

MARITIME SAFETY COMMITTEE
90th session
Agenda item 28

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

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The ninetieth session of the Maritime Safety Committee was held from 16 to 25 May 2012 under the chairmanship of Mr. Christian Breinholt (Denmark). The Vice-Chairman of the Committee, Capt. M. Segar (Singapore), was also present.

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

ALGERIA	ICELAND
ANGOLA	INDIA
ANTIGUA AND BARBUDA	INDONESIA
ARGENTINA	IRAN (ISLAMIC REPUBLIC OF)
AUSTRALIA	IRAQ
AZERBAIJAN	IRELAND
BAHAMAS	ISRAEL
BAHRAIN	ITALY
BANGLADESH	JAMAICA
BARBADOS	JAPAN
BELGIUM	KAZAKHSTAN
BELIZE	KENYA
BOLIVIA (PLURINATIONAL STATE OF)	KIRIBATI
BRAZIL	KUWAIT
BULGARIA	LATVIA
CAMBODIA	LIBERIA
COMOROS (THE)	LIBYA
CAMEROON	LITHUANIA
CANADA	LUXEMBOURG
CHILE	MALAYSIA
CHINA	MALDIVES
COLOMBIA	MALTA
COOK ISLANDS	MARSHALL ISLANDS
CROATIA	MEXICO
CUBA	MONACO
CYPRUS	MOROCCO
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	MOZAMBIQUE
DENMARK	NAMIBIA
DJIBOUTI	NETHERLANDS
DOMINICA	NEW ZEALAND
DOMINICAN REPUBLIC	NICARAGUA
ECUADOR	NIGERIA
EGYPT	NORWAY
EL SALVADOR	OMAN
ESTONIA	PAKISTAN
FINLAND	PANAMA
FRANCE	PAPUA NEW GUINEA
GEORGIA	PERU
GERMANY	PHILIPPINES
GHANA	POLAND
GRENADA	PORTUGAL
GREECE	QATAR
HONDURAS	REPUBLIC OF KOREA
	ROMANIA
	RUSSIAN FEDERATION

SAINT KITTS AND NEVIS	THAILAND
SAINT VINCENT AND THE GRENADINES	TUNISIA
SAN MARINO	TURKEY
SAUDI ARABIA	TUVALU
SERBIA	UKRAINE
SINGAPORE	UNITED KINGDOM
SLOVENIA	UNITED REPUBLIC OF TANZANIA
SOUTH AFRICA	UNITED STATES
SPAIN	URUGUAY
SUDAN	VANUATU
SWEDEN	VENEZUELA (BOLIVARIAN REPUBLIC OF)
SWITZERLAND	
SYRIAN ARAB REPUBLIC	

and the following Associate Members of IMO:

FAROES	MACAO, CHINA
HONG KONG, CHINA	

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

WORLD METEOROLOGICAL ORGANIZATION (WMO)
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

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

WORLD CUSTOMS ORGANIZATION (WCO)
INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
EUROPEAN COMMISSION (EC)
MARITIME ORGANISATION OF WEST AND CENTRAL AFRICA (MOWCA)
LEAGUE OF ARAB STATES
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)
REGIONAL COOPERATION AGREEMENT ON COMBATING PIRACY
AND ARMED ROBBERY AGAINST SHIPS IN ASIA (ReCAAP-ISC)

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

COMITÉ INTERNATIONAL RADIO-MARITIME (CIRM)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION
AND LIGHTHOUSE AUTHORITIES (IALA)
INTERNATIONAL CHAMBER OF COMMERCE (ICC)
INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS (IADC)
INTERNATIONAL COUNCIL OF MARINE INDUSTRY ASSOCIATIONS (ICOMIA)

INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL LIFE-SAVING APPLIANCE MANUFACTURERS'
ASSOCIATION (ILAMA)
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER
OWNERS (INTERTANKO)
INTERNATIONAL GROUP OF P&I ASSOCIATIONS (P&I Clubs)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS
LIMITED (SIGTTO)
INTERNATIONAL MARITIME RESCUE FEDERATION (IMRF)
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (InterManager)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
INTERNATIONAL SAILING FEDERATION (ISAF)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERFERRY
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)
INTERNATIONAL ASSOCIATION OF MARITIME UNIVERSITIES (IAMU)
INTERNATIONAL PAINT AND PRINTING INK COUNCIL (IPPIC)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
INTERNATIONAL ASSOCIATION OF AIRPORT AND SEAPORT POLICE
(IAASP)
NACE INTERNATIONAL
THE NAUTICAL INSTITUTE (NI)
WORLD SHIPPING COUNCIL (WSC)
BUREAU INTERNATIONAL DES CONTAINERS ET DU TRANSPORT
INTERMODAL (BIC)

and by a representative (by invitation) from the:

NORTH ATLANTIC TREATY ORGANIZATION (NATO)

1.5 The Chairmen of all sub-committees were also present. The session was also attended by the President of the Assembly, Mr. Eduardo Medina-Mora (Mexico), the Chairman of the Council, Mr. J.G. Lantz (United States) and the Chairman of the Marine Environment Protection Committee, Mr. A. Chrysostomou (Cyprus).

Opening address of the Secretary-General

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

Chairman's remarks

1.7 The Chairman thanked the Secretary-General for his words of welcome and advice and stated that his advice and requests would be given every consideration in the deliberations of the Committee and its working groups. He expressed his commitment to increase effectiveness and, to this end, his wish, whenever possible, to send out working groups on the first day to embark on those issues that do not require policy debate in Plenary.

Statements by delegations

1.8 The delegation of Panama made a statement on the industrial action being taken by certain trade unions in ports of Argentina against ships entitled to fly the flag of Panama. A copy of their statement is set out in annex 34. In acknowledging the existence of the aforementioned industrial action, the delegation of Argentina made a statement, which is set out in annex 35.

Adoption of the agenda and related matters

1.9 The Committee adopted the agenda (MSC 90/1/Rev.1) and agreed to be guided during the session by the annotated agenda (MSC 90/1/1) and the provisional timetable (MSC 90/1/1/Add.1). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 90/INF.20.

Credentials

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

2 DECISIONS OF OTHER IMO BODIES

2.1 The Committee noted the decisions of TC 61 (MSC 90/2), C 106, C 107 and C/ES.26 (MSC 90/2/1), MEPC 62 and MEPC 63 (MSC 90/2/2 and Add.1), FAL 37 (MSC 90/2/3), A 27 (MSC 90/2/4) and LEG 99 (MSC 90/2/5) and took action as reported under the relevant agenda items.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

GENERAL

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

- .1 chapters II-1, II-2, III, V, VI, VII and XI-1 of the Convention, as amended, in accordance with the provisions of article VIII;
- .2 the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code), in accordance with the provisions of article VIII and regulation X/1.2 of the Convention;

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- .3 the International Code for Fire Safety Systems (FSS Code), in accordance with the provisions of article VIII and regulation II-1/3.22 of the Convention; and
 - .4 the International Maritime Dangerous Goods (IMDG) Code, in accordance with the provisions of article VIII and regulation VII/1.1 of the 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 article VIII(b)(iii) and VIII(b)(iv) of the Convention.

3.3 The proposed amendments to the 1974 SOLAS Convention and to Codes mandatory under the Convention were circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the Convention by Circular letters No.3190 of 15 June 2011 and No.3233 of 15 November 2011.

3.4 Contracting Governments to the International Convention on Load Lines, 1966, were invited to consider and adopt, in accordance with the provisions of article 29(3)(a) of the Convention, the proposed amendments to annex II approved by MSC 89 (MSC 89/25, annex 19). In accordance with the aforementioned article, any amendment, if adopted by a majority of two thirds of those present and voting in the Maritime Safety Committee, shall be communicated to all Members of the Organization and all Contracting Governments at least six months prior to its consideration by the Assembly of the Organization with a view to adoption.

3.5 Parties to the 1988 Load Lines Protocol were invited to consider and adopt proposed amendments 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 paragraph 2(f)(ii)(bb) of article VI of the 1988 Load Lines Protocol.

3.6 The proposed amendments to the 1988 Load Lines Protocol were circulated, in accordance with article VI of the Protocol, to all IMO Members and Parties to the Protocol by Circular letter No.3195 of 20 June 2011.

3.7 The Committee was also invited to consider and approve a draft MSC circular on Early implementation of the amendments to SOLAS regulation III/20.11.2, prepared by DE 56 as instructed by MSC 89, in conjunction with the adoption of related SOLAS amendments.

3.8 The Committee was further invited to consider and approve draft amendments to the appendices (certificates) of the 1974 SOLAS Convention and its 1978 and 1988 Protocols, with a view to subsequent adoption.

CONSIDERATION OF AMENDMENTS TO MANDATORY INSTRUMENTS

PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

3.9 The Committee recalled that the proposed amendments to the 1974 SOLAS Convention (MSC 90/3, annex 1) had been developed by DSC 14, FP 54, NAV 56, SLF 53, BLG 15 and DE 55 and were approved by MSC 87, MSC 88 and MSC 89.

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1**Regulation 8-1 – System capabilities after a flooding casualty on passenger ships**

3.10 The Committee, having noted square brackets in paragraph 3 (third and last lines), around [1 January 2014] and [in accordance with], agreed to retain the date and delete the square brackets, and replace the words "in accordance with" by the words "based on" and delete the square brackets, and instructed the drafting group accordingly.

3.11 The Committee noted that no comments had been submitted on the draft amendments to regulation II-1/8-1 and confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-2**Regulation 1 – Application****Regulation 9 – Containment of fire****Regulation 10 – Fire-fighting****Regulation 20 – Protection of vehicle, special category and ro-ro spaces**

3.12 The Committee recalled that amendments to the relevant paragraphs in regulation II-2/1 had previously been adopted at MSC 88 (resolution MSC.308(88)), and are due to enter into force on 1 July 2012. Having noted that the amendments adopted by MSC 88 had been accepted on 1 January 2012 and would, therefore, enter into force on 1 July 2012, the Committee agreed to proceed with the adoption of further amendments to regulation II-2/1.

3.13 The Committee noted that no comments had been submitted on the draft amendments to regulations II-2/1, II-2/9, II-2/10 and II-2/20 and confirmed their contents, subject to editorial improvements, if any, noting that document MSC 90/11/5 (IACS) might require consequential amendments to regulation II-2/20.

3.14 In this context, the Committee noted the statement by the delegation of Germany on its review of document MSC 90/3 and the implementation of the amendments to SOLAS chapter II-2, adopted by resolution MSC.308(88), which raised concerns regarding the uniform application of SOLAS chapter II-2, in particular two apparent problems arise, as follows:

- .1 resolution MSC.308(88) amended regulation II-2/1 without a review of the regulations contained in the chapter, having specific date of application. All those regulations were drafted based on chapter II-2 being applicable for ships constructed on or after 1 July 2002. The result being the same text based on a chapter being applicable for ships constructed on or after 2012, which may lead to legal conflicts and misinterpretations; and
- .2 resolution MSC.308(88) changed the application date for chapter II-2, without addressing the ambiguity arising for existing regulations not amended, that lack a specific application provision. The result being that it is no longer possible to distinguish from the current SOLAS, whether a regulation is new and applies only to new ships constructed after the date specified by regulation II-2/1 or whether it had existed since 2002. Furthermore, the reference will not lead the user to a single rule that can be applied to ships built at a specific date, thus requiring review of all the changes to draw up the

exact rule applicable. The situation gets more complex, if an existing regulation without a specific application provision is changed only in part. In those cases, the regulation as such is applicable from the new date but in part also applies to older ships, making it even harder to distinguish.

The full text of the statement made by the delegation of Germany is set out in annex 36.

3.15 In response to the concerns raised by the delegation of Germany, the Committee noted the views of the delegation of Argentina that the amendments to SOLAS chapter II-2 were approved by MSC 88, in December 2010, including important draft amendments to regulations II-2/9, II-2/10 and II-2/20, prepared in order to improve the fire safety on board ships, and that it was not appropriate to make substantial changes to the draft amendments at this stage, unless they were submitted in writing in accordance with the Committees' Guidelines. The delegation also pointed out that FSI 20 had discussed the matter extensively, taking into account document MSC 89/3/3 (Argentina), and had noted that Argentina intended to submit a document expanding on its proposal to MSC 91 and, if necessary, to FSI 21.

3.16 Following an extensive discussion, the Committee decided to postpone the adoption of the draft amendments to SOLAS chapter II-2 and invited Member States and international organizations to submit comments and proposals on the draft amendments to SOLAS chapter II-2, regarding the uniform application of the proposed amendments, to MSC 91 (see also paragraph 3.52).

PROPOSED AMENDMENTS TO SOLAS CHAPTER III

Regulation 20 – Operational readiness, maintenance and inspections

3.17 The Committee noted that no comments had been submitted on the draft amendments to regulation III/20 and confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER V

Regulation 14 – Ships' manning

3.18 The Committee noted that no comments had been submitted on the draft amendments to regulation V/14, and confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER VI

Regulation 5-2 – Prohibition of blending of bulk liquid cargoes during the sea voyage

3.19 The Committee noted that no comments had been submitted on the draft amendments to regulation VI/5-2, and confirmed their contents, subject to editorial improvements, if any.

3.20 In this context, the Committee considered the following documents:

- .1 MSC 90/3/Add.2 (Secretariat), providing the outcome of BLG 16 in relation to the draft new SOLAS regulation VI/5-2 and reporting that BLG 16 agreed to a draft new SOLAS regulation VI/5-3, prohibiting any production process on board a ship during the sea voyage, for consideration by the Committee,

with a view to adoption of both draft SOLAS regulations VI/5-2 and VI/5-3, as a single package; and

- .2 MSC 90/14/2 (Liberia, United States, Vanuatu, IADC, IMCA and OCIMF), providing, in relation to the proposed new SOLAS regulation VI/5-3, further information on the type of offshore service activities that could be inadvertently affected by the proposed prohibition of production processes.

3.21 In addition to the above documents, the Committee noted the proposal made by the delegation of Netherlands to insert explicit text relating to production processes on board ships building sub-sea structures. Its concern was that this prohibition on production processes would also prohibit the building of sub-sea structures, for example when the construction involved the creation of concrete.

3.22 Following a lengthy discussion, and noting that the majority of those that had spoken supported the proposal by BLG 16, as amended by the text in option 2 in the annex to document MSC 90/14/2 (United States), the Committee instructed the drafting group to prepare the final text of the draft new SOLAS regulation VI/5-2 accordingly.

PROPOSED AMENDMENTS TO SOLAS CHAPTER VII

Regulation 4 – Documents

3.23 The Committee noted that no comments had been submitted on the draft amendments to regulation VII/4, and confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER XI-1

Regulation 2 – Enhanced surveys

3.24 The Committee noted that no comments had been submitted on the draft amendments to regulation XI-1/2, and confirmed their contents, subject to editorial improvements, if any.

DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

3.25 The Committee agreed that the SOLAS amendments proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2013 and enter into force on 1 January 2014, and instructed the drafting group to finalize the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO MANDATORY CODES

PROPOSED AMENDMENTS TO THE 2000 HSC CODE

3.26 The Committee recalled that the proposed amendments to the 2000 HSC Code (MSC 90/3, annex 2) had been developed by COMSAR 14 and approved by MSC 88, and, having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.27 The Committee agreed that the amendments to the 2000 HSC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2013 and enter into force on 1 January 2014, and instructed the drafting group to finalize the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE FSS CODE

3.28 The Committee recalled that the proposed amendments to the FSS Code (MSC 90/3, annex 3) had been developed by FP 54 and approved by MSC 88, and, having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any.

3.29 In this context, having considered document MSC 90/3/3 (Secretariat), containing further modifications to the draft text of paragraphs 3.2.2.2 and 3.3.2.2 of chapter 6 of the Code, developed by FP 55 as instructed by MSC 88, for consideration in conjunction with the adoption of amendments to the FSS Code, the Committee agreed to the modifications prepared by FP 55 to the aforementioned paragraphs of chapter 6 of the Code.

3.30 Recalling its decision to postpone the adoption of amendments to SOLAS chapter II-2 (see paragraph 3.16), and noting that the draft amendments to chapter 7 of the Code were prepared, and therefore should be adopted, in conjunction with the draft amendments to chapter II-2, the Committee agreed to postpone the adoption of the draft amendments to chapter 7 of the Code to MSC 91.

Date of entry into force of the proposed amendments

3.31 The Committee agreed that the amendments to the FSS Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2013 and enter into force on 1 January 2014, and instructed the drafting group to finalize the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE IMDG CODE

3.32 The Committee recalled that the proposed amendments to the IMDG Code had been agreed by DSC 16 and circulated in accordance with the amendment procedure for the IMDG Code approved by MSC 75 (MSC 75/24, paragraph 7.36.3), and, having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.33 The Committee agreed that the amendments to the IMDG Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2013 and enter into force on 1 January 2014, noting that operative paragraph 4 of the draft requisite MSC resolution states that Contracting Governments to the SOLAS Convention may apply the amendments in whole or in part on a voluntary basis as from 1 January 2013. Subsequently, the Committee instructed the drafting group to finalize the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE 1966 LOAD LINES CONVENTION

PROPOSED AMENDMENTS TO THE 1966 LOAD LINES CONVENTION, ANNEX II – ZONES, AREAS AND SEASONAL PERIODS

Regulation 47 – Southern Winter Seasonal Zone

3.34 The Committee recalled that the proposed amendments to the 1966 Load Lines Convention (MSC 90/3/1, annex) had been developed by SLF 53 and approved by MSC 89 for adoption at this session and subsequent adoption by the Assembly at its twenty-eighth session and, noting that no comments had been submitted on the proposed amendments to the Convention, confirmed their contents, subject to editorial improvements, if any.

Draft Assembly resolution on adoption of the proposed amendments to the 1966 Load Lines Convention

3.35 The Committee considered the draft Assembly resolution contained in the annex to document MSC 90/3/1 and instructed the drafting group to finalize it for approval.

PROPOSED AMENDMENTS TO THE 1988 LOAD LINES PROTOCOL

PROPOSED AMENDMENTS TO THE 1988 LOAD LINES PROTOCOL, ANNEX II – ZONES, AREAS AND SEASONAL PERIODS

Regulation 47 – Southern Winter Seasonal Zone

3.36 The Committee recalled that the proposed amendments to the 1988 Load Lines Protocol (MSC 90/3/2, annex) had been developed by SLF 53 and approved by MSC 89, and, noting that no comments had been submitted on the proposed amendments, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.37 The Committee agreed that the amendments to the 1988 Load Lines Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2013 and enter into force on 1 January 2014, and instructed the drafting group to finalize the draft requisite MSC resolution for adoption.

DRAFT MSC CIRCULAR ON EARLY IMPLEMENTATION OF THE AMENDMENTS TO SOLAS REGULATION III/20.11.2

3.38 The Committee recalled that the draft MSC circular on Early implementation of the amendments to SOLAS regulation III/20.11.2 (MSC 90/9/Add.1, paragraph 2.6) had been prepared by DE 56, as instructed by MSC 89, for approval at this session in conjunction with the adoption of the amendments to SOLAS regulation III/20.11.2. Noting that no comments had been submitted on the draft circular, the Committee confirmed its contents, subject to editorial improvements, if any, and instructed the drafting group to finalize it for approval.

AMENDMENTS TO THE APPENDICES TO THE 1974 SOLAS CONVENTION AND ITS 1978 AND 1988 PROTOCOLS

3.39 The Committee recalled that MSC 89, having noted the outcome of a study (MSC 89/19, annex 1) which had found that amendments to the appendices of the 1974 SOLAS Convention and its 1978 and 1988 Protocols had not always been harmonized and that, in some

cases, this had resulted in inconsistencies in some forms of certificates or records of equipment, had considered amendments to the appendices of the aforementioned instruments. Consequently, MSC 89 approved editorial modifications to the annexes to resolutions MSC.171(79) and MSC.216(82), to be issued by means of Notes Verbales of rectification, but decided to defer the consideration of draft amendments to the appendices of the 1974 SOLAS Convention and its 1978 and 1988 Protocols to this session.

3.40 In this context, the Committee had for consideration document MSC 90/3/4 (Secretariat), containing draft editorial amendments to the relevant SOLAS amendments adopted by resolution MSC.170(79) for issuance as a Note Verbale of rectification; and revised proposals with respect to those contained in paragraph 7 of document MSC 89/19, concerning the streamlining of records of equipment contained in the appendices to the 1974 SOLAS Convention and its 1988 Protocol.

3.41 The Committee agreed that draft amendments should be developed in order to reduce the number of records of equipment by removing the records of equipment (i.e. Form P, Form E, Form R and Form C) from the appendix to the 1988 SOLAS Protocol; removing the records of equipment (i.e. Form PNUC and Form CNUC) from the appendix to the 1974 SOLAS Convention; adding Form C to the appendix of the 1974 SOLAS Convention; and modifying wording in those records accordingly.

3.42 The Committee also agreed to update the records of equipment (Form P, Form E, Form R and Form C) to reflect the current requirements as appropriate.

3.43 Consequently, the Committee referred documents MSC 89/19 and MSC 90/3/4 to the drafting group and instructed it, taking into account the discussion and decisions made in plenary, to prepare:

- .1 draft amendments to the appendices of the 1974 SOLAS Convention and its 1978 and 1988 Protocols, on the basis of annexes 5 to 7 to document MSC 89/19, for consideration by the Committee for approval, with a view to adoption at MSC 91; and
- .2 a draft Note Verbale of rectification to effect editorial corrections to the draft SOLAS amendments adopted by resolution MSC.170(79), on the basis of the annex to document MSC 90/3/4, for approval by the Committee.

ESTABLISHMENT OF THE DRAFTING GROUP

3.44 Following discussion, the Committee established an ad hoc drafting group and instructed it, taking into account the decisions taken in plenary, to prepare, for consideration by the Committee with a view to adoption and approval, as appropriate:

- .1 the final text of the draft amendments to the 1974 SOLAS Convention and the associated draft MSC resolution, based on annex 1 to document MSC 90/3;
- .2 the final text of the draft amendments to the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code) and the associated draft MSC resolution, based on annex 2 to document MSC 90/3;

- .3 the final text of the draft amendments to the International Code for Fire Safety Systems (FSS Code) and the associated draft MSC resolution, based on documents MSC 90/3, annex 3, and MSC 90/3/3;
- .4 the final text of the draft amendments to the International Maritime Dangerous Goods (IMDG) Code and the associated draft MSC resolution, based on the annex to document MSC 90/3/Add.1;
- .5 the final text of the draft amendments to the 1966 Load Lines Convention and the associated draft Assembly resolution, based on the annex to document MSC 90/3/1;
- .6 the final text of the draft amendments to the 1988 Load Lines Protocol and the associated draft MSC resolution, based on the annex to document MSC 90/3/2;
- .7 the final text of the draft MSC circular on Early implementation of the amendments to SOLAS regulation III/20.11.2, based on annex 4 to document DE 56/25;
- .8 the draft amendments to the appendices of the 1974 SOLAS Convention and its 1978 and 1988 Protocols, based on annexes 5 to 7 to document MSC 89/19; and
- .9 a draft note verbale of rectification to the SOLAS amendments adopted by resolution MSC.170(79), based on the annex to document MSC 90/3/4.

REPORT OF THE DRAFTING GROUP

3.45 Having considered the report of the drafting group (MSC 90/WP.5), the Committee approved it in general and took action as indicated hereunder.

ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

ADOPTION OF AMENDMENTS TO THE 1974 SOLAS CONVENTION

3.46 The expanded Committee, including delegations of 110 Contracting Parties to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapters II-1, III, V, VI, VII and XI-1 of the 1974 SOLAS Convention, prepared by the drafting group (MSC 90/WP.5, annex 1), and adopted the amendments unanimously by resolution MSC.325(90), as set out in annex 1.

3.47 In this connection, the Committee noted that, in considering the draft new SOLAS regulation VI/5-2, on the prohibition of the blending of bulk liquid cargoes during the sea voyage, the group discussed in depth the proposal made by the Netherlands in plenary (see paragraph 3.21) to insert explicit text relating to production processes on board ships building sub-sea structures. The concern was that this prohibition on production processes would also prohibit the building of sub-sea structures, for example when the construction involved the creation of concrete. The Committee also noted that the group prepared, based on the text proposed by the Netherlands, an alternative draft paragraph 5-2.4, as shown below:

- "4 The prohibition in paragraph 3 does not apply to the production processes of cargoes on board ships for use in:

- .1 the search and exploitation of seabed mineral resources; and
- .2 the construction of structures on the seabed."

However, the Committee noted that the group could not agree to the insertion of the aforementioned text, as some members were of the view that this exemption could have a broad interpretation and that the proposed text was outside the scope of the terms of reference of the group, besides in the group's opinion it was not necessary, as the above elements were already captured within the draft amendments.

3.48 In adopting resolution MSC.325(90), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Convention should be deemed to have been accepted on 1 July 2013 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2014, in accordance with the provisions of article VIII thereof.

ADOPTION OF AMENDMENTS TO CODES MADE MANDATORY UNDER THE 1974 SOLAS CONVENTION

Adoption of amendments to the 2000 HSC Code

3.49 The expanded Committee, including delegations of 110 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 2000 HSC Code prepared by the drafting group (MSC 90/WP.5, annex 2) and adopted the amendments, with a minor modification to harmonize the requirements for passenger craft and cargo-carrying craft, unanimously by resolution MSC.326(90), set out in annex 2.

3.50 In adopting resolution MSC.326(90), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 2000 HSC Code should be deemed to have been accepted on 1 July 2013 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2014, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the FSS Code

3.51 The expanded Committee, including delegations of 110 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapters 6 and 8 of the FSS Code, prepared by the drafting group (MSC 90/WP.5, annex 3), and adopted the amendments unanimously by resolution MSC.327(90), as set out in annex 3.

3.52 In this context, having recalled its decision to postpone the adoption of the draft amendments to SOLAS chapter II-2 and chapter 7 of the FSS Code (see paragraph 3.30), the Committee noted the group's recommendation to postpone the adoption of the proposed amendments to the FSS Code, with a view to adoption in conjunction with the adoption of the draft amendments to SOLAS chapter II-2. Notwithstanding the above, and following discussion, having agreed that, except for chapter 7, only the draft amendments to chapter 5 of the Code had a link to the amendments to SOLAS chapter II-2, and therefore should be adopted, in conjunction with the draft amendments to chapter II-2, the Committee agreed to also postpone the adoption of the draft amendments to chapter 5 of the FSS Code to MSC 91.

3.53 In adopting resolution MSC.327(90), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to chapters 6 and 8 of the FSS Code should be deemed to have been accepted on 1 January 2013 (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 2014, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the IMDG Code

3.54 The expanded Committee, including the delegations of 110 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IMDG Code, prepared by the drafting group (MSC 90/WP.5, annex 4), and adopted the amendments unanimously by resolution MSC.328(90), set out in annex 4.

3.55 The Committee noted that, whenever the SOLAS and MARPOL Conventions are referred to in the Code, the correct names of the two instruments should be used for purposes of consistency and requested the Secretariat to harmonize such references accordingly.

3.56 The Committee also noted that an editorial correction to the draft IMDG Code amendment 36-12 (see paragraph 98 of the modifications to annex 2 to the annex to document MSC 90/3/Add.1, as contained in annex 4 to document MSC 90/WP.5), necessitated a minor consequential amendment to MSC.1/Circ.1438 on Amendments to the Emergency Response Procedures for Ships carrying Dangerous Goods (EmS Guide) approved under agenda item 12 (see paragraph 12.2). Therefore, in the circular, in the index of the EMS Guide, for UN 3171, in the column for EmS Fire, "F-I" should be replaced with "F-A".

3.57 In adopting resolution MSC.328(90), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IMDG Code should be deemed to have been accepted on 1 July 2013 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2014, in accordance with the provisions of SOLAS article VIII.

3.58 The Committee agreed, in accordance with the procedure adopted by MSC 75 for the adoption of amendments to the IMDG Code with regard to voluntary application of new amendments one year prior to the date of entry into force, as stated in operative paragraph 4 of the above resolution, that Contracting Governments may apply the aforementioned amendments in whole or in part on a voluntary basis from 1 January 2013, pending their entry into force on 1 January 2014.

ADOPTION OF AMENDMENTS TO THE 1966 LOAD LINES CONVENTION

3.59 The Committee considered the final text of the proposed amendments to Annex II to the 1966 Load Lines Convention, prepared by the drafting group (MSC 90/WP.5, annex 5) and adopted the amendments and approved the associated draft Assembly resolution, as set out in annex 5, for submission to the twenty-eighth session of the Assembly for adoption. The Committee requested the Secretary-General to circulate the adopted amendments and associated draft Assembly resolution in time for consideration by the twenty-eighth session of the Assembly.

ADOPTION OF AMENDMENTS TO THE 1988 LOAD LINES PROTOCOL

3.60 The expanded Committee, including delegations of 76 Parties to the 1988 Load Lines Protocol, considered the final text of the proposed amendments to annex II to the Protocol, prepared by the drafting group (MSC 90/WP.5, annex 6) and adopted the amendments unanimously by resolution MSC.329(90), as set out in annex 6.

