



MARITIME SAFETY COMMITTEE
73rd session
Agenda item 21

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

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The seventy-third session of the Maritime Safety Committee was held from 27 November to 6 December 2000 under the chairmanship of Mr. T. Allan (United Kingdom). The Vice-Chairman, Captain B. Watt (South Africa), was also present.

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

ALGERIA	ISRAEL
ANGOLA	ITALY
ANTIGUA AND BARBUDA	JAMAICA
ARGENTINA	JAPAN
AUSTRALIA	LATVIA
AZERBAIJAN	LIBERIA
BAHAMAS	LIBYAN ARAB JAMAHIRIYA
BAHRAIN	LITHUANIA
BANGLADESH	LUXEMBOURG
BARBADOS	MALAWI
BELGIUM	MALAYSIA
BELIZE	MALTA
BRAZIL	MARSHALL ISLANDS
BULGARIA	MEXICO
CANADA	MONACO
CHILE	MOROCCO
CHINA	NAMIBIA
COLOMBIA	NETHERLANDS
COSTA RICA	NEW ZEALAND
CROATIA	NIGERIA
CUBA	NORWAY
CYPRUS	PANAMA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	PERU
DENMARK	PHILIPPINES
DOMINICA	POLAND
EGYPT	PORTUGAL
ESTONIA	REPUBLIC OF KOREA
ETHIOPIA	ROMANIA
FINLAND	RUSSIAN FEDERATION
FRANCE	SAINT VINCENT AND THE GRENADINES
GEORGIA	SAUDI ARABIA
GERMANY	SINGAPORE
GHANA	SLOVENIA
GREECE	SOUTH AFRICA
HONDURAS	SPAIN
HUNGARY	SRI LANKA
ICELAND	SWEDEN
INDIA	SWITZERLAND
INDONESIA	SYRIAN ARAB REPUBLIC
IRAN (ISLAMIC REPUBLIC OF)	THAILAND
IRELAND	TONGA

TUNISIA
TURKEY
UKRAINE
UNITED KINGDOM
UNITED STATES

URUGUAY
VANUATU
VENEZUELA
YUGOSLAVIA*

the following Member Government, as an observer:

CÔTE D'IVOIRE

and the following Associate Members of IMO:

HONG KONG, CHINA
MACAU, CHINA

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

WORLD METEOROLOGICAL ORGANIZATION (WMO)

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

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
EUROPEAN COMMISSION (EC)
LEAGUE OF ARAB STATES
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL SHIPPING FEDERATION (ISF)
INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL CHAMBER OF COMMERCE (ICC)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND
LIGHTHOUSE AUTHORITIES (IALA)
INTERNATIONAL RADIO-MARITIME COMMITTEE (CIRM)
INTERNATIONAL NAVIGATION ASSOCIATION (PIANC)
THE BALTIC AND INTERNATIONAL MARITIME COUNCIL (BIMCO)

* Participated only in the consideration and adoption of the proposed amendments to the 1974 SOLAS Convention and related mandatory instruments.

INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
INTERNATIONAL CARGO HANDLING CO-ORDINATION ASSOCIATION
(ICHCA)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL LIFE-SAVING APPLIANCES MANUFACTURERS'
ASSOCIATION (ILAMA)
ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL
RESOURCES (IUCN)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
SOCIETY OF INTERNATIONAL GAS TANKERS AND TERMINAL OPERATORS
(SIGTTO)
INTERNATIONAL LIFEBOAT FEDERATION (ILF)
INTERNATIONAL ROAD TRANSPORT UNION (IRU)
INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
THE INSTITUTE OF MARINE ENGINEERS (IME)
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (ISMA)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
INTERNATIONAL SAILING FEDERATION (ISAF)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)

1.5 The session was also attended by Mr. M.H. Julian (Australia), Chairman of the Marine Environment Protection Committee (MEPC), Captain M.U. Ahmed (Bangladesh), Chairman of the Technical Co-operation Committee (TCC) and Mr. L.D. Barchue, Sr. (Liberia), Chairman of the Facilitation Committee (FAL). The Chairmen of all sub-committees, except for the Chairmen of the BLG, COMSAR, DSC and FSI Sub-Committees, were also present.

1.6 In welcoming participants, the Secretary-General said that, without diminishing the importance of other items on the Committee's agenda, he wished to first highlight the following three which he believed merited special mention and, from the participants' part, special attention and care to bring them to a successful conclusion:

- One, the implementation of the STCW Convention;
- Two, the safety of large passenger ships; and
- Three, the follow-up work to MEPC 45 to deal with issues which came to light in the aftermath of the **Erika** disaster.

Recognizing that the implementation of the STCW Convention had reached a crucial stage, he referred to decisions made at MSC 72, when the Committee had received a status report on the number of panels of competent persons which had completed their evaluation work

(approximately half of the total). He informed the Committee that all the actions it had asked of the Secretariat had been taken within the deadlines agreed to by the Committee, which he then updated as to the present situation. According to the latest figures, 77 panels, out of the 82 established, had completed their work and made their reports; and clarifications or additional information were awaited from the remaining 5 Parties.

With respect to 17 Parties which had communicated information after 1 August 1998, the situation was as follows:

Three panels had completed their work and made their reports. Of the remainder, final reports were awaited from 5 panel chairmen following requests for clarifications from the Parties concerned which were still awaited.

He then referred to another important decision made by MSC 72, namely that, in the event that the evaluation of the information communicated by the 82 Parties concerned had not been completed by 16 October 2000, that is the deadline agreed for the submission of his report, that report should only be distributed to this session after the Committee was satisfied that all reasonable efforts had been made to complete the work. He added that it was up to the Committee to decide whether he should submit his report to this session, which he was now prepared to do.

The Secretary-General said that he could not over-emphasize the importance of the work in hand or the eagerness with which the entire maritime community was awaiting the outcome of the Committee's deliberations. STCW Parties, labour-supplying countries, shipping companies, managing agents and seafarers themselves were all keen to know what the Committee's decision was going to be and what repercussions it would have on them.

He then informed the Committee that, for the purpose of assisting STCW Parties, maritime training institutes, shipping companies and seafarers to implement competence-based training and assessment programmes uniformly, the Secretariat had continued the series of *ad hoc* regional seminars and workshops. In addition to those held in Mumbai and Buenos Aires reported at MSC 72, similar events had been organized in Port of Spain and Cape Town and he took the opportunity to express appreciation to the Governments of Trinidad and Tobago and South Africa for hosting them. Next year further sessions were planned to take place in Douala, Cameroon and Bangkok, Thailand. Funding for that project had been provided from the Technical Co-operation Fund, the Government of Norway and the International Transport Workers' Federation, to which he expressed his appreciation.

The Secretary-General then turned to the decision of MSC 72 to consider ways and means to enhance the **safety of large passenger ships**. He was pleased with the Committee's positive response to his proposal that the time had come for the Organization to undertake a global consideration of safety issues pertaining to passenger ships, with particular emphasis on large cruise ships. Also that such an effort should be undertaken by an **ad hoc** working group under the Committee's direct auspices, with the understanding that, if needed, the Committee might also seek advice from any of its specialist sub-committees. Taking action to enhance the safety of large passenger ships would represent a most significant move on IMO's part to implement the proactive approach policy. Because it addressed such an important and sensitive issue as the safety of the thousands of passengers who travel by sea, it deserved the Committee's fullest attention and care.

The third important item he wanted to highlight was the invitation of the MEPC to the Committee to consider establishing a working group to examine the issues relating to the

elimination of sub-standard tankers listed in Circular letter No.2263 and document MSC 73/2/2. The Secretary-General was of the view that MEPC 45 had made substantial progress in all the subjects proposed by Governments in the aftermath of the **Erika** accident. This had been achieved through IMO's spirit of co-operation shown at its best and he wished to pay tribute to all those, Governments, industry and individuals, who had worked so hard to bridge any differences which might have existed before the meeting.

As part of the process and in order to utilize to the maximum the time available between MEPC 45 and MEPC 46, the MEPC had asked the Committee to consider safety-related issues which had been identified as a result of the Organization's work on the **Erika** accident and to prepare a suitable action plan; and the Secretary-General was confident that the MSC would respond positively to the MEPC's request and add its valuable contribution to the overall work undertaken by IMO.

Referring to the proposed amendments to mandatory and non-mandatory instruments, the Secretary-General emphasized that never before had the Committee, or the Organization as a whole, been asked to adopt amendments to so many and so important IMO instruments or to adopt new mandatory codes as those before the Committee at this session. He added that the proposed amendments to:

- SOLAS chapters II-1, II-2, V, IX and X;
- the 1988 SOLAS Protocol;
- the Fire Test Procedures Code;
- the IBC, BCH, IGC, GC and ISM Codes; and
- resolution A.744(18) on the Enhanced Programme of Surveys,

together with the adoption of new international codes:

- of Safety for High-Speed Craft, 2000; and
- for Fire Safety Systems,

made the session one without parallel in IMO's history. And, while this was necessary if the Committee were to comply with the next deadline for the entry into force of these amendments and codes within the agreed four-year cycle, it also showed that the Committee had a firm grasp of the sub-committees' work and was successfully co-ordinating it.

He then referred to matters relating to the FSI Sub-Committee, in particular the Sub-Committee's request for instructions on the use of the Self-Assessment Form database maintained by the Secretariat in accordance with resolution A.881(21). Since the purpose of the database was to assist the Organization in its efforts to achieve consistent and effective implementation of the various IMO instruments, the importance of successfully dealing with that issue was clear. He informed the Committee that so far only 25 self-assessment forms had been received from the Organization's 158 Member Governments. This was certainly not enough and he, therefore, urged other Governments to complete the forms so that decisions utilizing the information they contain could be made on a more representative basis.

The Secretary-General had appreciated very much receiving a number of copies of the report of the re-opened formal investigation into the loss of the m.v. **Derbyshire**, which the United Kingdom Government had made available to the Organization. In its efforts to enhance the safety of bulk carriers, the Committee had already carried out work based on the assessors' report into the loss of that ship and, he had no doubt, that it would promptly respond to any proposal the United Kingdom Government might put to IMO for consideration which may stem from the recommendations of the formal investigation just concluded.

He then stressed that he had found it extremely disappointing that 18 years after the Organization first addressed the piracy issue, the item not only continued to figure on the Committee's agenda, but also that it presented an ever-deteriorating picture. According to the most recent statistical information, the number of acts of piracy and armed robbery against ships reported to the Organization during the first ten months of 2000 was 314, representing an increase of 27% over the figure for the first ten months of 1999. Worse still, during the same period, nine crew members had been killed, twenty-two had been injured and five had been reported missing. One ship had sunk and two had been hijacked.

To continue the Organization's efforts to improve the situation, the Secretariat was, with the assistance of experts nominated by Governments and the industry, about to embark on a series of assessment missions to those countries adjacent to pirate-infested waters which had participated at previous IMO meetings organized within the context of the anti-piracy project; and the Secretary-General took the opportunity to express appreciation to the Governments of Greece, Japan, the Netherlands, Norway and the United Kingdom and the International Transport Workers' Federation for their financial support of the new endeavour. Once again, he appealed to the Governments of countries lying close to the areas where pirates and armed robbers usually operate to intensify their efforts to clear the waters of these criminals.

Referring to the regional Conference on Maritime Search and Rescue and the GMDSS, organized in Florence, Italy, in October 2000, he said that it had brought together representatives from African countries bordering the Atlantic and Indian Oceans, which were the subregions identified as those mainly lacking SAR and GMDSS facilities. The Conference had been successful in agreeing that, for enhanced efficiency and reduced cost purposes, five subregional rescue co-ordination centres should be established to cover the entire African coastline from Morocco to Somalia anti-clockwise. It had also adopted a resolution calling on IMO to consider establishing an International SAR Fund to cover the SAR and GMDSS needs of countries lacking such facilities. He expressed appreciation to the Government of Italy and the Region of Tuscany for hosting the Conference; and to the Governments of Italy, the Netherlands, Norway and the United Kingdom and the European Commission and the International Transport Workers' Federation for financing the meeting.

Under agenda item 7 the Committee would consider the issue of mandatory application of the IMDG Code and the recommendation of the DSC Sub-Committee on which parts of the Code should remain recommendatory. This was an important issue requiring an in-depth examination, which the Secretary-General was confident the Committee would undertake successfully.

The Secretary-General concluded by stressing that, each time the MSC meets, the eyes of the world maritime community focus on the Committee and its decisions. IMO is a technical Organization and the bulk of its technical decisions are made by the MSC, the success of which is a measure of IMO's success. Because Governments are placing an ever-increasing expectation on IMO's delivery, they should not be let down. With the usual common sense prevailing in the Committee's deliberations, with a determination to succeed and with IMO's renowned spirit of co-operation, he was confident that it would continue to serve well the cause

of safety and environmental protection. The excellent preparatory work of the sub-committees would undoubtedly help to achieve that. A successful conclusion would not only benefit all those with an interest in international shipborne trade; it would also demonstrate the efficiency and effectiveness of IMO as the only forum in the world where international standards regulating maritime safety and pollution prevention and control are set and decisions on how best to implement them are made.

1.7 In responding to the Secretary-General's remarks, the Chairman referred to the three main issues before the Committee, namely the status report on the STCW Convention; the work to enhance the safety of large passenger ships; and the safety issues raised at MEPC post-**Erika**.

The Chairman considered that, equally importantly, the Committee had an enormous amount of work to do concerning the adoption of amendments to instruments. Of the many other important agenda items, he singled out the work on bulk carriers, the consideration of the mandatory application of the IMDG Code and most importantly, in particular for the seafarers, the issue of piracy on which he hoped that significant progress would be made during the session.

To achieve all the set objectives, he would need the full co-operation and goodwill of all the delegations present.

1.8 Referring to the tragic sinking last September of the passenger ferry **Express Samina** off the Greek Island of Paros with considerable loss of life, the delegation of Greece reported that, soon after, an extensive search and rescue operation had been launched by the Piraeus Rescue Co-ordination Centre involving merchant and naval ships, special SAR vessels, rescue helicopters and Coast Guard units, resulting in the rescue of 452 persons. Although the causes of the incident have not yet been established pending the outcome of the official investigation, there were some indications that human error might have not been absent from the accident. The Greek delegation, having underlined the significance and importance placed on the human element, as also emphasized in resolution A.900(21) on Objectives of the Organization in the 2000s, stressed that the matter of human element should continue to be an important topic for IMO to pursue in the search for safer shipping and cleaner seas.

1.9 The Committee adopted the agenda (MSC 73/1, as amended) and a provisional timetable for guidance during the session (MSC 73/1/1, annex, as amended). The agenda for the seventy-third session, with a list of documents considered under each agenda item, is set out in annex 1.

1.10 When discussing working and drafting groups needed to be established during the session against the background of the relevant decisions made at MSC 72, the Committee's attention was drawn to Circular letter No.2259 of 22 September 2000, issued following consultations between the Chairman and the Secretariat, whose assessment was that, as a result of insufficient information available at the session, a working group on bulk carrier safety would not be required. The Committee concurred with that assessment and decided not to establish such a working group.

1.11 The Committee's attention was then drawn to Circular letter No. 2263 of 6 October 2000 reflecting the request of MEPC 45 that the Committee consider safety-related issues associated with the Organization's work on the **Erika** accident and MEPC's suggestion that, to that effect, the Committee consider establishing, at this session, a working group to deal with that topic. The Committee endorsed the request of the MEPC and agreed to establish an *ad hoc* working group under agenda item 2.

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

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

2 DECISIONS OF OTHER IMO BODIES

OUTCOME OF THE EIGHTY-FOURTH AND EIGHTY-FIFTH SESSIONS OF THE COUNCIL

2.1 The Committee noted the information provided in documents MSC 73/2, MSC 73/2/Corr.1 and Add.1.

OUTCOME OF THE FORTY-EIGHTH SESSION OF THE TECHNICAL CO-OPERATION COMMITTEE

2.2 The Committee noted the information provided in document MSC 73/2/1.

2.3 In reporting on the outcome of TC 49, the Director of the Technical Co-operation Division identified the following significant developments:

- the establishment of the third IMO "Regional Presence" office for Africa in Abidjan, Côte d'Ivoire, to serve Francophone West and Central African countries;
- the approval of the Integrated Technical Co-operation Programme for 2002-2003, taking into account the need for the programme to be adjusted on the basis of emerging priorities and changes in IMO's regulatory regime;
- the approval of the Secretariat proposal to establish a website to facilitate global access and exchange of information on technical co-operation activities related to IMO's mandate, planned and delivered by individual countries and other organizations. The website would be designated as MARTECAID (Maritime Technical Aid); and
- the approval of the Committee's future work programme for the biennium 2002-2003 and the long-term work plan of the Committee (up to 2008), as amended.

OUTCOME OF THE FORTY-FIFTH SESSION OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE

General

2.4 The Committee noted the information provided by the Secretariat (MSC 73/2/2) on the outcome of the forty-fifth session of the Marine Environment Protection Committee and, except for the issues addressed in paragraphs 2, 6, 7 and 8 of document MSC 73/2/2 (see paragraphs 2.5 to 2.19 below), decided to take it into account when considering agenda items 3, 11, 16, 17 and 18, as appropriate.

Harmful aquatic organisms in ballast water

2.5 With regard to the above issue, the Committee noted that MEPC 45 had continued work on the development of a legal instrument for the control and management of ships' ballast water

and sediments (with a view to adoption by a diplomatic conference to be held during the biennium 2002-2003), in which a two-tiered approach for the application of ballast water management requirements had been established: of these, the first would require all ships to meet, at all times, certain baseline requirements throughout the world; while the second would enable ballast water control in areas where additional measures could be required. The Committee further noted that MEPC 45, having confirmed that development of alternative treatment technologies might produce substantially more reliable techniques, had agreed that the ballast water exchange was an interim solution. Having noted that the MEPC had also agreed to consider, at a subsequent session, developing an MSC/MEPC circular emphasizing the need for ballast water and sediment management options to be taken into account when designing and building new ships, the Committee confirmed its commitment to co-operate closely with the MEPC on the safety-related aspects of the matter and emphasized the importance of the widest and earliest possible dissemination of the aforementioned MSC/MEPC circular.

Measures aimed at eliminating sub-standard oil tankers

2.6 In pursuance of a request of MEPC 45, the Committee considered a set of measures aimed at eliminating sub-standard oil tankers, using as basic documents Circular letter No.2263, dated 6 October 2000, issued by the Secretariat to this effect; and MSC 73/2/2 (paragraphs 6 and 7 and annex).

