed that documents MSC 78/11/3 and MSC 78/11/4 should also be considered by the Working Group on Human Element established under agenda item 18 (Role of the human element) to provide advice to the Committee and to identify any specific issues for consideration by NAV 50.

11.43 The Committee further agreed to forward documents MSC 78/11/3 (IACS) and MSC 78/11/4 (Republic of Korea) to NAV 50 for preliminary consideration, under its agenda item on "Any other business".

WORLD-WIDE RADIONAVIGATION SYSTEM - UPDATE ON THE GALILEO PROGRAM

11.44 The Committee considered document MSC 78/11/5 (European Commission) providing an update on the status of the GALILEO Program, outlining plans to propose GALILEO to IMO as a component of the World-Wide Radionavigation System (WWRNS) and describing the development of the necessary receiver performance standards to enable GALILEO to be used by the maritime sector.

11.45 The Committee noted with interest the information provided by the European Commission and agreed to forward document MSC 78/11/5 to NAV 50 for consideration under its agenda item on "World-wide radionavigation system".

PROPOSED AMENDMENTS TO SOLAS CHAPTER V – AMENDMENTS TO THE PROVISIONS ON THE FITTING OF A GYRO COMPASS

11.46 The Committee noted that the requirements of SOLAS regulation V/19.2.5.1 mandated the fitting of a gyro compass (or other means) to determine and display heading information. However, contrary to the SOLAS provisions in force prior to the 2000 Amendments, there was, presently, no requirement in SOLAS chapter V, or in other IMO instruments, mandating the carriage of a gyro repeater at the main steering position.

11.47 The Committee considered the proposal by Norway (MSC 78/11/7), suggesting amendments to SOLAS regulation V/19.2.5.1 to reintroduce the mandatory carriage of a gyro repeater (or other means) clearly readable by the helmsman at the main steering position.

11.48 The Committee endorsed the Norwegian proposal being satisfied of its functional and operational nature and approved the proposed draft amendments to SOLAS regulation V/19.2.5.1, as set out in annex 31, for consideration with a view to adoption at MSC 79. To this effect, the Committee invited the Secretary-General to circulate the aforementioned amendments in accordance with SOLAS article VIII.

WINGS FOR SHIPS RESEARCH PROJECT

11.49 The Committee noted with interest the information provided by the United Kingdom (MSC 78/INF.12) explaining how the Wings for ships research project, aiming at developing a system for delivering accurate, real time and updated weather information for ships, in particular high-speed craft, would allow significantly improved decision-making by masters and port managers and hence contribute to safety and efficiency.

12 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

General

12.1 The Committee approved, in general, the report of the forty-sixth session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 46/16 and MSC 78/12) and took action as indicated hereunder.

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

Extension of the target completion date

12.2 The Committee noted that the Sub-Committee could not finalize its work on the development of revised SOLAS chapter II-1 parts A, B and B-1, as scheduled, and agreed to extend the target completion date for this item to 2004.

Required subdivision index for cargo ships

12.3 The Committee noted that, in order to apply a single standard for the required index R to all cargo ships under the proposed formulae, as preferred by the Sub-Committee, certain ship types (e.g. some ro-ro ships and pure car carriers) would be required to meet a higher standard than that provided in SOLAS chapter II-1 for existing cargo ships (which would not comply with the Committee's instructions that the same level of safety as that provided in the current SOLAS chapter II-1 should be maintained). In considering the Sub-Committee's request to the Committee to provide further guidance on how to proceed on this matter, the Committee, recognizing that this action, which refers to cargo ships, was closely related to that concerning passenger ships, agreed to consider both requests together (see also paragraph 12.6).

Required subdivision index for passenger ships

12.4 The Committee noted that the majority of the Sub-Committee was of the opinion that the downward trend of the survivability level for larger existing passenger ships as evaluated by the current proposals was unacceptable, as the trend should be upwards for larger ships and for ships with greater number of persons on board (in which case it would not comply with the Committee's instructions that the same level of safety as that provided in the current SOLAS chapter II-1 should be maintained). As in the case of cargo ships, the Committee was requested by the Sub-Committee to provide further guidance on how to proceed with this matter.

12.5 In connection with the discrepancies highlighted in paragraphs 12.3 and 12.4 above, the Committee considered relevant submissions by:

- .1 Italy (MSC 78/12/1), requesting the Committee to assign an adequate timeframe to achieve consistency in the harmonization and confirm the concept of the equivalent level of safety, and to consider which actions are required to enforce this concept, mainly concerning passenger ships;
- .2 Japan (MSC 78/12/5), inviting the Committee to instruct the Sub-Committee to consider the compelling need and conduct an impact assessment if a single index R is applied to all cargo ships;
- .3 Norway (MSC 78/12/3), proposing that the Committee advise the Sub-Committee to proceed with its work on the revision of SOLAS chapter II-1 in line with the opinion expressed by the majority at SLF 46;
- .4 the United States (MSC 78/12/4), providing proposed instructions for the Sub-Committee regarding development of the new probabilistic damage stability regulations in SOLAS chapter II-1; and
- .5 ICCL (MSC 78/12/2), discussing issues that, in their opinion, render it premature to develop regulations for evaluation of passenger ship damage stability utilizing probabilistic methodologies, and requesting the Committee to grant an appropriate extension to enable the Sub-Committee to consider this matter further.

12.6 Following consideration of the above proposals and having debated the issues involved in depth, two main bodies of opinion emerged. There were delegations preferring to thoroughly investigate the inconsistencies identified, prior to taking a decision, although this would necessitate various sessions of the Sub-Committee and, therefore, delay the adoption of the revised chapter II-1. The majority of the delegations who spoke, though, expressed preference for a system that would offer the same high level of safety to all ships and also one that could be put into effect as soon as practicable. However, the Administrations that are currently conducting research, especially targeting large passenger ships, should continue their efforts and bring the results back to the Committee once available for consideration and possible action on the longer term.

12.7 The Committee, therefore, instructed the Sub-Committee, at its forty-seventh session, to proceed with the development of revised SOLAS chapter II-1 parts A, B and B-1, and endeavour to finalize the task at that session, so that the Committee may consider the relevant text at MSC 79 for approval and at MSC 80 with a view to adoption.

12.8 In doing so, the Committee agreed that, under the revised SOLAS chapter II-1, all cargo ships, regardless of type, should meet the same standard of survivability, even if this meant that some types, such as certain ro-ro ships and pure car carriers, would be expected to comply with a standard higher than that currently provided in SOLAS chapter II-1. Similarly, the standard of survivability of passenger ships should increase with ship size and number of persons on board, although this might also mean that the current SOLAS standard would be exceeded.

12.9 The Committee referred the documents listed in paragraph 12.5 to SLF 47, for background information, as well as to the Working Group on Large Passenger Ship Safety for consideration and possible advice to plenary. The relevant outcome of the group is reported in paragraph 4.24.

Revision of the IMO damage card

12.10 The Committee accepted the Sub-Committee's recommendation that the IMO damage card contained in annex 5 to MSC/Circ.953 be revised, and decided that the Sub-Committee should undertake this task under its work programme item on "Analysis of damage cards".

Fishing vessel safety

12.11 Having noted the progress made by the Sub-Committee on the revision of the fishing vessel Safety Code and Voluntary Guidelines, the Committee took note that the ILO had withdrawn its document (MSC 78/12/6) submitted to this session. The ILO observer stated that they did not wish to see any delay to the work on the revision of the Safety Code and Voluntary Guidelines and that both instruments, when ready, would be submitted to their Governing Body as soon as practicably possible.

Review of the Intact Stability Code

12.12 The Committee considered the Sub-Committee's request to endorse the work methodology and plan of action agreed by the Sub-Committee regarding the long-term work on the review of the Intact Stability Code and to extend the target completion date for that part of the review to 2007. However, recognizing that, under agenda item 24 (Work programme), it would consider documents MSC 78/24/1 and MSC 78/INF.5, submitted by Germany, proposing that the Intact Stability Code be re-structured and that the parts thereof containing stability criteria for the design and operation of ships be made mandatory, the Committee agreed to address the requests of the Sub-Committee in conjunction with the above documents under agenda item 24 (Work programme) (see paragraphs 24.47 to 24.49).

12.13 Having noted the Sub-Committee's view that certain parts of the Intact Stability Code should be made mandatory, the Committee agreed to take action as indicated in the previous paragraph and considered this request in conjunction with documents MSC 78/24/1 and MSC 78/INF.5, under agenda item 24 (Work programme) (see paragraphs 24.47 to 24.49).

Revision of MSC/Circ.707

12.14 The Committee concurred with the Sub-Committee's view that MSC/Circ.707 on Guidance to the master for avoiding dangerous situations in following and quartering seas should be revised and instructed it to carry out the revision work under the agenda item on "Review of the Intact Stability Code".

Review of the OSV Guidelines

12.15 At the Sub-Committee's request, the Committee agreed to transfer the co-ordinating role for the item on the review of the Guidelines for the design and construction of offshore supply vessels (OSV Guidelines) from the DE Sub-Committee to the SLF Sub-Committee, on the basis that most of the provisions in the Guidelines address intact and damage stability matters.

12.16 The Committee agreed to involve the BLG Sub-Committee in the review of the OSV Guidelines, given that the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels

(resolution A.673(16)), themselves part of the revision of the OSV Guidelines, address matters under the purview of the BLG Sub-Committee (see paragraph 24.12).

Large passenger ship safety

12.17 The Committee agreed to extend the target completion date for the item on large passenger ship safety to 2004, in view of its linkage with the ongoing work of the Sub-Committee on the development of revised SOLAS chapter II-1 parts A, B and B-1.

Load Line Unified interpretations

12.18 The Committee approved LL.3/Circ.155 on Unified interpretations of the 1966 LL Convention.

Improved loading stability information for bulk carriers

12.19 The Committee recalled that the above issue had been considered under agenda item 5 (Bulk carrier safety).

Terms of reference of the Sub-Committee

12.20 The Committee agreed that the terms of reference for the Sub-Committee, including transferring the consideration of the ships' structural strength from the DE Sub-Committee to the Sub-Committee, together with the terms of reference of other sub-committees, should be considered under agenda item 23 (Application of the Committee's Guidelines).

Interpretations of the 2000 HSC Code

12.21 The Committee noted that the Sub-Committee had agreed to proposed interpretations of the 2000 HSC Code and, following MSC 77 instructions, had requested the Secretariat to incorporate them in the relevant MSC circular already approved by MSC 77, prior to circulation. Subsequently, the agreed interpretations of the 2000 HSC Code were incorporated by the Secretariat in MSC/Circ.1102.

Gross tonnage of open-top containerships

12.22 The Committee noted that, without prejudice as to the Committee's eventual decision on the subject, the Sub-Committee had agreed in principle that the calculation of gross tonnage of open-top containerships should be addressed as soon as possible and that a relevant proposal submitted by Germany in document MSC 78/24/5 would be considered by the Committee under agenda item 24 (Work programme) (see paragraph 24.50).

13 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

REPORT OF THE EIGHTH SESSION OF THE SUB-COMMITTEE

General

13.1 The Committee approved, in general, the report of the eighth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 8/15 and MSC 78/13) and took action as stated hereunder.

Report of the E&T Group

13.2 The Committee concurred with the decisions taken by the Sub-Committee on the report of the E&T group (DSC 8/3). In particular, the Committee:

- .1 noted that, as instructed by DSC 8, the Secretariat had issued the errata and corrigenda to the IMDG Code before 1 January 2004; and
- .2 endorsed the view of the Sub-Committee that, when finalizing the proposed new chapter 1.4 of the amendment to the IMDG Code, provisions which concern training and shore-side operations should be reflected as recommendatory whilst others mandatory.

Emergency response procedures for ships carrying dangerous goods (EmS Guide)

13.3 The Committee noted that the proposed amendments to the EmS Guide had been included in the draft amendments to the IMDG Code which were considered under agenda item 3 (Consideration and adoption of the amendments to mandatory instruments).

Dangerous goods in limited quantities

13.4 The Committee concurred with the views of the Sub-Committee that issues related to limited quantities should be considered in the context of facilitating multimodal transport and further agreed that issues related to the need for identification of, and documentation for, dangerous goods in limited quantities would require detailed consideration in the context of maritime transport. The Committee also agreed that consolidation of dangerous goods in limited quantities could lead to a situation whereby considerable quantities of dangerous goods would be packed in one cargo transport unit and the consequences of such a development would require in-depth study before a firm decision was taken. The Committee noted that the views of the Sub-Committee on this subject had been conveyed to the UN Sub-Committee of experts on the transport of dangerous goods (UNSCETDG) by means of a document bearing the symbol UN/SCETG/24/INF.11.

