



MARITIME SAFETY COMMITTEE
83rd session
Agenda item 28

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**REPORT OF THE MARITIME SAFETY COMMITTEE ON ITS
EIGHTY-THIRD SESSION**

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 At the invitation of the Government of Denmark, the eighty-third session of the Committee was held at the Bella Center of Copenhagen from 3 to 12 October 2007. The meeting was held under the chairmanship of Mr. Neil Ferrer (Philippines), who was elected as Chairman for 2007 at the opening of the session.

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

ALGERIA	ITALY
ANGOLA	JAMAICA
ANTIGUA AND BARBUDA	JAPAN
ARGENTINA	KENYA
AUSTRALIA	KUWAIT
BAHAMAS	LATVIA
BAHRAIN	LIBERIA
BANGLADESH	LITHUANIA
BARBADOS	LUXEMBOURG
BELGIUM	MALAYSIA
BELIZE	MALTA
BOLIVIA	MARSHALL ISLANDS
BRAZIL	MAURITANIA
BULGARIA	MEXICO
CAMBODIA	MONACO
CANADA	MYANMAR
CHILE	NETHERLANDS
CHINA	NEW ZEALAND
CÔTE D'IVOIRE	NIGERIA
CROATIA	NORWAY
CUBA	PAKISTAN
CYPRUS	PANAMA
CZECH REPUBLIC	PAPUA NEW GUINEA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	PHILIPPINES
DENMARK	POLAND
DOMINICA	PORTUGAL
ECUADOR	QATAR
EGYPT	REPUBLIC OF KOREA
ESTONIA	ROMANIA
FINLAND	RUSSIAN FEDERATION
FRANCE	SAINT KITTS AND NEVIS
GERMANY	SAINT VINCENT AND THE GRENADINES
GHANA	SAUDI ARABIA
GREECE	SINGAPORE
HUNGARY	SLOVENIA
ICELAND	SOUTH AFRICA
INDIA	SPAIN
INDONESIA	SWEDEN
IRAN (ISLAMIC REPUBLIC OF)	SWITZERLAND
IRELAND	SYRIAN ARAB REPUBLIC
ISRAEL	THAILAND

TUNISIA
TURKEY
TUVALU
UKRAINE
UNITED KINGDOM

UNITED REPUBLIC OF
TANZANIA
UNITED STATES
VANUATU
VENEZUELA

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:

WORLD METEOROLOGICAL ORGANIZATION (WMO)
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 ORGANISATION FOR WEST AND CENTRAL AFRICA (MOWCA)
LEAGUE OF ARAB STATES
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)
WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING
ON PORT STATE CONTROL (ABUJA MoU)

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 UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND
LIGHTHOUSE AUTHORITIES (IALA)
INTERNATIONAL RADIO MARITIME COMMITTEE (CIRM)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS (IADC)
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)

INTERNATIONAL LIFESAVING APPLIANCES MANUFACTURERS' ASSOCIATION (ILAMA)
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS LIMITED (SIGTTO)
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY (IMarEST)
IBEROAMERICAN INSTITUTE OF MARITIME LAW (IIDM)
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)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERFERRY
INTERNATIONAL MARITIME HEALTH ASSOCIATION (IMHA)
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)
INTERNATIONAL TOWING TANK CONFERENCE (ITTC)
INTERNATIONAL ASSOCIATION OF MARITIME UNIVERSITIES (IAMU)

1.5 The session was also attended by Mr. A.I. Chrysostomou (Cyprus), Chairman of the Marine Environment Protection Committee (MEPC). The Chairmen of all sub-committees, except for the Chairman of the DSC Sub-Committee, were also present.

Address of the Minister for Economic and Business Affairs of Denmark

1.6 In his statement, the Minister for Economic and Business Affairs of Denmark, Mr. Bendt Bendtsen, extended a warm welcome to the participants to the eighty-third session of the Committee in Copenhagen, one of the world's most significant maritime business centres.

Having referred to Denmark's location, its trade pattern and shipping industry, he emphasized that the appreciation of IMO in Denmark clearly goes beyond the Government and the Danish maritime Administration, and that Denmark regards IMO as a cornerstone in international maritime legislation. He stressed that it is equally important for all IMO Member States to show real commitment when it comes to ratification, effective implementation and enforcement of IMO instruments, and urged them to make every effort to do so. Having emphasized the need to improve continuously and to meet the challenges from globalization and other challenges that lie ahead, the Minister underlined that health, safety and environmental measures on ships should be maintained and improved, indicating that IMO is a key factor in this development. He then highlighted the important work of the Committee in the field of maritime safety and security, stressing, in particular, the gravity of piracy and the need to ensure that acts of piracy and armed robbery against ships are eliminated.

In conclusion, the Minister wished the meeting every success and the participants a pleasant stay in his country. (The full statement of the Danish Minister for Economic and Business Affairs is reproduced in document MSC 83/INF.20.)

Opening address of the Secretary-General

1.7 In welcoming the participants, the Secretary-General extended a special welcome to His Excellency Mr. Bendt Bendtsen, Minister for Economic and Business Affairs of Denmark, whose portfolio also covers the shipping sector of the country in the Government of Denmark and, on behalf of the Organization, expressed deep appreciation for Denmark's offer to host the meeting in Copenhagen and for bearing the substantial cost of moving the IMO staff over to assist in the preparation and running of the session.

Having referred to Denmark as a seafaring nation that has a long and proud history, the Secretary-General said that the Danish maritime sector is truly international and multi-faceted, offering a wide and comprehensive range of ship types, shipping services and ancillary activities, not least shipbuilding. Such diversity is due to the recognition of the sector's value to Denmark's economy and status, and to the importance attached to ensuring that shipping is safe and secure. He indicated that Denmark's commitment to these values is well known and was exemplified by its leadership role in the development of the Voluntary IMO Member State Audit Scheme and its associated Code for the implementation of mandatory IMO instruments.

Having touched upon the ongoing Headquarters refurbishment project and the efforts of the Secretariat to continue providing the membership with quality services and the usual effective support to all meetings, the Secretary-General outlined the most important topics on the Committee's agenda for the current session, such as the long-range identification and tracking of ships; safety of passenger ships; maritime security; the development of the goal-based ship construction standards; the consideration of the maritime aspects of the supply chain security in co-operation with the World Customs Organization; approval of the Code of international standards and recommended practices for a safety investigation into maritime casualty or marine incident; developments concerning piracy and armed robbery against ships and the protection of vital shipping lanes; the carriage of IMDG Code class 7 radioactive materials; development of an e-navigation strategy and ships' routing, ship reporting and related measures as well as issues of a general nature. He updated the Committee on recent developments concerning the implementation of the Voluntary IMO Member State Audit Scheme to which he attributed great importance.

The Secretary-General concluded his address by paying special tribute to all the Sub-Committees reporting to the current session, their Chairmen, Vice-Chairmen and other officers as well as the Secretariat that served them for their excellent work; and expressing confidence in the Committee's ability, in its usual spirit of co-operation and commitment, to provide the expected direction, guidance and assistance to all those concerned with enhancing safety, security and, indirectly, the protection of the marine environment. (The full text of the Secretary-General's opening address is reproduced in document MSC 83/INF.14.)

Chairman's remark

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

Adoption of the agenda and related matters

1.9 The Committee adopted the agenda (MSC 83/1/Rev.1) and a provisional timetable for guidance during the session (MSC 83/1/1, annex). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 83/INF.21.

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

Credentials

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

2 DECISIONS OF OTHER IMO BODIES

Outcome of the thirty-fourth session of the Facilitation Committee

2.1 The Committee noted the outcome of the thirty-fourth session of the FAL Committee (MSC 83/2) and considered the information provided under the relevant agenda items.

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

2.2 The Committee noted the outcome of the fifty-seventh session of the Technical Co-operation Committee contained in document MSC 83/2/1 and considered the information provided under agenda item 17 (Technical assistance sub-programme in maritime safety and security).

Outcome of the ninety-eighth regular session of the Council

2.3 The Committee noted the outcome of the ninety-eighth regular session of the Council (MSC 83/2/2) on matters pertaining to its work.

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

2.4 The Committee noted the outcome of the fifty-sixth session of the Marine Environment Protection Committee (MSC 83/2/3) and considered the relevant information under the agenda items 10 (Bulk liquids and gases) and 16 (Role of the human element).

Outcome of the International Conference on the Removal of Wrecks

2.5 The Committee noted (MSC 83/2/4) the outcome of the International Conference on the Removal of Wrecks, held in Nairobi, Kenya, from 14 to 18 May 2007.

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 IV and VI of the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention; and
- .2 the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code), in

accordance with the provisions of article VIII and regulation VII/14.1 of the 1974 SOLAS Convention.

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

3.3 The proposed amendments to SOLAS chapters IV and VI of the 1974 SOLAS Convention and to the INF Code mandatory under the Convention were circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by circular letter No.2771 of 18 January 2007.

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

3.5 The proposed amendments to the 1988 SOLAS Protocol were circulated in accordance with SOLAS article VIII(b)(i) and article VI(c) of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1988 SOLAS Protocol by circular letter No.2770 of 17 January 2007.

CONSIDERATION OF THE PROPOSED AMENDMENTS TO MANDATORY INSTRUMENTS

CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

PROPOSED AMENDMENTS TO SOLAS CHAPTER IV

3.6 The Committee recalled that MSC 82 had decided that any corresponding amendments to SOLAS chapter IV should be considered and finalized by COMSAR 11 and, subsequently, authorized the Secretariat to circulate the finalized aforementioned amendments after COMSAR 11, in accordance with SOLAS article VIII(b)(i), with a view to adoption at MSC 83.

3.7 The Committee considered a new SOLAS regulation IV/4-1 (GMDSS satellite providers) prepared by COMSAR 11 (MSC 83/3, annex 1) and, noting that no further comments had been submitted on the proposed amendments to SOLAS chapter IV, confirmed its content, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER VI

3.8 The Committee recalled that the proposed amendments to SOLAS chapter VI related to the transport of MARPOL Annex I cargoes and marine fuel oils had been developed by BLG 10 and approved by MSC 82.

3.9 Noting that no further comments had been submitted on a new SOLAS regulation VI/5-1 (Material safety data sheets), the Committee confirmed its contents, subject to editorial improvements, if any.

DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

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

3.11 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 2009 and should enter into force on 1 July 2009. Consequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE 1988 SOLAS PROTOCOL

3.12 The Committee recalled that the proposed amendments to the forms of Passenger Ship Safety Certificate and Cargo Ship Safety Certificate contained in the appendix to the Annex to the 1988 SOLAS Protocol (MSC 83/3/1, annex) had been prepared by the FSI Sub-Committee and approved by MSC 82 and, noting that no comments had been submitted on the proposed amendments, confirmed their contents, subject to editorial improvements, if any.

3.13 In the context of this item, the Committee, having discussed the pertinent comments by the delegations, agreed that:

- .1 the Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate should also be amended to include paragraphs regarding alternative design arrangements prescribed by SOLAS regulation II-2/17;
- .2 the subdivision tables in the Passenger Ship Safety Certificate should be amended to bring it in line with the revised SOLAS chapter II-1 with regard to subdivision notations C.1, C.2 and C.3; and
- .3 existing certificates should be replaced by the amended certificates at the first renewal survey after the date of entry of the amendments,

and instructed the drafting group to prepare the relevant draft amendments.

Date of entry into force of the proposed amendments

3.14 The Committee agreed that the amendments to the appendix to the Annex to the 1988 SOLAS Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2009 and should enter into force on 1 July 2009.

PROPOSED AMENDMENTS TO THE INF CODE

3.15 The Committee recalled that the proposed amendments to chapter 2 (Damage stability) of the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code) (MSC 83/3, annex 2) had been approved by MSC 82 and, having noted that no further comments had been submitted on the

proposed amendments to the INF Code, confirmed its contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.16 The Committee agreed that the amendments to the INF Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2009 and should enter into force on 1 July 2009.

ESTABLISHMENT OF A DRAFTING GROUP

3.17 Following discussion in plenary, the Committee established an *ad hoc* drafting group to prepare the final text of the draft amendments to the 1974 SOLAS Convention, the 1988 SOLAS Protocol and the INF Code, together with the associated draft MSC resolutions for consideration by the Committee for adoption.

CONSIDERATION OF NEW AMENDMENTS TO THE 1974 SOLAS CONVENTION

Drainage of enclosed ro-ro spaces or special category spaces situated on the bulkhead deck

3.18 The Committee noted the submission by Denmark, Norway and Sweden (MSC 83/3/2), proposing amendments to SOLAS chapter II-1 to establish provisions concerning the drainage of fire-fighting water in enclosed ro-ro spaces, and after brief discussion, agreed to consider this document under agenda item 25 (Work programme) together with document MSC 83/25/2 (Egypt), taking into account that both documents addressed the same issue (see paragraphs 3.28 and 25.18 to 25.20).

ADOPTION OF PROPOSED AMENDMENTS TO MANDATORY INSTRUMENTS

REPORT OF THE DRAFTING GROUP

3.19 Having received the report of the drafting group (MSC 83/WP.3), the Committee approved the report in general and took action as indicated hereunder.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION AND THE 1988 SOLAS PROTOCOL

Adoption of amendments to the 1974 SOLAS Convention as amended

3.20 The expanded Committee, including the delegations of 92 Contracting Governments to the 1974 SOLAS Convention considered the final text of the proposed amendments to chapters IV and VI of, and the appendix (certificates) to the Annex to, the Convention prepared by the drafting group (MSC 83/WP.3, annex 1) and adopted the amendments unanimously by resolution MSC.239(83), set out in annex 1.

3.21 In adopting resolution MSC.239(83), 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 IV and VI of the Convention should be deemed to have been accepted on 1 January 2009 (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 2009.

Adoption of amendments to the 1988 SOLAS Protocol as amended

3.22 The expanded Committee, including delegations of 62 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 83/WP.3, annex 2) and adopted the amendments unanimously by resolution MSC.240(83), set out in annex 2.

3.23 In adopting resolution MSC.240(83), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 January 2009 (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 2009, in accordance with the provisions of SOLAS article VIII and article VI of the 1988 SOLAS Protocol.

3.24 In the context of this item, the Committee:

- .1 endorsed the group's view that it would be beneficial for the Organization to develop general guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to SOLAS certificates and instructed the FSI Sub-Committee to develop general guidance to address the matter, under the existing agenda item on "Review of the Survey Guidelines under the HSSC (resolution A.948(23))"; and
- .2 requested the Secretariat to prepare, in due course, the necessary consequential amendments to the 1988 SOLAS Protocol following the acceptance of the amendments, concerning passenger ship safety, adopted by resolution MSC.216(82), taking into account that similar alternative design and arrangements regulations have been adopted for SOLAS chapters II-1 (parts A, B and B-1) and III.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE INF CODE

3.25 The expanded Committee, including the delegations of 92 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the INF Code prepared by the drafting group (MSC 83/WP.3, annex 3) and adopted the amendments unanimously by resolution MSC.241(83), set out in annex 3.

3.26 In adopting resolution MSC.241(83), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the INF Code should be deemed to have been accepted on 1 January 2009 (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 2009, in accordance with the provisions of SOLAS article VIII.

INSTRUCTIONS TO THE SECRETARIAT

3.27 In adopting the aforementioned amendments, the Committee authorized the Secretariat, when preparing the authentic texts of the amendments as appropriate, to effect any editorial corrections that may be identified, and to bring to the attention of the Committee any errors or

omissions which require action by the Contracting Governments to the 1974 SOLAS Convention and the Parties to the 1988 SOLAS Protocol.

DRAINAGE IN CLOSED VEHICLE AND RO-RO SPACES AND SPECIAL CATEGORY SPACES

3.28 The Committee, having recalled its decision regarding the above issue taken under agenda item 25 (Work programme), considered the part of the report of the drafting group (MSC 83/WP.3) relating to this issue and:

- .1 approved the draft amendments to SOLAS chapters II-1 and II-2, set out in annex 4, 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 84; and
- .2 approved MSC.1/Circ.1234 on Drainage of fire-fighting water from closed vehicle and ro-ro spaces and special category spaces for passenger and cargo ships.

4 MEASURES TO ENHANCE MARITIME SECURITY

General

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

4.2 The Committee considered documents MSC 83/4, MSC 83/4/Add.1 and MSC 83/4/1 (Secretariat). In this respect, the Committee considered the relevant parts of the reports of STW 38 and FAL 34.

4.3 The Committee further considered documents MSC 83/4/2 and MSC 83/INF.7 (United Kingdom), MSC 83/4/3 (CLIA), MSC 83/4/4 (Australia), MSC 83/INF.11 (Singapore) and MSC 83/INF.16 (United States) before referring matters raised therein to the Working Group on Maritime Security (MSWG).

Outcome of STW 38

4.4 In considering the report (MSC 82/4) on the outcome of the work of STW 38 on issues relating to measures to enhance maritime security, the Committee noted the information provided and:

- .1 with respect to the STCW Convention and the STCW Code:
 - .1 endorsed the proposed amendments to regulation VI/1 and sections A-VI/1 and B-VI/1 addressing the basic security-related training and security-related familiarization training for seafarers without designated security-related duties and for all shipboard personnel, respectively;
 - .2 endorsed a new regulation VI/6 and new sections A-VI/6 and B-VI/6, addressing the standards of competency and security-related

familiarization training for seafarers with designated security-related duties,

which are set out in annexes 2 to 4 to document STW 38/17, on the understanding that these would be reviewed by the STW Sub-Committee in conjunction with the comprehensive review of the STCW Convention and the STCW Code before being presented to the Committee with a view to approval and circulation for adoption;

- .2 decided that seafarers serving on ships which are not required to comply with SOLAS chapter XI-2 and the ISPS Code should be required to undertake basic security-related training or instruction, and agreed to make any necessary changes to the preliminary text of the draft amendments when these had been finalized as a part of the comprehensive review; and
- .3 approved MSC.1/Circ.1235 on Guidelines on security-related training and familiarization training for shipboard personnel.

Outcome of FAL 34

Action taken in relation to the adoption of the Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic

4.5 The Committee recalled (MSC 82/4/Add.1 (Secretariat)) that MSC 82 had adopted resolution MSC.228(82) on Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships and had invited FAL 34 to note the action taken by MSC 82.

4.6 The Committee noted that following the action taken by MSC 82, FAL 34 had adopted the Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution FAL.9(34)). The Committee further noted the action taken by FAL 34 in relation to the revision of the model course on the prevention and control of illicit drug trafficking on board ships.

4.7 As A 24 had decided (operative paragraph 3 of resolution A.985(24) on Revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)) that, as from the date of the joint adoption by the Committee and the Facilitation Committee, the Guidelines adopted by resolution A.872(20) should be deemed as revoked, the Committee also noted, that in accordance with resolutions MSC.222(82) and FAL.9(34), the Revised Guidelines had taken effect from 1 April 2007.

4.8 The Committee requested the Secretariat to report to A 25, the action taken by the Committee in relation to the revision of the Guidelines annexed to resolution A.872(20) pursuant to resolution A.985(24).

Report by the Joint MSC/FAL Working Group on security and facilitation of the movement of closed cargo transport units and of freight containers transported by ships

4.9 Having noted that the Joint MSC/FAL Working Group on Security and facilitation of the movement of closed cargo transport units and of freight containers transported by ships, convened during MSC 82, had met again during FAL 34 to continue its work, the Committee noted (MSC 82/4/1) the report by the Chairman of the joint working group on the outcome of the work of the group during FAL 34.

4.10 The Committee noted that the Facilitation Committee had completed its work in this regard and, given that there had been no submissions on this issue, approved the report of the joint working group in general.

4.11 The Committee approved MSC-FAL.1/Circ.1 on Securing and facilitating global trade.

Enhancement of the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code

4.12 The Committee recalled that MSC 81 (MSC 81/25, paragraph 5.61) had:

- .1 acknowledged that the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code (non-SOLAS vessels) and their interactions with ships and port facilities which were required to comply with the aforesaid provisions was an area of varying concerns to a number of SOLAS Contracting Governments;
- .2 agreed that the development of recommendations aimed at enhancing the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code would be desirable and would contribute to the efforts of the Organization to enhance maritime security. However, such recommendations would need to be practical, sustainable and proportionate to the risks and threats involved; and
- .3 invited proposals on how to address the security aspects of the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code.

4.13 The Committee also recalled that MSC 82 had established a Correspondence Group on Security aspects of the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code under the co-ordination of the United Kingdom, supported by Japan and the United States.

4.14 In addition to noting the report of the Correspondence Group (MSC 83/4/2 and MSC 83/INF.7), the Committee considered the proposals of Australia (MSC 83/4/4) and information supplied by Singapore (MSC 83/INF.11) and the United States (MSC 83/INF.17).

4.15 The Committee noted that, in order to stimulate debate amongst the correspondence group members, the United Kingdom had produced a discussion document. The comments and examples of "best practice" received had been evaluated and the report of the Correspondence Group provided an indication as to these outcomes and proposals for the further progression of this work.

4.16 Australia (MSC 83/4/4) supported appropriate enhancements to security arrangements for non-SOLAS vessels and, recognizing that this was an issue for national Governments, proposed the development of voluntary guidance in two key areas:

- .1 preventive security for non-SOLAS vessels, through undertaking security risk assessments and developing and implementing security plans, with guidance addressing, *inter alia*:
 - .1 preventing theft or hijack of the vessel;
 - .2 preventing unauthorized access to the vessel;
 - .3 providing a means for the raising of security alerts;
 - .4 undertaking training and drills and exercises to ensure familiarity with security plans and procedures; and
 - .5 reporting suspicious activity; and
- .2 preventing non-SOLAS vessels from being used to attack ISPS Code compliant ships and port facilities, through the use of tools ranging from technology-based tools for maritime domain awareness (such as LRIT and AIS), through to simple mechanisms for reporting and investigating suspicious activity.

4.17 Singapore (MSC 83/INF.11) gave technical information on the Harbour Craft Transponder System (HARTS) operating in the port of Singapore.

4.18 The United States (MSC 83/INF.17) also supported enhancing the security of ships other than those already regulated by SOLAS chapter XI-2 and the ISPS Code. The United States had sponsored a National Small Vessel Security Summit (NSVSS) on 19 and 20 June 2007 to establish a dialogue between Government agencies and the small vessel owners and operators from the commercial and recreational community. The quick look findings of that event were provided for general information and were being expanded to an after action report to be released in autumn 2007. The findings of that report would be provided to the Committee and will be posted on the NSVSS website: http://www.dhs.gov/xprevprot/programs/gc_1175627911698.shtm.

4.19 Recognizing that the work of the correspondence group was at that time incomplete and having noted the information provided by Singapore and the United States, the Committee referred documents MSC 83/4/2 and MSC 83/4/4 to the MSWG for further consideration and, in particular, to advise the Committee on how to progress the issue of enhancing the security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code.

4.20 The Committee further recommended that the MSWG may develop a set of draft guidelines for consideration by the Committee and, if appropriate, direction as to which categories of ships the correspondence group should concentrate on in its future work.

Access of public authorities, emergency response services and pilots on board ships to which SOLAS chapter XI-2 and the ISPS Code apply

4.21 In considering the proposals of Cruise Lines International Association (CLIA) (MSC 83/4/3), the Committee noted the reports of problems encountered by several CLIA

member lines with port State control officers and other public authorities refusing to show proper identification when boarding vessels, contrary to the guidance contained in MSC/Circ.1156 on Access of public authorities, emergency response services and pilots on board ships to which SOLAS chapter XI-2 and the ISPS Code apply, and the importance of proper identification to the security of ships and port facilities.

4.22 The Committee recalled that, in addition to the requirements of the ISPS Code, resolution MSC.159(78) and MSC circulars MSC/Circ.1111, MSC/Circ.1132, MSC/Circ.1156 and MSC.1/Circ.1194 had all drawn attention to this issue.

4.23 The Committee reiterated the need for port State control officers and other public authorities to show proper identification when boarding vessels; invited the observers from the port State control MoUs to take the necessary action; and invited CLIA and other interested parties to provide full and specific details of such bad practices in the future.

4.24 The Committee referred document MSC 83/4/3 to the MSWG for its advice on how the Committee should best reiterate to public authorities, emergency response services and pilots, the guidance contained in MSC/Circ.1156 and other related circulars and the importance of showing proper identification when boarding ships and entering port facilities.

Development of an EDIFACT Message for security-related information

4.25 The Committee recalled that MSC 79 and FAL 32 had agreed not to prescribe a form for transmitting the security-related information that a ship may be requested by a SOLAS Contracting Government to submit pursuant to SOLAS regulation XI-2/9.2.1 and, instead, agreed to develop a standard minimum data set that ships could expect to be required to transmit prior to entry into port. This standard data set had been promulgated as MSC/Circ.1130 on Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port.

4.26 The Committee further recalled that MSC 79 had advised FAL 32 that, even though the standard data set contained in MSC/Circ.1130 was subject to review and amendment by the Committee, the FAL Committee should consider commencing the development of an electronic data interchange message, for joint adoption by the Committee and the FAL Committee, and for inclusion in the IMO Compendium on Facilitation and Electronic Business, through which the standard data set could be transmitted electronically.

4.27 The Committee noted the information provided by the United States (MSC 83/INF.16), which described the Data Maintenance Requests recently submitted to the World Customs Organization Data Model Project Team.

Establishment of the MSWG

4.28 The Committee re-established the MSWG and instructed the MSWG, taking into account the related discussions of the various issues in plenary, to:

- .1 consider and make proposals, taking into account the report of and actions requested by the correspondence group (MSC 83/4/2) and the comments contained in the documents submitted by Australia (MSC 83/4/4), on how to progress the issue of enhancing the security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code. This may include the development a set of draft guidelines for consideration by

the Committee and, if appropriate, direction as to which categories of ships the correspondence group should concentrate on in its future work;

- .2 consider and make proposals, taking into account the comments contained in the document submitted by CLIA (MSC 83/4/3) on how the Committee should best reiterate to public authorities, emergency response services and pilots, the guidance contained in MSC/Circ.1156 and other related circulars and the importance of showing proper identification when boarding ships and entering port facilities; and
- .3 submit a report to plenary by Thursday, 11 October 2007.

REPORT OF THE MSWG

4.29 Having received and approved in general the report of the MSWG (document MSC 83/WP.4), the Committee noted the actions taken on the various documents and proposals submitted and the outcome of the MSWG's considerations; and took action as indicated in the ensuing paragraphs.

ACCESS OF PUBLIC AUTHORITIES, EMERGENCY RESPONSE SERVICES AND PILOTS ON BOARD SHIPS TO WHICH SOLAS CHAPTER XI-2 AND THE ISPS CODE APPLY

4.30 The Committee noted that the ISPS Code, resolution MSC.159(78), MSC/Circ.1111, MSC/Circ.1132, MSC/Circ.1156 and MSC.1/Circ.1194 had all drawn attention to the importance of showing proper identification when boarding ships and agreed that it would not be appropriate to issue a further circular in this regard.

4.31 The Committee agreed to:

- .1 record in the report of the Committee, the need for port State control officers and other public authorities to show proper identification when boarding vessels;
- .2 invite the Memoranda of Understanding on port State control to reiterate to their member authorities the need for port State control officers and other public authorities to show proper identification when boarding vessels;
- .3 invite CLIA and other interested parties to provide full and specific details of such bad practices in the future; and
- .4 recommend that ships experiencing such bad practices should immediately notify the relevant authority of the flag State and, if appropriate, the port State.

ENHANCEMENT OF THE SECURITY OF SHIPS OTHER THAN THOSE ALREADY COVERED BY SOLAS CHAPTER XI-2 AND THE ISPS CODE

4.32 The Committee noted that the ISO 28000 series of standards on supply chain security were now published as full ISO standards and numerous ports, terminals and organizations were being certified by third party independent accredited auditors; the ISO PAS 20858 for uniform implementation of the ISPS Code was now being published as a full ISO standard; and ISO standards could be applied to all ships, irrespective of size, type, purpose and whether operated internationally, domestically or within internal waters.

4.33 The Committee noted the discussion in the MSWG on shipborne automatic identification systems (AIS) in the context of ships not covered by SOLAS chapter XI-2 and the ISPS Code, and that a number of recent reports of attempted piracy promulgated by the Organization (most recently in MSC.4/Circ.107 and MSC.4/Circ.108) had drawn attention to the fact that ships were not transmitting information by AIS. The Committee further noted that the Secretariat had received periodic notification of AIS anomalies, submitted by naval forces of Member Governments. The Committee agreed that such information may be of use to Administrations and port State control authorities to help them to better implement SOLAS requirements.

4.34 The Committee invited the Secretariat to:

- .1 request Member Governments and organizations with consultative status to submit details to the Organization of ships operating either without AIS or with AIS incorrectly configured, reported by ships entitled to fly their flag. Such details should include, where possible, ship name, IMO number, call-sign, date, position (latitude and longitude), and details of the anomaly; and
- .2 promulgate such information by means of an MSC Circular on a quarterly basis.

4.35 The Committee noted the report by Finland, that a significant number of vessels were operating in and around Finnish waters using the same maritime mobile service identity (MMSI) on AIS equipment, and agreed that ensuring the consistent implementation of SOLAS regulation V/19.2.4 and the Guidelines for the on-board operational use of shipborne Automatic Identification Systems (AIS) adopted by the Organization by resolution A.917(22), as amended by resolution A.956(23), were important.

4.36 The Committee noted that in developing guidelines for a correspondence group on how to progress work on addressing the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code (non-SOLAS vessels), the MSWG had taken account of the instructions of the Committee that any guidance developed to should be non-mandatory, and that its application should be the purview of the individual Contracting Governments concerned and proportionate to the assessed levels of threat and risk.

4.37 The Committee further noted that the MSWG had agreed that such guidance developed by a correspondence group should take account of the risk context, so as to ensure that any recommended measures would be appropriate to the prevailing risk environment; and that developing guidance based on vessel type would be beneficial in ensuring the guidelines could be properly targeted to different industry sectors. The MSWG had agreed that in order for a correspondence group to develop appropriately straightforward and user-friendly guidelines, the correspondence group should focus on four vessel types, namely commercial non-passenger vessels, passenger vessels, fishing vessels, and pleasure craft; and two risk contexts, namely normal operations, and operations in a time or place of heightened security risk.

4.38 The Committee debated at length on the merits of developing guidance for pleasure craft, with some delegations expressing concerns that guidance developed by the Organization tended to be treated by their States as mandatory and calling into question their State's abilities to regulate vast numbers of pleasure craft. Counter-arguments included the threat from pleasure craft to ISPS-compliant ships and port facilities; and the need for guidelines to be sufficiently flexible to address all non-SOLAS vessels, commensurate with the threat. A majority of delegations that spoke supported giving instructions to a correspondence group to consider pleasure craft when developing draft guidance on the security of non-SOLAS vessels.

4.39 Having noted the reservations of the delegations of Argentina, Denmark, Finland, Germany, Greece, Malta, Norway and Sweden on the inclusion of pleasure craft, the Committee established a correspondence group on security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code, under the co-ordination of the United Kingdom*, assisted by Japan and the United States, with the following terms of reference:

- 1 The correspondence group on security arrangements for vessels which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code (non-SOLAS vessels) is instructed, taking into account the relevant discussions of the Maritime Security Working Group and decisions of MSC 82 and MSC 83, to develop recommendatory guidelines to enhance maritime security to complement measures required by SOLAS chapter XI-2 and the ISPS Code, which could be utilized by Contracting Governments and/or Administrations at their own discretion. The correspondence group should take the following into account:
 - .1 the guidelines should address security measures for possible application by non-SOLAS vessels in order to:
 - .1.1 protect non-SOLAS vessels against security threats; and
 - .1.2 prevent non-SOLAS vessels from posing a security threat to other vessels and port facilities;
 - .2 the guidelines should reiterate the importance of undertaking a risk assessment to determine if and to what extent such guidelines are to be applicable;
 - .3 the guidelines should draw attention to existing IMO instruments and guidance material, for example guidance on suppression of piracy, drug smuggling, and stowaways;
 - .4 the guidelines should complement other security procedures, for example the need for port service craft to comply with port facility security plans, and the need for barges and other craft involved in the supply chain to comply with measures for supply chain security;
 - .5 the guidelines should be developed for four broad categories of non-SOLAS vessels:
 - .1 commercial non-passenger vessels;

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- .2 passenger vessels;
- .3 fishing vessels; and
- .4 pleasure craft;
- .6 the guidelines should set out a list of basic security measures, and additional security measures for operations in higher-risk environments, for non-SOLAS vessels in the following areas, where appropriate:
 - .1 security awareness and culture:
 - .1 maintaining security vigilance and reporting suspicious activity;
 - .2 understanding practices for interacting with ISPS compliant ships and port facilities, including dialogue with SSOs and PFSOs, and procedures for completing declarations of security; and
 - .3 awareness of security levels set by Contracting Governments in accordance with SOLAS chapter XI-2;
 - .2 security measures:
 - .1 preventing theft or hijack of the vessel;
 - .2 preventing unauthorized access to the vessel;
 - .3 conducting a search of a vessel;
 - .4 verifying identity of persons on board a vessel;
 - .5 communicating intended destination (international voyages); and
 - .6 using available means of vessel identification, where appropriate.
 - .3 planning for security events:
 - .1 undertaking training and drills to ensure familiarity with contingency plans and procedures;
 - .2 knowing how to respond to bomb threats or discovery of suspicious items; and
 - .3 maintaining a means for reporting security concerns;
 - .4 other security considerations for international voyages:
 - .1 avoidance of piracy;

- .2 prevention of trafficking in drugs and illicit cargoes; and
- .3 prevention of stowaways; and
- .7 the guidelines should be accompanied by practical examples of best practice for the implementation of each of these measures, in the context of suitable risk scenarios where appropriate.

2 The correspondence group should submit a written report to MSC 85.

4.40 The Committee noted that the guidance developed by the correspondence group would be promulgated by means of an MSC circular consisting of guidance to Administrations and Designated Authorities with practical guidance for operators of non-SOLAS vessels contained in the annex thereto. The MSWG agreed that the guidance to Administrations and Designated Authorities should include, but not be limited to, references to:

- .1 the existing measures contained in SOLAS chapter XI-2, the ISPS Code, the 1988 and 2005 SUA Conventions and Protocols, as appropriate, and relevant IMO guidance;
- .2 the need for liaison between stakeholders and Administrations and Designated Authorities;
- .3 the need to encourage operators of ships engaged in international voyages but not listed in SOLAS regulation XI-2/2.1 to adopt the provisions of the ISPS Code as industry best practice, and to issue appropriate ship security certificates in respect of such ships when they demonstrate full compliance;
- .4 the need to promote a security culture both within Administrations in respect of non-SOLAS vessels and among the operators of non-SOLAS vessels;
- .5 the value in developing frameworks to assist in preventing non-SOLAS vessels from posing a security threat, including frameworks for maritime situational awareness, frameworks for interdiction, such as the 2005 SUA Convention and Protocol, and frameworks for receiving, collating and investigating reports of suspicious activity;
- .6 that non-SOLAS vessels operating in ISPS compliant port facilities should already be regulated under port facility security programmes and that vessels such as barges and riverine traffic involved in the supply chain would probably be addressed under supply chain security regimes; and
- .7 the guidelines not being intended as the basis for a mandatory instrument.

4.41 The Committee agreed that maritime security should remain on the agenda at MSC 84 and MSC 85, with provision for a drafting group on maritime security at MSC 84 if required, and with provision for the MSWG to reconvene at MSC 85.

5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

GENERAL

5.1 The Committee recalled that MSC 82 had established two correspondence groups as follows:

- .1 a Correspondence Group on GBS for oil tankers and bulk carriers, under the co-ordination of Sweden, which had been instructed to monitor the pilot project on trial application of the Tier III verification process using the IACS Common Structural Rules (CSR) (see paragraph 5.2) and disseminate information on its progress; and to develop draft amendments for the incorporation of GBS for oil tankers and bulk carriers in SOLAS chapter II-1, including the Ship Construction File; and
- .2 a Correspondence Group on the safety level approach (SLA), under the co-ordination of Germany, which had been instructed to progress work to determine the current safety level in a holistic high-level manner; to consider the linkage between FSA and GBS; to consider the tier structure so far agreed for GBS for oil tankers and bulk carriers for use in the safety level approach; and to progress the development of goal-based standard guidelines for the safety level approach.

5.2 The Committee also recalled that MSC 82 had established a pilot project on trial application of the Tier III verification process using the IACS Common Structural Rules (CSR) with the aim of validating the Tier III verification framework, identifying shortcomings and making proposals for improvements.

5.3 The Committee noted that MEPC 56 had referred the issue of the need for a code for safe environmental standards for seafarers (MEPC 56/17/5 by ICFTU) to this session, for consideration when discussing the safety level approach under GBS (see paragraph 16.8).