2.7 In this connection, the Committee, recalling its decision under agenda item 1 to positively respond to MEPC 45's request that it consider establishing, at this session, an *ad hoc* working group to deal with the above-mentioned measures, tasked the *ad hoc* working group with the consideration of the following:

- .1 to fully examine the measures listed in the annex to document MSC 73/2/2 aimed at eliminating sub-standard oil tankers, taking also into consideration document MSC 73/INF.14 (IACS), with a view to selecting only the **viable** proposals and rationalizing them in order to:
 - .1 avoid repetition;
 - .2 determine whether each of the selected measures refers to oil tankers only or to other ship types as well;
 - .3 determine whether any of the selected measures have already been, or are currently being, addressed by an IMO body;
 - .4 identify the selected measures which are either predominantly safety-related, environment-related or a mixture of both;
- .2 as the list annexed to document MSC 73/2/2 may not be exhaustive, to propose any additional measures which the group might consider necessary and rationalize them as per paragraphs .1.2 to .1.4 above;
- .3 to prepare an action plan for the consideration of all the identified rationalized measures, either by the MSC, the MEPC or the appropriate sub-committees, providing, in each case, any comments the group might deem necessary to make to assist in the process, and indicating to what session of the Committee(s) should each of the assigned sub-committees report; and

- .4 in carrying out the above tasks, to bear in mind that the introduction of additional “layers” to the existing survey requirements should be avoided and that, instead, emphasis should be placed on achieving full implementation of the current survey regime.

2.8 In the context of the above decisions, the Committee noted, in particular, that MEPC 45, recognizing the importance of the continued application of the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)) and noting that MSC 73 would consider, with a view to adoption, proposed amendments to the Guidelines, requested the Secretariat to produce, after MSC 73, a consolidated edition of the Guidelines and amendments thereto to be issued as an IMO publication.

2.9 With reference to documents MSC 73/2 and MSC 73/2/2 (paragraph 6), the delegation of Panama congratulated the Chairman for the direction he had given the Committee during MSC 72 in achieving overwhelming support for the policies and general statement of the Secretary-General as to the manner in which the Organization should deal with issues which came to light in the aftermath of the **Erika** incident. The decision of the Committee and the subsequent actions of the MEPC had clearly indicated the support for the Secretary-General’s policy statement and were proof positive that the Organization can and does react expeditiously to major maritime incidents.

Outcome of the working group

2.10 Having received the report of the working group (MSC 73/WP.14), the Committee approved it in general and took action as indicated hereunder.

2.11 In considering the conclusion of the group on the proposal regarding the need to require rapid availability of tug assistance/salvage in narrow waterways and whether certain tankers should always have a pilot on board in such waterways, the Committee, noting that the group had not selected the proposed measure, agreed to amend paragraph 9 of the report to read:

“In this context, the delegation of Germany, supported by several other delegations, maintained their position that, in order to minimize the risks to the environment and to enhance safety of navigation in certain areas outside territorial waters requiring high navigational attention, certain tankers should be required to be guided by a pilot in these areas.”

Regarding the proposed measures selected by the group, as contained in annex 1 to the group’s report (MSC 73/WP.14), the Committee agreed to:

- .1 add a further bullet point under item 8 to read “establish uniform minimum scantling standards for structures”; and
- .2 modify the proposed measure in item 9 to read “Examine ways to improve the design of large bulk carriers and tankers to enable the interior of their hulls to be more easily surveyed and inspected, taking into account MSC/Circ.686”, and delete the last sentence in the associated comments/advice column.

Selected measures for further consideration

2.12 The Committee debated at length whether to approve the measures selected by the group from the list annexed to document MSC 73/2/2 and the new ones accepted by the group, as

contained in the table set out in annex 1 to the group's report (MSC 73/WP.14). Several delegations considered that it would be premature to refer the proposed measures to the IMO bodies identified in the table, as most of the sub-committees involved (i.e. COMSAR 5, FP 45, STW 32, BLG 6, FSI 9 and DE 44) were scheduled to meet soon after the Committee's current session and, therefore, Member Governments would not have enough time to contribute with relevant proposals and comments to the sub-committees in question because the deadlines for submission of documents had already passed, or were imminent. Therefore, the selected measures should instead be referred to MSC 74 for further consideration and referral to the appropriate bodies.

2.13 Several other delegations, however, were of the opinion that the working group had considered all the proposals identified by MEPC 45 and, in compliance with the Committee's instructions, had prepared a list of work items which should be referred to the relevant sub-committees without delay, according to the related action plan. It was important not to lose the momentum initiated by the MEPC in the wake of the **Erika** disaster.

2.14 A third group of delegations considered that the proposed measures should be referred to the identified sub-committees, but only to be examined with a view to providing the Committees with additional comments on how to tackle them and in what order of priority; thereafter, the Committees would be able to mandate the relevant sub-committees with concrete terms of reference and target dates.

2.15 In summing up the discussion, the Chairman observed that a certain amount of care needed to be taken with regard to this debate which, regrettably, had been a debate of two halves. The first part of the debate had taken place at MEPC 45 and the Committee needed to be aware that the current discussion was a continuation of that debate.

He added that, during MEPC 45 and within their debate of post-**Erika** issues, it was generally accepted that there were many other safety-related issues which needed to be progressed simultaneously. It was within that context that the Bahamas had submitted document MEPC 45/7/11 (Making ships survey-friendly), which had achieved virtually unanimous support at the MEPC. As the debate progressed at the MEPC, the view grew that the MSC was the appropriate body to take forward the safety-related issues and that the possibility existed of a working group dealing with them at this session.

In effect, the whole issue had been seen as a package: the consideration of the draft revised MARPOL regulation I/13G, the Condition Assessment Scheme (CAS) debate (which will be dealt with by an intersessional working group meeting early in 2001) and the safety-related issues which the Committee would progress on tandem.

Hence, it was proposed at MEPC 45 that the working group at MSC 73 would prepare an action plan for consideration of the safety-related issues and that BLG 5, FSI 9 and DE 44 would be requested to further develop relevant issues referred to them in that context and to report to MEPC 46 and MSC 74 as appropriate. The proposal was also to request the sub-committees to propose an appropriate implementation plan. The Chairman, on the Committee's behalf and having consulted with many delegations, had agreed to the request from the MEPC.

The Chairman was confident that the Committee had complied with these requests. He also believed that, following the debate, the Committee could continue to comply and keep on tandem the package of measures emanated from the debate post-**Erika**.

In that context, he proposed two specific actions that the Committee could take forward:

- .1 firstly, the only specific proposal which could go directly to the sub-committees was the one proposed by the Bahamas in document MEPC 45/7/11 and supported by MEPC 45. This proposal, which the working group had agreed should be taken further (MSC 73/WP.14, annex 1, item 9), albeit in a simplified manner, should be referred directly to the DE Sub-Committee for consideration in broader terms as proposed in document MEPC 45/7/11; and
- .2 secondly, the working group's report (MSC 73/WP.14), as amended, should be referred to the sub-committees and to MEPC 46, requesting them to consider it in general - i.e. not to embark on substantial debate - but to address the relevant proposals for their attention and then advise MSC 74 on the outcome of the consideration of their assigned issues and submit possible proposals for inclusion in their work programmes.

2.16 The Committee, in agreeing with the above proposals by the Chairman, requested Member Governments to consider the report of the working group (MSC 73/WP.14), as amended as per paragraph 2.11 above, and invited them to submit to the MEPC and the sub-committees concerned, if considered necessary, comments and proposals on specific issues, in accordance with the Guidelines on the organization and method of work, so that the Committee could have a further debate on the safety-related issues and decide on the way forward for itself and the sub-committees.

Proposed expansion of the maritime information system

2.17 In considering the group's views regarding the proposed expansion of the maritime information system (MSC 73/WP.14, paragraph 6), the Committee recalled its earlier decision on this matter (see also paragraphs 20.5 to 20.9) and decided that no further action was needed.

Possible authorization of organizations to submit proposals

2.18 The Committee considered whether to authorize IACS and other relevant organizations in consultative status to submit proposals on one of the items selected by the working group (MSC 73/WP.14, paragraph 7 and annex 1, item 10) without the need to seek sponsorship from a Member Government and, recalling its earlier decision regarding the amendments to the Guidelines on the organization and method of work (see also paragraph 17.5), decided that the Guidelines, as amended, already covered such an eventuality.

Action plan

2.19 The Committee noted the action plan prepared by the working group (MSC 73/WP.14, paragraph 17 and annex 2) and agreed to consider it at MSC 74, when more information on the proposed measures is provided by the MEPC and the sub-committees.

OUTCOME OF THE EIGHTY-SECOND SESSION OF THE LEGAL COMMITTEE

2.20 The Committee considered paragraph 5 of document MSC 73/2/3 under agenda item 16 (Relations with other organizations) and paragraphs 6 and 7 under agenda item 20 (Any other business - Outcome of the ITU-WRC 2000); and noted the information provided on the draft Convention on Wreck Removal.

OUTCOME OF THE TWENTY-EIGHTH SESSION OF THE FACILITATION COMMITTEE AND THE CONCURRENT SESSION OF THE WORKING GROUP ON SHIP/PORT INTERFACE

General

2.21 The Committee noted the information provided in document MSC 73/2/4 and took action as indicated hereunder.

Harmonization of ships' certificates

2.22 The Committee noted that the FAL Committee, having noted the comments of MEPC 44 and MSC 72 and advice provided by the Director, Legal and External Relations Division, on the issue of harmonization of ships' certificates, agreed that, in order to avoid any legal problems which might occur if the certificates required under different conventions were combined, it would be prudent, for the time being, to consolidate, simplify and unify certificates within the same convention, which would result in the following convention certificates:

- .1 safety certificates (SOLAS 74 and Protocol 78); and
- .2 environmental certificates (MARPOL 73/78).

2.23 The Committee noted further that the FAL Committee, noting that the work related to the harmonization of ships' certificates would require considerable time and effort, established a correspondence group to consider the matter intersessionally and instructed the co-ordinator of the correspondence group to submit the outcome of his group's work to the Secretariat for onward submission to the next sessions of the MSC and the MEPC for comments.

2.24 The delegation of Japan pointed out that even under the same convention, there are certificates or documents required for different contracting parties (e.g. SOLAS 74, the 1978 and 1988 SOLAS Protocols, etc.) and, therefore, this aspect should also be taken into account when harmonizing and/or combining certificates.

2.25 The Committee also noted that any amendments to the convention(s) which might be needed as a result of the work on harmonization of certificates, should be considered and adopted by the relevant committee(s) (e.g. the MSC for SOLAS 74, the MEPC for MARPOL 73/78, etc.).

2.26 The Committee endorsed the FAL Committee's view and action on harmonization of ships' certificates and urged Member Governments and international organizations concerned to participate in the work of the correspondence group established.

Assessment of model course on the safe and secure packing of cargo transport units

2.27 The Committee approved a model course on the safe and secure packing of cargo transport units (FAL 28/INF.3, annex), subject to editorial improvements by the Secretariat, and agreed to delete the relevant item from the SPI Working Group's work programme.

Development of a manual on loading and unloading of solid bulk cargoes for terminal representatives

2.28 The Committee endorsed the FAL Committee's action on developing a manual on loading and unloading of solid bulk cargoes for terminal representatives and instructed the Secretariat to report the outcome of the SPI Working Group's deliberations to the next session of

the DSC Sub-Committee. Member Governments were encouraged to participate in the work of the next session of the DSC Sub-Committee (16 to 20 July 2001) to assist in the development of the manual.

Availability of adequate tug assistance

2.29 The Committee noted that the SPI Working Group, having considered the Nautical Institute's publication entitled "Tug use in Ports – a Practical Guide", had agreed that the publication was a useful and appropriate assessment method regarding tug assistance and that, therefore, no compendium was needed. The FAL Committee urged Member Governments and international organizations concerned to promote the use of the assessment methods for tug assistance and other advice contained in the publication and further agreed that a circular highlighting the principal factors to be included in any assessment should be developed by the SPI Working Group at its next session.

2.30 The Committee concurred with the FAL Committee's view and action on this issue on the understanding that a circular, as might be developed to that effect by the SPI Working Group, should be a joint MSC/MEPC/FAL circular, highlighting the key elements of the publication, and agreed to retain the relevant item in the work programme of the SPI Working Group.

Development of guidelines for the training of port marine personnel

2.31 The Committee noted that the SPI Working Group had advised the FAL Committee that guidelines for the training of port marine personnel would provide a maritime career prospect as a whole, which would make seafaring more attractive and would facilitate also the recruitment of seafarers; and give assurance to the shipping industry that there is an adequate level of competence available in every port, which would ensure that ships could enter, stay and leave a port safely and efficiently.

2.32 The Committee further noted that the FAL Committee, noting that the SPI Working Group could not develop a more definite proposal on the scope of work to be undertaken as it was not in a position to identify the full scope required because of lack of advice received from Member Governments and the industry, had decided to establish a correspondence group to develop a more detailed proposal with regard to the contents of the guidance to be developed and to present the outcome of its work to the Secretariat by the end of June 2001 for appropriate promulgation, so that Member Governments and international organizations might have adequate time to consider the issue and submit comments to the next session of the FAL Committee.

2.33 Some delegations expressed the view that, since there are other bodies in the Organization (i.e. the STW Sub-Committee) and other international organizations dealing with matters relating to training, the SPI Working Group should not develop such guidelines thus avoiding duplication of work.

2.34 Other delegations were of the view that there were, however, areas relating to ship/port interface which are not covered by the work of other competent IMO bodies or international organizations.

2.35 The Committee, having considered the matter at some length, agreed that, at this stage, the SPI Working Group should not develop such guidelines but identify the areas where there is a need for the training of port marine personnel; substantiate the need for such a work in detail; and specify the IMO bodies or international organizations which might be capable to contribute to the development of such guidelines.

2.36 The Committee agreed that the terms of reference for the correspondence group established at FAL 28 (MSC 73/2/4, paragraph 25) should be modified to take into account the comments made above and requested the Secretariat to prepare revised draft terms of reference for that group accordingly.

2.37 Having considered the revised draft terms of reference (MSC 73/WP.11, annex), the Committee approved them as amended; instructed the Secretariat to inform the co-ordinator of the correspondence group accordingly; and invited the FAL Committee to note its actions on this matter. The approved terms of reference for the correspondence group are given below:

The correspondence group should:

- .1 identify the areas where there is a need for the training of port marine personnel, excluding areas such as pilotage and VTS, as these have already been adequately addressed by the Organization and IALA;
- .2 when identifying the training needs of port marine personnel, provide justification for any such work in accordance with the Guidelines on the organization and method of work (appendix 1). It should be borne in mind that the issues of international and commercial law and insurance may not be relevant in the context of maritime safety-related issues;
- .3 assign priorities to the areas identified;
- .4 identify IMO bodies or other international organizations, such as UNCTAD, ILO, IAPH, IHMA and other non-governmental organizations in consultative status with IMO, which are capable of developing or might be capable to contribute to the development of such guidelines; and
- .5 present the outcome of its work to the Secretariat by the end of June 2001, so that Member Governments and international organizations might have adequate time to consider the issue and submit comments to the next session of the FAL Committee.

Work programme of the SPI Working Group

2.38 The Committee considered the SPI Working Group's work programme (MSC 73/2/4, annex) and, agreeing on a target completion date of 2002 for the item on "Development of a manual on loading and unloading of solid bulk cargoes for terminal representatives" and a target completion date of 2003 for the item on "Development of guidelines for the training of port marine personnel", approved, as far as safety-related items were concerned, the work programme of the SPI Working Group.

2.39 The Committee, recalling the discussion at MSC 72 (MSC 72/23, paragraph 2.18) that the future work of the SPI Working Group and its work method needed to be re-examined at a future session of the Committee and reconfirming that need, requested the Chairmen of the MSC and MEPC and the FAL Committee to consider the matter and submit a proposal to the next sessions of the MSC and MEPC and the FAL Committee. Member Governments were also invited to submit relevant comments and proposals.

Applications for consultative status

2.40 The Committee noted that the FAL Committee, having considered applications for consultative status in respect of the International Christian Maritime Association (ICMA) and the International Federation of Freight Forwarders Association (FIATA), recommended to the Council that consultative status should be granted to both.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

GENERAL

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

- .1 to chapters II-1, II-2, V, IX and X and to the appendix to the Annex to the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention;
- .2 to the International Code for Application of Fire Test Procedures (FTP Code), in accordance with the provisions of article VIII and regulation II-2/3.34 of the 1974 SOLAS Convention;
- .3 to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), in accordance with the provisions of article VIII and regulation VII/8.1 of the 1974 SOLAS Convention;
- .4 to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), in accordance with the provisions of article VIII and regulation VII/11.1 of the 1974 SOLAS Convention;
- .5 to the International Safety Management (ISM) Code, in accordance with the provisions of article VIII and regulation IX/1.1 of the 1974 SOLAS Convention; and
- .6 to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A. 744(18)), in accordance with the provisions of article VIII and regulation XI/2 of the 1974 SOLAS Convention.

Contracting Governments constituting more than one third of the total of Contracting Governments to the 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 (iv) of that Convention.

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

- 3.3 The Committee was also invited to consider and adopt:
- .1 the proposed draft International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code);
 - .2 the proposed draft International Code for Fire Safety Systems (FSS Code);
 - .3 proposed amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code); and
 - .4 proposed amendments to the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code).

3.4 The proposed amendments to SOLAS chapters II-1, II-2, V, IX and X and to the appendix to the Annex to the Convention, together with the proposed amendments to the FTP, IBC, IGC and ISM Codes and to resolution A.744(18), were circulated by the Secretary-General in accordance with SOLAS article VIII(b)(i) to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by circular letters No.2162 and No.2163, both dated 2 November 1999, and No. 2224 and Add.1, dated 26 and 29 May 2000, respectively.

3.5 The proposed amendments to the 1988 SOLAS Protocol were circulated by the Secretary-General in accordance with SOLAS article VIII(b)(i) and article VI(c) of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1988 SOLAS Protocol by circular letter No.2225 dated 25 May 2000.

3.6 To facilitate the Committee's work in the consideration of the aforementioned proposed amendments and new instruments, the Secretariat had prepared a composite text (MSC 73/WP.1) of proposed modifications thereto, including editorial modifications proposed by the Secretariat, for use by the drafting group established under paragraph 3.76.

CONSIDERATION OF PROPOSED AMENDMENTS TO INSTRUMENTS AND OF NEW MANDATORY CODES

PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1

3.7 The Committee recalled that the proposed amendments to chapter II-1 on Construction - Structure, subdivision and stability and machinery and electrical installations (document MSC 73/3, annex) had been developed by the DE and FP Sub-Committees and approved by MSC 72.

Regulation II-1/3-5 - New installation of materials containing asbestos

3.8 The delegation of the Russian Federation proposed to change the date of application of regulation II-1/3-5 to 1 January 2005 to align it with the EC directive on prohibition of materials containing asbestos. The Committee, recalling the EC observer's intervention on the issue at MSC 72 (MSC 72/23, paragraph 13.19), did not agree with the proposal.

3.9 Noting that no comments had been submitted on the proposed amendments to chapter II-1, the Committee confirmed their contents, subject to editorial changes, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-2

3.10 The Committee recalled that the proposed amendments to chapter II-2 on Construction - Fire protection, fire detection and fire extinction (document MSC 73/3, annex) had been developed by the FP Sub-Committee and approved by MSC 72.

Regulation II-2/1 - Application

3.11 The Committee considered document MSC 73/3/18 (Japan) proposing modifications to paragraph 1.2.2 of the regulation with respect to the application date of new requirements, relating to emergency escape breathing devices and to some manuals and booklets under part E, to existing ships and agreed to the modifications.