3.61 In adopting resolution MSC.329(90), the expanded Committee determined, in accordance with article VI of the 1988 Load Lines Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 July 2013 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VI of the 1988 Load Lines Protocol) and should enter into force on 1 January 2014, in accordance with the provisions of article VI of the 1988 Load Lines Protocol.

APPROVAL OF RELATED NON-MANDATORY INSTRUMENT

EARLY IMPLEMENTATION OF THE AMENDMENTS TO SOLAS REGULATION III/20.11.2

3.62 The Committee considered the draft MSC circular concerning the early implementation of the amendments to SOLAS regulation III/20.11.2 (see paragraph 3.33), prepared by the drafting group (MSC 90/WP.5, annex 7), and approved MSC.1/Circ.1411 on Early implementation of the amendments to SOLAS regulation III/20.11.2.

APPROVAL OF DRAFT AMENDMENTS TO MANDATORY INSTRUMENTS

DRAFT AMENDMENTS TO THE APPENDICES TO THE 1974 SOLAS CONVENTION AND ITS 1978 AND 1988 PROTOCOLS

3.63 The Committee, having considered the text of the draft amendments to the appendices to the 1974 SOLAS Convention, the 1978 SOLAS Protocol and the 1988 SOLAS Protocol, as prepared by the drafting group (MSC 90/WP.5, annexes 9, 10 and 11, respectively), approved the draft amendments, set out in annexes 7, 8 and 9, respectively, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, article II of the 1978 SOLAS Protocol and article VI of the 1988 SOLAS Protocol, respectively, with a view to adoption at MSC 91.

EDITORIAL CORRECTIONS TO THE SOLAS AMENDMENTS ADOPTED BY RESOLUTION MSC.170(79)

3.64 In this connection, the Committee also considered and endorsed editorial corrections to the SOLAS amendments adopted by resolution MSC.170(79) (see paragraph 3.35), as prepared by the drafting group (MSC 90/WP.5, annex 8) and set out in annex 10, and instructed the Secretariat to issue a relevant note verbale of rectification.

INSTRUCTIONS TO THE SECRETARIAT

3.65 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 Parties to the 1988 Load Lines Protocol.

OTHER MATTERS

3.66 The Committee noted that older MSC circulars that do not have a numerical designation (i.e. "MSC/Circ.", as opposed to "MSC.1/Circ.", etc.) are not available on the IMODOCS website and requested the Secretariat to take action accordingly to make them available as soon as possible.

4 MEASURES TO ENHANCE MARITIME SECURITY

Outcome of FAL 37

4.1 In considering the outcome of FAL 37 with respect to maritime security (MSC 90/4), the Committee noted that the FAL Committee had adopted resolution FAL.11(37) on *Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases*. The Revised guidelines outline comprehensive strategies to improve access control and prevent intending stowaways from gaining access to ships; and for public authorities, port authorities, shipowners and masters, to cooperate to the fullest extent possible in order to resolve stowaway cases expeditiously and secure the early return or repatriation of stowaways. This resolution mirrored the provisions of resolution MSC.312(88). Both resolutions became effective on 1 October 2011.

4.2 The Committee also noted that the FAL Committee had decided to develop voluntary guidelines or recommendations for use by countries towards enhancing the resilience of maritime shipping within the global supply chain system in the event of large-scale system disruptions, in coordination with the World Customs Organization (WCO). To this end, FAL 37 established a correspondence group to progress the matter under the coordination of Canada and the United States^{*1} and instructed the group to report to FAL 38 (FAL 37/17, paragraph 8.38). The Committee urged Member States and international organizations to participate in the work of the correspondence group.

Communication of information to the Organization

4.3 In considering the communication of security-related information to the Organization, the Committee recalled that the Secretariat had incorporated the changes to the maritime security module in the IMO Global Integrated Shipping Information System (GISIS) that had been agreed by MSC 88. The Committee noted that a review of the information contained in the GISIS maritime security module indicated that a significant proportion of Contracting Governments had yet to update their information and, therefore, were not fulfilling their obligations under SOLAS regulation XI-2/13 on Communication of information. The Committee urged Contracting Governments to review their information in GISIS and update it as necessary.

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Implementation of SOLAS chapter XI-2 and the ISPS Code

4.4 The Committee recalled that it had, at both MSC 85 and MSC 86, urged SOLAS Contracting Governments and international organizations to bring to the attention of the Committee, at the earliest opportunity, the results of the experience gained from the use of the guidance in MSC.1/Circ.1192 on Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities; MSC.1/Circ.1193 on Guidance on voluntary self-assessment by Administrations and for ship security; and MSC.1/Circ.1194 on Effective implementation of SOLAS chapter XI-2 and the ISPS Code, for consideration of action to be taken.

4.5 The Committee noted document MSC 90/4/1 (Australia), informing the Committee that Australia had, in early 2012, conducted and completed a Voluntary Self-Assessment of Australian port facilities and ship security using the guidance provided in MSC.1/Circ.1192 and MSC.1/Circ.1193. During this assessment, Australia had also considered the elements in MSC.1/Circ.1194. The voluntary self-assessment process demonstrated to Australia the value of these self-assessment tools.

5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

General

5.1 Referring to document MSC 90/5 (Secretariat), the Committee recalled that MSC 89 approved the Generic guidelines for developing IMO goal-based standards (MSC.1/Circ.1394); with regard to the future work on Goal-based Standards (GBS), agreed on the issues to be considered in the long term (MSC 89/WP.7, paragraph 13); recommended the inclusion of security and protection of the marine environment for GBS in the strategic directions, high-level actions and planned outputs for the coming biennium; and urged Member States and international organizations to submit further nominations for GBS auditors to the Secretariat as a matter of priority.

5.2 In this connection, the Committee noted that A 27 included in the Strategic Plan for the Organization a relevant strategic direction² and in the High-level Action Plan a corresponding high-level action³ with two planned outputs:

- .1 implementation of goal-based new ship construction standards for bulk carriers and oil tankers (MSC); and
- .2 development of goal-based ship construction standards for all types of ships, including safety, security and protection of the marine environment (MSC and MEPC).

Implementation of the GBS verification scheme

5.3 The Committee considered document MSC 90/5/1 (Secretariat), reporting on the current status of the implementation of the GBS verification scheme and raising a number of issues requiring further consideration, including the insufficient number of nominated GBS auditors, training of auditors, resource issues, verification of rule changes, and appeals and took action as described in paragraphs 5.4 and 5.5.

² Strategic Plan for the Organization (resolution A.1037(27)), strategic direction SD 10 (IMO will apply goal-based standards for maritime safety and environmental protection).

³ High-level Action Plan of the Organization (resolution A.1038(27)), high-level action 10.0.1 (Further develop measures to apply goal-based standards for maritime safety and environmental protection).

5.4 Regarding the issue of the insufficient number of nominations for GBS auditors received by the Secretariat to date, the Committee noted that recent nominations had increased the number of auditors to 57 and, once again, urged Member States and international organizations to submit further nominations.

5.5 The Committee considered the resource limitations (i.e. financing of appeals, verification of annual rule changes, appointment of a Permanent Secretary, etc.) and the constraints which may subsequently arise for the implementation of the GBS verification scheme but decided to only note this issue being of the view that resource matters fall under the remit of the Council.

Further consideration of the safety-level approach (SLA)

5.6 The Committee considered document MSC 90/5/2 (Germany), providing a proposal for the further development of the safety-level approach, using the ongoing work in the DE Sub-Committee on the review of the requirements for LSA as an example, and suggesting that general concepts for balancing safety provisions be further discussed.

5.7 In considering the above document, some delegations pointed out that there was an apparent lack of reliable data to define safety levels and it was important to firstly identify data sources before progressing the work on the above approach. Furthermore, a plan for the work on the safety-level approach needed to be developed to ensure a structured approach was taken.

5.8 Following discussion, the Committee decided to instruct the working group to consider the proposal for the further development of the safety-level approach, including possible sources of data, taking into account the comments made in plenary, and advise the Committee accordingly (see paragraph 5.13.1).

Guidelines for approval of risk-based ship design

5.9 The Committee considered documents MSC 90/5/3 (Germany and Republic of Korea), suggesting the development of Guidelines for the approval of risk-based ship design, based on relevant guidelines submitted by Denmark to MSC 86 (MSC 86/5/3), to replace the current guidelines for alternative designs and arrangements as contained in circulars MSC.1/Circ.1002 and MSC.1/Circ.1212; and MSC 90/INF.8 (Republic of Korea), thus providing a description of a structural safety assessment procedure developed in accordance with the safety-level approach in order to assist the considerations of the Committee.

5.10 In the ensuing discussion, it was stressed, inter alia, that alternative designs must be approved by Administrations; that any guidelines to be developed should not inhibit the development of new technologies; that the safety level provided by such guidelines needed to be equivalent to those provided by the existing IMO guidance on alternative designs and arrangements; and that any analysis carried out should be transparent and reliable.

5.11 In addition, there was a need for clarity on the distinction between risk-based assessment and risk-balancing techniques within the IMO process for developing rules and the use of such techniques as design tools for individual ships. While the need for Administrations and others to have guidance on the correct assessment of proposals for alternative and equivalent provision for specific systems and equipment under the existing provisions of SOLAS or for application to novel ship types was recognized, concern remained over the more widespread use of explicitly probabilistic design methods on individual ships of otherwise standard design and service.

5.12 Following discussion, the Committee decided to instruct the working group to further consider the proposal for the development of Guidelines for the approval of risk-based ship design, taking into account the comments made in plenary, and advise the Committee accordingly (see paragraph 5.13.2).

Establishment of the working group

5.13 The Committee established the Working Group on Goal-based Standards and Formal Safety Assessment (GBS/FSA) and, with regard to this agenda item, instructed the group, taking into account comments and proposals made in plenary, to:

- .1 consider the proposal for the further development of the safety-level approach in document MSC 90/5/2, including possible sources of data, and advise the Committee accordingly; and
- .2 consider the proposal for the development of Guidelines for the approval of risk-based ship design in document MSC 90/5/3, taking into account document MSC 90/INF.8, and advise the Committee accordingly.

Report of the working group

5.14 Having considered the part of the report of the working group dealing with the agenda item (MSC 90/WP.7/Add.1), the Committee approved it in general and took action as indicated in the following paragraphs.

Further development of the safety-level approach

5.15 The Committee endorsed the group's view regarding the further development of the safety-level approach, i.e. that SLA is an application of risk-based concepts in order to determine the safety level of regulations, with a view to developing or changing international regulations, within or outside the GBS approach.

5.16 The Committee agreed, in principle, to the following definitions for safety level and SLA prepared by the group:

- .1 *safety level* is a measure of exposure to risk; and
- .2 *safety-level approach* is the structured application of risk-based methodologies in the IMO rule-making process.

5.17 The Committee noted and endorsed the group's view on the development of a framework for SLA, in particular the following elements for the development of a framework for SLA, noting that these elements do not necessarily indicate process steps:

- .1 assessing the safety level (What is the safety level?);
- .2 acceptability of the safety level (Is the safety level acceptable?); and
- .3 whether to amend relevant requirements, using risk-based methodologies:
 - .1 setting goals (Tier I);
 - .2 setting functional requirements (Tier II);

- .3 developing/amending rules and regulations (Tier IV);
- .4 verifying the above rules and regulations (Tier III); and
- .5 developing standards based on rules and regulations (Tier V).

5.18 The Committee endorsed the following work plan for the development of interim guidelines for the SLA:

- .1 conduct relevant SLA exercises, as examples for further consideration, taking note of the experience gained within the DE Sub-Committee in restructuring SOLAS chapter III and other relevant experience within other organs, using a goal-based/risk-based approach; and
- .2 initially assess the current safety levels, taking into account the various FSA studies submitted to IMO, including:
 - .1 developing risk models for SLA to assess the current regulations;
 - .2 applying risk models to assess the current regulations; and
 - .3 identifying the need, procedures, if necessary, and sources for collecting/improving data, taking into account the work of the FSI Sub-Committee and the GISIS database.

5.19 With regard to the issue of the lack of reliable data (see paragraph 5.7), the Committee noted that the group had discussed the issues surrounding the availability of data and its impact on the development of the SLA; had noted that they should not adversely affect the further development of the SLA framework or the development of risk models; and had included a related item in the above-mentioned work plan (see paragraph 5.18.2.3).

5.20 The Committee invited Member States and international organizations to submit comments and proposals to MSC 91 on the work plan, in particular addressing the item in paragraph 5.18.1 above, as a matter of priority.

Guidelines for the approval of risk-based ship design

5.21 The Committee noted the discussions of the group concerning the development of guidelines for the approval of equivalents and alternatives as provided for in various IMO instruments.

5.22 Having noted that provisions for alternative designs and arrangements are not only contained in the SOLAS Convention, but also in the MARPOL Convention and other IMO instruments, the Committee requested the Secretariat to inform MEPC of the ongoing work in the Committee regarding the development of the aforementioned guidelines.

Establishment of a working group at MSC 91

5.23 Taking into account the progress made at the session, the Committee agreed to establish a working group on goal-based standards at MSC 91 to further consider matters related to the SLA and also draft guidelines for the approval of equivalents and alternatives as provided for in various IMO instruments (see also paragraph 5.24).

Establishment of a correspondence group

5.24 To progress the work intersessionally, the Committee establish a Correspondence Group on Goal-Based Standards, under the coordination of the United States⁴, and instructed it to:

- .1 develop draft guidelines for the approval of equivalents and alternatives as provided for in various IMO instruments, which should be based on the Guidelines on approval of risk-based ship design annexed to document MSC 86/5/3, giving special consideration to:
 - .1 identification of existing IMO guidance concerning alternative designs and arrangements, with a view to its consolidation in a single document;
 - .2 a suitable title for such guidelines; and
 - .3 structure, format and appropriate use of such guidelines;
- .2 prepare an associated MSC circular cover note for the above draft guidelines; and
- .3 submit a report to MSC 91.

5.25 The Committee also endorsed the planned time frame for the work of the correspondence group, i.e. that it would submit an interim report on the status of the work on the draft Guidelines to MSC 91, with a view to submitting a final report to MSC 92.

6 LRIT-RELATED MATTERS

Urgent matters emanating from the sixteenth session of the COMSAR Sub-Committee

6.1 The Committee considered urgent matters referred to it (MSC 90/6) emanating from the sixteenth session of the Sub-Committee (COMSAR 16/17) and took action as indicated hereunder.

Communication of information to the Organization and establishment of LRIT Data Centres

6.2 The Committee urged Governments:

- .1 to communicate the information required pursuant to the provisions of SOLAS regulation V/19-1, the Revised performance standards, and other related decisions of the Committee, and to promptly update this information as and when changes occurred; and

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- .2 establishing LRIT Data Centres (DCs) which had not yet completed developmental or integration testing, to do so at the earliest opportunity, and to request technical assistance in case they were experiencing any issues with the establishment of their DCs.

6.3 The Committee endorsed the decisions of COMSAR 16 with regard to the testing requirements in case of changes to the hardware or software design of DCs or transfer of services to a different contractor.

Operation of the International LRIT Data Exchange

6.4 The Committee endorsed the decision taken by the Governance body for the operation of the International LRIT Data Exchange (IDE) by the European Maritime Safety Agency (EMSA) and of its disaster recovery site by the United States in the production environment of the LRIT system.

6.5 The Committee noted with appreciation the offer by Austria et al. (MSC 90/6/1) for the continued hosting, maintenance and operation of the IDE by EMSA, beyond 2013, at no cost either to the SOLAS Contracting Governments or to the Organization.

6.6 The United States informed the Committee that they were prepared to continue hosting, maintaining and operating the disaster recovery site of the IDE, beyond 2013, subject to their national procurement regulations, at no cost either to the SOLAS Contracting Governments or to the Organization, with the understanding that they reserved the right to revisit their decision should the circumstances associated with the configuration and operation of the permanent IDE change in the future.

6.7 In this context, the Committee appreciated the generous offer from Austria et al., the United States, the European Commission and EMSA and instructed the COMSAR Sub-Committee to prepare an appropriate draft MSC resolution on Operation of the International LRIT Data Exchange after 2013, for approval by the Committee.

Issues concerning the LRIT Data Distribution Plan

6.8 The Committee endorsed the action taken by COMSAR 16 requesting the Secretariat to manually remove the empty character which was in front of some port facilities' names listed in the Maritime Security module of GISIS on behalf of the Governments concerned.

Financial issues

6.9 The Committee noted:

- .1 the information provided by IMSO concerning charges to be levied or expected to be levied by the LRIT Coordinator; and
- .2 the views and concerns expressed by delegations, as well as the repeated concerns, relating to the cost of the audit and the financial viability of the LRIT system.

6.10 In this context, the Committee, as requested by COMSAR 16, considered the need for an urgent review of the LRIT system, with a view to reducing the financial burden of operating DCs in compliance with SOLAS regulation V/19-1, together with document MSC 90/6/3 (Canada and Chile), which recommended:

- .1 that IMSO, as the LRIT Coordinator, reviews its charges and considers more cost-effective measures with a view to significantly reducing the cost of the audit fee, including examining a restructuring of the IMSO organization, and to submit proposals for consideration at MSC 91; and
- .2 holding a meeting of the Ad hoc LRIT Group, between MSC 90 and MSC 91, to examine alternate options for the audit and review of the LRIT system, without prejudicing any decision that IMSO may take during its next Assembly, and report back to MSC 91, for consideration, together with any other proposal(s) for reduction of the LRIT audit fees to be provided by IMSO.

6.11 In this regard, the IMSO observer informed the Committee that the IMSO Advisory Committee, at its thirty-first session, had given preliminary consideration to the concerns expressed at COMSAR 16 relating to the audit fee and that:

- .1 subject to the final consideration at the forthcoming IMSO Assembly, there was a strong probability of reducing the cost of the audit fee by 15 per cent, to approximately £8,500, in 2013; and
- .2 the forthcoming IMSO Assembly would also consider additional measures, including a future restructuring of the IMSO Directorate, that could lead to a potential reduction in the audit fees in the order of 40 per cent from 2015/16 and beyond.

6.12 In the ensuing discussions, the following views were expressed:

- .1 concerns had repeatedly been raised by Member States relating to the high cost of the audit and, in particular, for those who operated small DCs;
- .2 an Ad hoc LRIT Group or a correspondence group should be established to consider this matter intersessionally with a view to a final decision at MSC 91; and
- .3 the Committee should wait for the outcome of the next IMSO Assembly and reconsider document MSC 90/6/3 at MSC 91, along with any other proposals that might be submitted to that session.

6.13 After some discussion, the Committee noted the information provided by IMSO in paragraph 6.11 above and, without prejudice to the future establishment of a possible Ad hoc LRIT Group or correspondence group, agreed that it was premature to consider alternative ways of conducting the audits of DCs and of the IDE and that the issue should be considered by MSC 91, together with any further information to be provided by IMSO on the outcome of the next IMSO Assembly and any other submissions, including document MSC 90/6/3.

6.14 The Committee noted that Liberia (MSC 90/6/2) had decided to provide, from 1 July 2012 until 31 December 2012, LRIT information, free of any charge, to Governments requesting the information as port or coastal States which were not participating in the LRIT system, and thanked Liberia for its generous offer to promote the use of the LRIT system.

Amendments to the Revised performance standards

6.15 The Committee adopted resolution MSC.330(90) on Amendments to the Revised performance standards and functional requirements for the long-range identification and tracking of ships, as set out in annex 11.

Amendments to the LRIT Technical documentation (parts I and II)

6.16 The Committee approved the amendments to MSC.1/Circ.1259/Rev.4 and MSC.1/Circ.1294/Rev.2 on LRIT Technical documentation (parts I and II, respectively), including the additional draft amendments to be implemented during a future modification testing phase of the LRIT system, and requested the Secretariat to issue updated circulars as MSC.1/Circ.1259/Rev.5 and MSC.1/Circ.1294/Rev.3.

6.17 The Committee authorized the COMSAR Sub-Committee to approve in the future, on behalf of the Committee, any further amendments to MSC.1/Circ.1259/Rev.5 or MSC.1/Circ.1294/Rev.3, as amended, and advise the Committee accordingly.

Amendments to the Continuity of service plan for the LRIT system

6.18 The Committee approved the amendments to MSC.1/Circ.1376 on Continuity of service plan for the LRIT system and requested the Secretariat to issue an updated circular as MSC.1/Circ.1376/Rev.1.

Issues concerning the barring, suspension or temporary disconnection of DCs from operating in the LRIT system

6.19 The Committee considered the issue of the barring, suspension or temporary disconnection of DCs from operating in the LRIT system, taking into account the view expressed by the COMSAR Sub-Committee.

6.20 In this context, the Committee concurred with the views expressed at COMSAR 16 that:

- .1 DCs not audited should not be suspended from operating in the production of the LRIT system; and
- .2 the barring, suspension or temporarily disconnection of DCs from operating in the LRIT system were beyond the scope of SOLAS regulation V/19-1.

Addition of polling functionalities to the Information Distribution Facility

6.21 The Committee adopted resolution MSC.331(90) on Amendments to resolution MSC.298(87) on establishment of a distribution facility, as set out in annex 12.

Summary audit reports submitted by the LRIT Coordinator

6.22 Bearing in mind that no major issues had been identified from the results of the audits submitted by the LRIT Coordinator (COMSAR 16/13/1), the Committee noted the Summary audit reports of the DCs audited during the period 7 March to 8 December 2011 and approved COMSAR/Circ.54 on Audits of LRIT Data Centres and of the International LRIT Data Exchange conducted by the LRIT Coordinator.

Principles and guidelines relating to the review and audit of the performance of LRIT Data Centres and of the International LRIT Data Exchange

6.23 The Committee approved MSC/Circ.1412 on Principles and guidelines relating to the review and audit of the performance of LRIT Data Centres and of the International LRIT Data Exchange.

7 FLAG STATE IMPLEMENTATION

REPORT OF THE NINETEENTH SESSION OF THE SUB-COMMITTEE

7.1 The Committee approved, in general, the report of the nineteenth session of the Sub-Committee on Flag State Implementation (FSI 19/19 and Add.1 and MSC 90/7) and, taking into account relevant decisions and comments made by MEPC 62 and MEPC 63 (MSC 90/2/2 and Add.1), took action as indicated in paragraphs 7.2 to 7.4, recalling that MSC 89 had already taken action on urgent matters emanating from FSI 19.

Issues relating to the Continuous Synopsis Records

7.2 The Committee endorsed the Sub-Committee's advice that the alleged difficulties encountered with the issue of Continuous Synopsis Records (CSR), as raised in document MSC 87/4/3 (Belgium et al.), do not require further consideration.

Referral of investigation reports and analysing material

7.3 The Committee, taking into account the work already carried out by NAV 57 with regard to accidents related to the integration of pilots into bridge teams and investigation reports on the casualties to the **Black Watch**, **Beluga Sensation** and **Chicago Express**, the latter having also been considered by SLF 54, endorsed the referral of the following investigation reports and analysing material to the relevant sub-committees, for their information and consideration, as appropriate, under their agenda item on "Casualty analysis":

- .1 the analyses of accidents and identification of trends related to the integration of pilots into bridge teams (FSI 19/5, annex 4) to the STW Sub-Committee;
- .2 the investigation report on the very serious casualty on board the containership **Chicago Express** (GISIS Incident No.C0007636) to the DE and STW Sub-Committees; and
- .3 the investigation report on the very serious casualty on board the bulk carrier **La Donna I** (GISIS Incident No.C0007456) to the DSC Sub-Committee.

Maintenance of the list of correspondence groups

7.4 The Committee, in considering how best the list of correspondence groups established by all IMO bodies at their last sessions (FSI 19/WP.6, annex 5) could be maintained for consideration by the most appropriate IMO body, agreed that the issue be addressed in the context of the project plan for the development of the central platform hosting the various correspondence groups established by IMO bodies, which MSC 89 had requested the Secretariat to formulate, in consultation with the Chairmen of relevant IMO bodies and Coordinators of correspondence groups, for consideration at a future session of the Chairmen's meeting (MSC 89/25, paragraph 21.13).

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

7.5 The Committee decided to consider matters related to the draft MSC circular on Guidelines on exemptions for crude oil tankers solely engaged in the carriage of cargoes and cargo handling operations not causing corrosion (MSC 90/7/Add.1) under agenda item 9 (Ship Design and Equipment) (see paragraph 9.10).

8 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE**REPORT OF THE FIFTEENTH SESSION OF THE SUB-COMMITTEE****General**

8.1 The Committee approved, in general, the report of the fifteenth session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR 15/16 and MSC 90/8) and took action as indicated in paragraphs 8.2 to 8.6, recalling that MSC 89 had already taken action on urgent matters emanating from COMSAR 15.

Liaison statement to ITU-R

8.2 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to convey a liaison statement to ITU-R on Near real-time exchange of maritime domain information.

Distress priority Communications for RCC from shore-to-ship via Inmarsat

8.3 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to circulate COMSAR.1/Circ.50/Rev.1 on Distress priority communications for RCC from shore-to-ship via Inmarsat.

Basic Safety Guidance for yacht races or oceanic voyages by non-regulated craft

8.4 The Committee approved MSC.1/Circ.1413 on Basic Safety Guidance for yacht races or oceanic voyages by non-regulated craft.

Revised Guidelines on annual testing of 406 MHz satellite EPIRBs

8.5 The Committee approved MSC/Circ.1040/Rev.1 on revised Guidelines on annual testing of 406 MHz satellite EPIRBs.

List of documents and publications which should be held by an MRCC

8.6 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to circulate SAR.7/Circ.10 on List of documents and publications which should be held by an MRCC and revoke SAR.7/Circ.9.

URGENT MATTERS EMANATING FROM THE SIXTEENTH SESSION OF THE SUB-COMMITTEE**General**

8.7 The Committee considered urgent matters referred to it (MSC 90/8/Add.1), emanating from the sixteenth session of the Sub-Committee (COMSAR 16/17) and took action as indicated hereunder.

Withdrawal of COMSAR/Circ.36

8.8 The Committee endorsed the withdrawal of COMSAR/Circ.36 on Broadcast of warnings for tsunamis and other natural disasters, with effect from 1 January 2013, following the revision of the Worldwide Navigational Warning Service (WWNWS) documentation.

Revised Questionnaire on Shore-based Facilities for the GMDSS

8.9 The Committee approved MSC.1/Circ.1382/Rev.1 on Revised questionnaire on shore-based facilities for the GMDSS.

Review and Modernization of the GMDSS

8.10 The Committee noted that the Sub-Committee had finalized the Scoping exercise on how any review of the elements and procedures of the GMDSS might be implemented and, having identified the compelling need for a review and modernization of the GMDSS, presented a work plan for consideration by the Committee, together with a request for a new unplanned output (see paragraph 25.18).

8.11 The Committee further noted the concerns expressed at COMSAR 16 with regard to the review of the GMDSS, in particular on the known and unknown implications in terms of affordability by developing countries.

8.12 The Committee endorsed the terms of reference for the Correspondence Group on the Review of the GMDSS to enable intersessional work to be done between MSC 90 and COMSAR 17.

8.13 The Committee instructed the Secretariat to bring the Work Plan to the attention of the STW Sub-Committee, in particular, to consider issues related to the Human Element for advice, as appropriate.

8.14 The Committee approved MSC.1/Circ.1414 on Guidance to prospective GMDSS satellite service providers.

International Telecommunications Regulations (ITRs) requirements concerning Accounting Authorities

8.15 The Committee recommended to Member States to consider carefully the proposal whether to delete or not to delete appendix 2 of the International Telecommunications Regulations (ITRs) requirements concerning Accounting Authorities, which would be discussed during ITU's World Conference on International Telecommunications (WCIT) in December 2012.

The outcome of World Radiocommunication Conference 2012 (WRC-12)

8.16 The Committee noted that the Sub-Committee had decided to refer document COMSAR 16/4/5 (Secretariat) on the outcome of WRC-12 to the eighth session of the Joint IMO/ITU Experts Group for a detailed review and to start the preparation of an IMO position on maritime issues for WRC-15.

Eighth meeting of the Joint IMO/ITU Experts Group

8.17 The Committee authorized the convening of the eighth meeting of the Joint IMO/ITU Experts Group, to be held at IMO Headquarters in London, from 8 to 12 October 2012. The Council was invited to endorse the above decision (see paragraph 25.50.3).

The nineteenth session of the ICAO/IMO Joint Working Group on SAR

8.18 The Committee authorized the convening of the nineteenth session of the ICAO/IMO Joint Working Group, to be held in Hong Kong, China, from 10 to 14 September 2012. The Council was invited to endorse the above meeting.

Man Overboard Beacon (MOB) and similar devices using AIS-SART technology

8.19 The Committee requested the NAV Sub-Committee to develop draft guidance to seafarers, to be further considered and finalized by COMSAR 17, regarding the difficulties arising in interpreting the AIS-SART symbol, along with the established text message SART ACTIVE, when used for the Man Overboard Beacon (MOB) and similar devices using AIS-SART technology.

Amendments to the IAMSAR Manual

8.20 The Committee noted that the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime SAR, at its seventeenth and eighteenth sessions, had prepared draft amendments to the IAMSAR Manual, which were subsequently endorsed by COMSAR 15 and COMSAR 16 for inclusion in the 2013 edition of the Manual.