5.4 The Committee noted document MSC 83/5 (Secretariat), setting out the historical background, objectives and scope, structure, progress made and results achieved with regard to the Committee's work on goal-based new ship construction standards to date.

5.5 The delegation of the Bahamas, while thanking the Secretariat for the document, stated that, in their view, it contained a number of important inaccuracies. The delegation indicated that paragraph 5 of the document implied that the safety level approach had been considered from the beginning of the process of developing goal-based standards when, in fact, there had been a measure of agreement on the approach at the early stages of the discussions. Document MSC 78/6/2 by the Bahamas, Greece and IACS, referred to in paragraph 9, set out what was rather misleadingly called the 'prescriptive approach', but which was the original goal-based approach. It had been at a later stage that the safety level approach was put forward. The last two lines of paragraph 6 stated that the prescriptive approach for GBS was "for provisions for hull construction for bulk carriers and tankers and oil tankers and the safety level approach for all other ship types", which was not correct since the only reason that the original method was limited to bulk carriers and tankers in the first instance was to make the task of drawing up a practical programme and methodology for the introduction of GBS more manageable. It had been recognized that to try to deal with all ship types in a single exercise would introduce so many variables that the task would be extremely difficult and would take a very long time to accomplish. The intention was that after dealing with bulk carriers and tankers and

demonstrating that the process was practical, the exercise would be expanded to cover other ship types. Indeed, Tier I had been drawn up to apply to all ship types as can be seen in the chapeau of paragraph 10. It had never been the intention of the Committee, the working group or indeed of the original proponents of goal-based standards to limit the exercise to new ship construction standards for bulk carriers and tankers. The safety level approach proponents originally also limited their aim to dealing with bulk carriers and tankers; however they recognized the very long-term nature of their work and decided to try to encompass all ship types in one exercise.

5.6 While some delegations supported the statement of the delegation of the Bahamas, other delegations had a different recollection and stated that the developments in the Committee with regard to goal-based new ship construction standards had been reflected correctly in the document. In their view, the Committee had agreed to follow a prescriptive approach for bulk carriers and oil tankers and the safety level approach for other types of ships. They expressed the view that the two approaches were complementing each other and should be developed further.

5.7 After a clarification by the Secretariat that there had been no intention of misrepresenting in any way the decisions taken by the Committee on goal-based new ship construction standards over the last few sessions and that any perception that the document was misleading was regrettable, the Committee, taking into account that the document was not requesting it to take any executive action, agreed to note it.

GBS FOR BULK CARRIERS AND OIL TANKERS

Report of the Correspondence Group on GBS for Bulk Carriers and Oil Tankers

5.8 The Committee considered the report of the Correspondence Group on GBS for Bulk Carriers and Oil Tankers (MSC 83/5/2) and, having approved the report in general, took decisions as outlined in the following paragraphs.

Draft SOLAS amendments

5.9 The Committee considered the proposed draft SOLAS amendments referring to the International goal-based new ship construction standards and the associated draft MSC resolution (paragraphs 8 to 17 of, and annex 1 to, the report) together with document MSC 83/5/17 (Republic of Korea), containing detailed comments on the draft amendments.

5.10 Following discussion, the Committee referred the draft SOLAS amendments and the associated draft MSC resolution, together with document MSC 83/5/17 and comments and proposals made in plenary, to the GBS Working Group (see paragraph 5.42) for further detailed consideration and development.

Draft International goal-based new ship construction standards

5.11 The Committee considered the proposed draft International goal-based new ship construction standards and the associated draft MSC resolution (paragraph 18 of, and annex 2 to, the report), together with document MSC 83/5/17 (Republic of Korea), containing detailed comments on the draft standards.

5.12 In this connection, the Committee considered a proposal by Finland (MSC 83/5/8) to extend the application of the GBS for bulk carriers and oil tankers to ice class rules for ship structures applicable to ships designed for navigation in ice covered waters and to amend the standards accordingly.

5.13 Following a brief discussion, the Committee referred the standards and the associated draft MSC resolution, together with documents MSC 83/5/8 and MSC 83/5/17 and comments and proposals made in plenary, to the GBS Working Group for further detailed consideration and development.

Draft MSC circular on Guidelines for the information to be included in a Ship Construction File (SCF)

5.14 The Committee considered the draft MSC circular on Guidelines for the information to be included in a Ship Construction File (SCF) (paragraph 19 of, and annex 3 to, the report), together with document MSC 83/5/17 (Republic of Korea), commenting on the draft circular, in particular with regard to the target coating life, and referred the draft circular, together with document MSC 83/5/17, to the GBS Working Group for finalization, bearing in mind that the contents of the SCF had been principally agreed at MSC 82.

5.15 The observer from CESA raised concern that the SCF to be kept on board as drafted would place sensitive product and process data of shipbuilders in an insecure environment and proposed that the working group should consider specific measures in order to safeguard and protect the intellectual property of shipyards.

Report of the Pilot Panel

General

5.16 The Committee considered the report of the Pilot project on trial application of the GBS Tier III verification process using the IACS Common Structural Rules (CSR) (MSC 83/5/1) and, having approved the report in general, took decisions as outlined in the following paragraphs. In this respect, the Committee noted that, although the Pilot Panel had completed the development of draft Guidelines for the verification of compliance with GBS, there had not been enough time to conduct a proper trial application of the newly developed guidelines.

5.17 In this connection, the Committee noted document MSC 83/INF.5 (IACS), containing the information submitted by IACS to the Pilot Panel, including their documentation package, technical presentations and replies to questions and comments of the Panel.

Guidelines for the verification of compliance with GBS

5.18 The Committee considered part A (Tier III verification process) (paragraphs 6 to 10 of, and annex 1 to, the report) and part B (Tier III information/documentation requirements and evaluation criteria) (paragraphs 11 to 13 of, and annex 2 to, the report) of the proposed Guidelines for the verification of compliance with GBS, together with the following documents:

- .1 MSC 83/5/14 (Germany), containing specific comments regarding the process for Rule submissions, maintenance of verification, set-up of the Group of Experts, structural performance monitoring, intellectual property rights and Tier III evaluation criteria; and
- .2 MSC 83/5/15 (Republic of Korea), containing detailed comments concerning the set-up of the Group of Experts, phase-in time for implementation of GBS requirements and evaluation criteria.

5.19 In the ensuing discussions, the following views were, *inter alia*, expressed:

- .1 intellectual property rights needed to be taken into account and balanced with the need for design transparency, also taking into account liability issues;
- .2 the issues of net scantlings, continuous performance monitoring and set-up of the envisaged Group of Experts needed to be further considered; and
- .3 industry should be given sufficient phase-in time once the verification guidelines and the related SOLAS amendments had been finalized and adopted.

5.20 Following discussion, the Committee referred the draft Guidelines for the verification of compliance with GBS, together with documents MSC 83/5/14 and MSC 83/5/15 and comments and proposals made in plenary, to the GBS Working Group for further detailed consideration.

Proposed new functional requirements

5.21 The Committee considered the recommendation of the Pilot Panel to establish a new functional requirement (II.16) on structural performance monitoring (paragraphs 16 and 17 of, and annex 3 to, the report), together with relevant submissions by:

- .1 Japan (MSC 83/5/11), generally supporting the proposal but proposing amendments to the draft new functional requirement, taking into account that structural failure might also be due to causes other than inadequate construction, e.g., maintenance and repair issues;
- .2 IACS (MSC 83/5/12), requesting that the proposed new requirement be carefully considered since most of the items included in the proposed performance metrics are not solely controlled by and are greatly influenced by many factors beyond the new building structural requirements;
- .3 Germany (MSC 83/5/14), observing that the majority of evaluation criteria in the proposed new functional requirement depend on the maintenance carried out by the operator rather than the maintenance of a Rule developer; and
- .4 Republic of Korea (MSC 83/5/15), supporting the proposal in general but expressing the view that this requirement should be included in the draft SOLAS amendments rather than as a new Tier II functional requirement.

5.22 The Committee referred the proposed new functional requirement, together with documents MSC 83/5/11, MSC 83/5/12, MSC 83/5/14 and MSC 83/5/15, to the GBS Working Group for further detailed consideration and advice to the Committee with regard to its inclusion in the Tier II functional requirements.

5.23 The Committee also considered a submission by Argentina and Spain (MSC 83/5/13), pointing out that, for a ship's structure, risk of failure is determined by the probability of a load reaching or exceeding a certain limit value. Noting that the Pilot Panel had identified the need for construction standards to establish such minimum probability level and established a relevant evaluation criterion in Tier III (III.2.c.4, see annex 2 to document MSC 83/5/1), the submitters proposed that the Committee examines the need for introducing mandatory functional requirements that stipulate the acceptable probability of exceedance of the design load for ships' structures.

5.24 The Committee referred the proposed new functional requirement, together with document MSC 83/5/13, to the GBS Working Group for further detailed consideration and advice to the Committee with regard to its inclusion in the Tier II functional requirements.

Evaluation criteria for residual strength

5.25 The Committee noted the view of the Pilot Panel that there is currently insufficient information available to develop specific evaluation criteria for Tier III.5 (Residual strength) and that, therefore, the Panel had decided to require any Rule submitter to demonstrate, through the analysis of representative designs, that their Rules require a reasonable level of residual strength after damage, considering existing IMO requirements.

Proposed modifications to functional requirements agreed at MSC 82

5.26 The Committee considered modifications to functional requirements II.3 (Structural strength), II.7 (Structural redundancy) and II.13 (Survey and maintenance) proposed by the Pilot Panel (paragraph 19 of, and annex 4 to, the report) and referred them to the GBS Working Group for further detailed consideration and inclusion in the Tier II functional requirements.

Application of net scantlings

5.27 The Committee recalled that MSC 82 had agreed on a definition for “net scantlings” and included it in functional requirement II.3 (Structural strength). However, views in the Committee on the issue had been divided, with some Members feeling that the definition was too simplistic and did not allow for an efficient optimization of the structure since it did not take into account the change in steel thickness over the service life, whereas others felt that the definition was just right because it was transparent, simple and easy to apply and monitor. MSC 82 had noted the recommendation of the GBS Working Group not to make any changes to the definition at that time, but to ask the Pilot Panel to consider the net scantling approach in the trial verification of how the IACS CSR meet the functional requirements.

5.28 The Committee noted the discussion of the Pilot Panel on the application of net scantlings (paragraphs 20 to 23 of the report) and, in particular, the Panel’s conclusion that the appropriate thickness to be applied in scantlings’ assessment must be considered in conjunction with other factors, such as extreme loads, safety factors and acceptance criteria, and that all methods should be appropriately justified and benchmarked with service history.

5.29 In this connection, the Committee considered the following documents:

- .1 MSC 83/5/12 (IACS), proposing to amend the definition of “net scantlings” in order to base it on a methodology that takes into account the permissible diminution of structural elements over the service life; and
- .2 MSC 83/5/15 (Republic of Korea), expressing the view that a single unified net scantling approach for the design of ships is too ambitious and does not allow any efficient optimization of structure. The scantlings should be determined based on a rational and technically justified net thickness concept and the fatigue strength should recognize the changes in steel thickness over the ship’s service life and, therefore, for fatigue calculation, a different net scantlings approach should be allowed,

and instructed the GBS Working Group to consider the issue in detail, taking into account documents MSC 83/5/12 and MSC 83/5/15, and to advise the Committee accordingly.

Second trial application with CSR

5.30 The Committee considered the recommendation of the Pilot Panel to conduct a second, more in-depth, trial application with CSR before the Guidelines for the verification of compliance with GBS are approved (paragraph 24 of the report), and, following discussion and noting the general support for the conduct of a second trial application, instructed the GBS Working Group to further consider the matter and to advise the Committee accordingly.

Funding of a group of experts

5.31 The Committee considered document MSC 83/5/4 (Secretariat), presenting funding options for a group of experts to verify the rules of recognized organizations, based on the operation of already existing groups of experts or similar groups in IMO, and agreed that the matter should be considered further by the Committee after the draft SOLAS amendments (see paragraph 5.10) had been finalized.

SAFETY LEVEL APPROACH

Report of the correspondence group

5.32 The Committee considered the report of the Correspondence Group on Safety Level Approach (SLA) (MSC 83/5/3) and, having approved the report in general, took decisions as outlined in the following paragraphs. In this connection, the Committee noted document MSC 83/INF.4 (Netherlands) which presented the results of a research project on goal-based regulations for life-saving appliances, for the information of the Committee.

5.33 The Committee also considered the following documents commenting on the report:

- .1 MSC 83/5/9 (Japan), commenting on the categorization of ship types and on the evaluation of the current safety level inherent in IMO regulations; proposing to use Lloyds Register/Fairplay (LRFP) data and to prioritize the ongoing work by limiting the evaluation to certain ship types for the time being; and that an assessment method for the required minimum safety level on separate functions, e.g., life-saving appliances, fire protection, stability, etc., should be further considered;
- .2 MSC 83/5/10 (Germany), proposing to develop a more detailed description of the future shape of the safety levels and how they relate to the existing risk levels and also a definition of the system “ship” for an agreed understanding of the risk contributors of the shipping industry. The document also comments extensively on the application of the tier system to the safety level approach, the linkage to IMO’s method of work and available ship casualty data; and
- .3 MSC 83/5/16 (Republic of Korea), commenting on the categorization of ship types, the time windows to be used for historical data, the review of available statistical data, the extension of the Tier II functional requirements to other aspects and the development of common terminology for GBS/SLA.

5.34 The Committee noted the progress made by the SLA Correspondence Group and referred the report, together with documents MSC 83/5/9, MSC 83/5/10, MSC 83/5/16 and MSC 83/INF.4, to the GBS Working Group for further detailed consideration.

Occupational health and safety of seafarers

5.35 The Committee noted document MSC 83/16 (Secretariat), concerning the outcome of MEPC 56 with regard to the human element and, in particular, that MEPC 56 had considered a proposal by ICFTU (MEPC 56/17/5) for the development of a code on safe working environmental standards and for consideration of its application to the Tier II functional requirements of GBS. MEPC 56 had agreed that this issue should be considered by the GBS Working Group when discussing the safety level approach at this session (MEPC 56/23, paragraphs 17.34 and 17.35). In this connection, the Committee recalled that MSC 82 had included a new functional requirement (II.9) on human element considerations in Tier II of the GBS.

5.36 The Committee considered document MSC 83/5/7 (Denmark), proposing the inclusion of occupational health and safety, with focus on work-related accidents, in the safety level approach through a GBS Tier I goal focussing on the design of systems and functions and leading to a substantial reduction of work-related accidents. Denmark had conducted a study showing a clear interrelation between inexpedient or bad design and work-related accidents and was of the view that improving the design by including cost effective measures must be considered already in the design phase to ensure the safety and health of the seafarer.

5.37 Following discussion, the Committee instructed the GBS Working Group to consider the matter of occupational health and safety further when discussing the safety level approach, with a view of including it in the safety level tier system.

FURTHER DEVELOPMENT OF GBS

5.38 The Committee had for its consideration the following documents:

- .1 MSC 83/5/5 (Sweden), proposing that IMO develop a framework for a systematic and transparent goal-based rule-making process (guidelines for rule-making procedures), applicable to all IMO instruments, based on systematic and continuous hazard identification and risk analysis and including the introduction of a “rule commentary” for all new regulations to be developed;
- .2 MSC 83/5/6 (Netherlands), containing a proposal for recording background information when a (new) regulation is developed (similar to the “rule commentary” proposed by Sweden in document MSC 83/5/5). Such information may include the reasons for the development of the regulation (what concern does it address), the contribution to safety/security and/or environmental benefits and the costs to the maritime industry.

5.39 The Committee recalled in this connection that Germany, in document MSC 83/5/10, had made a similar proposal, i.e., that future requests for new regulations or amendments or new work items should generally only be accepted if an FSA is submitted, also describing the effect of the proposal on the safety level.

5.40 While there was general support for the proposals made in the above documents and that a work plan for the long-term strategy on goal-based standards should be developed, several delegations expressed concerns, in particular with regard to the suggestion that proposals for new work programme items should be accompanied by a full FSA study. Other delegations noted that the proposals made were very different from the original purpose of the introduction of goal-based standards, i.e. verifying the rules of recognized organizations, and that they should not endanger the work already carried out concerning GBS for bulk carriers and oil tankers. It was also pointed out that the proposals might have implications for the budget of the Organization.

5.41 Subsequently, the Committee instructed the GBS Working Group to consider further the proposals, in particular the proposed long-term work plan for goal-based standards, and to advise the Committee accordingly.

ESTABLISHMENT OF THE GBS WORKING GROUP

5.42 The Committee established the GBS Working Group and instructed it, taking into account decisions, comments and proposals made in plenary, to:

- .1 further develop the proposed draft SOLAS amendments referring to International goal-based new ship construction standards for bulk carriers and oil tankers and the associated draft MSC resolution, based on the report of the correspondence group (MSC 83/5/2) and taking into account document MSC 83/5/17;
- .2 consider the possible need for consequential amendments to other IMO instruments, based on the report of the correspondence group (MSC 83/5/2);
- .3 further develop the draft International goal-based new ship construction standards for bulk carriers and oil tankers and the associated draft MSC resolution, based on the report of the correspondence group (MSC 83/5/2) and taking into account document MSC 83/5/17, and, in particular:
 - .3.1 consider the application of the GBS for bulk carriers and oil tankers to ice class rules (MSC 83/5/8);
 - .3.2 consider the inclusion of a new Tier II functional requirement on continuous performance monitoring as proposed by the Pilot Panel (MSC 83/5/1, annex 3; MSC 83/5/11; MSC 83/5/12 and MSC 83/5/14);
 - .3.3 consider the inclusion of a new Tier II functional requirement concerning the acceptable probability of exceedance of the design load for ships' structures (MSC 83/5/13);
 - .3.4 consider the modifications to the Tier II functional requirements agreed at MSC 82 proposed by the Pilot Panel (MSC 83/5/1, annex 4); and
 - .3.5 consider the definition of "net scantlings" included in functional requirement II.3 on structural strength (MSC 83/5/1, MSC 83/5/12 and MSC 83/5/15);

- .4 finalize the draft MSC circular on Guidelines for the information to be included in a Ship Construction File (SCF), based on the report of the correspondence group (MSC 83/5/2) and taking into account document MSC 83/5/17;
- .5 further develop the draft Guidelines for the verification of compliance with GBS, parts A and B, based on the report of the Pilot Panel (MSC 83/5/1), taking into account documents MSC 83/5/14 and MSC 83/5/15;
- .6 prepare a plan and timetable for a second, more in-depth, trial application of the Guidelines for the verification of compliance with GBS using the IACS CSR (MSC 83/5/1);
- .7 consider in detail the report of the Correspondence Group on Safety Level Approach (SLA) (MSC 83/5/3) and, in particular:
 - .7.1 the categorization of ship types, the review of available statistical data, the evaluation of the current safety level, the SLA functional requirements, and common terminology (MSC 83/5/9, MSC 83/5/10, MSC 83/5/16 and MSC 83/INF.14); and
 - .7.2 inclusion of a high-level goal concerning the occupational health and safety of seafarers (MSC 83/16 and MSC 83/5/7);
- .8 consider the development of a work plan for goal-based standards, including any financial ramifications for the IMO budget, and advise the Committee accordingly (MSC 83/5/5, MSC 83/5/6 and MSC 83/5/10); and
- .9 prepare draft terms of reference for the Correspondence Group on GBS for Bulk Carriers and Oil Tankers and for the Correspondence Group on Safety Level Approach, as appropriate.

Report of the working group

5.43 Upon receipt of the report of the working group (MSC 83/WP.5), the Committee approved it in general and took action as outlined in the following paragraphs.

GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS FOR BULK CARRIERS AND OIL TANKERS

Draft SOLAS amendments

5.44 The Committee noted that the group had considered proposed draft SOLAS amendments to make the GBS for bulk carriers and oil tankers mandatory, as prepared by the correspondence group (MSC 82/5/2, annex 1), and tentatively agreed on a revised draft text of the amendments, set out in annex 1 to the report of the group (MSC 83/WP.5). In discussing the draft amendments, the group had considered the applicability of the different tiers, the applicability threshold for bulk carriers, the timeframe for implementation and the issue of intellectual property rights.

5.45 The Committee noted that, although there was agreement that Tier I should apply to all ship types, the majority of the group had agreed that the current amendments should only apply to bulk carriers and oil tankers, as no requirements had been developed so far for other ship types; and that the title of the regulation should reflect this limited application which could be

expanded in the future as needed. Some delegations had noted that, since there was agreement on the applicability of Tier I to all ship types, a more general title should be used as it would appropriately extend the applicability of Tier I to all new ships.

5.46 The Committee noted that the group could not reach agreement on an applicability threshold for bulk carriers and had decided to leave the two length limits discussed by the correspondence group, i.e. 90 m and 150 m, in square brackets for the time being. Other thresholds were also proposed. Different views on the issue had been expressed, including the need to align the applicability threshold with the IACS CSR for bulk carriers or with other IMO instruments, in particular SOLAS chapter XII, and the current issue of the definition of “bulk carrier”. It was noted that the group had agreed to a 150 m applicability threshold for oil tankers.

5.47 The Committee noted that the group had preferred the format used in the MARPOL Convention for establishing a phase-in schedule and had subsequently discussed the fact that, since GBS apply to rules, a typical ship phase-in schedule may not be sufficient. The group had agreed that consideration also needed to be given to the time required for classification societies/recognized organizations to develop, modify and phase-in new rules if necessary and have them verified by the Group of Experts once the SOLAS amendments and related guidelines had been adopted and that this issue needed to be further considered after the Tier III verification guidelines had been finalized.

5.48 The Committee noted that the group had agreed that the draft SOLAS amendments should refer to a recognized organization authorized by the Administration instead of a classification society, to maintain consistency with the approach followed in SOLAS.

5.49 The Committee also noted that some delegations had expressed concerns that requiring an SCF to be kept on board and ashore by the Company would necessitate adequate measures to protect the intellectual property contained and had proposed additional text to be incorporated in the draft SOLAS amendments, but that, however, the majority of the group had been of the view that such measures should not be included in the draft SOLAS amendments.

Consequential amendments to other IMO instruments

5.50 The Committee noted that, due to time constraints, the working group had not been able to consider the issue at this time and requested the Secretariat to provide a document on the possible need for amendments to other IMO instruments, following the adoption of the GBS for bulk carriers and oil tankers, for consideration at MSC 84.

International goal-based new ship construction standards for bulk carriers and oil tankers

5.51 The Committee noted that the group had a limited discussion on the draft International goal-based new ship construction standards for bulk carriers and oil tankers (the standards) and the associated draft MSC resolution and had been of the general view that it would not be possible to complete the standards before Tier III had been completed. The Committee also noted that the group did agree that the text of Tier I should be included in the draft SOLAS amendments and only be referenced in the standards. The Committee further noted that the group had also considered the part of the standards containing the Tier II functional requirements and concurred with the modifications as described in the following paragraphs and set out in annex 2 to the report of the group (MSC 83/WP.5).

Application of the GBS for bulk carriers and oil tankers to ice class rules

5.52 With regard to the application of the GBS for bulk carriers and oil tankers to ice class rules (MSC 83/5/8), the Committee concurred with the group that, in the long term, the GBS should cover all conditions, including ice class, but that, as a matter of practicality, the current effort to develop GBS for bulk carriers and oil tankers should be limited to unrestricted service and not consider ice class at this time, and that consideration of the matter be deferred to a later point in time as part of the long-term work on GBS.

Functional requirement on continuous performance monitoring

5.53 Regarding the inclusion of a new Tier II functional requirement on continuous performance monitoring as proposed by the Pilot Panel (MSC 83/5/1, annex 3), the Committee concurred with the group that the implementation of such a requirement would be beneficial, but that performance monitoring would involve more than just classification society rules and included maintenance, operational considerations and numerous other factors, and would require substantial work to implement. Additionally, the Committee noted that the group could not determine the appropriate method to implement performance monitoring and, therefore, agreed that, in the short term, the concept could be considered by the Pilot Panel as part of the Tier III verification process and, in the long term, as part of the proposal by Sweden (MSC 83/5/5, paragraph 14.5) for systematic assessment of rule performance.

Functional requirement concerning the acceptable probability of exceedance of the design load for ships' structures

5.54 The Committee noted that the group had considered a proposal by Argentina and Spain (MSC 83/5/13) concerning the need for a functional requirement related to the probability of exceedance of the design loads and agreed that the Pilot Panel should consider the issue further as part of the second trial verification.

Modifications to existing Tier II functional requirements

5.55 The Committee concurred with the modifications to the Tier II functional requirements proposed by the Pilot Panel (MSC 83/5/1, annex 4) and agreed to their inclusion in the revised text of Tier II, as set out in annex 2 to document MSC 83/WP.5.

Definition of "net scantlings"

5.56 The Committee noted that the group had extensively considered the issue of application of "net scantlings" as raised by the Pilot Panel (MSC 83/5/1) and relevant amendments to the footnote of functional requirement II.3 (Structural strength) as proposed by IACS (MSC 83/5/12). The majority of the group had been of the view that the footnote proposed by IACS should be used, and had noted, in particular, that the application of a "single" or "pure" net scantling for all structural calculations was too simplistic, lacked flexibility and did not allow for the efficient optimization of structure. Others had felt that the definition of net scantlings as agreed by MSC 82 should be used because it was transparent, simple and easy to apply and monitor.

5.57 The delegation of Greece, having recalled that the existing definition of "net scantling" had been originally proposed by IACS and, following debate in the GBS Working Group, finally agreed in previous meetings of the Committee. Furthermore, in the Pilot Panel which was asked to propose modifications to Tier II, if identified, there had been a view that, in practical terms,

the existing definition was not flexible enough to be used in all structural calculations and should be only used in the local assessment, while others supported the existing definition as agreed at MSC 82 and stated that classification societies had adequate flexibility to adjust loads, safety factors and acceptance criteria and should keep material scantlings away from any adjustments. In the Greek delegation's opinion, the debate had not been extensive enough, as it should be for this important issue, and the pertinent arguments in the group (MSC 83/WP.5, paragraph 16) had not been made on a technical basis but just against the existing clear definition. There were no technical arguments why the definition proposed by the group should be adopted. The delegation stated that the existing definition did not need to be changed because it was simple, transparent, easy to apply and control and, more importantly, facilitated trouble-free operation by giving to the operator a greater margin of safe operation. They were concerned that the proposed new definition would facilitate the ship structure optimization in terms of lightweight of some ships which was definitely against the basic notion of GBS for robust ships. While the delegation understood the point for more flexibility in the rules, they believed that, even with the existing definition, adequate flexibility was provided to adjust loads and safety factors, if properly justified and benchmarked, as stated in the report of the Pilot Panel. They urged that no hasty decision should be made and that the matter, especially the new definition, should, because of its importance, be extensively debated since it merited careful technical consideration in order to also clarify the margins of flexibility and how this definition applied to the rules. They argued that both the new and existing definition, should be left in square brackets so that detailed technical aspects could be presented to clarify the issue. In their view, this important issue merited further consideration until MSC 84, where a final decision should be made on the modification of Tier II.

5.58 While the views of the Greek delegation were supported by several delegations, others, noting that the GBS Working Group had discussed the matter extensively, felt that the Committee should follow the recommendation by the group for an amended definition of the term "net scantlings".

5.59 Following the discussion, the Committee agreed to amend the footnote containing the definition of "net scantlings" in functional requirement II.3 to read as follows:

"The net scantlings should provide the structural strength required to sustain the design loads, assuming the structure is in intact condition and accounting for the steel diminution that could be reasonably expected to occur during the life of the ship due to corrosion and wastage."

5.60 The observer from INTERTANKO stated that, as a matter of principle, they had concerns that ship design practices and ship design criteria which are determinant for the ship's structure, such as "net scantlings", might be agreed for political reasons. The observer urged the Committee to apply engineering practices and experience as best tools for reaching conclusions on such matters.

Draft MSC circular on Guidelines for the information to be included in a Ship Construction File (SCF)

5.61 The Committee noted that the group had an extensive discussion on the draft MSC circular on Guidelines for the information to be included in a Ship Construction File (MSC 83/5/2, annex 3) but could not agree on a final text. Issues discussed had included the absence of measures to safeguard intellectual property rights, the possible need to make the guidelines mandatory, the level of detail required and the correlation between the SCF and the Tier III verification guidelines, and the group had agreed that the draft circular should be further

considered at MSC 85, when the GBS Working Group should finalize the draft SOLAS amendments on GBS for bulk carriers and oil tankers.

5.62 The observer from CESA reiterated the concern of the European shipbuilders that the intellectual property of shipyards is threatened by the GBS process, in particular through the SCF. While the report rightly stated that the absence of measures to safeguard intellectual property rights had been discussed in depth by the group, the observer from CESA was astonished and disappointed that the majority of delegations speaking did not consider intellectual property rights (IPR) to be a subject of significance for IMO. Some delegations had argued that the aim of GBS was the improvement of ship safety and that, therefore, nothing could be kept secret, and as a result the group had decided not to task the Pilot Panel or an appropriate other body with the consideration of IPR aspects although this was evidently part of the functional requirement II.10. The observer was of the view that IPR was not a matter of secrecy or non-disclosure. In fact, high-tech shipyards required transparent instruments and procedures which ensured that the circulation of sensitive data could be controlled and verified and that only authorized institutions had access to it. The observer confirmed that shipyards would provide flag States and their recognized organizations with all necessary documentation to assess the safety-related features of the ship design, encouraging them to check and verify the material carefully to ensure that sub-standard newbuildings from inexperienced shipyards would not enter into service. He pointed out that the best the Committee could do for ship safety and marine environment protection was to promote innovation, but that design transparency without IPR protection was the foremost enemy of innovation and that, if the huge research and development investments of innovative shipyards could not be protected, advanced technology would become a victim of product piracy.

Draft Guidelines for the verification of compliance with GBS

5.63 The Committee noted that, during the general discussion of the text of the draft Guidelines for the verification of compliance with GBS, part A (Tier III verification process), as prepared by the Pilot Panel (MSC 83/5/2, annex 1), including the set-up of the Group of Experts to carry out the verification, the group:

- .1 concerning whether Tier III should be a detailed verification by the Group of Experts or a self-assessment by the classification society/recognized organization coupled with an audit by the Group of Experts and the associated efficiency and resource implications, had noted that it was premature to take a decision before the completion of the second trial application, and had agreed to include the issue in the terms of reference for the Pilot Panel (see paragraph 5.66);
- .2 concerning the number of members of the Group of Experts, had agreed to defer the decision, pending additional information on the workload involved, following the second trial application. With regard to the voting modus, although the majority of the group had preferred the Group of Experts to achieve a two-third majority when issuing a recommendation, other views were expressed, including the view that, as the Committee was to make the final decision, the Group of Experts should simply report the level of support among its members. It had been agreed to defer the decision until the number of members was decided. The group had also agreed that, in any case, the view of the minority should be fully documented in the report of the Group of Experts;
- .3 had agreed that, although an Administration should initiate the rule review process using a model letter of submission, all technical documentation should be

submitted to IMO directly by the recognized organization applying for verification. Additionally, organizations in the process of applying for recognized organization status should not be precluded from requesting rule verification from the Group of Experts;

- .4 had agreed that the Verification Guidelines should include provisions for a provisional rule approval by the Secretary-General following verification by the Group of Experts, pending ratification by the Maritime Safety Committee in order not to delay such approval due to the meeting schedule of the Committee. Additionally, the group had agreed on the need to establish a separate body, independent of the Group of Experts, to adjudicate appeal requests;
- .5 as a matter of principle, had agreed that the process of maintaining verification should not delay the ability of a recognized organization to develop and implement rule changes, which should be made available to IMO when made. Additionally, the group had agreed that the documentation to be included with annual summaries of rule changes (MSC 83/5/1, annex 1, paragraph 7) should include a rule commentary, giving consideration to the contents proposed in document MSC 83/5/6; and
- .6 had agreed to minor text changes to part A of the Guidelines, including maintenance of verification and independence of the Group of Experts. The group had also agreed on the need to include provisions requiring each member of the Group of Experts to sign a confidentiality agreement and to include an appropriate form as an annex to the Verification Guidelines; however, the contents of such an agreement had not been discussed.

5.64 The Committee noted that the group had discussed in general part B of the draft Guidelines for the verification of compliance with GBS, as prepared by the Pilot Panel (MSC 83/5/2, annex 2), including the appropriate level of detail, possible inclusion of functional requirements in Tier III, potential conflicts between information and documentation requirements and evaluation criteria and flexibility of the evaluation criteria and process, and had agreed that the Pilot Panel needed to refine the Guidelines prior to conducting the second trial application, based on relevant documents submitted to this session, as well as comments made in the working group, and included appropriate terms of reference in the project plan (see paragraph 5.66). The group had further agreed to include detailed comments on part B of the draft Guidelines made by the group in part 2 of this report, to be issued immediately after MSC 83 and taken into account by the Pilot Panel when finalizing the draft Guidelines.

5.65 The Committee noted that the group had brief discussions on the proper location of evaluation criteria for GBS, including the possibility to transfer the criteria to a separate document at a later stage. For easy reference in the further development, the group had agreed to keep the evaluation criteria as currently located.

Project plan for a second trial application of the Guidelines for the verification of compliance with GBS using the IACS CSR for oil tankers

5.66 The Committee agreed that the second trial application of the Guidelines for the verification of compliance with GBS using the IACS CSR for oil tankers would be necessary in

order to finalize the draft Guidelines and approved the project plan for the second trial application of the Guidelines for the verification of compliance with GBS using the IACS CSR for oil tankers, as set out in annex 4.

SAFETY LEVEL APPROACH

5.67 The Committee noted that the group had reviewed the report of the Correspondence Group on the Safety Level Approach (SLA) (MSC 83/5/3) and had discussed specific items as requested in the terms of reference. Concerning the categorization of ship types, there had been broad support for the proposal by the Republic of Korea (MSC 83/5/16) to limit the number of ship types to a small number with due consideration given to the definitions and structure contained in the Lloyds Register/Fairplay database, as well as general limitations when considering categorizations, such as length and size. Regarding time windows for assessing statistics, there had been a general discussion concerning the need for a common understanding concerning consistency, delayed effect of regulatory requirements, impact of changes to classification society rules and expertise of individuals typically conducting this type of work.

5.68 The Committee noted that the group had also generally concurred with the discussion by the correspondence group on the linkage between GBS and FSA (MSC 83/5/3, paragraphs 10 and 11) and had noted that the development of a way ahead to more formally link the two items needed further discussion. Regarding the tier structure, the group had noted that several proposals had been made over the last sessions of the Committee and that there was a general need to collate the information and proposals from previous sessions and reach agreement on a way forward. The group had also agreed that terminology used should be based on the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023-MEPC/Circ.392 and MSC 83/INF.2), but might be expanded based on relevant proposals submitted to previous Committee sessions.

5.69 The Committee noted that the group had agreed on the importance of good statistical data to support analysis and assessment but was of the view that it would be premature to make a recommendation on the proposal by Germany (MSC 83/5/10) to develop a more reliable database under the auspices of IMO.

OCCUPATIONAL HEALTH AND SAFETY OF SEAFARERS

5.70 The Committee noted that the group had discussed a proposal by Denmark (MSC 83/5/7) and a relevant referral from MEPC 56 (MSC 83/16) to include a high-level goal on occupational health and safety of seafarers in GBS. The group had generally supported the proposal and had agreed that occupational health and safety of seafarers, as well as ergonomic design principles, should be included in the long-term plan for the development of GBS. Additionally, the group had agreed that occupational health and safety of seafarers and ergonomic design could be more fully incorporated into Tiers I and II of the GBS for bulk carriers and oil tankers. The Committee agreed to the revised text of functional requirement II.9 (Human element considerations) as shown in annex 2 to the report of the group (MSC 83/WP.5) and that the Pilot Panel should include evaluation criteria for ship structural design and arrangements as part of evaluation criterion III.9.c of the draft Verification Guidelines.

5.71 The Committee agreed to also amend .3 of the Tier I goals (see paragraph 3.3 of annex 1 to the report of the group (MSC 83/WP.5)), accordingly, as follows:

- “3 Safety also includes the ship’s structure, fittings and arrangements providing for safe access, escape, inspection and proper maintenance and facilitating safe operation.”

5.72 The observer from ITF stated that they appreciated the work of the group, however, they were of the view that the revised text of functional requirement II.9 (Human element considerations) as prepared by the group should be reconsidered in order to better reflect the need for improvements in the working and living conditions of seafarers.