Regulation II-2/15 - Instructions, onboard training and drills

3.12 The Committee considered a proposal by Japan (MSC 73/3/18) calling for the deletion of paragraph 2.4.2 of the regulation regarding the carriage, in addition to the fire control plan, of the instructions concerning maintenance and operation of the equipment and installations for fighting and containment of fire, and agreed to the proposal.

General

3.13 The Committee noted a number of editorial changes to the text contained in document MSC 73/3, annex, suggested by the Secretariat, as indicated in document MSC 73/WP.1, annex 1.

3.14 Noting that no further comments had been submitted on the proposed amendments to chapter II-2, the Committee confirmed their contents, subject to editorial changes, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER V

3.15 The Committee recalled that the proposed amendments to chapter V on Safety of navigation (document MSC 73/3, annex) had been developed by the NAV Sub-Committee and approved by MSC 72.

Regulation V/2 – Definitions

3.16 The Committee considered document MSC 73/3/12 (IHO), commenting on paragraph 2 of the regulation and providing the text of a footnote thereto referring to appropriate resolutions and recommendations of IHO and document MSC 73/3/14 (Chile), proposing modifications to the same paragraph and agreed to the text of paragraph 2 of the regulation, with the deletion of the square brackets around it; and to the footnote to the regulation proposed by IHO.

Regulation V/6 – Ice Patrol Service and the appendix to chapter V

3.17 The Committee considered paragraphs 9.1 to 9.3 of document MSC 73/3/11 (United States) proposing adoption of regulation V/6 and modifications to the Rules for the management, operation and financing of the North Atlantic Ice Patrol, appended to chapter V, and agreed to the modifications.

3.18 In this context the Committee considered the part of the United States document which related to actions requested with respect to the Ice Patrol financing system (paragraphs 9.4 to 9.7 of the document) and decided as follows:

- .1 noted the undertaking by the United States (paragraph 5 of document MSC 73/3/11) that, upon entry into force of the amendments for the North Atlantic Ice Patrol, they would use the three-year rolling average and absorb the proportionate share of those costs for those user Governments who choose not to contribute to the expenses of operating the Ice Patrol;
- .2 indicated that it did not object to the United States applying, prior to their entry into force, the new provisions contained in the appended Rules commencing with the billings to the contributing Governments for the 1997 ice season;
- .3 reaffirmed MSC 70's decision that, in the light of its origins and history, the Ice Patrol financing system is unique and should not create a precedent for charging ships navigating in international waters for services provided by coastal States;
- .4 noted the request of the United States that other Governments become contributing Governments; and
- .5 agreed that the termination of the 1956 Agreement regarding financial support for the North Atlantic Ice Patrol should be dealt with outside SOLAS; and noted that the United States expected (paragraph 8 of document MSC 73/3/11) that the Parties to the 1956 Agreement would inform MSC 74 that the Agreement would terminate on the date the Rules for the management, operation and financing of the North Atlantic Ice Patrol, appended to the revised SOLAS chapter V, enter into force.

Regulation V/7 – Search and rescue services

3.19 The Committee considered document MSC 73/3/13 (United Kingdom and Hong Kong, China) proposing modifications to paragraph 3 of the regulation relating to passenger ship plans for co-operation with appropriate search and rescue services and agreed to the modifications, as further amended by plenary. The Committee, in agreeing to these modifications, noted that COMSAR 5 would consider the draft Guidelines for the preparation of SAR co-operation plans and decided to provide relevant guidance (MSC 73/WP.15 as amended in paragraph 3.20 below) to the Sub-Committee, as set out in annex 2.

3.20 The Committee, having considered document MSC 73/WP.15, agreed to the following proposed amendments to the annex to the document:

- .1 a new paragraph 2 has been inserted as follows:

“It is not the Committee's intention to change the guidance in MSC/Circ.864 relevant to passenger ships other than those mentioned in paragraph 1”,

and existing paragraph 2 has been renumbered as paragraph 3; and

- .2 the third sentence of subparagraph .2 of the renumbered paragraph 3 has been reworded to read:

“The development of co-operation plans should not become an excessive burden on ships, companies or SAR services”.

Regulation V/17 – Electromagnetic compatibility

3.21 The Committee considered paragraph 3 of the annex to document MSC 73/3/15 (Republic of Korea) proposing an editorial modification to paragraph 1 of the regulation, concerning the application of electromagnetic compatibility tests and agreed to the modification.

Regulation V/18 - Approval and surveys of navigational systems and equipment, and performance standards

3.22 The Committee considered paragraph 4 of the annex to document MSC 73/3/15 (Republic of Korea) and paragraph 1 of the annex to document MSC 73/3/19 (Japan). While both documents proposed an editorial modification to a regulation reference, the Japanese document additionally suggested modifications to the title and the wording of, and to the footnote to paragraph 2 of, the regulation and proposed to transfer the text of regulation 20.4 of the draft revised chapter V to regulation 18 as a new paragraph 8. Following discussion, the Committee agreed to the proposed modifications to the regulation, in principle, and instructed the drafting group accordingly.

Regulation V/19 - Carriage requirements for shipborne navigational systems and equipment

3.23 The Committee considered paragraph 5 of the annex to document MSC 73/3/15 (Republic of Korea) proposing modifications to a subparagraph reference; and paragraph 2 of the annex to document MSC 73/3/19 (Japan) proposing deletion of the word “standard” from paragraph 2.1.1 of the regulation and the addition of the word “daylight” before the words “signal lamp” in paragraph 2.2.2 of the regulation and agreed to the modified subparagraph reference and to the use of the words "daylight signalling lamp" in paragraph 2.2.2 of the regulation, in line with the relevant performance standards, but did not agree to the deletion of the word "standard" in paragraph 2.1.1 of the regulation. In addition to the above, the Committee also agreed to delete the square brackets in paragraph 2.4.2 and the square brackets and the text within in paragraph 2.4.4 of the regulation.

Regulation V/20 – Voyage data recorders (VDRs)

3.24 The Committee considered the following documents dealing with paragraph 1 of the regulation:

- .1 MSC 73/3/8 (United States) and MSC 73/3/9 (Australia), proposing additional application provisions for the fitting of VDRs on existing ships;
- .2 MSC 73/3/15 (paragraph 2 of the annex) (Republic of Korea), proposing the deletion of the word “annual” in paragraph 1.2 and the insertion of the word “all” before the word “ships” in paragraph 1.4 of the regulation; and

- .3 MSC 73/3/19 (paragraph 3 of the annex) (Japan), proposing the deletion of the footnote to the title and of the whole paragraph 1.4 of the regulation.

In this context, the Committee agreed to consider document MSC 73/3/20 (Hong Kong, China), regarding data items to be recorded and operational requirements for recording devices, under agenda item 11 (Safety of navigation).

3.25 Following an exhaustive discussion of the proposals referred to in paragraph 3.24 above (in particular, of the proposals in documents MSC 73/3/8 and MSC 73/3/9, on which more than 40 delegations made comments), the Committee decided as follows:

- .1 noting that the number of those delegations who had spoken in favour of the installation of VDRs on existing cargo ships was not sufficient to ensure the required two-thirds majority for the adoption of the provision, as part of the revised SOLAS chapter V, the Committee did not agree to the proposals by Australia and the United States. However, having recognized difficulties associated with the fitting of VDR on existing cargo ships and that more experience was necessary in this respect, the Committee agreed to consider a draft MSC resolution (see MSC 73/WP.12) requesting that a study be carried out, as a matter of urgency, to assess the feasibility of installing VDRs on existing cargo ships, with a deadline of 1 January 2004 (see paragraph 3.109);
- .2 agreed to the proposals by the Republic of Korea; and
- .3 agreed to the proposal by Japan on the deletion of the footnote to the title, but did not agree to the deletion of the whole paragraph 1.4 of the regulation.

3.26 The Committee considered paragraph 1 of the annex to document MSC 73/3/15 (Republic of Korea) proposing the addition, to paragraph 3 of the regulation, of a new sentence regarding exemption from VDR being fitted, in case a ship is expected to be taken permanently out of service within two years and did not agree to the proposal.

3.27 With regard to paragraphs 2 and 4 of the regulation, the Committee, having considered paragraph 1(4) of the annex to document MSC 73/3/19 (Japan) proposing the deletion of paragraph 2 of the regulation, agreed to the proposal; and noted its earlier decision on a proposal to transfer paragraph 4 to regulation V/18 as a new paragraph 8 (see paragraph 3.22).

3.28 The delegation of Japan, recalling two cases where amendments to the 1974 SOLAS Convention adopted by the Committee had subsequently had to be cancelled or given a period of grace for implementation before their entry into force, referred to the decisions of the Committee at its sixty-sixth session (MSC 66/24, paragraph 9.32) and the Council, at its seventy-sixth session (C 76/D, paragraph 5.2(iii)), that the Committee should carefully consider, when adopting amendments to mandatory instruments, their application date to ensure timely application. The delegation of Japan, supported by the delegation of Vanuatu, expressed the firm view that the Committee should not entertain any proposals calling for the delay of application of the carriage requirements of VDRs for existing ships as laid down in regulation V/20.1.

General

3.29 The Committee noted a number of editorial changes to the proposed amendments to chapter V contained in document MSC 73/3, annex, suggested by the Secretariat, as indicated in document MSC 73/WP.1, annex 1.

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

PROPOSED AMENDMENTS TO SOLAS CHAPTER IX

3.31 The Committee recalled that the proposed amendments to chapter IX on Management for the safe operation of ships (document MSC 73/3, annex) had been developed by the Joint MSC/MEPC Working Group on Human Element and Formal Safety Assessment and approved by MSC 72.

3.32 Noting that no comments had been submitted on the proposed amendments to chapter IX, the Committee confirmed their contents, subject to editorial changes, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER X

3.33 The Committee recalled that the proposed amendments to chapter X on Safety measures for high-speed craft (document MSC 73/3, annex) had been developed by the DE Sub-Committee and approved by MSC 72.

3.34 The Committee noted that NAV 46 had agreed (NAV 46/16, annex 19) to replace the existing reference to SOLAS regulation V/12 by the reference to regulations 18, 19 and 20 of the draft revised SOLAS chapter V and agreed to the modifications.

3.35 Noting that no other comments had been submitted on the proposed amendments to chapter X, the Committee confirmed their contents, subject to editorial changes, if any.

PROPOSED AMENDMENTS TO THE APPENDIX TO THE ANNEX TO THE CONVENTION

3.36 The Committee recalled that the proposed amendments to the appendix to the Annex to the 1974 SOLAS Convention (document MSC 73/3, annex) had been prepared by the Drafting Group on Revision of SOLAS chapter V, established at MSC 72, and approved by the Committee at that session.

3.37 Noting that no comments had been submitted on the proposed amendments to the appendix to the Annex to the 1974 SOLAS Convention, the Committee, having agreed to replace the words "if allowed" by the words "if fitted", where appropriate, and to re-order the details of navigational systems and equipment specified in the forms of record of equipment, confirmed their contents, subject to editorial changes, if any.

DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

3.38 The Committee recalled the decision, at its fifty-ninth session (MSC 59/33, paragraphs 26.2 and 26.7), on planning of amendments to maritime safety instruments, namely that there should normally be a four-year interval between entry into force of successive sets of amendments to safety-related conventions and codes. However, observance of this four-year interval was subject to the Organization being able, in exceptional circumstances, to adopt and bring into force new amendments at shorter intervals if, on the basis of experience, it is deemed necessary to do so in order to rectify a mistake or for any other compelling reasons.

3.39 The Committee thus agreed that the amendments to SOLAS, the 1988 SOLAS Protocol and mandatory codes and guidelines proposed for adoption at the current session should be deemed to have been accepted on 1 January 2002 and should enter into force on 1 July 2002.

PROPOSED AMENDMENTS TO THE 1988 SOLAS PROTOCOL

PROPOSED AMENDMENTS TO THE APPENDIX TO THE ANNEX TO THE 1988 SOLAS PROTOCOL

3.40 The Committee recalled that the proposed amendments to the appendix to the Annex to the 1988 SOLAS Protocol (document MSC 73/3/1) had been prepared by the Drafting Group on Revision of SOLAS chapter V established at MSC 72, and approved by the Committee at that session.

3.41 Noting that no comments had been submitted on the proposed amendments to the appendix to the Annex to the 1988 SOLAS Protocol, the Committee, having agreed to replace the words "if allowed" by the words "if fitted", where appropriate, and to re-order the details of navigational systems and equipment specified in the forms of record of equipment, confirmed their contents, subject to editorial changes, if any.

AMENDMENTS TO MANDATORY CODES AND GUIDELINES

PROPOSED AMENDMENTS TO THE FTP CODE

3.42 The Committee recalled that the proposed amendments to the International Code for Application of Fire Test Procedures (FTP Code) (document MSC 73/3/2, annex 1) had been developed by the FP Sub-Committee and approved by MSC 71.

3.43 Noting that no comments had been submitted on the proposed amendments to the FTP Code, the Committee confirmed their contents, subject to editorial changes, if any.

PROPOSED AMENDMENTS TO THE IBC CODE

3.44 The Committee recalled that the proposed amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) (document MSC 73/3/2, annex 2) had been developed by the BLG Sub-Committee and approved by MSC 72.

3.45 The Committee noted that these amendments had already been adopted by the MEPC and that, in adopting new paragraph 8.1.6 of the Code, MEPC 43 had replaced the words "accept relaxation from the application" by the words "approve relaxation" (MSC 73/3/2, annex 2). Further, in adopting amendments to paragraph 16.3.3 of the Code, MEPC 45 had modified the associated footnote in order to make reference also to the "relevant provisions of the STCW Code, Parts A and B". Consequently, the Committee endorsed these modifications.

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

PROPOSED AMENDMENTS TO THE IGC CODE

3.47 The Committee recalled that the proposed amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) (document MSC 73/3/2, annex 3) had been developed by the BLG Sub-Committee and approved by MSC 72.

3.48 The Committee noted that, in adopting amendments to paragraph 16.3.3 of the IBC Code (which are identical to the proposed amendments to paragraph 18.3.3 of the IGC Code), MEPC 44 had modified the associated footnote in order to make reference also to the “relevant provisions of the STCW Code, Parts A and B” (see paragraph 3.45) and agreed that the footnote to paragraph 18.3.3 of the IGC Code should be also modified to this effect.

3.49 The Committee considered document MSC 73/3/10 (IACS) requesting clarification as to whether the proposed amendments were intended to apply to new ships only or to existing ships as well and, with regard to the proposed amendments to chapter 18, commenting that the reference to paragraph 9.5.3 in paragraph 18.9 of the Code was not necessary since it was not an operating requirement. Subsequently, the Committee agreed to instruct the drafting group to prepare an appropriate text for inclusion in the proposed amendments indicating the provisions of the amendments which should apply to existing ships as well; and further agreed to delete the reference to paragraph 9.5.3.

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

PROPOSED AMENDMENTS TO THE ISM CODE

3.51 The Committee recalled that the proposed amendments to the International Safety Management (ISM) Code (document MSC 73/3/2, annex 4) had been developed by the Joint MSC/MEPC Working Group on Human Element and Formal Safety Assessment and approved by MSC 72.

3.52 The Committee considered document MSC 73/3/16 (Republic of Korea) suggesting the addition of a new paragraph 13.11 of the Code to establish the validity of the new DOCs or SMCs, when the renewal verification has been completed more than three months before the expiry of the existing DOC or SMC, and agreed to the proposal.

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

PROPOSED AMENDMENTS TO RESOLUTION A.744(18)

3.54 The Committee recalled that the proposed amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)) (document MSC 73/3/2, annex 5) had been developed by the DE Sub-Committee and the Committee itself; and had been approved by MSC 72 and noted by MEPC 45.

3.55 Noting that no comments had been submitted on the proposed amendments to resolution A.744(18), the Committee confirmed their contents, subject to editorial changes, if any.

3.56 In this context, the Committee agreed, as decided at MSC 72, to deal with the adoption of the draft MSC resolution on Recommendation on compliance with the requirements of paragraph 2.2.1.1 of annex 12 to Annex B to resolution A.744(18), after the aforementioned proposed amendments to resolution A.744(18) have been adopted (see paragraph 3.104).

CONSIDERATION OF MANDATORY CODES

CONSIDERATION OF THE 2000 HSC CODE

3.57 The Committee recalled that MSC 72 had approved with a view to adoption at this session, subject to further contributions by NAV 46 and SLF 43, the draft International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code) (document MSC 73/3/4), aiming at making it mandatory under SOLAS chapter X as amended.

3.58 The Norwegian delegation referred to the accident involving the high-speed craft **Sleipner** in December 1999 resulting in the loss of 16 lives; and to the Secretary-General's statement at MSC 72 that the Committee should be prepared to consider any proposal based on the lessons learnt from that tragic accident. They reiterated their position that it would be essential for the Committee to adopt the 2000 HSC Code at this session, but were also convinced about the need to further strengthen the Code prior to adoption, taking into account the recommendations made in the report of the Commission investigating the accident.

The delegation of Norway referred to the four proposals contained in documents MSC 73/3/6, MSC 73/3/21 and MSC 73/3/22 to amend the draft 2000 HSC Code, which, in their opinion, were crucial to the safety of passengers travelling on high-speed craft and would significantly reduce the probability that various types of potential future accidents with high-speed craft would evolve into disasters, as in the case of the **Sleipner**.

The Norwegian delegation urged Member States to seriously consider the aforementioned proposals, as well as the arguments behind them. Furthermore, they pointed out that the investigating Commission had made additional recommendations, which Norway intended to present to the Committee at a later stage for consideration by the relevant IMO committees and sub-committees.

3.59 In conjunction with the Norwegian proposals to amend the draft 2000 HSC Code in the light of the conclusions of the accident investigation of the **Sleipner**, the observer of the European Commission drew the Committee's attention to the fact that, within the European Union and Norway, as an added value to the IMO regulatory framework, the HSC Code had been made mandatory for craft sailing on domestic voyages. It was the intention of the European Commission to follow the same approach with regard to the 2000 HSC Code. Recalling that craft similar to the **Sleipner** operate all over the world, the European Commission made a plea to the Committee to give the highest priority to the consideration of amendments to the 2000 HSC Code in the light of the experience gained with the **Sleipner** on the basis of the accident investigation report to be forwarded to IMO by Norway.

Chapter 2 - Buoyancy, stability and subdivision

3.60 Noting that SLF 43, having considered amendments to the draft Code prepared by the intersessional meeting of the SLF Working Group on Stability and Load Line Aspects of the HSC Code (as incorporated in square brackets in document MSC 73/3/4) had agreed, without modifications, to the proposed amendments to paragraphs 2.2.1, 2.6.8 and 2.13 of the draft Code, the Committee endorsed the Sub-Committee's decision.

3.61 The Committee considered submissions by Norway proposing the introduction of a requirement for a watertight deck for craft operating only in the displacement mode (MSC 73/3/21) and modifications to paragraphs 2.6.8.2.1 and 2.13.2 with regard to the longitudinal extent of raking damage and categories of craft, respectively (MSC 73/3/22) and did not agree to the proposals for inclusion in the Code at this stage. However, having recognized the necessity to study the proposals by specialist bodies, the Committee decided to refer documents MSC 73/3/21 and MSC 73/3/22 to DE 44 (co-ordinator) and SLF 44, for consideration and preparation of appropriate amendments to the 2000 HSC Code, with a view to submission to MSC 75 for approval.