8.21 In accordance with the procedures prescribed in the annex to resolution A.894(21) and, being advised of ICAO's concurrence to the inclusion of the proposed amendments into the IAMSAR Manual, the Committee approved them for dissemination by means of MSC.1/Circ.1415, and decided that the amendments should become applicable on 1 June 2013.

Development of an e-navigation strategy implementation plan

8.22 The Committee noted that the Sub-Committee, in relation to the development of an e-navigation strategy implementation plan, endorsed the final draft list of gaps relevant to radiocommunications and search and rescue and instructed the Secretariat to forward it to both STW 43, for further revision from the training perspective, and NAV 58, for final consideration.

Draft MSC resolution on Recommendation for the protection of the AIS VHF data link

8.23 The Committee instructed the Secretariat to bring the draft MSC resolution on Recommendation for the protection of the AIS VHF data link to the attention of the NAV Sub-Committee for comments, as appropriate, with the view to approval by MSC 91.

Operating anomalies identified within ECDIS

8.24 The Committee noted that COMSAR 16 had considered the issue of Operating anomalies identified within ECDIS and that the specific issue of communicating to mariners important safety-related information concerning ECDIS had been discussed. It was further noted that IHO had assured that, through the Chairman of its WWNWS Sub-Committee, it would, with immediate effect, do all it could to ensure the broadcast of such messages by all NAVAREA Coordinators and would also consider the inclusion of this subject matter in the joint NAVTEX Manual, including the provision of relevant examples (see also paragraphs 10.21 to 10.28).

ESTABLISHMENT OF REGIONAL MRCCs IN CENTRAL AMERICA

8.25 The Committee considered document MSC 90/8/1 (Secretariat) informing on the progress made in regard to the development of a technical co-operation project for the establishment of Regional MRCCs in Central America.

8.26 The Committee noted that:

- .1 under the terms of reference, a team of specialists from Chile conducted an assessment of the current situation of SAR and GMDSS in all seven Central American countries (Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama);
- .2 a first Search and Rescue (SAR) regional meeting on the development of a multilateral agreement in Central America for search and rescue coordination purposes was held in Panama City, Panama on 8 and 9 February 2012; and
- .3 the meeting developed and agreed a first draft multilateral agreement between the countries of Central America on the coordination of Maritime Search and Rescue, which agreement aims at the cooperation of MRCCs on an equal basis in every country. It was further agreed that the agreement would be discussed and finalized at a second meeting with the aim to have it signed by the respective authorities at a third meeting. A second regional meeting was provisionally scheduled to take place from 22 to 26 October 2012.

8.27 The Committee agreed to move the technical co-operation project forward with the aim of establishing MRCCs in all seven countries and to build up a SAR organization for Central America in which the individual countries would cooperate with their neighbouring countries.

Rescue operation in the Sunda Strait

8.28 The Committee noted the information provided by the delegation of Singapore on the successful rescue operation by the Singapore-flagged vessel, **Hermia**, on 8 April 2012 of 120 persons from a distressed vessel in the Sunda Strait. The master of **Hermia** had responded to the navigational broadcast issued by the Australian MRCC, and the rescue operation was carried out in close cooperation with both the Australian and Indonesian MRCCs. Following the rescue operation, the 120 persons were disembarked safely at Merak, Indonesia, which was the nearest port from the point of rescue. Singapore expressed its appreciation to the MRCCs in Australia and Indonesia for their quick response and effective coordination and the Indonesian authorities for their support and prompt assistance in facilitating the disembarkation of the rescued persons.

9 SHIP DESIGN AND EQUIPMENT

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

General

9.1 The Committee approved, in general, the report of the fifty-fifth session of the Sub-Committee on Ship Design and Equipment (DE) (DE 55/22 and MSC 90/9) and took

action as indicated in paragraphs 9.2 to 9.12, recalling that MSC 89 had already taken action on urgent matters emanating from DE 55.

Unified interpretation of SOLAS regulations II-1/28 and II-1/29

9.2 The Committee approved MSC.1/Circ.1416 on Unified interpretation of SOLAS regulations II-1/28 and II-1/29 concerning arrangements for steering capability and function on ships fitted with propulsion and steering systems other than traditional arrangements for a ship's directional control.

Guidelines for passenger ship tenders

9.3 The Committee considered the draft MSC circular on Guidelines for passenger ship tenders, taking into account document MSC 90/9/1 (Secretariat), informing it of the outcome of FP 55 regarding the square brackets in paragraph 3.3 of the draft Guidelines, in particular that FP 55 had agreed that the lower flashpoint of 43°C should be used and had prepared modifications to the draft Guidelines accordingly (see paragraph 11.1.9).

9.4 Following consideration, the Committee approved MSC.1/Circ.1417 on Guidelines for passenger ship tenders, as amended by FP 55.

9.5 The delegation of Ireland advised the Committee of its disappointment at the safety level in the Guidelines as it was not considered to be high enough, considering that these tenders are passenger ships. The delegation pointed out that it had made submissions to the DE Sub-Committee seeking to achieve the required safety level for such passenger carriage but unfortunately the proposals had not been adopted. The delegation expressed the view that the safety of passenger ships was now more important than ever, not only in IMO and in other fora but also amongst the general public. The delegation noted the caveat given in the header to the Guidelines, i.e. that they were not intended to replace any requirements for domestic passenger shipping of the coastal State.

Guidelines for the design and installation of a visible element to the general emergency alarm on passenger ships

9.6 The Committee approved MSC.1/Circ.1418 on Guidelines for the design and installation of a visible element to the general emergency alarm on passenger ships, noting that FP 55 had considered the parts of the draft Guidelines under its purview and had concluded that fire safety-related matters were adequately addressed (see paragraph 11.17).

Life-saving appliances

Perceived problems with the 110% load test of free-fall lifeboats

9.7 The Committee noted that, concerning the issue of perceived problems with the 110 per cent load test of free-fall lifeboats, which MSC 88 had asked DE 55 to consider, the Sub-Committee was of the view that the relevant requirements, as stipulated in the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)), were satisfactory.

Guidelines for the standardization of lifeboat control arrangements

9.8 The Committee approved MSC.1/Circ.1419 on Guidelines for the standardization of lifeboat control arrangements.

Counterfeit and sub-standard life-saving appliances

9.9 The Committee approved MSC.1/Circ.20 on Awareness of counterfeit and sub-standard life-saving appliances.

Guidelines on exemptions for crude oil tankers solely engaged in the carriage of cargoes and cargo handling operations not causing corrosion

9.10 The Committee considered the draft MSC circular on Guidelines on exemptions for crude oil tankers solely engaged in the carriage of cargoes and cargo handling operations not causing corrosion, together with the input from FSI 20 which had reviewed section 5 (Exemption and verification procedure) of the draft Guidelines and, supporting the prescribed procedure in general, had prepared a revised text of the section (MSC 90/7/Add.1, annex).

9.11 Following consideration, the Committee approved MSC.1/Circ.1421 on Guidelines on exemptions for crude oil tankers solely engaged in the carriage of cargoes and cargo handling operations not causing corrosion, as amended by FSI 20.

Unified interpretations of the 2008 SPS Code

9.12 The Committee approved MSC.1/Circ.1422 on Unified interpretations of the Code of Safety for Special Purpose Ships, 2008 (2008 SPS Code).

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

General

9.13 The Committee approved, in general, the report of the fifty-sixth session of the Sub-Committee (DE 56/25 and MSC 90/9/Add.1) and took action as indicated in paragraphs 9.14 to 9.43.

Means of recovery of persons from the water

Draft new SOLAS regulation III/17-1 on recovery of persons from the water

9.14 The Committee approved draft new SOLAS regulation III/17-1 on recovery of persons from the water, as set out in annex 13, and requested the Secretary-General to circulate the draft new regulation in accordance with SOLAS article VIII, with a view to adoption at MSC 91.

9.15 In this connection, the Committee concurred with the view of DE 56 that it was not intended that compliance with the new requirements would be verified, in terms of updates to the emergency preparedness plan required by paragraph 8 of part A of the ISM Code, until after the relevant application date as provided in paragraph 1 of the draft regulation; and that the surveys referred to in the draft regulation were those related to the certificates issued in relation to SOLAS chapter III.

Implementation of SOLAS regulation III/17-1 on ships other than those engaged in international voyages

9.16 The Committee approved, in principle, the draft MSC resolution on Implementation of SOLAS regulation III/17-1 on ships other than those engaged in international voyages with a view to adoption at MSC 91, in conjunction with the adoption of the draft new

SOLAS regulation III/17-1, and requested the Secretariat to issue an appropriate MSC document annexing the above draft MSC resolution (see paragraph 9.14).

9.17 In this connection, the observer from IACS, referring to operative paragraph 2 of the draft MSC resolution, inviting Contracting Governments to SOLAS to determine to what extent the provisions the new draft SOLAS regulation III/17-1 should apply to certain categories of ships, advised the Committee that IACS Members, when acting as recognized organizations, would only verify compliance with the provisions of these new SOLAS requirements to the categories of ships identified in the annex to the MSC resolution if explicitly instructed to do so by the flag State on whose behalf they were authorized to act.

Guidelines for the development of plans and procedures for recovery of persons from the water

9.18 The Committee approved, in principle, the draft Guidelines for the development of plans and procedures for recovery of persons from the water with a view to final approval at MSC 91, in conjunction with the adoption of the draft new SOLAS regulation III/17-1, and requested the Secretariat to issue an appropriate MSC document annexing the above draft guidelines together with an associated draft MSC circular cover note (see paragraph 9.14).

Capacity of recovery equipment

9.19 With regard to the proposed weight of 82.5 kg/person stipulated in the aforementioned draft Guidelines, the Committee noted that DE 56 had invited Member States and international organizations to submit any investigation results on the capacity of recovery equipment directly to the Committee, for its consideration when approving the draft Guidelines, taking into account that the proposed weight is used for the purpose of cargo ship survival and rescue craft in dry conditions and, as such, may not be sufficient for recovery systems where persons recovered would be in wet conditions.

9.20 In this connection, the Committee considered document MSC 90/9/2 (IACS), expressing concern about the possibility that existing ships may carry "82.5 kg" liferafts (as required for cargo ships) and "75 kg" liferafts (as required for passenger ships) and that the implications for any associated launching appliances may cause confusion among ships' crews, companies, Administrations, recognized organizations and port State control officers, who could interpret the requirements differently. To address the matter, IACS offered a set of interpretations to clarify the application of the relevant requirements to both new and existing ships and explain the implications for any associated launching appliances.

9.21 The Committee agreed that the matter needed further clarification and requested DE 57 to consider document MSC 90/9/2 under its agenda item "Any other business" and to advise MSC 92 accordingly.

Life-saving appliances

Early implementation of the amendments to SOLAS regulation III/20.11.2

9.22 The Committee recalled that it had approved the draft MSC circular on Early implementation of the amendments to SOLAS regulation III/20.11.2, concerning the operational testing of free-fall lifeboat release systems, in conjunction with the adoption of amendments to SOLAS regulation III/20.11.2 under agenda item 3 (see paragraph 3.61).

Guidelines for evaluation and replacement of lifeboat release and retrieval systems

9.23 With respect to paragraph 24.1 of the Guidelines for evaluation and replacement of lifeboat release and retrieval systems (MSC.1/Circ.1392), concerning post-installation testing, the Committee endorsed DE 56's view that, with regard to the 1.1 x load and simultaneous release test according to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)), it should be ensured that not only the hook assembly, but also the fixed structural connections of the release mechanism of the lifeboat will be subjected to the test load.

9.24 In this connection, the Committee considered document MSC 90/9/3 (IACS), offering further clarifications with regard to requirements for lifeboat release and retrieval systems adopted/approved by MSC 89, i.e. amendments to SOLAS regulation III/1, the LSA Code and the *Revised recommendation on testing of life-saving appliances*; the Guidelines for evaluation and replacement of lifeboat release and retrieval systems (MSC.1/Circ.1392); and the MSC circular on Early application of new SOLAS regulation III/1.5 (MSC.1/Circ.1393).

9.25 While the clarifications provided by IACS were generally welcomed and supported, several delegations expressed concern regarding paragraph 6 of the document concerning the acceptability of the safety pin arrangement to the hook manufacturer.

9.26 Following discussion, the Committee referred the document to DE 57, for consideration under its agenda item "IACS unified interpretations", with a view to the preparation of a draft MSC circular on the matter.

Results of evaluations of existing lifeboat release and retrieval systems in GISIS

9.27 The Committee endorsed the view of DE 56 that the results of evaluations of existing lifeboat release and retrieval systems contained in the relevant new GISIS module should be available to the public.

Amalgamation of MSC.1/Circ.1206/Rev.1 and MSC.1/Circ.1277

9.28 With regard to the amalgamation of MSC.1/Circ.1206/Rev.1 (Measures to prevent accidents with lifeboats) and MSC.1/Circ.1277 (Interim Recommendation on conditions for authorization of service providers for lifeboats, launching appliances and on-load release gear) in a new mandatory instrument, the Committee endorsed DE 56's agreement to limit the scope of the new instrument to lifeboats, rescue boats, fast rescue boats, launching appliances and release gears for those boats and liferafts.

Unified interpretation to paragraph 1.2.2.6 of the LSA Code concerning lifeboat exterior colour

9.29 The Committee approved MSC.1/Circ.1423 on Unified interpretation of paragraph 1.2.2.6 of the LSA Code concerning lifeboat exterior colour.

Draft Polar Code

9.30 The Committee concurred with DE 56's referral of the appropriate chapters of the draft Polar Code to COMSAR 16, FP 56, NAV 58, SLF 55 and STW 43, together with relevant explanatory comments (DE 56/WP.4, annex 2), for consideration and advice to DE 57, as appropriate.

9.31 In this connection, the Committee noted DE 56's invitation to Member States and international organizations to ensure attendance at the respective sessions of the aforementioned sub-committees by specialists having the necessary expertise, in order to expedite the development of the draft Polar Code.

9.32 The Committee also noted DE 56's view that the MSC and the MEPC should prioritize their discussion on how to make the Polar Code mandatory in the most expeditious way possible. Following a relevant proposal by Norway, and noting that MEPC 63 had already discussed the matter (MEPC 63/23, paragraphs 11.9 to 11.18), the Committee agreed to include in the agenda for MSC 91 an item on "Making the Polar Code mandatory" (see paragraph 25.54).

Code on noise levels on board ships

9.33 The Committee considered the draft Code on noise levels on board ships, together with the associated draft new SOLAS regulation II-1/3-12 to make the Code mandatory, with a view to adoption at MSC 91, together with document MSC 90/9/4 (United States), proposing amendments to the draft Code to address perceived inconsistencies in the text.

9.34 In considering the proposal, the Committee agreed to the proposed amendments to the draft Code as set out in the annex to document MSC 90/9/4, subject to further modifications to the definitions for "dredger" and "pile driving vessel" as follows:

- .1 *Dredger*: A vessel undertaking operations to excavate bottom sediment, where the vessel has permanently installed excavation equipment; and
- .2 *Pile driving vessel*: A vessel undertaking operations to install pilings in the seabed,

and further agreed to modify the mandatory language in section 6.3 in accordance with the recommendatory nature of the section, i.e. to replace "shall" with "should".

9.35 The observer from IACS drew attention that, in its view, further clarifications to the text of the draft Code were necessary and that it intended to submit relevant proposals to MSC 91.

9.36 Consequently, the Committee approved the draft Code on noise levels on board ships, as further amended, set out in annex 14, and the associated draft new SOLAS regulation II-1/3-12, set out in annex 15, both with a view to adoption at MSC 91, and requested the Secretary-General to circulate the draft new SOLAS regulation in accordance with SOLAS article VIII.

Unified interpretations of SOLAS regulations

9.37 The Committee approved the following MSC circulars:

- .1 MSC.1/Circ.1424 on Unified interpretation of SOLAS regulation II-1/48.3, concerning controls of emergency bilge suction valves in periodically unattended machinery spaces;
- .2 MSC.1/Circ.1425 on Unified interpretation of SOLAS regulations II-1/29.3 and 29.4, concerning steering gear tests; and

- .3 MSC.1/Circ.1426 on Unified interpretation of SOLAS regulation II-1/3-5, concerning new installation of materials containing asbestos, subject to the following modifications:
- .1 the words ", taking into account appendix 8 of the *2011 Guidelines for the development of the inventory of hazardous materials* (resolution MEPC.197(62))" are added at the end of paragraph 1; and
 - .2 the words "which contain asbestos" are added between the words "materials" and "used" in paragraph 3.

9.38 Following concerns expressed by several delegations and observers, the Committee did not approve the draft MSC circular on Unified interpretation of SOLAS regulation II-1/3-2, concerning coating of dedicated seawater ballast tanks, and requested DE 57 to reconsider it.

Regular updates of the 2011 ESP Code

9.39 The Committee noted that DE 56 had invited IACS to submit proposals to the Committee on how to regularly amend the 2011 ESP Code based on the updated IACS UR Z10 series.

Draft amendments to coating performance standards

9.40 The Committee approved the draft amendments to the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers (resolution MSC.215(82)), as set out in annex 16, and the *Performance standard for protective coatings for cargo oil tanks of crude oil tankers* (resolution MSC.288(87)), as set out in annex 17, following the adoption of associated amendments to SOLAS regulation XI-1/2 under agenda item 3 which will make the 2011 ESP Code mandatory (see paragraph 3.45), and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 91.

Development of guidelines for use of fibre reinforced plastic (FRP) within ship structures

9.41 The Committee endorsed DE 56's concurrence with the request of FP 55 to assign the FP Sub-Committee as the coordinating body for the output on "Development of guidelines for use of fibre reinforced plastic (FRP) within ship structures" (see paragraph 11.25).

Workload of the DE Sub-Committee

9.42 Concerning the heavy workload of the DE Sub-Committee, the Committee noted the DE Chairman's comments that measures for the prioritization of outputs were needed for the Chairmen to achieve their objectives.

Application of SOLAS, MARPOL and LL requirements to conversions of single-hull oil tankers to double-hull oil tankers or bulk carriers

9.43 The Committee endorsed the view of DE 56 that there was no need to revoke MSC.1/Circ.1284 (Unified interpretations of SOLAS regulations II-1/1.3 and II-1/3-6) following the approval of MSC-MEPC.2/Circ.10 (Unified Interpretations on the application of SOLAS,

MARPOL and LL requirements to conversions of single-hull oil tankers to double-hull oil tankers or bulk carriers) and that the unified interpretations of SOLAS regulations II-1/1.3 and II-1/3-6 contained in MSC.1/Circ.1284 should not be applied after the approval date of MSC-MEPC.2/Circ.10, i.e. 1 December 2011.

10 SAFETY OF NAVIGATION

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

General

10.1 The Committee approved, in general, the report of the fifty-seventh session of the Sub-Committee on Safety of Navigation (NAV) (NAV 57/15 and MSC 90/10) and took action as indicated in paragraphs 10.2 to 10.21.

Adoption of new traffic separation schemes (TSSs)

10.2 In accordance with resolution A.858(20), the Committee adopted the proposed new traffic separation schemes, including associated routeing measures "In Norra Kvarken", as set out in annex 18, for dissemination by means of COLREG.2/Circ.63.

Amendments to existing traffic separation schemes (TSSs)

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

- .1 "Sunk East"; and
- .2 "At West Hinder" including a new precautionary area,

as set out in annex 18, for dissemination by means of COLREG.2/Circ.63.

Routeing measures other than TSSs

10.4 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 three two-way routes in Norra Kvarken;
- .2 an area to be avoided "At West Hinder" Traffic Separation Scheme bordering to the north of the new precautionary area;
- .3 a Deep-water route in the approaches to the River Scheldt;
- .4 a Precautionary Area in the vicinity of the Thornton and Bligh Banks;
- .5 an amendment to the description of the existing area to be avoided "Off the Washington coast";
- .6 an amendment to the Note relating to the existing Deep-water route off the coast of Langeland;
- .7 a Recommendation on navigation through the Strait of Bonifacio, as an Associated Protective Measure (APM) for the Strait of Bonifacio PSSA;

- .8 two-way routes in the Gulf of Campeche and the ports of Cayo Arcas, Ta'kuntah and Yuum K'ak Naab;
- .9 five areas to be avoided and six Precautionary Areas in the Gulf of Campeche and the ports of Cayo Arcas, Ta'kuntah and Yuum K'ak Naab; and
- .10 revocation of the existing routing measures other than traffic separation schemes detailed in sections 2.5, 2.6 and 3.2 of annex 1 to resolution A.527(13) relating to the Gulf of Campeche, the maritime oil terminal off Cayo Arcas and the recommended tracks in the Gulf of Campeche respectively,

as set out in annex 19, for dissemination by means of SN.1/Circ.309.

Implementation of the adopted routing measures

10.5 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraph 10.3 (see annex 18), and the routing measures other than traffic separation schemes referred to in paragraphs 10.4.2, 10.4.3, 10.4.4, 10.4.5, 10.4.6, 10.4.8, 10.4.9 and 10.4.10 (see annex 19), should be implemented six months after their adoption (i.e. on 1 December 2012 at 0000 hours UTC). The Committee further decided that, as requested by France and Italy, the routing measure other than a traffic separation scheme in paragraph 10.4.7 (Associated Protective Measure (APM) for the Strait of Bonifacio PSSA) should be implemented on 1 July 2014 at 0000 hours UTC.

10.6 The delegation of Finland informed the Committee that the new traffic separation scheme "In Norra Kvarken" (paragraph 10.2) including the new routing measures other than traffic separation schemes consisting of three two-way routes in Norra Kvarken (see paragraph 10.4.1) should be implemented on 1 May 2013 at 0000 hours UTC.

Mandatory ship reporting systems

10.7 In accordance with resolution A.858(20), the Committee adopted resolution MSC.332(90) on Amendments to the existing mandatory ship reporting system "In the Storebælt (Great Belt) traffic area (BELTREP)", as set out in annex 20, for dissemination by means of SN.1/Circ.310. The Committee also decided that, as requested by Denmark, the amendments to the existing mandatory ship reporting systems "In the Storebælt (Great Belt) traffic area (BELTREP)", should be implemented on 1 July 2013 at 0000 hours UTC.

Revised performance standards for VDRs

10.8 In accordance with resolution A.825(19), the Committee adopted resolution MSC.333(90) on Revised performance standards for shipborne voyage data recorders (VDRs), as set out in annex 21.

Development of an e-navigation implementation strategy

10.9 The Committee noted the progress made in the development of an e-navigation strategy implementation plan and the establishment of a correspondence group to further progress the work intersessionally.

10.10 In this regard, the Committee approved the:

- .1 current overarching e-navigation architecture;
- .2 proposed way forward for developing a Common Maritime Data Structure (CMDS);
- .3 use of the IHO's S-100 standard as the baseline for creating a framework for data access and services under the scope of SOLAS; and
- .4 proposed joint plan of work on e-navigation for the COMSAR, NAV and STW Sub-Committees for the period 2012-2014,

and also agreed that, for the time being, no further action is required until future uses for the frequency band of 495-505 kHz are identified for e-navigation.

10.11 The Chairman of the Correspondence Group on E-navigation informed the Committee that, as part of the development of the e-navigation concept, the Norwegian Coastal Administration (NCA), assisted by the Maritime and Port Authority of Singapore (MPA) and IMO's Marine Electronic Highway (MEH) project in the Straits of Malacca and Singapore, had hosted a two-day workshop using IHO's S-100 standard as a test bed, in Singapore from 19 to 20 April 2012, which concluded that:

- .1 the IHO's S-100 standard could be extended and further developed to meet the emerging requirements of e-navigation;
- .2 the MEH project was an excellent example of close regional cooperation to improve maritime safety and environmental protection; and
- .3 the development of MEH should draw from aspects of e-navigation, e.g. systems, architecture and the IHO's S-100 standard, to generate maximum synergies and vice versa.

Furthermore, Norway is expected to carry out a similar test in the Polar region. The test bed would be based on the IHO's S-100 standard, and also include LRIT infrastructure, which might be suitable for a shore based e-navigation network in the future.

IMO/IHO Harmonization Group on Data modelling

10.12 The Committee authorized the establishment of an IMO/IHO Harmonization Group on Data Modelling and approved its terms of reference, as set out in annex 22.

Revision of SOLAS regulation V/22 (Navigation bridge visibility)

10.13 Several delegations expressed the view that there was a need for clarification on the application of SOLAS regulation V/22. They were of the view that there was no mandate for introducing a completely new exemption clause or new requirements, which allowed for flexible and changing blind sectors relating to Navigation bridge visibility including the stowage of containers forward of the wheelhouse above the line of visibility on a permanent basis, for which no justification or compelling need had been demonstrated. Furthermore, it was important that the vague expressions were fully clarified. Another delegation expressed the view that the draft regulation prepared by NAV 57 provided sufficient clarification.

10.14 The IACS observer stated that clarification was needed with respect to the following four main issues: the height of the window lower edge was not defined and the upper edge requirements had been deleted from the revised regulation; requirements relating to the size of the framing between navigational bridge front windows were not defined; paragraph 5 of the draft revised regulation referred to the use of a computerized dynamic loading program but it was not clear as to what the requirements would be for such a program for the calculation of visibility including what "other methods" would be available; and, lastly, how the proposed revision of SOLAS regulation V/22 could be used in combination with SOLAS regulation V/15, including its reference to MSC/Circ.982.

10.15 After some discussion, the Committee agreed to refer the draft revised text of SOLAS regulation V/22 back to NAV 58 for appropriate consideration under the agenda item "Any Other Business".

Policy for AIS Aids to Navigation

10.16 The Committee noted the establishment of a Correspondence Group to progress work intersessionally on the development of a first draft of a policy for AIS Aids to Navigation.

Unified Interpretations of COLREG 1972, as amended

10.17 The Committee approved MSC.1/Circ.1427 on Unified Interpretations of COLREG 1972, as amended concerning the unified interpretations relating to Annex I on Positioning and technical details of lights and shapes.

Pilot transfer arrangements

10.18 The Committee approved MSC.1/Circ.1428 on Pilot transfer arrangements.

Amendments to performance standards for devices to measure and indicate speed and distance

10.19 In accordance with resolution A.825(19), the Committee adopted resolution MSC.334(90) on Amendments to performance standards for devices to measure and indicate speed and distance (resolution MSC.96(72)), set out in annex 23.

Clarification of SOLAS regulations V/19.2.3.4 and V/19.2.9.2

10.20 The Committee approved MSC.1/Circ.1429 on Unified interpretation of SOLAS regulations V/19.2.3.4 and V/19.2.9.2 with regard to speed and distance measuring devices.

Development of the mandatory Polar Code

10.21 The Committee endorsed the Sub-Committee's views that:

- .1 in the absence of any compelling need, the inclusion of provisions in the mandatory Polar Code for the implementation of a vessel traffic monitoring and information system at present was premature; and
- .2 it was premature to develop guidance on voyage planning and operations in polar waters in order to avoid collisions with cetaceans and other mammals,

and noted that the DE Sub-Committee had been advised accordingly.

OPERATING ANOMALIES IDENTIFIED WITHIN ECDIS

10.22 The Committee recalled that, at its eighty-eighth session, it had approved MSC.1/Circ.1391 on Operating anomalies identified within ECDIS. Additionally, Administrations and mariners had been alerted to the importance of keeping ECDIS software up to date by SN.1/Circ.266 in 2007 and this guidance had been revised in December 2010 (SN.1/Circ.266/Rev.1).

10.23 The Committee noted the discussions at COMSAR 16 (COMSAR 16/16, paragraphs 16.1 to 16.9) and that STW 43 had considered the matter and updated the ECDIS model training course accordingly.

10.24 In this regard, the Committee had the following documents for consideration:

- .1 MSC 90/10/1 (IHO), reporting on the actions taken by the IHO since MSC 89 with respect to the "Operating anomalies identified within ECDIS";
- .2 MSC 90/10/2 (ICS), commenting on document MSC 90/10/ and raising concerns over the existence of operating anomalies identified within ECDIS and seeking clarification on the extent, severity and impact of these anomalies and proposing that the Committee take certain actions including bringing this matter to the urgent attention of the NAV Sub-Committee; and
- .3 MSC 90/10/3 (Australia and United Kingdom), commenting on document MSC 90/10/1 (IHO) and, in particular, on the reported actions taken with respect to "Operating anomalies identified within ECDIS" since MSC 89 and providing a list of ECDIS operating and display anomalies.

10.25 In considering the above documents, the majority of delegations expressed the view that the issue could be addressed by the NAV Sub-Committee taking the lead to coordinate any follow-up action, including the promulgation of information, and that the implementation date for the mandatory carriage of ECDIS should be maintained. Furthermore, the delegation of the Bahamas, supported by others, expressed the view that there was a need to raise the awareness among seafarers on the operating anomalies of ECDIS and, if the information from hydrographic offices was correct, then those ships carrying older ECDIS equipment, where the software could not be updated to address the anomalies identified, should also carry paper charts.