DEVELOPMENT OF A WORK PLAN FOR GOAL-BASED STANDARDS

5.73 The Committee noted that the group had considered the development of a work plan for goal-based standards, including any financial ramifications for the IMO budget, based on the proposals in documents MSC 83/5/5, MSC 83/5/6 and MSC 83/5/10 and had had an extensive discussion on the need for a generic GBS work plan as proposed by Sweden (MSC 83/5/5), as well as the need to more efficiently co-ordinate the development of GBS for bulk carriers and oil tankers and the safety level approach in the short term. The group had generally agreed that it was necessary to establish a generic framework for GBS development; however, it had also agreed that such an effort should not be to the detriment of ongoing GBS development efforts.

5.74 Consequently, the Committee agreed to the following work plan for the development of GBS, bearing in mind that both the prescriptive and the safety level approach should move forward as integral elements of IMO GBS:

- .1 clarification of the work to be done to develop a generic GBS framework based on documents MSC 83/5/5, MSC 82/5/8 and other related documents;
- .2 identification and compilation of the elements of the framework that have already been agreed to or proposed in previous MSC submissions, working group reports or other IMO instruments (e.g., FSA Guidelines, HEAP process guidelines) and identification of existing gaps; and
- .3 development of a prioritized plan to close the gaps and provide a unified framework that ensures consistent development of GBS, i.e. both the prescriptive and safety level approaches.

5.75 Regarding short-term efforts, the Committee agreed that it would be more effective to focus efforts at MSC 84 on the unified GBS framework and SLA and at MSC 85 on finalization of the GBS for bulk carriers and oil tankers, including Tier III and the associated SOLAS amendments. This would also give the Pilot Panel sufficient time to conduct the second trial application. Subsequently, the Committee agreed to the following short-term plan for the continuation of the work on GBS:

- .1 ***Intersessional period between MSC 83 and MSC 84:***
GBS Correspondence Group develops unified GBS framework.
Pilot Panel refines Tier III of GBS for bulk carriers and oil tankers.
- .2 ***MSC 84:***
Dedicated session to finalize unified GBS framework and continue development of SLA.

- .3 ***Intersessional period between MSC 84 and MSC 85:***
GBS Correspondence Group continues development of GBS and other activities as per work plan.
Pilot Panel conducts trial application.
- .4 ***MSC 85:***
Dedicated session to finalize and approve Tiers I to III of GBS for bulk carriers and oil tankers and finalize and approve associated SOLAS amendments.
- .5 ***Intersessional period between MSC 85 and MSC 86:***
GBS Correspondence Group continues development of GBS and other activities as per work plan.
- .6 ***MSC 86:***
Adoption of SOLAS amendments and associated guidelines for GBS for bulk carriers and oil tankers.
Implementation of work plan and continued development of GBS.

5.76 The Committee noted that the group had considered a proposal by the Netherlands (MSC 83/5/6) to record background information when a new regulation is adopted, noting that the information was already submitted to support new work programme item requests but was not necessarily retained for future use, and had recommended that relevant information, *e.g.*, information submitted to support new work programme item requests, be further considered for inclusion, at an appropriate place, as a commentary; and that the introduction of functional requirements throughout all chapters of SOLAS should be considered.

TERMS OF REFERENCE FOR THE CORRESPONDENCE GROUP

5.77 The Committee agreed to establish a GBS Correspondence Group, under the co-ordination of Germany*, with the following terms of reference:

- .1 clarify the work to be done to develop a generic GBS framework based on documents MSC 83/5/5, MSC 82/5/8 and other related documents;
- .2 identify and compile the elements of the framework that have already been agreed to or proposed in previous MSC submissions, working group reports or other IMO instruments (*e.g.*, FSA Guidelines, HEAP process guidelines) and identify the existing gaps;
- .3 develop a prioritized plan to close the gaps and provide a unified framework that ensures consistent development of GBS, *i.e.* both the prescriptive and safety level approaches; and
- .4 submit a report to MSC 84.

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6 LRIT-RELATED MATTERS

General

6.1 The Committee recognized that, in order to bring the LRIT system into operation on 30 December 2008, it must take decisions with respect to all issues which have a bearing on the establishment and operation of the:

- .1 International LRIT Data Centre (IDC); and
- .2 International LRIT Data Exchange (IDE).

In addition, the Committee also recognized the need to approve the agreement to be concluded between all SOLAS Contracting Governments (Contracting Governments) and the LRIT Co-ordinator in relation to the tasks to be entrusted to the LRIT Co-ordinator.

6.2 The Committee noted that as the actual establishment and integration of almost all elements of the LRIT system would start after MSC 83, it would need to decide how matters relating to the technical aspects and the developmental testing of the various elements of the LRIT system would be handled during the period between MSC 83 and MSC 84.

6.3 The Committee further noted that, in order to have constructive discussions, there was a need to have a clear understanding as to the plans of Contracting Governments in relation to:

- .1 the establishment of National (NDCs), Regional (RDCs) and Co-operative LRIT Data Centres (CDCs); and
- .2 the volume of LRIT information they contemplated to request.

6.4 The Committee noted that, in order to have focused discussions, it must have a clear understanding of the financial aspects and implications of proposals which had been put forward in relation to the establishment and operation of IDC and IDE and those who had put forward such proposals would be asked, if need be, to provide additional information.

6.5 The Committee agreed that all issues of principle should be tabled in plenary to enable it to instruct the Working Group on LRIT matters to be established accordingly. The Committee agreed to consider only issues of principle in plenary and take the necessary decisions before referring matters to the working group.

6.6 The Committee also agreed to consider the various matters in the following order:

- .1 general comments;
- .2 intentions of Contracting Governments;
- .3 date of implementation of the LRIT system;
- .4 use of LRIT information for safety and environmental protection purposes;
- .5 transmission of LRIT information when a ship is laid-up or is undergoing repairs;
- .6 outcome of the intersessional working group, including:

- .1 financial aspects relating to the establishment and sustained and viable operation of the LRIT system, other than matters relating to the tasks of the LRIT Co-ordinator;
- .2 aspects related to the evaluation of proposals for the establishment of IDC and IDE;
- .3 determination of additional milestones relating to the establishment of the LRIT system;
- .4 arrangements to be made for the period between MSC 83 and MSC 84;
- .5 issues relating to the tasks of the LRIT Co-ordinator;
- .6 development of models of the various agreements needed; and
- .7 other actions requested by the intersessional working group;
- .7 outcome of the *Ad hoc* Working Group on Engineering Aspects of LRIT;
- .8 outcome of COMSAR 11; and
- .9 the establishment of IDC and IDE, including:
 - .1 matters of principle relating to the establishment and operation of IDC and IDE;
 - .2 proposal for the establishment and operation of IDC and IDE; and
 - .3 contingency offers in relation to the establishment and operation of IDC and IDE.

6.7 The Committee considered documents MSC 83/6/Add.1, MSC 83/6/14 and MSC 83/WP.9 (Secretariat), MSC 83/6/1 (*ad hoc* engineering group), MSC 83/6/2 (intersessional working group), MSC 83/6/3, MSC 83/6/4 and MSC 83/6/5 (United States), MSC 83/6/6 (Marshall Islands), MSC 83/6/7, MSC 83/6/11, MSC 83/6/13 (IMSO), MSC 83/6/8 and MSC 83/6/9 (Islamic Republic of Iran), MSC 83/6/10 (Austria *et al*), MSC 83/6/12 (Russian Federation), MSC 83/6/15 (Canada), MSC 83/6/16 (India) and MSC 83/6/17 (Greece).

General comments

6.8 The delegation of Japan emphasized the importance for the timely establishment of the LRIT system but expressed its concern that there was a possibility that current uncertainties mainly on cost and billing options might cause a delay in the national preparations process of the Contracting Governments.

Intentions of Contracting Governments

6.9 The Committee recalled that MSC 81, when adopting the 2006 SOLAS (chapter V) amendments on LRIT (resolution MSC.202(81)), also adopted resolution MSC.211(81) on Arrangements for the timely establishment of the LRIT system which, *inter alia*:

- .1 invited Contracting Governments to advise MSC 82 of their firm intentions in relation to the establishment of NDCs, RDCs and CDCs (operative paragraph 1 of the resolution); and
- .2 recommended that Contracting Governments take early appropriate actions to ensure that all necessary infrastructures are in place, timely, for the establishment of the LRIT system (operative paragraph 10 of the resolution).

6.10 The Committee noted that COMSAR 11 had, taking into account the fact that those contemplating to put forward proposals in relation to the establishment and operation of IDC and IDE needed to have a clear understanding of the volume of LRIT information IDC and IDE were expected to handle, in association with the demand for the provision of LRIT information to Contracting Governments pursuant to the provisions of SOLAS regulation V/19-1.8.1, requested, once more, Contracting Governments to provide for consideration by the intersessional working group, *inter alia*:

- .1 the approximate volume of LRIT information packages that they are likely to request in a particular period (COMSAR 11/18, paragraph 14.36); and
- .2 their firm intentions in relation to the establishment of NDCs, RDCs and CDCs (COMSAR 11/18, paragraph 14.37).

6.11 The Committee also noted that the intersessional working group, noting the very limited response to resolution MSC.211(81) and to the request of COMSAR 11, had agreed that it was imperative that each Contracting Government should provide to MSC 83 its firm and definite intentions with respect to:

- .1 requesting the provision of LRIT information, to indicate if they would be doing so as a flag, port or coastal State (the terms flag State, port State and coastal State being used for simplicity and refer to the cases when a Contracting Government is requesting LRIT information pursuant to the provisions of regulation V/19-1.8.1.1, regulation V/19-1.8.1.2 and regulation V/19-1.8.1.3, respectively) and in the latter case to specify the distance off its coast within which it would be requesting such information;
- .2 the estimated number of LRIT information packages to be requested in any 24-hour period or the estimated number of ships (as a flag, port and coastal State) to be tracked in any 24-hour period; and
- .3 establishing an NDC, RDC or CDC or using the services to be provided by IDC,

and concluded that, without such information, the Committee would be unable to take any decisions in connection with the financial aspects which have a bearing on the establishment of the LRIT system and, in particular, with respect to IDC and IDE.

6.12 The United States (MSC 83/6/4) advised that they would be requesting the provision of LRIT information in all cases foreseen in regulation V/19-1.8.1 (*i.e.*, as a flag, port and coastal State) and it had been estimated that approximately 3,000 ships would be tracked in any 24-hour period, 450 of which were ships entitled to fly the flag of the United States. They indicated that as a coastal State they would be seeking LRIT information transmitted by ships operating within 1,000 nautical miles off its coast. They also indicated that they were planning to establish an NDC to be located at the United States Coast Guard Operations Systems Centre in

Kearneysville, West Virginia. In addition, the United States stated that they had not yet been formally approached by any other Contracting Governments regarding participation in an RDC or CDC and advised that any decision on such a request would be considered on an individual basis.

6.13 Canada (MSC 83/6/15) advised that it would be requesting the provision of LRIT information in all cases foreseen in regulation V/19-1.8.1 and it had been estimated that approximately 1,000 ships would be tracked in any 24-hour period; indicated that each 24-hour period 60 ships entitled to fly its flag and 140 ships proceeding to its ports would be tracked at 6-hour intervals; also indicated that as a coastal State it would be seeking LRIT information transmitted by ships operating within 1,000 nautical miles off its coast and it has been estimated that 800 ships navigating off the coast of Canada would be tracked at 12-hour intervals; and stated that it was planning to establish an NDC.

6.14 The Committee noted that India (MSC 83/6/16) would be requesting the provision of LRIT information in all cases foreseen in regulation V/19-1.8.1 and it had been estimated that approximately 1,000 ships would be tracked in any 24-hour period; indicated that each 24-hour period 300 ships entitled to fly its flag and 700 ships proceeding to its ports or navigating within a distance of 1,000 nautical miles would be tracked at 6-hour intervals; and informed that it was planning to establish an NDC which may be expanded to an RDC depending on further discussions with States in its region.

6.15 The Russian Federation (MSC 83/6/12, paragraphs 1 to 4 and 9.1) advised that it planned to establish a NDC based on the existing national vessel monitoring system "Victoria". The Russian Federation stated that at this stage it had no information on the number of ships proceeding to ports or places under the jurisdiction of the Russian Federation or on the number of ships navigating in waters off the coast of the Russian Federation which would be tracked. The Russian NDC would process LRIT information transmitted by ships flying the flag of the Russian Federation and other flags, if they wished. In addition, the Russian NDC would also support LRIT data exchange procedures. The Russian Federation also advised that it was ready to provide facilities for a back-up IDE.

6.16 The Committee noted that Australia had already provided salient information during the intersessional working group which is found in document MSC/ISWG/LRIT 2/3/1.

6.17 The Committee considered documents MSC 83/6/14 and MSC 83/WP.9 by the Secretariat. The purpose of document MSC 83/6/14 was to provide a questionnaire which Contracting Governments were asked to complete and return to the Secretariat as soon as possible; whilst document MSC 83/WP.9 summarized in a tabular matrix format the responses received by the Secretariat until the close of business on 1 October 2007.

6.18 The Committee noted, in particular, that MSC 83/WP.9 provided a summary of responses to the questionnaire on LRIT-related matters received from 22 Contracting Governments representing approximately just over 13% of the total number of Contracting Governments. One Contracting Government had indicated that it wished to use IDC. A group of Contracting Governments appeared to be contemplating the establishment of one RDC. A number of Contracting Governments were planning to establish their own NDCs. Two of those planning to establish NDCs had indicated that they were prepared to provide their services to other Contracting Governments.

6.19 The delegation of Ukraine stated that it fully supported the establishment of an IDC and IDE and was in the process of completing the development of an NDC which might be available for use by other Contracting Governments in the Black Sea region.

6.20 The delegation of Portugal advised that the Council of the European Union, during its 2821st meeting in Luxembourg on 1 and 2 October 2007, has agreed to the setting-up of a European Union Long Range Identification and Tracking Data Centre (EU LRIT DC) and has underlined that the EU LRIT DC would also benefit from the participation of Norway and Iceland.

6.21 The Chairman, noting the very limited response to the questionnaire set out in the annex to document MSC 83/6/14, advised that, at this stage, there was no other alternative to asking each Contracting Government attending the current session to provide a clear indication on its plans and firm intentions by completing and handing in, if it had not already done so, the response to the questionnaire.

Date of implementation of the LRIT system

6.22 The Committee considered the proposal by the Islamic Republic of Iran (MSC 83/6/8) to extend the implementation date of the LRIT system to 2010. In support of its proposal the Islamic Republic of Iran made reference to a number of problems which might be encountered with shipborne equipment. In addition, they pointed out that the provisions of the information were time-consuming and any related errors would have an impact on the correct and efficient functioning of the LRIT system.

6.23 The Chairman recalled that the 2006 SOLAS amendments had been unanimously adopted at MSC 81 by 97 Contracting Governments and advised that SOLAS regulation V/19-1 did not include any enabling provisions which the Committee might invoke for extending the date of implementation.

6.24 The delegation of China, whilst noting that good progress had been made in relation to the establishment of the LRIT system, pointed out that there were still a number of technical issues that needed to be resolved and, in view of other uncertainties, suggested that it favoured postponing the implementation of the LRIT system to 31 December 2010.

6.25 The other Contracting Governments who spoke on this particular issue stated that they did not support the postponement of the implementation of the LRIT system and indicated that the Committee should seek to resolve all pending matters in order to ensure the timely establishment of the LRIT system.

6.26 As a result, the Committee agreed not to consider further the proposal of the Islamic Republic of Iran.

Use of LRIT information for safety and environmental protection purposes

6.27 The Committee considered the proposal by Austria *et al* (MSC 83/6/10) inviting it to agree that Contracting Governments should be able to request, receive and use LRIT information for maritime safety and marine environment protection purposes. Austria *et al* stated that they were not proposing any amendments to SOLAS regulation V/19-1; and that the LRIT information specified in regulation V/19-1.5 was adequate for use for maritime safety and marine environment protection purposes and would provide a significant added value for such objectives. In addition, they advised that, in their view, the demand for LRIT information would

increase significantly if Contracting Governments were able to receive and use such information for maritime safety and marine environment protection purposes and this, in its turn, would contribute to ensuring the financial viability and sustainability of the LRIT system. They also proposed that, in case the Committee was to take such a decision, it should invite the MEPC to note its decision and, if necessary take any related decisions within issues under its purview, as it may deem appropriate.

6.28 The Committee recalled, in this context, that MSC 79 had agreed that the purpose and scope of LRIT should be extended ultimately to include safety and environmental protection applications. However, before being able to embark on the detailed technical consideration of the extension of LRIT it would be necessary for the Committee to define the safety applications and for the MEPC to define the environmental protection applications for which LRIT would be used.

6.29 A considerable number of Contracting Governments supported allowing the use of LRIT information for safety and environmental purposes. However, one Contracting Government, whilst agreeing that ultimately the LRIT system should have safety and environmental applications, stated that it was premature, at this stage, to consider altering the current LRIT information package. In addition, one Contracting Government stated that it had a number of concerns and pointed out that the use of LRIT information for safety and environmental purposes should be consistent with the provisions of regulation V/19-1 and the provisions of international law and, in particular, the United Nations Convention on the Law of the Sea.

6.30 The Committee agreed that Contracting Governments might be able to request, receive and use LRIT information about ships, in accordance with regulation V/19-1, for safety and marine environment protection purposes and invited the MEPC to note this decision.

6.31 The Committee also instructed the working group to prepare a draft MSC resolution allowing the use of LRIT information for safety and marine environment protection purposes.

Transmission of LRIT information when a ship is laid up or is undergoing repairs

6.32 The Committee considered document MSC 83/6/17 (Greece) proposing that, when a ship was undergoing repairs in port or dry-dock or when a ship was laid up, the master of the ship should be allowed to switch off the shipborne equipment transmitting LRIT information. Greece also proposed that, in such cases, the master should inform the flag State accordingly and should make a relevant entry in the ships log-book. In addition, the LRIT Data Centre to which the ship was transmitting LRIT information should keep the last information transmitted by the ship until the master had reactivated the shipborne equipment before the departure of the ship or its shifting to any other location. Greece pointed out that such an approach would reduce the number of unwanted LRIT information packages and also avoid an unnecessary burden on LRIT Data Centres with the attendant financial consequences.

6.33 A considerable number of Contracting Governments supported the principle that ships undergoing repairs in port or dry-dock and ships which are laid up should not be required to transmit LRIT information. However, a number of Contracting Governments suggested that before switching off the shipborne LRIT equipment the permission of both the flag and port State should be obtained and some stated that an appropriate entry should also be made in the record of navigation activities and incidents maintained, in accordance with SOLAS regulation V/28. One Contracting Government, whilst supporting the switching off of the shipborne LRIT equipment stated that it was not in favour of requiring the explicit permission of the Administration in each individual case.

6.34 Accordingly, the Committee, with a view to minimizing the transmission of unnecessary LRIT information, instructed the working group to recommend the approach to be taken in relation to the transmission of LRIT information by ships undergoing repairs in port or in dry-dock and by ships which are laid up; prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards and functional requirements for the long-range identification and tracking of ships, adopted by resolution MSC.210(81); and incorporate any needed changes to the draft technical specification and standards developed by the *ad hoc* engineering group.

Outcome of Intersessional MSC Working Group on Long-Range Identification and Tracking

Introduction

6.35 The Committee recalled that MSC 82 had approved the convening of an intersessional MSC working group and instructed it, in essence, to consider all issues (other than those related to engineering) which had a bearing on the timely establishment of the LRIT system.

6.36 In considering the report of the intersessional working group (MSC 86/3/2), the Committee approved the report in general, noted that the report had set out thirty-four points on which it had been requested to take action and agreed only to address a selected number of key issues where it was necessary to have a debate in plenary before referring matters to the working group for further consideration. For the rest of the actions requested, it decided, once it had agreed matters in principle, to refer them to the working group for the necessary development, as appropriate.

Financial aspects relating to the establishment and sustained and viable operation of the LRIT system, other than matters relating to the tasks of the LRIT Co-ordinator

6.37 The Committee considered paragraph 142.1 of document MSC 83/6/2 relating to the approach to be taken with a view to ensuring the timely establishment of the LRIT system on a sustained and viable financial basis.

6.38 The United States (MSC 83/6/5) presented its view on the vital question of ensuring that the LRIT system survived the start-up and was available to all Contracting Governments, so that all enjoyed the benefits that the system was designed to serve and advised that if the system was not built on a sound economic footing, it would cease to be used and would sooner or later cease to exist. The United States recalled that the LRIT system was always envisioned as an international system to be available to all Contracting Governments on a non-discriminatory, fair and economically sustainable basis. All Contracting Governments had an obligation to ensure that the LRIT system was sustainable. None of the Contracting Governments should be called upon to bear a disproportionate share of the costs. The United States did not expect any other Contracting Government to pay a disproportionate and unfair amount of the costs of the LRIT system in order to subsidize its non-use.

6.39 The Committee noted that those establishing NDCs, RDCs and CDCs were responsible for the expenditure associated with the initial establishment and the operation and running of the DCs they would be establishing. The report of the intersessional working group also made it clear that the start-up of IDC and IDE needed to be funded. SOLAS regulation V/19-1.11.1 stated that "Contracting Governments shall bear all costs associated with any LRIT information they request and receive". However, Contracting Governments would be able to receive and pay for LRIT information provided the related data arrived at the DCs and the IDE was operational.

For LRIT information to arrive at IDCs, there was a cost involved and the private entities which would be providing services as communication and application service providers needed to be paid.

6.40 A number of Contracting Governments shared the views of the United States, in particular, that the LRIT system should be available to all Contracting Governments on a non-discriminatory, fair and economically sustainable basis and that the system should be established on a sound financial basis so as to ensure its long-term viability and sustainability. A Contracting Government stated that as a minimum, the Committee should make the required decisions in relation to the establishment and operation of IDE in view of the critical function and pivotal role of IDE in the establishment of the LRIT system. Another Contracting Government was of the opinion that the burden for the funding of the establishment of the LRIT system should not fall exclusively on flag States alone and that there should be a fair distribution of the costs involved amongst all Contracting Governments in their capacity as flag, port and coastal States. Furthermore, a Contracting Government also pointed out that regulation V/19-1 allowed, subject to the provisions of the national legislation of the Contracting Government concerned, to recover the cost of LRIT information from ships entitled to fly its flag.

6.41 The Committee referred the matter to the working group for further consideration and instructed it to recommend the approach to be taken for ensuring the timely establishment of the LRIT system on a sustainable and viable financial basis and to prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards.

Aspects related to the evaluation of proposals for the establishment of IDC and IDE

6.42 The Committee noted the discussions in relation to the evaluation by IMSO of proposals for the establishment, operation and maintenance of IDC and/or IDE (paragraph 142.15 of document MSC 83/6/2) and concurred with the agreed approach.

Determination of additional milestones relating to the establishment of the LRIT system

6.43 Having considered paragraph 142.25 of document MSC 83/6/2, the Committee accepted the need for the establishment of additional milestones to be observed in relation to the establishment of the LRIT system, taking into account the target dates stipulated in resolution MSC.211(81) and the recommendation set out in paragraphs 91 to 94 of the document.

6.44 The Committee referred the matter to the working group for further consideration and instructed it to review and, if need be, refine, taking into account the target dates stipulated in resolution MSC.211(81), the additional milestones to be observed in relation to the establishment of the LRIT system proposed by the intersessional working group and to recommend the date(s) to be associated with each of the milestones.

Arrangements to be made for the period between MSC 83 and MSC 84

6.45 Having considered paragraph 142.30 of document MSC 83/6/2, the Committee accepted the need for the establishment of arrangements for the period between MSC 83 and MSC 84 with a view to ensuring the timely establishment of the LRIT system and the recommendations set out in paragraphs 109 to 116 of the document.

6.46 The Committee referred the matter to the working group for further consideration and instructed it to review and, if need be, refine the recommendations of intersessional working group in relation to arrangements to be made for the period between MSC 83 and MSC 84 with a view to ensuring the timely establishment of the LRIT system and prepare and submit for consideration with a view to adoption of draft(s) proposed decision(s).

Issues relating to the tasks of the LRIT Co-ordinator with respect to the initial establishment and the performance review and audit of the LRIT system

6.47 The Committee considered paragraph 142.31 of document MSC 83/6/2, in particular, the discussion in relation to issues relating to the LRIT Co-ordinator and on the approach to be taken as set out in paragraphs 118 to 128 of the document.

6.48 IMSO (MSC 83/6/7 and MSC 83/6/13) advised that the IMSO Assembly, at its nineteenth (Extraordinary) session which was held in London in March 2007, was informed of the decision of MSC 82 to appoint IMSO as the LRIT Co-ordinator, and decided that IMSO might assume the functions and duties of the LRIT Co-ordinator with effect from 7 March 2007, at no cost to IMSO Parties, in accordance with decisions of the Organization, where article 4 of the amended IMSO Convention would be applied on a provisional basis.

IMSO provided an overview of the budget estimates which it needed to undertake the various tasks of the LRIT Co-ordinator envisaged in section 14 of the Performance standards and provided information on the accounting procedures to be followed, the contemplated organizational structure, the resulting staff needs, the associated programme of recruitment and its needs and plans with respect to office accommodation.

IMSO stated that it would levy a range of charges for providing its services and would need to establish a formal basis for performance review, audit, charging, resolution of disputes, etc. This would be carried out through a legally binding public/civil contract called the IMSO LRIT Public Service Contract. IDE, all DCs, and those application service providers (ASPs) providing services to IDC would be required to sign an LRIT Public Service Contract with IMSO which was under development similar to the Public Services Agreement presently in use to establish the basis for oversight of GMDSS satellite operators.

IMSO advised that the current estimates indicated that for the period from 2007 to 2010, in order to perform the tasks of the LRIT Co-ordinator, it would incur expenditure of the order of GBP 2,505,000 against estimated revenue of the order of GBP 876,960. As a result, IMSO had calculated that it would require start-up funding of GBP 1,445,150, distributed over the period. For each year during the period from 2007 to 2010, the start-up capital had been assessed to be GBP 314,000, GBP 671,000, GBP 424,325 and GBP 35,825 respectively. However, as the actual involvement of IMSO as LRIT Co-ordinator was behind the schedule envisaged when preparing the two submissions and details of its involvement were subject to a number of decisions which the Committee was to take during its current session, the budget estimates would need to be adjusted and most probably would result in lesser final figures than those quoted in the submissions.

Since MSC 82, IMSO had actively solicited the provision of the start-up funding needed and had so far received promises of funding in cash or kind amounting to no more than GBP 10,000 in total. So far no significant source for start-up funding had been identified and the development could prejudice the ability of IMSO to fulfil its functions as LRIT Co-ordinator.

IMSO provided an overview of the charging policies it was contemplating to adopt when providing services as LRIT Co-ordinator and advised that, as an intergovernmental organization, it was not authorized by the IMSO Parties to incur any level of debt and, because of the way it was funded entirely from contributions paid by those it oversaw, did not have any money reserves. IMSO stated that it must therefore adopt terms of business that did not allow any credit on the part of those who were liable to pay IMSO for services within the LRIT system. IMSO would therefore insist that all fees and other payments for which LRIT system elements would become liable were paid in full before any service was provided.

IMSO also stated that it was in touch with various potential ASPs and data centre providers in the industry and Contracting Governments, and had begun to develop procedures for undertaking the various tasks of the LRIT Co-ordinator. However, it was too early to provide specific details as to the procedures to be employed, given the fact that no specifics yet existed for the design and implementation of the various elements of the LRIT system. IMSO advised that it was already working with potential providers to ensure that they were aware of the requirements and thus they were making preparations to fulfil them. IMSO planned, in due course, to develop guidance on what was expected and how such data should be made available for performance review and audit.

Once the LRIT system was in operation, IMSO anticipated reporting to the Committee on an annual basis, as was currently the practice for GMDSS services. However, during the start-up period until 2010, it was expected that reports would be made more frequently to each session of the Committee.

6.49 The Committee noted the information provided by IMSO and referred the matter to the working group for further consideration. In particular, it further instructed the working group to consider all issues relating to the performance by IMSO of the functions of the LRIT Co-ordinator and recommend the approach to be taken.

Development of models of the various agreements needed

6.50 The Committee considered paragraph 142.32 of document MSC 83/6/2, in particular, and noted the discussion in relation to the development of the models of the various agreements needed for the establishment of the LRIT system.

6.51 The Committee referred the matter to the working group for further consideration and instructed it to consider all issues relating to the models of the various agreements needed for the establishment of the LRIT system and recommend the approach to be taken.

Other actions requested by the intersessional working group

6.52 The Committee agreed, in principle, to the other actions requested by the intersessional working group and referred them to the working group for further consideration.

6.53 The Committee further agreed that the various decisions of the Committee relating to LRIT matters, other than those which would be adopted as amendments to the Performance standards or the technical specifications, should be consolidated and codified in an appropriate format as an MSC resolution or MSC circular, depending on their nature, so as to enable easy identification and reference.

6.54 The Committee instructed the working group to:

- .1 codify and consolidate the issues involved in an appropriate format so as to enable easy identification and reference and prepare and submit, for consideration with a view to adoption or approval, the relevant document;
- .2 prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards; and
- .3 incorporate any needed changes to the draft technical specification and standards developed by the *ad hoc* engineering group.

Outcome of the *Ad hoc* Working Group on Engineering Aspects of LRIT

6.55 The Committee recalled that MSC 82 had re-established the *ad hoc* engineering group and instructed it to deal with a number of engineering issues and technical specifications following the work the group had submitted for consideration during MSC 82.

6.56 The Committee considered the report of the *ad hoc* engineering group (MSC 83/6/1) and, having approved the report in general, noted that a number of its recommendations had been overtaken by earlier decisions of the Committee when considering the report of the intersessional working group. In particular, the Committee noted that the Criteria for the location of IDC and IDE, set out in paragraphs 14 to 17 of the report, section 6 of annex 5 on draft Protocols for the development testing of the LRIT system and for testing the integration into the system of new LRIT Data Centres; and annex 7 on Key policy decisions required of the Committee, therefore, need not be considered.

6.57 The Committee also noted that annexes 1 to 5 to document MSC 83/6/1 required extensive editorial review and amendment before they could be considered as meeting standards, style and practices of the Organization in relation to performance standards and technical specifications.

6.58 The Committee referred:

- .1 the draft Technical specification for the International LRIT Data Exchange (MSC 83/6/1, annex 1);
- .2 draft Technical specification for the International LRIT Data Centre (MSC 83/6/1, annex 2);
- .3 draft Technical specification for communications within the LRIT system network (MSC 83/6/1, annex 3);
- .4 draft Technical costing and billing standard (MSC 83/6/1, annex 4); and
- .5 draft Protocols for the development testing of the LRIT system and for testing the integration into the system of new LRIT data centres (MSC 83/6/1, annex 5),

to the working group for further consideration and instructed it to finalize and submit them for consideration with a view to approval. In this respect, the Committee, noting that in view of the work done by the intersessional working group and, as a result of its related decisions, the draft Technical costing and billing standard prepared by the *ad hoc* engineering group had been overtaken by events, agreed that the working group should use, as the basis for its work, a draft prepared by Canada.

6.59 In addition, the Committee instructed the working group to consider and advise the Committee as to when and how the technical specifications and standards developed by the *ad hoc* engineering group should be integrated in the Performance standards.

6.60 The Committee, in view of the work done by the Secretariat on the LRIT Data Distribution Plan, agreed that the action requested in paragraph 23.1.6 of document MSC 83/6/1, in relation to the draft Guidance on setting up and maintaining the LRIT Data Distribution Plan, set out in annex 6 to MSC 83/6/1, need not be considered as it had been overtaken by developments.

6.61 As a result, the Committee did not take any action as requested in paragraphs 23.1.7, 23.2 and 23.3 of document MSC 83/6/1 as they had been overtaken by developments.

6.62 The Russian Federation (MSC 83/6/12, paragraphs 6 to 8 and 9.2), considering that the LRIT network may consist of a number of LRIT Data Centres developed by different manufacturers, suggested that it would be logical to use a “step-by-step” approach in the practical establishment of the LRIT network and use IDE as a base element for prescribing the network communication protocols. Such a “step-by-step” approach should have as its target the establishment of a network which was compliant with the technical standard adopted by the Committee and would allow to add practically demanded features and delete practically not used or not executable ones. The Russian Federation also recalled that it had offered, when introducing part of the document earlier on, to provide facilities for a back-up IDE.

6.63 The Committee referred the proposals of the Russian Federation (MSC 83/6/12, paragraphs 3 to 8 and 9.2) to the working group for further consideration and instructed it, bearing in mind that the IDE was an essential element of the LRIT system, to advise on the approach to be taken.

Outcome of COMSAR 11

6.64 The Committee recalled that MSC 82 had instructed COMSAR 11 to consider a number LRIT related matters and noted that COMSAR 11 subsequently had invited the Committee to note the the outcome of its discussions with respect to the establishment of the LRIT system, especially in the context of matters pertaining to draft agreements and billing and costing issues, as set out in its report (COMSAR 11/18, paragraphs 14.25 to 14.42 and annexes 18 and 19).

6.65 The Committee further noted that, following the consideration of the actions requested by the *ad hoc* engineering group and the intersessional working group, the actions requested by COMSAR 11 had been overtaken by events and no specific action was therefore required beyond noting that COMSAR 11, within the constraint of the submissions it had before it, dealt with the tasks it had been asked to undertake.

The establishment of IDC and IDE

Matters of principle relating to the establishment and operation of IDC and IDE

6.66 The Islamic Republic of Iran (MSC 83/6/9), taking into account the importance and the special position of IDC and IDE in the LRIT system and the necessity to ensure the security of LRIT information, suggested that IDE and IDC should be operated and maintained by an international group or agency rather than a specific State.

6.67 One of the Contracting Governments expressed the view that whoever was to establish and operate IDC and IDE had to comply fully with all the requirements established by the Committee and needed to ensure adequate physical security arrangements, confidentiality and protection of the data from unauthorized access or disclosure and thus, under such circumstances, the matter as to who would establish or operate IDC and IDE was not of importance. Another Contracting Government pointed out that, at this stage of the development of the LRIT system, the Committee had to stay within the framework of what had been agreed thus far and should not seek to explore new avenues or options, as they could seriously frustrate the timely establishment of the LRIT system.

6.68 As a result, the Committee agreed not to consider further the proposal of the Islamic Republic of Iran.

Proposal for the establishment and operation of IDC and IDE

6.69 The Committee noted the information provided in document MSC 83/6/Add.1 (Secretariat), which the Secretariat, in the absence of specific decisions of the Committee and following consultations with the acting Chairman of the Committee, had to develop to advise on a procedure to be followed in relation to the submission and evaluation of proposals for the establishment, operation and maintenance of IDC and IDE.

6.70 The Marshall Islands (MSC 83/6/6), acting as a conduit, brought to the attention of the Committee a proposal of an LRIT Consortium (the Consortium) consisting of Pole Star Space Applications Limited (a legal entity incorporated in the United Kingdom), GateHouse A/S (a legal entity incorporated in Denmark) and Wallem Innovative Solutions Inc. (a legal entity incorporated in the Philippines) for the establishment and operation of IDC and IDE. The Marshall Islands stated that, as indicated in paragraph 4 of its document, it had submitted the proposal without obligation or intent to be involved in any way in the Consortium. The statement made by the Marshall Islands when introducing the proposal of the Consortium is set out at annex 40.

6.71 The Committee recalled that it had already discussed, when considering the report of the intersessional working group, the criteria to be used in evaluating proposals for the establishment of IDC and IDE and the format of the evaluation report which IMSO, acting as LRIT Co-ordinator, had been directed to provide.

6.72 IMSO (MSC 83/6/11) presented the results of the evaluation undertaken by it, acting as LRIT Co-ordinator, of the proposal submitted by the Consortium through the Marshall Islands. On the basis of the information provided in the annex to document MSC 83/6/6 and subsequent discussions with the point of contact for the Consortium, IMSO reported that the Consortium had demonstrated, to the extent possible within the constraints established by decisions still to be taken by the Organization, the state of development of the technical specifications and the key dates provided in resolution MSC.211(81), that its proposal complied with the established standards and requirements for the LRIT system. In particular, IMSO advised that it believed that the Consortium had demonstrated compliance, or the ability and willingness to comply, with the operational, technical and functional requirements of the Performance standards; and that the proposal offered a realistic financial model that could provide a sustainable evolving solution for the LRIT system. IMSO advised that it also believed that the proposal met the essential criteria established by SOLAS regulation V/19-1, the Performance standards, resolution MSC.211(81) and the criteria for the location of IDC and IDE set out in annex 2 to document MSC 83/6/2, to the extent possible before further technical, operational and financial decisions had been taken by the Committee. In addition, IMSO reported that the proposal also incorporated the need for

further development of certain aspects of the LRIT system during the test and implementation phases in 2008.