Chapter 4 - Accommodation and escape measures

3.62 The Committee considered document MSC 73/3/17 (Australia) suggesting modifications to paragraph 4.4.2 to the effect that the guidelines referred to in table 4.4.2 should apply on a recommendatory basis; and also the deletion of the reference to performance standards provided in annex 10 to the draft Code and, having agreed to the proposals, instructed the drafting group to prepare the text of paragraph 4.4.2 in line with the provisions of the Guidelines on methods for making references to IMO instruments (MSC/Circ.930).

Chapter 8 - Life-saving appliances and arrangements

3.63 The Committee considered document MSC 73/3/6 (Norway) proposing modifications to paragraph 8.7.4 in respect of the design of marine evacuation systems or equivalent means of evacuation and to paragraph 8.10.1.3 to include the reference to embarkation stations and decided, with regard to the proposed modifications to paragraph 8.7.4 of the draft Code, to refer document MSC 73/3/6 to DE 44 for consideration and advice to MSC 75 as appropriate; and further agreed to the modified paragraph 8.10.1.3 of the draft Code as follows:

- “3 sufficient survival craft to accommodate the total number of persons the craft is certified to carry even in the event that all the survival craft to one side of the craft centreline and within the longitudinal extent of damage defined in 2.6.7.1 are considered lost or rendered unserviceable;”.

Chapter 13 - Shipborne navigational systems and equipment and voyage data recorders

3.64 The Committee considered the revised chapter 13 of the draft Code (NAV 46/16, annex 20), which NAV 46 had prepared to align it with the corresponding provisions, including carriage requirements for VDRs, of the draft revised SOLAS chapter V and agreed to the revised chapter 13 of the draft Code.

General

3.65 The Committee noted a number of minor editorial changes to the text contained in document MSC 73/3/4, suggested by the Secretariat, as indicated in document MSC 73/WP.1, annex 4.

3.66 Noting that no further comments had been submitted on the draft 2000 HSC Code, the Committee confirmed its contents, subject to editorial changes, if any.

CONSIDERATION OF THE FSS CODE

3.67 The Committee recalled that MSC 72 had approved, with a view to adoption at this session, the draft International Code for Fire Safety Systems (FSS Code) (document MSC 73/3/5), aiming at making it mandatory under the revised SOLAS chapter II-2.

3.68 The Committee noted a number of minor editorial modifications to the text contained in document MSC 73/3/5, suggested by the Secretariat, as indicated in document MSC 73/WP.1, annex 5.

3.69 Noting that no further comments had been submitted on the draft FSS Code, the Committee confirmed its contents, subject to editorial changes, if any.

CONSIDERATION OF AMENDMENTS TO NON-MANDATORY CODES

PROPOSED AMENDMENTS TO THE BCH CODE

3.70 The Committee recalled that the proposed amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code) (document MSC 73/3/3, annex 1) had been developed by the BLG Sub-Committee and approved by MSC 72.

3.71 The Committee noted that these amendments had already been adopted by the MEPC and that, in adopting amendments to paragraph 5.3.3 of the Code, MEPC 45 had modified the associated footnote in order to make reference also to the “relevant provisions of the STCW Code, Parts A and B”. In addition, MEPC 45 had included, in the adopted amendments to the BCH Code, the revised section 4.1 on the carriage of carbon disulphide, similar to the revised section 15.3 of the IBC Code (MSC 73/3/2, annex 2, paragraph 9). The Committee endorsed the above modifications to the Code as adopted by MEPC 45.

3.72 Noting that no comments had been submitted on the proposed amendments to the BCH Code, the Committee confirmed their contents, subject to editorial changes, if any.

PROPOSED AMENDMENTS TO THE GC CODE

3.73 The Committee recalled that the proposed amendments to the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code) (document MSC 73/3/3, annex 2) had been developed by the BLG Sub-Committee and approved by MSC 72.

3.74 The Committee noted that, in adopting amendments to paragraph 16.3.3 of the IBC Code (which are identical to the proposed amendments to paragraph 18.3.3 of the IGC Code and GC Code), MEPC 45 had modified the associated footnote in order to make reference also to the “relevant provisions of the STCW Code, Parts A and B”, and agreed that the footnote to paragraph 18.3.3 of the GC Code should also be modified in this respect.

3.75 Noting that no comments had been submitted on the proposed amendments to the GC Code, the Committee confirmed their contents, subject to editorial changes, if any.

ESTABLISHMENT OF A DRAFTING GROUP

3.76 Following a general discussion in plenary, the Committee established an *ad hoc* drafting group to prepare the final texts of modifications to:

- .1 the proposed amendments to the 1974 SOLAS Convention;
- .2 the proposed amendments to the 1988 SOLAS Protocol;
- .3 the proposed amendments to the FTP, IBC, IGC and ISM Codes and to resolution A.744(18);
- .4 the proposed 2000 HSC Code and FSS Code; and
- .5 the proposed amendments to the BCH and GC Codes,

together with the associated MSC resolutions, for consideration and adoption by the Committee.

OTHER MATTERS

Proposed rectifications to the 1974 SOLAS Convention and the INF Code

3.77 Having recalled that MSC 71 had adopted the INF Code and amendments to SOLAS chapter VII by resolutions MSC.88(71) and MSC.87(71) respectively, to make the Code mandatory, the Committee noted that these amendments to SOLAS were due to enter into force on 1 January 2001 and that the Code would also become mandatory on that date.

3.78 The Committee considered document MSC 73/3/7 (United Kingdom) proposing, in view of the changes to the class 7 provisions (incorporating new transport schedule 14) included in amendment 30 to the IMDG Code, to replace the phrase “schedule 10, 11, 12 or 13” by the phrase “transport schedule 10, 11, 12, 13 or 14” in SOLAS regulation VII/14.2 and paragraph 1.1.1.3 of the INF Code adopted by the MSC resolutions referred to in paragraph 3.77.

3.79 Subsequently, the Committee approved draft amendments to SOLAS regulation VII/14.2 and paragraph 1.1.1.3 of the INF Code, set out in annexes 3 and 4, with a view to adoption at MSC 74. The Committee invited the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII.

ADOPTION OF THE NEW MANDATORY CODES AND AMENDMENTS TO SOLAS, THE 1988 SOLAS PROTOCOL AND MANDATORY CODES AND GUIDELINES

Report of the drafting group

3.80 Having received the report of the drafting group (MSC 73/WP.19), the Committee took action as indicated hereunder.

ADOPTION OF NEW MANDATORY CODES

Adoption of the 2000 HSC Code

3.81 The Committee considered the text of the draft 2000 HSC Code (MSC 73/3/4), together with modifications thereto prepared by the drafting group (MSC 73/WP.19, annex 1) and adopted the 2000 HSC Code unanimously by resolution MSC.97(73), as set out in annex 5.

3.82 In adopting resolution MSC.97(73), the Committee agreed to include operative paragraphs requesting the Secretary-General to transmit the certified copies of resolution MSC.97(73), together with the text of the 2000 HSC Code, to all Contracting Governments to the 1974 SOLAS Convention and to all Members of the Organization which are not Contracting Governments to the Convention.

3.83 Following the adoption of the amendments, the delegation of Norway stated that they did not agree with the decision to include, in the 2000 HSC Code, a provision permitting an Administration to exempt any high-speed craft below 150 gross tonnage, including passenger craft, from any of the Code's requirements on navigational systems and equipment and voyage data recorders. This exemption proposal was presented for the first time at a late stage during this session and had never been discussed in any of the sub-committees. The Norwegian delegation was concerned that such a decision was taken without prior and thorough consideration of the safety consequences by appropriate experts.

Adoption of the FSS Code

3.84 The Committee considered the text of the draft FSS Code (MSC 73/3/5), together with the modifications thereto prepared by the drafting group (MSC 73/WP.19, annex 2) and adopted the FSS Code unanimously by resolution MSC.98(73), as set out in annex 6.

3.85 In adopting resolution MSC.98(73), the Committee agreed to include operative paragraphs requesting the Secretary-General to transmit the certified copies of resolution MSC.98(73), together with the text of the FSS Code, to all Contracting Governments of the 1974 SOLAS Convention and to all Members of the Organization which are not Contracting Governments to the Convention.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION, THE 1988 SOLAS PROTOCOL AND MANDATORY CODES AND GUIDELINES

Amendments to the 1974 SOLAS Convention

3.86 The expanded Committee, including delegations of 87 Contracting Governments to the 1974 SOLAS Convention, considered the text of the proposed amendments to SOLAS chapters II-1, II-2, V, IX and X and to the appendix to the Annex to the Convention (MSC 73/3, annex), together with modifications thereto prepared by the drafting group (MSC 73/WP.19, annex 3) and adopted the amendments unanimously by resolution MSC.99(73), as set out in annex 7.

3.87 In adopting resolution MSC.99(73), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to SOLAS chapters II-1, II-2, V, IX and X and the appendix to the Annex to Convention should be deemed to have been accepted on 1 January 2002 (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 2002, in accordance with the provisions of article VIII thereof.

3.88 The delegation of the Russian Federation objected to, new SOLAS regulation II-1/3-5 regarding the installation of new materials containing asbestos. The text of their statement is given in annex 37.

3.89 The IHO observer stated that the hydrographic references contained in chapter V of SOLAS 74 are regarded, by IHO Member States, as extremely important. Regulation V/9 contained, for the first time, the obligations of Contracting Governments to hydrographic services. This provided credibility to Hydrographic Offices within their own organization for services they have been providing for many years. The definition contained in regulation V/2.2 of chapter V was the first definition of a 'nautical chart' in an international convention after hundreds of years of use. The fact that this Plenary unanimously approved such a definition was regarded as nothing short of a miracle against the heated and protracted debates that took place for so long; and was a testament to the maturity of all involved. He recorded the appreciation of IHO Member States to this Committee, the NAV Sub-Committee and the Secretariat for their indulgence, patience and tolerance. They were sure that no one would have the courage to propose an amendment to regulation V/2.2 for a long time and that the definition agreed would be used in meetings, conferences and tribunals.

Amendments to the 1988 SOLAS Protocol

3.90 The expanded Committee, including delegations of 42 Parties to the 1988 SOLAS Protocol, considered the text of the proposed amendments to the appendix to the Annex to the 1988 SOLAS Protocol (MSC 73/3/1, annex), together with modifications thereto prepared by the drafting group (MSC 73/WP.19, annex 4) and adopted the amendments unanimously by resolution MSC.100(73), as set out in annex 8.

3.91 In adopting resolution MSC.100(73), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol, that the adopted amendments to the appendix to the Annex to the 1988 SOLAS Protocol should be deemed to have been accepted on 1 January 2002 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol) and should enter into force on 1 July 2002, in accordance with the provisions of SOLAS article VIII and article VI of the 1988 SOLAS Protocol.

Amendments to the FTP Code

3.92 The expanded Committee, including delegations of 87 Contracting Governments to the 1974 SOLAS Convention, considered the text of the proposed amendments to the FTP Code (MSC 73/3/2, annex 1), together with modifications thereto prepared by the drafting group (MSC 73/WP.19, annex 5) and adopted the amendments unanimously by resolution MSC.101(73), as set out in annex 9.

3.93 In adopting resolution MSC.101(73), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the FTP Code should be deemed to have been accepted on 1 January 2002 (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 2002, in accordance with the provisions of article VIII thereof.

Amendments to the IBC Code

3.94 The expanded Committee, including delegations of 87 Contracting Governments to the 1974 SOLAS Convention, considered the text of the proposed amendments to the IBC Code (MSC 73/3/2, annex 2), together with modifications thereto prepared by the drafting group (MSC 73/WP.19, annex 6) and adopted the amendments unanimously by resolution MSC.102(73), as set out in annex 10.

3.95 In adopting resolution MSC.102(73), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IBC Code should be deemed to have been accepted on 1 January 2002 (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 2002, in accordance with the provisions of article VIII thereof.

Amendments to the IGC Code

3.96 The expanded Committee, including delegations of 87 Contracting Governments to the 1974 SOLAS Convention, considered the text of the proposed amendments to the IGC Code (MSC 73/3/2, annex 3), together with modifications thereto prepared by the drafting group (MSC 73/WP.19, annex 7) and adopted the amendments unanimously by resolution MSC.103(73), as set out in annex 11.

3.97 In adopting resolution MSC.103(73), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IGC Code should be deemed to have been accepted on 1 January 2002 (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 2002, in accordance with the provisions of article VIII thereof.

Amendments to the ISM Code

3.98 The expanded Committee, including delegations of 87 Contracting Governments to the 1974 SOLAS Convention, considered the text of the proposed amendments to the ISM Code (MSC 73/3/2, annex 4), together with modifications thereto prepared by the drafting group (MSC 73/WP.19, annex 8) and adopted the amendments unanimously by resolution MSC.104(73), as set out in annex 12.

3.99 In adopting resolution MSC.104(73), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the ISM Code should be deemed to have been accepted on 1 January 2002 (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 2002, in accordance with the provisions of article VIII thereof.

Amendments to resolution A.744(18)

3.100 The expanded Committee, including delegations of 87 Contracting Governments to the 1974 SOLAS Convention, considered the text of proposed amendments to resolution A.744(18) (MSC 73/3/2, annex 5), together with modifications thereto prepared by the

drafting group (MSC 73/WP.19, annex 9) and adopted the amendments unanimously by resolution MSC.105(73), as set out in annex 13.

3.101 In adopting resolution MSC.105(73), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to resolution A.744(18) should be deemed to have been accepted on 1 January 2002 (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 2002, in accordance with the provisions of article VIII thereof.

ADOPTION OF AMENDMENTS TO NON-MANDATORY CODES

Amendments to the BCH Code

3.102 The Committee considered the proposed amendments to the BCH Code (MSC 73/3/3, annex 1), together with modifications thereto prepared by the drafting group (MSC 73/WP.19, annex 10) and adopted them unanimously by resolution MSC.106(73), as set out in annex 14 and decided that these amendments should become effective on the date of entry into force of the corresponding amendments adopted by the Committee to the IBC Code, i.e. 1 July 2002 (see paragraph 3.95).

Amendments to the GC Code

3.103 The Committee considered the proposed amendments to the GC Code (MSC 73/3/3, annex 2), together with modifications thereto prepared by the drafting group (MSC 73/WP.19, annex 11) and adopted them unanimously by resolution MSC.107(73), as set out in annex 15 and decided that these amendments should become effective on the date of entry into force of the corresponding amendments adopted by the Committee to the IGC Code, i.e. 1 July 2002 (see paragraph 3.97).

COMPLIANCE WITH THE REQUIREMENTS OF PARAGRAPH 2.2.1.1 OF ANNEX 12 TO ANNEX B TO RESOLUTION A.744(18)

3.104 Following the adoption of the amendments to resolution A.744(18), the Committee adopted resolution MSC.108(73) on Compliance with the requirements of paragraph 2.2.1.1 of annex 12 to Annex B to resolution A.744(18), set out in annex 16.

INSTRUCTIONS TO THE SECRETARIAT

3.105 In adopting the aforementioned amendments, the Committee authorized the Secretariat, when preparing the authentic and certified texts, to effect any editorial corrections that may be identified, to update all references in footnotes and insert new footnotes as necessary and to bring to the attention of the Committee any errors or omissions which require action by either the Contracting Governments to SOLAS 74 or by the Parties to the 1988 SOLAS Protocol. The Secretariat was also instructed to insert resolution numbers, as appropriate.

3.106 The Committee noted that, as a result of the adoption of amendments to the ISM Code, (see paragraph 3.98), resolution A.788(19) on Guidelines on implementation of the ISM Code by Administrations needed to be revised. The Secretariat was instructed to prepare a draft Assembly resolution on revised guidelines, to be submitted to FSI 9 and MSC 74 for consideration and approval, with a view to submission to the twenty-second session of the Assembly for adoption.

EXPRESSION OF APPRECIATION

3.107 The Committee expressed deep appreciation to the drafting group and, in particular, its Chairman, Mr. N. Charalambous (Cyprus), for the quality of the complex and extensive work accomplished and the timely manner in which it was concluded.

WITHDRAWAL OF RESERVATION

3.108 The delegation of Brazil withdrew the reservation it had made at NAV 45 (NAV 45/14, paragraph 5.22) with regard to the proposed amendments to SOLAS regulation V/19, paragraph 1.5, relating to the carriage of AIS by ships on domestic voyages in low density traffic areas.

CARRIAGE OF VOYAGE DATA RECORDERS (VDR) ON EXISTING CARGO SHIPS

3.109 Having recalled its earlier decision (paragraph 3.25.1), the Committee considered the proposed draft MSC resolution, as prepared by the delegations of Japan and the United States (MSC 73/WP.12). Some delegations supported the idea of a resolution whilst others were of the view that suitable instructions to the NAV Sub-Committee would suffice. After discussion, the Committee agreed an amended text of the MSC resolution based on further proposals by the delegation of Brazil as modified by the delegation of the United States. Accordingly, the Committee adopted resolution MSC.109(73) on Carriage of voyage data recorders (VDRs) on existing cargo ships, set out in annex 17. It also instructed the NAV Sub-Committee, in co-operation with other sub-committees, as appropriate, to carry out a feasibility study on the carriage of VDRs on existing cargo ships, in accordance with the terms of reference specified in paragraph 3 of the aforementioned MSC resolution. In this context, the Committee invited Member Governments concerned to encourage shipowners to install VDRs on existing cargo ships, on a voluntary basis, so that wide experience might be gained from their use, and submit data to the NAV Sub-Committee to enable it to conduct the study.

4 LARGE PASSENGER SHIP SAFETY

4.1 The Committee recalled that, at MSC 72, in considering a Note by the Secretary-General on enhancing the safety of large passenger ships, it endorsed the suggestion that the time had come for the Organization to undertake a global consideration of passenger ships' safety issues, with particular emphasis on large cruise ships as well as the proposal that a Working Group on Large Passenger Ship Safety be established, under the Committee's auspices, to commence work at MSC 73.

4.2 The Committee further recalled that MSC 72, after considering other documents submitted on this matter and having been advised by an *ad hoc* drafting group established at MSC 72 on this issue, approved terms of reference for the working group outlined in paragraph 21.6 of document MSC 72/23 and paragraph 2 of document MSC 73/4.

4.3 In considering the submissions by Italy (MSC 73/4/3), Norway (MSC 73/4/4), the United States (MSC 73/4/2 and MSC 73/INF.3), ICCL (MSC 73/4/1 and MSC 73/INF.9) and IUMI (MSC 73/INF.11 and MSC 73/INF.12), the Committee discussed, in general, issues the working group should consider in the course of its deliberations. Many delegations emphasized the need that a formal safety assessment approach, similar to that proposed in document MSC 73/4/2, be taken as initial step towards identifying the issues to be considered. Additional comments of particular note included the desire for a strong focus on prevention and mitigation

of casualties with a view to ensuring that action taken on proposals submitted will be enduring; and taking a system approach in dealing with the matter.