10.26 Subsequently, the Committee:

- .1 invited IHO to re-promulgate the IHO test data set to ensure that all appropriate ECDIS sets are tested including all known manufacturers' ECDIS models;
- .2 encouraged all appropriate agencies and organizations to help identify the extent and severity of ECDIS anomalies as a matter of urgency so that the impact of the outstanding anomalies on the safety of navigation was established;
- .3 invited ECDIS manufacturers to make information regarding anomalies widely available to reduce the risk; and

- .4 agreed that, whilst there was no immediate need to establish a new standing mechanism, as the Organization, in close cooperation with IHO and other interested entities, was addressing this issue as and when anomalies are identified through the NAV Sub-Committee and, noting that the Organization was already actively involved in this activity, agreed that it might be counterproductive at this stage to follow a course of action, other than through the NAV Sub-Committee, in the context of any reconsideration of the first phase implementation date of the mandatory carriage requirements for ECDIS from 1 July 2012, including endorsing the use of RASTER charts on ECDIS.

10.27 The Committee further agreed to bring this matter to the urgent attention of the NAV Sub-Committee for appropriate consideration during its forthcoming session (NAV 58), under the agenda item "Any other business", recognizing that at least two sessions would be necessary to complete the task in hand. Additionally, in order to ensure that any further guidance or information that became available could be issued forthwith to all concerned, the Committee authorized the NAV Sub-Committee to circulate same and advise the Committee accordingly.

11 FIRE PROTECTION

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

General

11.1 The Committee approved, in general, the report of the fifty-fifth session of the Sub-Committee on Fire Protection (FP) (FP 55/23 and MSC 90/11) and took action as indicated in paragraphs 11.2 and 11.27.

Revised Guidelines for the design and approval of fixed water-based fire-fighting systems for ro-ro spaces and special category spaces

11.2 The Committee considered the draft Revised Guidelines for the design and approval of fixed water-based fire-fighting systems for ro-ro spaces and special category spaces, together with the following two documents commenting on them:

- .1 MSC 90/11/2 (Italy), questioning the use of the term "reasonably gas-tight" with regard to the decks and proposing to operate with such terms as "extension of horizontal zones for passenger ships" and "fire resisting decks of cargo ships" instead; and
- .2 MSC 90/11/5 (IACS), proposing that the draft circular should clearly indicate that it supersedes resolution A.123(V) and MSC.1/Circ.1272 on the basis of which it had been developed.

11.3 In considering document MSC 90/11/2, the Committee agreed that there was no need to refer the aforementioned document to FP 56 for further consideration since the expression "gas-tight" was already used in other IMO instruments and its application to ro-ro spaces, including hinged ramps, was well justified.

11.4 The Committee supported the proposal in document MSC 90/11/5 to indicate that the new MSC circular superseded the provisions of resolution A.123(V) and MSC.1/Circ.1272, but recognized that its acceptance would necessitate consequential amendments to SOLAS regulation II-2/20 and chapter 7 of the FSS Code, the adoption of which had been considered

at this session but was postponed to MSC 91 (see also paragraphs 3.16 and 3.30). Consequently, the Committee agreed to adopt a two-step approach: (1) to issue the Guidelines; and (2) invite Member Governments and international organizations to submit relevant proposals to MSC 91 with a view to approval of the amendments at that session.

11.5 Having considered the above matters, the Committee approved MSC.1/Circ.1430 on Revised Guidelines for the design and approval of fixed water-based fire-fighting systems for ro-ro spaces and special category spaces.

Guidelines for the approval of helicopter facility foam fire-fighting appliances

11.6 The Committee approved MSC.1/Circ.1431 on Guidelines for the approval of helicopter facility foam fire-fighting appliances.

Draft amendments to the FSS Code

Draft amendments to chapters 3, 5, 8, 9, 12, 13 and 14 of the FSS Code

11.7 The Committee considered the draft amendments to chapters 3, 5, 8, 9, 12, 13 and 14 of the FSS Code, together with the relevant part of document MSC 90/11/3 (Italy), recalling that the draft amendments to chapter 3 relating to breathing apparatus were originally proposed by Australia and the Bahamas at FP 55 (FP 55/3/3) without any indication on their applicability to existing ships, and expressing Italy's opinion that any proposal for amending mandatory instruments submitted by Member States should always contain a reference clearly indicating whether such proposals are meant to be also applied to existing ships or not.

11.8 The Committee did not concur with the above opinion since requirements for portable equipment would not affect the structural arrangements of a ship and could, therefore, be easily implemented and, as already agreed by FP 55, a phase-in period of five years for existing equipment was provided for in the draft amendments. In addition, the Committee noted that most of the current firefighter's outfit sets already included a low-level oxygen alarm.

11.9 Consequently, the Committee approved the draft amendments to chapters 3, 5, 8, 9, 12, 13 and 14 of the FSS Code, as set out in annex 24, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 91.

Modifications to draft amendments to chapter 6 of the FSS Code approved at MSC 88

11.10 The Committee recalled that the proposals for modifications to the draft amendments to paragraphs 3.2.2.2 and 3.3.2.2 of chapter 6 of the FSS Code approved at MSC 88 for adoption at this session had already been dealt with under agenda item 3 (see paragraph 3.29).

Revised Guidelines for the maintenance and inspection of fire protection systems and appliances

11.11 The Committee approved MSC.1/Circ.1432 on Revised Guidelines for the maintenance and inspection of fire-protection systems and appliances.

Unified Interpretation of SOLAS regulation II-2/10.6.4 and chapter 9 of the FSS Code

11.12 The Committee approved MSC.1/Circ.1433 on Unified Interpretation of SOLAS regulation II-2/10.6.4 and chapter 9 of the FSS Code.

Ship types to be included in the scope of the output on Requirements for ships carrying vehicles using hydrogen and compressed gas as fuel

11.13 The Committee considered the request of FP 55 to decide which ship types should be included in the scope of the output on safety of ships carrying hydrogen vehicles (HFCVs) and compressed natural gas vehicles (CNGVs). The delegation of Japan proposed that, for the time being, only pure car carriers should be included in the scope of the output and the Committee concurred with this view.

Lower size limit of ships for the purposes of applying requirements on equipping new oil and chemical tankers below 20,000 dwt with inert gas systems

11.14 The Committee noted the decision of FP 55 to set a limit of 8,000 dwt for the purposes of applying requirements on equipping new oil and chemical tankers below 20,000 dwt with inert gas systems in order to reduce the risk of explosion on board such ships.

Unified interpretations of SOLAS chapter II-2

11.15 The Committee approved MSC.1/Circ.1434 on Unified interpretations of SOLAS chapter II-2.

Unified interpretations of the FTP Code

11.16 The Committee approved MSC.1/Circ.1435 on Unified interpretations of the FTP Code.

Guidelines for the design and installation of a visible element to general emergency alarm system on passenger ships

11.17 The Committee noted the view of FP 55 that fire safety-related matters are adequately addressed in the Guidelines for the design and installation of a visible element to general emergency alarm system on passenger ships, as prepared by DE 55 (see paragraph 9.6).

Draft amendments to SOLAS regulation II-2/15

11.18 The Committee approved the draft amendments to SOLAS regulation II-2/15 concerning requirements for firefighters' breathing apparatus, as set out in annex 25, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 91.

Modifications to the draft Guidelines for passenger ship tenders

11.19 The Committee recalled that the proposed modifications to paragraph 3.3 of the Guidelines for passenger ship tenders had already been dealt with under agenda item 9 (see paragraphs 9.3 and 9.4).

Draft amendments to SOLAS regulation II-2/10

11.20 The Committee considered the proposed draft amendments to SOLAS regulation II-2/10 concerning firefighters' means of communication, together with the part of document MSC 90/11/3 (Italy), recalling that the amendment at hand was originally proposed by Denmark, Finland and Sweden at FP 55 without any indication on its applicability to existing ships, and expressing Italy's opinion that any proposal for amending mandatory instruments

submitted by Member States should always contain a reference clearly indicating whether such proposals are meant to be also applied to existing ships or not. Italy also suggested to further discuss the impact of the application of the draft amendments on existing ships at FP 56.

11.21 The delegations of the Russian Federation and Sweden expressed the view that the draft amendments needed to be accompanied by performance standards for firefighters' means of communication for consistency. In addition, the delegation of Sweden proposed that the above regulations should be amended so as to require at least 2 two-way portable radiotelephone apparatus for each fire team, instead of two units required on board each ship, as it is provided for now. Sweden proposed also to specify that the radio communication system should be well functioning, and that it should be up to the Administration to decide which type of system, integrated or otherwise, is to be accepted.

11.22 The Committee, having concurred with these views, approved the draft amendments to SOLAS regulation II-2/10, as set out in annex 25 and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 91. As to the number of sets and performance standards for this equipment, the Committee invited proposals on these matters for consideration at MSC 91.

11.23 The Committee also agreed to refer the issue of application of the amended regulation II-2/10 to existing ships to FP 56 and invited Member States and international organizations to submit their comments and views to that session.

Development of guidelines for use of fibre reinforced plastic within ship structures

11.24 The Committee concurred with the proposal of FP 55 to assign the FP Sub-Committee as the coordinator for the work on the output on development of guidelines for use of fibre reinforced plastic within ship structures, noting that DE 56 had agreed accordingly (see paragraph 9.41).

Amendments to the unified interpretations of SOLAS chapter II-2, the FSS Code, the FTP Code and related fire-test procedures (MSC/Circ.1120)

11.25 The Committee approved MSC.1/Circ.1436 on Amendments to the unified interpretations of SOLAS chapter II-2, the FSS Code, the FTP Code and related fire-test procedures (MSC/Circ.1120).

Amendments to the Interim explanatory notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty (MSC.1/Circ.1369)

11.26 The Committee approved MSC.1/Circ.1437 on Unified interpretations of SOLAS regulation II-2/21.4.

Potential conflict between application dates included in some SOLAS chapter II-2 regulations and the proposed amendments to regulation II-2/1 approved at MSC 88

11.27 The Committee noted the concern expressed by FP 55 with regard to a potential conflict between explicit application dates included in some SOLAS chapter II-2 regulations and the proposed amendments to regulation II-2/1 approved at MSC 88, and that the Sub-Committee had invited FSI 20 to consider the matter. Having noted that FSI 20 had agreed to consider the issue at FSI 21, the Committee agreed to await the outcome of FSI 21 before considering the matter further (see also paragraphs 3.14 to 3.16).

FIXED FIRE-FIGHTING SYSTEMS AND USE OF PROTECTED SPACES AS COUNTER-PIRACY CITADELS

11.28 The Committee considered document MSC 90/11/1 (Bahamas), drawing attention to its consideration of the safety issues associated with the possible use of fire-fighting agent (CO₂) as a lethal weapon by pirates and including the installation of an additional cut-off valve inside engine-rooms used as citadels to protect the crew; and pointing out however that the installation of such a valve may be in conflict with the FSS Code and the Guidelines for maintenance and inspection of fixed CO₂ fire-extinguishing systems (MSC.1/Circ.1318).

11.29 The Committee welcomed the information provided and recognized the complexity of the issues raised. Some delegations were in favour of referring the matter to the Working Group on Maritime Security and Piracy, viewing it as a competent body for in-depth analysis of the measures described, while others emphasized technical difficulties associated with the installation of a cut-off valve in the CO₂ main which, in their view, necessitated the collection of relevant technical information from Member States before taking any measures of a regulatory character. The Committee also noted information from IACS related to the need for careful consideration of all issues arising from the fitting of cut-off valves, including the need for any additional valves or piping to be suitable for the pressures involved and the need to ensure appropriately sized vent piping was used.

11.30 Having exchanged views, the Committee, whilst cognizant of the need to address the issue, decided not to take any action on this matter for the time being.

IMPLEMENTATION OF THE PROVISIONS OF SOLAS REGULATION II-2/7.5.5

11.31 The Committee considered document MSC 90/11/4 (IACS), seeking advice on which of the three protection methods (IC, IIC or IIIC) should be used in control stations on cargo ships as, in IACS' view, the existing SOLAS regulation II-2/7.5.5 does not require control stations, irrespective of the protection method used, to be covered by a fire detection and fire alarm system. To compensate for this lack of clarity, if the Committee agreed with this understanding, IACS proposed, as an option, to develop an MSC circular providing necessary clarification addressing control stations.

11.32 The Committee concurred with the understanding and invited IACS to submit a draft MSC circular, based on this premise, for consideration at FP 56 with a view to approval at MSC 92. Subsequently, the Committee invited Member States and international organizations wishing to amend SOLAS chapter II-2 in this regard to submit proposals in accordance with the Committees' Guidelines.

12 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS**REPORT OF THE SIXTEENTH SESSION OF THE SUB-COMMITTEE****General**

12.1 The Committee approved, in general, the report of the sixteenth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (DSC 16/15 and Corr.1 and MSC 90/12) and took action as indicated hereunder.

Amendments to the EmS Guide

12.2 The Committee, having agreed that the voluntary application and entry-into-force dates of the amendment 36-12 of the IMDG Code should be reflected in the circular, as proposed by DSC 17, also agreed to the modifications proposed by the drafting group under

agenda item 3 (MSC 90/WP.5, paragraph 5), approved MSC.1/Circ.1438 on Amendments to the Emergency Response Procedures for Ships carrying Dangerous Goods (EmS Guide).

Conversion table (record of amendments) for part 7 requirements of the IMDG Code

12.3 The Committee approved MSC.1/Circ.1439 on Conversion table (record of amendments) for part 7 requirements of the IMDG Code concerning transport operations.

Illustrations of segregation of cargo transport

12.4 The Committee approved MSC.1/Circ.1440 on Illustrations of segregation of cargo transport units on board containerhips and ro-ro ships.

Development of a generic model course on dangerous, hazardous and harmful cargoes

12.5 The Committee endorsed the Sub-Committee's recommendation to develop a generic model course on dangerous, hazardous and harmful cargoes that can be used for a number of years for technical co-operation activities without the need for frequent updates (i.e. every two years) and requested the Secretariat to take action accordingly.

Draft amendments to the IMDG Code

12.6 The Committee noted that the Sub-Committee had authorized E&T 16 to prepare the final text of the draft amendments to the IMDG Code and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration and subsequent adoption by MSC 90 (see paragraph 3.32).

Unified interpretation of SOLAS regulation II-2/19.3.4

12.7 The Committee noted that the Sub-Committee had agreed to the draft unified interpretation of SOLAS regulation II-2/19.3.4, prepared by FP 55 (see paragraph 11.15).

Alternative ship design requirements for the prevention of accidents due to liquefaction

12.8 The Committee noted that SLF 54 had been invited to consider, within the context of its work on intact stability, matters related to the development of alternative ship design requirements for the prevention of accidents due to liquefaction, taking into account that the foundering of vessels is due to a loss of positive stability (see paragraph 13.2).

Iron ore fines that may liquefy

12.9 The Committee endorsed the actions taken by the Sub-Committee on matters related to transport of iron ore fines in bulk, including the approval of DSC.1/Circ.66 on Carriage of iron ore fines that may liquefy.

Development of requirements for onboard lifting appliances and winches

12.10 The Committee noted that document DSC 16/5/5 (ICHCA International), regarding accidents involving ships' cranes, was forwarded to the DE Sub-Committee for consideration.

FSA study on sea transport of dangerous goods

12.11 The Committee considered matters related to the FSA study on sea transport of dangerous goods (DSC 16/6 and DSC 16/INF.2) under agenda item 19 (Formal safety assessment) (see paragraph 19.9).

12.12 In this connection, the Committee noted that FP 56 had been invited to comment on documents DSC 16/6 and DSC 16/INF.2 for matters falling under its purview.

Revision of the IMO/ILO/UNECE CTUs Guidelines

12.13 The Committee noted that the Sub-Committee had agreed to the draft terms of reference for the Group of Experts for the revision of the IMO/ILO/UNECE Guidelines for packing cargo transport units (CTUs) and requested the Secretariat to continue to cooperate with the ILO and UNECE Secretariats on the development of a non-mandatory Code of Practice.

Inspection programmes for cargo transport units carrying dangerous goods

12.14 The Committee approved MSC.1/Circ.1442 on Inspection programmes for cargo transport units carrying dangerous goods.

Revision of the associated circular (CSC.1/Circ.138)

12.15 The Committee noted the decision of the Sub-Committee to revise the Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138), to ensure consistency with the 2010 CSC Amendments.

Amendments to the 1972 CSC Convention

12.16 The Committee noted that the Sub-Committee had decided to prepare modifications to the 2010 CSC Amendments, and that the work to facilitate the entry into force of the 1993 CSC Amendments had been delayed in order to prepare a consolidated set of amendments for submission to MSC 91 for approval.

Amendments to SOLAS to mandate enclosed space entry and rescue drills

12.17 The Committee endorsed the action taken by the Sub-Committee to forward the draft amendments to SOLAS regulation III/19, mandating enclosed space entry and rescue drills, to BLG 16 and STW 43, taking into account that the draft amendments would be finalized at DSC 17. In this connection, the Committee noted that BLG 16 had finalized its consideration of the draft amendments and forwarded its views to DSC 17 (see paragraph 14.8).

12.18 In this regard, the Committee considered document MSC 90/12/1 (Bahamas), proposing to expand the work on the SOLAS amendments to include developing amendments to relevant mandatory and non-mandatory codes that contain separate provisions relating to drill activities to ensure that the measures adopted are applied to seafarers on all vessels (e.g. HSC, MODU, etc.). Following a general discussion on how best to proceed, the Committee instructed DSC 17 to consider document MSC 90/12/1 with a view to developing consequential amendments to relevant Codes, as appropriate, and advise the Committee accordingly.

12.19 In this context, the delegation of Mexico reserved its position as the expansion of the draft amendments to SOLAS regulation III/19 to MODUs had not, in its view, been agreed in the original proposal approved by the Committee at MSC 87.

12.20 The delegation of the Cook Islands drew the Committee's attention to the need for appropriate training to be developed and undertaken before drills were conducted.

Adoption of the 2011 TDC Code

12.21 The Committee noted that the Sub-Committee had agreed to the modifications to the draft Assembly resolution on Adoption of the Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011 (2011 TDC Code), for submission to the twenty-seventh session of the Assembly, for consideration in conjunction with the adoption of the draft Code, as approved by MSC 89, which was adopted as resolution A.1048(27).

Development of guidance for ships carrying timber deck cargoes regarding the increased weight of ice

12.22 The Committee endorsed the Sub-Committee's action to invite the SLF Sub-Committee to develop guidance for ships carrying timber deck cargoes regarding the increased weight of ice, for inclusion in the 2008 IS Code (see paragraph 13.13), and instructed SLF 55 to advise MSC 92 on how best to proceed on the issue.

Updating the footnote to 1988 LL Protocol (regulation 44, paragraph (6))

12.23 The Committee endorsed the Sub-Committee's recommendation to invite the SLF Sub-Committee to consider updating the footnote to paragraph (6) of regulation 44 of the 1988 Load Lines Protocol (see paragraph 13.13).

DRAFT AMENDMENTS TO THE IMSBC CODE IN RELATION TO CARGOES WHICH MAY LIQUEFY

12.24 The Committee considered the following documents related to the draft amendments to the IMSBC Code in regard to cargoes which may liquefy:

- .1 MSC 90/12/2 (China), proposing the issuance of an MSC circular to encourage early implementation of the aforementioned amendments on a voluntary basis since the earliest entry-into-force date of the aforementioned amendments will be on 1 January 2015; and
- .2 MSC 90/12/3 (INTERCARGO, ICS, BIMCO, P&I Clubs and IUMI), urging early utilization of measures to control the moisture content of Group A cargoes, which may liquefy, for inclusion in the draft amendment to the IMSBC Code, in advance of their expected mandatory application on 1 January 2015.

12.25 Following an extensive discussion on how best to proceed, the Committee, while noting that DSC 17 will further consider the draft amendments of the IMSBC Code with a view to finalization, agreed to issue an MSC circular as an interim measure, based on document MSC 90/12/2, and having considered the draft MSC circular (MSC 90/WP.11), approved MSC.1/Circ.1441 on Interim measures for early implementation of the draft amendments to the IMSBC Code. The Committee further instructed DSC 17 to prepare a draft MSC circular on Early implementation of the amendments to the IMSBC Code, taking into account the aforementioned interim measures and document MSC 90/12/3, for consideration and advice to MSC 91.

12.26 In noting the above decision, the delegation of the Cook Islands, supported by Canada and others, drew the Committee's attention to the fact that the amendments referred to in MSC.1/Circ1441 were not yet finalized and are to be considered at DSC 17 in September 2012. That being the case, they felt it was premature to issue the above circular, notwithstanding the sound intentions behind providing early advice to the relevant stakeholders, as doing so may set a precedent that the Organization might wish to avoid.

13 STABILITY, LOAD LINES AND FISHING VESSELS SAFETY

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

13.1 The Committee approved, in general, the report of the fifty-fourth session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 54/17 and MSC 90/13) and took action as indicated in paragraphs 13.2 to 13.13.

Alternative requirements for the prevention of accidents due to liquefaction through ship design

13.2 The Committee noted that the Sub-Committee, having considered the issue of developing alternative requirements for the prevention of accidents due to liquefaction through ship design, referred to it by DSC 16, had agreed to await the outcome of DE 56, the seventeenth session of the Editorial and Technical Group on the IMSBC Code (E&T 17) and DSC 17, before proceeding with the work on the matter.

Guidance for ships carrying timber deck cargoes regarding the increased weight of ice in relation to the 2008 IS Code

13.3 The Committee noted that the Sub-Committee, having considered the issue of guidance for ships carrying timber deck cargoes regarding the increased weight of ice in relation to the International Code on Intact Stability, 2008 (2008 IS Code), referred to it by DSC 16, had agreed to include the matter in the terms of reference of the Correspondence Group on Intact Stability (IS).

Approval of damage stability modules for safe return to port

13.4 The Committee noted that the Sub-Committee, having considered the issue of approval of damage stability modules for safe return to port, referred to it by MSC 89, had agreed to include the matter in the terms of reference of the Subdivision and Damage Stability (SDS) Correspondence Group.

Draft Guidelines for verification of damage stability requirements for tankers

13.5 The Committee endorsed the decision of the Sub-Committee to submit the principally agreed draft Guidelines for verification of damage stability requirements for tankers, together with the associated draft mandatory carriage requirements, to the Committee for approval once the latter have been completed.

13.6 In this context, having considered document MSC 90/13/3 (China, Finland, Liberia, Marshall Islands, Panama, Spain, United Kingdom, OCIMF, RINA), proposing a number of amendments to MARPOL and the IBC and IGC Codes to ensure adequate provisions are made to enable ships' officers to verify that intact and damage stability requirements applicable to tankers are complied with in any service loading condition; and for Administrations to accept continued application of existing intact and damage stability verification measures where these are demonstrated to be of an acceptable standard, the

Committee decided to refer the above document to SLF 55 for further consideration under the output on "Development of guidelines for verification of damage stability requirements for tankers".

Amendments to the 1988 LL Protocol

13.7 The Committee approved draft amendments to regulation 27 of the 1988 Load Lines Protocol, regarding initial condition of loading and condition of equilibrium, as set out in annex 26, and requested the Secretary-General to circulate the draft amendments in accordance with article VI the 1988 LL Protocol, with a view to adoption at MSC 91.

Verification of damage stability requirements for bulk carriers

13.8 The Committee endorsed the agreement of the Sub-Committee that no further work is necessary regarding matters related to the verification of damage stability requirements for bulk carriers and noted that the associated output had been deleted from the Sub-Committee's biennial agenda accordingly.

Amendments to the Guidelines for the design and construction of offshore supply vessels (resolution MSC.235(82))

13.9 The Committee considered draft amendments to the Guidelines for the design and construction of offshore supply vessels, 2006 (2006 OSV Guidelines) (resolution MSC.235(82)), together with document MSC 90/13/6 (United States), proposing modifications to the draft amendments intended to clarify their application to new OSVs, taking into account the intention of SLF 54 that these amendments would only apply to new OSVs, i.e. vessels built on or after the date of adoption of the amendments, because they modify design parameters that impact the structural arrangement of the vessels. However, since the definitions of "new vessel" and "existing vessel" in the 2006 OSV Guidelines are based on the original adoption date (i.e. 1 December 2006), the United States was of the view that it was insufficient to only indicate that the amendments should apply to new vessels and had, therefore, prepared the aforementioned amendments to address the situation.

13.10 Following general discussion, the Committee, having agreed to the modifications set out in the annex to document MSC 90/13/6 and to a proposal by IACS to include in paragraph 3.2.2 a footnote to explain the expression "at a similar stage of construction", adopted resolution MSC.335(90) on Amendments to the Guidelines for the design and construction of offshore supply vessels, 2006 (2006 OSV Guidelines) (resolution MSC.235(82)), as set out in annex 27.

Unified interpretations of the 1966 LL Convention and the 1988 LL Protocol

13.11 The Committee approved LL.3/Circ.208 on Unified interpretations of the 1966 LL Convention and the 1988 LL Protocol, as modified by resolution MSC.143(77); concerning the application of Load Lines requirements to guard rails.

Casualty investigation report for *Chicago Express*

13.12 The Committee noted that SLF 54 had considered the investigation report on the very serious casualty on board the containership **Chicago Express** and had forwarded the matter to the IS Correspondence Group for further consideration.

Updated version of the footnote to paragraph (6) of regulation 44 of the 1988 LL Protocol

13.13 The Committee endorsed the action taken by the Sub-Committee on updating the footnote to paragraph (6) of regulation 44 of the 1988 Load Lines Protocol to also refer to the 2011 TDC Code, adopted by resolution A.1048(27).

IMPLEMENTATION OF THE 1969 TONNAGE MEASUREMENT CONVENTION

13.14 The Committee noted that SLF 54 established a Correspondence Group on the Development of Provisions to Ensure the Integrity and Uniform Implementation of the 1969 TM Convention, with terms of reference as set out in paragraph 9.8 of the report of SLF 54 (SLF 54/17), to progress the work intersessionally.

13.15 In this connection, the Committee noted document MSC 90/INF.3 (ITF), presenting a study conducted by World Maritime University on the impacts of the 1969 TM Convention on crew well-being, ship safety, and other issues.

DRAFT AGREEMENT ON THE IMPLEMENTATION OF THE 1993 TORREMOLINOS PROTOCOL

13.16 The Committee recalled that MSC 89 approved the draft Agreement on the Implementation of the 1993 Protocol relating to the 1977 Torremolinos Convention on the Safety of Fishing Vessels (MSC 89/25, annex 18) as the basic document for consideration by the Diplomatic Conference to be held in Cape Town, South Africa, from 9 to 11 October 2012, for the adoption of the Agreement.

13.17 Concerning the need for more accurate data on the number of fishing vessels of 24 m in length and over for the determination of the condition for entry into force of the draft Agreement, the Committee noted that the Secretariat had issued Circular letter No.3264 dated 11 April 2012, inviting Member States to inform the Organization, by 4 September 2012, of the number of fishing vessels of 24 m in length and over flying their flags, and to identify the number of those vessels operating on the high seas, in preparation for the Conference.

13.18 In this context, the Committee had for its consideration the following documents:

- .1 MSC 90/13/1 (Secretariat), inviting it to consider and decide on the conditions for entry into force, namely paragraph (5) of article 3 and paragraph (1) of article 4, of the draft Agreement, with a view to facilitating the discussions at the 2012 Cape Town Diplomatic Conference for the adoption of the Agreement;
- .2 MSC 90/13/4 (FAO), providing updated data on the number of fishing vessels of 24 m in length and over operating on the high seas from the database of the FAO Compliance Agreement, as supplied by the 39 Parties to the Agreement;
- .3 MSC 90/13/5 (China), proposing amendments to the draft Agreement, in particular, that the implementation of the technical provisions of the 1993 Torremolinos Protocol should be phased in within 10 years after entry into force of the Agreement to ensure its wide implementation; the number of fishing vessels in article 3 of the draft Agreement be revised to 5,000, which is 50 per cent of the total number of fishing vessels of 24 m in length and over operating on the high seas of all Member States; and the

scope of application to fishing vessels be limited to vessels "operating on the high seas"; and

- .4 MSC 90/INF.10 (Spain), providing information about the 1993 Torremolinos Protocol in the regulatory context of voluntary codes, regional agreements and other international instruments in force and presenting the results of an examination of the evolution of relevant IMO instruments with regard to the safety of fishing vessels, such as SOLAS and the Load Lines Convention, since 1993.

13.19 All delegations which drew attention to the delay in bringing the Torremolinos Protocol into force stressed the importance of reaching a satisfactory Agreement at the upcoming Conference for the safety of life and protection of the marine environment. Following consideration of the above documents, the Committee noted, in particular, the following views:

- .1 with regard to the conditions of entry into force of the Agreement, many delegations were of the opinion that the number of States and number of fishing vessels of 24 m in length and over necessary for the entry into force should be considered as a package, as agreed at SLF 53 (SLF 53/19, paragraphs 11.17 to 11.22);
- .2 accurate information on the global number of fishing vessels of 24 m in length and over was not sufficient at present, but urgently needed;
- .3 with regard to the proposed figures for the number of fishing vessels of 24 m and over and the number of States necessary for the entry into force of the Agreement, views were divided;
- .4 every effort should be made to facilitate agreement on the earliest possible date for the entry into force of the Agreement;
- .5 the proposed introduction of the term "high seas" may raise legal issues as there is no definition of the term in the Torremolinos Convention, Torremolinos Protocol or the draft Agreement, and provisions on the high seas are set out in the United Nations Convention on the Law of the Sea;
- .6 further work is necessary regarding draft regulation 3 (Exemptions), in order to clarify matters related to exclusive economic zones and common fishing zones; and
- .7 developing countries were specially recognized in the draft Agreement and provisions for progressive implementation of the provisions have been made.