Amendments to the IMDG Code

13.5 The Committee considered the proposed draft amendments to the IMDG Code under agenda item 3 (Consideration and adoption of the amendments to mandatory instruments).

Review of the Code of Safe Practice for Solid Bulk Cargoes (BC Code)

13.6 The Committee concurred with the decisions of the Sub-Committee regarding the revision of the schedules of the draft revised BC Code and noted that, following the approval by DSC 8, the Secretariat, as instructed by the Sub-Committee, had issued DSC/Circ.13 on Transport of ilmenite clay.

Mandatory application of the BC Code

13.7 The Committee concurred with the views of the Sub-Committee on the feasibility of making the BC Code mandatory, in whole or parts of it, and agreed to make the BC Code mandatory. The Committee also agreed to give industry an opportunity to become familiar with its new format before making it mandatory. The Committee further agreed that, in order to make the BC Code mandatory, the present Code must be transformed into a new format and chapters VI and VII of the SOLAS Convention must be amended. Therefore, the DSC Sub-Committee was requested to prepare a revised text of the BC Code and draft amendments to the SOLAS Convention.

13.8 The delegation of Brazil reserved its position on the decision of the Committee to make the BC Code mandatory.

Ballast water management: cargo-related matters

13.9 The Committee concurred with the views of the Sub-Committee regarding cargo-related aspects of the ballast water exchange in the context of the ballast water management and agreed that no further work would be needed to account for conditions of ballast water exchange in the cargo securing manual.

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

13.10 The Committee endorsed the actions taken by the Sub-Committee on issues related to the development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives, noted the progress made on the development of the Manual and agreed that the work should be continued through an intersessional correspondence group (see also paragraph 13.12).

Guidance on serious structural deficiencies in containers

13.11 The Committee noted the progress made by the Sub-Committee on the development of Guidance on serious structural deficiencies in containers and noted, in particular, the Sub-Committee's instruction to the correspondence group to finalize the guidance, taking into account the changes to the draft guidance proposed by ISO in annex 1 of DSC 9/8 and any comments including inspection or test results submitted by interested parties.

Measures to enhance maritime security

13.12 The Committee considered cargo-related IMO instruments, which may need to be amended in light of the inclusion of security measures under agenda item 7 (Measures to enhance maritime security) (see paragraphs 7.15 to 7.18, 7.96 and 7.97).

Ship/terminal improvement for bulk carriers

13.13 The Committee approved MSC/Circ.1119 on Ship/terminal interface improvement for bulk carriers.

Alternate hold loading ban for bulk carriers

13.14 The Committee considered the decision of the Sub-Committee for its preference of option III in the context of alternate hold loading ban for bulk carriers under agenda item 5 (Bulk carrier safety).

Draft terms of reference for the Sub-Committee

13.15 The Committee noted the decision of the Sub-Committee to request the Secretariat to prepare draft terms of reference of the Sub-Committee for consideration at DSC 9.

AMENDMENTS TO THE CODE OF SAFE PRACTICE FOR CARGO STOWAGE AND SECURING (CSS CODE)

13.16 The Committee noted document MSC 78/13/1 (Russian Federation) proposing to instruct the DSC Sub-Committee to amend the Code of safe practice for cargo stowage and securing, and decided to consider the document in detail under agenda item 24 (Work programme).

14 FIRE PROTECTION

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

14.1 The Committee approved, in general, the report of the forty-eighth session of the Sub-Committee on Fire Protection (FP) (FP 48/19 and MSC 78/14) and took action as indicated hereunder.

Unified interpretations of the revised SOLAS chapter II-2 and related codes and fire test procedures

14.2 The Committee noted the draft interpretation for the term “first survey” in SOLAS regulation II-2/1.2.2.2 prepared by FP 48 and also noted that FSI 12 had agreed, for approval by MSC 79, to the interpretation of this term, which appears in SOLAS chapters II-2 and V and which differs from that agreed by FP 48. The Committee decided that the interpretation of the term “first survey” in SOLAS regulation II-2/1.2.2.2 should not be included in the draft MSC circular contained in annex 1 to document FP 48/19, and having deleted it, approved MSC/Circ.1120 on Unified interpretations of SOLAS chapter II-2, the FSS Code, the FTP Code and related fire test procedures, having agreed to 1 July 2004 as their application date.

Large passenger ship safety

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

Revision of the fishing vessel Safety Code and Voluntary Guidelines

14.4 The Committee noted that the Sub-Committee had completed its work on the relevant chapters of the draft revised fishing vessel Safety Code and Voluntary Guidelines and had forwarded them to the SLF Sub-Committee for co-ordination purposes.

14.5 In this regard, the Committee also noted that the SLF Sub-Committee had been invited to include, in an appropriate annex to the fishing vessel Safety Code, references to the Fire Test Procedures Code, the Fire Safety Systems Code and the provisions of the International Standard IEC Publication 60079.

Draft amendments to the FTP Code

14.6 The Committee approved the draft amendment to the FTP Code relating to the sulphur dioxide (SO₂) gas concentration for floor coverings, as set out in annex 32, and invited the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration at MSC 79 with a view to adoption.

Review of the relevant provisions of the OSV Guidelines

14.7 The Committee noted that the Sub-Committee had completed its work on the review of the relevant provisions of the OSV Guidelines and, having recalled its decision to assign the co-ordinating role for this work to the SLF Sub-Committee, instructed the Secretariat to forward the proposed revisions to SLF 47 for co-ordination purposes.

14.8 In this context, the Committee endorsed the Sub-Committee's decision to update the fire protection references in paragraphs 3.9.1 and 3.9.2.4 of the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (resolution A.673(16)), when revising these guidelines.

Revision of the fire casualty record

14.9 The Committee noted that the Sub-Committee had completed its work on the revision of the fire casualty record and had forwarded the proposed revisions to the FSI Sub-Committee for co-ordination purposes.

Updating the Sub-Committee's terms of reference

14.10 The Committee agreed to consider the terms of reference for the Sub-Committee, together with the terms of references of other sub-committees, under agenda item 23 (Application of the Committee's Guidelines).

15 TRAINING AND WATCHKEEPING

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

General

15.1 The Committee approved, in general, the report of the thirty-fifth session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 35/19 and MSC 78/15) and took action as indicated hereunder.

Validation of model course content

15.2 The Committee approved the establishment of a validation group for new model courses developed by other Sub-Committees. The Committee also instructed the Secretariat to establish a validation panel for the validation of the GMDSS Coast Station Operator's Course (CSOC) as referred by COMSAR 8 (see paragraph 16.11).

15.3 The Committee noted with appreciation the information provided by the Secretariat on the recent development of an inter-active training CD-ROM for the existing model course 'Marine Accidents and Incident Investigations' which had been prepared for distance learning purposes and as an alternative approach to technical co-operation to include the potential use of Internet and other technological innovations.

Watchkeeping at anchor

15.4 The Committee approved STCW.7/Circ.14 on Guidance for masters on keeping a safe anchor watch.

Unlawful practices associated with certificates of competency

15.5 The Committee invited STCW Parties, which have not yet responded to the questionnaire circulated under MSC/Circ.1088 to submit data for consideration at STW 36.

15.6 The Committee approved STCW.7/Circ.15 on Data to be included in documentary evidence of training leading to the award of a certificate of competency.

Large passenger ship safety

15.7 The Committee noted the comments of the Sub-Committee on the recommendations developed by COMSAR 7 for further consideration by the Working Group on Large Passenger Ship Safety.

Measures to prevent accidents with lifeboats

15.8 The Committee approved the draft amendments to the STCW Code concerning measures to prevent accidents with lifeboats, as set out in annex 33, and requested the Secretary-General to circulate them in accordance with STCW article XII.

15.9 In this context, the Committee noted the comments of the Sub-Committee on issues raised at DE 46 on measures to prevent accidents with lifeboats, which have been submitted to DE 47 (see paragraphs 8.12 and 8.13).

Measures to enhance maritime security

15.10 The Committee recalled that it had concurred with the Sub-Committee's view that the interim measure recommended by MSC 77 regarding certification of the training of shipboard personnel should be maintained and that, until the introduction of minimum mandatory training requirements for SSOs has been achieved, the International Ship Security Certificate (ISSC) should be accepted as *prima facie* evidence that SSOs and ship's security personnel have received training in accordance with guidance provided in section B/13 of the International Ship and Port Facility Security (ISPS) Code (see paragraphs 7.19 to 7.22).

Development of competence for ratings

15.11 The Committee noted that the Sub-Committee deferred consideration of preliminary proposals for the development of competence for ratings until the outcome of the Preparatory Technical Maritime Conference of ILO would be made available and instructed the Secretariat to report the outcome of the Conference to STW 36.

15.12 The Committee, in considering the advice of the Sub-Committee that competence for ratings could be included within the STCW Convention and the request to instruct the Secretariat to convey this view to ILO for their consideration and comments, recognised that currently there were no international standards for the competence for ratings other than for able-bodied seaman.

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

15.14 The Committee noted that MSC 79, on receipt of the outcome of the respective Preparatory Technical Conference confirmation from ILO, would then be in a position to instruct STW 36 to consider the issue and the possible implications arising from the standards for training related to ratings being regulated by the Organization; and to suggest the best way forward.

Review of the implementation of STCW chapter VII

15.15 The Committee agreed with the Sub-Committee, taking into account the lack of comments and proposals received from Member Governments, that more experience would be required before the review of the implementation of STCW chapter VII could be completed; and further agreed that this item should be deleted from the agenda for the next session.

Terms of reference of the Sub-Committee

15.16 The Committee agreed that the terms of reference for the Sub-Committee, together with the terms of references of other sub-committees should be considered under agenda item 23 (Application of the Committee's Guidelines).

Training and certification of CSOs and PFSOs

15.17 The Committee considered the outcome of discussion at STW 35 on the development of training and certification of CSOs and PFSOs under agenda item 7 (Measures to enhance maritime security) (see paragraphs 7.23 to 7.27).

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

General

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

15.19 The Committee also recalled that, at subsequent sessions, the Committee had received an update with respect to the information communicated by the 82 Parties that had met the 1 August 1998 deadline and those Parties whose information was received thereafter.

15.20 The Committee further recalled that MSC 73 had agreed to deal with the Secretary-General's reports in plenary due to the limited number of working groups established at any given session (MSC 73/21, paragraph 18.38).

Progress report

15.21 The Committee noted the progress made on the evaluation of information communicated by STCW Parties as at 17 March 2003 (MSC 77/12/1), and that, at the end of MSC 76, the so-called 'white list' consisted of 71 Parties confirmed by MSC 73; 23 Parties confirmed by MSC 74; 8 Parties confirmed by the Committee's first extraordinary session; 4 Parties confirmed by MSC 75; 2 Parties confirmed by MSC 76; and 3 Parties confirmed by MSC 77, giving a total of 111 Parties, out of a total of 144 STCW Parties, as promulgated by MSC/Circ.1092.

15.22 The Committee noted also that, since the progress report of 16 February 2004 (MSC 78/15/1), the situation was that, of the outstanding 8 Parties whose reports have been communicated, the panels of competent persons had completed their initial evaluation and the relevant Parties had been requested to provide clarifications.

15.23 The Committee further noted that 51 reports of independent evaluations pursuant to regulation I/8 had been received and had been forwarded to panels of competent persons for evaluation. The present situation was that three reports had been considered by MSC 77 and 17 panels had completed their evaluation. Out of the balance, 8 panels had completed their initial evaluation and the relevant Parties had been requested to provide clarifications. Evaluation was continuing with respect to the 23 remaining Parties.

Secretary-General's report to the Committee

15.24 In introducing his report (MSC 78/WP.2 and Corr.1), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. Each report, as required by MSC/Circ.796/Rev.1, is comprised of:

- .1 the Secretary-General's report to the Committee;
- .2 a description of the procedures followed;

- .3 a summary of the conclusions reached in the form of a comparison table; and
- .4 an indication of the areas which were not applicable to the Government concerned.

15.25 The Committee was subsequently invited to consider the reports attached to document MSC 78/WP.2 and Corr.1 for the purpose of confirming that the information provided by those Governments concerned confirmed that full and complete effect was given to the provisions of the STCW Convention.

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

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

15.27 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of the two STCW Parties included in the Secretary-General's report and instructed the Secretariat to prepare a draft MSC circular (along the lines of those approved previously: MSC/Circs.978, 996, 1018, 1031, 1066 and 1092) attaching a list of Parties so far found to be giving the STCW Convention full and complete effect, including those confirmed by the current session.

15.28 With respect to the information communicated by the Cook Islands, the Committee noted that it fully complies with the requirements of the relevant parts of the Convention.

15.29 Having considered the draft MSC circular (MSC 78/WP.17), the Committee approved MSC/Circ.1121 on Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, confirmed by the Maritime Safety Committee to have communicated information which demonstrates that full and complete effect is given to the relevant provisions of the Convention, listing all the STCW Parties so far confirmed.