4.4 The Committee, in noting the above comments, in particular a statement by the Secretary-General expressing the hope that the work of the Organization on this topic would not let down the travelling public, and having established the working group referred to above, instructed it, taking into consideration the documents submitted to this session and the comments made and decisions taken in plenary, to proceed in accordance with the terms of reference approved by MSC 72, *i.e.*:

- .1 to conduct an overview of the existing situation relating to large passenger ships in the light of current practices, the existing regulatory regime and safety philosophy/approaches;
- .2 to identify areas of concern, using a holistic approach and, in particular, taking into account the human element, relating to:
 - .1 the ship, including, but not limited to:
 - .1.1 construction and equipment;
 - .1.2 evacuation (external/internal);
 - .1.3 operation and management;
 - .2 people, including, but not limited to:
 - .2.1 crew;
 - .2.2 passengers;
 - .2.3 rescue personnel;
 - .2.4 training;
 - .2.5 crisis and crowd management; and
 - .3 environment, including, but not limited to:
 - .3.1 search and rescue services;
 - .3.2 operation in remote areas;
 - .3.3 weather conditions;
- .3 to examine efforts already underway at IMO, within the industry or other organizations with a view to identifying any area which may require further attention; and make proposals, as appropriate;
- .4 to identify, from a proactive point of view, the potential risks future large passenger ships may face in the coming decade, and any long-term considerations relating to the above; and
- .5 to prioritize, with the appropriate reasons thereof, the work to be undertaken and develop a draft work plan for the Committee and its subsidiary bodies.

4.5 The Committee appreciated a presentation on passenger ship safety made by the delegation of the United Kingdom, providing information on the work of a small group (including regulators, naval architects, a cruise ship designer and a cruise ship operator), which had embarked upon an innovative and holistic review of passenger ship safety. The United Kingdom had established a discussion group on their website (www.mcga.gov.uk), which may be accessed via the “campaigns and publications” icon, then going to the Formal Safety Assessment hyperlink and then accessing the large passenger ship discussion group bulletin

board. Member Governments were invited to view the presentation made, register details and make comments.

Report of the working group

4.6 Having received the report of the working group (MSC 73/WP.20), the Committee approved it in general and took action as outlined in the following paragraphs.

Safety philosophy and approach

4.7 The Committee considered the need for an overall philosophy to govern the consideration of existing and future large passenger ship safety issues and agreed not to define 'large' passenger ships at this point in time.

4.8 With regard to existing large passenger ships, the Committee decided to focus its efforts primarily on matters related to the human element such as operations, management and training, but noted that this should not preclude the group from considering equipment and arrangement issues.

4.9 Concerning future large passenger ships, the Committee agreed to the philosophical approach that such ships should be designed for improved survivability based on the time honored philosophy that "a ship is its own best lifeboat". In this respect, the Committee noted that this approach envisages that passengers and crew would normally be able to evacuate to a safe haven on board and be able to stay there. This philosophical approach also envisages that a ship would always be able to proceed back to port at a minimum safe speed.

4.10 The Committee noted the need for additional measures relating to the prevention of casualties and agreed that any new requirements should incorporate preventive measures, as appropriate.

4.11 The Committee considered that special design requirements for future large passenger ships may be necessary in order to achieve the "safe haven as ship proceeds back to port" goal and that the consideration of new concepts in this regard would be essential. It was also of the view that this philosophical approach would partly address the risks associated with evacuating and rescuing a large number of survivors by reducing the need to abandon the ship in the first place.

4.12 Notwithstanding the above philosophy, the Committee recognized that ship abandonment would continue to occur and acknowledged that future ships should be equipped with effective life-saving equipment and appliances that are designed for survival in the area of operation and also take into account the availability of SAR systems.

AREAS OF CONCERN

General concerns

4.13 The Committee discussed a wide range of topics relating to the safety of existing and future large passenger ships. Areas of consideration included concerns associated with collisions, groundings, fire safety, equipment failure, medical emergencies, search and rescue, unlawful acts, operations and management. Areas of particular concern which may need immediate action are discussed hereunder.

Collisions and groundings

4.14 With regard to the dangers associated with collisions and groundings, the Committee noted that the majority of such casualties were usually attributed to the human element. In this respect, the Committee noted that there was still considerable disagreement within the maritime community on what constitutes an *effective* voyage plan and agreed to place a new item on "Effective voyage planning for large passenger ships" in the NAV Sub-Committee's work programme and agenda for NAV 47.

4.15 The Committee, in discussing raking damage, agreed, in principle, that clear goals and objectives should be developed based on a ship's ability to stay afloat and not capsize after gradually increasing damage, including raking damage to the ship's side and bottom at full speed.

Evacuation, abandonment and rescue

4.16 The Committee noted the work already underway within the FP Sub-Committee on the development of guidelines for conducting an evacuation analysis for new passenger ships early in the design process and agreed that this work should be considered by the group in the course of their deliberations on evacuation issues. In this respect, the Committee was of the view that an evacuation analysis of existing arrangements and procedures would be beneficial for existing passenger ships as well, to identify areas of concern with a view to developing proactive solutions before a casualty occurs. Therefore, the Committee instructed the FP Sub-Committee to include existing passenger ships within the context of their work on evacuation analysis.

EFFORTS ALREADY UNDERWAY AT IMO AND WITHIN THE INDUSTRY

4.17 The Committee recalled the efforts already underway throughout the week as part of its discussions on the various matters under review and agreed that these efforts needed to be taken into consideration to ensure that work on this issue is not being duplicated elsewhere in the Organization. To this end, Members were requested to consider work already underway at IMO when submitting comments and proposals on large passenger ship safety issues to future sessions.

4.18 The Committee also noted that a number of research projects had been initiated in response to the Secretary-General's Note (MSC 72/21) on enhancing the safety of large passenger ships and that the results of these projects would be made available to the Organization for consideration and action, as appropriate.

WORK PLANS

4.19 The Committee noted the preliminary work plans for dealing with the areas of concern identified by the group, as contained in annexes 1 and 2 to document MSC 73/WP.20. The Committee noted that the list of concerns contained in the preliminary work plans were not exhaustive and that they should be closely examined between sessions to determine whether any of the selected areas have already been, or are currently being, satisfactorily addressed by an IMO body or instrument with a view to rationalizing any new proposals.

ESTABLISHMENT OF CORRESPONDENCE GROUP AND WORKING GROUP

4.20 Taking into consideration the high priority of this important area of safety and the need to make timely progress on the issue, the Committee approved the establishment of an intersessional Correspondence Group on Large Passenger Ship Safety, under the co-ordination

of the United States*, and instructed the group, taking into account taking into account documents MSC 73/4/1 and MSC 73/INF.9 (ICCL), MSC 73/4/2 and MSC 73/INF.3 (United States), MSC 73/4/3 (Italy), MSC 73/4/4 (Norway), MSC 73/INF.11 and MSC 73/INF.12 (IUMI), MSC 72/21 (Secretary-General), MSC 72/21/4 (Germany), MSC 72/21/9 (IACS), MSC 72/21/14 (United Kingdom), MSC 72/21/15 (ICS), MSC 72/12/1 (Australia), FP 44/3/1 (United Kingdom), MSC 72/INF.17 (Japan) and FP 44/3/1 (United Kingdom) submitted on the matter of large passenger ship safety, to:

- .1 consider future large passenger ship issues, using a systematic risk based approach with a view to finalizing the preliminary list of concerns contained in annex 2 to document MSC 73/WP.20;
- .2 further develop the philosophical approach, goals and objectives for dealing with matters relating to future large passenger ships;
- .3 consider how areas of concern should be analysed taking into consideration tools such as formal safety assessment, human element analyzing process, cost/benefit analysis, risk assessment, etc., with a view toward linking these tools to each area of concern; and
- .4 submit a report to MSC 74.

4.21 To further facilitate consideration of this high-priority issue by the correspondence group, the Committee agreed to relax the 13-week deadline for submission of the group's report and instructed the correspondence group to submit its report by 30 March 2001. Consequently, Members were invited to submit comments on the correspondence group's report by 2 May 2001, *i.e.* 4 weeks in advance of the opening of the seventy-fourth session of the Committee.

4.22 The Committee considered the matter of reconvening the working group at MSC 74 under agenda item 18 (Work programme) (see paragraph 18.38.1).

5 BULK CARRIER SAFETY

Introduction

5.1 The Committee recalled that, with the assistance of a working group, MSC 72 dealt with this item and, *inter alia*, addressed matters arising from the assessors' report on the survey of the bulk carrier **Derbyshire**; the outcome of FSA studies on bulk carrier safety; and proposed amendments to resolution A.744(18).

* Co-ordinator
CDR T. Close
Commandant (G-MSE-1)
2100 Second Street, S.W.
Washington, DC 20593-0001
Tel: +1 202 267 2997
Fax: +1 202 267 4816
E-mail: tclose@comdt.uscg.mil

5.2 The Committee recalled also its earlier decision under agenda item 1 that a working group on bulk carrier safety need not be established at this session for the reasons explained in Circular letter No.2259 (see paragraph 1.10).

5.3 With regard to matters arising from the assessors' report on the survey of the bulk carrier **Derbyshire**, the Committee recalled (MSC 73/5) that MSC 72 instructed SLF 43 to further review the documents submitted to MSC 72 on the subject, together with further comments thereon which might be submitted to SLF 43 (see also paragraph 5.4). On the subject of the FSA studies on bulk carrier safety, MSC 72 noted progress reports from all the parties involved. Finally, the Committee recalled also that MSC 72 considered whether the amendments to Annex B to resolution A.744(18) regarding longitudinal strength of oil tankers should also be made to Annex A of said resolution in order to cover bulk carriers and decided that, at present, there was no sufficient evidence of compelling need to do so.

Matters arising from the assessors' report on the survey of the bulk carrier "Derbyshire"

5.4 The Committee noted (MSC 73/5/2) the action taken by SLF 43 on the subject of bulk carrier safety following the Committee's instructions to further review the relevant documents submitted to MSC 72 together with any comments thereon which might be submitted to SLF 43. It also noted that, with particular regard to hatch cover design requirements, the Sub-Committee acknowledged that the current criteria in regulation 16 of the draft revised 1966 Load Line Convention should be kept in square brackets until the outcome of the ongoing research on this subject is known and the proposed changes are justified.

5.5 The Committee also noted information submitted by the United Kingdom (MSC 73/5/1) describing a further programme of bulk carrier model tests being carried out at present. A full report of the complete model test programme findings would be submitted to MSC 74.

5.6 In this connection, the delegation of Japan informed the Committee that a series of model tests were being conducted in Japan to investigate hatch cover load of Capesize bulk carriers and that Japan would submit to SLF 44 (and possibly to MSC 74, if available by then), the results of these tests and also proposals for regulation 16 of the draft revised 1966 LL Convention, taking into account the experience gained with damages of hatch covers caused by inadequate designs.

5.7 The Committee appreciated a presentation by the United Kingdom on the report of the re-opened formal investigation into the loss of the bulk carrier **Derbyshire**. Referring to the findings of the investigation, the delegation of the United Kingdom, *inter alia*, stressed that research results indicated that 400 tonnes of water could enter a ship per hour via a damaged 300 mm diameter air pipe.

FSA studies on bulk carrier safety

5.8 Under this heading, the Committee noted information submitted by the United Kingdom (MSC 73/INF.16), reviewing the progress made to date in the international collaborative FSA study on bulk carrier safety; Japan (MSC 73/INF.10), presenting an interim report on the FSA study on bulk carrier safety being carried out in their country; and Norway and ICFTU (MSC 73/INF.7), reporting on progress made on a hazard identification exercise in respect of life-saving appliances for bulk carriers carried out in Norway.

Other matters

5.9 The Committee noted information provided by IACS (MSC 73/INF.15) on changes made to their Unified Requirements S17, 18 and 20 in order to align them with the interpretation of “bulk carrier of single side skin construction” contained in resolution MSC.89(71), annex 1.

Arrangements for MSC 74

5.10 The Committee considered whether the item on “Bulk carrier safety” should be included in the agenda for MSC 74, in which case the subjects to be discussed under it should be determined and, in particular, the need to establish a working group on bulk carrier safety at that session, taking into account that the delegation of the United Kingdom stated that it was anticipated that both the results of the research work being undertaken at MARIN and the United Kingdom’s proposals stemming from the **Derbyshire** report will be submitted to MSC 74 for the Committee’s consideration.

5.11 In the light of the information provided under this agenda item, the Committee agreed to include it in its agenda for the next session and decided to consider whether an *ad hoc* working group should be established at MSC 74 when dealing with its work programme under agenda item 18 (see paragraph 18.38.2).

6 IMPLEMENTATION OF THE REVISED STCW CONVENTION

Preparation of reports pursuant to STCW regulation I/7, paragraph 2

6.1 The Committee recalled that, at its sixty-ninth session (MSC 69/22, paragraph 7.11), it had instructed the Secretariat to keep it informed of progress being made in preparation of the reports pursuant to STCW regulation I/7, paragraph 2; and that subsequent meetings of the Committee had received such progress reports, as had the STW Sub-Committee and the Assembly at its twenty-first session.

6.2 The Committee also recalled that MSC 69 (MSC 69/22, paragraph 7.10) had decided that the Secretary-General’s reports to the Committee should only be submitted after all the information communicated by the 82 STCW Parties, which had been received by 1 August 1998, had been evaluated.

6.3 The Committee further recalled that MSC 71 (MSC 71/23, paragraph 6.27), having noted a progress report, had agreed, in order to allow as much time as possible for completion of the panels’ work and to enable the Secretary-General to report to MSC 72, to relax to 1 March 2000 the deadline for the submission of the Secretary-General’s report to the Committee. However, by 1 March 2000, it had become clear that insufficient progress had been made with the evaluation of information by panels, or the provision of information and clarifications by all of the 82 STCW Parties, to enable the work to be completed in time for the Secretary-General to report to MSC 72. Accordingly, the Secretariat, following consultations with the Committee Chairman, had issued circular letter No.2207 advising Member Governments and STCW Parties that it was unlikely that a working group on STCW matters would be established during MSC 72.

6.4 Furthermore, the Committee recalled that MSC 72 had noted an oral report provided by the Secretariat on progress made which had indicated that, as of 15 May 2000, only 42 panels of competent persons had completed their work and reported to the Secretary-General. After extensive discussion, MSC 72 agreed that every effort should be made by all parties involved in the process (panels, Governments and the Secretariat) to bring the evaluation work on the aforementioned 82 Parties to a conclusion at MSC 73.

6.5 The Committee also recalled that MSC 72 had agreed that, in the event that one or more panels were unable to complete their work by 1 October 2000, and in order to avoid unfair treatment of any Party and also to provide every opportunity for the Secretary-General to make his reports to MSC 73, the Secretary-General should take a number of specific actions which were subsequently promulgated by means of MSC/Circ.948.

6.6 The Committee recalled finally that MSC 72 had agreed (MSC 72/23, paragraph 5.12) that, in the event that the evaluation of the information communicated by the 82 Parties concerned was not complete by the deadline for the submission of the Secretary-General's reports to MSC 73, those reports should only be distributed for consideration by MSC 73 after the Committee had considered and agreed that all reasonable efforts had been made to complete the work.

Action taken by the Secretariat

6.7 The Committee noted that, in addition to the actions taken by the Secretariat in paragraphs 7 to 9 of document MSC 73/6, the Secretariat had taken action in accordance with the Committee's instructions in MSC/Circ.948, as follows:

- .1 it had notified, by 1 October 2000, those Parties whose panels had failed to complete their evaluations in order to give them the opportunity to consider possible courses of action;
- .2 had, by 16 October 2000, submitted a status report to MSC 73 (MSC 73/6/1) on the progress made by the panels of competent persons in evaluating the information communicated by Parties in advance of the 1 August 1998 deadline, indicating the reasons why the panel(s) had not been able to complete their work; and
- .3 had prepared the report called for by STCW regulation I/7, paragraph 2, based on the reports of all those evaluations received at IMO by 24 November 2000, in the event that the Committee determined that all reasonable efforts had been made to complete the work.

6.8 The Committee also noted that the Secretariat had notified those Parties whose competent persons' panels had been provided with sufficient information to enable them to complete their evaluations. The Committee expressed its appreciation for the information provided and the work done.

Status report on progress made by 16 October 2000

6.9 The Committee noted that, in accordance with its instructions, the Secretary-General had notified, by 1 October 2000, 6 Parties whose panels had failed to complete their evaluations and that, in the case of the remaining Parties whose evaluations were also not complete, the Parties

concerned had not been notified where a response to the panels' requests for clarifications was still awaited.

6.10 The Committee noted the status report on progress at 16 October 2000 indicating the reasons why the panels were not able to complete their work (annex to document MSC 73/6/1). The Committee also noted that 13 Parties were listed at annex (not 12 as in document MSC 73/6/1, paragraph 3) because the date of entry into force of the STCW Convention for one of the Parties listed was such that the deadline for communication of information was later than 1 August 1998 for the Party concerned. (The Party was therefore not included in the original list of 82 Parties reported to the Committee as meeting the 1 August 1998 deadline for communication of information.)

Progress report update

6.11 The Committee received an oral update by the Secretariat on further progress made since 16 October 2000 with respect to the information communicated by Parties by 1 August 1998, indicating that 77 panels had completed their work and made their reports to the Secretary-General; and that clarifications or additional information were still awaited from the remaining 5 Parties. The Committee also noted that, accordingly, Parties indicated by letters B, D, F, H, I, J, L and M listed at annex to document MSC 73/6/1 could be deleted.

Progress report on information communicated after 1 August 1998

6.12 The Committee noted that, of the 17 Parties which had communicated information after 1 August 1998, 3 panels had completed their work and had made their reports to the Secretary-General and 5 panels had completed their initial evaluations and the relevant Parties had been requested to provide clarifications.

6.13 In light of the information provided, the Committee considered whether all reasonable efforts had been made to complete the work in hand and, accordingly, whether the Secretary-General should make his report to the Committee at this session.

6.14 The Committee agreed that ample time had now been given for panels and Parties to meet their obligations under the revised STCW Convention and expressed appreciation for the progress made by all parties involved since its last session. The Committee also recognised the importance of the so-called "white list" in the effective implementation of the revised STCW Convention and, in particular, for the recognition of certificates under regulation I/10.

6.15 In response to advice that the Secretary-General's report would be in the form of a working paper and therefore available to all attending the meeting, the delegation of Cyprus, whilst agreeing that the Secretary-General should make his report to the current session of the Committee, considered that the report should only be made to Parties to the STCW Convention and reserved its position on this issue.

6.16 The Committee concluded that all reasonable efforts had been made to complete the work in time for this session and that the Secretary-General should make his report.

6.17 The Committee agreed to suspend, for twenty-four hours, the further consideration of the item for practical reasons (finalization and distribution of the Secretary-General's report) and also for compliance with Rule 15 of the Committee's Rules of Procedure, which provides that: "The Committee shall not proceed, unless it determines otherwise, to the discussion of any item

on the agenda until at least twenty-four hours have elapsed after the relevant documents have been made available to Members.”

6.18 The delegation of South Africa, supported by other delegations, drew the Committee's attention to the difficulties faced by some seafarers in obtaining the periods of sea service required by the STCW Convention and proposed that the matter be considered by the STW Sub-Committee.