13.20 The Committee also noted a statement by the delegation of South Africa, the full text of which is set out in annex 37.

13.21 In considering the above views, the Committee agreed:

- .1 to recommend to the Conference a figure of 12 months after the date of the adoption of the present Agreement for a State which has signed the Agreement in accordance with paragraph 3(c) of article 3 to be deemed to have expressed its consent to be bound by it in accordance with article 3(5);

- .2 that the number of States and number of fishing vessels of 24 m in length and over necessary for the entry into force of the draft Agreement should be considered as a package;
- .3 that provisions for exemptions and definitions included in the draft Agreement needed further careful consideration; and
- .4 to urge Member Governments to submit information on the number of fishing vessels of 24 m in length and over flying their flag to the Secretariat to enable reporting on this matter to the Conference.

13.22 In the light of the above decisions, the Committee requested the Secretariat to prepare a document containing the outcome of the discussions on the draft Agreement at this session, for submission to the 2012 Cape Town Diplomatic Conference.

13.23 The Committee also noted a statement by the delegation of Spain, the full text of which is set out in annex 38.

14 BULK LIQUIDS AND GASES

REPORT OF THE SIXTEENTH SESSION OF THE SUB-COMMITTEE

14.1 The Committee approved, in general, the report of the sixteenth session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 16/16 and Add.1 and MSC 90/14), and took action as indicated hereunder.

Outcome of ESPH 17

14.2 The Committee endorsed, subject to MEPC 64's concurrent decision, the decisions taken by the Sub-Committee regarding the outcome of ESPH 17 (see also paragraph 25.50).

Draft amendment to SOLAS regulation VI/5.3

14.3 Regarding the proposed draft amendment to SOLAS regulation VI/5.3, which prohibits any production process on board a ship during the sea voyage, the Committee noted this item had already been considered under agenda item 3, in conjunction with the draft SOLAS regulation VI/5.2, together with document MSC 90/14/2. Notwithstanding the above, the Committee endorsed the Sub-Committee's view that the prohibition of the blending of cargoes does not apply where cargo is recirculated within its cargo tank or through an external heat exchanger during the voyage for the purpose of maintaining cargo homogeneity or temperature control, including when two or more different products have previously been loaded into the same cargo tank within port limits (see paragraphs 3.19 to 3.21, 3.47 and 3.48).

Draft amendments to the IBC Code

14.4 The Committee approved the draft amendments to the IBC Code, as amended by MEPC 63 (MSC 90/2/2/Add.1 and Circular letter No.3261), as set out in annex 28, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration at MSC 91 with a view to adoption.

Development of the IGF Code

14.5 The Committee noted the progress made on the development of the International Code for Ships using Gas as Fuel (IGF Code) and that the Sub-Committee had invited the FP, STW, SLF and DE Sub-Committees to provide comments and input on matters falling within their respective purviews.

Revision of the IGC Code

14.6 The Committee noted the progress made on the revision of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) and that relevant sections had been forwarded to other sub-committees for comments on matters that fall under their respective purviews.

Amendments to SOLAS to mandate enclosed space entry and rescue drills

14.7 The Committee noted that the Sub-Committee had finalized its consideration of matters related to the development of draft amendments to SOLAS to mandate enclosed space entry and rescue drills and forwarded its views to DSC 17 (see also paragraphs 12.17 to 12.20).

REPORT OF THE TENTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION

14.8 The Committee noted document MSC 90/14/1 (Secretariat of the Basel Convention), providing an overview of decision BC-10/16 on Cooperation between the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the International Maritime Organization, adopted by the tenth meeting of the Conference of the Parties to the Basel Convention (17 to 21 October 2011).

15 IMPLEMENTATION OF THE STCW CONVENTION

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

15.1 The Committee noted that no reports pursuant to STCW regulation I/7, paragraph 2 had been submitted to this session.

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

15.2 In introducing his report (MSC 90/WP.3), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. Each report, as required by MSC/Circ.997, was comprised of:

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

15.3 The Committee was subsequently invited to consider the reports attached to document MSC 90/WP.3 for the purpose of confirming that the information provided by 12 STCW Parties and five overseas territories of one STCW Party, pursuant to STCW regulation I/8, confirmed that full and complete effect was given to the provisions of the STCW Convention.

15.4 As was the case with the Secretary-General's reports to previous sessions of the Committee, the Committee agreed to consider the reports of the 12 Parties and five overseas territories of one STCW Party, collectively in order to:

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

15.5 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 12 STCW Parties and five overseas territories of one STCW Party, and instructed the Secretariat to issue an updated circular as MSC.1/Circ.1164/Rev.10.

Approval of competent persons

15.6 The Committee approved additional competent persons nominated by Governments (MSC 90/15) and instructed the Secretariat to issue an updated circular as MSC.1/Circ.797/Rev.22.

16 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

Developments concerning technical co-operation activities

16.1 The Committee noted document MSC 90/16 (Secretariat), which provided a breakdown of 54 maritime safety and security-related technical co-operation (TC) activities undertaken in the various regions from March to December 2011 and 48 activities planned to be implemented in 2012. Under the TC global programme, an additional 40 activities, which include those related to the Voluntary IMO Member State Audit Scheme and maritime security, with 15 of them scheduled for implementation in 2012, were also noted.

16.2 Whilst appreciating the information provided and the efforts of the Secretariat towards the implementation of technical co-operation activities, the Committee urged Governments and industry to contribute to the Technical Co-operation Fund and requested the Secretariat to continue providing the Committee with updated information on the relevant TC activities.

IMO model course programme

16.3 The Committee noted the information in document MSC 90/16/1 (Secretariat) relating to the publication of three new model courses, namely 1.38 on Marine environmental

awareness, 3.24 on Security awareness training for security personnel, with designated duties and 3.25 on Security awareness training for all port facility personnel. The Committee further noted that 57 model courses had been published in English of which 35 had been translated into French and 38 into Spanish. The Committee requested the Secretariat to continue its follow-up and to keep it informed of future activities.

Name of the agenda item on technical assistance sub-programme in maritime safety and security

16.4 With respect to the title of this agenda item "Technical assistance sub-programme in maritime safety and security", the Committee decided to remove the word "sub-programme" as there is no longer a sub-programme within the Integrated Technical Co-operation Programme and agreed that, in future, the title "Technical co-operation activities relating to maritime safety and security" should be used.

17 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

17.1 The Committee recalled that MSC 89 (MSC 89/25, paragraph 15.8) had requested the Vice-Chairman of the Committee, in consultation with the Chairman and assisted by the Secretariat, to submit, to MSC 90, a preliminary assessment of capacity-building implications and technical assistance needs related to the approved draft amendments to mandatory instruments and the unplanned outputs related to proposals to amend mandatory instruments, which were approved at that session.

17.2 In this connection, the Committee considered document MSC 90/17 (Vice-Chairman), providing the outcome of the above assessment, and agreed that, in general, no capacity-building implications or need for technical assistance were found necessary for the approved draft amendments or outputs related to proposals to amend mandatory instruments. However, technical (legal) support, which may be needed by some Member States to develop legislation, when required, could be addressed through the existing technical assistance provided by the Integrated Technical Co-operation Programme. In this connection, the Committee invited those Member States that may be in need of legal support to inform the Secretariat in due time prior to the entry into force of the amendments.

17.3 Consequently, the Committee concluded that there was no need to establish the Ad hoc Capacity-building Needs Analysis Group (ACAG) at this session and requested the Vice-Chairman, in consultation with the Chairman and assisted by the Secretariat, to submit, to MSC 91, a preliminary assessment of draft amendments to mandatory instruments and outputs related to proposals to amend mandatory instruments, which were approved at this session.

18 ROLE OF THE HUMAN ELEMENT

Outcome of the eighty-ninth session of the Maritime Safety Committee

18.1 The Committee recalled that, at its eighty-ninth session (11 to 20 May 2011), subject to the concurrence of MEPC 62, it had agreed, in principle, to entrust a leading and coordinating role for the implementation of the Organization's strategy to address the Human Element to the STW Sub-Committee.

Outcome of the sixty-third session of the Marine Environment Protection Committee

18.2 The Committee noted that MEPC 62, due to time constraints, had deferred the consideration of the decision of MSC 89 until MEPC 63.

18.3 The Committee further noted that MEPC 63 (MSC 90/2/2/Add.1) had:

- .1 concurred with the decision of MSC 89, subject to review of this arrangement after a few years, to decide if it had achieved the objectives. MEPC 63 had further agreed that it could refer Human Element matters relating to environmental issues directly to the Joint MSC/MEPC Working Group on the Human Element, and that the Working Group should consider the issues referred to it, without further discussion in the Plenary of the STW Sub-Committee; and
- .2 clarified that matters related to the ISM Code, which was mandatory under the SOLAS Convention, were within the purview of the Maritime Safety Committee and, accordingly, the STW Sub-Committee could consider matters related to the ISM Code, as agreed by MSC 89.

18.4 In this context, the delegation of Germany, supported by others, expressed the view that the Assembly, in adopting resolution A.1038(27) on the *High-level Action Plan of the Organization and priorities for the 2012-2013 biennium*, had not nominated the STW Sub-Committee as the coordinating organ on matters related to the ISM Code. Furthermore, in their opinion matters related to the ISM Code were not human element issues and should be considered by the FSI Sub-Committee.

18.5 The delegation of the Netherlands, supported by others, recalling the decisions taken by MSC 89 and MEPC 63, expressed the view that the decisions of the Committees on this issue were quite clear. The reason for the STW Sub-Committee not being designated as the coordinating organ was due to the fact that, at the time of adopting the aforementioned resolution, MEPC 62 had not considered the decision of MSC 89, and hence the Assembly could not make that designation, pending MEPC's decision.

18.6 In closing the agenda item, the Chairman recalled that this issue had now been raised at least three times in the Committee and that it was clear what had been decided and this was the last time the issue would be considered.

19 FORMAL SAFETY ASSESSMENT

General

19.1 The Committee recalled that MSC 89, having considered the report of the GBS/FSA Working Group (MSC 89/WP.7), had endorsed, in principle, the draft amendments to the FSA Guidelines (MSC/Circ.1023-MEPC/Circ.392, as amended) and established the Correspondence Group on Formal Safety Assessment (FSA), instructing it to prepare draft revised FSA Guidelines and Guidance on the use of HEAP and FSA in the IMO rule-making process (MSC/Circ.1022-MEPC/Circ.391, as amended by MSC-MEPC.2/Circ.6), for submission to this session.

19.2 The Committee also recalled that MSC 89 had agreed that the amendments to the aforementioned FSA-related Guidelines and Guidance should be considered by the joint GBS/FSA Working Group at this session.

Report of the correspondence group

19.3 The Committee considered the report of the FSA Correspondence Group (MSC 90/19 and Add.1), containing amendments to the FSA Guidelines, in addition to those

agreed at MSC 89, and the Guidance on the use of HEAP and FSA, and suggesting to review the related interim guidelines on HEAP (MSC/Circ.878-MEPC/Circ.346).

19.4 The Committee also had the following documents, commenting on the correspondence group's report, for its consideration:

- .1 MSC 90/19/5 (Argentina, Denmark, Germany, Norway and IACS), proposing the improvement of the FSA review process, based on an analysis of the FSA reviews carried out by the IMO FSA Experts Group, in relation to the draft amendments to the Guidance on the use of HEAP and FSA in the IMO rule-making process; and
- .2 MSC 90/19/6 (IACS), providing comments on the report of the FSA Correspondence Group in relation to both the draft amendments to the FSA Guidelines and the draft amendments to the Guidance on the use of HEAP and FSA in the IMO rule-making process.

19.5 Having considered the above documents, the Committee decided to refer them to the GBS/FSA Working Group to finalize the text of the draft amendments to the FSA Guidelines and the Guidance on the use of HEAP and FSA in the IMO rule-making process.

Outcome of MEPC 62

19.6 The Committee considered document MSC 90/19/1 (Secretariat), informing that MEPC 62 had finalized its work on environmental risk evaluation criteria within the context of FSA and invited the Committee to incorporate the criteria (MEPC 62/24/Add.1, annex 31) into the FSA Guidelines, and also that MEPC 62 had invited the Committee to forward the IACS FSA study on crude oil tankers to the FSA Experts Group for consideration.

19.7 In this regard, the Committee, having also considered documents:

- .1 MSC 90/19/2 (Japan), presenting its view on an uncertainty factor and an assurance factor to be used in environmental FSA studies, and proposing modifications to the draft amendments to the FSA Guidelines, which were developed at MEPC 62;
- .2 MSC 90/19/3 (Japan), providing a method for setting borders of as low as reasonably practical (ALARP) region on frequency vs. tons of oil spilt (FT) diagrams in environmental FSA; suggesting that an ALARP region is necessary for conducting Step 3 and beyond in environmental FSA; and proposing that an ALARP region should be adopted in the environmental FSA Guidelines; and
- .3 MSC 90/19/4 (Japan), providing results of re-analysis of the FSA study on crude oil tankers, based on newly-developed environmental risk evaluation criteria, taking into account the risk mode (event tree) and validation of event trees used in that FSA study,

decided to forward the above documents to the GBS/FSA Working Group for further consideration and requested the working group to consider whether the FSA study on crude oil tankers should be forwarded to the FSA Experts Group for review.

FSA study on a drillship operating in the US Arctic region

19.8 The Committee noted document MSC 90/INF.9 (United States), informing of its intention to conduct a Formal Safety Assessment on a drillship operating in the United States' Arctic region.

Request from DSC 16

19.9 The Committee, having been informed that DSC 16 (MSC 90/12, paragraph 2.10) had invited the Committee to consider whether the FSA study on sea transport of dangerous goods (DSC 16/6 and DSC 16/INF.2) should be reviewed by the FSA Experts Group, decided to refer these documents to the GBS/FSA Working Group to consider and advise the Committee accordingly.

Instructions for the GBS/FSA Working Group

19.10 Having considered the above matters, the Committee instructed the GBS/FSA Working Group, established under agenda item 5 (see paragraph 5.13), taking into account the comments made and decisions taken in plenary and based on the report of the correspondence group (MSC 90/19 and Add.1), to:

- .1 finalize the draft amendments to the Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023-MEPC/Circ.392, as amended), taking into account documents MSC 90/19/1, MSC 90/19/2 and MSC 90/19/3;
- .2 finalize the draft amendments to the Guidance on the use of human element analysing process (HEAP) and Formal Safety Assessment (FSA) in the IMO rule-making process (MSC.Circ.1022-MEPC/Circ.391, as amended by MSC-MEPC.2/Circ.6), taking into account documents MSC 90/19/5 and MSC 90/19/6;
- .3 prepare draft amendments to the Interim Guidelines on HEAP (MSC/Circ.878-MEPC/Circ.346);
- .4 consider whether the FSA studies on crude oil tankers (MEPC 58/17/2 and MEPC 58/INF.2) and sea transport of dangerous goods (DSC 16/6 and DSC 16/INF.2) should be forwarded to the FSA Experts Group for review and, if so, prepare draft terms of reference for the FSA Experts Group; and
- .5 consider whether it is necessary to re-establish the FSA Correspondence Group and, if so, prepare draft terms of reference for consideration by the Committee.

Report of the GBS/FSA Working Group

19.11 Having considered the part of the report of the GBS/FSA Working Group (MSC 90/WP.7) dealing with the agenda item, the Committee took action as indicated hereunder.

Human element issues

19.12 The Committee noted the group's view that human element issues should be further considered in a future revision of the FSA Guidelines when concrete proposals had been made.

19.13 The Committee noted that the group agreed to amend the Interim Guidelines on HEAP (MSC/Circ.878-MEPC/Circ.346) to incorporate annex 2 of the current Guidance on the use of HEAP and FSA.

19.14 In this connection, the Committee noted the issue raised by the delegation of the Cook Islands on how other human element issues should be dealt with (e.g. to consider the matter in the STW Sub-Committee in relation to the STCW Convention or under the FSA Guidelines). In this regard, the Committee also noted the explanation by the Chairman of the working group, referring to the working group's report (paragraph 4), that HEAP and FSA are different methodologies and that future amendments to HEAP would be subject to the Committee's decision, whereas Human Reliability Analysis (HRA) was included in the FSA Guidelines, which may be amended depending on future concrete proposals.

Environmental risk evaluation criteria

19.15 The Committee noted the group's view on environmental risk evaluation criteria and that it agreed to include the criteria in appendix 7 of the draft Revised FSA Guidelines.

FSA review process

19.16 The Committee noted the group's decisions on the FSA review process, in particular that future Experts Group's reports will only include the names of the experts; and the group's decisions to restructure the FSA Guidelines and the Guidance on the use of HEAP and FSA so that the FSA Guidelines would include the process and functions of the FSA Experts Group.

Draft Revised FSA Guidelines and HEAP Guidelines

19.17 The Committee agreed, in principle, to the draft MSC-MEPC circular on the Revised Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule making process (Revised FSA Guidelines), as set out in annex 1 to document MSC 90/WP.7, for further consideration at MSC 91 with a view to approval.

19.18 The Committee also agreed, in principle, to the draft MSC-MEPC circular on Guidelines for the application of Human Element Analysing Process (HEAP) to the IMO rule making process (HEAP Guidelines), as set out in annex 2 to document MSC 90/WP.7, for further consideration at MSC 91 with a view to approval.

19.19 Notwithstanding the above decision, the Committee noted that the group, having considered the observations by the FSA Experts Group that some of the proposed RCOs were recommended based on cost-benefit alone even though the absolute risk reduction was small and that the selection of RCOs should be considered based on not only the cost-effectiveness but also the risk reduction itself (MSC 90/21/1, paragraph 4.8), had agreed to consider the above matter for future amendments to the FSA Guidelines.

Re-establishment of the FSA Experts Group

19.20 The Committee agreed that the FSA Experts Group should be re-established to review the FSA studies on crude oil tankers and on sea transport of dangerous goods. In this connection, the Committee agreed, subject to the endorsement of the Council, that the FSA Experts Group should meet prior to MSC 91, for three days, so that it may advise the Committee accordingly (see paragraph 25.50.5).

19.21 Consequently, the Committee re-established the Experts Group on Formal Safety Assessment (FSA) and instructed it to review the FSA studies on crude oil tankers (MEPC 58/17/2 and MEPC 58/INF.2, together with document MSC 90/19/4 and Corr.1) and sea transport of dangerous goods (DSC 16/6 and DSC 16/INF.2) and, in particular, for each FSA, to:

- .1 check the:
 - .1 adequacy of scope of the FSA and definition of the problem;
 - .2 validity of the input data (transparency, comprehensiveness, availability, etc.);
 - .3 adequacy of expertise of participants in the FSA; identified hazards and their ranking; and the reasonableness of assumptions; and
 - .4 adequacy of accident scenarios, risk models and calculated risks; identified RCMs and RCOs; selection of RCOs for Cost Benefit Analysis (CBA); and CBA results;
- .2 check methodologies used and relevance of methods and tools for:
 - .1 decision in the group(s) in the FSA;
 - .2 HAZID;
 - .3 calculation of risk;
 - .4 Cost-Benefit Analysis (CBA); and
 - .5 sensitivity and uncertainty analysis;
- .3 if any deficiency was identified in the items above, consider whether they affect the results;
- .4 consider whether the FSA was conducted in accordance with the Guidelines;
- .5 check whether the recommendations in the FSA ask to take any immediate action or propose any changes to IMO instruments;
- .6 consider whether the results and the recommendations in the FSA are credible and advise the decision-makers (e.g. Committees of the Organization) accordingly;
- .7 consider whether it is necessary to improve the FSA Guidelines, and, if so, prepare proposal for the improvement; and
- .8 submit a report to MSC 91.

20 PIRACY AND ARMED ROBBERY AGAINST SHIPS

HIGH-LEVEL DISCUSSIONS ON ARMS ON BOARD

20.1 In his introduction to the first ever high-level segment of the Committee, the Secretary-General welcomed and expressed his gratitude for the support of the host Government through the participation of the Secretary of State for Transport – the Right Honourable Justine Greening MP – and of many Ambassadors, High Commissioners, Vice Ministers and others, including the United Nations Assistant Secretary-General for Legal Affairs, representing the Secretary-General of the United Nations, who had indicated their wish to participate in the debate.

20.2 While introducing documents MSC 90/20/5 (Secretariat) and MSC 90/20/7 (Secretary-General), the Secretary-General recalled that resolution A.1044(27) on *Piracy and armed robbery against ships in waters off the coast of Somalia* had endorsed the Committee's position that seafarers should not carry firearms and decisions on the carriage of armed personnel on board ships for enhancing their protection should be left to flag States, once a thorough risk assessment exercise has been carried out and following consultations with the shipowners concerned. Amongst other things, resolution A.1044(27) strongly urges Governments which have not already done so:

- .1 to decide, as a matter of national policy, whether ships entitled to fly their flag should be authorized to carry privately contracted armed security personnel and, if so, under what conditions; and
- .2 in their capacity as port or coastal States, to decide on their policy on the embarkation, disembarkation and carriage of privately contracted armed security personnel and of the firearms, ammunition and security-related equipment, and to promulgate it widely to other Member States, to industry, and to the Organization.

20.3 Accordingly, the Secretary-General invited all Member States representing flag, port and coastal States and States of seafarers, and shipowners to share their views on this issue of arms on board, which is now critical for the international community and advised that the outcome of the high-level segment would provide the clear policy direction for subsequent discussions on the development of appropriate guidance.

20.4 The three issues to be addressed by the high-level segment were:

- .1 guidance and standards for private maritime security companies (PMSC) providing privately contracted armed security personnel (PCASP), to include consideration of documents MSC 90/20/15 (Republic of Korea) and MSC 90/20/16 (India);
- .2 issues related to PCASP of concern to littoral States; and
- .3 guidelines on the use of firearms.

20.5 The Committee noted the support of the Republic of Korea (MSC 90/20/15) for in-depth discussions on the need for mandatory standards or international guidelines, established by IMO or other international organizations, to control the activities of PMSCs. The Republic of Korea also supported the establishment, perhaps by means of a standard contract, of the clear and unambiguous roles and responsibilities of all on board ships

carrying PCASP, which would include the respective responsibilities and authorities of the ship's master and security personnel.

20.6 The Committee also noted the information contained in document MSC 90/INF.12 (United Kingdom), providing the United Kingdom's new policy on the use of PCASP on board United Kingdom-flagged ships.

20.7 In considering document MSC 90/20/16 (India), the Committee noted the report of a recent incident on the Indian coast in which armed security personnel mistook a fishing boat in the vicinity of their ship to be a pirate boat and fired at the boat, killing two people. In this context, the Committee noted that India was supportive of the command of the vessel for both security and safety purposes being retained by the master. India proposed "verifiable linkages" between the flag State, the PMSC and the PCASP, and that ships carrying PCASP should have the necessary clearance from the flag State for carriage of specific personnel and the firearms and ammunition on board. Furthermore, India proposed that ships carrying PCASP should report the details of onboard PCASP to the coastal State while they are within the limits of the exclusive economic zone of the concerned coastal State; however, this was not supported.

20.8 Following the high-level debate, the Committee concluded that a number of policies related to the issue could be formulated on the basis of the discussion.

20.9 The Committee agreed that:

- .1 the carriage of firearms by seafarers continues to be strongly discouraged;
- .2 the use of PCASP was an exceptional measure to be used only in exceptional circumstances in the high-risk area and that use of armed personnel on board ships should not become institutionalized;
- .3 the carriage of armed personnel on board ships for enhancing their protection should be left to flag States to decide, once a thorough risk assessment exercise has been carried out and following consultations with the shipowners concerned;
- .4 Governments should decide, as a matter of national policy and taking into account the guidance developed by the Organization, whether ships entitled to fly their flag should be authorized to carry privately contracted armed security personnel and, if so, under what conditions, and urged all Governments to promulgate that information widely, including to the Organization;
- .5 guidance to private maritime security companies, to complement existing related guidance to flag, port and coastal States and to shipowners, ship operators and ship masters should be developed by IMO;
- .6 further guidance is needed to assist policy development at the national level and facilitate greater harmonization of policies at the international level related to the issue of arms on board. The development of such guidance does not constitute a recommendation or an endorsement of the general use of PCASP;
- .7 the guiding principles for standards for PMSC and PCASP on board ships should be developed by IMO; and

- .8 IMO should work closely with the International Organization for Standardization (ISO) in the development of international standards for PMSCs and PCASP to ensure consistency with the Organization's guidance on the matter.

20.10 In considering the content and nature of the guidance, the Committee took the following principles into account:

- .1 flag States should take into account the possible escalation of violence which could result from the use of firearms and carriage of armed personnel on board ships when deciding on their policy;
- .2 flag States should provide clarity to masters, seafarers, shipowners, operators and companies with respect to the national policy on carriage of armed security personnel;
- .3 the master should be involved in the decision-making process, and the documented command and control structure should provide a clear statement that at all times the master remains in command and retains the overriding authority on board;
- .4 the use of PCASP should not be considered as an alternative to Best Management Practices (BMP) and other protective measures. Use of armed guards is one of a graduated range of options. Placing armed guards on board as a means to secure and protect the vessel and its crew should only be considered after a risk assessment has been carried out. It is also important to involve the master in the decision-making process;
- .5 the flag State has jurisdiction over ships entitled to fly its flag operating on the high seas and, therefore, any laws and regulations imposed by the flag State concerning the use of PMSC and PCASP apply;
- .6 Governments should do everything in their power to ensure that ships entitled to fly their flag that are carrying PCASP promptly advise the Maritime Security Centre Horn of Africa (MSCHOA) when registering their intention to transit the waters off the coast of Somalia, including the Gulf of Aden and the western Indian Ocean area;
- .7 it is essential that all PCASP have a complete understanding of the rules for the use of force as agreed between the shipowner, PMSC and master and fully comply with them. PCASP should be fully aware that their primary function is the prevention of boarding using the minimum force necessary to do so. The PMSC should provide a detailed graduated response plan to a pirate attack as part of its teams' operational procedures; and
- .8 PMSC should require their personnel to take all reasonable steps to avoid the use of force. If force is used, it should be in a manner consistent with applicable law. In no case should the use of force exceed what is strictly necessary and, in all cases, should be proportionate to the threat and appropriate to the situation. PMSC should require that their personnel not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life.

20.11 Having considered issues related to PCASP of concern to coastal and port States, the Committee agreed that:

- .1 masters, shipowners and companies should be aware that ships entering the territorial sea and/or ports of a State are subject to that State's legislation. It should be borne in mind that importation of firearms is subject to port and coastal State regulations;
- .2 Governments should decide, in their capacity as port or coastal States, if applicable, and taking into account the recommendations and guidance developed by the Organization, their national policy on the embarkation, disembarkation and carriage of privately contracted armed security personnel and of the firearms, ammunition and security-related equipment to be used by such security personnel on board ships;
- .3 Governments should make known their policies and procedures on the embarkation, disembarkation and carriage of PCASP of related firearms, ammunition and security-related equipment to the shipping industry, the providers of privately contracted armed security personnel and all Member Governments in order to enable flag States to act accordingly; and provide relevant information to the Organization;
- .4 the differing customs or security requirements for the carriage and importation of firearms should be considered, as taking any type of firearm into the territory of some countries may be considered an offence; and
- .5 firing weapons at suspected pirates may impose a legal risk for the master, shipowner or company. In some jurisdictions, killing a national may have unforeseen consequences even for a person who believes he or she has acted in self-defence.

20.12 The Committee further noted that:

- .1 some delegations stated that consistent with paragraph 8.15 of the BMP, they only authorized the use of military vessel protection detachments when considering the use of armed guards but nonetheless were supportive in greater international harmonization and standardization for PCASP; and
- .2 some delegations had expressed their concerns related to the practice of private security companies having logistical platforms situated close to the territorial sea of a State, in order to embark and disembark PCASP and firearms.

20.13 In addition to the development of standards and guidance detailed above, the Committee agreed to instruct the Secretariat to support the broad dissemination of Government policies related to PCASP by, inter alia, publishing the Member State policies and procedures it received on its website.

DEVELOPMENT OF GUIDANCE RELATED TO PCASP**Interim guidance for flag, port and coastal States and for shipowners, ship operators, and ship masters on PCASP in the High Risk Area (HRA)**

20.14 In considering the report of the Intersessional Maritime Security and Piracy Working Group (MSC 90/20/1), the Committee recalled that the group had been instructed to develop and promulgate interim recommendations to Governments on the use of PCASP in the HRA; and to review the interim guidance to flag States and to shipowners, ship masters and ship operators, and to revise and promulgate if necessary. While the group had considered including the flag State guidance in guidance to Governments, it determined that at that stage in the development of interim recommendations it would be preferable to retain two separate documents. Due to different legislative regimes among Member States, the group had recognized that only high-level recommendations were appropriate to be developed at that stage. The group had developed new interim recommendations for port and coastal States and revised the interim recommendations for flag States as well as the interim guidance for shipowners, ship operators and ship masters.