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

15.30 The Committee, in considering the timing of the Secretary-General's report pursuant to regulation I/8 of the STCW Convention noted that MSC 77 had already considered three such reports and agreed that a similar practice should be followed, namely to submit reports to each session of the Committee as they are completed, but to issue the 'official' IMO updated so-called 'white list' only at or after MSC 80.

Secretary-General's report

15.31 In introducing his report on Tuesday, 18 May 2004 (MSC 78/WP.2/Add.1), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. Each report, as required by MSC/Circ.997, is comprised of:

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

15.32 The Committee was subsequently invited to consider the reports attached to document MSC 78/WP.2/Add.1 for the purpose of confirming that the information provided by the STCW Parties pursuant to STCW regulation I/8 confirmed that full and complete effect was given to the provisions of the STCW Convention.

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

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

15.34 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 17 STCW Parties bearing in mind that MSC 77 had agreed that any information on the outcome of this process with respect to reports on independent evaluation required by regulation I/8, should not be promulgated until MSC 80.

APPROVAL OF COMPETENT PERSONS

15.35 The Committee approved additional competent persons nominated by Governments (MSC 78/15/2 and Add.1) and instructed the Secretariat to update MSC/Circ.797/Rev.9 accordingly and issue the updated circular as MSC/Circ.797/Rev.10.

16 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

REPORT OF THE EIGHTH SESSION OF THE SUB-COMMITTEE

General

16.1 The Committee approved, in general, the report of the eighth session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) (documents COMSAR 8/18 and MSC 78/16) and took action as indicated hereunder.

Radiocommunication matters

Adoption of the revised NAVTEX Manual

16.2 The Committee adopted the proposed revised NAVTEX Manual and approved the associated MSC/Circ.1122, having decided that the revised Manual should enter into force on 1 January 2006.

Clarification on the use of NAVTEX provisions

16.3 The Committee approved COMSAR/Circ.34 on Clarification on the use of NAVTEX B₃ B₄ characters = 00 and NAVTEX service areas.

Listening watch on VHF channel 16 by SOLAS ships

16.4 The Committee noted the Sub-Committee's view that listening watch on VHF channel 16 by SOLAS ships, while at sea, should be required and kept for foreseeable future with a view to providing:

- .1 a distress alerting and communication channel for non-SOLAS vessels; and
- .2 bridge-to-bridge communications for SOLAS ships.

MF/HF DSC test calls

16.5 The Committee approved COMSAR/Circ.35 on Recommendations on MF/HF DSC test calls to coast stations.

ITU matters

Joint IMO/ITU experts group

16.6 Having considered document MSC 78/16/3 (United Kingdom), the Committee approved the establishment of a Joint IMO/ITU experts group for preparation of an IMO position to WRC-07, with the terms of reference given in annex 3 to COMSAR 8/18, which should meet in London, United Kingdom, in June 2004, to commence the work and then to continue its activity by correspondence via e-mail.

IMO liaison statements to the ITU and IEC

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

- .1 a liaison statement concerning simplification of DSC operation to the IEC TC 80 and the ITU-R WP.8B; and
- .2 a liaison statement on Developments in maritime radiocommunication systems and technology to the ITU-R WP.8B, for consideration.

16.8 The Committee was informed by the Secretariat that the liaison statements had already been conveyed to the ITU and IEC for consideration by appropriate bodies and the outcome should be submitted to COMSAR 9.

Satellite services

Simplified voyage data recorders (S-VDRs) for existing cargo ships

16.9 The Committee recalled that the Sub-Committee's recommendations regarding S-VDRs for existing cargo ships and the proposed amendments to the draft performance standards for S-VDRs had been considered under agenda item 11 (Safety of navigation) (see paragraphs 11.24 and 11.25).

Annual testing of L-band satellite EPIRBs

16.10 The Committee approved MSC/Circ.1123 on Guidelines on annual testing of L-band satellite EPIRBs.

SAR matters

GMDSS CSOC model course

16.11 The Committee instructed the Secretariat to establish a validation panel to validate the GMDSS Coast Station Operator's Certificate (CSOC) model course in line with its decision taken under agenda item 15 (Training and watchkeeping) (see paragraph 15.2).

16.12 The Committee endorsed the Sub-Committee's action in issuing COMSAR/Circ.33 on GMDSS Coast Station Operator's Certificate (CSOC) model course in the interim.

Eleventh session of the ICAO/IMO Joint Working Group

16.13 The Committee approved the convening of the eleventh session of the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR scheduled to take place on board passenger ship "Adventure of Seas", from 19 to 26 September 2004, sailing from and returning to San Juan, Puerto Rico, United States.

Global SAR Development Advisory Group

16.14 The Committee approved the establishment and composition of the Global SAR Development Advisory Group and its terms of reference, as set out in annex 9 to COMSAR 8/18.

16.15 It was noted that the Global SAR Development Advisory Group would consist of:

- .1 the chairman of the ICAO/IMO Joint Working Group;
- .2 a representative from the ILF Secretariat;
- .3 a representative from the IMO Secretariat; and
- .4 a representative from the ICAO Secretariat,

and would provide advice to ICAO, IMO and ILF with respect to the co-ordination of the SAR development activities.

Global SAR Plan

16.16 The Committee endorsed the issue on 24 February 2004 of SAR.8/Circ.1 on Global SAR Plan, containing information on the current availability of SAR services, in loose-leaf format and with display on the IMO website.

16.17 The Committee urged Member Governments to respond to COMSAR/Circ.27 on Data format for a new combined SAR.2 and SAR.3 circular, attaching the questionnaire on the current availability of SAR services world-wide, as soon as possible if they had not already done so.

16.18 The Committee also urged Member Governments to inform the Secretary-General on the established Agreements on Search and Rescue Regions and Services in accordance with paragraph 2.1.4 of the Annex to the International Convention on Maritime Search and Rescue, 1979, as amended.

Medical assistance in SAR services

16.19 The Committee noted that the Sub-Committee had finalized the draft Guidelines on responsibility and liability issues related to the use of the emergency medical kit/bag and evaluation of its use in emergency incidents and, as authorized by MSC 77, had instructed the Secretariat to issue them as MSC/Circ.1105.

16.20 The Committee endorsed the identification of passenger ships, other than ro-ro passenger ships, which should benefit from being equipped with the emergency medical kit/bag (EMK). These are passenger ships not carrying a medical doctor on board but carrying more than 100 passengers on a route which would make the response time for a medical intervention from ashore longer than 30 minutes. The Committee authorized the Sub-Committee to amend MSC/Circ.1042 accordingly.

16.21 The Committee noted that, as instructed by MSC 77, the Sub-Committee had considered the draft Guidelines on the basic elements of a shipboard occupational health and safety programme, prepared by BLG 8, and had been of the opinion that no modifications were necessary from the radiocommunication and search and rescue point of view.

Adoption of amendments to the IAMSAR Manual

16.22 The Committee noted that the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime SAR, at its tenth session held in Torquay, United Kingdom, from 15 to 19 September 2003, had prepared draft amendments to the IAMSAR Manual which were subsequently endorsed by COMSAR 8.

16.23 In accordance with the procedures prescribed in the Annex to resolution A.894(21) and, being advised that ICAO had already approved the proposed draft amendments to the IAMSAR Manual, the Committee adopted them for dissemination by means of MSC/Circ.1124, and decided that the adopted amendments should enter into force on 1 January 2005.

Large passenger ship safety

16.24 The Committee considered the Sub-Committee's recommendations relating to large passenger ship safety under agenda item 4 (Large passenger ship safety) (see paragraphs 4.28, 4.34 to 4.36 and 4.45).

Measures to enhance maritime security

16.25 The Committee considered the Sub-Committee's view on long-range identification and tracking of ships and ship security alert system issues under agenda item 7 (Measures to enhance maritime security) (see paragraphs 7.31 to 7.39 and 7.98 to 7.112).

Revision of the forms of nuclear ship safety certificates

16.26 The Committee noted that the Sub-Committee had agreed to the draft amendments to the forms of nuclear ship safety certificates and conveyed them to the DE Sub-Committee, as co-ordinator (see also paragraphs 24.3 and 24.4).

Revised terms of reference for the Sub-Committee

16.27 The Committee agreed to consider the draft revised terms of reference for the Sub-Committee and the opinion that evacuation and all life-saving and SAR recovery matters should be within the purview of the COMSAR Sub-Committee under agenda item 23 (Application of the Committee's Guidelines).

AIS matters

16.28 The Committee recalled that MSC 77, having considered document MSC 77/10/5 (Germany and United States) proposing that the AIS be connected to the radio station's reserve power source, and taking into account comments made by several delegations, had decided that it would be premature to agree, in principle, to the proposed amendments and instructed COMSAR 8 to consider document MSC 77/10/5 from the technical point of view and advise MSC 78 accordingly.

16.29 The Committee concurred with the Sub-Committee's view that the AIS should ideally be connected through an uninterruptible power supply (UPS) to the ship's power supply as defined in SOLAS chapter II-1 and instructed NAV 50 to take into account the COMSAR Sub-Committee's view on the matter and incorporate it in the appropriate Guidelines on installation of AISs (SN/Circ.227).

Performance of GMDSS operator's certificate holders

16.30 The Committee noted the Sub-Committee's concern on the performance of GMDSS operator's certificate holders on board ships and, in this context, requested the STW Sub-Committee to further consider revalidation matters in line with the existing provisions of the STCW Code.

FOLLOW-UP TO THE 2000 FLORENCE SAR CONFERENCE

16.31 The Committee considered document MSC 78/16/1 (Secretariat) which provided, as requested by MSC 77, financial analysis, estimates and recommendations for the establishment of regional MRCCs and MRSCs in the African countries.

16.32 During the discussion on the proposal to recommend the Council to establish an International SAR Fund, the delegation of Kenya informed the Committee of their Government's activities in establishing the MRCC and that the construction of the MRCC building in Mombasa had been completed at a cost of Ksh 15,000,000.

16.33 The delegation of Tanzania informed the Committee that the construction of the MRSC building in Dar-es-Salaam had reached the stage of tender.

16.34 The Committee noted that the Governments of Kenya, the Seychelles and Tanzania were also in the process of acquiring the communication equipment and training of the personnel to operate and maintain the centres.

16.35 The delegation of Sierra Leone pointed out that studies concerning the need for SAR/GMDSS facilities had been completed and that further steps should now be taken from the funding/establishment point of view.

16.36 The delegation of South Africa confirmed their Government's decision on the establishment, operation and management of a regional MRCC and were looking for any resources.

16.37 The observer from MOWCA informed the Committee on their activities on establishing a mechanism for implementation of IMO conventions and codes in general, and, in particular, an integrated coast guard system covering the region from Dakar to Luanda. The observer expressed the opinion that maritime security measures should be implemented in the area together with those for safety and SAR and was willing to work closely with IMO on these matters.

16.38 The delegation of Liberia raised a question on the scope and coverage of the SAR Fund, and the Committee noted that the intention was to cover communication equipment and training of MRCC and MRSC personnel, with the understanding that the cost of SAR equipment (e.g. boats, planes, helicopters, etc.) should be covered by respective Governments responsible for the MRCCs.

16.39 All delegations and observers who spoke, including Argentina, Barbados, Cyprus, Croatia, Malta, Spain, Sweden, Turkey, the United Kingdom and ILF, strongly supported the need for the establishment of an International SAR Fund, initially for the establishment of the five regional MRCCs and 26 MRSCs in Africa. The delegation of Italy expressed the willingness of their Government to contribute to the SAR Fund and the expectation that many other countries would follow suit.

16.40 The Committee expressed its appreciation to the African countries for their proactive measures taken in providing SAR facilities and services in their waters; and fully supported the need for the establishment of an International SAR Fund which should be used for promoting and expediting such important humanitarian activities.

16.41 In this context, the Committee noted that, as well as the establishment of the MRCCs and MRSCs, the SAR Fund would also provide for the continued maintenance of an effective global system for the distribution of distress alert data and appropriate operational information via publicly accessible or dedicated communications networks; databases for the operation of the GMDSS and SAR professional and technical training resources; and other resources deemed necessary for the effective implementation of the Global SAR Plan, which had been finalized by the 1998 Fremantle SAR/GMDSS Conference, as referred to by the Secretary-General.

16.42 Having considered as reflected in the above paragraphs, the Committee:

- .1 invited the Technical Co-operation Committee to take note of the view of the Committee and provide appropriate advice to the Council on the establishment of the proposed International SAR Fund;
- .2 invited the Council to consider establishing the International SAR Fund, as recommended by the 2000 Florence Conference in its resolution No.2; and
- .3 instructed the Secretariat to continue its activity to develop the Pilot Project for the establishment and operation of the regional MRCC and MRSCs for East Africa.