6.19 The delegation of the Islamic Republic of Iran, supported by other delegations, drew the Committee's attention to the transitional provisions in STCW regulation I/15 and the need for guidance to port State control inspectors on the use of the so-called “white list” of Parties. The Islamic Republic of Iran also proposed that a timetable of actions be agreed by the Committee to urge those panels considering reports of Parties, which had not met the 1 August 1998 deadline, to complete their work to enable the Secretary-General to make his next report on them to MSC 74.

Establishment of a working group – Terms of reference

6.20 In introducing his report on the following day, Tuesday, 28 November 2000, the Secretary-General advised the Committee that, in accordance with its decision, he had prepared his reports (MSC 73/WP.4 and Corr.1 and 2 and MSC 73/WP.4/Add.1 and Corr.1) in respect of those Parties which had communicated information in advance of the STCW Convention deadline of 1 August 1998 and, for those Parties with a later implementation date, reports for those Parties which had communicated information in advance of their respective deadlines.

6.21 The Secretary-General also advised the Committee that, in preparing the reports required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the same regulation and circulated as MSC/Circ.797, as revised from time to time. As required by MSC/Circ.796/Rev.1, the reports for each Party comprised:

- .1 the Secretary General's report to the Committee;
- .2 a description of the procedures followed;
- .3 a summary of the conclusions reached in the form of a comparison table; and
- .4 an indication of the areas which were not applicable to the Party concerned.

6.22 In considering the Secretary-General's report, the Committee did not agree with a proposal by the delegation of the Islamic Republic of Iran that any list of STCW Parties found to be giving full and complete effect to the STCW Convention should provide more details than those available in the reports, as that would require a re-evaluation of the information communicated, which was not the role of the Committee. On the basis of another proposal by the Islamic Republic of Iran, the Committee agreed that a timetable of actions, based on MSC/Circ.984, should be issued in respect of the evaluation of the reports of Parties which are still in progress in order to facilitate the Secretary-General reporting on those Parties at MSC 74.

6.23 The delegation of the United Kingdom drew the Committee's attention to the fact that the report for the United Kingdom also covered its Dependent Territories (Isle of Man, Bermuda, Cayman Islands and Gibraltar).

6.24 The delegation of Japan, noting that the transitional provisions of STCW regulation I/15 end on 1 February 2002, proposed the development, by either the FSI or the STW Sub-Committee, of guidelines for port State control officers on the use of the information contained in the so-called 'white list' in order to avoid confusion, particularly with respect to those Parties yet to be included in that list. The Committee agreed that such guidelines might be useful and agreed that a working group should, as a lower priority, consider the need for such guidance and identify the appropriate Sub-Committee(s) for undertaking this task.

6.25 Following further discussion, the Committee agreed to the establishment of a working group and, having recalled that it was not the task of the working group to re-evaluate the information submitted by Parties but to follow the procedures laid down in MSC/Circ.796/Rev.1, instructed it, on the basis of the Secretary-General's reports and taking into account the decisions of the Committee, to:

As far as the Secretary-General's reports were concerned:

- .1 confirm that the reports show that the procedures for the assessment of the information provided by Parties have been correctly followed; and advise the Committee accordingly; and
- .2 advise the Committee, as necessary, to promote the provision of technical assistance to enable the Party(ies) concerned to enhance training in those areas of the Convention, as may be identified in the reports of the Secretary-General;

As far as other matters were concerned:

- .3 prepare a draft MSC circular listing those Parties which had been found to be giving the appropriate provisions of the STCW Convention full and complete effect, taking into account the concerns raised with respect to port State control;
- .4 prepare a draft MSC circular, based on MSC/Circ.948, providing a timetable of actions in respect of those Parties whose evaluations were still in progress, in order to facilitate the Secretary-General reporting on those Parties at MSC 74; and
- .5 consider the need for guidance to port State control officers and identify the appropriate Sub-Committee(s) for undertaking this task.

Outcome of the working group

6.26 On receipt of the working group's report (MSC 73/WP.13), the Committee approved it in general and took action as reflected in the following paragraphs.

6.27 The Committee noted that, in order to ensure impartiality, the group's Chairman had offered to step aside when the group considered those reports of Parties on which he had been a panel member but that the group had unanimously decided that such action was unnecessary.

6.28 The Committee also noted that, in order to ensure consistency, the group had reviewed each report in such a manner as to:

- .1 identify, from the Secretary-General's report, the scope of information evaluated by the panels;

- .2 review the Procedures Report to identify any entries requiring clarification;
- .3 review the information presented in comparison table format to ensure that it was consistent with the Secretary-General's report; and
- .4 confirm that each report reflected that the procedures for the assessment of the information provided by a Party had been correctly followed.

6.29 The Committee confirmed that the procedures for the assessment of the information provided had been followed correctly in respect of the STCW Parties listed in the annex to the draft MSC circular set out in annex 1 to document MSC 73/WP.13.

6.30 The Committee noted that no requests for technical assistance had been identified in the Secretary-General's reports as the circumstances identified in MSC/Circ.796/Rev.1 for the provision of such assistance did not apply to any of the Parties in the Secretary-General's reports.

6.31 The Secretary-General informed the Committee that, although no requests for technical assistance had been identified in his reports to the Committee, technical assistance had in fact been provided to many STCW Parties to enable them to comply with the requirements of the revised STCW Convention.

6.32 The delegation of Cyprus brought to the Committee's attention the fact that the publication of the so-called "white list" might raise the issue of the recognition endorsements required by regulation I/10 of the STCW Convention, 1978, as amended, for those seafarers holding certificates of competency issued in accordance with the provisions of the Convention, as amended, and in force since 1 February 1997 (STCW 95 certificates). Having in mind that a large number of seafarers are holding STCW 95 certificates and many Parties are reluctant to recognize certificates of competency issued by other Parties, prior to the publication of the so called "white list", Cyprus anticipated that many Parties would not, for practical reasons, be able to issue the required recognition endorsements immediately after the establishment of the so-called "white list". To address this issue, suitable text was included in MSC/Circ.978.

6.33 The Committee approved MSC/Circ.978, listing the STCW Parties confirmed by the Committee as having communicated information which demonstrated that full and complete effect was given to the relevant provisions of the STCW Convention, as amended.

6.34 The Committee also approved MSC/Circ.979, based on MSC/Circ.948, providing a timetable of actions in respect of those Parties whose evaluations were still in progress in order to facilitate the Secretary-General reporting on those Parties at MSC 74. The Committee noted that its seventy-fifth session was tentatively scheduled to take place after 1 February 2002 and it was, therefore, important that every effort was made to meet the timetable for MSC 74.

6.35 The delegation of Cyprus proposed that the Secretary-General should make a report to MSC 74 on progress made with the evaluation of the outstanding reports, similar to the one made to this session (MSC 73/6/1). On the basis of such a report the Committee might then consider whether it should make a recommendation to the Council for the convening of an extraordinary session of the Committee to receive and consider those Secretary-General's reports completed after MSC 74.

6.36 The Committee considered the need for the development of guidance for port State control officers and agreed that, with the addition to the text of MSC/Circ.978, there was adequate guidance already available. Accordingly, the Committee did not consider it necessary for either the STW Sub-Committee or the FSI Sub-Committee to develop any further guidance for port State control officers.

6.37 The delegation of the Philippines informed the Committee that the Philippines is of the position that guidance should be given to port State control authorities to only require STCW 95 certificates on 1 February 2002, the date of the full and complete implementation of the revised STCW Convention. This is the liberal interpretation and the most logical way forward.

Annex 1 to document MSC 73/WP.13 is only the list of STCW Parties which have given full and complete effect to the Convention but seafarers still have the period between now up to 1 February 2002 within which to revalidate their STCW 78 certificates to STCW 95 certificates.

The period between now up to 1 February 2002 is the transitional period under regulation I/15 of the Convention, and the STCW 78 certificates remain valid up to 1 February 2002.

Obviously, a flag State, upon approval of the list of complying Parties, such as in the case of the Philippines, cannot revalidate the certificates of more than 300,000 seafarers overnight, and with approximately 200,000 seafarers still on board international voyages at the moment, with contracts not expiring until next year, the Philippines would not expect them all to disembark upon approval of the list. This is the reason why regulation I/15 exists to address the scenario following approval of the "white list".

Member Governments should follow the same requirements until 1 February 2002. Otherwise, if guidance were to be given to port State control authorities to require STCW 95 certificates immediately upon approval of the list of complying Parties, the situation for those countries, which have painstakingly complied with the Convention early, would be worse than for those which have not.

Lastly, the list can be approved now without prejudice to the guidance being made at a later date because the transitional stage will last until 1 February 2002, as per STCW regulation I/15.

6.38 In a subsequent intervention, the delegation of the Philippines conveyed appreciation to all those involved in the successful outcome of the exercise leading to the "white list" and assured the Committee of the strong commitment of the Philippines, as the major labour supplying country for the international shipping industry, to maintain its status as a country giving full and complete effect to STCW 95.

In expressing appreciation to the Committee, the Philippines delegation sought the support of the Committee to authorize the Secretary-General to transmit individual letters to all of the countries in the "white list" informing their respective Governments of the positive outcome of their efforts in relation to the STCW Convention. Such a letter or certification would be an excellent rallying point for countries like the Philippines where a number of agencies, both in the public and private sectors, are involved in ensuring the maintenance of the high standards required by the Convention and in continuously improving these standards.

6.39 The Secretary-General, whilst noting that the publication of the first so-called "white list" was only one step towards full implementation of the revised STCW Convention, welcomed the proposal and agreed to inform Member Governments as proposed.

6.40 The Committee expressed its deep appreciation to the Maritime Safety Division and, in particular, the STCW Section and its Head, Captain A. Winbow, for their hard work and meticulous care to assist in bringing the “white list” issue to a successful conclusion.

Approval of competent persons

6.41 The Committee approved additional competent persons nominated by Governments, as listed in the annex to document MSC 73/WP.6 and instructed the Secretariat to update MSC/Circ.797/Rev.4 accordingly.

Unlawful practices associated with certificates of competency

6.42 The Secretariat provided the Committee with an oral progress report into the research on Unlawful practices associated with certificates of competency, since the Committee’s last session. The Committee noted that the Seafarers’ International Research Centre (SIRC), Cardiff University, researchers had completed the final phase of data collection and were, at present, in the process of analysing the data and drafting the final report.

In this context, the Committee noted that a total of 97 maritime administrations had been contacted for information on various aspects of the issue of unlawful practices associated with certificates of competency and endorsements, of which 54 had responded to questionnaires, giving a good response rate of 56%. Of those, 39% had reported a total of 12,635 detected cases of forgery in certificates of competency and endorsements. The Committee noted, however, that, of the total number of reported cases, 12,000 had been reported by one single administration in South East Asia, and that all these cases were currently being analysed to assess the level and nature of forgery involved.

A total of 1,384 seafarers and 22 employers had participated in the survey. Fifty per cent of respondents were manning agents, 32% shipowners and 18% ship managers employing an average of 615 ratings and 1,091 officers in their companies. Eighty-two per cent of the respondents had detected forged certificates of competency in the last five years. Of these, 41% reported having detected forged basic safety training certificates, 27% had reported forged sea service record books and 18% had detected forged officer of the watch (deck) certificates. Fourteen per cent had also reported false GMDSS (General Operator’s) certificates.

From the preliminary findings of the data from one major labour-supplying country in the Eastern and Central European region, a total of 37% of seafarers had reported first-hand knowledge and/or experience of forgery in certificates of competency; of these, 66% themselves possessed unlawfully obtained certificates and 38% reported known cases of forgery among other crew members with whom they had worked. Twenty-four per cent of seafarers who had reported a known case of forgery also themselves possessed an unlawfully obtained certificate.

The majority of seafarers with unlawfully obtained certificates had worked on their own national fleet. However, a significant proportion, ranging from 5% to 9%, had worked on some of the major open and other national registers in the world. Data had been collected which strongly suggested that authorized training institutes, maritime academies, local manning agents and even examiners appointed by administrations were involved in this fraud.

6.43 The Spanish delegation advised the Committee that its Administration had promoted different areas of study and research designed to avoid fraudulent practices associated with certificates of competency. Spain noted that, whilst the ideal situation would be the establishment of a national electronic registry of certificates and the easy access to such a

registry, this measure was far from becoming a reality. Therefore, Spain proposed the establishment of preventive measures to deter falsification of documents and certificates through the usage of a special paper with 4 levels of security in which the certificates and endorsements would be imprinted. A sample of this paper would be presented to STW 32.

6.44 The Committee instructed the Secretariat to follow up the research work and report to MSC 74.

7 MANDATORY APPLICATION OF THE IMDG CODE

7.1 The Committee recalled that, at its last session (MSC 72/23, paragraph 11.4), it had adopted Amendment 30 to the IMDG Code (DSC 5/13/Add.1, as amended), for entry into force on 1 January 2001 (with a twelve-month transitional period until 31 December 2001) and dissemination as MSC/Circ.961.

7.2 The Committee recalled further that MSC 72 (MSC 72/23, paragraph 11.8), recognizing that the question of the mandatory application of the IMDG Code would necessitate an in-depth consideration and, consequently, considerable time, had agreed, owing to time constraints at that session, to defer the consideration of the issue, together with documents MSC 72/11/1 (Netherlands) and MSC 72/11/3 and MSC 72/11/4 (Cyprus), to this session.

7.3 The Committee noted the background information provided by the Secretariat (MSC 73/7) on the issue of the mandatory application of the IMDG Code, namely that MSC 71, after a lengthy discussion on the possible mandatory status of the IMDG Code and on various options for a suitable amendment procedure, had decided (MSC 71/23, paragraph 8.21) that, before a final decision could be taken as to the mandatory status of the Code and the amendment procedure to be followed, it would be necessary that the complete text of the reformatted IMDG Code be finalized and the Sub-Committee's advice, as to which parts thereof should become mandatory, be available.

To this effect, MSC 71 (MSC 71/23, paragraph 8.23) instructed the DSC Sub-Committee to proceed with the reformatting of the IMDG Code, including the identification of those parts of the Code, which, in its opinion, should be mandatory and those which should remain recommendatory in nature; and to advise MSC 72 accordingly.

MSC 72 noted that, as it had been proposed by the E&T Group, DSC 5 (DSC 5/13, paragraph 3.93) had recommended that all parts of the Code, except for those listed in paragraph 3.80 of document DSC 5/13, should be made mandatory.

7.4 The Netherlands (MSC 72/11/1) requested the Committee to concur with the recommendation of DSC 5 on which parts of the IMDG Code should be made mandatory and, with regard to the options concerning entry into force of future amendments to a mandatory IMDG Code, proposed to consider an option to follow the existing amendment procedure under SOLAS article VIII, including a practical solution to avoid problems in multimodal transport by allowing flexibility in applying transitional periods. The delegation of the Netherlands, having stressed that the safety level of ships carrying dangerous goods depended on the correct and proper application of the IMDG Code globally and that the mandatory Code would certainly enhance the safety of such ships, proposed that the implementation date of the mandatory Code should be 1 January 2004. This would give sufficient time to those involved in the transport of dangerous goods to be familiarized with the new Code and also to Administrations to prepare the necessary administrative work.

7.5 Cyprus (MSC 72/11/3 and MSC 72/11/4) addressed various legal aspects and questions which arise as a result of the proposal to make the IMDG Code mandatory under SOLAS 74, as amended. The delegation of Cyprus stated that Cyprus could support making the IMDG Code mandatory, provided that this was pursued under the provisions of SOLAS article VIII, without introducing any amendments to the article, and that the mandatory Code would be for shipboard application only and would not enter into force before 1 January 2004. That delegation further emphasized the need for technical assistance to developing countries for the training of persons handling dangerous goods in accordance with the Code.

7.6 Japan (MSC 73/7/1), supporting the mandatory application of the IMDG Code, proposed that, from the legal point of view, the whole of the Code should be made mandatory and any provisions of recommendatory nature should be so editorially expressed in the Code as to clarify their status. As to subsequent amendments to the Code, procedures similar to those for amending the IBC Code should be adopted. Japan proposed a course of action aimed at addressing the various aspects of the issue, which was supported by many delegations.

7.7 The Committee agreed with the Chairman that there were four issues that needed to be addressed in this context:

- first, to consider whether the IMDG Code should be mandatory, or not;
- second, if yes, to consider which parts of the Code should be made mandatory;
- third, to consider how to reflect the recommendatory parts of the Code within the Code; and
- fourth, to consider the procedure by means of which future amendments to the Code should be adopted.

7.8 The Committee, in considering the first issue, noted the views expressed by a number of delegations that a mandatory IMDG Code would, amongst others, ensure better enforcement of the relevant provisions of the Code; encourage proper declaration, which would lead to an appropriate and adequate response in the event of an incident involving dangerous goods; lead to a uniform and harmonized implementation of future amendments to the Code; and, through port State inspections, result in better compliance with the provisions of the Code and, therefore, enhance the safety of ships carrying dangerous goods.

7.9 The Committee, recognizing that the mandatory application of the IMDG Code would necessitate the provision of considerable assistance to developing countries, agreed that high priority should be given to technical assistance programmes for the effective and proper implementation of the IMDG Code, and requested the Technical Co-operation Committee to consider taking appropriate action.

7.10 The other view, shared by some delegations, was that a mandatory Code would create a heavy administrative burden to many countries as it would require frequent changes to the national legislation in order to ensure timely application of any future amendments to the Code. In addition, it would also require an enforcement mechanism and considerable additional resources to ensure effective compliance with the provisions of the mandatory Code.

7.11 After an in-depth consideration of the issue, the Committee decided, in principle, to make the Code mandatory aiming at entry into force date of 1 January 2004; and instructed DSC 6 and the Secretariat to take appropriate action.

7.12 The Committee, having decided to make the Code mandatory, as reported in the previous paragraph, considered the procedure for the adoption of amendments to the mandatory Code in a manner which would ensure alignment with the amendment periodicity of the United Nations and, to this effect, invited the Secretariat to provide relevant background information.

7.13 In providing such background information, the Secretariat highlighted the following.

Although the Code has always been a stand-alone IMO instrument, its contents have been influenced by amendments to the regulations governing the carriage of dangerous goods adopted, once every two years, by the United Nations Committee on the Transport of Dangerous Goods (UNCOE); the frequent intervals being justified by the need to keep abreast of developments particularly in the chemical industry.

In view of the considerable bureaucratic and substantial work involved and, more importantly, the heavy responsibility that goes with any regulatory work concerning dangerous goods, complaints had been expressed, on various occasions, by delegations attending relevant IMO meetings and proposals were put forward for IMO to increase the periodicity between successive adoption and entry into force dates of amendments to the Code.

Following letters sent by the Secretary-General to the United Nations Secretary-General in 1993 and 1995, a senior IMO official addressed a Committee meeting of ECOSOC, in June 1996, when, acting on instructions of the MSC, he suggested that amendments to the UN regulations should be adopted in time for them to be implemented, through the modal regulations, instead of every two, every four years. Unfortunately, this plea was not accepted, neither was a compromise proposal one year later calling for a three-year periodicity.

Presently, UNCOE meets in December every even year, when amendments to the United Nations Recommendations on the Transport of Dangerous Goods are adopted.