20.15 The Committee noted that the group had also considered the need to define within the guidelines the type and size of firearms employed by PCASP to satisfy the requirements of accuracy of fire. After a lengthy discussion, the group had agreed to the inclusion of a new paragraph 3.2.5 within the industry guidance in MSC.1/Circ.1405/Rev.1 to address, in general form, the size and type of weapons to be employed in accordance with the applicable flag State national legislation pertaining to the carriage and use of firearms by PCASP.

20.16 The Committee further noted that the group had not undertaken a thorough review of MSC.1/Circ.1333 and MSC.1/Circ.1334, as suggested by MSC 89, but agreed that such a review should occur once the guidance and recommendations were finalized. The group had recommended that consequential amendments may have to be made to paragraph 7 in MSC.1/Circ.1333 and paragraph 63 of MSC.1/Circ.1334 and brought this to the attention of the Committee for its consideration.

20.17 Subsequently, the Committee decided to instruct the Working Group on Maritime Security and Piracy (MSPWG) to review MSC.1/Circ.1333 and MSC.1/Circ.1334 and to advise the Committee accordingly.

20.18 The Committee noted document MSC 90/20/12 (WCO) and that, in addition to MSC-FAL.1/Circ.2 developed by the Organization, WCO had produced and issued a short questionnaire which focused on two key issues: (1) the role of customs in the control of firearms and ammunition entering or leaving the customs territory for use by PCASPs; and (2) the information required on firearms. The Committee noted that the WCO Secretariat would publish on its public website (www.wcoomd.org) all responses that were authorized by their member organizations and would also be prepared to contact the littoral States in the High Risk Area for more detailed information should that be the wish of the Committee.

20.19 The Committee noted that all respondents to the WCO questionnaire had required arms and ammunition to be reported, in the majority of cases by means of a formal written declaration, with the time at which the information had to be reported varying widely. In a large majority of cases, customs authorities had the responsibility for checking the validity of licences and permits for the weapons and ammunition, and in the majority of cases, customs authorities had the responsibility for ensuring the secure storage of arms and ammunition on board.

20.20 The Committee thanked the WCO for its work and instructed the MSPWG to consider whether follow-up work by WCO was needed.

20.21 The Committee considered document MSC 90/20/3 (Italy) and noted the action taken by Italy with respect to the safety aspect of the use of armed personnel and related decisions taken by the Italian Administration, which permitted the use of military protection teams on board Italian merchant ships and fishing vessels sailing in high-risk areas. In such cases, the increased number of persons carried on board could be inconsistent with numbers specified in the relevant ship's safety certificate. When the total number of persons on board exceeded the maximum number of persons for which the ship is certified in respect to life-saving appliances, Italy allowed the carriage of such persons provided that additional personal life-saving appliances and at least a liferaft capable of being launched on either side of the ship was fitted on board. The Committee noted that, in such cases, the Italian Administration issued a specific statement indicating that the deviation from SOLAS regulation III/31, as applicable, for the limited period of time identified had been authorized, and countermeasures, as specified, had been taken. The validity of the statement was limited to the single voyage.

20.22 The Committee noted the proposal of Italy to develop a circular and decided to refer the matter to the MSPWG for its consideration and advice.

Guidance for PMSC

20.23 The Committee recalled that during the high-level segment, it had agreed that the Organization develop guidance for PMSC.

20.24 The Committee recalled that Working Group 3 (WG 3) of the Contact Group on Piracy off the Coast of Somalia (CGPCS) was a contributor to the development of industry-related counter-piracy guidance, including guidance on armed security, and noted the outcomes of the fifth session of WG 3 (MSC 90/INF.4 (United States)) and its two intersessional correspondence groups (ICGs) (MSC 90/20/6 (United Kingdom) and MSC 90/20/14 (United States), respectively).

20.25 The Committee noted that the first ICG, led by the United Kingdom, had been tasked with developing guidance to PMSC, a sector for which IMO had not produced guidance to date. The second ICG, led by the United States, had drafted a framework for flag States for improved prevention and mitigation of acts of piracy against ships (see paragraph 20.43 below).

20.26 In considering the report by the United Kingdom (MSC 90/20/6), the Committee noted that a correspondence group of WG 3 had developed draft interim guidance to private maritime security companies providing PCASP aboard vessels transiting the High Risk Area. The document had been developed, in consultation with PMSCs, to complement MSC.1/Circ.1405/Rev.1. The United Kingdom provided a verbal update of the work that took into account the outputs of the plenary meeting of the CGPCS held in New York in March 2012, and inputs from WG 2 (legal), which had met at IMO Headquarters on 24 April 2012.

20.27 Taking into account the decisions of the high-level segment, during which the Committee had concluded that the Organization has a role to play in producing guidance directly for PMSCs, document MSC 90/20/6, its annex and the updated information were referred to the MSPWG to be used as the source document on which to develop such guidance.

20.28 The Committee noted document MSC 90/20/9 (ISO and BIMCO) and that ISO and BIMCO proposed a new international standard ISO 28007 on Guidelines and the certification of PMSC providing PCASP on board ships. Having agreed that IMO should work closely with ISO in the development of international standards for PMSC and PCASP to ensure considering with the Organization's guidance, the Committee referred the matter to the MSPWG for further consideration and advice.

20.29 The Committee noted document MSC 90/INF.13 (United Kingdom) and that the United Kingdom had an accreditation scheme for PMSC allowing the use of PCASP on ships entitled to fly the flag of the United Kingdom. There would be a single standard with "light touch" bureaucracy, which would be industry-led, but with United Kingdom Government oversight and credibility, and with accredited certifying bodies providing independent verification. The Government, along with industry partners, had established the Security in Complex Environments Group (SCEG), which was appointed to lead nationally on developing standards and an accreditation process for PMSCs.

20.30 The Committee referred the information included in the SCEG industry standards document (MSC 90/INF.13, annex) to the MSPWG.

20.31 The Committee noted document MSC 90/20/11 (Marshall Islands) and that the Security Association for the Maritime Industry (SAMI) had established an accreditation programme as a standard by which PMSCs were being vetted and independently certified. The programme, which was derived from IMO guidance, the International Code of Conduct for Private Security Service Providers (ICoC), and from industry best practice, was intended to enable a detailed assessment of the suitability of a PMSC and its security personnel to perform security operations in the HRA.

20.32 The Committee further noted the Marshall Islands' proposal to establish an international standard and accreditation process for the governance and use of PCASP, rather than having a "patchwork" of national standards around the globe. It invited the Committee to give consideration to the SAMI Programme in the formulation of a framework of international standards and an accreditation process upon which shipowners can rely to make an informed judgment and decision on the selection of a PMSC in keeping with the guidelines of the Organization.

20.33 The Committee also noted that BIMCO (MSC 90/INF.5) had provided information on BIMCO's standard contract, "Guardcon", for armed security personnel.

20.34 Having considered a number of approaches to the development of standards, and having noted that there were a range of options for the regulation of PMSCs, including the development of standards by ISO, the Committee decided that the Organization had a role to play in developing standards, and instructed the MSPWG to consider the issue and recommend the way forward.

STATISTICAL INFORMATION

General reporting

20.35 The Committee recalled that the Secretary-General had introduced document MSC 90/20 in his opening remarks and noted the following information:

- .1 the number of acts of piracy and armed robbery against ships reported to the Organization and which occurred in 2011 was 544 against 489 during the previous year, representing an increase of 55 (11.3%) over the figure for 2010;
- .2 from the information referred to above, it emerges that the areas most affected in 2011, as in 2010, were East Africa and the Far East, in particular the South China Sea, followed by the Indian Ocean, West Africa, South America and the Caribbean. The majority of incidents occurred off East Africa and have increased from 172 in 2010 to 223 in 2011, thus returning to the same level as in 2009 (222 incidents). As a consequence of the deployment of motherships by Somali pirates and the increased range of their operation, the number of incidents occurring in the Arabian Sea increased from 16 in 2010 to 28 in 2011. However, the number of incidents in the Indian Ocean decreased from 77 to 63 in 2011. Despite the high number of Somalia-based piracy attacks, the pirates' success rate has been significantly reduced. Somali pirates attacked 172 ships in 2010 and hijacked 50 of them (29%) while in 2011, out of 286 attacks, 33 resulted in the ship being hijacked (11.5%);
- .3 a significant number of attacks occurred in the South China Sea where 113 reports were made to the Organization compared with the 134 incidents reported for 2010. Incidents reported for the Malacca Strait rose from three incidents reported in 2010 to 22 incidents reported for 2011. The number of reported acts of piracy and armed robbery decreased from 40 to 29 in South America and the Caribbean. The number of incidents reported for West Africa increased to 61 incidents reported for 2011, up from 47 reported in 2010. Two incidents were reported in the Mediterranean Sea, and two in the North Atlantic Ocean. More than 60 per cent of the attacks worldwide were reported to have occurred or to have been attempted in international waters, which is largely due to the continuous activity of Somali-based pirates operating off the coast of Somalia and in the Indian Ocean and the Arabian Sea. However, for other regions the majority of incidents occurred in the territorial waters of the coastal States concerned while the ships were at anchor or berthed. In many of the reports received, the crews were violently attacked by groups of five to 10 people carrying knives or guns; and
- .4 from the same information, it emerges that during the period under review seven crew members were killed, as compared to 2010 which saw two casualties. About 569 crew members were reportedly taken hostage/kidnapped, as compared to 1027 in 2010. Worldwide, 50 ships were reportedly hijacked, as compared to 57 in 2010.

20.36 The Committee urged, once again, all Governments and the industry to intensify and coordinate their efforts to eradicate piracy and armed robbery against ships.

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

20.38 The Committee noted document MSC 90/INF.6 (ReCAAP-ISC) and that the ReCAAP Information Sharing Centre (ISC) was now into its sixth year of operations and had 18 Contracting Parties, with the United Kingdom becoming the latest member on 2 May 2012. ReCAAP-ISC had undertaken a number of capacity-building activities both in Asia and also in cooperation with the Djibouti Code of Conduct signatory States and the Djibouti Code ISCs. ReCAAP-ISC is an ongoing contributor to the IMO piracy reports and advised the Committee that the piracy situation in Asia had shown improvement in 2011 and had generally stabilized. Although there were five cases of hijacking of tugboats and one kidnapping case in 2011, through the ReCAAP network, all five hijacked vessels and their crew had been recovered, and some of the hijackers had been arrested.

Flag support for improving reliability of worldwide piracy attack data collated by IMB

20.39 In considering the proposals in document MSC 90/20/13 (Liberia, the Marshall Islands, Panama, ICC, INTERCARGO and ITF), the Committee noted that a declaration had been signed on 3 August 2011 by Liberia, the Marshall Islands and Panama condemning acts of violence against seafarers and recognizing the need for better information on attacks and that this work had been strongly supported by the One Earth Future (OEF) Foundation. As part of the declaration, the signatories had recognized the increasing use of violence associated with attacks, and the value of reporting such information, bearing in mind the sensitivities surrounding such reporting. The Committee urged Member States and international organizations to provide information on acts of piracy and armed robbery and the associated violence to ICC-IMB in order to be collated and disseminated.

PREVENTION AND MITIGATION OF ACTS OF PIRACY AGAINST SHIPS

Outcome of LEG 99

20.40 The Committee noted that the ninety-ninth session of the Legal Committee (LEG 99), which was held from 16 to 20 April 2012, had considered the reports of the ninth and tenth sessions of Working Group 2 of the CGPCS (WG 2), held in the Seychelles in October 2011 and in Copenhagen in March 2012, respectively. WG 2 had focused on draft "rules on the use of force" by PMSC and PCASP which had been developed by WG 3. A further meeting of WG 2 had been held at IMO Headquarters on 24 April 2012 and the outcome would be discussed by the Committee.

20.41 LEG 99 had noted that a database on court decisions related to piracy off the coast of Somalia was being maintained by another United Nations agency, namely the United Nations Interregional Crime and Justice Research Institute (UNICRI). Member States had been invited to submit relevant information to IMO for forwarding to UNICRI.

20.42 LEG 99 had further considered a proposal seeking information on the apprehension of pirates operating in the Gulf of Aden, the Arabian Sea and in the northern Indian Ocean, in order to assess the scale of the problem of prosecuting perpetrators. The Secretariat had been requested to approach agencies in the region directly involved in combating piracy and armed robbery, requesting information on the number of pirates captured, handed ashore for further investigation and apprehension, or left without charges and released because of difficulties associated with apprehending them, as well as identifying such difficulties, and to report back to the Legal Committee at its 100th session on the results of its enquiries.

Endorsement of guidance to shipowners

20.43 The Committee recalled that it had authorized the Chairman and the Secretariat to promulgate revisions of the industry-developed best management practices (BMP) guidance under cover of an MSC circular, and to revoke the existing BMP, without having to wait for the Committee's prior approval. As a result, on 14 September 2011 the latest revision of BMP (Best Management Practices for Protection against Somalia-based Piracy) was issued as MSC.1/Circ.1339. The Committee approved MSC.1/Circ.1339 retrospectively.

Guidance to Governments

20.44 The Committee considered the proposals of a number of industry bodies set out in document MSC 90/20/8 (ICS, ITF, BIMCO, INTERTANKO, INTERCARGO, InterManager, P&I Clubs, ICC, IPTA, SIGTTO and WSC), which, inter alia, indicated that Member States were yet to agree principles that facilitate and support the role of flag States with respect to the implementation of counter-piracy initiatives. The industry representatives welcomed States' commitments to resource military assets, but indicated that flag States could do more to facilitate the application of counter-piracy measures on board their ships and the arrest and prosecution of pirates. The Committee was invited to develop an over-arching document to more fully address the role of the flag State in combating piracy and the protection of ships against pirate attack and assist in the development of individual flag State policy in this regard. The annex to the document provided draft guidelines which invited flag States to implement a number of steps intended to complement the powers already at their disposal to deal with actual or attempted piracy against their ships.

20.45 The Committee noted document MSC 90/20/14 (United States) and that the second intersessional correspondence group (ICG) of CGPCS WG 3 (see paragraphs 20.22 and 20.23) had developed a framework for flag States to improve the use of Best Management Practices (BMP) and other counter-piracy guidance aboard ships entitled to fly their flag.

ESTABLISHMENT OF THE WORKING GROUP

20.46 The Committee established the Working Group on Maritime Security and Piracy and instructed it, taking into account the decisions taken and comments made in plenary:

- .1 with respect to the interim guidance for port and coastal States on policies related to PCASP in the HRA and the offer by the World Customs Organization in document MSC 90/20/12 to contact the littoral States in the HRA for more detailed information, to consider the matter of whether follow-up work by WCO is needed and recommend the approach to be taken;
- .2 with reference to the proposal contained in document MSC 90/20/3, to consider the issue and the draft guidance provided and, if appropriate, develop guidance for adoption at this session, and advise the Committee accordingly;
- .3 using MSC 90/20/6 as the source document, to develop interim guidance for private maritime security companies for adoption at this session and advise the Committee accordingly;
- .4 to consider the issue of standards development for and certification of private maritime security companies and their personnel, and the need for any oversight capacity, taking into account the submitted documents

MSC 90/20/6, MSC 90/20/9, MSC 90/20/11, MSC 90/INF.5, MSC 90/INF.12 (MSC 90/20/4/Corr.1) and MSC 90/INF.13 (MSC 90/20/10/Corr.2) and recommend the actions to be taken;

- .5 consider whether revisions are required at this time to MSC.1/Circ.1405/Rev.1, MSC.1/Circ.1405/Rev.1 and/or MSC.1/Circ.1408 and, if so, draft revised interim guidance for adoption at this session, and advise the Committee accordingly;
- .6 taking into account the identification by the Intersessional Maritime Security and Piracy Working Group in MSC 90/20/1 of a number of consequential amendments to MSC.1/Circ.1333 and MSC.1/Circ.1334 as well as the proposals raised in MSC 90/20/8 and MSC 90/20/14, review MSC.1/Circ.1333 and MSC.1/Circ.1334 and draft revised guidance for adoption at this session, and advise the Committee accordingly;
- .7 with reference to the proposal contained in document MSC 90/20/14 and the work undertaken under .6, above, consider whether separate guidance is required and advise the Committee accordingly; and
8. consider the benefits of consolidating all current guidance on piracy and armed robbery and advise on the most effective and efficient way of presenting the information.

REPORT OF THE WORKING GROUP

20.47 Having considered the report of the working group (MSC 90/WP.6), the Committee approved it in general and took action as indicated hereunder.

20.48 The Committee noted the statements of the delegations of Kenya and the Bolivarian Republic of Venezuela, copies of which are attached at annexes 39 and 40, respectively.

20.49 Having noted the information provided by WCO, the Committee requested WCO to seek further responses from countries in the HRA in relation to the implementation of IMO interim recommendations on the use of PCASP on board ships and issues related to embarkation and disembarkation of PCASP, their firearms and equipment, and instructed the Secretariat to liaise with WCO in order to promulgate authorized responses on the IMO public website.

20.50 Having recalled the discussion in plenary on the subject of life-saving appliances for ships carrying PCASP and military vessel protection detachments (VPD) (paragraphs 20.19 and 20.20), and noting that the carriage of additional personnel for various purposes was not unusual and, following further discussion, the Committee agreed that decisions on the carriage of additional personnel, including PCASP and VPD, were the prerogative of the flag State. The flag State was responsible for documenting its decisions in this respect. The Committee endorsed the group's decision that, as this issue had been addressed by paragraph 3.2.2 of MSC.1/Circ.1405/Rev.1, there was no need to develop further guidance in respect of PCASP and VPD. The delegation of Malta suggested that the carriage of additional persons on board was a wider issue for possible future consideration by the FSI Sub-Committee.

20.51 The Committee noted that in considering the development of guidance to PMSC providing PCASP on board ships in the High Risk Area, the group had again discussed the need for maritime expertise for PMSC, noting that the group had previously agreed (MSC.1/Circ.1405 and MSC.1/Circ.1405/Rev.1, paragraphs 2.2.1 and 2.2.4) that it was

important to stress the need for maritime experience, given the special nature and requirements related to providing security on board ships as opposed to on land. The Committee further noted that the intent behind paragraph 3.8.1 of the draft circular was that the personnel of the security company should have maritime experience; therefore the expectation was that security companies not having such maritime experience wishing to offer their services to shipowners/ship operators, would engage maritime competency for their company to meet the special requirements of the maritime industry, and this specialized competency would be necessary both on board and ashore.

20.52 The Committee noted that China reserved its position on paragraphs 3.8.1 and 3.8.7 of the draft circular and had expressed concern that paragraphs 3.8.1 and 3.8.7 may be applied in a manner as a barrier to a newly-founded security company because such a company would not be able to provide testimonials/references from previous clients in the maritime industry as outlined in paragraph 3.8.7, and may be regarded as not meeting paragraph 3.8.1 because such a company would not have any maritime experience.

20.53 However, the Committee further noted that the majority of the group was of the view that the list of documentary evidence that may be requested by those seeking to hire PMSC was not prescriptive but rather was intended to provide guidance to PMSC on what they may be required to demonstrate to those considering employing their services, as previously agreed in MSC.1/Circ.1405/Rev.1, and had agreed to retain the text as included in that guidance.

20.54 During the ensuing discussion, the majority of delegations that spoke supported approval of the existing text and, therefore, the Committee approved MSC.1/Circ.1443 on Interim guidance to private maritime security companies providing privately contracted armed security personnel on board ships in the High Risk Area. However, the Committee noted that China, France, Germany, Indonesia, Islamic Republic of Iran, Italy, Republic of Korea, South Africa, Thailand, and Turkey reserved their positions on paragraphs 3.8.1 and 3.8.7 of the circular.

20.55 The Committee noted that the group had again (see paragraph 20.5) discussed the need for verifiable linkages between the PCASP, PMSC and the flag State, in the context of India's stated concern over the possibility of non-State actors infiltrating as PCASP, but had concluded that the issue was already addressed appropriately in MSC.1/Circ.1406/Rev.1.

20.56 The Committee endorsed the Group's decision that, as no submissions had been made to the Committee related to revisions to existing guidance on use of PCASP in the HRA*, it would not have been appropriate to undertake a full revision of the documents at this stage. However, having taken into account the need for consequential amendments to MSC.1/Circ.1405/Rev.1, as a result of the approval of MSC.1/Circ.1443, the Committee approved MSC.1/Circ.1405/Rev.2 on Revised interim guidance to shipowners, ship operators and shipmasters on the use of privately contracted armed security personnel on board ships in the High Risk Area.

20.57 The Committee further agreed that a reference should be made in MSC.1/Circ.1406/Rev.1 and MSC.1/Circ.1408 to the new guidance for PMSC (MSC.1/Circ.1443), and instructed the Secretariat to make the necessary minor amendments and to release revised versions of both circulars.

20.58 The Committee agreed that ISO would be best placed to develop standards with guidance from IMO. The Committee noted the need to forward the new interim guidance (MSC.1/Circ.1443) to ISO as the base document to be used in developing the ISO standards, and further agreed to include, in the package to be sent to ISO, documents

* Refer to MSC.1/Circ.1405/Rev.1, MSC.1/Circ.1406/Rev.1 and MSC.1/Circ.1408.

MSC 90/20/11, MSC 90/INF.5, MSC 90/INF.12 (MSC 90/20/4/Corr.1) and MSC 90/INF.13 (MSC 90/20/10/Corr.2), with a caveat on document MSC 90/20/11 that it is to be used in relation to the guidance provided in MSC.1/Circ.1443 and that IMO did not support self-certification or self-regulation. The Committee instructed the Secretariat to liaise with ISO, to provide ISO with the documents, and to participate in the ISO process for standards development.

20.59 Having agreed that it would be useful for Member States to promulgate the list of PMSCs that had been certified by bodies accredited by Member States, the Committee instructed the Secretariat to consider ways of assisting in the promulgation of this information, taking into account any data protection requirements.

20.60 The Committee endorsed the decision of the group not to revise MSC.1/Circ.1333 and MSC.1/Circ.1334 at this time, other than minor consequential amendments related to the new guidance on PMSC and PCASP, and instructed the Secretariat to proceed accordingly.

20.61 Having agreed that there would be merit in referencing, in a single concise document, the recommended practices that flag States are encouraged to apply, taking into account their own circumstances and subject to their national law, in order to maximize their efforts to implement counter-piracy measures, the Committee approved MSC.1/Circ.1444 on Interim guidance for flag States on measures to prevent and mitigate Somalia-based piracy.

20.62 The Committee also noted a statement by the delegation of the Islamic Republic of Iran outlining the actions they are taking to counter piracy off the coast of Somalia, the full text of which is set out in annex 41.

21 GENERAL CARGO SHIP SAFETY

General

21.1 The Committee recalled that MSC 89 (MSC 90/21), having considered the report of the FSA Experts Group (MSC 89/WP.3), had endorsed the group's review of the FSA study on General Cargo Ship Safety (MSC 88/19/2), in particular that the study was in line with the FSA Guidelines.

21.2 The Committee also recalled that MSC 89 had instructed the FSA Correspondence Group to further consider the final recommendations in the FSA study in terms of risk control options (RCOs) and advise the Committee, in particular regarding further consideration by relevant sub-committees.

21.3 The Committee further recalled that MSC 89 had agreed that the GBS/FSA Working Group should consider the aforementioned recommended RCOs in detail at this session.

Report of the correspondence group

21.4 The Committee considered the report of the Correspondence Group on Formal Safety Assessment (MSC 90/21/1), providing further explanation on consideration taken at the previous FSA Experts Group regarding the FSA on the general cargo ship safety, in order to facilitate the Committee's consideration, and making several recommendations.

21.5 In considering to forward the recommended RCOs in the FSA study to sub-committees, the Committee, recognizing the importance of improving safety of general cargo ships and recalling that the FSA study was in line with the FSA Guidelines, decided to instruct the GBS/FSA Working Group to prepare an action plan for the consideration of the

final recommendations (RCOs) by the sub-committees, which should take into account the report of the correspondence group.

21.6 The Committee noted the information provided by the Secretary-General on the holding of the postponed Ship Safety Symposium some time in 2013.

Instructions for the GBS/FSA Working Group

21.7 Subsequently, the Committee instructed the GBS/FSA Working Group, established under agenda item 5 (see paragraph 5.13), taking into account the comments made and decisions taken in plenary and based on the report of the correspondence group (MSC 90/21/1), to prepare action plan for the relevant sub-committees to further consider final recommendations (RCOs) included in the IACS's FSA study on General Cargo Ship Safety (MSC 88/19/2) and advise the Committee accordingly.

Report of the GBS/FSA Working Group

21.8 Having considered the part of the report of the GBS/FSA Working Group (MSC 90/WP.7) dealing with the agenda item, the Committee took action as indicated hereunder.

21.9 With regard to the final recommendations (RCOs) included in the FSA study on General Cargo Ship Safety (MSC 88/19/2), the Committee agreed to action plans for relevant sub-committees regarding the review of general cargo ship safety and instructed those sub-committees to take action accordingly, based on annex 4 to document MSC 90/WP.7.

21.10 In regard to planned output for 2012-2013 on Review of general cargo ship safety (5.2.1.7), the Committee agreed that relevant sub-committees should be included as associated organs and that the above output should be included in the biennial agendas of the relevant sub-committees and the provisional agendas for their forthcoming sessions, as appropriate (see paragraphs 25.7, 25.10, 25.15, 25.20, 25.29 and 25.39).

22 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Outcome of FAL 37

22.1 The Committee recalled that MSC 88, when considering the issue of online access to certificates and documents required to be carried on board ships, had requested the Secretariat to circulate a questionnaire on Online access to certificates and documents, in the form of a FAL circular, subject to concurrence by the Chairmen of the MEPC and the FAL Committee, so that FAL 37 could receive sufficient feedback for its further consideration of this matter.

22.2 The Committee was reminded that FAL 37 had decided on a road map of actions, which included exploring the possibility, based on the results of the work of the Correspondence Group on Electronic access to certificates and documents, of working with other relevant Committees to identify under what conditions a system for electronic access to, or an electronic version, of documents and certificates could be acceptable.

22.3 The Committee was advised that, while MEPC 63 had agreed with the development of a system making available electronic copies of documents and certificates held on board ships for facilitation purposes, MSC 91 will be invited to consider the outcome of FSI 20 on the need to further clarify the meaning of "originals" to be carried on board.

22.4 Furthermore, the Committee was also advised that A 27 had agreed to a process of periodic review of mandatory IMO instruments in order to reduce administrative burdens in adopting resolution A.1043(27) and that C 108 would be expected to establish the Ad hoc Steering Group for Reducing Administrative Requirements under relevant terms of reference.

22.5 In this context, the Committee agreed that further consideration of this issue be undertaken at MSC 91, in light of the decision of C 108, together with any relevant outcome of FSI 20, and encouraged Member States to participate in the work of the correspondence group created by FAL on Electronic access to certificates and documents, under the coordination of the United States*.

Outcome of JWGMSA 5

22.6 The Committee was advised that C 106 had considered the report of the fourth session of the Joint Working Group on the Member State Audit Scheme (JWGMSA 4) and had noted that it had been invited to decide, no later than C 109, in the autumn of 2012, on the issue of confidentiality in the context of a mandatory scheme, in particular, with regard to the disclosure of audit reports to all Member States. The Council had also considered document C 106/8/2 (Bahamas), proposing that the ICAO model for reporting audit results should be adopted by the Organization in order to address the issue of confidentiality, and had referred the document to the Joint Working Group for its consideration in the context of a mandatory audit scheme. The Council had further requested the Joint Working Group to provide the outcome to the MSC and the MEPC for their consideration in the context of the mandatory instruments within their purview, prior to a decision being taken by C 109.

22.7 The Committee considered the outcome of JWGMSA 5 (MSC 90/22/3), on the issue of confidentiality and the reporting format, particularly, on whether its role, with respect to the 1974 SOLAS Convention and its 1988 Protocol, the 1966 Load Lines Convention and the 1988 LL Protocol, the 1969 Tonnage Convention, COLREG 1972 and the STCW Convention, as amended, or that of Member States that are Parties to those instruments, is affected with respect to the application of the provisions of those instruments by the disclosure of:

- .1 audit results, in the form as provided for in the executive summary report; and
- .2 Member State's comments on the progress of implementation of its corrective action plan.

22.8 On the issue of confidentiality, a general overview of the need for transparency and the implications of the release of audit reports was provided by the delegation of Norway, which was subsequently supported by a number of delegations, whilst other delegations express some concerns. The aforementioned statement by the delegation of Norway on the general overview is set out in annex 42. A number of delegations, in highlighting the core objectives of the audit scheme, both in its current voluntary form and a future mandatory scheme, in particular, the fundamental need to further assist Member States to improve their capabilities and overall performance in the implementation of the mandatory IMO instruments through the provision of technical assistance, whilst at the same time providing valuable input

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to the regulatory function of the Organization, expressed the view that the availability of audit reports could also foster the achievement of the aforementioned objectives.

22.9 In addressing the questions posed to it on the release of the executive summary report and a Member State's comments on the progress of implementation of its corrective action plan, the Committee agreed, by a slight majority, that the release of the executive summary report, in the form attached to document MSC 90/22/3, and the related Member State's comments thereon would have no negative impact on its role or that of a Member State as a Party to the instruments concerned. It also acknowledged that the release of the report and comments could positively impact the work of the Committee, particularly in its review of the implementation of instruments and the regulatory work of the Organization.