INTERGOVERNMENTAL OVERSIGHT OF POSSIBLE FUTURE MOBILE-SATELLITE SERVICE PROVIDER FOR THE GMDSS

16.43 The Committee noted documents MSC 78/16/2 and Add.1 (Secretariat) advising that the matter of a possible expansion of IMSO's oversight mandate, including intergovernmental oversight of possible future mobile-satellite service providers for the GMDSS, would be considered at the seventeenth session of the IMSO Assembly to be held at the Inmarsat Headquarters, from 18 to 22 October 2004, in London, and that the outcome thereof would be reported to MSC 79.

ANALYSIS AND ASSESSMENT OF THE GMDSS PERFORMANCE OF INMARSAT LTD.

16.44 Having considered document MSC 78/16/4 (IMSO), the Committee noted the information on the GMDSS performance of Inmarsat Ltd. set out in paragraph 12.1 of the document.

16.45 The delegation of Germany, stressing the high standards of the Inmarsat-E system used by a high number of ships fitted with Inmarsat-E EPIRBs, its effective global maritime alerting service, speed, accuracy and global coverage, which delivers a distress message without delay, welcomed the submission by IMSO indicating that the Inmarsat Group Holdings Ltd., will continue the satellite communication service to support the Global Maritime Distress and Safety System. This was in line with the goal of IMSO to ensure the obligations relating to the GMDSS by Inmarsat.

ADOPTION OF GUIDELINES ON THE TREATMENT OF PERSONS RESCUED AT SEA

16.46 The Committee considered the proposed draft MSC resolution on Guidelines on the treatment of persons rescued at sea, with a view to its adoption, taking into account the changes made to the associated resolutions adopting the amendments to the SAR and SOLAS Conventions under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see also paragraphs 3.20 to 3.22, 3.38 to 3.44, 3.63 to 3.67 and 3.72 to 3.74).

16.47 In this context the Committee considered amendments to the draft Guidelines and the associated resolution, proposed by Malta (MSC 78/WP.5/Rev.1).

16.48 The delegation of Malta, supported by some delegations, suggested that, to their mind, the text prepared by COMSAR 8 would put the final responsibility on the Contracting Government responsible for the search and rescue area to accept the persons rescued at sea in its territory, if no other Contracting Government would be willing to provide a place of safety. That would encourage the trafficking of illegal migrants, since the vessels carrying them would simply have to enter the closest neighbouring search and rescue area and call for assistance. The Contracting Government of that search and rescue area would then have to come to the assistance and provide them with a place of safety. The delegation of Malta and those in support proposed that the collective responsibility of Contracting Governments to provide a place of safety should be stated more clearly in the resolution and, furthermore, expressed their view that the proposed deletions in paragraphs 2.5 and 6.7, in the draft Guidelines, would remove any ambiguities.

16.49 However, the majority of delegations supported the text as drafted by COMSAR 8, recognizing that this was a carefully drafted compromise, aiming at dividing the responsibilities between the master of the assisting ship and the Contracting Governments of the coastal States in providing a place of safety. The fundamental difference between the COMSAR 8 text and the proposed amendment by Malta was that the latter would delete the assurance given to the master that a place of safety will be provided by Contracting Governments for the persons in distress at sea. In the view of those supporting the text prepared by COMSAR, this deletion would endanger the well-balanced compromise text.

16.50 Following the above discussion, the delegation of Malta requested a vote on their proposal, as set out in document MSC 78/WP.5/Rev.1.

16.51 The Chairman, before conducting the requested vote, highlighted a number of points for the Committee to bear in mind when deciding on the matter at hand, namely that:

- .1 the Committee's main concern should be to preserve the integrity of the search and rescue system IMO has put in place globally;

- .2 the nature of IMO's duty and responsibility is of a humanitarian nature – it should not be the master's duty to establish the status of persons he rescues at sea;
- .3 what should be done during the sea leg of any incident is IMO's business;
- .4 the other UN agencies will start their work when IMO's has completed its task – i.e. on the basis of the Committee's decisions at the current session; and
- .5 once at a place of safety, UNHCR has the competence within its protection mandate to assist in screening and processing survivors as appropriate.

16.52 The Chairman then called for a vote on the proposal of Malta which was rejected by 22 delegations voting in favour of the proposal, with 46 delegations voting against it and 12 delegations abstaining.

16.53 By this voting, the Committee accepted the text prepared by COMSAR 8 and adopted resolution MSC.167(78) on Guidelines on the treatment of persons rescued at sea, as set out in annex 34.

16.54 The delegation of Malta reserved their position on the Guidelines and advised the Committee that for the time being they would not accept them.

16.55 The Secretariat was instructed to review the Guidelines editorially, in particular the list of instruments given in the appendix to the Guidelines.

16.56 The Committee, recalling the Secretary-General's inter-agency initiative on the treatment of persons rescued at sea, instructed the Secretariat to bring the above developments and the Committee's decision to the attention of the next inter-agency meeting in order to consider what additional guidance could be developed for the co-operation between Contracting Governments and parties to the respective conventions in discharging their collective responsibility in providing appropriate places of safety for survivors.

17 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

Owing to lack of time, the Committee decided to defer to MSC 79 consideration of this item.

18 ROLE OF THE HUMAN ELEMENT

18.1 The Committee recalled that MSC 75 had agreed to keep the item on "Role of the human element" on the agenda of MSC 76 and had provisionally agreed to reconvene the Joint MSC/MEPC Working Group on the Human Element during MSC 77, subject to confirmation by MSC 76 (MSC 75/24, paragraph 15.14). However, MSC 76 had agreed that, taking into account decisions made under various agenda items, the Joint MSC/MEPC Working Group on Human Element would not be established at MSC 77 (MSC 76/24, paragraph 20.67).

18.2 The Committee also recalled that MSC 75 had invited Member Governments to submit comments and proposals to MSC 77 on the:

- .1 preliminary lists of tools developed and activities carried out by the Organization addressing the human element;
- .2 review of the human element goals listed in resolution A.850(20); and
- .3 development of a strategic plan for addressing the human element.

18.3 The Committee further recalled that MSC 77, noting that the Working Group on Human Element had not been convened for the last two sessions and recognizing that the human element subject was a high priority item in the Organization's agenda and long-term work plan, had agreed to reconvene the group at MSC 78 and to defer the development of a strategic plan for addressing the human element including safety culture and human element vision and strategy to this session. The Committee noted that documents MSC 77/17, MSC 77/17/1, MSC 77/17/2, MSC 77/17/3 (part) and MSC 77/17/4 should be considered in depth at this session and resolution A.947(23) on Human element vision, principles and goals for the Organization should also be taken into account.

18.4 The Committee considered the relevant proposals in documents MSC 78/18/1, MSC 77/17, MSC 77/17/1, and MSC 77/17/2 (United Kingdom), MSC 78/18/2 (United Kingdom and United States), MSC 77/17/3 (part) (United States) and MSC 78/18/4 (Norway) and decided to refer the relevant documents to the working group for developing the Organization's strategic plan to address the human element for promoting safe behaviour in a maritime safety, environmental protection and security culture taking into account decisions and discussions in the plenary indicated in the ensuing paragraphs.

18.5 In considering the above documents, the Committee noted the following views expressed on the intended Strategic Plan of the Organization to address the human element for promoting safe behaviour in a maritime safety, environmental protection and security culture:

- .1 the strategic plan should adequately address environmental consciousness and also cover sufficiently the need for environmental management;
- .2 regarding the use of the risk assessment methodology, a quantifiable approach with benchmarks would be required, but there should be a balance between quantitative and qualitative elements;
- .3 the entire chain of responsibility should be included in the plan, which should encompass not only shipboard personnel but all the stakeholders involved;
- .4 the plan should be result-oriented, user friendly and cater for the need of all users; and
- .5 the proposed strategic plan should tie in with the Organization's strategic plan adopted by Assembly resolution A.944(23).

18.6 The Committee, having given preliminary consideration to the information contained in document MSC 78/18/3 (United Kingdom) related to the European Union research project ATOMOS aimed at achieving the seven goals outlined in SOLAS regulation V/15, decided to refer it to the working group. The working group was also instructed to develop an appropriate instrument for review by the NAV Sub-Committee as a means of demonstrating compliance with

SOLAS regulation V/15. Furthermore, the Committee agreed that the related documents MSC 78/11/3 (IACS) and MSC 78/11/4 (Republic of Korea) should be referred to the working group for further deliberation of the human element aspects, after consideration under agenda item 11 (Safety of navigation).

Reconvening of the Joint MSC/MEPC Working Group on Human Element

18.7 The Committee reconvened the Joint MSC/MEPC Working Group on Human Element with the following terms of reference:

- .1 to develop the Organization's strategic plan to address the human element using document MSC 78/18/2 as a basis and taking into account relevant information contained in documents MSC 78/18/1, MSC 78/18/4, MSC 77/17, MSC 77/17/1, and MSC 77/17/3. The plan to be developed should:
 - .1 make use of risk assessment methodology;
 - .2 include all the stakeholders in the chain of responsibility;
 - .3 address adequately the need for environmental management and consciousness; and
 - .4 endeavour to cater for all user requirements; and
- .2 to develop an appropriate instrument to be used to demonstrate compliance with SOLAS regulation V/15, using the information contained in documents MSC 78/11/3, MSC 78/11/4 and MSC 78/18/3, for review by the NAV Sub-Committee.

Report of the working group

18.8 Having received the report of the working group (MSC 78/WP.16), the Committee approved it in general and took action as summarized in the ensuing paragraphs.

Strategic plan

18.9 The Committee noted that the group, due to the complex and interrelated issues involved and time constraints, did not develop a complete strategic plan and instead developed a working document including a preliminary list of possible items to be included in the action plan, which would serve as a basis for developing the strategic plan to address the human element.

18.10 In order to facilitate the finalization of the strategic plan, the Committee invited Member Governments to submit comments on the working document (MSC 78/WP.16, annex) including the preliminary list of possible items to be included in the action plan to implement the strategic plan, to the next session of the Committee.

Promotion of a maritime safety culture

18.11 The Committee noted that:

- .1 in order to promote a maritime safety culture and environmental conscience on all ships as well as on shore, so that all aspects of safety, in its broadest sense, were addressed within the shipping industry, it was necessary to revise resolution A.792(19) to include all types of ships and that the preliminary draft developed at MSC 75 should be finalized at the next meeting of the group; and
- .2 the successful implementation of the ISM Code was a key issue for the increased understanding and pro-active management of the human element and agreed that additional guidance on the ISM Code to stakeholders other than Administrations may be necessary.

Implementation of SOLAS regulation V/15

18.12 The Committee:

- .1 noted that the IACS Unified Interpretation (UI) SC 181 sets forth a set of requirements for the compliance with the principles and aims of SOLAS regulation V/15 relating to bridge design, design and arrangement of navigational systems and equipment and bridge procedures when applying the requirements of SOLAS regulations V/19, 22, 24, 25, 27 and 28, and that it would be a useful instrument to be applied for the purpose of survey and certification until the time of delivery of the ship;
- .2 agreed that the majority of the issues raised in the proposal by the Republic of Korea to amend MSC/Circ.982 on which clarification was requested were either covered in the IACS unified interpretation or could be addressed under the INS performance standard;
- .3 noted that the group, in reviewing the seven aims in SOLAS regulation V/15, identified the following issues of an operational nature, which would need to be addressed:
 - .1 when considering the aim of promoting effective and safe bridge resource management, a design consideration should be to minimize the opportunity for a single person error resulting in risk or damage to the ship. As integrated bridge systems become more automated, control loops become shorter and could eliminate cross-checking and intervention by another. For example, even with both the master and pilot on the bridge, only the officer with his/her hands on the control is in the decision loop. If no orders are uttered, the other officer does not have an opportunity to cross-check or intervene. The control loop is the mind of the conning officer directly to his hand. Other developments in this area are links from route planning to way points to track control, etc.;
 - .2 guidance should be developed for bridge watch alarms and the general area of alarm management should be developed in the context of the INS performance standards;

- .3 when introducing new technology on the bridge, MSC/Circ.1091 on Issues to be considered when introducing new technology on board ship should be taken into account; and
- .4 the number of personnel necessary to carry out duties on the bridge, as well as training for bridge resource management should be considered;
- .4 noted that that the templates developed by the ATOMOS project provide an alternative approach to demonstrate compliance with SOLAS regulation V/15 covering human element issues in a wider perspective and that further consideration of this alternative approach might be needed at a later stage; and
- .5 agreed that there was no need to develop a new instrument to demonstrate compliance with SOLAS regulation V/15 and instructed NAV 50 to take the above into account when considering the documents MSC 78/11/3 (IACS) and MSC 78/11/4 (Republic of Korea).