The DSC Sub-Committee, in every odd year which follows the even year in which UNCOE meets, prepares draft amendments to the IMDG Code, which are then submitted to the following session of the MSC, usually held in May of each year, for adoption. The adopted amendments enter into force after approximately six months, that is on the 1st January of an odd year followed by a twelve-month transitional period.

The practice of entry into force of amendments to instruments governing the transport of dangerous goods on the 1st of January of every odd year is followed by other modal agencies as well, thus harmonizing their requirements with the UN Recommendations on the Transport of Dangerous Goods.

If the Committee decided to make the Code mandatory, the following procedure might be applied for the adoption of future amendments to the Code, and for the sake of harmonization with the UN Recommendations:

- .1 the DSC Sub-Committee, at a session which takes place in an odd year, prepares and agrees to a set of proposed amendments developed on the basis of the amendments approved by the UN Committee of Experts and those proposed by IMO Member Governments;

- .2 upon authorization by the Committee, the proposed amendments to the IMDG Code, so agreed by the DSC Sub-Committee, are circulated to all IMO Members and Contracting Governments to SOLAS in accordance with SOLAS article VIII(b)(i) [and MARPOL article 16(2)(a)] for consideration, with a view to adoption; and
- .3 the expanded MSC adopts the proposed amendments in accordance with SOLAS article VIII(vi)(2)(bb), so that they may enter into force 18 months later at the earliest.

If the Committee decided to follow the above procedure, then the so adopted amendments to the Code, based on those adopted by the UN Committee of Experts, would enter into force one year later compared with the entry into force of the same amendments to other modal instruments. In order to overcome this delay, IMO could request other modal agencies to delay the entry into force of such amendments by one year - a request unlikely to be accepted given the past refusal of the agencies to increase the periodicity cycle.

If, however, IMO were successful in this, the amendments adopted by the United Nations Committee of Experts, which are subsequently implemented through other relevant modal instruments, would be implemented three years after their adoption by the UN Committee instead of every two years which is the present norm.

Because of this delay in the implementation of the UNCOE-adopted amendments from two to three years, other modal agencies might not agree to IMO's request to delay the implementation date by one year. Bearing the above in mind, and in the interest of safety, as compliance with some of the amendments might be essential, the Secretariat, having taken into account the proposals in document MSC 73/7/1 (Japan), suggested that the Committee might decide, at the time of adoption of the amendments and in order for SOLAS Contracting Governments to have an option to apply the amendments earlier, to:

- .1 issue a circular inviting such Governments to apply the adopted amendments on a provisional basis pending their official entry into force; or
- .2 include in the MSC resolution on adoption of the amendments, an operative paragraph to this effect.

The earliest this could be achieved was by:

- .1 authorizing DSC 6 (July 2001) to prepare a final text of amendments to SOLAS and the IMDG Code on making the latter mandatory, and submitting them to MSC 75; and
- .2 requesting MSC 75 (May/June 2002) to adopt the so prepared amendments so that they might enter into force on 1 January 2004.

7.14 In noting the above information, the Committee instructed the Secretariat to prepare a document, stating the options open to the Committee on the procedure to be followed in order to ensure the entry into force date of the mandatory IMDG Code on 1 January 2004, as well as to the procedure to be followed for the adoption of future amendments to the Code, for consideration by DSC 6 and submission of suitable recommendations to MSC 75 on this matter, together with the necessary amendments to SOLAS and the appropriately amended Code.

7.15 The Committee, in considering the second issue on those parts of the Code, which should be made mandatory and those which should continue to be recommendatory, agreed, as recommended by the DSC Sub-Committee, that the following parts of the Code, should remain recommendatory (DSC 5/13, paragraph 3.80) in the mandatory Code:

- .1 chapter 1.3 (Training);
- .2 chapter 2.1 (Explosives - Notes 1 to 4);
- .3 2.3.3 of chapter 2.3 (Determination of flashpoint);
- .4 chapter 3.2 (Columns 15 and 17 of the Dangerous Goods List);
- .5 chapter 3.5 (Transport Schedules);
- .6 5.4.5 of chapter 5.4 (Multimodal dangerous goods form); and
- .7 chapter 7.3 (Special provisions in the event of an incident and fire precautions involving dangerous goods).

7.16 The Committee, in considering the third issue on how to reflect the recommendatory parts of the Code within it in its mandatory form, instructed DSC 6 to consider the matter and advise MSC 75 accordingly, taking into account the proposals of Japan in document MSC 73/7/1.

7.17 Finally, the Committee, in considering the procedure by means of which future amendments to the mandatory Code should be adopted, agreed that these should be in accordance with the provisions of SOLAS article VIII and instructed DSC 6 to consider the various options stated in the documents submitted by Japan (MSC 73/7/1) and the Netherlands (MSC 72/11/1) and the procedure outlined by the Secretariat above (see paragraph 7.13) and advise MSC 75 accordingly.

8 MATTERS RELATING TO THE SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION

Self-Assessment Form (SAF) database

8.1 The Committee recalled that MSC 72 considered a request by the FSI Sub-Committee for instructions on the use of the Self-Assessment Form (SAF) database to be maintained by the Secretariat and for an interpretation of operative paragraph 5 of resolution A.881(21), which, *inter alia*, invites Governments to submit to the Organization, on a voluntary basis, a copy of their self-assessment report in order to enable the establishment of a database which would assist the Organization in its efforts to achieve consistent and effective implementation of IMO instruments. Following discussion, MSC 72 deferred consideration of the matter to this session, to enable it to further consider how the drawing of accurate conclusions from such an analysis can be ensured; and invited Member Governments to submit comments and proposals on the issue to this session.

8.2 The Committee, having noted document MSC 73/8 (Secretariat) recapitulating the discussions on the SAF database at MSC 72, considered a submission by the United States (MSC 73/8/2) providing further details of their Self-Assessment Form database presented at FSI 8 and calling for an analysis of the information contained therein.

8.3 The delegation of Cyprus recalled that, by operative paragraph 5 of resolution A.881(21), the Assembly had invited Governments to submit, on a voluntary basis, to the Organization a copy of their self-assessment report in order to enable the establishment of a database, which would assist the Organization in its efforts to achieve consistent and effective implementation of IMO instruments.

In the view of Cyprus it was clear, from that operative paragraph, that the objective of the Assembly was the creation of a knowledge base for the purpose of drawing information by analyzing the data contained in the database in order to assist the Organization in its efforts to achieve consistent and effective implementation of IMO instruments.

Pursuant to this objective, Cyprus believed that the Committee ought to decide what was expected from the database and communicate this to the FSI Sub-Committee to enable it to design a database that would produce the required output when the need arises. Cyprus suggested that the database must be able to supply information in three independent but interrelated levels:

- At the first level, the database ought to supply information so that the Organization could answer the following questions:
 - Are the IMO instruments implemented effectively and, if so, are they implemented in a consistent manner?
- At the second level, the database ought to supply information so that the Organization could identify any possible problems States might face in the effective implementation of the IMO instruments because of the way the instrument had been written or structured; and
- At the third level, the database ought to supply information so that the Organization could identify failures of effective implementation due to the way the instrument is administered by the States.

Further, the issue of the reliability of the data and how data submitted for inclusion in the database was screened to be fit for inclusion could be considered.

Cyprus also believed that it would be more beneficial if the use of the database would start when a certain amount of data had been supplied. In more detail, Cyprus suggested that the FSI Sub-Committee could look into this matter by addressing issues such as whether the data could be used when the number of inputs was proportional to the size of the Organization; the data submitted by States for inclusion in the database represented a logical geographical distribution; and the data covered a tonnage size proportional to the tonnage of the world's merchant fleet.

8.4 The delegation of Vanuatu, supported by the delegation of Italy, proposed requesting the FSI Sub-Committee to review and modify some of the questions in the self-assessment form in order to ensure that answers provided in response to the questions are given in a uniform manner.

8.5 Following extensive discussion, there was general support for using the United States database. The Secretariat was instructed to transfer all the information contained in the SAFs received so far, as well as any future ones, into electronic format using the database provided and, in doing so, to ensure that the confidentiality of the information or its source is not

compromised. In this regard, the Secretariat was instructed to make a distinction between SAFs submitted on voluntary basis in accordance with operative paragraph 5 of resolution A.881(21), to be included in the database and SAFs submitted in accordance with paragraph 4 when seeking technical assistance, which can only be included with the expressed consent of the Government concerned. The Committee noted that the database was available in the Secretariat and could be provided to Member Governments on request.

8.6 Subsequently, the FSI Sub-Committee was instructed to:

- .1 review the SAFs with a view to improving the clarity of the questions in order to obtain consistent answers thereto;
- .2 consider preparing guidance for Governments on how to complete the forms to ensure that the Sub-Committee obtains all the information it requires; and
- .3 take account of the analysis of the database information provided by the United States in document MSC 73/8/2 and the three levels of information proposed by Cyprus in paragraph 8.3 above and advise the Committee how to proceed.

8.7 In this context, being informed that so far 25 SAFs had been submitted, the Committee agreed that, against a total of 158 IMO Member Governments, this was hardly a statistically significant number and, therefore, a relevant analysis should not be undertaken until more forms have been submitted. To this effect, the Committee encouraged those Member Governments, which have not yet done so, to consider submitting the completed SAF to IMO as soon as possible.

8.8 The Committee instructed the Secretariat to advise MEPC 46 on the outcome of its discussion on the matter.

Outcome of the seventh session of the UN Commission on Sustainable Development (CSD 7)

8.9 The Committee recalled that MSC 72 considered a joint submission by Australia, Canada, France, Poland, Portugal, Singapore, the United Kingdom and the European Commission (MSC 72/7/2), proposing that IMO accepts CSD 7's invitation to develop binding measures to ensure that ships of all flag States meet international rules and standards so as to give full and complete effect to UNCLOS, as well as to the provisions of relevant IMO conventions. The proponents invited the Committee to instruct the FSI Sub-Committee to consider developing such measures in a binding form and determine the form such an instrument should take and how it would relate to applicable international law and relevant IMO instruments. After considerable discussion, MSC 72 agreed to consider the matter further at this session, when a decision could be made as to whether further action was required in the context of document MSC 72/7/2.

8.10 The Committee, having noted document MSC 73/8/1 (Secretariat), recapitulating the discussions on the outcome of CSD 7 at MSC 72, considered a joint submission by Australia, Denmark, Italy, Norway, Poland, Portugal, Singapore, Sweden and the European Commission (MSC 73/8/3), explaining why IMO should address CSD's invitation to develop measures to ensure that ships of all flag States meet international rules and standards and also suggesting further policy guidance and clear instructions to the FSI Sub-Committee to follow in undertaking the action requested by CSD 7.

8.11 The delegation of Liberia, in commenting on the principles of the request from CSD 7 *vis-à-vis* Articles 1(d) and 60 of the Convention on IMO stressed that, whilst IMO would consider requests from other UN agencies or bodies, such consideration did not mean that the work programme of the Organization or the agenda of its subsidiary bodies were to be determined by other UN agencies or bodies. With respect to the proposed binding instrument to ensure compliance with international rules and standards by flag States, the delegation of Liberia recalled that the issue had been discussed in the FSI Sub-Committee with many delegations and organizations in consultative status having participated in that debate. The delegation of Liberia observed that delegations and organizations which had not accepted the outcome of that debate, had chosen to use CSD and other UN agencies to re-open the issue through the request to IMO. The delegation of Liberia was of the opinion that this approach had a negative impact on IMO and should, therefore, be discouraged. A number of delegations supported the Liberian statement.

8.12 After considerable discussion the Committee decided to instruct the FSI Sub-Committee to consider the request of CSD 7 using the terms of reference contained in paragraph 5 of document MSC 73/8/3.

9 SHIP DESIGN AND EQUIPMENT

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

9.1 The Committee, recalling that MSC 72 had considered urgent matters emanating from the forty-third session of the Sub-Committee on Ship Design and Equipment (DE), approved, in general, the report of that session of the Sub-Committee (DE 43/18) and took action on all remaining items (MSC 73/9) as indicated hereunder.

Standardized LSA evaluation and test report forms

9.2 The Committee approved MSC/Circ.980 on Standardized life-saving appliance evaluation and test report forms.

Carriage requirements for low-powered radio homing devices

9.3 Having noted the discussion at DE 43 regarding the development of carriage requirements for low-powered radio homing devices for liferafts on ro-ro passenger ships and the Sub-Committee's request for advice on how to take the matter forward, the Committee, reiterating its previous decision that the matter should be dealt with by the DE Sub-Committee, requested it to prepare the requirements in question.

Development of provisions for wing-in-ground (WIG) craft

9.4 The Committee concurred with the Sub-Committee's majority opinion that the HSC Code should no longer continue to be used as the base document for developing provisions for WIG craft. The Committee agreed that, instead, an entirely new approach should be undertaken based on a combination of risk management measures and core technical criteria and that relevant draft WIG craft guidelines should be developed intersessionally by the correspondence group established at DE 43.

Passenger submersible craft

9.5 The Committee approved the draft Guidelines for the design, construction and operation of passenger submersible craft, prepared by DE 43 and amended by NAV 46, for dissemination by means of MSC/Circ.981, having amended paragraph 2.1.1 of the Guidelines as follows:

“2.1.1 Passenger submersible craft should be designed, constructed and maintained in compliance with the requirements of a recognized organization as defined in 1.2.15 or with applicable standards recognized by the flag State Administration, and, in both cases, the State(s) in whose waters the passenger submersible craft will be operating, which provide an equivalent level of safety.”

IACS interpretations

9.6 In considering, as requested by the Sub-Committee, how to deal with IACS interpretations of SOLAS regulations, other than noting their contents (also for the benefit of other sub-committees), the Committee examined the proposal submitted by Denmark and IACS (MSC 73/18/5) that a procedure similar to that applied for the IACS interpretations to the 1966 LL Convention should be used, i.e. IACS interpretations should be considered by the respective sub-committee, and agreed interpretations should be disseminated by means of a circular as an IMO interpretation of the regulations concerned.

9.7 Bearing in mind paragraph 28 of the Guidelines on the organization and method of work, which provides that subsidiary bodies should not develop amendments to, or interpretation of, any relevant instruments without authorization from the Committee(s), the Committee considered that procedurally IACS' interpretations should be submitted first to the Committee which, in turn, would decide whether to simply note the IACS interpretation in question; or to disseminate the interpretation by means of an MSC circular; or to refer it to the respective Sub-Committee for consideration and preparation of the relevant draft IMO interpretation. Notwithstanding the above, the Committee, in view of the importance of the uniform application of the agreed interpretations to the IMO instruments, in particular for port State control purposes, agreed that the matter needed thorough consideration and decided to consider it further at MSC 74 under the agenda item on "Relations with other organizations". Member Governments and IACS were invited to submit comments and proposals thereon to MSC 74.

Statement

9.8 The delegation of the Netherlands referred to paragraph 3.13 of document DE 43/18, addressing the “issues which need further consideration or clarification”, which, in their opinion, was an invitation to the Committee to take action, though not reflected in the action paragraphs of MSC 73/9. DE 43 recognized a number of items as listed in annex 3 to DE 43/WP.6 which need prompt consideration or clarification in order to meet the required level of safety. The delegation of the Netherlands shared the concern expressed by the Sub-Committee and proposed that the Committee instructs the DE Sub-Committee to review the list of identified items in order to re-order the distribution of the items and to assign priorities. Furthermore, the delegation of the Netherlands, having studied the list, had identified at least two items that deserve the highest priority, namely requirements for fast rescue boats and the means of rescue for the rapid recovery of survivors. The delegation of the Netherlands, having stressed that clear and sufficient standards are a must for the acceptance of approvals by other Administrations, considered that it was necessary to keep the items in the work programme of the DE Sub-Committee.

10 BULK LIQUIDS AND GASES

Report of the fifth session of the Sub-Committee

10.1 The Committee approved, in general, the report of the fifth session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 5/14 and MSC 73/10) and, having noted MEPC 45's relevant decisions and approval of the report of BLG 5, took action as indicated hereunder.

Dates for the Sub-Committee's next session

10.2 The Committee noted the concerns expressed at BLG 5 regarding the dates for the next session of the Sub-Committee and, after being advised that MEPC 45 had agreed that there was sufficient work to justify holding the sixth session of the Sub-Committee on the dates originally planned (*i.e.* 5 to 9 February 2001), endorsed the decision of MEPC 45 and agreed to those dates for BLG 6.

10.3 The Committee expressed appreciation to the Netherlands for financing another meeting of GESAMP/EHS in 2000 so that it might be able to complete an additional part of Hazard profiles.

Transfer of the OPRC Working Group to the BLG Sub-Committee

10.4 The Committee noted the Sub-Committee's view that it could accommodate MEPC's OPRC Working Group within the context of its current workload; and further noted that MEPC 45 had agreed to delay making a decision on whether that group should be transferred to the BLG Sub-Committee at this time.

Intersessional meeting of the ESPH Working Group

10.5 The Committee, having noted the MEPC 45's concurrent decision, approved the holding of an intersessional meeting of the ESPH Working Group in 2001 in view of that group's current workload.

11 SAFETY OF NAVIGATION

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

11.1 The Committee approved, in general, the report of the forty-sixth session of the Sub-Committee on Safety of Navigation (NAV) (NAV 46/16 and Add.1 and MSC 73/11) and took action as indicated hereunder.

Routeing of ships and related matters

Adoption of new Traffic Separation Schemes (TSSs)

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

- .1 along the Peruvian coast:
 - .1.1 landfall and approaches to Talara Bay;

- .1.2 landfall Off Puerto Salaverry;
- .1.3 landfall and approaches to Ferrol Bay (Puerto Chimbote); and
- .1.4 landfall and approaches to San Nicolas Bay; and
- .2 in the approaches to the River Humber (east coast of the United Kingdom),

as set out in annex 18, for dissemination by COLREG.2/Circ.49.

Amendments to the existing Traffic Separation Schemes (TSSs) in Prince William Sound

11.3 In accordance with resolution A.858(20), the Committee adopted amendments to the traffic separation schemes, including associated routeing measures, in Prince William Sound, as set out in annex 18, for dissemination by COLREG.2/Circ.49.

Mandatory ship reporting system Off Les Casquets and the adjacent coastal area

11.4 The Committee recalled that, at its seventy-second session (MSC 72/23, paragraph 10.69), it considered a proposal by France (MSC 72/10/13), submitted in the wake of last year's **Erika** accident, on measures to reduce the likelihood of similar accidents occurring around its coasts and to strengthen safety of navigation, effectiveness of maritime traffic and environmental protection.

11.5 Following its decision to refer document MSC 72/10/13 to NAV 46 for consideration, together with a more detailed joint submission by the Governments of France and the United Kingdom (NAV 46/3/4), the Committee endorsed the Sub-Committee's recommendation for the adoption of a mandatory ship reporting system "Off Les Casquets and the adjacent coastal area" and, in accordance with resolution A.858(20), adopted, by resolution MSC.110(73), the proposed mandatory ship reporting system, as set out in annex 19, for dissemination by SN/Circ.214.