6.73 The Committee referred the proposal submitted by the Consortium through the Marshall Islands (MSC 83/6/6, annex) in relation to the establishment and operation of IDC and IDE to the working group for consideration and instructed it to recommend the approach to be taken. In this respect, the Committee agreed that the Consortium could present to the working group an alternative financial model in relation to its proposal for the establishment of IDC and IDE and a financial model for the establishment of IDE only.

Contingency offer in relation to the establishment and operation of IDC and IDE

6.74 The United States (MSC 83/6/3) provided details of a contingency offer to host, build and operate IDE and IDC on a temporary, interim basis until the Committee was to make final and permanent arrangements in this respect. The United States stated that its contingent offer for IDC was conditional on Contracting Governments entering their ships into IDC paying communications (ASP and CSP) costs. The United States recalled that it had clearly advised during the intersessional working group that its contingency offer was not in response to the request for submission of proposals for the establishment and operation of IDC and IDE issued by IMSO, acting as LRIT Co-ordinator, and thus their offer was not subject to any form of evaluation by IMSO.

6.75 The Committee referred the contingency offer of the United States (MSC 83/6/3), in relation to the establishment and operation of IDC and IDE on an interim basis, to the working group and instructed it to recommend the approach to be taken.

Establishment of the Working Group on LRIT matters

6.76 Having considered the various issues relating to LRIT matters, the Committee established the Working Group on LRIT matters and instructed it, taking into account decisions taken and proposals and comments made in plenary, to:

- .1 prepare a draft MSC resolution allowing the use of LRIT information for safety and marine environment protection purposes;
- .2 recommend the approach to be taken in relation to the transmission of LRIT information by ships undergoing repairs in port or in dry-dock and by ships which are laid up; prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards; and incorporate any needed changes to the draft technical specification and standards developed by the *ad hoc* engineering group (see item .9 below), so as to minimize the transmission of unnecessary LRIT information;
- .3 recommend the approach to be taken for ensuring the timely establishment of the LRIT system on a sustained and viable financial basis and prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards;
- .4 review and, if need be, refine, taking into account the target dates stipulated in resolution MSC.211(81), the additional milestones to be observed in relation to the establishment of the LRIT system proposed by the intersessional working group and recommend the date(s) to be associated with each of the milestones;

- .5 review and, if need be, refine the recommendations of the intersessional working group in relation to arrangements to be made for the period between MSC 83 and MSC 84 with a view to ensuring the timely establishment of the LRIT system and prepare and submit for consideration with a view to adoption draft(s) proposed decision(s);
- .6 consider all issues relating to the performance by IMSO of the functions of the LRIT Co-ordinator and recommend the approach to be taken;
- .7 consider all issues relating to the models of the various agreements needed for the establishment of the LRIT system and recommend the approach to be taken;
- .8 note that the Committee has accepted, in principle, the recommendations of the intersessional working group set out in paragraphs 142.2 to 142.14, 142.16 to 142.24 and 142.26 to 142.29 of document MSC 83/6/2:
 - .1 codify and consolidate the issues involved in an appropriate format (which may be MSC resolution(s) and/or MSC circular(s) depending on the nature of the issues involved) so as to enable easy identification and reference and prepare and submit for consideration with a view to adoption or approval the relevant document;
 - .2 prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards; and
 - .3 incorporate any needed changes to the draft technical specification and standards developed by the *ad hoc* engineering group (see item .9 below);
- .9 finalize and submit for consideration with a view to approval:
 - .1 the draft Technical specification for the International LRIT Data Exchange (MSC 83/6/1, annex 1);
 - .2 draft Technical specification for the International LRIT Data Centre (MSC 83/6/1, annex 2);
 - .3 draft Technical specification for communications within the LRIT system network (MSC 83/6/1, annex 3);
 - .4 draft Technical costing and billing standard (MSC 83/6/1, annex 4); and
 - .5 draft Protocols for the development testing of the LRIT system and for testing the integration into the system of new LRIT data centres (MSC 83/6/1, annex 5);
- .10 recommend when and how the technical specifications and standards developed by the *ad hoc* engineering group (see item .9 above) should be integrated in the Performance standards;
- .11 consider the proposals of the Russian Federation (MSC 83/6/12, paragraphs 3 to 8 and 9.2) and, bearing in mind that IDE was an essential element of the LRIT system, recommend the approach to be taken;

- .12 consider the proposal submitted through the Marshall Islands (MSC 83/6/6, annex) in relation to the establishment and operation of IDC and IDE and recommend the approach to be taken; and
- .13 consider the contingency offer of the United States (MSC 83/6/3) in relation to the establishment and operation of IDC and IDE and recommend the approach to be taken.

Report of the working group

General

6.77 The Chairman of the working group, in introducing the report of the group (MSC 83/WP.6) advised that document MSC 83/WP.6, which was put together overnight after the group stopped working, required a number of corrections which would be effected by the Secretariat after the end of the session. Furthermore, having consulted with the group, the chairman of the group suggested, and the Committee agreed, not to consider the action requested in paragraph 13.7 of document MSC 83/WP.6 as the related annex 4 to that document needed a number of corrections and doing such corrections in plenary would be difficult. In addition, on the suggestion of the chairman of the group, the Committee agreed to consider the aforesaid action at its next session. The Secretariat advised that the corrected report of the working group would be circulated as MSC 83/WP.6/Rev.1.

6.78 Upon receipt of the report of the working group (MSC 83/WP.6), the Committee approved it in general and took action as outlined in the following paragraphs.

6.79 The delegation of China expressed the opinion that LRIT had been a focussed issue at this session of the Committee, considering its importance and sensitiveness. MSC 81 had unanimously adopted the amendment through the co-operation and efforts of Contracting Governments. This showed the principle of this Organization, i.e. consensus through consultation and also set an example for dealing with those important issues in this Organization. For this reason, the Chinese delegation actively participated in the work of the working group. However, this delegation had concern on the method of work and procedure of this working group. The Chinese delegation recalled that the working group had used the method of polling many times to ask the delegations to express their position on IDE, i.e. to say “yes” or “no” to the questions posed by Chairman. This was rarely seen in IMO meetings. Moreover, after the delegations had expressed their opinions on the relevant proposal, the delegation of the Marshall Island withdrew its proposal although the proposal was supported by a number of delegations. The Chinese delegation felt confused with such a procedure and method, and sought clarification from the Committee whether the relevant procedure and guidelines specified as such. At least in the view of Chinese delegation, the discussion of the working group did not show the principle of consensus through consultation, which was enjoyed when the Committee adopted the LRIT amendments. The Chinese delegation believed that this had created a bad precedent. In addition, in view of the delegation, any action beyond or not in compliance with procedures should at least be unanimously agreed to by Member States.

6.80 The delegation of Singapore stated that it fully supported SOLAS regulation V/19-1 on LRIT and recognized the importance of LRIT and the need to implement the LRIT by the implementation date. In this regard, the delegation of Singapore would like to thank the United States delegation for their generous offer to host the contingency IDE in the interim, which forms the fabric of the whole system. The delegation of Singapore supported the concept of IDC but was however disappointed, like other delegations, that thus far, the proposals for IDC

were inconsistent with regulation V/19-1.11.1. A key point noted by the working group in this session, was that there were still many unknowns surrounding the LRIT system, including the level of demand for position reports and exact communication costs. As the LRIT system was kick-started with an IDE-only framework in the interim, the delegation of Singapore looked forward to the IMO developing possible solutions to establish a permanent IDC and IDE on a sustainable basis which, at the same, remained consistent with regulation V/19-1, as more experience was gained. The delegation of Singapore was thus supportive of the ideas such as lowering the number of automatic transmissions from ships for day to lower the overall operating costs of the system or to introduce a surcharge for each position report in the initial phase to set up a fund for the establishment of a permanent IDE/IDC. The delegation of Singapore would continue to work with other IMO Member States to ensure the success of the LRIT system.

Use of LRIT information for safety and environmental protection purposes

6. 81 The Committee adopted resolution MSC.242(83) on the Use of long-range identification and tracking information for safety and marine environmental protection purposes, set out in annex 6.

6. 82 The delegation of Panama expressed concern over the process of adopting an MSC resolution relating to the protection of the marine environment which only calls and asks for the MEPC, which is responsible for considering and discussing matters related to the marine environment, to take note of the resolution.

Approach to be taken for ensuring the timely establishment of the LRIT system on a sustained and viable financial basis

6.83 The Committee noted the discussions of the group relating to the timely establishment of the LRIT system on a sustained and viable financial basis.

6.84 The delegation of Liberia expressed its supports for a fully viable LRIT system and noted the comments at previous meetings that this would require participation of all Contracting Governments. While there was a current performance standard for ships to transmit 4 position reports per day for LRIT, there was no mandate that these reports be requested or used by port and coastal States. The delegation of Liberia was concerned that the limited level of commitment by Contracting Governments to use these reports would not sustain the financial viability and sustainability of the system. The current level of commitment to request and use only 10 million of the expected 58.4 million transmitted ship position reports meant that only 17% of the position reports would be needed and 83% will go unused. The delegation of Liberia understood that the performance standard for ships to transmit 4 position reports per day was based on a perceived level of demand for such reports. However, now that there was a better understanding of the demand for LRIT information through the level of commitments for its use, if that level did not increase substantially, it was clear to the delegation that the supply of the number of position reports needed adjusting downward or consideration of an alternative funding scheme. Reducing the number of transmissions from 4 position reports per day to 2 position reports per day would appear to more accurately align the supply of position reports with the demand for the information, as reflected in commitments made thus far. The delegation of Liberia also suggested that Contracting Governments be invited to provide the Organization with further details on their commitment to request and use LRIT information in order to better align the reporting standard with the level of demand.

6.85 The delegations of the Bahamas, the Marshall Islands and Panama expressed their support for the comments made by the delegation of Liberia. The delegation of Malta suggested that consideration should be given to reducing the rate of transmission of LRIT information so as to reduce the volume of unrequested LRIT information. The delegation of Greece suggested that a thorough study should be conducted in order to determine the best approach to the issue.

Determination of additional milestones to be observed in relation to the establishment of the LRIT system

6.86 The Committee approved the schedule for the implementation of the LRIT system, set out in annex 2 to document MSC 83/WP.6. In this respect, the Committee noted that the schedule was developed bearing in mind that IDE would be established and operated by the United States, which was fully aware of the various development tasks/steps to be taken in-house for development of the IDE and hence there was no need to develop these in detail as discussed during the intersessional working group.

Arrangements to be made for the period between MSC 83 and MSC 84

6.87 Having established an *ad hoc* LRIT Group with terms of reference set out in annex 3 to document MSC 83/WP.6, the Committee authorized it to deal with certain technical matters during the period between MSC 83 and MSC 84 with a view to ensuring the timely establishment of the LRIT system.

Performance by IMSO of the functions of the LRIT Co-ordinator

6.88 The Committee noted the discussions of the group relating to the performance by IMSO of the functions of the LRIT Co-ordinator.

Development of models of the various agreements needed

6.89 The Committee noted the discussions of the group relating to the models of various agreements needed for the establishment of the LRIT system and, in particular, that there was still an opportunity to develop and finalize any necessary agreements during MSC 84 and that the group had instructed the Secretariat to propose the approach to be taken.

Consideration of the recommendations of the intersessional working group

6.90 The Committee adopted resolution MSC.254(83) on Adoption of amendments to the Performance standards and functional requirements of long-range identification for tracking for ships, as set out in annex 37.

6.91 The Committee deferred the consideration of the action requested of it by the group in relation to a number of the actions requested by the intersessional working group (which the Committee had approved earlier, in principle) for consideration during its next session. In this respect, the Committee noted that the pending matters are those identified in paragraphs 2.2, 2.8.1, 2.10 and 13.7 of, and annex 4 to, document MSC 83/WP.6.

Outcome of the ad hoc engineering group

6.92 The Committee noted the action taken by the group in relation to the draft technical specifications and standards for IDE; IDC; the communications within the LRIT system; and the protocols for the development testing of the LRIT system and for testing the integration into the

system of new DCs, and authorized the Chairman to approve on behalf of the Committee, the Guidance on LRIT-related matters, to be prepared by the Secretariat on the basis of the work done by the group after the end of the session, for dissemination by means of MSC.1/Circ.1236.

Proposal for a back-up IDE

6.93 The Committee noted the discussions of the group in relation to the offer of the Russian Federation to provide back-up facilities for IDE.

The establishment and operation of IDC and IDE

6.94 The Committee noted the discussions of the group on the establishment and operation of IDC and IDE (MSC 83/WP.6, section 12).

6.95 The delegation of the Marshall Islands (without seeking to re-open any discussions in relation to IDC) stated that, during the deliberations of the group, the Marshall Islands had presented, on the basis of commercial terms, an overview of a possible mini-IDC, to be operated by the Administrator of the Marshall Islands National LRIT Data Centre and modelled after the Marshall Islands NDC which has been in operation for more than one year. Whilst there was a lack of interest within the group for this offer, and ultimately a failure of the group to agree to the arrangements for the establishment of IDC, the Marshall Islands, in conjunction with its NDC Administrator, wished to inform the Committee that the offer of a mini-IDC remained open and would be so up to and including MSC 84. In the event that MSC 84 should decide that there was a need for IDC and takes up this offer, the mini-IDC, having been in operation now for more than one year, was capable of being immediately configured and made operational within a few days, so allowing its integration into the LRIT system and availability to those Contracting Governments not contemplating having their own NDC or joining an RDC or CDC, by the 1 July 2008 deadline.

6.96 The Committee adopted resolution MSC.243(83) on Establishment of the International LRIT Data Exchange on an interim basis, set out in annex 7.

7 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

General

7.1 The Committee, having recalled that MSC 82 had considered urgent matters emanating from the eleventh session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC), approved, in general, the report of that session (DSC 11/19 and MSC 83/7) and took action on the remaining matters as indicated hereunder.

Class 7 radioactive materials *ad hoc* mechanism

7.2 The Committee noted that, as reported in document MSC 83/2, FAL 34 approved, in principle and subject to results of a trial, the proposed mechanism within the IMO Secretariat for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials; requested the Secretariat to conduct a trial of the proposed mechanism; and to report on its experience to FAL 35 for evaluation of results of the trial. It further requested the Secretariat to continue to co-operate with IAEA, ILO and other UN bodies on issues surrounding the delays and denials of shipments of class 7 radioactive materials.

7.3 In this context, the Committee supported the view of the Sub-Committee that an *ad hoc* mechanism within the Organization to speedily resolve difficulties in the carriage of class 7 radioactive materials would contribute to the resolution of such difficulties.

7.4 The Committee appreciated that, pursuant to the above, the Secretary-General had established an IMO Focal Point on the Resolution of difficulties in the carriage of IMDG Code dangerous goods including class 7 radioactive materials, where Member States are invited to submit reports in accordance with the mechanism promulgated by means of FAL 34/19, annex 5. In that context, the Committee requested the Secretariat to keep it informed of the progress made on the issue.

7.5 The Committee further noted that with regard to the notification of denials of shipment of dangerous goods other than class 7, the Facilitation Committee had requested the Secretariat to keep a record only of any notification of such denials which are brought to the attention of the Secretariat.

Entry in Transport Document and/or Dangerous Goods Manifest (FAL Form 7)

7.6 The Committee noted that, as requested by FAL 33, the Sub-Committee had considered the issue of an entry in the Transport Document and/or Dangerous Goods Manifest (FAL Form 7) (whereby Cobalt 60 shipments, specially produced for immediate use in medical, consumer, health or agriculture applications, would be declared as such as that would facilitate its identification by the public authorities concerned) which raised technical concerns, and that the Secretariat was requested to inform the Maritime Safety Committee and Facilitation Committee accordingly.

7.7 The Committee recalled that, in the context of the above, MSC 82 had considered matters relevant to difficulties encountered with the inclusion of an entry in the transport document and/or dangerous goods manifest (FAL Form 7) to confirm that shipment of radioactive materials is to be used in medical or public health applications and forwarded the matter to FAL 34 for consideration and action as appropriate.

Amendments to the IMO FAL Compendium

7.8 The Committee also noted that, as requested by FAL 33, the Sub-Committee had considered section G of the IMO FAL Compendium and prepared the amended section for submission to FAL 34 for action as appropriate.

8 FIRE PROTECTION

REPORT OF THE FIFTY-FIRST SESSION OF THE SUB-COMMITTEE

General

8.1 The Committee approved, in general, the report of the fifty-first session of the Sub-Committee on Fire Protection (FP) (FP 51/19 and MSC 83/8) and took action as indicated hereunder.

Equivalent fire-extinguishing systems for machinery spaces and cargo pump-rooms

8.2 The Committee approved MSC.1/Circ.1237 on Amendments to the Revised Guidelines for the approval of equivalent water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms (MSC/Circ.1165).

Amendments to SOLAS regulation II-2/10

8.3 The Committee approved the draft amendments to SOLAS regulation II-2/10, set out in annex 8, to require all carbon dioxide systems to have two separate releasing controls and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration at MSC 84, with a view to adoption.

Safety matters relating to the installation of total flooding carbon dioxide systems

8.4 Noting the proposal of the Sub-Committee and the relevant justification for a new item regarding safety matters relating to the installation of total flooding carbon dioxide systems, for inclusion in the Sub-Committee's work programme, the Committee agreed to deal with the matter in detail under agenda item 25 (Work programme).

Sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12

8.5 In considering the draft amendments to the Revised Guidelines for approval of sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12 (resolution A.800(19)), proposed by FP 51, the Committee noted that draft amendments to the Revised Guidelines agreed, in principle, at FP 50 had not been included in the aforementioned set of amendments and decided to instruct FP 52 to prepare a composite set of draft amendments to the Revised Guidelines on the basis of the draft amendments prepared by FP 50 and FP 51, for submission to MSC 84 for adoption.

Evacuation analyses for new and existing passenger ships

8.6 The Committee approved MSC.1/Circ.1238 on Guidelines for evacuation analysis for new and existing passenger ships.

8.7 In this context, the Committee considered document MSC 83/8/2 (Germany), proposing that the item related to the above Guidelines be retained in the Sub-Committee's work programme and the provisional agenda for FP 52 so that unresolved issues could still be further considered by the Sub-Committee and agreed to the proposal by Germany (see also paragraph 25.25).

Location of entrances, air inlets and openings in the superstructures of tankers

8.8 Noting a proposal by the Sub-Committee and the relevant justification for a new item to harmonize the requirements for the location of entrances, air inlets and openings in the superstructures of tankers, the Committee agreed to deal with the matter in detail under agenda item 25 (Work programme) (see also paragraph 25.24.1).

Interpretation of SOLAS regulation II-2/4.5.1.1

8.9 The Committee noted that, as instructed by MSC 82, the Sub-Committee had considered the draft MSC circular on Interpretation of SOLAS regulation II-2/4.5.1.1, concerning pump-rooms intended solely for ballast or fuel oil transfers and, subsequently, had decided to refer the matter to the correspondence group for detailed consideration.

Unified interpretations of SOLAS chapter II-2

8.10 The Committee approved MSC.1/Circ.1239 on Unified interpretations of SOLAS chapter II-2.

Unified interpretations of the FSS Code

8.11 The Committee approved MSC.1/Circ.1240 on Unified interpretations of the International Code for Fire Safety Systems (FSS Code).

Unified interpretations of the IBC Code

8.12 The Committee, having agreed to minor modifications, approved MSC.1/Circ.1241 on Unified interpretations of the International Bulk Chemical (IBC) Code.

Safety of oil and chemical tankers

8.13 The Committee noted that, following consideration of the report of the Inter-Industry Group which had recommended to consider amending SOLAS chapter II-2 to provide for application of inert gas system to new oil tankers of less than 20,000 dwt and new chemical tankers and pertinent proposals and recommendations made by Member Governments, the Sub-Committee had discussed at length how to proceed with the matter and, having recognized that it would require detailed consideration, taking into account the complexity of the matter, including the disadvantages (*i.e.*, asphyxiation) and potential benefits (*i.e.*, reducing the risk of explosion) of application of inert gas systems for the practical safety-related implications to the operation of chemical tankers and product tankers of less than 20,000 dwt, had agreed to recommend to the Committee the inclusion of a new item, in the Sub-Committee's work programme, to deal with the matter comprehensively.

8.14 In considering the recommendations of FP 51, in particular that a new item on "Measures to prevent explosions on oil and chemical tankers transporting low-flash point cargoes" be included in the Sub-Committee's work programme, in co-operation with the BLG and DE Sub-Committees, and that under the aforementioned item, the Sub-Committee would first consider measures for new ships and, depending on the outcome of their consideration, could consider appropriate measures for existing oil and chemical tankers, the Committee noted the views expressed by:

- .1 with reference to FP 51/19, paragraph 10.6, the delegation of the Netherlands, which pointed out that the preliminary FSA study carried out by Japan (FP 51/10/1) on this matter concluded that the installation of inert gas systems on tankers of less than 20,000 dwt was not justified and expressed the view that a cost benefit analysis is needed to support a justification for a new work programme item;

- .2 the delegation of Norway, which was of the view that the aforementioned new work item should be placed on the BLG Sub-Committee's work programme, taking into account that the cargo to be carried is the decisive factor on this issue and that such matters fall under the purview of the BLG Sub-Committee; and
- .3 the delegation of the Cook Islands, which expressed the opinion that the outcome of DE 50 should be considered in detail by the Committee before making a final decision on this issue and that matters related to increased risk of in-tank asphyxiation and tank overpressurization should be taken into account if it is decided that a new work programme item be established.

8.15 In light of the above views, the Committee agreed to finalize its consideration of the matter under agenda item 9 (Ship design and equipment), following the discussion of the relevant outcome of DE 51 which had also been instructed by MSC 82 to consider the matter (see paragraph 9.26).

Consequential amendments to SOLAS regulation II-2/19

8.16 The Committee noted that, as instructed by MSC 82, the Sub-Committee had considered proposed amendments to SOLAS regulation II-2/19 and chapter 7 of the HSC Code and a draft circular on Application of requirements for dangerous goods in packaged form for SOLAS and 2000 HSC Code and, having requested the Committee to extend the target completion date for the item, invited Member Governments and international organizations to submit relevant comments and proposals to FP 52.

Fixed fire-extinguishing systems for cabin balconies

8.17 The Committee, in considering the draft Guidelines for the approval of fixed pressure water spraying and water based fire-extinguishing systems for cabin balconies, noted that Finland had conducted testing according to the draft Guidelines and that the results had shown that the test standards need further improvements. In view of the above developments, the Committee decided to refer the draft Guidelines to FP 52 for further consideration and submission to MSC 84, as appropriate.

Fixed fire detection and fire alarm systems for cabin balconies

8.18 The Committee approved MSC/Circ.1242 on Guidelines for the approval of fixed fire detection and fire alarm systems for cabin balconies and endorsed the Sub-Committee's recommendation that the approval of fire detection and alarm systems for cabin balconies installed on passenger ships before 1 July 2008 should be left to the satisfaction of the Administration.

OTHER MATTERS

Proposed amendments to SOLAS regulation II-2/19.4

8.19 The Committee considered document MSC 83/8/1 (Japan), containing proposed amendments to SOLAS regulation II-2/19.4 to harmonize the aforementioned regulation with SOLAS regulation II-2/3.20 in respect of the mandatory application of the IMDG Code and, having approved the proposed draft amendments to SOLAS regulation II-2/19.4, set out in annex 8, requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration at MSC 84, with a view to adoption.

9 SHIP DESIGN AND EQUIPMENT

Report of the fiftieth session of the Sub-Committee

9.1 The Committee approved, in general, the report of the fiftieth session of the Sub-Committee on Ship Design and Equipment (DE) (DE 50/25 and MSC 83/9) and took action as indicated hereunder.

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

9.2 The Committee approved the draft amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)) (ESP Guidelines), set out in annex 9, including a new part B on Survey guidelines for double-skin bulk carriers in Annex A (Guidelines on the enhanced programme of inspections during surveys of bulk carriers) of the ESP Guidelines, applicable to bulk carriers of 500 gross tonnage and over having double-side skin construction, and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration at MSC 84 with a view to adoption.

9.3 In this connection, the Committee requested the Secretariat to prepare, after the current amendments have been adopted, a new consolidated publication of the ESP Guidelines, incorporating all amendments adopted since the last publication was issued.

9.4 With regard to the Sub-Committee's justification for an expansion of the scope of the existing work programme item on "Amendments to resolution A.744(18)" to include the harmonization of the ESP Guidelines with the relevant IACS Unified Requirements (UR Z.10 series), the Committee agreed to deal with the matter under agenda item 25 (Work programme) (see also paragraph 25.42).

Performance standard for protective coatings for void spaces on bulk carriers and oil tankers

9.5 The Committee considered the draft MSC resolution on Performance standard for protective coatings for void spaces on bulk carriers and oil tankers, together with the following documents:

- .1 MSC 83/9/2 (United Kingdom), proposing to include a footnote at the end of paragraphs 4.2.1.1.4 and 4.2.1.1.5 in order to clarify the issue of totally enclosed spaces and to change the words "other small void spaces in cargo tanks" in paragraph 4.2.1.1.3 to read "... in cargo holds" or "... in cargo spaces";
- .2 MSC 83/9/3 (RINA), suggesting that in order to remove any ambiguities and conflicts with other statutory requirements regarding the term "totally enclosed spaces", the requirements of the Performance standard should apply to all void spaces, except where access is neither required nor possible and that guidance on the types of such excluded spaces should be given; and
- .3 MSC 83/9/4 (Greece), proposing a number of amendments to section 4.2 (Standard application), concentrating on the notion of totally enclosed spaces, and to the basic coating requirements in table 1 of the Performance standard concerning the number of spray coats, stripe coats, dust limit and testing exposure.

Greece also stated that the Performance standard should become mandatory not later than the Performance standard for protective coatings for dedicated seawater ballast tanks (i.e. 1 July 2008).

9.6 Following extensive discussions of the above proposals and other proposals made orally for changes to the draft Performance standard, the Committee, noting that the text of the Performance standard as agreed at DE 50 presented a carefully drafted compromise and that the Sub-Committee had agreed to revisit the Performance standard after experience had been gained with its application (see paragraph 9.7), agreed to:

- .1 introduce a footnote clarifying the term “totally enclosed spaces”, referenced from the ends of paragraphs 4.2.1.1.4 and 4.2.1.1.5 of the Performance standard, as follows:

“Noting, *inter alia*, the mandatory provisions of resolution A.744(18), as amended, regarding the requirement to undertake close-up surveys of the internal structure of upper and lower stools, where fitted.”;

- .2 change the words “other small void spaces in cargo tanks” in paragraph 4.2.1.1.3 to read “other small void spaces in cargo spaces”; and
- .3 set the number of spray coats in table 1, subparagraph .4 (Job specification) to one,

and adopted resolution MSC.244(83) on Performance standard for protective coatings for void spaces on bulk carriers and oil tankers, set out in annex 10.

9.7 In this context, the Committee concurred with the decision of DE 50 that it would consider making the Performance standard mandatory, through the development of relevant draft SOLAS amendments, in the longer perspective, after experience has been gained with its application.

Means of embarkation on and disembarkation from ships

9.8 The Committee approved draft new SOLAS regulation II-1/3-9 (Means of embarkation on and disembarkation from ships), set out in annex 11, having agreed to delete the words “or pilotage” in paragraph 1 of the regulation, and requested the Secretary-General to circulate the draft new SOLAS regulation, in accordance with SOLAS article VIII, for consideration at MSC 84 with a view to adoption.

9.9 The Committee also approved, in principle, a draft MSC circular on Guidelines for construction, maintenance and inspection of accommodation ladders and gangways, set out in annex 5 to document DE 50/27, for final approval at MSC 84 in conjunction with the adoption of the above new SOLAS regulation and requested the Secretariat to submit the relevant document to MSC 84.

Emergency towing arrangements on tankers

9.10 The Committee approved draft amendments to SOLAS regulation II-1/3-4 (Emergency towing arrangements on tankers), set out in annex 12, and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration at MSC 84 with a view to adoption.

9.11 The Committee also approved, in principle, a draft MSC circular on Guidelines for owners/operators on preparing for emergency towing procedures, set out in annex 7 to document DE 50/27, for final approval at MSC 84 in conjunction with the adoption of the above SOLAS amendments and requested the Secretariat to submit the relevant document to MSC 84.

Unified interpretation of SOLAS chapter III

9.12 The Committee approved MSC.1/Circ.1243 on Unified interpretation of SOLAS chapter III.

Measures to prevent accidents with lifeboats

MSC.1/Circ.1206 on Measures to prevent accidents with lifeboats

9.13 The Committee noted the outcome of DE 50 concerning the implementation and mandatory application of MSC.1/Circ.1206 on Measures to prevent accidents with lifeboats and concurred with the view of the Sub-Committee that:

- .1 only annex 1 to the circular, dealing with servicing and maintenance of lifeboats, launching appliances and on-load release, should be made mandatory; and
- .2 guidance for qualification and certification of personnel or organizations carrying out servicing and maintenance of lifeboats, launching appliances and on load release gear should be developed.

9.14 In the context of this issue, the Committee considered document MSC 83/9/5 (Bahamas, Dominica, Finland, BIMCO, CLIA, INTERCARGO, INTERMANAGER, INTERTANKO, IPTA, OCIMF and SIGTTO), stating that the submitters considered it premature and inappropriate to make MSC.1/Circ.1206 mandatory as currently written because of difficulties experienced in the implementation of the provisions contained in annex 1 to MSC.1/Circ.1206, mainly related to the lack of worldwide servicing networks and a tendency among manufacturers not to approve independent service providers, although their competency and track records were excellent. They therefore proposed that the circular be amended to allow Administrations to authorize independent service providers to carry out the necessary inspections and maintenance without prior authorization from the original manufacturer and that the DE Sub-Committee's Correspondence Group on LSA, which was currently developing qualification and certification requirements for personnel carrying out inspection and maintenance of lifeboats, rescue boats, launching and release systems, should take this into account.

9.15 The majority of delegations which spoke supported the proposal made in document MSC 83/9/5, namely that Administrations should be allowed to authorize independent service providers to carry out maintenance and repair of life-saving appliances. They mentioned, in particular, the difficulties experienced in implementing the provisions of MSC.1/Circ.1206 due to the lack of a global network of LSA manufacturers to provide a world-wide service, the lack of appropriate manufacturer training in order to have service personnel certified and the high costs for such training charged by manufacturers.

9.16 Other delegations were of the view that the matter had been discussed in detail at DE 50 and that the DE Sub-Committee's LSA Correspondence Group had been instructed to develop guidance for qualification and certification of personnel or organizations carrying out servicing and maintenance of lifeboats, launching appliances and on-load release gear which would cover the

issues raised and that it was premature to take any decisions on the matter before the outcome of the correspondence group was available.

9.17 Following the above discussion, the Committee agreed to request the aforementioned Correspondence Group on LSA to consider the inclusion of relevant provisions addressing the issue of independent service providers in the aforementioned qualification and certification requirements currently under development, as appropriate, and DE 51 to discuss the matter further.

9.18 In this connection, the Committee noted document MSC 83/INF.15 (ICS, BIMCO, CLIA, ICFTU, INTERCARGO, INTERTANKO, IPTA, OCIMF, SIGTTO and P and I Clubs), informing it of the formation of an industry group to address issues relating to lifeboat safety.

Unfavourable conditions of trim and list

9.19 The Committee noted that DE 50, with regard to the draft amendments to SOLAS chapter III and the LSA Code, concerning the definition of “unfavourable conditions of trim and list” referred back to the Sub-Committee by MSC 82, had agreed, in principle, on a new draft definition and had instructed its LSA Correspondence Group to consider it further.

Interpretation of the term “reduced degree of hazard”

9.20 The Committee noted that DE 50 had agreed to an interpretation of the term “reduced degree of hazard” in the revised SOLAS regulation II-1/6.2.4 for referral to the SLF Sub-Committee for inclusion in the Explanatory Notes to the SOLAS chapter II-1 subdivision and damage stability regulations. In this connection, the Committee noted that SLF 50 had agreed to include the interpretation in the draft Explanatory Notes.

Term “ $N = N1 + 2N2$ ” in the formula for the required subdivision index R

9.21 The Committee concurred with DE 50’s decision to investigate the impact of recent developments in the design and capability of life-saving appliances, in particular liferafts and launching systems, on the term “ $N = N1 + 2N2$ ” in the formula for the required subdivision index R.

Application of the B/5 value to the subdivision standards

9.22 The Committee noted the view of DE 50 that no change was needed to the application of the B/5 value to the subdivision standards in SOLAS chapter II-1.

Symbol of infant lifejacket

9.23 The Committee approved MSC.1/Circ.1244 on Symbol of infant lifejacket.

Safety of oil and chemical tankers

9.24 The Committee noted that, with regard to the proposal by the IIWG concerning the application of inert gas to new oil tankers of less than 20,000 dwt and to new chemical tankers, DE 50 supported the relevant recommendations of FP 51 (see paragraphs 8.13 and 8.14).

9.25 In this connection, the Committee, while recalling the comments made under agenda item 8 (Fire protection) on this matter (see paragraph 8.14), noted the comments made by delegations during the discussion regarding:

- .1 the problems associated with fitting inert gas systems on new tankers and retrofitting inert gas systems on existing tankers;
- .2 the disadvantages (i.e., asphyxiation) and the potential benefits (i.e., reduced risk of explosion) for application of such systems;
- .3 the practical safety-related implications for the operation of chemical tankers and product tankers of less than 20,000 dwt as well as other human element issues; and
- .4 practical limitations of retrofitting smaller chemical tankers.

9.26 Having considered the outcome of FP 51 and DE 50 and the points made during the discussion on the matter, the Committee endorsed the recommendations of FP 51 and:

- .1 included, in the FP Sub-Committee's work programme and the provisional agenda for FP 52, a high-priority item on "Measures to prevent explosions on oil and chemical tankers transporting low-flash point cargoes", with a target completion date of 2009, in co-operation with the BLG and DE Sub-Committees as necessary and when requested by the FP Sub-Committee;
- .2 agreed that, under the aforementioned work programme item, the FP Sub-Committee should first consider measures for new ships, taking into account the different operational demands on chemical tankers and the need that essential data is submitted and considered first and, depending on the outcome of their consideration, the Committee could then consider the extension of the item towards appropriate measures for existing oil and chemical tankers transporting low-flash point cargoes, taking into account the comments made during the discussion (see paragraph 9.25 above); and
- .3 agreed to take into account the concerns raised by Sweden at FSI 15 in respect of dangerous atmospheres (FSI 15/18, paragraph 6.35) and encouraged Member Governments to use the contact details provided by Sweden for the provision of information about similar cases.

9.27 In addition to the above, the Committee agreed with DE 50's recommendation to consider developing international safety standards for the design and operation of in-tank pumps after IACS had submitted the result of their work on a relevant unified requirement.

Definition of the term "bulk carrier"

9.28 The Committee noted that DE 50 had not been able to agree on a definition of the term "bulk carrier" and, in this connection, considered document MSC 83/9/1/Rev.1 (Austria *et al*), proposing that the issue of the definition of the term "bulk carrier" should be referred back to the DE Sub-Committee for further discussion and clarification. Following a brief discussion, the Committee instructed the Sub-Committee to re-consider the issue, taking into account the documents that had already been submitted on the issue to previous sessions of the Committee

and the DE Sub-Committee (see DE 50/27, paragraph 25.4) and included an item on “Definition of the term ‘bulk carrier’” in the provisional agenda for DE 51.

10 BULK LIQUIDS AND GASES

REPORT OF THE ELEVENTH SESSION OF THE BLG SUB-COMMITTEE

General

10.1 The Committee approved, in general, the report of the eleventh session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 11/16 and MSC 83/10) and took action as indicated in the ensuing paragraphs.

Development of provisions for gas-fuelled ships

10.2 The Committee noted the progress made on the development of provisions for gas-fuelled ships, concurred with the revised long-term action plan and, having noted that the draft Interim guidelines on safety for gas-fuelled engines installations in ships had not been finalized at BLG 11, agreed to extend the target completion date for the item to 2009.

IACS Unified interpretation GC 11

10.3 The Committee endorsed the decision of BLG 11, regarding IACS Unified Interpretation GC 11 concerning loading of type ‘C’ cargo tanks, whereby, regardless of the date of construction of the ship, type C cargo tanks can be loaded in accordance with the provisions of paragraph 15.1.5 or, alternatively, to the provisions of paragraph 15.1.2 or, if allowed by the Administration, to the provisions of paragraph 15.1.15 of the IGC Code.

Incidents of explosions on chemical and product tankers

10.4 The Committee noted the outcome of the Sub-Committee’s deliberations on the study on incidents of explosions on chemical and product tankers, in particular the Sub-Committee’s decision that it would be appropriate to await the outcome of the relevant casualty report, the report of the IIWG Human Factors Task Group and that of the FP Sub-Committee.