Future work

18.13 The Committee, in discussing later, under agenda item 24 (Work programme), the establishment of the working group at MSC 79, agreed that the Joint MSC/MEPC Working Group on Human Element should meet once a year, preferably at alternate sessions of the MSC and MEPC, as appropriate, following consultations between the Chairmen of the two Committees.

19 FORMAL SAFETY ASSESSMENT

Owing to lack of time, the Committee decided to defer to MSC 79 consideration of this item.

20 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Statistical information

20.1 The Committee noted (MSC 78/20) that, in accordance with its standing instructions, the Secretariat, since MSC 77, had issued the usual monthly and quarterly reports on piracy and armed robbery against ships under the MSC.4/Circ. series. The annual report for the period between 1 January and 31 December 2003 was issued under the symbol MSC.4/Circ.50.

20.2 The Committee further noted that, since June 2001 and in accordance with the instruction of MSC 74, the MSC circulars reporting on acts of piracy and armed robbery differentiated (in separate annexes) acts of piracy and armed robbery actually “committed” from “attempted” ones. In addition and as instructed by MSC 75 (MSC 75/24, paragraph 18.41), the Secretariat had, as of July 2002, classified separately incidents of piracy and armed robbery **at sea** (international or territorial waters) *vis-à-vis* armed robbery acts committed in **port areas**, in addition to “**attempted**” acts of armed robbery (as explained above). Furthermore and as suggested by Brazil at MSC 75, the geographically large South American and Caribbean region

had been sub-divided into three sub-regions: South America (Atlantic), South America (Pacific) and the Caribbean. This change is reflected in all relevant reports issued as of 1 January 2003.

20.3 Based on the above reports and additional information provided by the Secretariat, the Committee noted that the number of acts of piracy and armed robbery against ships, which occurred during the calendar year of 2003, as reported to the Organization, was 452, an increase of nearly 18% over the annual figure for 2002. The total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of March 2004, was 3,456.

20.4 The Committee observed that this 18% annual increase in the reported acts of piracy and armed robbery against ships was a very worrying development and a cause for concern and, therefore, as emphasized at previous sessions of the Committee, much more needed to be done to reduce this menace. It was anticipated that the implementation of the new regulatory maritime security regime would impact positively to reduce the number of piracy and armed robbery cases.

20.5 In further considering the statistical information for the period between 1 January and 31 December 2003, as provided by the Secretariat (MSC 78/20), the Committee noted with deep concern the information received on incidents allegedly committed against ships during the period under review, which has resulted in eleven ships being hijacked and eleven going missing, whilst one ship was set ablaze and one ship was run aground during the calendar year 2003. From the reports received, it also emerged that the most affected areas in 2003 (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, South America and the Caribbean, the Indian Ocean and West and East Africa; detailed statistical information thereon was provided in document MSC 78/20. Most of the attacks worldwide occurred or had been attempted in the coastal States' concerned territorial waters while the ships were at anchor or berthed. In many of the reports received, the crews were violently attacked by groups of five to ten people carrying knives or guns. During the same period, thirteen crewmembers were reportedly killed, including two passengers and six military personnel, forty-five persons were wounded and fifty-four crew went missing. Amongst those still missing to date and unaccounted for are eleven crew members including three crew members thrown overboard.

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

20.7 The Committee further noted that, after MSC 77 and, as indicated in document MSC 78/20/Add.1, the Secretariat had received reports from only two Member Governments on actions they had taken with regard to incidents reported to have occurred in their territorial waters. Therefore, the Committee urged all Governments, which receive such reports, to provide the Organization with the information requested.

20.8 The delegation of Venezuela stated that with respect to the incidents of piracy and armed robbery detailed in document MSC 78/20/Add.1, it should be ensured that the appropriate terms

are used for persons committing acts of “armed robbery” and “piracy”; for armed robbery it should be “robbers” and for piracy only and exclusively “pirates”. It also requested the Committee to recommend to all States that when acts of piracy or armed robbery took place, the matter should be reported without delay to the coastal State where the incident happened/happens and subsequently to IMO.

20.9 Referring to document MSC 78/20/Add.1, the delegation of India stated that for future sessions of the Committee, it would be a good idea to include additional information on total figures of reported incidents and responses received from the coastal States. It was also pointed out that there were several reported incidents on which the relevant local law enforcement agencies and/or port authorities had no record.

20.10 The Committee, noting that the preparation of a statistical presentation of the above-referred information was not envisaged at this stage, instructed the Secretariat to investigate and inform it at its next session on the possibility of making corresponding entire set of data, which is being stored in the Secretariat database on piracy and armed robbery against ships, accessible and searchable on the IMO public website when developing the corresponding application in the context of the IMO Global Integrated Shipping Information System (GISIS).

IMPLEMENTATION OF THE ANTI-PIRACY PROJECT: PROGRESS TO DATE

20.11 The Committee recalled that on previous sessions, it had received reports on the implementation of the 1988 anti-piracy project of which:

- .1 **phase one** consisted of a number of regional seminars and workshops attended by Governmental representatives from countries in piracy-infested areas of the world, while:
- .2 **phase two** consisted of a number of evaluation and assessment missions which were undertaken to the South East Asia, South America and the Caribbean and Western African regions.

20.12 The Committee also recalled that, at MSC 77 (MSC 77/26, paragraphs 19.19 to 19.29), it had endorsed the Secretariat plans to follow-up the planned South American and Caribbean Meeting with a similar meeting for the Asia and the Pacific region towards the later part of 2003 or the early part of 2004. It had also endorsed the Secretariat plans (MSC 77/19/1, paragraph 13) to undertake expert missions to other regions of the world. Furthermore, the Committee had also agreed that IMO should continue to take the lead in the proposed development of regional co-operation activities and agreements/arrangements.

Sub-regional and regional meetings as part of a co-ordinated action plan for future activities

Progress to date

March 2003 Accra Meeting

20.13 The Committee recalled that, at its seventy-seventh session (MSC 77/26, paragraph 19.24), the Secretariat had provided an oral progress report on the March 2003 sub-regional Accra Meeting on combating piracy and armed robbery against ships.

20.14 The Committee, having received the full written report (MSC 78/20/1) of the meeting organized, in co-operation with the Maritime Organization for West and Central Africa (MOWCA), for a number of countries among MOWCA Member States, noted that the main purpose of the Meeting conducted in Accra, Ghana, for a number of countries among the Maritime Organization for West and Central Africa (MOWCA) Member States was to facilitate the development of a framework for sub-regional co-operation.

20.15 In this context the Committee also considered document MSC 78/20/3 (Secretariat) on the progress made so far in the implementation of the second phase of the anti-piracy project, following conclusion of the assessment and evaluation missions envisaged therein including a brief overview of the developments concerning technical assistance activities. The Committee noted that the March 2003 Accra Meeting had agreed to the establishment of a Working Group of MOWCA composed of Angola, Cameroon, Ghana, Ivory Coast and Nigeria to co-ordinate the development of a sub-regional integrated Coast Guard Network from Mauritania to Angola as a basis for regional co-operation, among others, to combat piracy and armed robbery against ships in the sub-region; the Meeting had also invited IMO to provide technical assistance for capacity building including help in carrying out a feasibility study on the development of this proposed integrated Coast Guard Network, and submit it to MOWCA for subsequent consideration by the MOWCA Working Group and subsequent submission to MOWCA Member Governments for adoption.

20.16 The Committee endorsed, in general, the report and the conclusions/recommendations of the March 2003 Accra sub-regional Meeting.

20.17 The delegation of Ghana expressed appreciation to IMO for the technical assistance provided for tackling piracy and armed robbery. Ghana also confirmed its willingness to further host a meeting of the MOWCA Working Group to progress the development of the proposed integrated Coast Guard Network from Mauritania to Angola.

TECHNICAL ASSISTANCE

20.18 The Committee noted, in particular, that progress in carrying out the feasibility study on the development of the proposed integrated Coast Guard Network from Mauritania to Angola was at an advanced stage and expected to be completed during the second half of 2004.

20.19 The Committee instructed the Secretariat to further co-ordinate and provide technical assistance to MOWCA member Governments for capacity building to effectively tackle piracy and armed robbery against ships.

20.20 The Committee noted also that the Secretariat was in the process of co-ordinating with countries, which had requested assistance in combating piracy and armed robbery against ships technical assistance and advisory missions, as and when deemed appropriate.

January 2004 Santo Domingo Meeting

20.21 The Committee considered the report of the January 2004 sub-regional Meeting on combating piracy and armed robbery against ships (MSC 78/20/4) conducted in Santo Domingo, Dominican Republic, for a number of selected countries from the Latin American and Caribbean countries to facilitate the development of a framework for sub-regional co-operation.

20.22 The Committee endorsed, in general, the report and the conclusions/recommendations of the Santo Domingo sub-regional Meeting.

20.23 The Committee noted, in particular, that the Meeting unanimously invited ROCRAM and ROCRAM-CA in co-operation with IMO to undertake a review/revision of the regional strategy on maritime safety to cover co-operation and co-ordination on maritime security, including the prevention and suppression of piracy and armed robbery against ships according to an agreed Action Plan (MSC 78/20/4, paragraphs 28.12.1 to 28.12.6).

20.24 The Committee further instructed the Secretariat to co-ordinate the afore-mentioned actions and provide technical assistance to ROCRAM and ROCRAM-CA member Governments for capacity building to effectively tackle piracy and armed robbery against ships.

20.25 The Committee expressed deep appreciation to the Government of the Dominican Republic for hosting the January 2004 sub-regional Meeting.

20.26 The delegation of Ecuador stated that their Government had reduced nearly all cases of piracy in the Guayaquil Gulf since 2003 and up to the present due to the implementation of legal and operational measures. As far as IMO's statistical reports were concerned, they included the piracy and armed robbery cases in the Caribbean and of the South-East Pacific together, which distorted the analysis and results. It was therefore necessary to distinguish/differentiate between the countries or sub-regions so as not to cause confusion. In this context, it was well known that piracy in South America was a local phenomenon and not a regional one and this fact should be conveyed to the international maritime community. The delegation of Ecuador also recalled that at the Piracy Meeting held in Guayaquil in 2001, it had proposed that the piracy issue should be a part of the ROCRAM Strategy of Regional Maritime Security/Safety; this had not been taken into account and recognized until the January 2004 Santo Domingo meeting in the Dominican Republic. Ecuador therefore supported all initiatives including IMO's strategy to fight piracy and strengthen more measures in that respect.

20.27 The delegation of Barbados noted that the wider Caribbean region was not represented at the Santo Domingo sub-regional Meeting. Given the economic significance of cruise tourism to the region, the delegation of Barbados was of the view that it should also be invited to participate in future similar meetings. This would assist Barbados efforts to take a pre-emptive and proactive approach to piracy to ensure that it did not proliferate within the wider Caribbean region.

Developments in the implementation of the co-ordinated plan of action

20.28 The Committee considered document MSC 78/20/2 (Secretariat) on the progress made in the implementation of the co-ordinated plan of action through concluding of regional agreements and noted that, with respect to the proposed regional meeting for the Asia and Pacific region, Japan had taken an initiative in developing a Regional Co-operation Agreement on Anti-Piracy in Asia in close co-operation with fifteen other States in the Asian region.

Regional co-operation agreement on combating piracy and armed robbery against ships in Asia

20.29 The Committee noted the up-dated information provided by Japan (MSC 78/INF.11) on the framework of regional co-operation in combating piracy and armed robbery against ships in Asia. Since the year 2000, the Japanese Government had strengthened its efforts to enhance

regional co-ordination and co-operation through various international conferences, which delivered some important documents such as “Asia Anti-Piracy Challenge 2000.” In the year 2001, the Japanese Prime Minister, Junichiro Koizumi, proposed to launch the initiative for creating a legal framework for co-operation among 16 Asian States (10 ASEAN countries - Brunei Darussalam, Cambodia, Indonesia, Laos People’s Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam plus three East Asian countries - China, Japan and the Republic of Korea and three Indian Ocean countries - Bangladesh, India, and Sri Lanka) on combating against piracy. The complex geographical characteristic of the region also facilitated the key concept of the framework, that is to say “information sharing among the States.” Close co-operation through the establishment of an Information Sharing Centre with a specific network among the States was indispensable for exchanging their requests and information. The requests for measures taken by other States may be communicated not only through the Centre but also directly to those States in order to accommodate the co-operation relating to the criminal matters. The text of the agreement was almost finalized last November, and was awaiting formal adoption after completion of the required process.