22.10 The delegation of China, supported by others, acknowledged the opinion of the Committee and emphasized that the sovereignty of Member States and any differences in national practices should be respected.

Status of conventions

22.11 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 March 2012 (MSC 90/22 and MSC 90/INF.2) and was advised by the Secretariat of updated information on instruments of ratification, acceptance, approval of, or accession to, safety- and security-related IMO conventions and protocols.

22.12 Having noted that the information presented in hard copy in annexes 2 and 3 to document MSC 90/INF.2 is also available on the IMO public website, the Committee agreed to discontinue receiving this information in hard copy and requested the Secretariat to inform the MEPC as appropriate. As the information in annex 1 to the above-mentioned document is also presented to the Council and the Assembly, the Committee recommended that the MEPC and the Council discontinue their consideration of this information in hard copy, subject to the Secretariat being requested to post also this information on the website.

Clarification of SOLAS regulation V/23

22.13 The Committee recalled that MSC 88, when adopting amendments to SOLAS regulation V/23 (resolution MSC.308(88)), had approved a unified interpretation of SOLAS regulation V/23 concerning the installation date of pilot transfer equipment and arrangements (MSC.1/Circ.1375). The amendments are expected to come into force on 1 July 2012.

22.14 In this context, the Committee, having considered documents MSC 90/22/1 and Corr.1 (IACS), which sought clarification on the interpretation of "installation date" for pilot transfer equipment and arrangements under the provisions of SOLAS regulation V/23 and, while concurring that the interpretation contained in MSC.1/Circ.1375 might not provide for uniform implementation, requested the Secretariat to issue MSC.1/Circ.1375/Rev.1 revising paragraph 1.2 of MSC.1/Circ.1375 for consistency with other IMO interpretations addressing the installation date on the basis of the text proposed by IACS.

Application of SOLAS regulation III/1.5

22.15 The Committee recalled that MSC 89, with regard to the issue of lifeboat on-load release and retrieval systems, had adopted amendments to SOLAS regulation III/1.5 (MSC.317(89)) and amendments to chapter IV of the LSA Code (MSC.320(89)).

Both amendments to SOLAS and the LSA Code are expected to come into force on 1 January 2013.

22.16 In this context, the Committee considered document MSC 90/22/2 (IACS), which sought clarification on the terms "first scheduled dry-docking" under the provisions of SOLAS regulation III/1.5, as amended by MSC.317(89), and suggested that the terms mean "first scheduled out of water survey of the ship's outer bottom". IACS also proposed to include a relevant reference in the *Procedures for port State control, 2011* (resolution A.1052(27)) to record the application of this mandatory instrument to ships constructed on or after 1 July 2014 as clarified in MSC.1/Circ.1393.

22.17 Having confirmed the understanding that the new SOLAS regulation III/1.5 is applicable to all ships, including both existing and new ships constructed on or after 1 July 2014, the Committee approved MSC.1/Circ.1445 on Clarification of the term "first scheduled dry-docking" as contained in SOLAS regulation III/1.5, as amended by resolution MSC.317(89).

22.18 With regard to the clarification of the application of the new SOLAS regulation III/1.5 and related amendments to chapter IV of the LSA Code, which are expected to enter into force on 1 January 2013, the Committee, being reminded of the background to the decisions made by the DE Sub-Committee, which took into account the constraints associated with the manufacture of the new equipment, did not agree with the need to provide additional guidance on its implementation and control thereof, as suggested by IACS. In this context, the Committee recommended that Member States should be prudent and pragmatic in the application of the requirements for on-load release and retrieval systems for lifeboats for ships constructed up to 1 July 2014.

IACS website on unified interpretations

22.19 The Committee was informed by the observer from IACS that a list of IACS unified interpretations (UIs); the IMO instruments they refer to; when they were submitted to the Organization; and the outcome of their consideration by the Organization, (e.g. the issuance of relevant circulars for their dissemination, is now available, at no cost, in the form of an Excel spread sheet at the following internet address: <http://www.iacs.org.uk/publications/publications.aspx?pageid=4§ionid=4>), and invited comments from future users of the information.

23 RELATIONS WITH OTHER ORGANIZATIONS

23.1 The Committee considered document MSC 90/23 (Secretariat) and noted the:

- .1 decision of C 106 relating to consultative status and its ongoing review of the Guidelines on the Grant of Consultative Status; and
- .2 approval of C/ES.26 of an Agreement of Cooperation between IMO and the Indian Ocean Commission (IOC).

24 APPLICATION OF THE COMMITTEE'S GUIDELINES

24.1 The Committee recalled that C/ES.26 had agreed, in accordance with paragraph 4 of resolution A.1013(26), to incorporate within the Guidelines on the Application of the Strategic Plan and the High-level Action Plan of the Organization ("the GAP"), and with immediate effect, the checklist for identifying administrative requirements and burdens in the future; and

requested the Committees to update the Guidelines on the organization and method of their work accordingly; and for Member States to observe the provisions of the GAP.

24.2 Pursuant to the aforementioned request, the Committee considered document MSC 90/24 (Secretariat), containing proposed amendments to the Committees' Guidelines (MSC-MEPC.1/Circ.4) to incorporate the checklist for identifying administrative requirements and burdens and, having noted that MEPC 63 had already agreed to similarly amend the Guidelines, agreed to the proposed amendments aiming at updating the Guidelines and noted that the amended provisions would be applicable to submissions to MSC 91 and all sub-committees' meetings thereafter. The Committee further requested the Secretariat to revise the Guidelines accordingly and make it available on the IMO website.

25 WORK PROGRAMME

BIENNIAL AGENDAS OF THE SUB-COMMITTEES AND PROVISIONAL AGENDAS FOR THEIR FORTHCOMING SESSIONS, INCLUDING CONSIDERATION OF NEW OUTPUTS PROPOSED BY MEMBER GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS AND SUB-COMMITTEES CONCERNED

GENERAL

25.1 Taking into account the recommendations made by the Sub-Committees which had met since MSC 89 (MSC 90/25 and addenda; the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1013(26)); various proposals for new outputs submitted to the session by Member Governments and international organizations and the sub-committees concerned; a preliminary assessment of such proposals (MSC 90/WP.2), undertaken by the Chairman with the assistance of the Secretariat, in accordance with the relevant provisions of the Committees' Guidelines (MSC-MEPC.1/Circ.4); and decisions taken during the session, the Committee reviewed the biennial agendas of the sub-committees and the provisional agendas for their forthcoming sessions and took action as indicated hereunder.

25.2 In this connection, the Committee had discussed whether documents commenting on proposals for unplanned outputs should be included in the aforementioned preliminary assessment of such proposals by the Chairman (MSC 90/WP.2) and agreed that future assessments should only contain the analysis of initial proposals for new outputs.

25.3 Several delegations expressed concern about the number of proposals for unplanned outputs submitted to the session, especially taking into account the budget constraints of the Organization and suggested that such proposals should always be referred to the post-biennial agenda of the Committee. Further concerns were expressed regarding the lack of transparency on the costs of implementation of such new proposals.

25.4 The Committee recalled that, with regard to the Committee's method of work relating to the consideration of proposals for new outputs, it had agreed at MSC 78 that the objective when discussing these proposals was to decide, based upon justification provided by Member Governments in accordance with the Committees' Guidelines, whether an output should or should not be included in a sub-committee's biennial agenda. A decision to include an output in a sub-committee's biennial agenda does not mean that the Committee agreed with the technical aspects of the proposal, and detailed consideration of these aspects and the development of appropriate requirements and recommendations should be left to the sub-committee concerned.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)**Secondary means of venting cargo tanks**

25.5 The Committee considered a proposal by BLG 16 (BLG 16/16, annex 7) to include an unplanned output to amend the SOLAS chapter II-2 provisions related to the secondary means of venting cargo tanks in the biennial agenda of the Sub-Committee and agreed to include in the post-biennial agenda of the Committee an output on "Development of amendments to the provisions of SOLAS chapter II-2 relating to the secondary means of venting cargo tanks", with one session needed to complete the item. Following a brief discussion on which Sub-Committee should be the coordinating organ for this output, the Committee agreed that the FP Sub-Committee should coordinate the output, in association with the BLG Sub-Committee.

Biennial agenda of the Sub-Committee and provisional agenda for BLG 17

25.6 The Committee approved the Sub-Committee's 2012-2013 biennial agenda for matters related to maritime safety, as set out in annex 29, and the provisional agenda for BLG 17, as set out in annex 30, and requested the Secretariat to inform MEPC accordingly.

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)**Further work on issues related to general cargo ship safety**

25.7 The Committee recalled that, under agenda item 21 (General cargo ship safety), following consideration of document MSC 90/WP.7, it had agreed to include in the 2012-2013 biennial agenda of the DSC Sub-Committee output 5.2.1.7 on "Review of general cargo ship safety" with a target completion year of 2013, instructing the Sub-Committee to consider the relevant risk control options listed in annex 4 to document MSC 90/WP.7 and to include the output in the provisional agenda for DSC 18 (see paragraph 21.9).

Biennial agenda of the Sub-Committee and provisional agenda for DSC 17

25.8 The Committee confirmed the Sub-Committee's 2012-2013 biennial agenda, as set out in annex 29, and the provisional agenda for DSC 17, as set out in annex 30.

25.9 The Committee, having noted that due to the close proximity of DSC 17 to MSC 91 only urgent matters emanating from DSC 17 would be considered by MSC 91, in accordance with the Committees' Guidelines, agreed that the following issues emanating from DSC 17 would be considered by MSC 91 as urgent matters, with the remainder being considered by MSC 92:

- .1 amendments to SOLAS to mandate enclosed space entry and rescue drills;
- .2 amendments to the International Convention for Safe Containers, 1972, and associated circulars;
- .3 revision of the guidelines for packing of cargo transport units; and
- .4 amendment to the IMSBC Code and supplements (matters related to cargo liquefaction only).

SUB-COMMITTEE ON FIRE PROTECTION (FP)**Further work on issues related to general cargo ship safety**

25.10 The Committee recalled that, under agenda item 21 (General cargo ship safety), following consideration of document MSC 90/WP.7, it had agreed to include in the 2012-2013 biennial agenda of the FP Sub-Committee and in the provisional agenda for FP 56 output 5.2.1.7 on "Review of general cargo ship safety" with a target completion year of 2013, instructing the Sub-Committee to consider the relevant risk control options listed in annex 4 to document MSC 90/WP.7 (see paragraph 21.9).

Secondary means of venting cargo tanks

25.11 The Committee recalled that, following consideration of a relevant proposal by BLG 16, it had agreed to include in the post-biennial agenda of the Committee an output on "Development of amendments to the provisions of SOLAS chapter II-2 relating to the secondary means of venting cargo tanks", with one session needed to complete the item, assigning the FP Sub-Committee as the coordinating body for the output, in association with the BLG Sub-Committee (see paragraph 25.5).

Life-safety performance criteria for alternative design and arrangements for fire safety

25.12 The Committee considered document MSC 90/25/3 (United States), proposing to amend the Guidelines on alternative design and arrangements for fire safety (MSC/Circ.1002) by including life-safety performance criteria, and agreed to include in the post-biennial agenda of the Committee an output on "Development of life-safety performance criteria for alternative design and arrangements for fire safety (MSC/Circ.1002)", with one session needed to complete the item, assigning the FP Sub-Committee as the coordinating organ.

Development of interpretation of SOLAS regulation II-2/13.6 on means of escape from ro-ro spaces

25.13 The Committee considered document MSC 90/25/16 (Sweden), proposing to develop an interpretation to SOLAS regulation II-2/13.6 in relation to means of escape from ro-ro spaces in cargo ships, and agreed to include in the 2012-2013 biennial agenda of the Sub-Committee and the provisional agenda for FP 56 an output on "Development of interpretation of SOLAS regulation II-2/13.6 on means of escape from ro-ro spaces", with a target completion date of 2013.

Biennial agenda of the Sub-Committee and provisional agenda for FP 56

25.14 The Committee approved the Sub-Committee's 2012-2013 biennial agenda, as set out in annex 29 and the provisional agenda for FP 56, as set out in annex 30.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)**Further work on issues related to general cargo ship safety**

25.15 The Committee recalled that, under agenda item 21 (General cargo ship safety), following consideration of document MSC 90/WP.7, it had agreed to include in the 2012-2013 biennial agenda of the FSI Sub-Committee and in the provisional agenda for FSI 21 output 5.2.1.7 on "Review of general cargo ship safety" with a target completion year of

2013, instructing the Sub-Committee to consider the relevant risk control options listed in annex 4 to document MSC 90/WP.7 (see paragraph 21.9).

Biennial agenda of the Sub-Committee and provisional agenda for FSI 21

25.16 The Committee approved the Sub-Committee's 2012-2013 biennial agenda for matters related to maritime safety, as set out in annex 29 and the provisional agenda for FSI 21, as set out in annex 30, and requested the Secretariat to inform MEPC accordingly.

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

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

25.17 The Committee recalled that, following consideration of document MSC 90/25/7 (China), it had agreed to include in the 2012-2013 biennial agenda of the NAV Sub-Committee an unplanned output on "Revision of the Guidelines for the onboard operational use of shipborne automatic identification systems (AIS)", with a target completion year of 2013, in association with the COMSAR Sub-Committee as and when requested by the NAV Sub-Committee, instructing the Sub-Committee to include the output in the provisional agenda for NAV 59 (see paragraph 25.24).

Review and modernization of Global Maritime Distress and Safety System (GMDSS)

25.18 The Committee considered a proposal by COMSAR 16 (COMSAR 16/17, annex 2) to review the GMDSS and develop a programme to implement the findings of the review, modernize the GMDSS and support the communications needs for the e-navigation strategy, and agreed to include in the 2012-2013 biennial agenda of the COMSAR, NAV and STW Sub-Committees and provisional agendas for COMSAR 17 and STW 44 an unplanned output on "Review and modernization of the Global Maritime Distress and Safety System (GMDSS)", with a target completion year of 2017, assigning the COMSAR Sub-Committee as the coordinating organ.

Biennial agenda of the Sub-Committee and provisional agenda for COMSAR 17

25.19 The Committee approved the Sub-Committee's 2012-2013 biennial agenda, as set out in annex 29, and the provisional agenda for COMSAR 17, as set out in annex 30.

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

Further work on issues related to general cargo ship safety

25.20 The Committee recalled that, under agenda item 21 (General cargo ship safety), following consideration of document MSC 90/WP.7, it had agreed to include in the 2012-2013 biennial agenda of the NAV Sub-Committee output 5.2.1.7 on "Review of general cargo ship safety" with a target completion year of 2013, instructing the Sub-Committee to consider the relevant risk control options listed in annex 4 to document MSC 90/WP.7 and to include the output in the provisional agenda for NAV 59 (see paragraph 21.9).

Review and modernization of the GMDSS

25.21 The Committee recalled that, following consideration of a relevant proposal by COMSAR 16, it had agreed to include in the 2012-2013 biennial agenda of the COMSAR,

NAV and STW Sub-Committees and provisional agendas for COMSAR 17 and STW 44, an unplanned output on "Review and modernization of the Global Maritime Distress and Safety System (GMDSS)", with a target completion year of 2017, assigning the COMSAR Sub-Committee as the coordinating organ, in association with the NAV and STW Sub-Committees as and when requested by the COMSAR Sub-Committee (see paragraph 25.18).

Revision of the Recommendation on the use of adequately qualified Deep-Sea Pilots in the North Sea, English Channel and Skagerrak (resolution A.486(XII))

25.22 The Committee considered documents MSC 90/25/2 (Austria et al.), proposing to revise the *Recommendation on the use of adequately qualified Deep-Sea Pilots in the North Sea, English Channel and Skagerrak* (resolution A.486(XII)), and MSC 90/25/21 (Liberia, Marshall Islands, Singapore, ICS and CLIA), commenting on the proposal. After discussion, the Committee agreed to exclude the proposal for a new annex from the scope of the work and included, in the 2012-2013 biennial agenda of the NAV Sub-Committee, an unplanned output on "Revision of the information contained in the existing annexes to the Recommendation on the use of adequately qualified deep sea pilots in the North Sea, English Channel and Skagerrak (resolution A.486(XII))", with a target completion year of 2013, instructing the Sub-Committee to include the output in the provisional agenda for NAV 59. Noting that NAV 59 was scheduled to take place after MSC 92 but before A 28, the Committee authorized the NAV Sub-Committee to submit the revised Assembly resolution directly to A 28.

Revision of the Recommendation on the use of adequately qualified Deep-Sea Pilots in the Baltic (resolution A.480(XII))

25.23 The Committee considered document MSC 90/25/15 (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden), proposing to revise the *Recommendation on the use of adequately qualified Deep-Sea Pilots in the Baltic* (resolution A.480(XII)) by updating its existing annexes and adding a new annex detailing factors to be taken into account when considering the use of a deep-sea pilot. After discussion, the Committee agreed to exclude the proposal for a new annex from the scope of the work and included, in the 2012-2013 biennial agenda of the NAV Sub-Committee, an unplanned output on "Revision of the information contained in the existing annexes to the Recommendation on the use of adequately qualified deep-sea pilots in the Baltic (resolution A.480(XII))", with a target completion year of 2013, instructing the Sub-Committee to include the output in the provisional agenda for NAV 59. Noting that NAV 59 was scheduled to take place after MSC 92 but before A 28, the Committee authorized the NAV Sub-Committee to submit the revised Assembly resolution directly to A 28.

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

25.24 The Committee considered document MSC 90/25/7 (China), proposing to amend the *Guidelines for the onboard operational use of shipborne automatic identification systems (AIS)* (resolution A.917(22), as amended by resolution A.956(23)), by incorporating operation requirements for AIS-SART, and agreed to include in the 2012-2013 biennial agenda of the NAV Sub-Committee an unplanned output on "Revision of the Guidelines for the onboard operational use of shipborne automatic identification systems (AIS)", with a target completion year of 2014, in association with the COMSAR Sub-Committee as and when requested by the NAV Sub-Committee, instructing the Sub-Committee to include the output in the provisional agenda for NAV 59.

Performance standards for multi-system shipborne navigation receivers

25.25 The Committee considered document MSC 90/25/8 (Finland, France, Republic of Korea, IALA and CIRM), proposing to develop new performance standards for maritime receivers that can use a number of different radio-navigation systems, or combinations of systems, and, noting views that the outcome of the ongoing work in the NAV Sub-Committee with regard to e-navigation should be considered before commencing the work on this matter, agreed to include in the post-biennial agenda of the Committee, an unplanned output on "Development of performance standards for multi-system shipborne navigation receivers", with two sessions needed to complete the work, assigning the NAV Sub-Committee as the coordinating organ.

Consolidation of ECDIS-related circulars

25.26 The Committee considered document MSC 90/25/13 (Australia, Canada, United Kingdom, ICS, IHO and NI), proposing to consolidate a number of ECDIS-related MSC, SN and STW circulars into a single document to provide clear and unambiguous guidance for the carriage and use of ECDIS, and agreed to include in the 2012-2013 biennial agenda of the NAV Sub-Committee, an unplanned output on "Consolidation of ECDIS-related IMO circulars", with a target completion year of 2014, instructing the Sub-Committee to include the output in the provisional agenda for NAV 59.

Clarification of SOLAS regulation V/27

25.27 The Committee considered document MSC 90/25/14 (Australia, United Kingdom, IHO and NI), proposing to add explanatory footnotes to SOLAS regulation V/27 to provide guidance on electronic nautical publications, together with documents MSC 90/25/18 (ICS) and MSC 90/25/20 (Germany), commenting on the proposal, and agreed to include in the 2012-2013 biennial agenda of the NAV Sub-Committee, an unplanned output on "Development of explanatory footnotes to SOLAS regulations V/15, V/18, V/19 and V/27", with a target completion year of 2014, instructing the Sub-Committee to include the output in the provisional agenda for NAV 59.

Biennial agenda of the Sub-Committee and provisional agenda for NAV 58

25.28 The Committee approved the Sub-Committee's 2012-2013 biennial agenda, as set out in annex 29, and confirmed the provisional agenda for NAV 58, as set out in annex 30.

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

Further work on issues related to general cargo ship safety

25.29 The Committee recalled that, under agenda item 21 (General cargo ship safety), following consideration of document MSC 90/WP.7, it had agreed to include in the 2012-2013 biennial agenda of the DE Sub-Committee and in the provisional agenda for DE 57 output 5.2.1.7 on "Review of general cargo ship safety", with a target completion year of 2013, instructing the Sub-Committee to consider the relevant risk control options listed in annex 4 of document MSC 90/WP.7 (see paragraph 21.9).

Development of guidance regarding personnel involved with tug-barge operations

25.30 The Committee recalled that, following consideration of document MSC 90/25/9 (Republic of Korea), it had agreed to include in the 2012-2013 biennial agenda of the STW Sub-Committee and in the provisional agenda for STW 44, an unplanned output on

"Development of guidance for personnel involved with tug-barge operations", with a target completion year of 2014, in association with the DE Sub-Committee as and when requested by the STW Sub-Committee (see paragraph 25.42).

Requirement for hoist winches to be tested following any maintenance, repair or modification

25.31 The Committee considered document MSC 90/25/4 (United Kingdom), proposing to amend the Guidelines for construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation (MSC.1/Circ.1331) by including a requirement for hoist winches to be tested following any maintenance, repair or modification work which might affect the safe working operation of accommodation ladders, and agreed to include, in the post-biennial agenda of the Committee, an output on "Development of a requirement for hoist winches to be tested following any maintenance, repair or modification (MSC.1/Circ.1331)", with one session needed to complete the item, assigning the DE Sub-Committee as the coordinating organ.

25.32 The observer from IACS, noting that the global and consistent implementation of SOLAS regulation II-1/3-9 and the use of MSC.1/Circ.1331 was an important issue, drew attention to the fact that all IACS Members acting as recognized organizations, unless instructed otherwise by flag States, applied the provisions in MSC.1/Circ.1331, and advised the Committee that, based on its experience, IACS considered the proposal to review this circular as timely, welcome and necessary. IACS looked forward to discuss what a "competent person" is and how the phrase "operationally tested with the specified maximum operational load" could be interpreted, referred to as "functional test" in paragraph 13 of document MSC 90/25/4, confirming IACS's understanding that the phrase meant a static holding test with uniform loading of the accommodation ladder and hoisting and lowering of the unloaded ladder.

Clarification of SOLAS requirements for steering gear trials

25.33 The Committee considered document MSC 90/25/5 (Germany), proposing to amend SOLAS regulations II-1/29.3.2 and 29.4.2 to provide a possibility for carrying out calculations in lieu of steering gear trials at fully loaded condition, aimed at extrapolating results obtained from the actual trial condition to the fully loaded condition, and agreed to include, in the 2012-2013 biennial agenda of the DE Sub-Committee and the provisional agenda for DE 57, an unplanned output on "Development of amendments to SOLAS regulations II-1/29.3.2 and 29.4.2 clarifying the requirements for steering gear trials", with a target completion year of 2013.

Development of amendments to the Guidelines for vessels with dynamic positioning (DP) systems (MSC/Circ.645)

25.34 The Committee considered document MSC 90/25/17 (United States, IADC and IMCA), proposing to amend and update the Guidelines for vessels with dynamic positioning (DP) systems (MSC/Circ.645) to address the current technology employed on modern vessels of growing size and operating in deeper waters, and agreed to include in the post-biennial agenda of the Committee an output on "Development of amendments to the Guidelines for vessels with dynamic positioning (DP) systems (MSC/Circ.645)", with two sessions needed to complete the item, assigning the DE Sub-Committee as the coordinating organ.

Biennial agenda of the Sub-Committee and the provisional agenda for DE 57

25.35 The Committee approved the Sub-Committee's 2012-2013 biennial agenda, as set out in annex 29, and the provisional agenda for DE 57, as set out in annex 30.

Urgent matters to be considered by MSC 92

25.36 The Committee, having noted that due to the close proximity of DE 57 to MSC 92 only urgent matters emanating from DE 57 would be considered by MSC 92, in accordance with the Committees' Guidelines, agreed that the following issues emanating from DE 57 would be considered by MSC 92 as urgent matters, with the remainder being considered by MSC 93:

- .1 development of amendments to SOLAS regulation II-1/40.2 concerning general requirements on electrical installations;
- .2 making the provisions of MSC.1/Circ.1206/Rev.1 mandatory;
- .3 development of a new framework of requirements for life-saving appliances;
- .4 development of a mandatory Code for ships operating in polar waters;
- .5 classification of offshore industry vessels and consideration of the need for a non-mandatory Code for offshore construction support vessels;
- .6 amendments to SOLAS regulation II-1/11 and development of associated Guidelines to ensure the adequacy of testing arrangements for watertight compartments; and
- .7 development of amendments to SOLAS regulations II-1/29.3.2 and 29.4.2 clarifying the requirements for steering gear trials.

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

Development of guidelines for verification of damage stability requirements for tankers

25.37 The Committee considered a proposal by SLF 54 (SLF 54/17, annex 1) to expand the scope of the output on "Development of guidelines for verification of damage stability requirements for tankers" to include the development of mandatory carriage requirements for stability instruments on board tankers and extend the target completion year for this output to 2013, together with document MSC 90/13/3 (China, Finland, Liberia, Marshall Islands, Panama, Spain, United Kingdom, OCIMF and RINA), also addressing the issue, and agreed to include in the 2012-2013 biennial agenda of the SLF Sub-Committee and in the provisional agenda for SLF 55 an unplanned output on "Development of mandatory carriage requirements for stability instruments on board tankers", with a target completion year of 2013, to be developed as a single package together with the associated guidelines for verification of damage stability requirements for tankers.

Biennial agenda of the Sub-Committee and the provisional agenda for SLF 55

25.38 The Committee approved the Sub-Committee's 2012-2013 biennial agenda, as set out in annex 29 and the provisional agenda for SLF 55, as set out in annex 30.

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

Further work on issues related to general cargo ship safety

25.39 The Committee recalled that, under agenda item 21 (General cargo ship safety), following consideration of document MSC 90/WP.7, it had agreed to include in the 2012-2013 biennial agenda of the STW Sub-Committee and in the provisional agenda for STW 44 output 5.2.1.7 on "Review of general cargo ship safety" with a target completion year of 2013, instructing the Sub-Committee to consider the relevant risk control options listed in annex 4 to document MSC 90/WP.7 (see paragraph 21.9).

Review and modernization of the GMDSS

25.40 The Committee recalled that, following consideration of a relevant proposal by COMSAR 16, it had agreed to include in the 2012-2013 biennial agenda of the COMSAR, NAV and STW Sub-Committees and provisional agendas for COMSAR 17 and STW 44 an unplanned output on "Review and modernization of the Global Maritime Distress and Safety System (GMDSS)", with a target completion year of 2017, assigning the COMSAR Sub-Committee as the coordinating organ, in association with the NAV and STW Sub-Committees as and when requested by the COMSAR Sub-Committee (see paragraph 25.18).

Transfer of a ship's maintenance and failure records for safety critical equipment

25.41 The Committee considered documents MSC 90/25/6 (Canada and Republic of Korea), proposing to amend section 10 of the ISM Code by including a requirement on the transfer of a ship's maintenance and failure records for safety critical equipment, and MSC 90/25/19 (Germany), commenting on the proposal and suggesting to upgrade the status of the output proposed in document MSC 90/25/6 to the Committees' level, proposing that it should be dealt with by the Joint MSC/MEPC Human Element Working Group. Following consideration, the Committee agreed to forward both documents to the STW Sub-Committee for consideration under its existing output on "Enhancing the efficiency and user-friendliness of the International Safety Management Code", which has been included in the provisional agenda for STW 44.

Development of guidance regarding personnel involved with tug-barge operations

25.42 The Committee considered document MSC 90/25/9 (Republic of Korea), proposing to develop new guidance regarding personnel in charge of, or involved in, tug-barge operations, and agreed to include in the 2012-2013 biennial agenda of the STW Sub-Committee and in the provisional agenda for STW 44 an unplanned output on "Development of guidance for personnel involved with tug-barge operations", with a target completion year of 2014, in association with the DE Sub-Committee as and when requested by the STW Sub-Committee.

Training for officers on wing-in-ground (WIG) craft

25.43 The Committee considered document MSC 90/25/10 (Republic of Korea), proposing to revise the Interim guidelines for wing-in-ground (WIG) craft (MSC/Circ.1162) to address general principles and recommendations for knowledge, skills and training for officers on WIG craft operating in both displacement and ground effect modes by including requirements of competence at support and management levels; and distinction between different modes of operation, and agreed to instruct the STW Sub-Committee to consider the issue, taking

into account document MSC 90/25/10, under its existing output "Development of guidelines for wing-in-ground craft", which has been included in the provisional agenda for STW 44.

Revision of the Recommendations on training of personnel on mobile offshore units (MOUs)

25.44 The Committee considered document MSC 90/25/12 (Liberia, Marshall Islands, Vanuatu, IADC and IMCA), proposing to revise the Recommendations on training of personnel on MOUs (resolution A.891(21)) by harmonizing them with the 2010 Manila Amendments to the STCW Convention and Code, and agreed to include in the 2012-2013 biennial agenda of the STW Sub-Committee and in the provisional agenda for STW 44 an unplanned output on "Revision of the Recommendations on training of personnel on mobile offshore units (MOUs) (resolution A.891(21))", with a target completion year of 2013.