Intersessional meeting of the ESPH Working Group

10.5 Having noted that MEPC 56 had agreed that the intersessional meeting of the ESPH Working Group should be held some time in the latter part of 2008, the Committee approved the holding of the meeting of the group in 2008.

Review of the Recommendation for material safety data sheets for MARPOL Annex I cargoes and marine fuel

10.6 Noting the proposal of the Sub-Committee and the relevant justification for a new work programme item regarding the review of the aforementioned Recommendation, the Committee agreed to consider the matter and related document MSC 83/10/3 (IBIA) under agenda item 25 (Work programme) (see paragraph 25.8).

DEVICE TO PREVENT PASSAGE OF FLAME INTO CARGO TANKS

10.7 The Committee recalled that at BLG 11 the observer from IACS had highlighted that the literal meaning of paragraph 1.2.3 of MSC/Circ.677 by IACS was different from how FP 51 had interpreted its application to the extent that regardless of whether the chemical carrier is dedicated, or not, to the carriage of substances with a Maximum Experimental Safe Gap (MESG) of less than 0.9 mm, the MESG of the device must correspond to the lowest MESG of the substances loaded. In that context, BLG 11 agreed that IACS may continue to apply its interpretation till such time the BLG Sub-Committee was instructed to revisit the issue.

10.8 Having considered the proposals by:

- .1 Denmark (MSC 83/10/1), which highlighted that to maintain compliance with existing equipment certification and consistency with other standards in order to prevent passage of flame into cargo tanks, the observations referred to in the document submitted by Denmark to FP 51 (FP 51/18) should be noted. Furthermore, the procedure concluded at BLG 11 is not in accordance with the provisions of the IBC Code and MSC/Circ.677 as amended, and there would be serious complications with regard to other mentioned standards; and
- .2 CESA (MSC 83/10/2), which emphasized that the conclusions of BLG 11 and FP 51 do not coincide, as far as the testing of devices to prevent the passage of flame into cargo tanks certified for cargoes with a MESG of less than 0.9 mm was concerned.

10.9 After extensive discussion on the best way forward on this matter, and noting that the proposal by Denmark (MSC 83/10/1) had support from many delegations, the Committee agreed that a clarification on the issue was needed and referred documents MSC 83/10/1 (Denmark) and MSC 83/10/2 (CESA) to BLG 12 for further consideration, with a view to amending circular MSC/Circ.677 accordingly, taking into account the conclusions of FP 51 on this issue, for approval by the Committee.

INFORMATION ON PROPERTIES OF MARPOL ANNEX II AND IBC CODE CARGOES

10.10 The Committee recalled that MEPC 56, as noted under agenda item 2, approved a draft MSC/MEPC circular on Provision of information in respect of products carried in accordance with the requirements of MARPOL Annex II and the IBC Code, as set out in the annex to document MSC 83/2/3.

10.11 Having noted that MEPC 56, taking into account that matters pertaining to the IBC Code fall also under the remit of the MSC, had invited the Committee to concur with this decision so that a joint MSC/MEPC circular could be disseminated immediately after MSC 83, the Committee approved MSC-MEPC.2/Circ.7 on Provision of information in respect of products carried in accordance with the requirements of MARPOL Annex II and the IBC Code.

APPLICATION DATES OF FLAMMABLE VAPOURS MONITORING SYSTEMS UNDER THE BCH AND IBC CODES

10.12 As invited by MEPC 56, the Committee considered document MEPC 56/5/3 wherein India, having referred to the date of application (1 January 2009) of the proposed amendments to the IBC Code relating to chapter 11 on fire protection, which was after the date of application of equivalent provisions in the BCH Code that entered into force on 1 August 2007, proposed to

modify and bring the application date of the amendments to the BCH Code in line with the application date of the amendments to the IBC Code. In this context, the Committee noted that the MEPC had felt that, if the Committee agrees with the proposal by India, a joint MSC/MEPC circular could be prepared, inviting parties to defer the application date of the amendments to the BCH Code to 1 January 2009.

10.13 Following the discussion, the Committee concluded that no action should be taken with regard to the proposal by India, because, whilst the amendments to the BCH Code, including safety-related provisions (adopted by resolution MSC.212(81) are recommendatory, the identical amendments to the BCH Code adopted by resolution MEPC.144(54) are mandatory, as the BCH Code is mandatory under MARPOL 73/78. In accordance with resolution MEPC.144(54), ships shall comply with the amendments to the BCH Code as from 1 August 2007 and, legally, the date of their application can not be modified or deferred by way of issuing a circular inviting parties to defer the application date of the amendments. The Secretariat was requested to inform the MEPC of the above outcome.

APPLICATION OF REGULATION 4.1.3 OF MARPOL ANNEX II

10.14 The Committee noted that MEPC 56 had had an extensive debate regarding application of regulation 4.1.3 of MARPOL Annex II, where a majority of the delegations which spoke agreed that allowing the carriage of any cargo, including vegetable oil, in excess of the 3,000 m³ operational limit on a Ship Type 2 tanker (ST2) was in violation of the provisions of MARPOL 73/78 and that, therefore, MEPC 56 had not agreed with views expressed in documents submitted on the issue and had decided to urge all parties to take into account the outcome of the debate.

11 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

Report of the fiftieth session of the Sub-Committee

11.1 The Committee approved, in general, the report of the fiftieth session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 50/19 and MSC 83/11) and took action as indicated hereunder.

Development of explanatory notes for harmonized SOLAS chapter II-1

Guidelines for damage control plans and information to the master

11.2 Having agreed to replace the words "SOLAS Convention" by the word "Organization" in paragraph 2.2 of the draft guidelines, the Committee approved MSC.1/Circ.1245 on Guidelines for damage control plans and information to the master.

11.3 The Committee endorsed the Sub-Committee's recommendation that the two existing footnotes in the revised SOLAS regulation II-1/19 (in the publication), referring to the aforementioned guidelines (see paragraph 11.2), should be replaced by a single footnote with an asterisk to be inserted after the title of the regulation, and requested the Secretariat to act accordingly.

Unfavourable conditions of trim and list

11.4 The Committee noted that the Sub-Committee had considered the definition of the term “unfavourable conditions of trim and list” and forwarded its views to the DE Sub-Committee for consideration and appropriate action.

Revision of the Intact Stability Code

11.5 Having agreed to request the Secretariat to effect any editorial modifications as may be identified, the Committee approved the draft International Code on Intact Stability, 2008 (2008 IS Code) and the associated draft MSC resolution, set out in annex 13, with a view to adoption at MSC 85.

11.6 The Committee also approved the associated draft amendments to the 1974 SOLAS Convention and the 1988 LL Protocol to make the aforementioned Code mandatory, set out in annexes 14 and 15 respectively, and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII and article VI of the 1988 LL Protocol, respectively, for consideration at MSC 85 with a view to adoption.

11.7 The Committee noted the Sub-Committee’s decision to draft an MSC circular on early implementation of the 2008 IS Code at SLF 51, with a view to submission to MSC 85 for approval simultaneously with the adoption of the draft Code.

11.8 The Committee approved, in principle, the draft MSC circular on Explanatory Notes to the International Code on Intact Stability, 2008, set out in annex 5 to document SLF 50/19, with a view to its formal approval at MSC 85 simultaneously with the adoption of the draft Code, and requested the Secretariat to submit the draft MSC circular to MSC 85.

Safety of small fishing vessels

11.9 The Committee noted the progress made on the development of the draft Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels, in particular the time frame for the finalization of the work on the Safety recommendations and the referral of relevant chapters of the draft Safety recommendations to the COMSAR, DE, FP, NAV and STW Sub-Committees and the Joint MSC/MEPC Working Group on Human Element, for consideration and comments as appropriate.

11.10 In this regard, the delegation of South Africa pointed out that, as the International Labour Conference had adopted the Work in Fishing Convention, 2007, and the Work in Fishing Recommendation, 2007, the correspondence group, established at SLF 50, would take the above Convention and Recommendation into account when examining the text of the draft Safety recommendations to ensure consistency.

11.11 The representative of ILO informed the Committee that the aforementioned Convention applied to all fishers and fishing vessels engaged in commercial fishing operations and contained general requirements, covering all fishers and vessels, and higher requirements for larger vessels or those remaining at sea for extended periods. He indicated that the Convention included provisions concerning compliance and enforcement by flag States and port States, and that it included flexibility devices to allow ratification by States which lack certain levels of infrastructure or institutions, and allow for the possibility to exclude certain categories of fishers and fishing vessels under certain conditions. He also informed that the Convention would enter into force 12 months after the date on which the ratifications of ten Members, eight of which are

coastal States, have been registered with the Director-General of ILO, and that further information on the Convention and Recommendation is available on a dedicated ILO website: <http://www.ilo.org/public/english/dialogue/sector/sectors/mariti/fishing-iloact.htm>.

11.12 With regard to the Sub-Committee's proposal to expand the scope of the existing work programme item on "Safety of small fishing vessels" to include the development of guidelines to assist Administrations in implementation of the Safety recommendations, the fishing vessel Safety Code (part B) and the Voluntary Guidelines, together with the relevant justification for the proposal, the Committee agreed to deal with the proposal under agenda item 25 (Work programme) (see paragraph 25.53).

Development of options to improve effect on ship design and safety of the 1969 TM Convention

11.13 The Committee noted the Sub Committee's outcome on matters related to the development of options to improve effect, on ship design and safety, of the 1969 TM Convention, in particular that SLF 50 had established a correspondence group on the issue to identify pros and cons of such options and, having invited the ILO Secretariat to participate in the aforementioned group, had requested the IMO Secretariat to communicate with the ILO Secretariat, as appropriate.

Revision of resolution A.266(VIII)

11.14 The Committee adopted resolution MSC.245(83) on Recommendation on a standard method for evaluating cross-flooding arrangements, set out in annex 16, and requested the Secretariat to insert a footnote referring to the Recommendation in regulation 7-2.2 of the revised SOLAS chapter II-1 publication.

Review of the SPS Code

11.15 The Committee noted that the Sub-Committee had agreed to the draft amendments to the SPS Code for referral to the DE Sub-Committee, for inclusion in the draft revised SPS Code.

Revision of MSC/Circ.650

11.16 The Committee approved MSC.1/Circ.1246 on Interpretation of alterations and modifications of a major character, which superseded MSC/Circ.650.

Interpretation of alterations and modifications of a major character under the revised SOLAS chapter II-1

11.17 The Committee noted the Sub-Committee's conclusion regarding an interpretation of alterations and modifications of a major character under the revised SOLAS chapter II-1, in particular that there is no need for guidance on how ships built before 1 January 2009 should be handled, since the application of the revised SOLAS chapter II-1 was clearly defined in regulation 1 of the chapter and, should a passenger ship built before 1 January 2009 have undergone alterations or modifications of a major character, it would still remain under the damage stability regulations of the current SOLAS chapter II-1, except in the case of a cargo ship being converted to a passenger ship.

12 TRAINING AND WATCHKEEPING

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

12.1 The Committee approved, in general, the report of the thirty-eighth session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 38/17 and MSC 83/12) and took action as indicated hereunder.

Unlawful practices associated with certificates of competency

12.2 The Committee approved the revised format relating to reporting of fraudulent certificates detected, set out in annex 1 to document STW 38/17, and urged Member Governments and international organizations to use it when reporting the detection of fraudulent certificates to the Secretariat.

Measures to enhance maritime security

12.3 The Committee recalled that, under agenda item 4 (Measures to enhance maritime security), it had taken appropriate action relating to this item as reflected in paragraph 4.4.

Development of competences for ratings

12.4 The Committee considered the proposal by ISF and ITF (MSC 83/12/2) that, instead of endorsing the decision of STW 38 to postpone the amendments to the STCW Convention and the STCW Code relating to competences for ratings until after the comprehensive review of the Convention and Code had been completed, it should consider implementing the amendments at the earliest possible stage, taking into account the lead time involved in the training of ratings.

12.5 This proposal was not supported by the Committee and subsequently, the Committee endorsed the decision of the Sub-Committee that the preliminary text of amendments to the STCW Convention and the STCW Code related to standards of competence for ratings should be adopted after the comprehensive review was completed and in conjunction with the adoption of other amendments developed during the comprehensive review to facilitate implementation and to avoid any inconsistencies that may arise due to the proposed review.

Identification of areas in chapter VI of the STCW Code where training cannot be conducted on board

12.6 The Committee endorsed the decision of the Sub-Committee that those areas in chapter VI of the STCW Code where training could not be conducted on board should be identified in conjunction with the comprehensive review of the STCW Convention and the STCW Code.

Comprehensive review of the STCW Convention and the STCW Code

12.7 The Committee approved the list of areas in the STCW Convention and the STCW Code identified for the comprehensive review and instructed the Sub-Committee to undertake the proposed review accordingly in a systematic and organized manner.

Review of the principles for establishing the safe manning levels of ships

12.8 Noting the proposal by the Sub-Committee for a new item regarding mandatory requirements for determining safe manning and documents MSC 83/12/3 (ISF) and MSC 83/12/5

(United Kingdom), the Committee agreed to deal with the matter in detail under agenda item 25 (Work programme).

PSC guidelines on seafarers' working hours

12.9 The Committee endorsed the Sub-Committee's decision to provide, to MSC 84, its advice on the draft PSC guidelines on seafarers' working hours, developed by FSI 14, since it had not been possible to consider the draft guidelines at STW 38, due to the close proximity between MSC 82 and STW 38.

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

12.10 The Committee noted that no reports pursuant to STCW regulation I/7, paragraph 2 had been submitted by the Secretary-General at this session.

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

12.11 In introducing the Secretary-General's report (MSC 83/WP.2), the Director, Maritime Safety Division, advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 2, the Secretary-General had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. Each report, as required by MSC/Circ.997, was comprised of:

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

12.12 The Committee was subsequently invited to consider the reports attached to document MSC 83/WP.2 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.

12.13 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.

12.14 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 10 STCW Parties and instructed the Secretariat to update MSC/Circ.1164/Rev.2 accordingly and issue it as MSC.1/Circ.1164/Rev.3.

Approval of competent persons

12.15 The Committee approved additional competent persons nominated by Governments (MSC 83/12/1) and instructed the Secretariat to update MSC/Circ.797/Rev.14 accordingly and issue the updated circular as MSC.1/Circ.797/Rev.15.

OTHER MATTERS

12.16 The Committee considered a proposal by India (MSC 83/12/4) for a long-term view to address the global shipping manpower shortage by the inclusion of a requirement for trainees and the provision of training berths onboard in the relevant IMO Conventions. In this context, they provided examples of similar provisions available in other professions such as for airline pilots and doctors.

12.17 The delegation of China, supported by other delegations, expressed the opinion that the provision of trainees would assist in addressing the manpower shortage, improve the quality of training for seafarers and therefore reduce accidents.

12.18 The delegation of Japan, supported by other delegations, expressed the view that, in line with the Sub-Committee's decision to retain the structure and goals of the STCW Convention and the STCW Code during the proposed comprehensive review, such a proposal could not be supported and that merely providing trainees on board ships would not solve the present manpower shortage. Furthermore, there were other issues such as adequate life-saving appliances and accommodation which also needed to be considered in the provision of adequate training berths on board ships.

12.19 The delegation of Singapore expressed the view that there was a real shortage of skilled seafarers and suggested that shipowners should be encouraged to provide training berths for fresh trainees. However, this should be recommendatory as it is impractical to enforce. As current IMO instruments do not address the requirements for a trainee, it may be appropriate for IMO to consider developing non-mandatory guidelines to ship designers, shipowners and masters on the facilities and treatment of a trainee seafarer.

12.20 The observer from INTERTANKO, while supporting the proposal by India in principle, expressed concern that it was premature that the provisions of trainees onboard should be a mandatory requirement. However, the STW Sub-Committee could be instructed to consider, in general, measures to improve training onboard ships. This approach was supported by other delegations.

12.21 After an in-depth discussion, the Committee agreed to forward document MSC 83/12/4 to the STW Sub-Committee to consider, under the agenda item on "Any other business", how to address measures to improve training on board and to advise the Committee accordingly.

13 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

REPORT OF THE ELEVENTH SESSION OF THE SUB-COMMITTEE

General

13.1 The Committee approved, in general, the report of the eleventh session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) (COMSAR 11/18 and MSC 83/13) and took action as indicated hereunder.

Radiocommunication matters

Establishment of new NAVAREAs in Arctic Waters

13.2 The Committee approved the establishment of new NAVAREAs in Arctic Waters.

NAVAREA Co-ordinators

13.3 The Committee endorsed the action of the Secretariat in circulating COMSAR/Circ.40 on List of NAVAREA Co-ordinators.

Incorrect use of 'C' Codes

13.4 The Committee approved COMSAR.1/Circ.41 on Analysis of maritime safety information promulgated via the EGC (Enhanced Group Call) SafetyNET system and recommendations on improving its quality.

Satellite services

Revision of resolution A.888(21)

13.5 The Committee considered document MSC 83/13/2 (Norway), containing a proposal to amend the Criteria for the provision of Mobile Satellite Communication Systems in the Global Maritime Distress and Safety System (GMDSS) (resolution A.888(21)), to ensure that the level of safety of life at sea was not diminished by the introduction of new satellite systems for future use in the GMDSS and that satellite system providers should have an obligation to grant MRCCs direct access to their systems.

13.6 Noting that there was general support for the Norwegian proposal, the Committee subsequently approved the draft Assembly resolution on Criteria for the provision of Mobile Satellite Communication Systems in the Global Maritime Distress and Safety System (GMDSS), set out in annex 17, revoking resolution A.888(21) and MSC/Circ.1077, for submission to the twenty-fifth session of the Assembly for adoption.

13.7 The Committee noted that the corresponding draft amendments to SOLAS chapter IV had been considered, with a view to adoption, under agenda item 3 (paragraphs 3.7 and 3.20).

SAR matters

Minimizing delays in Search and Rescue response

13.8 The Committee approved MSC.1/Circ.1248 on Minimizing delays in search and rescue response to distress alerts.

Fourteenth session of the ICAO/IMO Joint Working Group

13.9 The Committee endorsed the decision of the Sub-Committee for the convening of the 14th meeting of the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime SAR, which took place in Réunion (France) from 10 to 14 September 2007.

Adoption of amendments to the IAMSAR Manual

13.10 The Committee noted that the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime SAR, at its thirteenth session held from 28 August to 1 September 2006, had prepared draft amendments to the IAMSAR Manual which were subsequently endorsed by COMSAR 11.

13.11 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.1/Circ.1249, and decided that the adopted amendments should enter into force on 1 June 2008.

New amended Performance standards for radiocommunications/navigational equipment (survival craft AIS-SART and radar transponders)

13.12 In accordance with resolution A.886(21), the Committee adopted:

- .1 resolution MSC.246(83) on Performance standards for survival craft AIS search and rescue transmitter (AIS-SART) for use in search and rescue operations, set out in annex 18; and
- .2 resolution MSC.247(83) on Adoption of amendments to Performance standards for survival craft radar transponders for use in search and rescue operations (resolution A.802(19)), set out in annex 19.

13.13 The Committee approved:

- .1 draft amendments to regulations III/6.2.2, III/26.2.5 and IV/7.1.3 of, and the appendix to the Annex to, the 1974 SOLAS Convention, set out in annex 20;
- .2 draft amendments to the 1988 SOLAS Protocol, set out in annex 21;
- .3 draft consequential amendments to the 1994 HSC Code, set out in annex 22;
- .4 draft consequential amendments to the 2000 HSC Code, set out in annex 23,

and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration at MSC 84, with a view to adoption.

13.14 The Committee further instructed the DE Sub-Committee to review the consequential amendments to the MODU Code and incorporate them when revising the MODU Code.

13.15 The Committee endorsed the action of the Sub-Committee in inviting the NAV Sub-Committee to consider the need for a presentation symbol for AIS-SART.

Amendments to COLREG Annex IV relating to distress signals

13.16 The Committee recalled that the proposed amendments, adopted by MSC 82, containing the term “Recognized Mobile-Satellite Service Providers (RMSSP)” had already been circulated under circular letter No.2760, in accordance with article VI/2 of the Convention on the

International Regulations for Preventing Collision at Sea, 1972, for consideration by the twenty-fifth session of the Assembly with a view to their adoption.

13.17 The Committee endorsed the recommendation of the Sub-Committee that, with respect to COLREG Annex IV relating to distress signals the term “Recognized Mobile Satellite Service Providers (RMSSP)” should be reverted back to “Inmarsat”, since there was currently no proposal to include that new term into SOLAS chapter IV and recommended that the Assembly replace this term by “Inmarsat” when adopting the proposed amendments to COLREGs.

13.18 The Secretariat was requested to inform the twenty-fifth session of the Assembly accordingly.

Guidelines on the control of ships in an emergency

13.19 The Committee endorsed the action taken by the Sub-Committee in conveying the revised draft guidelines on the control of ships in an emergency to the NAV Sub-Committee (see also paragraph 14.21).

Development of an e-navigation strategy

13.20 The Committee noted that, with respect to the development of an e-navigation strategy, issues connected with search and rescue, data communication links and operation of the GMDSS were within the Sub-Committee’s remit and noted that NAV 53 was reporting on this issue to MSC 84.

Long-range identification and tracking (LRIT) of ships

13.21 The Committee noted the outcome of the discussions at COMSAR 11 with respect to the establishment of the LRIT system, especially in the context of matters pertaining to draft agreements and billing and costing issues and considered these issues further under agenda item 6 (LRIT-related matters) (see also paragraphs 6.64 and 6.65).

REPORT ON THE WMU SAR PROJECT

13.22 The Committee noted that COMSAR 11 had considered the report on the WMU project on SAR research related to passenger ships. Various delegations had supported the idea of the development of an Internet-based information platform as proposed in the annex to document MSC 82/8/4. However, it was clear to the Sub-Committee that such a platform could only be beneficial if all users provided information proactively. Accordingly, the Sub-Committee had invited Member Governments to provide WMU with the information on a competent national point of contact to allow for proper consideration as to whether and how to carry out an intermediate phase to gather information on SAR research and relevant development programmes in order to establish this information platform.

13.23 The Committee considered document MSC 83/13/1 (Secretariat) providing the report on the Intermediate Phase of the WMU Project on Search and Rescue Research related to Passenger Ships. The Committee noted that following MSC 82 and COMSAR 11, the University had taken two initiatives, namely:

- .1 it had developed and implemented the framework for the SAR Information Platform on the WMU website and begun to populate the platform with relevant academic publications, project reports, relevant IMO documents and other information sources; and

- .2 following informal consultations with SAR practitioners and researchers, it had offered to host an expert group of those actively involved in or affected by research in SAR matters; this initiative had produced encouraging support from a number of institutions and individuals.

13.24 The Committee also noted that the Intermediate Phase was providing the groundwork for the tasks in Phase II and would be completed with a report on the information collected in the platform and initial ideas of the expert group. The Intermediate Phase was expected to be completed in time for submission of its report to COMSAR 12.

13.25 The Committee further noted document MSC 83/INF.18 (Secretariat), providing an overview on the current status of the SAR information platform hosted by WMU with regard to the project on Search and Rescue research related to passenger ships.

13.26 The Committee subsequently:

- .1 endorsed the holding of a workshop of the aforementioned expert group, to review the prevailing material information hosted on the platform and advise on further data sources which could be supported by the platform, using the available budget for the 2006-2007 biennium for the implementation of Phase II;
- .2 endorsed the WMU proposal to submit the report on the Intermediate Phase directly to COMSAR 12; and
- .3 instructed COMSAR 12 to consider and provide its views and recommendations to MSC 85.

13.27 The Committee encouraged Member Governments to submit further information to WMU for inclusion in the Information Platform, taking into account the information requested in circular letter No.2650 and the subject areas highlighted in paragraph 15 of the annex to document MSC 82/8/4.

14 SAFETY OF NAVIGATION

URGENT MATTERS EMANATING FROM THE FIFTY-THIRD SESSION OF THE SUB-COMMITTEE

General

14.1 The Committee considered urgent matters referred to it (MSC 83/14) emanating from the fifty-third session of the Sub-Committee on Safety of Navigation (NAV) (NAV 53/22) and took action as indicated hereunder.

Adoption of new traffic separation schemes (TSSs)

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

- .1 “Maas North-West” forming part of routeing system “In the Approaches to Hook of Holland and at North Hinder”;
- .2 “On the approaches to the Polish ports in the Gulf of Gdańsk”; and

- .3 “Off the southwest coast of Iceland”,

set out in annex 24, for dissemination by means of COLREG.2/Circ.59.

Amendments to the existing traffic separation schemes (TSSs)

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

- .1 “Mandatory route for tankers from North Hinder to the German Bight and vice versa” and to related traffic separation schemes “Off Texel”, “Off Vlieland, Vlieland North and Vlieland Junction”, “Terschelling-German Bight” and “German Bight western approaches”;
- .2 “In the Approaches to Hook of Holland and at North Hinder”;
- .3 “In the Sound”;
- .4 “In the Approaches to Chedabucto Bay”; and
- .5 “In the Strait of Dover and Adjacent Waters” in the vicinity of the Foxtrot 3 station,

set out in annex 24, for dissemination by means of COLREG.2/Circ.59.

Routeing measures other than TSSs

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

- .1 new recommended tracks which would be mandatory as a condition of port entry through the Galapagos Area to be Avoided to enter the Particularly Sensitive Sea Area (PSSA);
- .2 new Area to be Avoided “Off the Brazilian south-east coast, in the Campos Basin region”;
- .3 amendments to the six existing recommended Areas to be Avoided “In the Region of the North-West Hawaiian Islands”: the new name of the extended Area to be Avoided is “The Papahānaumokuākea Marine National Monument”;
- .4 amendments to the existing deep-water route leading to Europoort;
- .5 amendments to the existing Area to be Avoided “At Maas centre” and “At North Hinder junction Point”;
- .6 new two-way route “Off the southwest coast of Iceland”;
- .7 new Areas to be Avoided “Off the south, southwest and west coast of Iceland”;

- .8 amendments to the Recommendations on navigation through the entrances to the Baltic Sea;
- .9 new mandatory No Anchoring Areas “on Sharks Bank and Long Shoal”;
- .10 new recommended seasonal Area to be Avoided “In Roseway Basin, south of Nova Scotia”;
- .11 amendments to the existing deep-water route, and to the Area to be Avoided and the position of the Foxtrot 3 station “In the Strait of Dover and Adjacent Waters” TSS;
- .12 amendments to the Recommendations on Navigation through the English Channel and the Dover Strait; and
- .13 amendments to the Deep-Water route “North-east of Gedser”,

set out in annex 25, for dissemination by means of SN.1/Circ.263.

14.5 With regard to the new Recommendations on navigation to the Polish ports through the Gulf of Gdańsk traffic area, the Committee noted that, at NAV 53, the delegation of Poland had requested to use the word “shall” with respect to the use of the words “should” and “shall” in paragraph 1.5 of the Recommendations, as it was the most appropriate language considering the whole contents of this paragraph which described the traffic requirements between the Polish ports only, and within the Poland’s internal waters only. Therefore, the usage of “shall” was in their opinion right and appropriate. The delegation of the Netherlands had clarified, at NAV 53, that the words “shall” and “should” occurred in previously IMO adopted Associated Rules and Recommendations on navigation and the basic intent and purpose of each of these routeing measures was of a recommendatory nature. The Sub-Committee had subsequently approved Recommendations on navigation to the Polish ports through the Gulf of Gdańsk traffic area, with some corrections to the description with the proviso that the issue of the use of the word “shall” in paragraph 1.5 of the Recommendations would be finalized after due advice from the Legal Office of the Organization would be provided to the Committee at this session.

14.6 The Secretariat provided the advice from the Legal Office of the Organization stating that, customarily, recommendations are expected to employ the word “should” except where the context is such that there is a clear link to a mandatory instrument (e.g., SOLAS regulation V/10 for mandatory routeing). In the present case, where ships are being called on to follow particular routes within the internal waters of Poland, clarity can be achieved by a formulation which links the requirement to the application of national law. The Secretariat therefore suggested that, in the case of paragraph 1.5 of the Recommendations on navigation to the Polish ports through the Gulf of Gdańsk traffic area (NAV 53/22, annex 2), the words “should” and “shall” should be replaced by the phrase “are required to”, with a footnoted reference to the national law of Poland.

14.7 The Committee subsequently accepted the revised text and approved Recommendations on navigation to the Polish ports through the Gulf of Gdańsk traffic area, set out in annex 25, for dissemination by means of SN.1/Circ.263.

Implementation of the adopted routeing measures

14.8 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 14.2.2, 14.3.1, 14.3.3

and 14.3.4, respectively (annex 24), and the routing measures other than traffic separation schemes referred to in paragraphs 14.4.1 to 14.4.5 and 14.4.8 to 14.4.13 and 14.7 (annex 25), should be implemented six months after their adoption, i.e., on 1 May 2008 at 0000 hours UTC.

14.9 With respect to the ships' routing systems proposed by Iceland, referred to in paragraphs 14.2.3, 14.4.6 and 14.4.7, the Committee concurred with Iceland's request that the adopted ships' routing systems for Iceland should be implemented on 1 July 2008 at 0000 hours UTC.

14.10 The delegation of the United Kingdom, referring to document MSC 83/14 (Secretariat) (see also paragraph 14.3), requested that the ships' routing systems referred to in paragraph 2.1.1 ("In the approaches to Hook of Holland and at North Hinder") proposed by the Netherlands, paragraph 2.1.5 ("In the approaches to Hook of Holland and at North Hinder") also proposed by the Netherlands and paragraph 2.1.8 ("In the Strait of Dover and Adjacent Waters" in the vicinity of the Foxtrot 3 station) proposed by Belgium, France and the United Kingdom should be implemented on 1 July 2008 at 0000 hours UTC. These areas were all adjacent to one another making a harmonized entry-into-force date appropriate. The Committee approved the request.

Modification to the breadth of the safety zones around oil rigs located off the Brazilian Southeast Coast – Campos Basin

14.11 The delegation of Brazil expressed appreciation and thanked the Committee for the support and its decision to adopt the Area to be Avoided "Off the Brazilian south-east coast, in the Campos Basin region". The delegation also took the opportunity to remind the Committee that there was pending work on the subject of the extension of safety zones around FPSOs and dynamic positioned platforms with regard to establishing guidelines and criteria on how to evaluate such proposals, as per the NAV 53 recommendation. It was the Brazilian delegation's intention to pursue the matter at future sessions of the NAV Sub-Committee.

Mandatory ship reporting systems

New ship reporting system for "The Papahānaumokuākea Marine National Monument" Particularly Sensitive Sea Area (PSSA)

14.12 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.248(83), the new ship reporting system "The Papahānaumokuākea Marine National Monument" Particularly Sensitive Sea Area (PSSA), set out in annex 26, for dissemination by means of SN.1/Circ.264. The Committee also decided that the new ship reporting system should be implemented six months after its adoption, i.e., on 1 May 2008 at 0000 hours UTC. In this context, the Committee noted that MEPC 57 would consider the final designation of the area as a Particularly Sensitive Sea Area (PSSA), and requested the Secretariat to update SN.1/Circ.264 thereafter, as necessary.

New mandatory ship reporting system "On the approaches to the Polish ports in the Gulf of Gdańsk"

14.13 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.249(83), the new mandatory ship reporting system "On the approaches to the Polish ports in the Gulf of Gdańsk", set out in annex 27, for dissemination by means of SN.1/Circ.264. The Committee also decided that the new mandatory ship reporting system should be implemented six months after its adoption, i.e., on 1 May 2008 at 0000 hours UTC.

New mandatory ship reporting system “Off the south and southwest coast of Iceland”

14.14 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.250(83), the new mandatory ship reporting system “Off the south and southwest coast of Iceland”, set out in annex 28, for dissemination by means of SN.1/Circ.264. The Committee also decided that the new mandatory ship reporting system should be implemented on 1 July 2008 at 0000 hours UTC.

Amendments to the existing mandatory ship reporting systems

14.15 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC.251(83), the proposed amendments to the existing mandatory ship reporting systems “Off Ushant”, “Off Les Casquets” and “Dover Strait/Pas de Calais”, set out in annex 29 for dissemination by means of SN.1/Circ.264. The Committee also decided that the amendments to the existing mandatory ship reporting systems should be implemented six months after adoption, i.e., on 1 May 2008 at 0000 hours UTC.

Amended and new performance standards for navigational equipment (Integrated navigation systems (INS) and navigation lights, navigation light controllers and associated equipment)

14.16 In accordance with resolution A.886(21), the Committee adopted:

- .1 resolution MSC.252(83) on Adoption of the Revised performance standards for Integrated Navigation Systems (INS), set out in annex 30; and
- .2 resolution MSC.253(83) on Adoption of the Performance standards for navigation lights, navigation light controllers and associated equipment, set out in annex 31.

Guidelines on the application of SOLAS regulation V/15 to INS, IBS and bridge design

14.17 The Committee approved SN.1/Circ.265 on Guidelines on the application of SOLAS regulation V/15 to INS, IBS and bridge design.

Differences between RCDS and ECDIS

14.18 The Committee approved revised SN.1/Circ.207/Rev.1 on Differences between RCDS and ECDIS.

Maintenance of Electronic Chart Display and Information System (ECDIS) software

14.19 The Committee approved SN.1/Circ.266 on the Maintenance of Electronic Chart Display and Information System (ECDIS) software.

Safety margins to protect radar systems

14.20 The Committee approved MSC.1/Circ.1250 on Safety margins to protect radar systems.

Guidelines on the control of ships in an emergency

14.21 The Committee approved MSC.1/Circ.1251 on Guidelines on the control of ships in an emergency, taking into account the editorial amendments to paragraph 1.2.2 of the Guidelines to clarify the issues related to the fair treatment of seafarers.

Revised performance standards for Electronic Chart Display and Information Systems (ECDIS)

14.22 With respect to the Revised performance standards for Electronic Chart Display and Information Systems (ECDIS) adopted at MSC 82, the Committee, having recalled that, at MSC 82, it had instructed NAV 53 to review the Revised performance standards and assess whether a common layout of controls, names or symbols for controls and output on the display for each control could be appropriately included therein and advise MSC 83 accordingly, noted the conclusion of NAV 53 that it was premature to revise the ECDIS performance standards at this stage.

15 FLAG STATE IMPLEMENTATION

REPORT OF THE FIFTEENTH SESSION OF THE FSI SUB-COMMITTEE

General

15.1 The Committee approved, in general, the report of the fifteenth session of the Sub-Committee on Flag State Implementation (FSI) (FSI 15/18 and Add.1 and MSC 83/15) and took action as indicated hereunder, noting that MEPC 56 had approved the report and had taken relevant decisions, as outlined in document MSC 83/2/3 (Secretariat).

Long-range identification and tracking systems (LRIT)

15.2 The Committee noted the outcome of the consideration by FSI 15 of the question of including provisions related to long-range identification and tracking systems (LRIT) in the draft Revised Code for implementation of mandatory IMO instruments. Although the Committee agreed to extend the usage of LRIT to include safety and environmental protection applications (see also paragraphs 6.27 to 6.31 and 6.78), it also agreed that from the point of view of the voluntary audit for the implementation of LRIT, it is premature now to include LRIT in the Revised Code since the LRIT system will not be fully implemented until 31 December 2008. Consequently, the Committee further agreed that the text in square brackets in annex 1 to the draft Revised Code should be deleted and that annex 6 to the draft Revised Code should refer to amendments to the 1974 SOLAS Convention up to, and including, the 2005 amendments adopted by resolution MSC.194(80).

Draft Revised Code for the Implementation of Mandatory IMO Instruments

15.3 Having noted MEPC 56's concurrent decision, the Committee approved the draft Revised Code for the Implementation of Mandatory IMO Instruments and the associated draft Assembly resolution, set out in annex 32, for submission to the twenty-fifth session of the Assembly for adoption. The Committee, having recalled the operative paragraph 3 of resolution A.973(24) stating that amendments to the Code should be proposed by the Committees, in co-ordination with the Council, invited the Council to note the approval of the draft Revised Code and take action as appropriate.

Revision of the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22))

15.4 The Committee considered, in detail, the Sub-Committee's decision, as endorsed by MEPC 56, to commence at FSI 16 the revision of the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22)), taking into account the outcome of the work of the Independent Group of Experts on the impact and effectiveness of implementation of the ISM Code.