20.30 The representative of the Japan Coast Guard (JCG) further outlined their activities which had been undertaken to tackle piracy and armed robbery against ships, namely:

- .1 JCG patrol vessels and aircraft had visited south-east Asian countries for the purpose of strengthening co-operation and collaboration through meetings for exchange of information and combined exercises among the coast guard agencies of the countries concerned; so far JCG had visited seven countries by patrol vessels, and eight countries by aircraft;
- .2 for the purpose of developing and enhancing the capability of co-operating in law enforcement activities against transnational crimes such as piracy, JCG has been implementing several programmes to assist human resource development in both the long and short term, such as the provision of maritime law enforcement training courses and the acceptance of overseas students at the Japan Coast Guard Academy for other Administrations’ coast guard agency officials; and
- .3 regular Experts Meetings had been held in Malaysia, Indonesia, the Philippines and Thailand; JCG and the Nippon Foundation had provided financial support for these meetings with the view to promote mutual co-operation and understanding.

20.31 The observer from IMB expressed appreciation for the efforts of Indonesia, Japan and the Philippines in tackling the problem of piracy and armed robbery against ships. On the question of a possible correlation between the drastic reduction in the number of incidents reported to have occurred during the first quarter of 2004 and the impending coming into force on 1 July 2004 of the ISPS Code, he stated that this could well be the case. Only a careful monitoring over a longer period would give a firm indication of the long-term trend in this respect.

20.32 The delegation of Indonesia expressed gratitude and appreciation to IMO and other international organizations for their efforts in suppressing piracy and armed robbery against ships worldwide. The Indonesian delegation also expressed gratitude and appreciation to the Governments of Japan and the United States for their valuable support and assistance to combat piracy and armed robbery in Indonesia. Several seminars and regional exercises had been conducted in Indonesia and other ASEAN countries to overcome this problem, however, due to the multidimensional character of this problem, the progress in combating piracy and armed

robbery in Indonesia had been relatively slow. Indonesia, being an archipelagic State in accordance with the 1982 UNCLOS, with more than 17,000 islands and more than 1,000 ports open for international trade, provided thousands of access routes to the Indonesian territorial waters. Indonesia was also regarded as a developing country, which was currently trying to develop its economy. Therefore, Indonesia had realized that it was not able to overcome the problem of piracy and armed robbery against ships alone.

20.33 The delegation of Malaysia stated that it was committed to combating piracy and armed robbery in its waters and the region, in general. Malaysia was doing this unilaterally by putting into place relevant measures as well as continuously upgrading and improving its capacity and capability; bi-laterally with its neighbours through the exchange of information and the conduct of joint patrols; and regionally and multilaterally, by participation in various arrangements and initiatives that had been endorsed. Malaysia's efforts had resulted in a drastic reduction of reported piracy and armed robbery cases over the past few years in its waters. Malaysia was certainly not alone in its efforts to combat piracy and armed robbery at sea and welcomed similar efforts by the flag States and industry. However, since its efforts might be somewhat curtailed by cases that go unreported, the Malaysian delegation urged the industry to report immediately to coastal States if attacks or attempts thereof were taking place, because often coastal States were the last to know and received the information via a third party much later. Malaysia was serious in tackling the issue but success was also tied to the level of co-operation received from its partners. In reference to the intervention by the delegation of Japan, Malaysia recognized and appreciated the various initiatives implemented by Japan. Malaysia was an active participant of those initiatives and believed that such initiatives had improved tremendously the region's capacity to handle and deal with such an important issue. Malaysia was willing and would continue to work together with other partners. In conclusion, the Malaysian delegation thanked all States and organizations which had contributed tremendously to Malaysia's efforts to address the issue of piracy and armed robbery.

20.34 The delegation of Thailand expressed appreciation to the Government of Japan and the JCG for their valuable assistance and co-operation to tackle the issue of piracy and armed robbery against ships and expressed their hope for further co-operation with Japan in this matter.

20.35 The delegation of the Philippines also expressed appreciation to the Government of Japan for its assistance and co-operation to tackle piracy and armed robbery incidents. It also highlighted the close co-operation between the Philippine Coast Guard and the JCG and also mentioned the last combined exercise in Manila during February 2004 between the Philippine Coast Guard and JCG.

UPDATE ON THE UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS

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

20.37 The Secretariat informed the Committee (MSC 78/20/5) that, the fifty-eighth session of the United Nations General Assembly, *inter alia*, adopted, on 23 December 2003, resolution A/RES/58/141 on Oceans and the law of the sea. Among other provisions, the resolution has requested the United Nations Secretary-General, in co-operation with competent international organizations and programmes, including IMO, to review the efforts being made to build capacity as well as to identify the duplications that need to be avoided and the gaps that

may need to be filled for ensuring consistent approaches, both nationally and regionally, with a view to implementing the United Nations Convention on the Law of the Sea, and to include a section on this subject in his annual report on oceans and the law of the sea. As far as piracy and armed robbery at sea were concerned, the Committee noted the extracts of the aforementioned resolution, as set out in the annex to document MSC 78/20/5, which were of direct relevance to the on-going work of IMO on piracy and armed robbery against ships.

20.38 The Committee instructed the Secretariat to keep it updated on future developments at the United Nations level and the Consultative Process referred to in paragraph 20.36 above.

21 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Owing to lack of time, the Committee decided to defer to MSC 79 consideration of this item.

22 RELATIONS WITH OTHER ORGANIZATIONS

RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

22.1 The Committee recalled that MSC 76, concurring with the decision of MEPC 48, had recommended to the Council that consultative status should be granted to IMTA–Interferry on a provisional basis and noted the decision of the Council, as specified in document MSC 78/22, with respect to IMTA–Interferry, AWES and ISSA.

New applications

22.2 The Committee, in response to the requests by the Council at its ninetieth regular and twenty-second extraordinary sessions (MSC 78/22, paragraphs 1 and 2), examined, in accordance with the Rules governing relationships with non-governmental international organizations and the Guidelines on the grant of consultative status, the applications for consultative status of the International Maritime Health Association (IMHA) and the International Bunker Industry Association (IBIA) (MSC 78/22, annexes 1 to 3) together with additional information received in the interim.

22.3 The Committee noted that:

- .1 MEPC 49 (MSC 78/2/1, paragraph 28) had recommended to the Council that consultative status could be granted to IMHA on a provisional basis for four years; and
- .2 MEPC 51 (MSC 78/2/1/Add.1, paragraph 23) had recommended to the Council that consultative status could not be granted to IBIA at this time.

22.4 The Committee, in concurring with MEPC 49, decided to recommend to the Council that consultative status should be granted to IMHA on a provisional basis for four years.

22.5 The Committee, in considering the application for consultative status by IBIA and taking into account the decision by MEPC 51 in this respect, was of the opinion that IBIA was not able to provide a significant contribution to the work of the Committee, but possibly to other bodies of

the Organization such as the MEPC. From the information available, it was further not clear to the Committee whether IBIA was in conflict or rivalry with any other organization or had access to IMO through other organizations in consultative status such as the International Ship Supply Association (ISSA).

22.6 The Committee, agreeing that additional clarification was necessary on the above points, recommended to the Council to invite IBIA to provide the required information and to defer the matter until that had been received.

Review of organizations in consultative status

22.7 The Committee noted that the Council, at its twenty-second extraordinary session (MSC 78/22, paragraphs 5 and 6), decided to maintain the consultative status of the International Bar Association (IBA); the Iberoamerican Institute of Maritime Law (IIDM); Greenpeace International; and all other organizations already in consultative status with the Organization; and noted the new name of the International Cargo Handling Co-ordination Association (ICHCA), which, following its incorporation had now become ICHCA International Limited.

IACS UNIFIED INTERPRETATIONS

22.8 The Committee recalled that, in view of the importance of uniform interpretations of the provisions of IMO instruments in assisting Administrations in their implementation, it had agreed in general, that IACS should be invited to submit such interpretations to the Committee, to enable it to decide on what action needed to be taken on a case-by-case basis.

22.9 The Committee further recalled that MSC 76 had agreed that IACS should continue submitting its unified interpretations directly to the Committee for preliminary review and that, upon deciding as to which sub-committees particular unified interpretations should be referred for further consideration, the Committee would include an appropriate item in the work programme of those sub-committees and specify an appropriate target completion date (see also paragraph 22.12).

22.10 The Committee, with respect to document MSC 78/22/1, decided to refer the document to the DE, FP, FSI, NAV and SLF Sub-Committees, instructing them to review the interpretations annexed to the document which fall within their purview and prepare appropriate interpretations for approval.

22.11 The Committee, with respect to document MSC 78/22/2, decided to refer it to the DE Sub-Committee for consideration and preparation of appropriate interpretations for approval by the Committee. In this connection, having been informed by the IACS observer that, following the adoption of revised SOLAS regulation II-1/3-6 and the associated revised Technical provisions, IACS would prepare a relevant unified interpretation to the revised Technical provisions, the Committee noted that IACS would submit the said unified interpretation to the DE Sub-Committee for consideration and appropriate action.

22.12 In order to expedite the consideration of the IACS unified interpretations being submitted to the Committee on a continuous basis, the Committee decided that, from now on, IACS should submit them directly and as appropriate to the sub-committees concerned. To this effect, the Committee agreed to retain, on a continuous basis, the item on "Consideration of IACS unified interpretations" in the work programmes of the BLG, DE, FP, FSI, NAV and

SLF Sub-Committees, rather than assigning it a target completion date, and to include it in the agenda for their next respective sessions.

23 APPLICATION OF THE COMMITTEE'S GUIDELINES

23.1 The Committee noted the outcome of the Chairmen's meeting (MSC 78/WP.9 and Corr.1) which covered:

- .1 the issue of new reporting procedures;
- .2 terms of reference of the Sub-Committees; and
- .3 requests from the news media to attend meetings of various IMO bodies,

but, due to lack of time, agreed to consider these issues further at the next session. The Committee decided to defer to MSC 79 consideration of the documents submitted under this agenda item.

23.2 The delegation of the Russian Federation stated that the lack of time at the Committee to discuss the results of the trial Sub-Committee's reporting system and consequential postponement of the consideration of this agenda item to the next session should not be considered an obstacle for the Council to take the decision in this regard at its ninety-second session on the basis of the Sub-Committee's reports as had been the case for DSC and SLF Sub-Committees.

24 WORK PROGRAMME

GENERAL

Follow-up to A 23

24.1 Having considered the outcome of the twenty-third session of the Assembly (MSC 78/24/12) and specific actions the Committee had been requested to take, the Committee noted that:

- .1 in the context of resolutions A.948(23), A.949(23), A.950(23), A.951(23), A.952(23), A.953(23), A.954(23), A.955(23), A.956(23), A.959(23) and A.960(23) adopting various guidelines, standards, procedures, reports and recommendations, it had been requested to keep them under review and amend them as appropriate;
- .2 in the context of resolution A.943(23) – *Long-term work plan of the Organization (up to 2010)*, it had been requested to keep the list of identified work plan subjects under review, continuing to bear in mind the directives contained in resolutions A.500(XII), A.777(18) and A.900(21) and to report or recommend, as necessary, to the Assembly at its twenty-fourth session; to ensure that the subjects proposed for future work were those on which significant work could reasonably be envisaged in the foreseeable future; to take into account that proposed items, especially those involving amendments to existing conventions, should be

evaluated by reference to the directives in resolution A.500(XII), and that a “compelling need” ought to be demonstrated for new or revised standards; and, when reviewing the long-term work plan and in making recommendations for the work programme for subsequent periods, to bear in mind the desirability of not scheduling more than one conference in any one year, save in exceptional circumstances;

- .3 in the context of resolution A.947(23) – *Human element vision, principles and goals for the Organization*, it had been requested to consider, in co-operation with the MEPC, proposals for new or revised instruments or procedures relating to the safety of life at sea, security and the protection of the marine environment, taking into account the human element vision, principles and goals annexed to the resolution and keep them under review and amend them as appropriate; and
- .4 in the context of resolution A.964(23) – *Follow-up action to UNCED and WSSD*, it had been requested, in co-operation with the MEPC, TCC and the Secretariat to take into account, in its activity, the relevant paragraphs of the Plan of implementation, adopted by the World Summit on Sustainable Development (WSSD).

24.2 The Committee recalled the action it had taken:

- .1 under agenda item 7 (Measures to enhance maritime security) with regard to a specific request of the Assembly, in the context of resolution A.959(23) – *Format and guidelines for the maintenance of the Continuous Synopsis Record (CSR)*, to consider the wording of SOLAS regulation XI-1/5.5.2 with a view to incorporating the practice recommended in resolution A.911(22) regarding uniform wording for referencing IMO instruments (paragraphs 7.13, 7.14, 7.94 and 7.95);
- .2 under agenda items 2 (Decisions of other IMO bodies) and 11 (Safety of navigation) with regard to a specific request of the Assembly in the context of review of safety measures and procedures for the treatment of persons rescued at sea; and
- .3 under agenda item 2 (Decisions of other IMO bodies) with regard to a specific request of the Assembly in the context of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships.