Biennial agenda of the Sub-Committee and the provisional agenda for STW 44

25.45 The Committee approved the Sub-Committee's 2012-2013 biennial agenda, as set out in annex 29, and the provisional agenda for STW 44, as set out in annex 30.

ENDORSEMENT OF UNPLANNED OUTPUTS

25.46 The Committee, having agreed to the Sub-Committees' 2012-2013 biennial agendas and the provisional agendas for their forthcoming sessions, as set out in annexes 29 and 30, and in accordance with the *Guidelines on the application of the strategic plan and the high-level action plan of the Organization* (resolution A.1013(26)), invited the Council to endorse, for inclusion in the current High-level Action Plan, the following unplanned outputs agreed by the Committee:

- .1 development of interpretation of SOLAS regulation II-2/13.6 on means of escape from ro-ro spaces (paragraph 25.13);
- .2 revision of the Guidelines for the onboard operational use of shipborne automatic identification systems (AIS) (paragraphs 25.17 and 25.24);
- .3 review and modernization of the Global Maritime Distress and Safety System (GMDSS) (paragraphs 25.18, 25.21 and 25.40);
- .4 revision of the information contained in the annexes to the *Recommendation on the use of adequately qualified deep-sea pilots in the Baltic* (resolution A.480(XII)) (paragraph 25.22);
- .5 revision of the information contained in the annexes to the *Recommendation on the use of adequately qualified deep-sea pilots in the North Sea, English Channel and Skagerrak* (resolution A.486(XII)) (paragraph 25.23);
- .6 consolidation of ECDIS-related IMO circulars (paragraph 25.26);
- .7 development of explanatory footnotes to SOLAS regulations V/15, V/18, V/19 and V/27 (paragraph 25.27);
- .8 development of guidance for personnel involved with tug-barge operations (paragraphs 25.30 and 25.42);

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- .9 development of amendments to SOLAS regulations II-1/29.3.2 and 29.4.2 clarifying the requirements for steering gear trials (paragraph 25.33);
 - .10 development of mandatory carriage requirements for stability instruments on board tankers (paragraph 25.37); and
 - .11 revision of the *Recommendations on training of personnel on mobile offshore units (MOUs)* (resolution A.891(21)) (paragraph 25.44).

STATUS OF PLANNED OUTPUTS FOR THE 2012-2013 BIENNIUM

25.47 Having recalled its decision at MSC 88 (MSC 88/26, paragraph 23.24) that, in the spirit of the efficiency sought by the Council, the status of planned outputs should only be produced as an annex to the Committee's report to avoid any unnecessary duplication of work, the Committee invited C 108 to note the Report on the status of planned outputs for the 2012-2013 biennium, as set out in annex 31.

POST-BIENNIAL AGENDA OF THE COMMITTEE

25.48 Following consideration of its post-biennial agenda prepared by the Secretariat based on the proposals made by the sub-committees at their last sessions and the new outputs agreed at this session (MSC 90/WP.12, annex 3), the Committee invited the Council to note the updated post-biennial agenda of the Maritime Safety Committee, as set out in annex 32.

FOLLOW-UP TO THE TWENTY-SEVENTH SESSION OF THE ASSEMBLY

25.49 The Committee considered the outcome of the twenty-seventh session of the Assembly (MSC 90/24/1) and noted the action it had been requested to take in the context of resolutions adopted by the Assembly, as follows:

- .1 in the context of resolution A.1037(27) – *Strategic Plan for the Organization (for the six-year period 2012 to 2017)*, when making recommendations for Committees' biennial agendas during the Strategic Plan period, to bear in mind the desirability of not scheduling more than one diplomatic conference in each year, save in exceptional circumstances;
- .2 in the context of resolution A.1038(27) – *High-level Action Plan of the Organization and priorities for the 2012-2013 biennium*:
 - .1 when reporting on its work to A 28 and to the Council at its sessions during the 2012-2013 biennium, to ensure that it reports progress towards fulfilling the Organization's aims and objectives using the framework of the strategic directions, high-level actions and planned biennial outputs;
 - .2 when considering proposals for unplanned outputs, to ensure, in accordance with resolution A.1013(26) and the Committees' Guidelines, as appropriate, that the issues to be addressed are those which fall within the scope of the Strategic Plan and the High-level Action Plan;

- .3 in accordance with resolution A.1013(26), to submit to the Council for endorsement any unplanned outputs it may approve during the 2012-2013 biennium for inclusion in the High-level Action Plan for that biennium;
 - .4 to ensure full observance of the guidelines contained in resolution A.1013(26), which provide a uniform basis for the application of the Strategic Plan and the High-level Action Plan throughout the Organization, and for the strengthening of existing working practices through the provision of enhanced planning and management procedures that are flexible, manageable, proportional, transparent and balanced;
 - .5 in underlining the specific responsibilities of the chairmen, vice-chairmen and secretaries of the Council, committees and sub-committees, to ensure a consistent and rigorous application of resolution A.1013(26) and the Committees' Guidelines; and
 - .6 to ensure that the high-level actions and related outputs, especially those involving amendments to existing conventions (particularly those which have been in force for a short period), take fully into account the directives in resolution A.500(XII); and that due attention is given to the requirement that a well-documented compelling need must be demonstrated for the development and adoption of new or revised standards;
- .3 in the context of resolution A.1044(27) – *Piracy and armed robbery against ships in waters off the coast of Somalia*, to review the provisions of this resolution as well as any salient provisions of related resolutions, which have been or may be adopted by the Security Council in this respect and to develop, where and when necessary, guidance and recommendations so as to enable Member Governments and the shipping industry to implement its provisions, taking into account current and emerging trends and practices;
 - .4 in the context of resolution A.1046(27) – *Worldwide Radionavigation System*:
 - .1 recognize systems conforming with the requirements set out in the annex to this resolution and publish information on such systems; and
 - .2 keep the revised report on the study of a worldwide radionavigation system under review for adjustment as necessary;
 - .5 in the context of resolution A.1047(27) – *Principles of minimum safe manning*, to keep this resolution under review and amend its provisions as necessary;
 - .6 in the context of resolution A.1048(27) – *Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011 (2011 TDC Code)*, to amend the Code as necessary in the light of further studies and experience gained from the implementation of the provisions contained therein;

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- .7 in the context of resolution A.1049(27) – *International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code)*, to keep the Code under review and update it as necessary, in the light of experience gained in its application;
 - .8 in the context of resolution A.1050(27) – *Revised recommendations for entering enclosed spaces aboard ships*, to keep the Revised recommendations under review and amend them as necessary;
 - .9 in the context of resolution A.1051(27) – *IMO/WMO Worldwide Met-Ocean Information and Warning Service – Guidance Document*, to keep the Guidance document annexed to the resolution under review and update it as necessary in light of experience gained in its application, in accordance with the procedure set out in section 7 of the annex thereto;
 - .10 in the context of resolution A.1052(27) – *Procedures for port State control, 2011*, to keep, in cooperation with the MEPC, the Procedures under review and to amend them as necessary;
 - .11 in the context of resolution A.1053(27) – *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011*, to keep, in cooperation with the MEPC, the Survey Guidelines under review and amend them as necessary; and
 - .12 in the context of resolution A.1054(27) – *Code for the Implementation of Mandatory IMO Instruments, 2011*, to keep, in cooperation with the MEPC, the Code under review and, in coordination with the Council, to propose amendments thereto to the Assembly.

INTERSESSIONAL MEETINGS

25.50 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 Committees' Guidelines, 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 or confirmed, as appropriate, the following intersessional meetings:

- .1 the nineteenth session of the ICAO/IMO Joint Working Group on Search and Rescue, to be held in Hong Kong, China, from 10 to 14 September 2012 (paragraph 8.18);
- .2 a meeting of the ESPH Working Group to be held at IMO Headquarters in October 2012, as approved by MSC 89 and MEPC 62 (paragraph 14.2);
- .3 the eighth meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, to be held at IMO Headquarters from 8 to 12 October 2012 (paragraph 8.17);
- .4 a meeting of the ESPH Working Group, to be held at IMO Headquarters in October 2013, as approved by MEPC 63 (paragraph 14.2); and

- .5 a meeting of the FSA Experts Group, to be held at IMO Headquarters from 21 to 23 November 2012 (paragraph 19.20),

and invited the Council to endorse the above decisions.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 91

Development of a new SOLAS chapter dedicated to piracy

25.51 The Committee considered document MSC 90/25/11 (Ukraine), proposing to amend the SOLAS Convention by including a new chapter dedicated to piracy and to include an appropriate output in the provisional agenda of the Committee. Following discussion, the Committee, being of the view that the proposal went beyond the scope and objective of the SOLAS Convention, did not agree to its inclusion in the agenda.

Development of a mandatory Polar Code

25.52 The Committee recalled its decision under agenda item 9 (Ship design and equipment) to include in the agenda for MSC 91 an item on "Making the Polar Code mandatory" (see paragraph 9.32).

Substantive items for inclusion in the agendas for MSC 91 and MSC 92

25.53 The Committee recalled that, as agreed at MSC 89, MSC 91 will only meet for five days and noted that, therefore, some traditional agenda items have not been included in the agenda for MSC 91.

25.54 The Committee agreed to the substantive items to be included in the agendas for its ninety-first and ninety-second sessions, as set out in documents MSC 90/WP.9 and Corr.1.

Establishment of working, drafting and expert groups during MSC 91

25.55 Recalling the provisions of the Committees' Guidelines concerning the number of groups which may be established at any session, the Committee, taking into account decisions made under various agenda items, agreed that working groups on the following subjects should be established at its ninety-first session:

- .1 maritime security and piracy;
- .2 passenger ship safety; and
- .3 goal-based standards,

and also a drafting group on consideration and adoption of amendments to mandatory instruments.

25.56 The Committee further agreed that the Capacity-Building Needs Analysis Group (ACAG) may need to be established, pending consideration of the Vice-Chairman's preliminary assessment.

Dates of the next two sessions

25.57 The Committee noted that its ninety-first and ninety-second sessions have been tentatively scheduled to take place from 26 to 30 November 2012 and from 12 to 21 June 2013, respectively.

26 ANY OTHER BUSINESS

Global Integrated Shipping Information System (GISIS)

26.1 The Committee noted the information contained in document MSC 90/26 (Secretariat) that GISIS presently consists of 28 modules, which have been developed or are in the process of development, for the collection, processing and sharing of shipping-related data in order to assist Member States and the Secretariat, in carrying out their respective and complementary duties, generate reports and provide information about shipping to the public.

IMO/IACS Cooperation on the IACS Quality System Certification Scheme (QSCS)

26.2 The Committee recalled that MSC 88 requested the Secretariat to continue reporting updated information on IACS QSCS to the Committee and further requested IACS to continue to provide financial contributions towards the cost of the IMO observer during the biennium and agreed that the need for the continued participation in the IACS QSCS, either by the IMO observer or by the Secretariat, should be reviewed, in full cooperation with IACS, after the biennium (2010-2011).

26.3 In this context, the Committee noted the report (MSC 90/26/1), on the participation of the IMO observer in the work of the IACS QSCS Advisory Committee and detailed information on developments in the Scheme, following the transition to Accredited Certification Bodies (ACBs) assuming sole and independent responsibility for audit and assessment of compliance with the Scheme.

26.4 The Committee, having noted also that the current arrangement between IACS and IMO regarding the IMO observer's participation in the Scheme will come to an end in June of this year, requested the Secretariat to continue the arrangement for IMO's participation in IACS QSCS during the current biennium (2012-2013), with financial contributions provided by IACS, and provide a report to MSC 92.

Statements regarding the incident involving general cargo ship *Erol Senkaya*

26.5 The delegation of Turkey informed the Committee that, on 19 May 2012, the Turkish flagged general cargo vessel **Erol Senkaya** sank between the island of Zakynthos and the Greek mainland. The delegation of Turkey thanked the Greek search and rescue authorities for their timely intervention and prompt response in saving the lives of six crew members. In this regard, the delegation of Greece informed the Committee that search and rescue operations included the Hellenic Coast Guard Patrol and rescue boats, rescue helicopters and merchant ships in the vicinity and they also expressed their sincere condolences to the family of the master of the ship.

Expression of appreciation

26.6 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, retired or were transferred to other duties or were about to, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Joseph Angelo (INTERTANKO) (on retirement);
- Commander Roberto Annichini (Argentina) (on return home);
- Capt. Douglas Bell (Bahamas) (on retirement);
- Jean-Louis Bissuel (Monaco) (on retirement);
- Captain Hugo Gorziglia (IHO) (on retirement); and
- Mr. Sigurd Gude (Norway) (on retirement);
- Vice Admiral Alexandros Maratos (IHO) (on retirement);
- Mr. Per Nordstrom (Sweden) (on retirement);
- Mr. Kees Polderman (Netherlands) (on retirement);
- Captain Ada Lorena Dimas Rodríguez (Mexico) (on return home);
- Captain Valentin Ruz Rodriguez (Argentina) (on return home);
- Mr. Steve Shipman (IHO) (on retirement).
- Captain Hadi Supriyono (Indonesia) (on return home);

Expression of condolence

26.7 The Committee noted, with great sadness, the sudden and unexpected death of Captain Norman Lemley, a valued colleague who regularly and actively participated in all Committee meetings for many years. Captain Lemley had been well-known by all at IMO, first as a representative of the United States and later, following his retirement, supporting the Administration of Dominica with his vast knowledge and experience, and that his professionalism and technical knowledge, combined with a great sense of humour and integrity, had been widely recognized and acknowledged by his fellow delegates and the Secretariat alike.

27 PASSENGER SHIP SAFETY

Secretary-General's initiative

27.1 The Committee recalled that the Secretary-General had proposed to add an additional item to the agenda for this session in accordance with rules 9 and 12 of the Committee's Rules of Procedure, for the reasons highlighted in his document MSC 90/27 (Secretary-General), which discussed, inter alia, the impact of the **Costa Concordia** accident on the current international regulations for the safety of passenger ships and informed the Committee of the Organization's observer status in the investigation of the casualty.

27.2 In introducing his document, the Secretary-General emphasized that the **Costa Concordia** capsizing focused public attention once again on ship safety and, in particular, the safety of large cruise ships, and that the Organization was expected, once the conclusions from the report of the official marine safety investigation had been submitted to the Organization, to take steps to develop further measures, as necessary, to prevent a reoccurrence of incidents in the future.

27.3 The Committee unanimously endorsed the actions taken by the Secretary-General, welcomed his initiative and noted with appreciation the number of proactive steps already taken or currently under development in the Organization, such as:

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- .1 the ongoing development of a mandatory code of safety for ships, including passenger ships, operating in polar waters by the DE Sub-Committee, assisted by other expert sub-committees;
 - .2 the finalization of draft SOLAS requirements and associated guidelines for the recovery of persons from the water, applicable to all types of ships, including passenger ships, by the DE Sub-Committee;
 - .3 the review of evacuation analysis provisions for new and existing passenger ships, being carried out by the FP Sub-Committee;
 - .4 the revision of the guidelines on safe return to port of passenger ships, in the context of the revision of SOLAS chapter II-1 regulations on subdivision and damage stability, by the SLF Sub-Committee;
 - .5 the ongoing work on updating the requirements for the Global Maritime Distress and Safety System (GMDSS), by the COMSAR Sub-Committee;
 - .6 the ongoing work relating to the routing of ships, ship reporting and related matters, by the NAV Sub-Committee; and
 - .7 the preparation of guidelines for the implementation of the medical standards of the 2010 Manila Amendments, by the STW Sub-Committee.

27.4 The Committee also fully supported the proposal by the Secretary-General (MSC 90/27, paragraph 11) to establish a provisional timetable for the consideration of the need for improvements or modifications to the current provisions of the international regulations and the work programme of the Committee dealing with passenger ship safety, taking into account initiatives currently being undertaken by the cruise industry (see paragraphs 27.6 and 27.7).

Update on the casualty of the *Costa Concordia* and action taken by Italy

27.5 The Committee noted with appreciation the updated information on the status of the casualty investigation provided by the delegation of Italy (MSC 90/27/5), including information on the SAR operations and environmental and salvage issues, and the decision by the Italian Government to launch, pending the finalization of the investigation, a series of short-term initiatives (MSC 90/27/10 and Corr.1 (MSC 90/INF.19) and MSC 90/INF.11). These include a concentrated inspection campaign for cruise ships aimed, in particular, at raising awareness regarding actions to be taken during an emergency, with particular attention to the drills prescribed by the SOLAS Convention; a flag State survey, additional to any other statutory survey, to be carried out during the period of validity of the PSSC Certificate, with the ship in service; information on passengers, including their nationality, to facilitate communications, in case of an accident, between SAR centres and Administrations, which Italy has already implemented for its national fleet; the voyage plan required by SOLAS regulation V/34, which should also be made available by the master to the Company prior to the ship's departure and be kept until the next document of compliance audit; the distance from the coast; improved instructions to passengers; and conducting the muster of all passengers in all ports where embarkation takes place.

Cruise industry operational safety review and related proposals

27.6 The Committee considered the information provided by CLIA in response to the invitation by the Secretary-General to closely consider any lessons to be learned from the review of existing policies and regulations in the domain of passenger ship safety, as contained in the following documents:

- .1 MSC 90/27/1 (CLIA), providing information on the scope of the Cruise Industry Operational Safety Review currently undertaken by CLIA, which included, inter alia, a comprehensive assessment of the critical human factors and operational aspects of maritime safety. In particular, CLIA informed the Committee of the first output of the review, which is a new rule envisaging a mandatory muster/safety briefing for embarking passengers prior to departure from the port, which had been implemented with immediate effect;
- .2 MSC 90/27/2 (CLIA), referring to the information on serious casualties contained in the GISIS database and pointing the attention of the Committee to the necessity for increased reliability and transparency of that information in order to enable the drawing of truly consistent and meaningful conclusions for the rule-making purposes and asserting that the existing inconsistency in the reporting on "very serious casualties" undermines the Organization's efforts to improve international maritime legislation;
- .3 MSC 90/27/11 (CLIA), informing that CLIA members adopted a new policy requiring the carriage of additional adult and children's lifejackets on board their ships, exceeding the applicable SOLAS requirements; and
- .4 MSC 90/27/12 (CLIA), informing that CLIA members adopted a new policy making the *Guidelines for voyage planning* (resolution A.893(21)) mandatory, and strictly limiting access to the navigating bridge and encouraging the bridge team to raise any operational concerns.

27.7 The Committee thanked CLIA and its members for the work undertaken so far and for taking immediate actions based on the lessons learned to date from its review.

Further proposals addressing passenger ship safety

27.8 The Committee considered the following additional documents addressing passenger ship safety:

- .1 MSC 90/27/3 and Corr.1 (MSC 90/INF.14) (Germany), highlighting specific topics that Germany felt should be reopened, even before the investigation report becomes available, in particular: mandating evacuation analysis for all new passenger ships engaged on international voyages; revision of SOLAS chapter III to allow for state-of-the-art life-saving equipment; strengthening the ISM Code requirements with respect to the responsibility of the company/master; and promote the use of electronic charts and request Governments to ensure electronic charts are up-to-date;
- .2 MSC 90/27/4 (United States), revisiting the outcomes of the passenger ship safety initiative started in 2000 and highlighting areas of concern for consideration by the Committee and its subsidiary bodies, in particular

survivability level of passenger ships in the event of grounding, collision or flooding; human element effect on passenger ship evacuation; passenger ship recovery and rescue techniques; and prevention of groundings and collisions;

- .3 MSC 90/27/6 and Corr.1 (MSC 90/INF.15) and MSC 90/27/7 and Corr.1 (MSC 90/INF.16) (Spain), proposing amendments to chapter 13 (Arrangement of means of escape) of the FSS Code by introducing additional criteria for defining adequate size of escape routes (MSC 90/INF.15) and offering an interpretation for the distribution of passengers and crew as a parameter for the calculation procedure laid down in the FSS Code (MSC 90/INF.16);
- .4 MSC 90/27/8 and Corr.1 (MSC 90/INF.17) (Spain), proposing to extend SOLAS regulation II-2/21.4 (Safe return to port) to cover the case of flooding, in addition to fire, for the systems to remain operational, listed in the regulation;
- .5 MSC 90/27/9 and Corr.1 (MSC 90/INF.18) (Spain), proposing to extend a number of SOLAS requirements specific to ro-ro passenger ships to all passenger ships, such as instructions for safe escape and arrangement of escape routes;
- .6 MSC 90/27/13 (Denmark and BIMCO), pointing out that an accident similar to that of the **Costa Concordia** in polar waters would be far worse due to the harsh climate and reduced or non-availability of SAR facilities and urging the Committees to instruct the DE Sub-Committee to finalize the Polar Code for safety issues by 2013 and to finalize the remaining environmental parts of the Code by 2014; and
- .7 MSC 90/27/14 (ICS), emphasizing the importance to await the investigation report into the **Costa Concordia** before any detailed consideration was given to proposals for regulatory change, taking into account that the effect of any regulatory change may not just apply to cruise ships but that such changes could also affect passenger ferries, small passenger ships, etc.

27.9 In commenting on the above documents, delegates expressed their unanimous support for the initiatives undertaken by the Secretary-General to ensure that the Organization takes appropriate and timely actions in response to the loss of the **Costa Concordia**.

27.10 In considering document MSC 90/27/13, the Committee, having noted the views expressed by the delegation of Norway and others that the proposal to speed up the development of the IMO Polar Code, by finalizing the safety and environmental provisions at different times, was in conflict with the Committees' decisions that the safety and environmental protection measures should be developed in parallel, decided to maintain the current time schedule for the finalization of the Code.

27.11 In considering how best to proceed, the Committee noted the following views expressed during the discussion:

- .1 that IMO is the responsible Organization to deal with passenger ship safety matters and the Organization should take all necessary actions (both immediate and long term) to respond to the loss of the **Costa Concordia**;

- .2 the proactive operational measures highlighted in the Cruise Industry Operational Safety Review should be considered for implementation as soon as possible;
- .3 all substantive work to be undertaken on this matter should be based on a detailed analysis of the marine casualty investigation report and any new outputs to be undertaken should be considered in accordance with the Committees' Guidelines;
- .4 without prejudice to the conclusions and recommendations to be drawn in the final investigation report, an action plan should be developed by a working group at this session to identify the long-term work to be undertaken to enhance passenger ship safety, including a timeline for completion of any tasks and identification of the IMO bodies to undertake such work;
- .5 any safety measures in the form of amendments to the IMO regulatory instruments related to the ship's structure and major equipment should not be considered until receipt of the final report on the **Costa Concordia**;
- .6 all developments currently underway by the sub-committees should be identified to avoid any duplication of work;
- .7 the adequacy of fire-fighting systems, life-saving appliances, electrical systems, manning, quality of crew training and experience in operating passenger ships, especially in emergency situations and evacuation, should be thoroughly analyzed in light of the lessons to be learned from the casualty report;
- .8 that the minimum required subdivision index R for passenger ships should be raised and all subdivision and damage stability provisions should be reviewed pending the submission of the official accident investigation report; and
- .9 human element issue should be considered with a view towards accident prevention, including VTS measures, crew training, voyage planning, etc.

27.12 The Chairman, in summarizing the views expressed, pointed out that the fatal capsizing of the **Costa Concordia** had raised new challenges for the Organization that needed to be addressed expeditiously to ensure the safety of passengers at sea, taking into account the multiple proposals under this agenda item expressing similar concerns and proposing urgent actions to be considered by the Committee.

27.13 To that end, the Chairman proposed the following two-pronged approach:

- .1 consideration of short-term measures related to passenger ship operations and management, including informing all stakeholders of the work done by CLIA and others; and

- .2 development of a long-term action plan for the remaining work (i.e. technical matters, operational issues requiring further consideration, etc.), including a timeline, identification of work currently underway in the Sub-Committee but not new structural or equipment issues, which will be considered following receipt of the **Costa Concordia** accident investigation report.

27.14 The Committee agreed that a working group would be necessary at this session to develop the measures referred to in the foregoing and that the work on this issue should be coordinated at the Committee level similar to past initiatives (e.g. 1992 SOLAS Amendments, 2006 SOLAS Amendments, etc.). Thus, future workings groups may need to be established to consider the outcome of the Sub-Committees for tasks related to this work.

Establishment of a working group

27.15 Consequently, the Committee established the Working Group on Passenger Ship Safety and instructed it, taking into account documents MSC 90/27, MSC 90/27/1, MSC 90/27/2, MSC 90/27/3 and Corr.1 (MSC 90/INF.14), MSC 90/27/4, MSC 90/27/5, MSC 90/27/6 and Corr.1 (MSC 90/INF.15), MSC 90/27/7 and Corr.1 (MSC 90/INF.16), MSC 90/27/8 and Corr.1 (MSC 90/INF.17), MSC 90/27/9 and Corr.1 (MSC 90/INF.18), MSC 90/27/10 and Corr.1 (MSC 90/INF.19), MSC 90/27/11, MSC 90/27/12, MSC 90/27/14 and MSC 90/INF.11 and the comments and decisions taken in plenary, to:

- .1 identify the immediate measures of an operational nature that may be approved at this session and prepare a draft interim MSC circular recommending early implementation of these operational measures, as appropriate, based on the above documents;
- .2 prepare a draft MSC resolution, if appropriate, encouraging Member States and the passenger ship industry to take the necessary actions to ensure that their current safety standards and procedures are fully and effectively implemented;
- .3 prepare a draft action plan for the long-term work on passenger ship safety, indicating the Committees and, where appropriate, sub-committees to deal with planned tasks, including a timeline, avoiding any duplication with the existing work currently underway by the sub-committees, bearing in mind that structural and equipment issues should not be considered until the final report of the investigation into the loss of the **Costa Concordia** has been submitted to the Organization. In preparing the draft action plan, due attention should be paid to the Committee's Guidelines (MSC-MEPC.1/Circ.4); and
- .4 consider whether a correspondence group should be established and, if so, prepare draft terms of reference for consideration by the Committee.

Report of the working group

27.16 Having considered the report of the working group (MSC 90/WP.10), the Committee approved it in general and took action as reflected in the following paragraphs.

Immediate measures

27.17 The Committee concurred with the group that a number of measures of an operational character should be recommended to be implemented immediately by companies owning or operating passenger ships. These measures address:

- .1 lifejackets on board passenger ships, except for ro-ro passenger ships;
- .2 emergency instructions for passengers;
- .3 passenger muster policy;
- .4 access of personnel to the navigation bridge; and
- .5 voyage planning.

27.18 In this connection, the Committee endorsed the group's view that lifejackets for ro-ro passenger ships should not be included in the scope of these measures, as referred to in paragraph 27.17.1, as this matter was already covered by SOLAS regulation III/26.5.

27.19 Having considered the above matters, the Committee approved MSC.1/Circ.1446 on Recommended interim measures for passenger ship companies to enhance the safety of passenger ships, which included all aspects referred to in paragraph 27.17 above. The above circular, through Member States, recommends that passenger ship companies review their operational safety measures aimed at enhancing the safety of passenger ships, and invites them to use the recommendations provided in the circular on a voluntary basis.

Draft MSC resolution to encourage full implementation of current safety standards and procedures

27.20 The Committee, taking into account the urgency for the Organization to make a clear statement on its policy and take immediate steps recommended for implementation prior to analysis of the report on investigation into the loss of the **Costa Concordia**, adopted resolution MSC.336(90) on Measures aimed at enhancing the safety of passenger ships, as set out in annex 33, encouraging Member States and the passenger ship industry to take the appropriate action to ensure that their current safety standards and procedures are fully and effectively implemented.

Action plan for the long term work on passenger ship safety

27.21 The Committee approved, in principle, the long term action plan on passenger ship safety developed by the group, as set out in annex 3 of document MSC 90/WP.10, which incorporates the proposals submitted by Member States and international organizations to this session. The Committee noted that this plan will be subject to review when the casualty report on the **Costa Concordia** has been submitted.

27.22 The Committee agreed that the action plan should exclude those proposals which may duplicate ongoing work in the sub-committees under existing outputs. The list of such outputs identified by the group is set out in paragraph 13 of document MSC 90/WP.10. In addition, the Committee noted that no timeline was included in the action plan at this stage, as it would be defined on the basis of proposals yet to be submitted which would specify the number of sessions required or target completion year.

27.23 The Committee noted the proposals currently being considered by the Organization (MSC 90/WP.10, paragraph 13) and agreed that any proposals relating to this existing work should be considered by the relevant sub-committees. Any proposals either expanding on existing outputs or any new proposals should be subject to the relevant guidelines and submitted to the Committee for approval.

Establishment of a correspondence group

27.24 The Committee, having considered the progress made at this session, endorsed the view of the working group that there was no need to establish a correspondence group at this time.

Possible impact of proposals

27.25 The Committee noted the view of the group that some of the proposals contained in the working group report might have an impact on other ship types.

Arrangements for MSC 91

27.26 Having considered the above issues, the Committee invited Member States and international organizations to submit comments and proposals on passenger ship safety to MSC 91.

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