15.5 In this context, the Committee recalled that MSC 78 and MEPC 52 had instructed the Sub-Committee to commence the revision of the Revised Guidelines, while MSC 81 had referred the report of the aforementioned Independent Group of Experts to the Joint MSC/MEPC Working Group on Human Element for detailed consideration. Following the MSC 82's agreement that the guidelines for Administrations should be revised to make the guidelines more effective and user-friendly, and the guidelines and associated training material should be developed to assist companies and seafarers in improving the implementation of the Code, the joint working group prepared the draft MSC-MEPC.7 circulars on Guidelines for operational implementation of the ISM Code by Companies and on Guidelines on qualifications, training and experience necessary for undertaking the role of the designated person under the provisions of the International Safety Management (ISM) Code (see also paragraphs 16.6 and 16.7).

15.6 Having agreed that the Sub-Committee should no longer be tasked with the revision of the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22)) but that this work should be directed to the Joint MSC/MEPC Working Group on Human Element, which will meet during MSC 84, the Committee invited MEPC 57 to revert its decision on this issue and Members to submit proposals for discussion at the joint working group. The Committee noted that the FSI Sub-Committee had received a number of submissions to be considered in the context of such a revision of resolution A.913(22) and requested the Secretariat to make this material available to the joint working group.

Amendments to the ISM Code

15.7 The Committee also considered the Sub-Committee's decision, which was endorsed by MEPC 56, to develop amendments to the ISM Code, including those relating to requirements for seafarer safety representation based on the decision which MSC 82 took after consideration of document MSC 82/21/2 (New Zealand, the Philippines, South Africa and ICFTU).

15.8 Having recalled that MSC 82 had previously agreed to include, in the work programme of the FSI Sub-Committee, a high priority item on "Amendments to the ISM Code relating to requirements for seafarer safety representation", with two sessions needed to complete the item and had instructed the Sub-Committee to include the item in the provisional agenda for FSI 16, the Committee agreed to instruct the Joint MSC/MEPC Working Group on Human Element to develop draft amendments to the ISM Code with the understanding that the intended scope of the amendments should be limited to those relating to requirements for seafarer safety representation.

15.9 Consequently, the Committee invited MEPC 57 to revert its decision on this issue, implying corresponding amendments to the work programme of the FSI Sub-Committee and the provisional agenda for FSI 16, and Members to submit proposals for discussion at the joint working group.

Model course for the training of safety management system auditors

15.10 The Committee endorsed the Sub-Committee's decision to request the Secretariat to refer the draft IMO Model course for the training of safety management system auditors to the validation group, having also endorsed the Sub-Committee's views that the model course, being of a recommendatory nature, should be used in a flexible manner and not be considered as the only methodology. National maritime Administrations may decide to make use of other training material and that a similar initiative for the training of other categories of surveyors/auditors which is not currently covered by the existing IMO training material should be pursued.

COUGAR ACE casualty

15.11 The Committee noted the Sub-Committee's recommendation that there might be a need to learn from the **Cougar Ace** casualty regarding ballast water exchange operations. The Sub-Committee recognized that sufficient guidance for ballast water exchange operations existed and, therefore, the issuance of an MSC-MEPC circular reminding interested parties to make use of them was unnecessary. Having also noted MEPC 56's concurrent decision, the Committee agreed to instruct the STW Sub-Committee to consider the **Cougar Ace** casualty in the context of training requirements for ballast water exchange.

Investigator skills of their marine casualty investigators

15.12 The Committee noted that the Sub-Committee had considered the study carried out by the Inter-Industry Working Group (IIWG) and the reference by the FSI Correspondence Group on Casualty Analysis to existing guidance which can be found in the Guidelines for the investigation of human factors in marine casualty and incidents (resolution A.884(21)) and the IMO Model Course 3.11 on Marine Accident and Incident Investigation. In this context, the Committee agreed to encourage Member Governments to further develop the human element investigator skills of their marine casualty investigators.

Incidents of explosions on chemical and product tankers

15.13 The Committee considered the Sub-Committee's recommendation that the reports of investigation into the **Chassiron, Panam Serena** and **Bow Mariner** casualties should be referred to the relevant IMO bodies for consideration in the context of their work on incidents of explosions on chemical and product tankers.

15.14 Recalling its earlier decision regarding the work of its subsidiary bodies on incidents of explosions on chemical and product tankers (see paragraphs 8.13 to 8.15, 9.24 to 9.26 and 10.4), the Committee agreed to refer the reports of investigation into the **Chassiron, Panam Serena** and **Bow Mariner** casualties to the FP Sub-Committee for consideration, bearing in mind that only the analysis of the report of investigation into the **Chassiron** casualty has been approved by the FSI Sub-Committee.

Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident

15.15 The Committee considered the recommendations of the Sub-Committee on the course of action for the adoption of the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation

Code) and to make it mandatory under SOLAS, together with the related comments contained in documents MSC 83/15/2 (Brazil, China, Cyprus, Greece, India, the Philippines, South Africa, ICS, ISF, ITF, BIMCO, INTERTANKO and INTERCARGO) and MSC 83/12/4 (ILO).

15.16 The delegation of the United States indicated that, after careful review of the existing text of the draft Code, the Government of the United States had identified significant areas of substantive and procedural concern that would currently prevent it from allowing these amendments to enter into force for the United States. Accordingly, the delegation suggested that the draft Code be referred back to FSI 16 for further consideration to remove individual legal rights and legal process requirements, which the United States believe is contrary to the purpose of SOLAS, and to prevent inconsistencies with the Joint IMO/ILO Guidelines for the Fair Treatment of Seafarers in the Event of a Maritime Accident, and their ongoing review by other bodies. (The full statement of the delegation of the United States is set out in annex 41.)

15.17 The delegation of the United Kingdom stated that the United Kingdom would wish to point out that the joint IMO/ILO Guidelines for the Fair Treatment of Seafarers in the Event of a Maritime Accident are not intended for use in connection with a safety investigation but rather in the case where a criminal prosecution is likely. The delegation further stated that the United Kingdom is concerned that the mandated provision of legal advice is not necessary, will add significantly to the time of maritime safety investigations undertaken by independent investigating bodies and may well have a detrimental effect on their effectiveness.

15.18 After consideration of the views expressed regarding the wording of paragraph 12.2 of the draft Code and the need for consistency with the text of resolution A.987(24) on Guidelines on fair treatment of seafarers in the event of a maritime accident and resolution LEG.3(91) on adoption of Guidelines on fair treatment of seafarers in the event of a maritime accident, the Committee agreed to amend the text of paragraph 12.2 of the draft Code to replace the word “or” by “and” in accordance with the proposal contained in paragraph 5 of document MSC 83/15/2. The Committee also agreed to amend paragraph 24.2 of the draft Code to be consistent with the new text of paragraph 12.2.

15.19 Subsequently, the Committee approved the draft Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) and the associated draft MSC resolution, set out in annex 33, with a view to adoption at MSC 84.

15.20 The Committee also approved the draft amendments to SOLAS chapter XI-1, set out in annex 34, making the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident mandatory, with a view to adoption at MSC 84 and requested the Secretary-General to circulate the draft amendments, in accordance with SOLAS article VIII, for consideration at MSC 84 with a view to adoption. The delegation of the United States reserved its position on the action taken by the Committee on approval of the Casualty Investigation Code and the draft amendments to SOLAS chapter XI-1.

15.21 In the same context, the Committee further approved, subject to concurrent decision by MEPC 57, the draft MSC-MEPC.3 circular on the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, set out in annex 5 to document FSI 15/18/Add.1, to allow for the Code to be implemented on a voluntary basis prior to the effective date of the Code. The Committee invited Member States to start implementing the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident on a voluntary basis prior to the effective date of the Code.

15.22 The Committee requested the Secretariat to inform the Legal Committee and ILO on the outcome of the consideration of this issue.

15.23 Having noted MEPC 56's concurrent decision, the Committee endorsed, as reworded, the Sub-Committee's decision to consider, in the future, the revision of the Guidelines (resolution A.884(21)) to assist investigators in the implementation of the Code for the Investigation of Marine Casualties and Incidents, with a view to inclusion as an appendix to the Casualty Investigation Code.

Code of good practice to assist PSCOs in conducting their inspections

15.24 Having noted MEPC 56's concurrent decision, the Committee approved MSC-MEPC.4/Circ.2 on the Code of good practice and invited PSC regimes to develop and adopt a similar Code to assist PSC officers in conducting their inspections.

Contact details

15.25 Taking also into account the information provided by the Secretariat regarding the release of a module of the Global Integrated Shipping Information System (GISIS) on contact points (see paragraph 27.2), the Committee invited Member Governments to update their contact details for safety and pollution prevention and response as contained in MSC-MEPC.6/Circ.2.

Invitation to expert

15.26 The Committee endorsed the Sub-Committee's decision to invite a representative of Equasis to attend as an expert, under Rule 45 of the Rules of Procedure, the next meeting of the Sub-Committee, in particular, to facilitate the consideration of issues on the potential role of Equasis in the context of the harmonization of PSC activities and on the possible interactions between GISIS and Equasis regarding the global exchange of PSC data.

Findings and recommendations of the 2005 Paris MoU Concentrated Inspection Campaign on the GMDSS

15.27 The Committee endorsed the Sub-Committee's decision to refer the findings and recommendations of the 2005 Paris MoU Concentrated Inspection Campaign on the GMDSS to the STW Sub-Committee for information and requested the STW Sub-Committee to comment on the usefulness to its work of the information collected through the concentrated inspection campaign in its current form.

Draft Revised Survey Guidelines under HSSC

15.28 The Committee considered the proposal contained in document MSC 83/15/5 (Bahamas and CLIA) regarding the inspection of the outside of the ship's bottom for passenger ships and proposing a possible extension of the period between dry-dock inspections for a passenger ship, after consideration of factors, including technological advances, operational issues, condition monitoring and the age of the ship.

15.29 Following the detailed presentation by the delegation of Malta of the technical merits of the proposal contained in document MSC 83/15/5, while introducing inherent problems associated with dry-docking, the Committee recognized the potential merit of the proposal, subject to the detailed review and clarification of the elements contained therein and the possible development of additional guidance by relevant IMO bodies.

15.30 Having noted that the Sub-Committee has a responsibility to conduct a continuous review of the Survey Guidelines and that FSI 15 had re-established the intersessional Correspondence Group on the Review of the Survey Guidelines under the HSSC, the Committee agreed to refer the above-mentioned proposal to the correspondence group under its existing terms of reference for consideration and recommendation to FSI 16 while inviting Member States to consider proposing new items to be added to the work programmes of relevant sub-committees.

15.31 Having noted MEPC 56's concurrent decision, the Committee approved the draft Revised Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the associated draft Assembly resolution, set out in annex 35, for submission to the twenty-fifth session of the Assembly for adoption.

Annual testing of the automatic identification system

15.32 The Committee considered the proposal contained in document MSC 83/15/3 (Republic of Korea) which raised the issue related to the incorporation of the annual testing of the automatic identification system (AIS) within the HSSC Guidelines as this test is not required by SOLAS regulation or any other instrument and proposing to add a new SOLAS regulation V/18.9 requiring annual testing of the equipment.

15.33 Having noted the views expressed that there is a substantial amount of electronic equipment on board ships (e.g., radar, VHF, etc.) which is not currently required to undergo a mandatory annual testing, the Committee referred the proposal to FSI 16 for further consideration.

15.34 The Committee approved MSC.1/Circ.1252 on Annual testing of the automatic identification system (AIS).

Loss of containers overboard

15.35 The Committee noted the information provided by the delegations of the France and the United Kingdom, concerning the incidents onboard the container ships **Othello** and **Annabella**, respectively, involving the loss of containers overboard. Based on the investigation carried out into the two incidents, a series of findings and recommendations has been made public by the national investigating authorities. In the same context, the representative of ICS further indicated that the industry, based on the aforementioned recommendations, was developing best practice guidelines. The statements of France, the United Kingdom and ICS are reproduced in annexes 42, 43 and 44, respectively.

REPORT OF THE SECOND JOINT FAO/IMO AD HOC WORKING GROUP ON IUU FISHING AND RELATED MATTERS (JWG)

15.36 The Committee, having recalled that, following the decision of MEPC 51 and MSC 78, the second meeting of the Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters (JWG) was held from 16 to 18 July 2007 at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome, considered documents MSC 83/15/1 and MSC 83/INF.12 on the outcome and the report of the meeting respectively, as introduced by the Chairman of JWG, Mr. J. Morishita (Japan), and the Secretariat.

15.37 The Committee noted that, as a prelude to the July meeting of the JWG, the Secretary-General had addressed the Committee on Fisheries (COFI) of FAO at its 27th session in Rome from 5 to 9 March 2007, and provided his statement to promote the entry into force of the 1993 Torremolinos Protocol for the Safety of Fishing Vessels and the 1995 International

Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel. The Committee also noted that the Secretariat had recruited a consultant (Dr. T. Mensah) to conduct a study to be presented to the JWG on the conditions for the entry into force of the Torremolinos Protocol as well as on proposals which could facilitate the decision-making process at the level of individual States to become Parties to this instrument.

15.38 During his introduction of the two documents under consideration, the Chairman of the JWG highlighted the areas of ongoing and possible future co-operation between the two Organizations in the wider context of IUU fishing and related matters which also relate to the safety of fishing vessels and the prevention of marine pollution. Such areas were indicated to include the monitoring of fishing vessels movements, the assessment of flag States' performances, the security of non-convention ships and the involvement of regional fishery management organizations in the work of IMO; and illustrated the usefulness of maintaining the mechanism of the JWG with a third meeting proposed to take place within the next three to five years, depending on the progress made on relevant issues. He further indicated that, as part of the ongoing collaboration between the two Organizations and its positive outcome, an expert consultation to draft a legally-binding instrument on port State measures had already taken place in Washington DC last September.

15.39 On the issue of the 1993 Torremolinos Protocol, the Chairman of the JWG emphasized that the group had recognized the potential of the proposals introduced by Dr. Mensah *vis-à-vis* the question of its entry into force, and stressed, in particular, that the method, based on the preparation of the draft Agreement relating to the implementation of the Protocol, had already been successfully used in the context of the United Nations Convention on the Law of the Sea (UNCLOS), 1982 regarding the Agreement for the Implementation of the Provisions of relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Agreement relating to the Implementation of Part XI of the Convention. He also indicated that the proposed action aimed at undertaking appropriate consultations with the interested Governments with a view to identifying the revisions to the 1993 Protocol which may be needed to make the Protocol acceptable to the required number of Governments to ensure the early entry into force was intended to involve the visit by relevant experts and representatives of the Secretariat to the appropriate authorities in the countries which have the largest fleets of fishing vessels of 24 metres and above.

15.40 In the context of his intervention to clarify the technical content of the three options put forward by Dr. Mensah, the Director of the Maritime Safety Division explained the reported disadvantages of the option to adopt a new Protocol. He focused on the presentation made by Dr. Mensah of the third option based on the proposal to incorporate the agreed revisions of the Protocol in a new instrument referred to as an Agreement relating to the implementation of the Protocol. This Agreement would be read and interpreted with the 1993 Protocol as a single treaty instrument and be adopted by an appropriate IMO organ or by an intergovernmental conference convened by IMO in collaboration with FAO. Such an Agreement would provide that States which accept it would also have to accept the 1993 Protocol, and the States which have already ratified the 1993 Protocol would be able to accept the revisions in the Agreement through the tacit acceptance procedure, if they so wish.

15.41 The Director stated that the IMO consultant was of the opinion that the adoption of such an Agreement could make it possible to revise the 1993 Protocol in order to remove the impediments that currently prevent some States with large fishing fleets from ratifying the Protocol. It would also make it possible for the revisions to become applicable at the same time as the Protocol enters into force. In addition, it would avoid the complications of having two separate treaties. In particular, it would make it possible for the States which have already ratified

the 1993 Protocol to accept the revised Protocol without necessarily going through the constitutional or parliamentary processes normally required for formal ratification.

15.42 Among the delegations which spoke to support the importance of a close co-operation between the two Organizations and between their Secretariats, the delegation of Turkey also stressed the need for national administrations in charge of maritime matters and those dealing with fishing activities to ensure efficient collaboration in the context of the various issues addressed by the JWG.

15.43 Following the reporting by the delegation of Turkey on a discrepancy between the figures shown in the 2004 study carried out at the request of the Council (C 93/4/Add.2) concerning the national fleets of fishing vessels of 24 metres and above, and the actual size of the fleet flying the Turkish flag, the Committee invited Member States to co-operate with the Secretariat in order to keep those figures updated.

15.44 Having considered the list of actions requested by the JWG (MSC 83/15/1, paragraph 14), the Committee agreed that IMO, in consultation with FAO, should explore options suggested, including the possibility of preparation of the draft Agreement relating to the implementation of the Torremolinos Protocol with a view to adoption by an appropriate IMO organ. In this context, the Committee invited interested delegations to consider submitting to MSC 84, a proposal for a new work programme item which may require to progress the matter of the entry into force of the 1993 Torremolinos Protocol.

15.45 The Committee concurred with the JWG's recommendations that the two Organizations should undertake appropriate consultations with the interested Governments with a view to identifying the revisions to the 1993 Protocol which may be needed to make the Protocol acceptable to the required number of Governments to ensure the early entry into force; and assist Governments to adopt measures needed to accept and implement the 1993 Protocol; and that the IMO Secretariat, in co-operation with the FAO Secretariat, should further consider organizing international events for a focussed consideration, at a decision-making level, of the entry into force of the Torremolinos Protocol and the STCW-F Convention. Subsequently, the Committee requested the Secretariat to act accordingly within the context of the ITCP under the coordination of the Technical Co-operation Committee.

15.46 The Committee agreed to refer the full report of the JWG (MSC 83/INF.12) to FSI 16 for detailed consideration and requested the Secretariat to inform the FAO and the ILO on the outcome of the consideration of this matter.

16 ROLE OF THE HUMAN ELEMENT

OUTCOME OF MEPC 56 (REPORT OF THE JOINT MSC/MEPC WORKING GROUP ON HUMAN ELEMENT)

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

16.2 The Committee noted that MEPC 56 had reconvened the Joint MSC/MEPC Working Group on Human Element.

16.3 The Committee approved, in general, the report of the Joint MSC/MEPC Working Group on Human Element (MEPC 56/WP.8, MSC 83/16) and took action as indicated hereunder.

THE ORGANIZATION'S STRATEGY TO ADDRESS THE HUMAN ELEMENT

Updated Human Element Action Plan

16.4 The Committee approved the updated action plan in the Organization's Strategy to Address the Human Element.

Near-miss data in accident and incident investigations

16.5 The Committee invited Member Governments, intergovernmental and non-governmental organizations to submit comments on the preliminary text on near-miss reporting proposals to the next session of the group.

Guidelines for the operational implementation of the ISM Code by Companies

16.6 The Committee approved MSC-MEPC.7/Circ.5 circular on Guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies.

EXPERIENCE, QUALIFICATIONS AND TRAINING FOR THE ROLE OF DESIGNATED PERSON UNDER THE INTERNATIONAL SAFETY MANAGEMENT CODE

16.7 The Committee approved MSC-MEPC.7/Circ.6 circular on Guidance on the qualification, training and experience necessary for undertaking the role of designated person under the provisions of the International Safety Management (ISM) Code.

DEVELOPMENT OF A SAFE WORKING ENVIRONMENTAL STANDARD AND ITS APPLICATION TO TIER II FUNCTIONAL REQUIREMENTS OF THE GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

16.8 The Committee recalled that it had taken appropriate action relating to this item under agenda item 5 (Goal-based new ship construction standards), as reflected in paragraphs 5.35 to 5.37 and 5.70 to 5.72.

ONGOING WORK OF THE HUMAN FACTORS TASK GROUP (HFTG) ESTABLISHED BY THE INDUSTRY

16.9 The Committee noted the discussions of the group relating to the ongoing work of the human factor task group (HFTG) established by the industry.

ILO PROPOSAL FOR THE ESTABLISHMENT OF IMO/ILO JOINT WORKING GROUP ON HUMAN ELEMENT

16.10 The representative of ILO expressed the opinion that, in light of the formal communication from the Director-General of ILO to establish a Joint ILO/IMO Working Group to address matters within the competence of both Organizations relating to seafarers training, hours of work and rest, seafarer fatigue, career and skills development and opportunities for seafarers' employment pursuant to resolution X of the International Labour Conference 2006, the Committee should consider this issue taking the aforementioned into account. This was supported by the delegation of the Philippines and observers from IFSMA, ITF and ISF.

16.11 In this context, the MEPC Chairman clarified that the communication from ILO had been considered by the Joint MSC/MEPC Working Group on Human Element in detail. Based on the recommendations of that group, MEPC 56 had agreed that:

- .1 it was not appropriate to establish the proposed joint ILO/IMO working group with such wide and open-ended terms of reference; and
- .2 in future, when preparing or reviewing other technical texts or proposals on matters within the technical competence of both Organizations, if considered necessary, an *ad hoc* joint ILO/IMO working group with specific terms of reference on a case-by-case basis could be established to properly address the human element on a tripartite basis.

16.12 Having noted the clarifications by the MEPC Chairman, the Committee agreed that:

- .1 the Joint MSC/MEPC Working Group on Human Element should continue its work in accordance with the Organization's Strategy to Address the Human Element (MSC-MEPC.7/Circ.4);
- .2 there was no compelling need to establish a joint ILO/IMO working group at this stage to address issues relating to seafarers' training; hours of work and rest; manning levels; seafarers' fatigue; career and skill development, as these were already being addressed by the STW Sub-Committee on a regular basis; and
- .3 it was not appropriate to establish the proposed joint ILO/IMO working group with such wide and open ended terms of reference and that, in future, when preparing or reviewing other technical texts or proposals on matters within the technical competence of both Organizations, if considered necessary, to establish an *ad hoc* Joint ILO/IMO working group on a case-by-case basis with specific terms of reference to properly address the human element on a tripartite basis.

Other issues

16.13 The Committee instructed the Secretariat to publish all related guidance issued by the Organization in the next edition of the ISM Code.

16.14 The Committee noted that the Joint MSC/MEPC Working Group on Human Element was scheduled to be reconvened at MSC 84 and invited Member Governments, intergovernmental and non-governmental organizations to submit proposals in accordance with the Organization's Strategy to Address the Human Element (MSC-MEPC.7/Circ.4).

16.15 The Committee noted, under agenda item 11 (Stability, load lines and fishing vessel safety) (see paragraph 11.9), that SLF 50 had referred relevant chapters of the draft Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels to the respective sub-committees and to the Joint MSC/MEPC Working Group on Human Element for consideration. The Committee requested the Secretariat to prepare a relevant document for MSC 84 under this agenda item, so that the Joint MSC/MEPC Working Group on Human Element, when established, could consider the relevant chapters of the draft Safety recommendations and comment as appropriate.

17 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

DEVELOPMENTS CONCERNING TECHNICAL CO-OPERATION ACTIVITIES

General

17.1 The Committee noted the information provided in document MSC 83/2/1 on the outcome of TCC 57 and document MSC 83/17 on the safety-, security- and facilitation-related activities executed in 2007 under the Integrated Technical Co-operation Programme (ITCP) for the 2006-2007 biennium. It further noted the high rate of implementation delivery over 2006 which expended about US\$12 million on activities which included 36 consultancy missions, 93 training courses, seminars and workshops held at national, regional and global levels resulting in the training of some 2,433 participants worldwide.

ITCP for 2008-2009

17.2 The Committee noted that, for the first time, links between the ITCP and the Millennium Development Goals (MDGs) have been established and incorporated into the proposed ITCP for 2008-2009. The ITCP, which comprised 14 programmes, including a new global programme on "Support to Small Island Developing States (SIDS) and Least Developed Countries (LDCs) for their shipping needs" had a funding requirement of approximately US\$20.445 million. The Committee further noted that the ITCP for 2008-2009 was approved by TCC 57 with the addition of "Sustainable maritime sector development" as one of the priorities of the ITCP, focusing on safe navigation on coastal routes and the integration of SIDS and LDCs.

Linkage between the ITCP and the Millennium Development Goals (MDGs)

17.3 The Committee noted the importance of the maritime industry on the economic development of countries which were highlighted in the report of the Intersessional Working Group on the Linkage between the ITCP and the MDGs held from 26 February to 1 March 2007. The report also established the fact that improved maritime capacity, supported by the work of IMO and the ITCP, had a major and direct impact on at least five MDGs. The Committee also noted that TCC approved the draft Assembly resolution on the Linkage between the ITCP and the MDGs for submission to A 25 for adoption.

Impact Assessment Exercise (IAE)

17.4 The Committee noted that the third impact assessment exercise covering the period 2004-2007 was scheduled for 2008 and would focus on an analysis of the extent to which the delivery of technical assistance had achieved its programme objectives and any related demonstrable improvements in capacity, with respect to support for the establishment and strengthening of national maritime administrations, marine pollution prevention, preparedness and response and maritime security.

Progress on Search and Rescue in Africa

17.5 The Committee was informed by the Secretariat that, following the first meeting of the West African Group (Côte d'Ivoire, Ghana, Guinea, Liberia and Sierra Leone), a second meeting to finalize the Multilateral Agreement between the countries was held in Monrovia, Liberia from 25 to 27 September 2007. The final meeting, which will see the signing of the Agreement by the Ministers of the various countries, is scheduled to be held in Monrovia, Liberia

from 8 to 9 November 2007. The delegation of Nigeria informed the Committee of its follow-up action and assistance in visiting the countries in its group from 19 to 30 October prior to commissioning the RMRCC on 9 November 2007.

17.6 The Secretary-General provided an update on the progress of the implementation of the 2000 Florence Conference resolutions on the designated regional MRCCs centres in Mombasa, Cape Town, Liberia, Nigeria and Morocco. He informed the Committee that he had so far commissioned the Mombasa RMRCC in Kenya on 5 May 2006 and also commissioned the Cape Town RMRCC in South Africa on 16 January 2007. The Secretary-General further indicated that he was also in constant communication with Nigeria which intends to commission its Regional MRCC on 9 November 2007, as well as Liberia and Morocco. The Committee expressed its appreciation to the Secretary-General for his interest and assistance to the various countries.

ABUJA MoU STRATEGY FOR 2010

17.7 The Committee noted the information provided in document MSC 83/17/3 on the Abuja MoU on port State control and its programme of capacity development for the period 2007-2010. The document indicates specific areas requiring technical capacity co-operation between the Abuja MoU and its partners and also highlights some of the problems being faced by the Abuja MoU, which was established in October 1999. Out of the 19 States that signed the MoU, only six have deposited a formal instrument of acceptance with the Abuja MoU Secretariat, where the level of participation in the affairs of the MoU is minimal due to lack of basic infrastructure necessary for meaningful participation in port State control activities. The document lists a number of projects which are aimed at enhancing the administrative and operational capacity of the Abuja MoU on port State control. The sponsors of the document considered the undertaking of these projects as critical in the improvement of the operational capacity of the participating Member States, and the MoU Secretariat in general, and requested the Committee's support.

17.8 There was overwhelming support by Member States for the planned activities by the Abuja MoU and other sponsors contained in document MSC 83/17/3 and the initiative taken in identifying projects and developing a schedule for its implementation. The Committee, agreeing on the need for supporting the Abuja MoU, requested the Secretariat (MSD and TCD) to discuss the projects listed in the document with the Abuja MoU Secretariat and take action as appropriate, including the provision of technical assistance.

DOMESTIC FERRY SAFETY PILOT PROJECT

17.9 The Committee recalled that, at MSC 82, it was informed by the Secretariat that the continual loss of life resulting from domestic ferry accidents had prompted IMO to develop an eight-phase plan concerning non-Convention ferry safety and invited the International Ferry Industry Association (INTERFERRY) to join in this effort. The two Organizations signed a Memorandum of Understanding (MoU) in January 2006, formalizing their intent to work together towards enhancing the safety of domestic non-Convention ferries by collaborating, through IMO's Integrated Technical Co-operation Programme (ITCP).

17.10 The Committee noted the information provided in document MSC 83/17/2 (Secretariat) that, following the signing of the MoU and conducting the needs assessment mission, the two Organizations had carried out a detailed research-based analysis of the problems prior to the establishment of a Working Group in the pilot country. Under phase 4, the Working Group meeting was held in Dhaka, Bangladesh from 18 to 20 December 2006, where a variety of stakeholders as well as experts participated. A number of recommendations were made by the

Working Group on critical issues involving non-convention ferry safety for incorporation into the pilot project.

17.11 The Committee further noted that both Organizations were currently working on phase 5 of the plan on resource mobilization of funds for the project and it was expected that the lessons learned from this project would serve as a model project in other countries needing to address ferry safety. It also noted that, concurrently, the first pilot project was also under preparation and, on completion of the project document, the project would be launched once the funding from donors has been committed.

17.12 The delegation of Bangladesh expressed its appreciation to the IMO Secretariat for undertaking a number of safety-related projects in the region under the various technical assistance programmes. The delegation emphasized that many lives had been lost in Bangladesh due to ferry and other water-craft related accidents and hoped that the project on Domestic ferry safety would soon be implemented.

17.13 The Committee urged Governments and industry to contribute to the IMO's technical co-operation programmes and requested the Secretariat to continue providing the Committee with updated information.

MODEL COURSE PROGRAMME

17.14 The Committee noted the updated information on the Model course project provided in document MSC 83/17/1. The Committee requested the Secretariat to continue its follow-up and provide an updated report to MSC 84.

18 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

General

18.1 The Committee recalled that, at MSC 82, it had considered document MSC 82/20/1 which proposed that the Committee and all its sub-committees should ensure that, when developing new instruments or amending existing ones, where necessary, guidance for implementation is prepared and that issues which the Technical Co-operation Committee (TCC) might need to consider for the purpose of developing related technical co-operation and assistance programmes are identified.

18.2 The Committee further recalled that, while supporting the proposal in principle, it had recognized that an appropriate mechanism for preparing such guidance should be established and had also noted an option that a consultation mechanism for the implementation of new measures should be established as well as a view that an appropriate policy should be established, taking into account relevant paragraphs of resolution A.500(XII), as an Assembly resolution to be adopted at the next Assembly meeting. The Committee, recognizing that the issue was not only relevant to it and its sub-committees but also to other Committees (MEPC, FAL and LEG) as well as the Assembly and Diplomatic Conferences, had agreed to consider the matter at this session and invited Members to submit proposals and invited other Committees to consider the same matter.

Outcome of FAL 34

18.3 The Committee noted that FAL 34 (MSC 83/18, paragraph 4) had noted the outcome of MSC 82 on the issue, and recalled in this context that ongoing work on the preparation of an Explanatory Manual to the FAL Convention and its strategy to promote the use of electronic means to exchange information with the objective of harmonizing and simplifying procedures, adopted by FAL 28, were examples of items which could be utilized towards capacity-building.

Outcome of the International Conference on the Removal of Wrecks

18.4 The Committee noted that the International Conference on the Removal of Wrecks, 2007 (14-18 May 2007), when adopting the Nairobi International Convention on the Removal of Wrecks, 2007, had also adopted resolution 3 on Promotion of Technical Co-operation and Assistance (LEG/CONF.16/20), recognizing the need for the development of appropriate legislation and the putting in place of appropriate infrastructure for the removal of wrecks where there may be limited infrastructure, facilities and training programmes to obtain the experience required in assessing the hazard which a wreck may pose, particularly in developing countries.

Outcome of MEPC 56

18.5 The Committee noted that MEPC 56 (MSC 83/18, paragraph 8) had noted the outcome of MSC 82 on the issue. The MEPC noting that, in the discussion, many delegations supported the decision of MSC 82 that the option to develop guidance for implementation of new instruments and/or when amending existing ones could be equally applied to MEPC and other Committees, decided to consider this matter further at its next session and invited delegations to submit proposals to MEPC 57 taking into account the outcome of MSC 83.

Process towards the enhancement of capacity to implement new measures and proposals

18.6 The Committee considered document MSC 83/18/1 (South Africa) which proposed that:

- .1 as a matter of policy, the Committee must insert a criteria in its method of work requiring that Member States and organizations with observer status, when proposing development of new instruments or proposing amendment of existing instruments, identify capacity implications with the assessment criteria:
 - .1 Does the proposed instrument require capacity-building before or during the implementation phase? and
 - .2 Does the proposal require technical assistance and co-operation including the development of a simplified guide for its implementation?
- .2 with regard to new instruments, the Committee should establish, at MSC 84, an *ad hoc* working group on capacity-building and technical co-operation for the implementation of new instruments, with the terms of reference as stated in paragraph 8 of document MSC 83/18/1; and
- .3 the Committee consider the proposed draft Assembly resolution, on the need for capacity-building when implementing new instruments and when developing, and/or amending, existing ones, annexed to document MSC 83/18/1.

18.7 Many delegations expressed their support for the proposal, contained in document MSC 83/18/1 (South Africa), acknowledging that there were difficulties with the implementation of IMO Conventions and other instruments due to lack of capacity, especially in developing countries.

18.8 The Committee agreed on the proposed criteria for assessment of capacity-building when proposing the development of new instruments or amendment to existing instruments (MSC 83/18/1, paragraph 7), and, recognizing the need to amend the Committee's Guidelines accordingly, requested the Secretariat to prepare draft amendments to the Committee's Guidelines and submit these to MEPC 57 and MSC 84 for consideration.

18.9 The Committee agreed, in principle, to establish an *ad hoc* working group on capacity-building and technical co-operation for the implementation of new instruments, as proposed by South Africa (MSC 83/18/1), subject to further consideration of the issue under agenda item 25 (Work programme) (see also paragraph 25.68) in the context of the number of groups to be established at the next session.

18.10 The Committee approved the draft Assembly resolution on The need for capacity-building for the development and implementation of new, and amendments to existing, instruments, set out in annex 36, and requested the Secretariat to submit the draft resolution to the twenty-fifth session of the Assembly for adoption.

First Seoul International Maritime Forum

18.11 The delegation of the Republic of Korea informed the Committee of the First Seoul International Maritime Forum which was held from 6 to 8 September 2007 in Seoul, Republic of Korea. The main theme of the Forum was the Wreck Removal Convention (WRC) which was adopted in May 2007 in Nairobi, Kenya. The report will be provided to IMO and Member States in due course. The Korean delegation further informed the Committee that such a Forum would be held on a regular basis to promote and facilitate proper implementation of IMO instruments. In this regard, he invited the IMO Secretariat and Member States to propose appropriate and relevant topics which may be adopted for the next Seoul International Maritime Forum, the outcome of which will be provided to IMO accordingly.

19 PIRACY AND ARMED ROBBERY AGAINST SHIPS

STATISTICAL INFORMATION

19.1 The Committee recalled that, since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships had been circulated under the MSC.4/Circular series. The annual report for the calendar year 2006 was issued under the symbol MSC.4/Circ.98.

19.2 The Committee recalled that, since June 2001 and in accordance with the instruction of MSC 74, the MSC.4 circulars reporting on acts of piracy and armed robbery differentiated (in separate annexes) acts of piracy and armed robbery actually "committed" from "attempted" ones.

19.3 In considering document MSC 83/19 (Secretariat), the Committee noted that the number of acts of piracy and armed robbery against ships reported to the Organization and which had occurred between 1 October 2006 and 30 June 2007 was 201 against 187 over the same period for 2005/6, representing an increase of 7.5% from the figure for 1 October 2005 to 30 June 2006.

The total number of incidents of piracy and armed robbery against ships, reported to have occurred or to have been attempted from 1984 to the end of August 2007, was 4,432.

19.4 The Committee observed that this 7.5% increase in the reported acts of piracy and armed robbery against ships during the period under review was a cause for concern and was largely attributable to an increase in such criminal activities in the Gulf of Aden, Arabian Sea and off the coast of West Africa. As emphasized in previous sessions of the Committee, much more still needed to be done to reduce this menace.

19.5 The Committee further observed that during the period under review (i.e., 1 October 2006 and 30 June 2007), it had emerged that the areas most affected (i.e., five incidents reported or more) were the Far East, in particular, the South China Sea and the Malacca Strait, East Africa, the Indian Ocean, West Africa, the Arabian Sea, South America (Atlantic), South America (Pacific) and the Caribbean. Most of the attacks worldwide occurred or had been attempted in territorial waters while the ships were at anchor or berthed.

19.6 The Committee expressed deep concern that in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. It was noted that during the period under review, 26 crew members were killed, 58 crew members were assaulted/injured and 133 crew members were taken hostage. Eleven ships were hijacked. One vessel and its crew were still missing.

19.7 The Committee concluded by urging, once again, all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

19.8 The Committee noted that despite numerous requests, at previous sessions of the Committee, the Secretariat still received very few, if any, reports from Member Governments on action they had taken with regard to incidents reported to have occurred in their territorial waters. The Committee reiterated the urgent need for all Governments to provide the Organization with the information requested.