Revision of the forms of nuclear ship safety certificates

24.3 The Committee considered documents MSC 78/24/13 and Add.1 and MSC 78/24/14 and Add.1) wherein the Russian Federation and the United Kingdom, referring to the respective item in the work programme of the DE, COMSAR and NAV Sub-Committees and its target completion date of 2005, proposed, with a view to expediting the development and the adoption of revised forms of nuclear ship safety certificates, to consider, also taking into account the comments made by COMSAR 8, and to approve the draft revised forms of certificates developed by the co-sponsors, as set out in the annex to the documents, for submission to MSC 79 for consideration with a view to adoption. In this context, they also suggested that the Committee

instructs NAV 50 to consider the approved draft revised forms of certificates and provide its comments thereon to MSC 79.

24.4 Following the discussion, the Committee approved the draft amendments to the 1974 SOLAS Convention, regarding the forms of nuclear ship safety certificates, as set out in annex 35, for submission to MSC 79 for consideration with a view to adoption and requested the Secretary-General to circulate them in accordance with SOLAS article VIII; and, having instructed NAV 50 to consider the draft revised forms of certificates and submit its comments to MSC 79, decided to delete the respective item from the work programme of the DE Sub-Committee.

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

General

24.5 Taking into account the recommendations made by the Sub-Committees which had met since MSC 77 (MSC 78/24 and Add.1); various proposals for new work programme items submitted to this session by Member Governments; a preliminary assessment (MSC 78/WP.1) of such proposals undertaken by the Chairman with the assistance of the Secretariat; and decisions taken during the session, the Committee reviewed the work programmes of the Sub-Committees and provisional agendas for their forthcoming sessions and took action as indicated hereunder.

24.6 The Chairman, in addressing the Committee's method of work relating to the consideration of proposals for new work programme items, clarified that the objective of the Committee when discussing these proposals was to decide, based upon justification provided by Member Governments in accordance with the Guidelines on the organization and method of work, whether the new item should or should not be included in the sub-committee's work programme. A decision to include a new item in a sub-committee's work programme did not mean that the Committee agreed with the technical aspects of the proposal. If it was decided to include the item in a sub-committee's work programme, detailed consideration of the technical aspects of the proposal and the development of appropriate requirements and recommendations should be left to the sub-committee concerned.

24.7 In the course of the debate on proposals for new work programme items, the Committee noted that a number of submissions by Member Governments supporting proposals for new work items made by other Member Governments, often expanded the scope of the original proposal. The Committee decided that, in order to facilitate proper consideration of the proposals, these submissions should also include a justification for this expanded scope, as appropriate, in accordance with paragraphs 2.9 to 2.20 of the Guidelines on the organization and method of work.

Item on "Casualty analysis" in the work programme of the sub-committees

24.8 In recalling (MSC 78/24/15) that, following consideration of the proposal by STW 34 to delete the item on "Casualty analysis" from its work programme and to deal with the matter under the agenda item on "Any other business", MSC 77 had agreed to consider the matter at this session taking into account the outcome of consideration, by the MSC Correspondence Group on FSA, of the application of the FSA methodology to the analysis of casualties, the Committee, having noted the outcome of the aforementioned correspondence group, decided that the item on "Casualty analysis" should remain on the work programme of the sub-committees.

Review of the SPS Code

24.9 The Committee recalled that, under agenda item 8 (Ship design and equipment), it had agreed to include a high priority item on “Review of the SPS Code”, with two sessions needed to complete the item, in the work programme of the DE (co-ordinator), DSC, FP, NAV, COMSAR and SLF Sub-Committees.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

Outcome of MEPC 49 and MEPC 51

24.10 The Committee concurred (MSC 78/2/1, paragraph 26) with MEPC 49’s decision to extend the target completion date of the item on “Revision of the fire protection requirements of the IBC, IGC, BCH and GS Codes” and the item on “Consideration of IACS unified interpretations” to 2005; and noted (MSC 78/2/1/Add.1) that MEPC 51 had decided to include in the Sub-Committee’s work programme and the provisional agenda for BLG 9:

- .1 a high priority item on “Amendments to resolution MEPC.2(VI)”, with a target completion date of 2006; and
- .2 a high priority item on “Development of standards regarding rate of discharge for sewage”, with a target completion date of 2006.

Development of international regulations for gas-fuelled ships

24.11 The Committee recalled its decision, following consideration of document MSC 78/24/8 (Norway) in the context of the work programme of the DE Sub-Committee, to include a high priority item on “Development of provisions for gas-fuelled ships”, with a target completion date of 2007, in the work programme of the DE (co-ordinator), BLG and FP Sub-Committees and provisional agenda for their forthcoming sessions.

Review of the OSV Guidelines

24.12 The Committee, having recalled that under agenda item 12 (Stability, load lines and fishing vessel safety) it had agreed to involve the Sub-Committee in the review of the OSV Guidelines, decided to include in the Sub-Committee’s work programme and the provisional agenda for BLG 9, a high priority item on “Review of the OSV Guidelines”, with a target completion date of 2005.

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

24.13 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 36. The Secretariat was requested to inform the MEPC accordingly.

24.14 The Committee approved the provisional agenda for BLG 9, including the new items, as set out in annex 37, and instructed the Secretariat to inform the MEPC accordingly.

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)**New work programme items proposed by DSC 8**

24.15 The Committee considered proposals by DSC 8 for inclusion of new items in the work programme of the Sub-Committee and took action as follows:

- .1 agreed not to include, in the Sub-Committee's work programme and the provisional agenda for DSC 9, an item on "Application of the BLU Code to grain carriers" as no specific proposal had been submitted. However, the Committee invited Members and international organizations to submit relevant proposals to the Committee, in accordance with the Guidelines on the organization and method of work;
- .2 having considered, in the context of the pertinent proposal by DSC 8, document MSC 78/24/11 (France) proposing (in order to avoid any problems during inspections and to harmonize the practices of the various Administrations) to develop clarifications regarding information to be provided in the Document of compliance required by SOLAS regulation II-2/19 and the use of MSC/Circ.1027 in connection with the renewal of the Document of compliance for ships built before 1 July 2002, decided to include a high priority item on "Document of compliance required by SOLAS regulation II-2/19", with a target completion date of 2004, in the Sub-Committee's work programme and the provisional agenda for DSC 9. In this context, the Committee, noting the opinion of the delegation of Japan that MSC/Circ.1087 might need to be revised, recognized that such a revision would not be consequential to the proposal by France and invited the delegation of Japan to submit an appropriate proposal in accordance with the Guidelines on the organization and method of work to the Committee.
- .3 having considered, in the context of the respective proposal by DSC 8, document MSC 78/13/1 (Russian Federation) inviting the Committee to instruct the Sub-Committee to consider proposals for amending the Code of Safe Practice for Cargo Stowage and Securing (CSS Code), the Committee agreed to DSC 8's proposal to include a high priority item on "Amendment to the CSS Code", with a target completion date of 2005, in the Sub-Committee's work programme and the provisional agenda for DSC 9; and referred document MSC 78/13/1 to DSC 9 for detailed consideration.

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

24.16 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 36.

24.17 The Committee approved the provisional agenda for DSC 9, including the new items, as set out in annex 37.

Urgent matters to be considered by MSC 79

24.18 Noting that due to close proximity between DSC 9 and MSC 79 and in accordance with the provisions of paragraph 4.9 of the Guidelines on the organization and method of work, it should consider, at its seventy-ninth session, only urgent matters emanating from DSC 9, the

Committee agreed that the following should be considered urgent matters for consideration by MSC 79:

- .1 review of the BC Code, including evaluation of properties of solid bulk cargoes;
- .2 casualty and incident reports and analysis;
- .3 measures to enhance maritime security;
- .4 document of compliance; and
- .5 work programme of the Sub-Committee and the provisional agenda for DSC 10.

SUB-COMMITTEE ON FIRE PROTECTION (FP)

Development of international regulations for gas-fuelled ships

24.19 The Committee recalled its decision, following consideration of document MSC 78/24/8 (Norway) in the context of the DE Sub-Committee's work programme, to include a high priority item on "Development of provisions for gas-fuelled ships", with a target completion date of 2007, in the work programme of the DE (co-ordinator), BLG and FP Sub-Committees and the provisional agenda for their forthcoming sessions.

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

24.20 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 36.

24.21 The Committee approved the provisional agenda for FP 48 as set out in annex 37.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

Outcome of MEPC 51

24.22 The Committee noted (MSC 78/2/1/Add.1) that MEPC 51 had included, in the work programme of the Sub-Committee, a high priority item on "Development of survey guidelines required by regulation E-1 of the 2004 BWM Convention", with two sessions needed to complete the item.

Measures to enhance maritime security

24.23 The Committee recalled its decision under agenda item 7 (Measures to enhance maritime security) and decided to retain the item on "Measures to enhance maritime security", with a target completion date of 2006, in the Sub-Committee's work programme and the provisional agenda for FSI 13.

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

24.24 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 36. The Secretariat was instructed to inform the MEPC accordingly.

24.25 The Committee approved the provisional agenda for FSI 13, as set out in annex 37 and instructed the Secretariat to inform the MEPC accordingly.

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

Revision of the Performance standards for search and rescue radar transponder (SART)

24.26 Following consideration of document MSC 78/24/4 (Japan) proposing, in order to improve effective search and rescue operation, to revise the Performance standards for SART (resolution A.802(19)) to take into account the SART using signal of circular polarization; and document MSC 78/24/19 (Norway) proposing, when revising the Performance standards, to also include therein, provisions for the AIS search and rescue transponder (one for 9 GHz SART and one for AIS-SART) and, if necessary, to develop appropriate amendments to SOLAS chapters III and IV, the Committee decided to include, in the COMSAR Sub-Committee's work programme, a high priority item on "Revision of the Performance standards for SART", with two sessions needed to complete the item; and to instruct the DE and NAV Sub-Committees to contribute, as necessary, when requested by the COMSAR Sub-Committee.

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

24.27 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 36.

24.28 The Committee approved the provisional agenda for COMSAR 9, as set out in annex 37.

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

Outcome of A 23

24.29 Referring to paragraph 3.8.1 of document MSC 78/24/12, the Committee, in the context of resolution A.953(23) – *World-wide Radionavigation System*, requested the Sub-Committee to recognize systems conforming with the requirements of the revised Report on the study of world-wide radionavigation system, annexed to the resolution.

Revision of the Performance standards for an integrated navigation system (INS)

24.30 The Committee considered document MSC 78/24/2 (Germany) proposing to revise the performance standards for an integrated navigation system (INS) (resolution MSC.86(70), annex 3) to allow for the proper application of a SOLAS regulation V/15; and document MSC 78/24/16 wherein Norway, supporting the proposal by Germany, proposed also that not only the Performance standards for INS but the entire Performance standards for the integrated bridge system (IBS) (resolution MSC.64(67), annex 1) be revised, as an IBS is a combination of these systems. Following the debate, the Committee decided to include, in the NAV Sub-Committee's work programme, a high priority item on "Revision of the performance standards for INS and IBS", with two sessions needed to complete the item; and instructed the Sub-Committee to consider whether revised single or separate standards should be developed and to take into account a pertinent outcome of the Working Group on Human Element.

Permission to use the raster chart display system (RCDS) mode of ECDIS, without the requirement to carry paper charts

24.31 The Committee considered document MSC 78/24/3 (Australia) proposing (in order to permit ships to operate ECDIS in the RCDS mode without the need to carry paper charts) to develop amendments to appendix 7 (RCDS mode of operation) of resolution A.817(19) on Performance standards for electronic chart display and information systems (ECDIS), as amended by resolution MSC.86(70), to the effect that the carriage of paper charts is not necessary as long as ships are fitted with type-approved ECDIS and with suitable back-up arrangements that can operate with either conforming electronic or raster charts, as appropriate, in which case paper charts can remain as an acceptable option in any back-up arrangements.

24.32 In commenting on the proposal, whilst France (MSC 78/24/18) did not support the proposal to authorize the use of ECDIS in the RCDS mode without a requirement to carry an appropriate portfolio of up-to-date paper charts, Norway (MSC 78/24/17) while supporting the main purpose of the Australian proposal to promote a wider use of ECDIS, raised some concerns and suggested, as an alternative to the Australian proposal, that consideration could be given to a reasonable phase-in schedule for mandatory requirements for ships to carry ECDIS equipment, and to use electronic navigational charts (ENC) where available; and also indicated that the definition of “appropriate folio of up-to-date paper charts” may need to be revisited. Further, in the view of Norway, each coastal State should therefore carefully evaluate if, and to what extent, certain parts of its waters are adequately covered by RNC in relation to safety of navigation. The results of such evaluations should be made available to the maritime community, and would thus provide a reasonable degree of flexibility in relation to the types of charts to use for navigational purposes.