INITIATIVES TO COUNTER PIRACY AND ARMED ROBBERY AT SEA

Piracy and armed robbery against ships in waters off the coast of Somalia

19.9 In considering document MSC 83/19/1 (Secretariat), the Committee recalled that in November 2005, at a time when the incidence of piracy attacks off Somalia was high, A 24 adopted resolution A.979(24) on Piracy and armed robbery against ships in waters off the coast of Somalia, by means of which the situation was brought to the attention of the United Nations Security Council (UNSC), resulting in a subsequent Statement by the President of UNSC of 15 March 2006.

19.10 The Committee recalled that operative paragraph 7.2 of resolution A.979(24) requested the Secretary-General “to continue monitoring the situation in relation to threats to ships sailing in waters off the coast of Somalia and to report to the Council, as and when appropriate, on developments and any further actions which may be required”.

19.11 The Committee noted that following the publication of the UNSC’s Presidential Statement, although there had been a much-welcomed reduction in acts of piracy and armed robbery against ships in waters off the coast of Somalia, since the beginning of the current year there had been a worrying increase in the number of reported incidents, including attacks on ships carrying humanitarian aid, such as those chartered or operated in the service of the World

Food Programme (WFP), reflecting a common pattern of organized and co-ordinated activities up to 200 miles off the coast, and several reportedly within Somalia's territorial sea.

19.12 The Committee noted that in response to this situation, co-ordination between IMO, WFP and navies operating in the region had intensified with a view to ensuring that the tracking of and, where necessary, the provision of assistance to merchant shipping, particularly ships carrying humanitarian aid, was maintained and further strengthened.

19.13 Additionally, on 15 June 2007, the Secretary-General, after consultation with the Acting Chairman of the Committee, had issued MSC.1/Circ.1233 on Piracy and armed robbery against ships in waters off the coast of Somalia, warning maritime interests of the continuing worrying situation off Somalia and inviting Governments and organizations concerned to implement effectively the guidance to Administrations, industry and crew issued previously by the Organization.

19.14 The Secretary-General had subsequently requested the Council, at its ninety-eighth session, to authorize him to communicate with the UN Secretary-General requesting him to bring the matter anew to the attention of the UNSC to seek their further engagement to promote and facilitate the international community's efforts, *inter alia*, to combat acts of piracy and armed robbery against ships sailing in waters off the coast of Somalia and, in particular, ships carrying humanitarian aid to the country; and, more particularly, that the UNSC request the Transitional Federal Government of Somalia to take action, as it may be deemed necessary and appropriate in the circumstances, to prevent and suppress acts of piracy and armed robbery against ships, including consenting to ships, as defined in article 107 of UNCLOS, operating in the Indian Ocean, entering its country's territorial waters when engaging in operations against pirates or suspected pirates and armed robbers endangering the safety of life at sea, in particular the safety of crews on board ships carrying, within WFP's programme, humanitarian aid to Somalia or leaving Somali ports after having discharged their cargo.

19.15 The Council had:

- .1 shared the Secretary-General's concern;
- .2 expressed appreciation for the initiatives recently undertaken by the Secretary-General to strengthen support and assistance to ships by navies operating in the West Indian Ocean region; and to promote the wide and effective implementation of relevant guidance issued by the Organization (MSC.1/Circ.1233);
- .3 welcomed and endorsed the Secretary-General's proposal; and
- .4 authorized the Secretary-General to communicate with the UN Secretary-General accordingly.

19.16 The Committee noted that the UN Secretary-General had responded to Secretary-General and advised him that the issue had been raised with the representative of the Transitional Federal Government of Somalia to the UN and that the UNSC had been briefed verbally.

19.17 Denmark, while expressing concern at the increased number of attacks, noted that there had been a positive trend in some areas of the world, particularly Asia. Denmark cited the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Centre (ReCAAP ISC) as a good example of State involvement in

suppressing piracy and armed robbery and drew attention to the recent increase in attacks off West Africa and Somalia as indicative of the need for further co-operation in those areas and for States to strengthen counter-piracy initiatives. Denmark proposed that the forthcoming Assembly would provide a good opportunity to decide how best to enhance States' efforts. Denmark also thanked France and the United States for their assistance during a recent hijacking incident off Somalia.

19.18 A number of delegations expressed sincere appreciation for the efforts and initiatives of the Secretary-General to combat acts of piracy and armed robbery against ships sailing in waters off the coast of Somalia, for which there was unanimous support. Kenya noted that the actions of navies in the Western Indian Ocean appeared to be stabilizing the situation. Ghana supported similar initiatives in West Africa. Nigeria had established a joint police/navy task force and Angola as chair of MOWCA were actively promoting the efforts to establish a regional coastguard. South Africa also spoke in support of the regional coastguard initiative, adding that improving the aids to navigation in the region could also assist in suppressing piracy and armed robbery against ships. There was also considerable support for the other initiatives described below.

19.19 The Secretary-General in thanking delegations for their support, drew attention to the role of the littoral States, namely Indonesia, Malaysia and Singapore, in reducing piracy and armed robbery in the Strait of Malacca; and to the role of the Mombasa and Dar es Salaam maritime rescue co-ordination centres in co-ordinating actions against pirates and armed robbers.

19.20 In response to a specific concern expressed by Egypt, the Secretary-General assured the Committee that the issue of the sovereignty of Somalia would not be disregarded and the consent of the Transitional Federal Government of Somalia would be required prior to any action by warships within Somali territorial waters to deal with armed robbers.

19.21 The Committee noted that the Council had agreed to seek further action by the UNSC. In this regard, the Secretary-General requested delegations of Member States of the UNSC to give the Organization's proposals their full support. Further more all delegations to the UN General Assembly were requested to give their support to the paragraph on the suppression of piracy and armed robbery anywhere and in particular, off Somalia and where WFP ships were involved, in the forthcoming debate on the proposed UNGA resolution on Oceans and the law of the sea.

Straits of Malacca and Singapore

19.22 The Committee recalled that MSC 81 and MSC 82 had received (documents MSC 81/25, paragraphs 19.24 and 19.25 and MSC 82/24, paragraphs 17.14 to 17.18, respectively) briefings on outcome of the Jakarta and Kuala Lumpur Meetings on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection.

19.23 The Committee noted that with the blessing of the Council, a follow-up Meeting to enhance safety, security and environmental protection in the Straits of Malacca and Singapore had taken place in Singapore from 4 to 6 September 2007. It had been jointly organized by IMO and the Government of the Republic of Singapore, in co-operation with the Governments of the other two littoral States, Indonesia and Malaysia, and had been well attended. The littoral States had presented a Co-operative Mechanism they had developed which provided a framework for co-operation among the littoral States, user States and other stakeholders to enhance the safety of navigation and environmental protection in the Straits. In addition, the progress made in securing sponsors for a number of projects, presented for the first time during the Kuala Lumpur Meeting, aiming at enhancing safety of navigation and environmental protection in the Straits had been

reviewed. All in all, the Meeting, which was the third and last in the series, had been, as the previous two, successful in providing a forum to promote and advance on issues relating to the safety, security and environmental protection in Straits. The outcome of the Singapore Meeting was reflected in a Statement, which had been unanimously adopted, and which would be considered by the Council at its next session.

Yemen Seminar and Oman Workshop

19.24 The Committee recalled that MSC 81 and MSC 82 had received reports on the Sub-regional seminar on piracy and armed robbery against ships and maritime security, held in Sana'a, Republic of Yemen, from 9 to 13 April 2005; and the follow-up Sub-regional workshop on maritime security, piracy and armed robbery against ships for those countries from the Red Sea and Gulf of Aden area which had participated in the Sana'a seminar, held in Muscat, Sultanate of Oman, from 14 to 18 January 2006.

IMO/MOWCA integrated coast guard project

19.25 The Committee recalled that MSC 82 had received a report on the regional IMO/MOWCA forum on the establishment of an integrated coast guard function network for West and Central African Countries, held in Dakar, Senegal, from 23 to 25 October 2006.

19.26 The observer from MOWCA advised the Committee that in February 2007 the African Union Conference of Maritime Transport Ministers had adopted the coastguard network as part of its strategic action plan to respond to maritime security threats in the African region. The coastguard network now featured in the medium to long-term strategic action plan of the New Partnership for African Development (NEPAD), under which an amount of US\$3.6 million had been budgeted for IMO, MOWCA and SADC maritime security projects.

19.27 The MOWCA Bureau of Ministers had met on 11 September 2007 in Luanda, Angola, and had unanimously adopted the resolution of the IMO/MOWCA Forum on the establishment of the sub-regional coastguard network. The MOWCA Bureau of Ministers had reaffirmed its earlier decision to establish coastguard co-ordinating centres in Abidjan, Dakar, Lagos and Pointe Noire with principal co-ordinating centres in Accra and Luanda.

19.28 The Committee further noted that the General Assembly of the MOWCA Bureau of Ministers was scheduled for March 2008 and was expected to consider the adoption of a Memorandum of Understanding on the implementation of the coastguard network.

19.29 MOWCA thanked the Organization, other participating UN agencies and development partners for their support and requested the Organization to continue to assist in implementing the coastguard network.

Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia

19.30 In considering document MSC 83/19/2 (Singapore), the Committee recalled that MSC 82 had been informed of the launch of the ReCAAP ISC on 29 November 2006 and of the inaugural meeting of its Governing Council in Singapore from 28 to 30 November 2006.

19.31 In this context, the Committee noted that the ReCAAP ISC's role was to:

- .1 facilitate the swift exchange of information, communications and operational co-operation between the Contracting Parties so as to improve incident response;
- .2 conduct critical analysis on the piracy and armed robbery situation in the Asian region; and
- .3 support capacity-building efforts to help improve the capability of ReCAAP Contracting Parties to combat piracy and armed robbery against ships in the region.

19.32 The Committee noted the information provided on the status of ReCAAP and the ISC; and the report on the outcome of the Special Meeting of the ReCAAP Governing Council, held in Singapore on 5 July 2007.

20 GENERAL CARGO SHIP SAFETY

20.1 The Committee recalled that MSC 82, following consideration of document MSC 82/21/19 (Russian Federation), proposing to carry out necessary studies and analysis to assess the adequacy of current safety requirements for general cargo ships aiming at obtaining realistic updated information on general cargo ship safety that can highlight the best practices as well as areas to be improved, had agreed to include, in the provisional agenda for MSC 83, an item on “General cargo ship safety” to assess the adequacy of current safety requirements for general cargo ships and, when the necessary information has been submitted, to consider establishing an *ad hoc* Working Group on General Cargo Ship Safety at a future session. Consequently, Member Governments and international organizations were invited to submit, to this session, the appropriate information on the matter.

20.2 The Committee had for its consideration the following documents:

- .1 MSC 83/20/1 and Corr.1 (Argentina), proposing to examine the provisions of Annex A to resolution A.744(18) on the Enhanced Survey Programme Guidelines for application to general cargo ships and that new cargo ships be designed to provide an adequate means of access to cargo and other spaces to permit effective and thorough general inspection as well as the measurement of thicknesses necessary to guarantee hull structural integrity;
- .2 MSC 83/20/2 and MSC 83/INF.10 (New Zealand), proposing to develop practical guidelines and/or mandatory requirements for the maintenance, testing and inspection of shipboard lifting appliances and loose gear since there are currently no SOLAS requirements for such gear;
- .3 MSC 83/20/3 (RINA), proposing that further work be carried out to assess the adequacy of current safety requirements for general cargo ships, which should include consideration of the causes of general cargo ship losses, and that Member Governments and international organizations be invited to submit information on the investigation of such losses to enable a proper analysis to be carried out with priority being given to investigations of foundering and occupational accidents;
- .4 MSC 83/20/4 (Germany), providing information on the new high-level FSA study for general cargo ships under SURSHIP, which is an ERANET activity with several European Union Member States aiming to co-ordinate nationally funded research on ship survivability (see also document MSC 83/27/4);

- .5 MSC 83/20/5 (Republic of Korea), informing the Committee that it intends to carry out a further analysis of the casualties involving general cargo ships for a precise identification of the problem areas of such ships and proposing that the Code of Safe Practice for Cargo Stowage and Securing and the Code of Safe Practice for Ships Carrying Timber Deck Cargoes be reviewed as a first step, recognizing that there is room for improving the current safe operation of general cargo ships engaged in the transportation of heavy and lengthy cargoes; and
- .6 MSC 83/20/6 (India), supporting document MSC 83/20/1 and proposing that the issue of inspection of vulnerable areas of the hull, machinery and equipment should also be addressed under this agenda item.

20.3 Following an extensive discussion, the Committee generally agreed that:

- .1 there was an urgent need to consider the safety of general cargo ships, taking into account the current safety level of these types of ships;
- .2 more detailed information, analysis of the cause of accidents involving general cargo ships and related FSA study (in particular, the outcome of the SURSHIP project) were needed to facilitate the identification of the problem areas of such ships and consideration of the appropriate measures to be taken, bearing in mind a variety of ship types covered by the category of general cargo ships; and
- .3 a working group should be established to:
 - .1 examine all the related information submitted at this session, results of analysis and FSA studies;
 - .2 develop the definition of a general cargo ship;
 - .3 identify the type of ships covered by category of general cargo ships which should be dealt with under the item;
 - .4 develop the strategy for how best to proceed on the issue; and
 - .5 develop appropriate measures to enhance the safety of general cargo ships.

20.4 In respect of some specific proposals made in documents submitted to the session, the following observations were made:

- .1 concerning proposals (MSC 83/20/1 and MSC 83/20/6) to adapt the Enhanced Survey Programme Guidelines (resolution (A.744(18))) to general cargo ships, while some delegations supported the proposals, other delegations were of the opinion that it would be premature to take such an action prior to collecting sufficient information (see also paragraph 20.3.2); and
- .2 concerning the proposal (MSC 83/20/2 and MSC 83/INF.10) to take measures to address shipboard lifting appliances safety, while the safety problem of those appliances was generally recognized, some delegations expressed the view that the problem does not necessarily relate only to general cargo ships and, therefore, the matter needs a wider consideration.

20.5 With regard to the establishment of a working group on general cargo ships safety at a future session, the Committee agreed to decide thereon when discussing the establishment of other working groups under the agenda item 25 (Work programme). Subsequently, the Committee invited Member Governments and international organizations to submit further information and the relevant proposals on the issue to MSC 84.

21 FORMAL SAFETY ASSESSMENT

General

21.1 The Committee recalled that MSC 82, recognizing that there may be an outcome of MEPC 56 regarding environmental risk evaluation criteria and other submissions at MSC 83, had agreed to retain the item in the provisional agenda for this session.

Outcome of MEPC 56

21.2 The Committee noted that MEPC 56 (MSC 83/21):

- .1 having considered document MEPC 56/18/1 (Greece), which drew attention to issues pertaining to the development of environmental risk evaluation criteria, had agreed that gaining practical experience with risk acceptance and developing cost benefit criteria is important for establishing criteria and threshold values for use in the decision-making process in the future; and
- .2 therefore, had established a correspondence group, with a view to reviewing the draft Environmental Risk Acceptance Criteria, and instructed it to submit a written report to MEPC 57.

Consolidated text of the FSA Guidelines

21.3 The Committee also noted document MSC 83/INF.2, in which the Secretariat, in order to facilitate the application of the FSA Guidelines, had prepared the consolidated text of the FSA Guidelines, incorporating the amendments adopted by MSC 80 and MSC 82.

Review of the reports of the FSA study

21.4 The Committee, having considered documents MSC 83/21/1, MSC 83/21/2, MSC 83/INF.3 and MSC 83/INF.8 submitted by Denmark, which reported on the FSA study on Liquefied Natural Gas (LNG) carriers and containerships carried out within the research project SAFEDOR, containing risk control options, discussed how best to further proceed with the item in general and, in particular, how to deal with the reports on the FSA study so far submitted to the Organization.

21.5 Recognizing the importance of the outcome of FSA studies and the need to review those studies, the Committee recalled the procedure for the review of the reports of FSA studies, specified in the Guidance on the use of the human element analysing process (HEAP) and formal safety assessment (FSA) in the rule-making process of IMO, as amended (MSC-MEPC.2/Circ.6), and, taking into account that other FSA studies may be submitted to the future sessions, agreed, in general, that a group of experts needed to be established, and to consider the matter further at a future session.

Proposals relating to work of the sub-committees concerned

21.6 In the course of the discussion, the Committee also noted that concrete proposals included in documents MSC 83/21/1 and MSC 83/21/2 may be within the scope of responsibility of the sub-committees concerned and, therefore, noted that interested Member Governments may submit documents to relevant sub-committees or formal proposals to the Committee for new work programme items in accordance with the Guidelines on the organization and method of work, as appropriate.

Retention of the item in the agenda

21.7 The Committee, recognizing that there would be an outcome of MEPC 57 regarding environmental risk acceptance criteria and other submissions to MSC 84, agreed to retain the item in the provisional agenda for MSC 84, and invited Member Governments and international organizations to submit, to MSC 84, proposals and comments on the further improvements of the FSA Guidelines and the Guidance on the use of HEAP and FSA.

22 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

22.1 The Committee recalled that MSC 82, owing to lack of time, did not consider the eight documents submitted under the agenda item on “Implementation of instruments and related matters”, in relation to the status of conventions; codes, recommendations, guidelines and other non-mandatory instruments; and damage stability verification of oil, chemical and gas tankers. MSC 82 decided to defer consideration of these documents to MSC 83 (MSC 83/22).

Status of Conventions

22.2 The Committee noted the information on the conventions, protocols and amendments thereto in respect of which IMO performs depositary functions and which are related to the work of the Committee, as at 31 July 2007 (MSC 82/18, MSC 83/22/1, MSC 82/INF.11 and MSC 83/INF.3). The Committee noted the accessions by Mongolia and Panama to the 1988 SOLAS Protocol and the 1988 Load Lines Protocol, and by the Former Yugoslav Republic of Macedonia to the 1988 SUA Convention and the 1988 SUA Protocol. Furthermore, the Committee was informed by the delegation of France of its ratification of the 1993 Torremolinos Protocol.

Codes, recommendations, guidelines of non-mandatory instruments

22.3 The Committee recalled that MSC 81 had noted the reported absence of updated information on the status of the implementation of the codes, recommendations, guidelines and other safety related non-mandatory instruments relating to the work of the Committee received since the issuance of document MSC 78/INF.17 and MSC/Circ.1150.

22.4 The Committee also recalled that MSC 81 had requested the Secretariat to prepare a new comprehensive list of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments and submit it to MSC 82, for consideration with a view to referring the list to the relevant sub-committees for them to suggest instruments on which information on the status of implementation should be submitted to the Committee.

22.5 The Committee considered the comprehensive list prepared by the Secretariat (MSC 82/18/1 and MSC 82/INF.12) of codes, recommendations, guidelines and other safety- and

security-related non-mandatory instruments, which had been adopted by resolutions or approved in the form of circulars.

22.6 The Committee noted that such a comprehensive list of non-mandatory instruments and collection of information on the implementation thereof could serve the following purposes:

- .1 enhanced awareness of available non-mandatory instruments and of their updates;
- .2 promotion of implementation of non-mandatory instruments by Member States;
- .3 provision of background material on domestic legislation; and
- .4 assistance in the identification of potential areas for technical co-operation.

22.7 The Committee further noted the information provided by the Secretariat on the development of a module of the IMO Global Integrated Shipping Information System (GISIS) on safety- and security-related requirements and recommendations applicable to all ships and certain types of ships, on the basis of the ACCESS database, which was created at the Committee's request with the information contained in MSC/Circ.815. When completed, the module could also contain information on the status of implementation of non-mandatory instruments to be kept updated by the Member States using direct recording facilities. The module could also record, for each instrument, the national legislation adopted for its implementation on a voluntary basis – including the ability to upload its full text – the application criteria and the status of the instrument with regard to its amendments.

22.8 The Committee referred the detailed consideration of the list annexed to document MSC 82/INF.12 to the relevant sub-committees for the identification of those instruments which might be relevant in the context of the collection of information on the implementation of non-mandatory instruments, also requesting them to provide an input on potential users and requirements of the data scheme to be established.

22.9 In the same context, the Committee requested the Secretariat to prepare relevant extracts of the list annexed to document MSC 82/INF.12, to be updated as appropriate, for submission to the relevant bodies, as identified in the list.

Damage stability verification for some oil, chemical and gas tankers

22.10 The Committee, having recalled that this item had been deferred by MSC 82 to this session (MSC 82/18/2, MSC 82/18/3, MSC 82/18/4, MSC 82/18/5 and MSC 83/22/2), agreed that relevant documents submitted to MSC 82 should be considered under the new item on “Guidelines for verification of damage stability requirements for tankers and bulk carriers” included in the work programme of the SLF Sub-Committee and provisional agenda for SLF 51.

Implementation of the 1988 Load Lines Protocol

Safety gap between the 1966 LL Convention and the 1988 LL Protocol

22.11 The Committee considered document MSC 83/22/3 (IACS), stating that there is a safety gap that arises for ships built under the provisions of the 1988 LL Protocol (as modified by the 2003 Amendments (resolution MSC.143(77)) which entered into force on 1 January 2005), versus ships built to the 1966 LL Convention, and that such a safety gap can be removed, if States not Party to the Protocol take action as indicated in paragraphs 4.2 and 4.3 of their

document. The Committee referred this issue to SLF 51 for consideration and advice to MSC 85, as appropriate.

Ambiguities in regulation 24(4) of the 1988 LL Protocol relating to minimum freeing port area calculations on vessels with open superstructures

22.12 The Committee considered document MSC 83/22/5 (United Kingdom), stating that there were some ambiguities in regulation 24(4) of the 1988 LL Protocol, as amended by resolution MSC.143(77), relating to minimum freeing port area calculations on vessels with open superstructures, and requesting the Committee to invite interested delegations to look into ways of addressing this ambiguity with a view to providing appropriate advice to MSC 84. Following the discussion, the Committee invited Member Governments, as requested by the United Kingdom, in particular IACS, to further examine the relevant interpretations and referred the document to SLF 51 for consideration and advice to MSC 85, as appropriate.

Operating and maintenance manuals

22.13 The Committee considered document MSC 83/22/4 (United Kingdom) providing information on a report that has been published by the United Kingdom Confidential Hazardous Incident Reporting Programme, known by the acronym CHIRP, entitled “Marine operating and maintenance manuals – are they good enough?”, and proposing that the Committee should develop and disseminate, as a matter of priority, an MSC circular on this issue, using the text that they have provided in the document.

22.14 Following support for the proposal by the United Kingdom, the Committee instructed the drafting group to finalize the draft MSC.1 circular, using the text annexed to document MSC 83/22/4 and taking into account comments made by IACS, BIMCO and INTERTANKO.

22.15 Having considered the report of the drafting group (MSC 83/WP.12), the Committee approved MSC.1/Circ.1253 on Shipboard technical operating and maintenance manuals.

23 RELATIONS WITH OTHER ORGANIZATIONS

RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

23.1 The Committee noted that the Council had decided:

- .1 to convert the consultative status previously granted to INTERFERRY on a provisional basis to full consultative status;
- .2 to retain the provisional consultative status of the International Maritime Health Organization (IHMA) and to revisit the matter at its twenty-fourth extraordinary session;
- .3 to remind the International Bar Association (IBA) and the Iberoamerican Institute of Maritime Law (IIDM) of the necessity to fulfil their obligations in accordance with the Guidelines on the Grant of Consultative Status; and
- .4 to maintain the consultative status of the remaining organizations and, to this effect, to submit a recommendation to the Assembly.

23.2 The Committee further noted that the Council had decided, on an exceptional basis and in view of the active participation of the International Transport Workers' Federation (ITF) as the *de facto* representative of ICFTU over many years, to transfer the consultative status of ICFTU to ITF with immediate effect.

23.3 The Committee also noted that the Council had noted the information provided by the International Lifeboat Federation (ILF), regarding its restructuring and its change of name to the International Maritime Rescue Federation (IMRF); and agreed that ILF should continue its consultative status with IMO under the acronym IMRF.

New applications for consultative status

23.4 Having considered the applications from:

- .1 the International Paint and Printing Ink Council (IPPIC);
- .2 the International Fund for Animal Welfare (IFAW); and
- .3 the Global Maritime Education and Training Association (GlobalMET),

the Committee was satisfied with the additional information provided and decided to recommend to the Council that consultative status be granted to IPPIC, IFAW and GlobalMET since these organizations were found to meet the requisite criteria and, in particular, because they were assessed to be able to contribute directly to the Committee's work and did not seem to have access to IMO through other organizations.

UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND LAW OF THE SEA

23.5 The Committee recalled that MSC 75 had noted the information provided by the Secretariat on the second meeting (7 to 11 May 2001) of the United Nations Open-ended Informal Consultative Process and instructed the Secretariat to follow closely further developments of the United Nations Open-ended Informal Consultative Process and report thereon to the Committee, as appropriate.

23.6 The Committee noted the information provided by the Secretariat (MSC 83/23/2) that:

- .1 as requested by the Committee, the Secretariat had followed closely further developments at the UN level on the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the Consultative Process) and reported thereon, as appropriate, to previous sessions of the Committee;
- .2 the General Assembly, in its resolution 61/222 of 20 December 2006, had decided that the ninth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea in 2008 would focus its discussion on the topic "Maritime security and safety";
- .3 the Secretariat had already been contacted by the UN Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs and requested to submit information relevant to the topic of focus for the ninth meeting of the Consultative Process, "Maritime security and safety", for inclusion in next year's report and, in particular to concentrate on:

- .1 comprehensive information regarding the activities currently undertaken related to maritime security and safety; and
- .2 matters which may require further action and any suggested recommendations, with an emphasis on areas where co-ordination and co-operation at the intergovernmental and inter-agency levels could be enhanced,

and to provide IMO's contribution to the DOALOS office no later than 9 November 2007.

23.7 The Committee also invited Member Governments to liaise with their relevant UN representatives at the national level, asking them to get involved in the preparation process on the UN side; and instructed the Secretariat to keep it informed of the further developments.

WMO – Voluntary Observing Ships (VOS)

23.8 The observer from WMO recalled his statement to the Committee's eighty-second session about shipowners' and masters' concerns regarding "Voluntary Observing Ship" (VOS) data exchange. The WMO observer informed the Committee that the WMO Executive Council during its fifty-ninth session in May 2007 had noted with appreciation the report on the results of the High-Level Dialogue established by their Secretary-General with the IMO in Geneva during February 2007. The Council had acknowledged the proposals made by the Ship Observation Team (SOT) of the Joint WMO-IOC Technical Commission on Oceanography and Marine Meteorology, on ship call-sign masking and encoding, and stressed the importance of developing an universally acceptable solution that would address shipowners' and masters' concerns, as well as, the operational, data monitoring and quality information feedback, and climate requirements. It was recognized that it was difficult to establish a relationship between VOS data availability on external websites not under WMO control relating to piracy and ship security issues including concerns of commercial nature. Therefore, the Council recommended that Members who wished to protect the identity of VOS might implement a call-sign masking scheme in consultation with shipowners, which would facilitate open distribution of masked data on the WMO Global Telecommunication System. The Executive Council further requested the WMO Secretary-General, as a high-priority issue to continue the High-Level Dialogue, involving affected Members, IMO, ICS, shipping companies, and other relevant organizations and technical commissions.

He concluded by stating that the Committee would be kept informed on the progress and results of this masking scheme. In addition, a draft revised MSC/Circ.1017, which sought to address shipowners' and masters' concerns regarding VOS data exchange would be submitted to the Committee's next session for consideration. WMO was deeply committed to the provision of the Maritime Safety Information on MET-OCEAN matters as required by the provisions of SOLAS regulation V/5; and to enhancing and improving the quality of forecasts and warnings for mariners at sea.

24 APPLICATION OF THE COMMITTEE'S GUIDELINES

General

24.1 The Committee recalled that MEPC 55 and MSC 82 had approved the draft amendments to the Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies, which reflected relevant decisions taken by the MSC and MEPC, and requested the Secretariat to prepare and circulate the revised Committee's Guidelines. The revised Guidelines were subsequently circulated by means of MSC-MEPC.1/Circ.1, dated 15 December 2006.

24.2 The Committee was advised that a meeting of the Chairmen of the Committees and sub-committees had been held on Monday, 8 October 2007, and that the report thereof was contained in document MSC 83/WP.10. In this regard, the Committee noted that the issues set out in document MSC 83/24 (Secretariat), the matter referred to the Chairmen's meeting by the *ad hoc* Council Working Group on the Organization's Strategic Plan (see paragraph 24.11.1) and others, had been addressed by the Chairmen's meeting. The Committee considered the report of the Chairmen's meeting (MSC 83/WP.10) and took action as indicated in the following paragraphs.

Number of meeting groups (e.g., intersessional working groups, technical groups and splinter groups)

24.3 The Committee noted the concerns raised by the delegation of the Bahamas at MEPC 56 that the Committees' Guidelines were not being strictly adhered to and that the increased number of working, drafting, technical and correspondence groups, including intersessional meetings, resulted in unrealistic timescales taxing the resources of Member Governments and, in particular, the developing and least developed countries, as well as the Secretariat.

24.4 The Committee further noted that ICS, in a letter to the Chairman of the Committee, had also expressed their concerns over the increasing number of group meetings in the last couple of years (intersessional working groups, so called 'technical' working groups, splinter groups within working group(s), etc.).

24.5 The Committee recognized that the concerns raised by the delegation of the Bahamas and ICS were not new problems, in particular, in the case of the MEPC in the past few years. The Committee agreed that the Committee's Guidelines should be strictly adhered to. At the same time it was recognized that in certain circumstances some flexibility was needed. Having considered the recommendation of the Chairmen's meeting, the Committee agreed that:

- .1 intersessional working groups and technical groups should not be held at the same time as Committee or sub-committee meetings; and
- .2 splinter groups of a working group if established, should meet outside normal working hours.

Review of the deadline for submission of information documents

24.6 The Committee noted that the Chairmen's meeting had been informed by the Secretariat that through the years although most Member Governments and international organizations submit documents (including information documents) within the established deadlines, more often, some bulky (more than 6 pages) information documents were received after the deadline

of 13 weeks. The Committee also noted that the meeting had been further informed that most of these information documents contain up-to-date and valuable information which is relevant to issue(s) to be considered at the meeting. Typical examples were information documents submitted by the PSC regimes, which normally meet once a year and produce an annual report, and some PSC regimes meet close to the meeting of a relevant IMO body and they could not therefore submit such information documents within the deadline.

24.7 In view of the importance of providing up-to-date information to the meeting concerned and the fact that information documents need no translation, the Committee agreed, as recommended by the Chairmen's meeting, to extend the deadline for submission of bulky information documents from 13 weeks to 9 weeks, if they were submitted in electronic format, and to amend the Committees' Guidelines accordingly.

Work methods of the Committees of the Organization

24.8 The Committee noted (MSC 83/24, paragraphs 5 and 6) that a meeting of the Chairmen of the MSC, the MEPC, the Legal Committee, the Technical Co-operation Committee and the Facilitation Committee on Work methods of the Committees of the Organization had been held on 22 June 2007, as agreed by the Council at its ninety-seventh session, to consider how best to harmonize their Committees' work methods to achieve well-run meetings and that the outcome of the meeting (C/ES.24/10/1) would be reported to the twenty-fourth extraordinary session of the Council (15-16 November 2007) for consideration.

24.9 The Committee further noted that the meeting of the Chairmen of the MSC, the MEPC, the LEG Committee, the TC Committee and the FAL Committee had recommended (C/ES.24/10/1, paragraph 3) that each Committee should review its guidelines on work methods based on the following principles:

- .1 guidelines on submission, processing and distribution of documents should be harmonized, as far as possible, to assist the Secretariat in fulfilling its responsibilities, bearing in mind that deadlines for submission of documents may not be the same for all Committees and taking into account that the Conference Division would need more time to process and translate documents submitted to those Committees that usually handle a very large volume of documentation;
- .2 subsidiary bodies, such as sub-committees, working groups and correspondence groups should function in a similar manner;
- .3 the same process should be followed in all Committees when assessing proposals for new work programme items in the context of the Organization's Strategic Plan; and
- .4 the best practices of any single Committee should be considered by the other Committees for possible implementation, adapted as may be appropriate.

24.10 The Committee noted that the difference between Committees based on the contrasted level of technical work which they are carrying out, as well as the absence of involvement of subsidiary bodies, would prevent other Committees from adopting identical Guidelines.

Assessment of new work programme items against the Strategic Plan and the High-level Action Plan

24.11 The Committee noted that the Chairmen's meeting had been informed by the Secretariat that the *Ad Hoc* Council Working Group on the Organization's Strategic Plan (24-26 September 2007), having considered document CWGSP 7/7 (Australia, Netherlands, Singapore, Sweden and United Kingdom) on Assessment of new work programme items against the Strategic Plan and the High-level Action Plan, expressed overwhelming support for the proposals on the assessment and decided to:

- .1 invite the Chairmen's meeting to examine the proposals and, through the MSC, to submit its preliminary views thereon to the twenty-fourth extraordinary session of the Council;
- .2 recommend that the Council approve the establishment of a correspondence group to develop, taking into account the views of the Council and the Chairmen's meeting, the guidelines on the application of the Strategic Plan and the High-level Action Plan; and
- .3 subject to such approval, to review, at its eighth session, the outcome of the correspondence group's work so as to finalize the above-mentioned guidelines for consideration and approval by the Council at its one hundred and first session.

24.12 The Committee noted that the Chairmen's meeting had been further informed by the Secretariat that the Council Working Group had also approved the draft Assembly resolution on the High-level Action Plan of the Organization and priorities for the 2008-2009 biennium, in principle, having agreed to include the additional operative paragraphs to the effect that the Council, on a priority basis and through its *ad hoc* Working Group on the Organization's Strategic Plan, develop guidelines for all IMO organs on the application of the Strategic Plan and the High-level Action Plan, including guidance for the assessment of work programme items and for the format and content of report on work carried out by the respective organs of the Organization; and that the Committees review and revise the guidelines for the organization and method of their work in the light of the guidelines developed by the Council on the application of the Strategic Plan and the High-level Action Plan.

24.13 The Committee noted that the meeting was of the opinion that since the basic proposals for the assessment of new work programme items against the Strategic Plan and the High-level Action Plan called upon Chairmen to carry out preliminary assessment of proposed new work programmes, all the Chairmen of the MSC, the MEPC and sub-committees should participate in the deliberations of the correspondence group to be established at C/ES.24. In providing its preliminary comments to the decisions of the CWGSP, the Chairmen's meeting made the following points:

- .1 any criteria developed for the assessment of proposals for new work programme items against the Strategic Plan and the High-level Action Plan should not be subjective, vague or open to different interpretations. The criteria should promote objectivity, clarity and respect realistic time frames;
- .2 any new methodology to be established for the assessment of proposals for new work programme items, in order to be successful in its scope, would require the Organization simultaneously to cultivate a new culture and discipline in adherence to the new procedures and guidelines; and

- .3 the new procedure as proposed contains at least three levels of involvement: the Chairmen of the Committees and Sub-Committees; the Secretariat; and the Member Governments. Such a complex system requires a very disciplined assessment which, if not clearly defined from the beginning, would prove to be very difficult in its implementation. Further consideration of the criteria may be necessary in relation to important long-term work programme items.

In conclusion, the Chairmen's meeting was sympathetic to the proposals of the CWGSP.

24.14 The Committee requested the Secretariat to report the preliminary view of the Chairmen's meeting on the proposals on assessment of new work programme items against the Strategic Plan and High-level Action Plan (paragraph 24.13 above) to the twenty-fourth extraordinary session of the Council.

25 WORK PROGRAMME

NEW WORK PROGRAMME ITEMS PROPOSED BY MEMBER GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS AND BY THE SUB-COMMITTEES CONCERNED

GENERAL

25.1 Taking into account the recommendations made by the Sub-Committees which had met since MSC 82 (MSC 83/25 and Add.1 and MSC 83/25/1); various proposals for new work programme items submitted to the session by the Member Governments and the Sub-Committees concerned; a preliminary assessment of such proposals, undertaken by the Chairman with the assistance of the Secretariat, in accordance with the relevant provisions of the Guidelines on the organization and method of work (MSC 83/WP.1) and decisions taken during the session, the Committee reviewed the work programmes of the Sub-Committees and the provisional agendas for their forthcoming sessions and took action as indicated hereunder.

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

25.3 The Committee noted that MEPC 56 had approved the work programmes of the BLG and FSI Sub-Committees as well as the provisional agendas for BLG 12 and FSI 16, and the environment-related items on the work programmes of other sub-committees.

25.4 The delegation of the Netherlands, referring to the *Ad Hoc* Council Working Group on the Organization's Strategic Plan and the discussions and decisions in the Council, observed that the Strategic plan and High-level action plan both had been developed amongst others to achieve a better agenda management and, in their view, it is essential that both plans are carefully considered when Member Governments or sub-committees propose a new work programme item. It was a strong view of the delegation that the Council decision should be adhered to and

that for the next meetings any proposal by a Member Government or through a sub-committee report, should include a full background for justification and that the proposal which does not provide clear information that it is within the scope of the Strategic plan and High-level action plan should not be approved by the Committee. In this context, the delegation further recalled that C 98 agreed to consider revised budget proposals for the 2008-2009 biennium at its twenty-fourth extraordinary session in November 2007 and that MSC 82 had agreed that if, for budgetary purposes, there is a need to make economies, the total of the 25.5 meeting weeks proposed by the two Committees may be reduced by one or two, i.e., one or two sub-committee(s) should meet once during the next biennium and thereafter as early as possible during the biennium after the next, and authorized the Secretary-General to take this into account in his relevant budget proposals. The observation of the delegation of the Netherlands was supported by several delegations.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

Outcome of MEPC 56

25.5 The Committee noted that MEPC 56 had agreed to include, in the work programme of the BLG Sub-Committee, a high priority item on “Development of international measures for minimizing the translocation of invasive aquatic species through bio-fouling of ships”, with a target completion date of 2010.

Safety requirements for ships carrying natural gas hydrate pellets

25.6 The Committee considered document MSC 83/25/10 (Japan), proposing to develop draft guidelines for the construction and equipment of ships carrying natural gas hydrate pellets in bulk, and agreed to include, in the BLG Sub-Committee’s work programme, a high priority item on “Safety requirements for natural gas hydrate pellet carriers”, with three sessions needed to complete the item and instructed the Sub-Committee to include the item in the provisional agenda for BLG 13.

Comprehensive review of the IGC Code

25.7 The Committee considered document MSC 83/25/15 (United Kingdom), proposing to review all current areas of the IGC Code with a view to fully revising and updating the Code and, where necessary, to identify other instruments which may be affected and require consequential amendments, taking into account the latest technologies, operational practices and the increasing size of the newest ships, and agreed to include, in the BLG Sub-Committee’s work programme and the provisional agenda for BLG 12, a high priority item on “Revision of the IGC Code”, with a target completion date of 2010, in co-operation with the FP, DE, SLF and STW Sub-Committees, as necessary and when requested by the BLG Sub-Committee.

New work programme item proposed by BLG 11

25.8 Endorsing a proposal by BLG 11 to review material safety data sheets (MSDS) for MARPOL Annex I cargoes and marine fuels (resolution MSC.150(77) and noting pertinent comments by IBIA (MSC 83/10/3), the Committee decided to include, in the Sub-Committee’s work programme and the provisional agenda for BLG 12, a high priority item on “Review of the Recommendation for material safety data sheets for MARPOL Annex I cargoes and marine fuels”, with a target completion date of 2008; and, having referred document MSC 83/10/3 to BLG 12 to take the IBIA comments into account, invited Member Governments to submit their comments and proposals on how the Recommendation can be revised.

Work programme of the Sub-Committee and provisional agenda for BLG 12

25.9 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38. The Secretariat was requested to inform the MEPC accordingly.

25.10 The Committee approved the provisional agenda for BLG 12, as set out in annex 39 and requested the Secretariat to inform the MEPC accordingly.

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

Fire protection of cargoes carried on deck

25.11 The Committee recalled that, following consideration of document MSC 83/25/5 (Germany) in the context of the FP Sub-Committee's programme, it had agreed that the Sub-Committee should co-operate on the above issue, as necessary and when requested by the FP Sub-Committee (see also paragraph 25.21).

Stowage of water-reactive materials covered by the IMDG Code

25.12 Following consideration of document MSC 83/25/6 (Germany), proposing to review the cargo stowage, segregation and packing requirements for certain substances covered by the IMDG Code with a view to developing specific requirements for the stowage of water-reactive materials, the Committee agreed to include in the DSC Sub-Committee's work programme and the provisional agenda for DSC 13, a high priority item on "Stowage of water-reactive materials", with a target completion date of 2009, in co-operation with the FP Sub-Committee, as necessary and when requested by the DSC Sub-Committee.

New items proposed by DSC 12

25.13 Endorsing the proposals by DSC 12, the Committee decided to include in the Sub-Committee's work programme and the provisional agenda for DSC 13 the following high priority items:

- .1 amendments to the International Convention for Safe Containers, 1972; and
- .2 review of the Guidelines for packing of cargo transport units,

with a target completion date of 2009 for the above items.

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

25.14 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38.

25.15 The Committee approved the provisional agenda for DSC 13, as set out in annex 39.

SUB-COMMITTEE ON FIRE PROTECTION (FP)

Comprehensive review of the IGC Code

25.16 The Committee recalled that, following consideration of document MSC 83/25/15 (United Kingdom) in the context of the BLG Sub-Committee's work programme, it had agreed

that the Sub-Committee should co-operate on the above issue, as necessary and when requested by the BLG Sub-Committee (see also paragraph 25.7).

Stowage of water-reactive materials covered by the IMDG Code

25.17 The Committee recalled that, following consideration of document MSC 83/25/6 (Germany) in the context of the DSC Sub-Committee's work programme, it had agreed that the Sub-Committee should co-operate on the above issue, as necessary and when requested by the DSC Sub-Committee (see also paragraph 25.12).

Drainage of fire-fighting water from the vehicle decks of ro-ro ships

25.18 The Committee considered document MSC 83/25/2 (Egypt), proposing to improve fire-fighting water drainage capacity on the vehicle decks of ro-ro ships, especially in severe listing conditions, aiming at preventing fire-fighting water accumulation, based on the recommendations of the report issued by the technical committee established to investigate and analyse the capsizing of the passenger ferry **Al-Salam Boccaccio 98** in February 2006, together with document MSC 83/3/2 (Denmark, Norway and Sweden), which proposed amendments to SOLAS chapter II-1 to establish provisions for the drainage of fire-fighting water from enclosed ro-ro spaces on passenger and cargo ships.

25.19 Following the discussion, the Committee, acknowledging the need to take urgent action on the matter, agreed to instruct the drafting group, established under agenda item 3 (Consideration and adoption of amendments to mandatory instruments), to prepare appropriate draft amendments to SOLAS chapter II-2 regarding drainage of special category and ro-ro spaces to prevent accumulation of water on the vehicle deck of ro-ro ship ships, with a view to approval at this session and adoption at MSC 84 and an associated draft MSC circular informing the parties affected of the coming new requirements, for approval at this session of the Committee (see also paragraph 3.28).

25.20 In light of the above decision, the Committee agreed that the appropriate Guidelines should be developed to assist Administrations in the implementation of the amendments referred to in paragraph 25.19 above and decided to include, in the work programmes of the FP and SLF Sub-Committees and the provisional agenda for SLF 51, a high priority item on "Guidelines for drainage systems in closed vehicle and ro-ro spaces and special category spaces", with a target completion date of 2009, assigning the FP Sub-Committee as a co-ordinator and instructed FP 52 to give a preliminary consideration to the matter and include the item in the provisional agenda to FP 53.

Fire protection of cargoes carried on deck

25.21 Following consideration of document MSC 83/25/5, wherein Germany proposed, in view of a number of on-deck cargo fires where both ship's crews and land-based assistance have not been able to cope with the individual casualty, to review the fire protection requirements of SOLAS chapter II-2 to address fire risks related to on-deck cargo areas, the Committee agreed to include, in the FP Sub-Committee's work programme, a high priority item on "Review of fire protection requirements for on-deck cargo areas", with three sessions needed to complete the item, in co-operation with the DSC Sub-Committee as necessary and when requested by the FP Sub-Committee.

Fire resistance of ventilation ducts

25.22 The Committee considered document MSC 83/25/11 (Denmark), proposing to expand the scope of the item on “Fire resistance in ventilation ducts”, currently on the work programme of the FP Sub-Committee, to undertake a comprehensive review of all ventilation systems covered by SOLAS chapter II-2 and, agreed to expand the FP Sub-Committee’s existing work programme item on “Fire resistance in ventilation ducts”, to cover all SOLAS regulations for ventilation systems, with a target completion date of 2009.

Means of escape from machinery spaces

25.23 Having considered document MSC 83/25/12 (Denmark and Norway), proposing to revise SOLAS regulation II-2/13 in order to further improve the SOLAS chapter II-2 requirements concerning means of escape from machinery spaces in passenger and cargo ships, the Committee agreed to include, in the work programme of the FP Sub-Committee, a high priority item on “Means of escape from machinery spaces”, with two sessions needed to complete the item.

New work programme items proposed by FP 51

25.24 Endorsing the proposals by FP 51, the Committee decided to include, in the Sub-Committee’s work programme, the following high priority items:

- .1 amendments to SOLAS chapter II-2 related to the releasing controls and means of escape for spaces protected by fixed carbon dioxide systems; and
- .2 harmonization of the requirements for the location of entrances, air inlets and openings in the superstructures of tankers,

with two sessions needed to complete the above items.

Work programme of the Sub-Committee and provisional agenda for FP 52

25.25 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 38 (see also paragraph 8.7).

25.26 The Committee approved the provisional agenda for FP 52, as set out in annex 39 (see also paragraph 8.7).

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

Code for the Implementation of Mandatory IMO Instruments

25.27 The Committee considered document MSC 83/25/3 (Republic of Korea), proposing to establish a continuous item in the FSI Committee’s work programme with a view to keeping the Code under review and preparing amendments to the Code, taking into account that various IMO mandatory instruments covered by the Code are constantly being amended and that the Code serves as a basis for the Audit Scheme with regard to the identification of auditable areas. Following the discussion, the Committee agreed to include, in the work programme of the FSI Sub-Committee and the provisional agenda for FSI 16, a continuous item on “Review of the Code for the Implementation of Mandatory IMO Instruments”.

Work programme of the Sub-Committee and provisional agenda for FSI 16

25.28 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38. The Secretariat was requested to inform the MEPC accordingly.

25.29 The Committee approved the provisional agenda for FSI 16, as set out in annex 39 and requested the Secretariat to inform the MEPC accordingly.

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

Procedures for updating shipborne navigation and communication equipment

25.30 The Committee recalled that, following consideration of document MSC 83/25/7 (Australia and United Kingdom) in the context of the NAV Sub-Committee's work programme, it had agreed to include, in the work programme of the Sub-Committee, a high priority item on "Development of procedures for updating shipborne navigation and communication equipment", with two sessions needed to complete the item, and assigned the NAV Sub-Committee as a co-ordinator (see also paragraph 25.33).

Work programme of the Sub-Committee and provisional agenda for COMSAR 12

25.31 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38.

25.32 The Committee approved the provisional agenda for COMSAR 12, as set out in annex 39.

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

Procedures for updating shipborne navigation and communication equipment

25.33 The Committee considered document MSC 83/25/7 (Australia and United Kingdom), proposing to develop, in view of the increasing complexity of processor-based electronic systems, formal procedures to address firmware, operating systems and software updates for shipborne navigation and communication systems and equipment, and agreed to include, in the work programmes of the NAV and COMSAR Sub-Committees, a high priority item on "Development of procedures for updating shipborne navigation and communication equipment", with two sessions needed to complete the item, and assigned the NAV Sub-Committee as a co-ordinator.

Performance standards for VDR and S-VDR

25.34 The Committee considered:

- .1 document MSC 83/25/4, wherein Germany proposed an improvement of the VDR performance standard since the evaluation of data retrieved from existing VDR installations has shown that in many cases the audio recordings are of bad quality and sensor signals are not recorded because the sensor failure has not been recognized during operation, which has, in certain cases, made it impossible to use the stored data for the intended purpose;
- .2 documents MSC 83/25/8 and MSC 83/25/9, in which Egypt proposed that a second radar, a second VHF radio and the closed-circuit TV (CCTV) cameras be

connected to the voyage data recorder (VDR) and to develop new design requirements to facilitate VDR capsule retrieval during recovery operations, respectively; and

- .3 document MSC 83/25/18, in which India, commenting on document MSC 83/25/9, provided further information on ways to improve VDR capsule retrieval during recovery operations.

25.35 Following the discussion, the Committee agreed to include, in the work programme of the NAV Sub-Committee, a high priority item on “Amendments to the Performance standards for VDR and S-VDR”, with two sessions needed to complete the item, and referred to the NAV Sub-Committee the aforementioned documents for detailed consideration.

Work programme of the Sub-Committee and provisional agenda for NAV 54

25.36 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 38.

25.37 The Committee approved the provisional agenda for NAV 54, as set out in annex 39.

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

Outcome of MEPC 56

25.38 The Committee noted that MEPC 56 had instructed DE 51 to consider, under the item on “Any other business”, matters related to the perceived problems with the pollution prevention equipment required under MARPOL Annex I, including how to improve the current standards for the equipment, and to advise MEPC 57, accordingly.

Comprehensive review of the IGC Code

25.39 The Committee recalled that, following consideration of document MSC 83/25/15 (United Kingdom) in the context of the BLG Sub-Committee’s work programme, it had agreed that the Sub-Committee should co-operate on the above issue, as necessary and when requested by the BLG Sub-Committee (see also paragraph 25.7).

Damage stability verification of oil, chemical and gas tankers

25.40 The Committee recalled that, following consideration of documents MSC 83/25/14 (Austria, *et al*) and MSC 83/25/16 (Norway) in the context of the SLF Sub-Committee’s work programme, it had agreed that the Sub-Committee should co-operate on the above issue, as necessary and when requested by the SLF Sub-Committee (see also paragraphs 25.50 to 25.52).

Proposal for protection against noise on board ships

25.41 The Committee considered document MSC 83/25/13 (Austria *et al*), proposing to develop mandatory noise level limits for machinery spaces, control rooms, workshops, accommodation and other spaces on board ships, based on a revised Code on Noise Levels on Board Ships and to introduce mandatory requirements to mandate noise level limits in other work and living spaces, and agreed to include, in the work programme of the DE Sub-Committee, a high priority item on “Protection against noise on board ships”, with two sessions needed to complete the item.

Expansion of the existing item proposed by DE 50

25.42 Endorsing a proposal by DE 50, the Committee agreed to expand the DE Sub-Committee's existing work programme item on "Revision of resolution A.744(18)", to enable it to develop amendments to the ESP Guidelines, with a view to harmonizing the requirements of the Guidelines with those of the relevant IACS Unified Requirements in order to ensure consistent implementation of the relevant IMO instruments.

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

25.43 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38.

25.44 The Committee, having agreed to include, in the provisional agenda for DE 51, an item on "Guidance to ensure consistent policy for determining the need for watertight doors to remain open during navigation", approved the provisional agenda for DE 51, as set out in annex 39.

Urgent matters to be considered by MSC 84

25.45 Noting that, due to the close proximity between DE 51 and MSC 84 and in accordance with the provisions of paragraph 4.9 of the Guidelines on the organization and method of work, it should consider, at its eighty-fourth session, only urgent matters emanating from DE 51, the Committee agreed that the following should be urgent matters for consideration by MSC 84:

- .1 amendments to resolution A.744(18);
- .2 review of the SPS Code;
- .3 revision of the Code on Alarms and Indicators;
- .4 amendments to the MODU Code;
- .5 LSA-related matters;
- .6 guidelines for maintenance and repair of protective coatings;
- .7 requirements and standard for corrosion protection of means of access arrangements; and
- .8 definition of the term "bulk carrier".

Agenda management for DE 51

25.46 The delegation of the Bahamas expressed serious concern about the extensive agenda for DE 51 and the large number of items which, in view of their target completion date, should be finalized during the session.

25.47 The Committee, while sharing the concern expressed by the Bahamas and recognizing the need for effective workload management under the Committees' Guidelines, agreed that the problem encountered for the workload and agenda for DE 51 should only be addressed by application of a certain level of flexibility allowed under the present work method provided in the Committees' Guidelines as an exceptional case, recognizing that a long-term solution should be

worked out in the process of workload management in the context of the Strategic Directions and the High-level Action Plan, as discussed at the Chairmen's meeting. The Committee agreed that the DE Sub-Committee should take the above into account with a view to managing the agenda for DE 51.

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

Comprehensive review of the IGC Code

25.48 The Committee recalled that, following consideration of document MSC 83/25/15 (United Kingdom) in the context of the BLG Sub-Committee's work programme, it had agreed that the Sub-Committee should co-operate on the above issue, as necessary and when requested by the BLG Sub-Committee (see also paragraph 25.7).

Drainage of fire-fighting water from the vehicle decks of ro-ro ships

25.49 The Committee recalled that, following consideration of documents MSC 83/3/2 (Denmark, Norway and Sweden) and MSC 83/25/2 (Egypt) in the context of the FP Sub-Committee's work programme, it had agreed to include in the work programme of the SLF Sub-Committee and the provisional agenda for SLF 51, a high priority item on "Guidelines for drainage systems in closed vehicle and ro-ro spaces and special category spaces", with a target completion date of 2009, assigning the FP Sub-Committee as a co-ordinator (see also paragraphs 25.18 to 25.20).

Damage stability verification of oil, chemical and gas tankers

25.50 The Committee considered document MSC 83/25/14, wherein Denmark *et al* proposed to develop guidelines for the verification of damage stability requirements contained in existing instruments for oil, chemical and gas tankers and to consider their application to new and existing tankers to ensure consistent verification of damage stability on such ships prior to departure; and document MSC 83/25/16, in which Norway proposed to broaden the scope of the above proposed new work item to also cover bulk carriers.

25.51 While a slight majority of delegations who spoke supported the proposals, other delegations did not agree to the proposal, stating that the proposal does not demonstrate the compelling need as, in their view, no concrete evidence had been provided that provisions relating to compliance with damage stability requirements in IMO instruments are not being met and that there is an unacceptable increase in the risk of loss of life and/or marine pollution.

25.52 Following an extensive discussion, the Committee agreed to include, in the work programme of the SLF Sub-Committee and the provisional agenda for SLF 51, a high priority item on "Guidelines for verification of damage stability requirements for tankers and bulk carriers", with a target completion date of 2009, in co-operation with the DE and STW Sub-Committees as necessary and when requested by the SLF Sub-Committee, and referred the relevant documents MSC 83/22/2, MSC 82/18/3, MSC 82/18/4 and MSC 82/18/5 to the SLF Sub-Committee for consideration as appropriate.

Expansion of the existing item proposed by SLF 50

25.53 Endorsing a proposal by SLF 50, the Committee agreed to expand the SLF Sub-Committee's existing work programme item on "Safety of small fishing vessels" to enable it to develop practical guidelines to assist Competent Authorities which elect to introduce

provisions of Fishing Vessels Safety Code and Voluntary Guidelines and Safety recommendations for small fishing vessels into their domestic legislation and/or code of safe practice, or other measures in consultation with all stakeholders in the industry.

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

25.54 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38.

25.55 The Committee approved the provisional agenda for SLF 51, as set out in annex 39.

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

Comprehensive review of the IGC Code

25.56 The Committee recalled that, following consideration of document MSC 83/25/15 (United Kingdom) in the context of the BLG Sub-Committee's work programme, it had agreed that the Sub-Committee should co-operate on the above issue, as necessary and when requested by the BLG Sub-Committee (see also paragraph 25.7).

Damage stability verification of oil, chemical and gas tankers

25.57 The Committee recalled that, following consideration of documents MSC 83/25/14 (Denmark *et al*) and MSC 83/25/16 (Norway) in the context of the SLF Sub-Committee's work programme, it had agreed that the Sub-Committee should co-operate on the above issue, as necessary and when requested by the SLF Sub-Committee (see also paragraphs 25.50 to 25.52).

New work programme item proposed by STW 38

25.58 Having considered the proposal by STW 38 to include, in its work programme, a new item on mandatory instrument of safe manning, together with documents MSC 83/12/3 (ICF) and MSC 83/12/5 (United Kingdom), which expressed support for the proposal by STW 38, the Committee agreed to reconsider this proposal at MSC 84.

Work programme of the Sub-Committee and the provisional agenda for STW 39

25.59 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 38.

25.60 The Committee approved the provisional agenda for STW 39, as set out in annex 39.

Urgent matters to be considered by MSC 84

25.61 Noting that, due to the close proximity between STW 39 and MSC 84 and in accordance with the provisions of paragraph 4.9 of the Guidelines on the organization and method of work, it should consider, at its eighty-fourth session, only urgent matters emanating from STW 39, the Committee agreed that the following should be urgent matters for consideration by MSC 84:

- .1 comprehensive review of the STCW Convention and the STCW Code; and
- .2 review of the principles for establishing the safe manning levels of ships.

INFORMATION ON THE OUTCOME OF THE 6TH SESSION OF THE COUNCIL WORKING GROUP ON THE ORGANIZATION'S STRATEGIC PLAN AND PROPOSALS FOR THE HIGH-LEVEL ACTION PLAN FOR THE 2008-2009 BIENNIUM

25.62 The Committee recalled that, in the context of the requests of the Assembly made in resolution A.970(24) on Strategic plan for the Organization and resolution A.971(24) on High-level Action Plan of the Organization and priorities for the 2006-2007 biennium, MSC 82 had:

- .1 instructed the Secretariat to submit the information concerning review of progress made in implementing the High-level action plan and priorities for the 2006-2007 biennium the proposals for the High-level action plan for the 2008-2009 biennium, as may be updated following the outcome of MSC 82, to the ninety-eighth session of the Council for referral to the Council Working Group on the Strategic Plan; and
- .2 noted that any further information on the progress made and proposals for the High-level Action Plan and priorities for the 2008-2009 biennium, as agreed at MSC 83, would be reported to the twenty-fourth extraordinary session of the Council.

25.63 In the context of the above-mentioned instructions to the Secretariat, the Committee noted the information on the progress made by the sixth session of the Council Working Group on the Organization's Strategic Plan with regard to the proposals developed by LEG 92, MEPC 55 and MSC 82 in respect of the planned outputs for the biennium 2008-2009, as set out in document MSC 83/25/17, and the information on the outcome of C 98 in regard to work done by the Council working group.

25.64 The Committee, having considered document MSC 83/25/19 (Secretariat), proposing modifications to the planned output of the Committees for the 2008-2009 biennium, which took into account the progress made by the Sub-Committees since MSC 82, approved the proposed modifications, as further modified by the Committee to take account of the relevant decisions made by the Committee during the session, and requested the Secretariat to submit the aforementioned proposed modifications to the twenty-fourth extraordinary session of the Council.

INTERSESSIONAL MEETINGS

25.65 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 3.40 of the Guidelines on the organization and method of work, as well as the Committee's decision at MSC 66, that all sub-committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justified request for consideration, the Committee, taking into account decisions made under various agenda items, approved the following intersessional meetings:

- .1 the ESPH Working Group (in the latter part of 2008);
- .2 the Joint ICAO/IMO Working Group (22 to 26 September 2008); and
- .3 the *ad hoc* LRIT Working Group (early 2008).

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 84**Substantive items for inclusion in the agendas for MSC 84 and MSC 85**

25.66 The Committee agreed on the substantive items to be included in the agendas of its eighty-fourth and eighty-fifth sessions, as set out in document MSC 83/WP.7, as amended.

Establishment of working groups during MSC 84

25.67 Recalling the provisions 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 eighty-fourth session:

- .1 goal-based new ship construction standards;
- .2 LRIT; and
- .3 human element,

and agreed to establish drafting groups on the following items:

- .4 amendments to mandatory instruments; and
- .5 maritime security.

25.68 Furthermore, the Committee noted that, although MSC 84 may consider the possibility of holding a working group at MSC 85 on the issue of capacity-building, working groups may be established for the following items at MSC 85:

- .1 goal-based new ship construction standards;
- .2 general cargo ship safety; and
- .3 maritime security,

leaving the possibility of holding an FSA Experts Group at MSC 86 as a working group.

Duration and dates of the next two sessions

25.69 The Committee noted that its eighty-fourth session had been scheduled to take place from 7 to 16 May 2008; and its eighty-fifth session tentatively in November 2008.

26 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2008

26.1 The Committee unanimously re-elected Mr. Neil Ferrer (Philippines) as Chairman for 2008 and unanimously elected Mr. Christian Breinholt (Denmark) as Vice-Chairman for 2007 and 2008.

27 ANY OTHER BUSINESS

Global Integrated Shipping Information System (GISIS)

27.1 The Committee recalled that the Global Integrated Shipping Information System (GISIS) was developed by the Secretariat in July 2005, which allows public access to sets of data collected by the Secretariat, and that the Manual for Member States' Administrations and associated disclaimer on the use of reporting facilities was disseminated by circular letter No.2639.

27.2 The Committee noted the updated information provided by the Secretariat on GISIS (MSC 83/27) containing a table on the status of developments of nineteen modules. In this context, it took note that the following modules were available to IMO Member States and the public at large: maritime security, casualties, recognized organizations and port reception facilities. The module on the Condition Assessment Scheme (CAS) was viewable by the public in respect of valid Statements of Compliance (SoC) only and the modules on piracy and armed robbery against ships and port State control had been developed but not yet fully released. Further modules were under development, such as the ones on contact points, IMO requirements, stowaway cases, illegal migrant cases, pollution prevention equipment mandatory under MARPOL and the self assessment of flag State performance.

27.3 The Committee expressed its appreciation to those Member Governments who had taken the direct reporting facilities seriously and acted as data providers on a regular basis. The delegations who spoke welcomed the facilities contained in GISIS, while pointing out the need to ensure that the access to, and speed of the systems, including other IMO servers, allows optimum use. The Secretariat indicated that it would look into the reported slow speed of connections and would make every effort to improve the system.

IMO/IACS Co-operation on the IACS Quality System Certification Scheme (QSCS)

27.4 The Committee noted the information provided by the Secretariat (MSC 83/27/1) on the development of the IACS Quality System Certification Scheme (QSCS) as far as it concerns the participation agreements between IMO and IACS and the IMO consultant/observer's report annexed to that document, in accordance with which the IMO consultant/observer had continued participating in the implementation of the Scheme. Regular progress reports on activities undertaken by the consultant/observer within the Scheme had been submitted to the IMO Secretariat and IACS, and it had been reported that the Scheme was mature and being implemented in a thorough and consistent manner. It was further noted that since the last report to the Committee, the Scheme had been further developed in a number of ways as reported in the annex to document MSC 83/27/1, in particular paragraphs 4 to 11 therein.

27.5 The Committee decided to extend the Organization's participation in the Scheme on the same basis as in the past, that is with no financial implications to the Organization; and requested the Secretariat to report on developments to MSC 85.

OCIMF Recommendations for equipment employed in the bow mooring of conventional tankers at single point moorings

27.6 The Committee noted the information by OCIMF (MSC 83/27/2) concerning the publication of a comprehensively revised 4th edition of the Recommendations for equipment employed in the bow mooring of conventional tankers at single point moorings. OCIMF pointed out that the guidance in this 4th edition had been revised in recognition of the increasing use of

recommended single point mooring equipment in mooring conventional tankers to floating production storage and offloading facilities/floating storage units (FPSO/FSU) and that it was important that tanker owners and operators and operators of single point mooring terminals, including tandem mooring facilities, were aware of changes in these recommendations.

Unified interpretation of “unforeseen delay in delivery of ships”

27.7 The Committee considered a proposal by IACS (MSC 83/27/3) for a unified interpretation of “unforeseen delay in delivery of ships” in the context of SOLAS regulation II-1/3-2 (Corrosion prevention of seawater ballast tanks in oil tankers and bulk carriers) as adopted by resolution MSC.216(82), following MSC 82’s decision to consider the matter at this session. Noting that the regulation gives an application scheme similar to the one in regulation 1.28 of MARPOL Annex I, IACS proposed a unified interpretation very similar to the one for the MARPOL regulation.

27.8 The Committee was of the view that a relevant unified interpretation would be useful and agreed to issue the interpretation as circular MSC.1/Circ.1247 on Unified interpretation of “unforeseen delay in delivery of ships”.

SURSHIP – Survivability of Ships

27.9 The Committee noted the information provided in document MSC 83/27/4 (France, Germany, the Netherlands and Sweden) on a strategic European research co-operation on maritime safety, which started in 2006 and will continue at least until the end of 2009, aiming at improving ship safety by designing ships with enhanced survivability.

Lifejackets not compliant with the requirements of the LSA Code

27.10 The Committee considered document MSC 83/27/5 (Norway), reporting the finding that a significant number of different lifejackets, all tested and certified in accordance with the Revised Recommendation on testing of LSA (resolution MSC.81(70)), had not been fully meeting the requirements of the LSA Code. Norway pointed out that MSC 80, noting that the in-water test regime described in the Revised Recommendation was unfit for making reproducible tests or test results, had adopted resolution MSC.200(80), amending the Revised Recommendation by introducing a reference test device (RTD) and connecting the assessment of a lifejacket’s in-water performance to the test results achieved by the RTD. Norway was of the view that lifejackets tested and certified in accordance with resolution MSC.81(70) should either be replaced by lifejackets tested in accordance with resolution MSC.200(80) or retested in accordance with resolution MSC.200(80) for recertification within a date set by the Committee.

27.11 Following discussion, during which many delegations stated that there was no compelling need to replace tested and certified lifejackets on safety grounds, the Committee agreed not to proceed as proposed by Norway in document MSC 83/27/5.

Persons rescued at sea

27.12 The Committee considered document MSC 83/27/6 (Spain) informing the Committee that it was experiencing a great flood of migrants from Africa towards Europe. The Spanish Maritime Rescue Service had rescued, in 2006 alone, 30,493 migrants from the sea. Spain regretted that entry into force of the 2004 amendments to the SOLAS and SAR Conventions, as adopted by resolutions MSC.153(78) and MSC.155(78), had, in their opinion, not brought the desired results. Spain had therefore made a set of proposals intended to ensure that the international community

had a secure and effective legal system in place. Among others it had suggested the need for making the guidelines, which had been adopted by resolution MSC.167(78), mandatory under the SOLAS and/or SAR Convention.

27.13 The Spanish delegation further stated that it was contemplating to propose a new work programme item on this issue to MSC 84, providing the compelling need for the work to be undertaken in this respect.

27.14 In the ensuing debate most delegations expressed sympathy for the Spanish document in principle, strongly encouraging all Contracting Governments to implement the relevant amendments to the SOLAS and SAR Conventions, and supporting the need for further work to be undertaken on this issue. However, they also cautioned that some of the Spanish proposals were outside the remit of IMO or needed to be considered as a multi-disciplinary matter possibly in an inter-agency approach.

27.15 Some delegations informed the Committee of similar experiences to Spain with the rescue of persons, including undocumented migrants, asylum seekers and refugees in their waters and therefore acknowledged that further work on this issue was required by IMO and other Organizations.

27.16 Some delegations recalled that following considerable complex, sometimes contentious and demanding and highly sensitive negotiations, MSC 78 had adopted the amendments to SOLAS chapter V and the SAR Convention concerning persons rescued at sea, which had only entered into force on 1 July 2006, and the associated Guidelines on the treatment of persons rescued at sea by resolution MSC.167(78), representing a delicate balance, which should not be disturbed so soon after their entry into force. The Guidelines in their present form were not suitable for a mandatory application.

27.17 The Secretary-General informed the Committee that the Secretariat was fully aware of the problem which, if left unattended, would endanger innocent lives at sea. He had communicated with the Spanish Government on the issues under consideration and had highlighted the problem in his speech to the first ever Conference of African Ministers of Transport in Abuja earlier this year.

He acknowledged that parts of the problem were outside the remit of IMO and recalled the inter-agency initiative on persons rescued at sea and the associated meetings in 2001 and 2003 between IMO, IOM, OHCHR, UNHCR, UN/DOALOS and UNODC which had resulted in closer co-operation between the Organizations concerned. Following the recent increase of incidents, particularly in the Mediterranean, another inter-agency meeting was planned to be held in January 2008 to consider any further action to be taken in a co-ordinated manner. The Secretary-General also indicated that technical co-operation in terms of capacity-building would be available in particular to the African States in respect of this issue.

27.18 The Committee expressed appreciation to Spain for bringing this problem to its attention, recognizing the need for caution in relation to associated issues outside IMO's remit, and agreed that there was a need for further discussion and work by IMO, without disturbing the delicate balance achieved with the 2004 Amendments to the SOLAS and SAR Conventions and the associated Guidelines.

27.19 The Committee acknowledged efforts undertaken on a bilateral or multilateral level and the supplementary action under way on the EU level, as well as the intention by Spain to propose a new work programme item to MSC 84 and expressed appreciation to the Secretary-General for

the continuation of the inter-agency initiative as well as the suggested technical co-operation possibilities.

Singapore–Barelang Electronic Navigational Charts

27.20 The Committee noted with appreciation the information provided by Indonesia and Singapore (MSC 83/27/7) on a regional initiative between Indonesia and Singapore to enhance the safety of high-speed craft passenger ferry services. The joint initiative produced quality assured official Electronic Navigational Charts (ENCs), followed by ECDIS sea trials covering ferry routes and terminals in the Riau Islands in Indonesia and Singapore. A Memorandum of Understanding (MoU) was signed between the hydrographic offices of Indonesia and Singapore for the joint administration of these ENCs, which had been officially launched on 12 June 2007.

27.21 The Committee referred document MSC 83/27/7 to the NAV Sub-Committee for information during its consideration of the agenda item on “Development of carriage requirements for ECDIS” at NAV 54.

Applicability of IMO Conventions to FPSOs and FSUs

27.22 The Committee considered the proposal by ITF (MSC 83/27/8) that, in light of the decision of MEPC 56 confirming that article 2 of the MARPOL Convention (definition of a ship) was applicable for the purposes of the MARPOL Convention, to floating production, storage and offloading facilities (FPSOs) and floating storage units (FSUs), the Committee should reconsider the decision of MSC 76 that it was not necessary to apply mandatory IMO instruments to address safety-related issues for FPSOs and FSUs, as the existing safety regime was adequate.

27.23 While there was wide support for developing adequate safety criteria for FPSOs and FSUs, it was recognized that these criteria should not prejudice the rights of the coastal State. Accordingly, the Committee agreed to forward document MSC 83/27/8 (ITF) to FSI 16 and STW 39 for consideration and requested their advice to MSC 85 on the applicability of IMO conventions to FPSOs and FSUs, before establishing any new work programme items for the sub-committees.

Bulk carrier casualty report

27.24 The Committee noted that the information contained in document MSC 83/INF.6 (INTERCARGO) shows that during 2006 seven bulk carriers over 10,000 dwt were recorded as total losses accompanied by the tragic loss of thirty-seven (37) lives – twenty-six (26) in one casualty. According to the report, an analysis of the data to identify trends of the last ten-year period (1997-2006) indicates that the average number of ships, lives and dwt tonnage being lost continues to fall. The report suggested that the losses which occurred in 2006 were exceptional in that two of the incidents were due to groundings as a result of the effects of a typhoon. It also renewed the concern that when a bulk carrier sinks, it invariably does so very quickly and the crew has very little time to evacuate the ship.

Immediate measures introduced after the “Bourbon Dolphin” casualty

27.25 The Committee noted the information provided in document MSC 83/INF.9 (Norway), on the immediate measures that the Norwegian Maritime Administration had introduced after the **Bourbon Dolphin** casualty, pending the outcome of a Special Investigation Committee’s work.

Improving the provision and quality of nautical port information

27.26 The Committee noted the information provided by IHMA, IAPH, IFSMA, OCIMF and BIMCO (MSC 83/INF.19) regarding the fact that the various, sometimes inconsistent sources of nautical information required for port entry and berth/terminal usage could lead to confusion on the part of the user. Misunderstanding or misuse of such data had a direct bearing on ship and port safety and the protection of the environment. The Committee noted the initiative taken by IHMA, IAPH, IFSMA, OCIMF and BIMCO for a more efficient and standardized way of making this information available to mariners and publishers of nautical information.

27.27 The Committee invited the FAL Committee to note the information provided in document MSC 83/INF.19.

Translation in Spanish

27.28 The Committee noted the observation of the delegation of Spain, supported by other Spanish speaking delegations regarding translation, in the Spanish language, of the words “shall” and “should” and requested the Secretariat to take necessary action.

Expression of appreciation

27.29 The Committee unanimously expressed profound appreciation and wholehearted thanks to the Government of Denmark for its invitation to hold this session in Copenhagen and for bearing the substantial cost of moving over the IMO staff designated to assist in the preparation and running of the meeting. More particularly, the Committee expressed deep appreciation to:

- the Danish Ministry of Economic and Business Affairs and the Danish Maritime Authority;
- the Mayor of Copenhagen;
- the Danish Shipowner’s Association;
- A.P. Moller-Maersk; and
- the people of Copenhagen,

for their invaluable contribution to ensure the success of the meeting and make the delegates’ and observers’ stay in Copenhagen most enjoyable.

27.30 The Committee expressed appreciation to the following delegates and observer, 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:

- Adm. Miguel Angelo Davena (Brazil) (on return home);
- Mr. Jeang-Jun Jang (Republic of Korea) (on return home); and
- Mr. John De Rose (IACS) (on impending retirement).

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