24.33 Following the discussion of the above proposals, the Committee, having referred the above documents to the NAV Sub-Committee, decided to include, in the Sub-Committee’s work programme and the provisional agenda for NAV 51, a high priority item on “Evaluation of the use of ECDIS and ENC development”, with two sessions needed to complete the item; and to instruct NAV 50 to give a preliminary consideration to the matter.

Safety aspects of ballast water exchange

24.34 The Committee recalled that, in the context of the work programme of the DE Sub-Committee and in view of the specific proposal of MEPC 49, it had instructed the Sub-Committee to specify the permissible limits of transitory deviation for safety problem areas and to report to the Committee as appropriate (see paragraph 24.42).

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

24.35 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 36.

24.36 The Committee approved the provisional agenda for NAV 50, as set out in annex 37.

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)**New work programme items proposed by DE 47**

24.37 Endorsing proposals by DE 47, the Committee decided to include, in the Sub-Committee's work programme and the provisional agenda for DE 48:

- .1 a high priority item on "Compatibility of life-saving appliances", with a target completion date of 2006; and
- .2 a high priority item on "Inconsistencies in IMO instruments regarding requirements for life-saving appliances", with a target completion date of 2006.

Amendments to the Recommendation on conditions for approval of servicing stations for inflatable liferafts (resolution A.761(18))

24.38 Following consideration of document MSC 78/24/7 (Italy) proposing to amend the above Recommendation to require that some important provisions like medicines, food and water rations are checked to ensure that they are in good condition and that items with a use-by date are suitable for use until the next due date of servicing, the Committee decided to include, in the DE Sub-Committee's work programme, a high priority item on "Amendments to resolution A.761(18)", with two sessions needed to complete the item. In this context, the Committee recalled that it had agreed that, under this new item, the Sub-Committee should also consider the amendments proposed in paragraphs 5 and 6 of document MSC 78/24/10.

Development of international regulations for gas-fuelled ships

24.39 The Committee considered document MSC 78/24/8 (Norway) proposing to develop provisions for gas-fuelled ships aiming at establishing an international standard for the installation and operation of internal combustion engine installations using gas as fuel in all types of ships other than LNG carriers. It was also proposed, in general, that these provisions should be developed in the form of a new chapter of the SOLAS Convention and an associated mandatory code. Following the discussion, the Committee decided to include a high priority item on "Development of provisions for gas-fuelled ships", with a target completion date of 2007, in the work programmes of the DE (co-ordinator), BLG and FP Sub-Committees and provisional agendas for their forthcoming sessions, requesting the Sub-Committees to develop appropriate draft Guidelines and advise the Committee when the development of the respective mandatory regulations can be commenced.

Test standards for extended service intervals of inflatable liferafts

24.40 The Committee considered document MSC 78/24/10 (Denmark) proposing to develop test standards for inflatable liferafts that are allowed extended service intervals, for inclusion in resolution MSC.81(70) on Testing and evaluation of life-saving appliances and to also develop amendments to resolution A.761(18) on Recommendation on conditions for the approval of servicing stations for inflatable rafts, for consistency, and decided to include, in the work programme of the DE Sub-Committee and the provisional agenda for DE 48, a high priority item on "Test standards for extended service intervals of inflatable liferafts", with a target completion date of 2006.

24.41 With regard to the amendments to resolution A.761(18) to be developed for consistency, as proposed by Denmark in paragraphs 5 and 6 of document MSC 78/24/10, the Committee agreed that the Sub-Committee should deal with them under the new item on “Amendments to resolution A.761(18)” referred to in paragraph 24.38.

Safety aspects of ballast water exchange

24.42 In noting that DE 47, having selected the item on “Safety aspects of ballast water management” for inclusion in the provisional agenda for DE 48, proposed that the Committee instruct the NAV and SLF Sub-Committees to specify the permissible limits of transitory deviation for safety problem areas, the Committee, having recalled, in this context, the proposal of MEPC 49 (document MSC 78/2/1, paragraph 3) to confirm the acceptability of transitory non-compliance with safety regulations when conducting ballast water exchange, decided to instruct the NAV and SLF Sub-Committees to act accordingly and to report to the Committee, so that it can consider the aforementioned proposal of MEPC 49 and take action as appropriate.

Outcome of MEPC 49 and MEPC 51

24.43 In considering MEPC 49’s request (MSC 78/2/1, paragraphs 30.2 and 32.10) to review, as a matter of priority, the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)) for the purpose of incorporating therein relevant elements and provisions of the CAS, the Committee noted that the matter had been dealt with by DE 47 and the outcome thereof, including pertinent draft amendments to the Guidelines, would be reported to MSC 79.

24.44 The Committee noted (MSC 78/2/1/Add.1) that MEPC 51 had decided to:

- .1 refer documents MEPC 51/17 and MEPC 51/17/1 to DE 48, for consideration under the agenda item on “Amendments to resolution A.744(18)” and reporting to MEPC 53;
- .2 instruct DE 48 to consider, in the context of the revision of resolution A.744(18), the level of documentation that the receiving flag Administration must require from the issuing flag Administration in cases where there is a change of flag during the CAS survey or after the Statement of Compliance has been issued; and
- .3 include in the work programme of the Sub-Committee and the provisional agenda for DE 48, a high priority item on “Revision of the Guidelines for systems for handling oily wastes in machinery spaces of ships (MEPC/Circ.235)”, with a target completion date of 2006.

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

24.45 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 36.

24.46 The Committee approved the provisional agenda for DE 48, as set out in annex 37.

SUB-COMMITTEE ON STABILITY AND LOAD LINES AND ON FISHING VESSELS SAFETY (SLF)**Revision of the Code on Intact Stability**

24.47 The Committee considered documents MSC 78/24/1 and MSC 78/INF.5 (Germany) proposing to restructure the Intact Stability Code (with the emphasis of clearly separating stability criteria from guidance and explanations) and to prepare part A containing stability criteria for the design and operation of ships, part B containing guidance and explanations and part C containing explanatory notes on compliance with the criteria; and to give mandatory status to the stability criteria in the envisaged part A of the Code and to appropriately amend the SOLAS and/or Load Line Convention to make part A of the Code mandatory.

24.48 In this context, the Committee recalled that, under agenda item 12 (Stability, load lines and fishing vessel safety), it had noted that SLF 46 (having commenced developing a new structure of the Code, whereby the provisions that might be considered for mandatory application should be separated from those that should remain recommendatory, including any explanatory notes) had agreed that certain parts of the Code should be made mandatory and invited MSC 78 to note this view.

24.49 Having debated the above, the Committee:

- .1 referred documents MSC 78/24/1 and MSC 78/INF.5 to SLF 47 for detailed consideration under its amended agenda item on “Revision of the Intact Stability Code”; and
- .2 requested SLF 47 to consider how the DE and STW Sub-Committees should be involved, including a need to establish a specific item in the work programmes of these Sub-Committees, and to advise MSC 79 as appropriate.

Tonnage measurement of open-top containerships

24.50 Following consideration of document MSC 78/24/5 (Germany) which, referring to the existing interpretation of the 1969 Tonnage Convention (TM.5/Circ.4) providing a provisional formula to calculate a reduce gross tonnage of open-top containerships, proposed to amend the interpretation to better address the tonnage measurement of open-top containerships in line with practice adopted by some Administrations, the Committee decided to include, in the SLF Sub-Committee’s work programme, a low priority item on “Tonnage measurement of open-top containerships”, with two sessions needed to complete the item.

Revision of the interpretation of alteration and modification of a major character (MSC/Circ.650)

24.51 The Committee considered document MSC 78/24/9 (Norway) proposing (in view of the extension of the application of the subdivision and damage stability requirements for cargo ships, specified in part B-1 of SOLAS chapter II-1, to cover cargo ships between 80 m and 100 m in length) to clarify the meaning of the term “existing cargo ship” in MSC/Circ.650 on Interpretation of alterations and modifications of a major character, since whilst some Administrations are of the opinion that existing ships are limited to ships built before 1 February 1992 or 1 July 1998 respectively depending on their length and therefore any lengthening from below to above the application limits of 100 m or 80 m respectively will require the application of SOLAS chapter II-1 part B-1, others are of the opinion that the circular

is applicable also to ships built after 1 February 1992 or 1 July 1998 respectively, if lengthened from below to above the application limit of 100 m or 80 m respectively.

24.52 Following the discussion, the Committee agreed to instruct SLF 47 to consider the matter under the agenda item on “Development of the revised SOLAS chapter II-1 parts A, B and B-1” and to advise MSC 79 whether it would be an issue for further consideration.

Safety aspects of ballast water exchange

24.53 The Committee recalled that, in the context of the work programme of the DE Sub-Committee and in view of the specific proposal of MEPC 49, it had instructed the Sub-Committee to specify the permissible limit of transitory deviation from safety problem areas and to report to the Committee as appropriate (see paragraph 24.42).

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

24.54 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 36.

24.55 The Committee approved the provisional agenda for SLF 8, as set out in annex 37.

Urgent items to be considered by MSC 9

24.56 Noting that due to the close proximity between SLF 47 and MSC 79 and in accordance with the provisions of paragraph 4.9 of the Guidelines on the organization and method of work, it should consider, at its seventy-ninth session, only urgent matters emanating from SLF 47, the Committee agreed that the following should be urgent matters for consideration by MSC 79:

- .1 development of revised SOLAS chapter II-1 parts A, B and B-1;
- .2 development of Explanatory notes for harmonized SOLAS chapter II-1;
- .3 revision of the fishing vessel Safety Code and Voluntary Guidelines;
- .4 large passenger ship safety; and
- .5 work programme of the Sub-Committee and the provisional agenda for SLF 48.

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

Review of the STCW Code requirements regarding demonstration of competence

24.57 The Committee considered document MSC 78/24/6 (Norway) proposing to conduct a review of requirements regarding demonstration of competence in STCW Code chapter VI by way of receiving a refresher course ashore, with the aim of clearly specifying minimum requirements, and, taking into account the comments made by the Russian Federation, as supported by other delegations, that the proposed refresher training ashore would be in conflict with the existing provisions of regulation I/11 of the STCW Convention and section A-I/11 of the STCW Code (which require refresher training and revalidation of competence only for holders of certificates for masters, officers and radio operators and specifically exclude from revalidation all the certificates issued under the STCW Code chapter VI requirements), the Committee decided

that STW 36 should only consider the need for review of the STCW chapter VI requirements and advise MSC 80 as appropriate.

Work programme of the Sub-Committee and provisional agenda for STW 36

24.58 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 36.

24.59 The Committee approved the provisional agenda for STW 36, as set out in annex 37.

INTERSESSIONAL MEETINGS

24.60 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 3.40 of the Guidelines on the organization and method of work; as well as the Committee's decision at MSC 66, that all sub-committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justified request for consideration, the Committee, taking into account decisions made under various agenda items, approved the intersessional meetings of the:

- .1 Working Group on Evaluation of Safety and Pollution Hazards of Chemicals (ESPH), to take place at the IMO Headquarters, from 30 August to 3 September 2004;
- .2 Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR, to take place on board passenger ship "Adventure of Seas", from 19 to 26 September 2004 (see paragraph 16.13); and
- .3 Joint IMO/ITU expert group, to take place in London, in June 2004.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 79

Substantive items for inclusion in the agendas for MSC 79 and MSC 80

24.61 The Committee agreed on the substantive items to be included in the agendas for its seventy-ninth and eightieth sessions, as set out in document MSC 78/WP.12, as amended.

Establishment of working and drafting groups during MSC 79

24.62 Recalling the provisions of paragraphs 3.24 and 3.28 of the Guidelines on the organization and method of work, concerning the number of groups which may be established at any given session, the Committee, taking into account decisions made under various agenda items, agreed that working groups on the following items should be established at the Committee's seventy-ninth session:

- .1 large passenger ship safety;
- .2 goal-based new ship construction standards; and
- .3 measures to enhance maritime security,

and further agreed to establish a drafting group on consideration and adoption of amendments to mandatory instruments.

Duration and dates of the next two sessions

24.63 The Committee noted that its seventy-ninth session had been scheduled to take place from 1 to 10 December 2004; and its eightieth session tentatively in May 2005.

25 ANY OTHER BUSINESS

25.1 Owing to lack of time, the Committee decided to defer to MSC 79 consideration of the documents submitted under this agenda item.

Expression of appreciation

25.2 The Committee expressed appreciation to the following delegate and observer and member of the Secretariat, who had recently relinquished their duties, retired or were transferred to other duties or were about to, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. H. Horike (Councillor, Japanese Embassy) (return to the Transport Ministry in Tokyo)
- Mr. A. Bilney (ICS) (retirement)
- Mr. N. Usui (Secretariat) (return home).

(The annexes will be issued as addenda to the document.)