11.6 The aforementioned mandatory ship reporting system will be implemented at 0000 hours UTC on 1 June 2001.

Amendments to the General Provisions on Ships' Routeing

11.7 In accordance with resolution A.572(14), as amended, the Committee adopted, subject to confirmation by the Assembly, proposed amendments to section 2 "Definitions", section 4 "Methods", section 5 "Planning", section 9 "Representation on charts" of the General Provisions on Ships' Routeing (resolution A.572(14), as amended) to provide for the adoption of a no anchoring area routeing measure; as well as proposed amendments to section 3.11.4 "Responsibilities of Governments and compulsory practices" to take account of the pollution threat of ships' bunker fuel in ships' routeing, as given in annex 20, for dissemination by SN/Circ.215.

Routeing measures other than TSSs

11.8 In accordance with the provisions of resolution A.858(20), the Committee adopted the proposed mandatory no anchoring area for Flower Garden Banks in the north-western Gulf of Mexico, as set out in annex 21, for dissemination by SN/Circ.216.

Implementation of the adopted routing measures

11.9 The new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 11.2 and 11.3, respectively and annex 18; and the routing measures other than traffic separation schemes referred to in paragraph 11.8 and annex 21, will be implemented at 0000 hours UTC on 1 June 2001.

Amendments to resolution MSC.43(64) - Guidelines and Criteria for Ship Reporting Systems

11.10 The Committee, by resolution MSC.111(73), adopted proposed amendments to section 3 "Criteria for planning, proposing and implementing adopted ship reporting systems by Contracting Governments" of resolution MSC.43(64) on Guidelines and Criteria for Ship Reporting Systems, as set out in annex 22.

Amendments to the Collision Regulations

11.11 In accordance with COLREG article VI(2), the Committee adopted proposed amendments to the Collision Regulations and approved an associated draft Assembly resolution, as set out in annex 23, for submission to the twenty-second session of the Assembly for adoption of both.

Guidelines on ergonomic criteria for bridge equipment and layout

11.12 The Committee approved MSC/Circ.982 on Guidelines on ergonomic criteria for bridge equipment and layout.

Revised text of resolution A.860(20)

11.13 The Committee approved the draft Assembly resolution on Revised Maritime policy for a future global navigation satellite system (GNSS), as given in annex 24, for submission to the twenty-second session of the Assembly for adoption.

New and amended performance standards for navigational equipment

11.14 In accordance with the provisions of resolution A.886(21) - Procedure for the adoption of, and amendments to, performance standards and technical specifications, the Committee adopted:

- .1 resolution MSC.112(73) on Adoption of the Revised performance standards for shipborne global positioning system (GPS) receiver equipment, set out in annex 25;
- .2 resolution MSC.113(73) on Adoption of the Revised performance standards for shipborne GLONASS receiver equipment, set out in annex 26;
- .3 resolution MSC.114(73) on Adoption of the Revised performance standards for shipborne DGPS and DGLONASS maritime radio beacon receiver equipment, set out in annex 27;

- .4 resolution MSC.115(73) on Adoption of the Revised performance standards for shipborne combined GPS/GLONASS receiver equipment, set out in annex 28; and
- .5 resolution MSC.116(73) on Performance standards for marine transmitting heading devices (THDs) , set out in annex 29.

11.15 In adopting the performance standards for marine transmitting heading devices, the Committee decided to refer the proposal by Japan (MSC 73/11/2) on the use of a footnote relating to the value of the repeatability of the settle point error to NAV 47 for consideration under the agenda item on “Navigational aids and related matters”.

ITU matters

11.16 The Committee endorsed the action of the Sub-Committee in submitting a liaison statement to ITU-R Working Party 8B on the importance of AIS to the safety of navigation.

IMO Standard Marine Communication Phrases

11.17 The Committee noted that the Sub-Committee had agreed to the draft Standard Marine Communication Phrases and the associated draft Assembly resolution (NAV 46/16/Add.1, annex 16), for submission to MSC 74 for consideration and approval, subject to comments by COMSAR 5 and STW 32, and subsequent submission to the twenty-second session of the Assembly for adoption.

Guidelines for recording events related to navigation

11.18 The Committee reviewed and approved, in principle, the proposed draft framework of Guidelines for recording events related to navigation; and authorized the Sub-Committee to finalize them, together with the associated draft Assembly resolution, at its forty-seventh session, for submission directly to the twenty-second session of the Assembly for adoption.

Operational use of shipborne automatic identification systems (AIS)

11.19 The Committee reviewed and approved, in principle, proposed draft Guidelines for the operational use of shipborne automatic identification systems (AIS); and authorized the Sub-Committee to finalize them, together with the associated draft Assembly resolution, at its forty-seventh session, for submission directly to the twenty-second session of the Assembly for adoption.

Draft revised SOLAS regulation X/3

11.20 In the context of the draft revised SOLAS chapter X, the Committee approved the new references to regulations V/18, 19 and 20 to replace the reference to regulation V/12.

Revised chapter 13 of the draft 2000 HSC Code

11.21 In the context of the draft 2000 HSC Code, the Committee approved the draft revised text of chapter 13 thereof.

Draft revised chapter 13 of the 1994 HSC Code

11.22 The delegation of Japan, recalling discussions made at NAV 46 (NAV 46/16, paragraph 11.2), proposed that the amendments to the 1994 HSC Code should include not only requirements for VDR, but also for AIS and nautical charts permitting the use of ECDIS and referred to the informal document prepared during NAV 46 to this effect. That delegation expressed the view that action should be taken at this session to avoid delay in the implementation of the VDR and AIS requirements from those for conventional ships under the revised SOLAS chapter V.

11.23 The Committee agreed, in principle, to the Japanese proposal and, having considered the proposed draft amendments to chapter 13 of the 1994 HSC Code, as prepared by an informal drafting group (which also included an entry for navigational systems and equipment and VDRs in the Record of equipment provided in the appendix to the 1994 HSC Code (MSC 73/WP.16, as amended)), approved the proposed amendments, set out in annex 30, for consideration at MSC 74 with a view to adoption. The Committee invited the Secretary-General to circulate the aforementioned draft amendments in accordance with SOLAS article VIII.

Amendments to resolution A.889(21) - Pilot transfer arrangements

11.24 The Committee considered the proposed draft amendments to resolution A.889(21) - Pilot transfer arrangements, (NAV 46/16, annex 24), and decided to await the outcome of the tests conducted by Italy concerning new pilot ladder steps, for consideration at MSC 74.

Amendments to the International Code of Signals

11.25 In accordance with resolution A.187(VI), the Committee adopted the proposed draft amendments to chapter XII of the International Code of Signals, as set out in annex 31, and having agreed that it should enter into force on 1 January 2002, instructed the Secretariat to disseminate these amendments by means of MSC/Circ.983.

Training and certification of maritime pilots and revision of resolution A.485(XII)

11.26 The Committee noted the deferral, to NAV 47 for further consideration, of the draft revised text of annex 2 (Recommendation on operational procedures for maritime pilots other than deep-sea pilots) to resolution A.485(XII).

Safety of passenger submersible craft

11.27 The Committee recalled the adoption, under agenda item 9, of draft Guidelines for the design, construction and operation of passenger submersible craft, as prepared by the DE Sub-Committee (see paragraph 9.5), including a draft section 2.4.6 (Navigation) as agreed by NAV 46.

Voyage data recorder (VDR) issues

11.28 The Committee recalled the general agreement, at its seventy-second session, that VDRs should be fitted to all new ships and to existing passenger ships, including ro-ro passenger ships. It also recalled that, since there was no consensus on the application of this requirement to existing cargo ships, it invited (MSC 72/23, paragraph 10.44) submissions on that particular issue to the present session.

11.29 In this context, the Committee considered a joint submission by Finland, Germany and Sweden (MSC 73/11/1) proposing three alternatives regarding the fitting of VDRs, namely:

- .1 scale down the VDR to record the AIS, radar and one voice channel, removing the requirement for survival capsule and place the final recording medium directly in the VDR. This configuration, taking installation costs into account, should reduce the price to 1/3 or less of that for a comprehensive VDR. The survivability of other components would be limited but the stored data should survive immersion in most cases;
- .2 record and store AIS data stream; or
- .3 record AIS data stream to a final recording medium placed inside an EPIRB; this would give a better survivability in case of a total calamity.

11.30 In the same context, the Committee considered a proposal by Hong Kong, China (MSC 73/3/20), proposing a simplified very basic but equally effective and much cheaper VDR to be extended to cargo ships of 3,000 gross tonnage and upwards constructed before 1 July 2002, not later than 1 July 2004, without the need to install the recording medium in a protective capsule. The data to be recorded would include the ship's position, speed, gyro course, bridge audio, VHF communications, depth, rudder and engine orders including wind speed. As some of the data would, in any event, be required to meet the carriage requirements for AIS, Hong Kong, China considered that the proposal would not be too demanding for the shipping industry. The time lag available should be sufficient to develop the required recording devices. All the above data should be recorded with an indication of time in UTC (Universal Time Co-ordinated) obtained from a common source. Hong Kong, China also proposed that the recording systems, including all sensors, should be subjected to annual performance tests similar to those required for VDRs in draft SOLAS regulation V/20.4.

11.31 The Committee was of the opinion that this matter should be considered by the Sub-Committee, in the context of resolution MSC.109(73) calling for a feasibility study of mandatory carriage of VDRs on existing cargo ships (annex 17 and paragraphs 3.25.1 and 3.109 above) and consequently decided to request NAV 47 to consider the alternatives put forward under the agenda item on "Navigational aids and related matters".

Navigation through Danish waters

11.32 The Committee noted with interest the information provided by Denmark in document MSC 73/INF.17 on navigation through Danish waters with the object of ensuring the navigational safety of large ships.

Archipelagic sea lanes

11.33 The delegation of Indonesia, recalling its statement at MSC 72 (MSC 72/23, paragraph 10.75), reported on progress in its country's efforts to finalize the draft Government regulations concerning the designated archipelagic sea-lanes and other basic rules and regulations on related passages.

As a result of intensive consultations with the relevant agencies and institutions in Indonesia, as well as with several maritime users, the Government of Indonesia had concluded that the draft Government regulations needed further refinement, as they should take into consideration the recent changes in the legal status of the eastern half of the Timor Island. In particular, a new

regime would have to be applied to one of the three archipelagic sea-lanes, which crosses sea-lane III-A (in the Ombai Strait) and sea-lane III-B (in the Leti Strait). An additional provision to this effect had been incorporated in the draft rules and regulations so that they would no longer apply to the archipelagic sea-lanes in the Ombai and the Leti Straits, which border East Timor, since those specific sea-lanes were no longer part of the Indonesian archipelagic waters. The Indonesian Government had recognized the need for further consultations with other maritime users of sea-lanes III-A and III-B, for which a new regime had been proposed, before the draft Government regulations were officially enacted. Such consultations would ensure the correctness and feasibility of the regulations under preparation.

The Indonesian delegation hoped that the Organization could provide its Government with the necessary administrative and technical support so that the aforementioned rules and regulations, once adopted by IMO, could be implemented as envisioned.

Great Barrier Reef - Review of measures to promote ship safety and pollution prevention

11.34 The delegation of Australia informed the Committee about the grounding of an overseas registered container ship within the area of Australia's Great Barrier Reef. The ship was carrying a considerable quantity of heavy fuel oil bunkers together with dangerous goods in some of the containers on board. The ship was eventually refloated, there was no oil pollution or loss of cargo, although some damage had occurred to part of the reef. During the incident, a wide-ranging review of measures to promote ship safety and pollution prevention in the waters of the Great Barrier Reef was announced aiming at providing strategies to address the legal, technical, operational, commercial and indigenous issues involved with implementing the following initiatives:

- .1 extending the compulsory pilotage area along the Inner Shipping Route to improve ship safety and reduce the risk of ship-sourced pollution taking into account the availability of skilled pilots and the possible impact of any changes on fatigue management;
- .2 advancing the introduction of technological developments to track and monitor shipping operations in the Reef;
- .3 enhancing existing ship routing, traffic management and emergency response arrangements;
- .4 constraining certain types of ships from operation in the inner Reef, or adjacent to the Reef, having regard to the ship's condition, operational status and nature of its cargo; and
- .5 improving legislative powers of intervention and enforcement, increasing the level of offences and penalties and ordering restitution, to the maximum extent possible under international law.

The Australian delegation further informed the Committee that the outcome of this review might require Australia to make future submissions to this Committee on matters relating to a number of issues, some of which are under consideration by the NAV Sub-Committee.

12 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

General

12.1 As agreed at MSC 72, the Committee considered urgent matters referred to it emanating from the forty-third session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF 43/16 and MSC 73/12) and took action as indicated hereunder.

Revision of the technical regulations of the 1966 LL Convention

12.2 The Committee noted that SLF 43 made progress in the development of the revised 1966 LL Convention having agreed that Annex B of the 1988 LL Protocol would be the most appropriate instrument to which amendments revising technical regulations of the 1966 LL Convention should be made. The Committee further noted that SLF 43, having agreed on the action plan to complete the revision of the Convention, invited the Committee to extend the target completion date of the item to 2002 (see paragraph 18.32) and dealt with this proposal under agenda item 18 (Work programme).

Bulk carrier safety-related matters

12.3 The Committee recalled that the outcome of the consideration of bulk carrier safety-related matters had been considered under agenda item 5 (Bulk carrier safety), when document MSC 73/5/2 containing the summary of the outcome of SLF 43 on the issue was dealt with, and agreed that no further action was needed on the matter under this agenda item.

Amendments to the draft 2000 HSC Code

12.4 Having recalled that MSC 72 had decided that amendments to the provisions of the draft 2000 HSC Code relating to raking damage, prepared by the intersessional SLF working group, should be subject to final consideration by SLF 43 before adoption of the draft Code at this session, the Committee further recalled that, under agenda item 3 (Consideration and adoption of amendments to mandatory instruments), it had already noted that SLF 43 had agreed to the proposed amendments without modifications and had taken appropriate action (see paragraph 3.60).

13 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY

Developments concerning safety-related technical co-operation activities

13.1 The Committee noted document MSC 73/13 (Secretariat), providing updated information on safety-related technical co-operation projects currently under execution by the Maritime Safety Division within the Organization's Integrated Technical Co-operation Programme (ITCP); and on relevant future activities. It also noted that detailed information on each of the projects listed in the annex to document MSC 73/13 was contained in a relevant database maintained by the Secretariat and could be provided on request.

13.2 The delegation of Singapore provided information on the operation of a Memorandum of Understanding (MoU) between IMO and Singapore through which Singapore has co-funded a number of seminars and training courses for participants from the African and Asia and Pacific regions. Noting the successful outcome of the seminars and courses already conducted, Singapore invited other Governments to consider entering into such partnerships with the Organization.

13.3 The delegations of France and Spain also provided information on a number of technical co-operation activities they had carried out in the maritime sector. The delegation of Spain acknowledged the contribution of the Maritime Safety Division in the implementation of safety-related technical co-operation projects.

13.4 The Committee noted with satisfaction the information provided and invited Member Governments to consider entering into partnerships with the Organization similar to the one with Singapore for promoting technical co-operation activities.

13.5 The Secretariat was requested to provide the Committee with updated information on its technical co-operation activities at its future sessions.

OUTCOME OF THE WORKSHOP FOR PORT STATE CONTROL MOU SECRETARIES AND DIRECTORS OF INFORMATION CENTRES (LONDON, 7 TO 9 JUNE 2000)

13.6 The Committee noted document MSC 73/13/1 (Secretariat) on the outcome of a Workshop for PSC MoU Secretaries and Directors of Information Centres, held at IMO Headquarters from 7 to 9 June 2000, which was part of a technical co-operation project financed by IMO's TC Fund. The Committee noted, in particular, that the main objective of the meeting was to provide its participants with an opportunity to exchange views and experiences and also to discuss common problems relating to PSC, with the ultimate aim of harmonizing and co-ordinating practices and identifying technical assistance needs and priorities.

13.7 The Committee further noted that FSI 9 would consider the report of the workshop in detail and report to the next session of the Committee on any necessary actions to be taken, resulting from its consideration.

13.8 The delegation of Cyprus, commenting on the outcome of the aforementioned workshop, suggested that, prior to taking a decision on the recommendations of the workshop, the Committee ought to clarify what elements are included in the target factors mentioned in paragraph 5 of the annex to document MSC 73/13/1 thereof, so that this practice for those MoUs established with technical assistance from IMO did not violate the principles of resolution A.682(17).

13.9 The Committee, concurring with the proposal of the delegation of the Republic of Korea, agreed that document MSC 73/13/1 should be considered by the FSI Sub-Committee with the request that it advise the Committee on the legal implications of the recommendation in paragraph 15 of the aforementioned document for PSC MoUs to consider the inspection of ships below convention size and to include the results in their database.

IMO model course programme

13.10 Having noted document MSC 73/13/2 (Secretariat) providing an update on IMO model course production and revision, the Committee instructed the Secretariat to follow-up the IMO model course project and report developments to MSC 74.

13.11 The delegation of Spain, commenting on document MSC 73/13/2, requested the Secretariat to add two columns to the table of published model training courses to indicate which ones are available in French and Spanish. Noting that some of the translated courses were out of date, Spain offered to act as the focal point for updating and translating the model courses into Spanish.

14 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Statistical information

14.1 The Committee noted (MSC 73/14) that, in accordance with the Committee's standing instructions, the Secretariat had, since MSC 72, issued monthly reports on piracy and armed robbery against ships submitted by Governments and international organizations under the symbols MSC/Circ.968, MSC/Circ.969, MSC/Circ.972, MSC/Circ.973, MSC/Circ.974 and MSC/Circ.976; and quarterly reports under the symbols MSC/Circ.970 (second quarter of 2000) and MSC/Circ.975 (third quarter).

14.2 Based on the above reports and additional information provided orally by the Secretariat, the Committee was deeply concerned to note that the number of acts of piracy and armed robbery against ships reported to the Organization during the first ten months of 2000 had amounted to 314, an increase of 27% over the figure for the first ten months of 1999; and that the total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of October 2000, had increased to 2017. Although the Committee welcomed the information that, over the period under review (1 January to 31 October 2000), the number of reported incidents had decreased from 32 to 23 in West Africa, it was concerned to note that, over the same period, the number of incidents reported had increased from 14 to 15 in East Africa, from 29 to 30 in South America and the Caribbean, from 110 to 112 in the South China Sea, from 28 to 75 in the Indian Ocean and from 29 to 58 in the Malacca Strait over the figure for the ten first months of 1999. Most of the attacks reported had occurred in territorial waters while the ships were at anchor or berthed. The Committee was particularly extremely concerned that, during the same period, nine crew members had been killed, five had been reported missing and twenty-two had been injured; and that, in addition, one ship had sunk and two ships had been hijacked. Therefore, the Committee, endorsing the Secretary-General's remark that this was a very alarming trend which needed to be addressed, invited, once again, Governments of flag, port and coastal States and the industry to intensify their efforts to eliminate these unlawful acts.

14.3 The Committee expressed appreciation to the Governments of India and Hong Kong, China for providing information (MSC 73/14/Add.1) on the action they had taken with regard to armed robbery incidents reported to have occurred in their territorial waters and urged other Governments which receive similar reports to provide the Organization with the information requested.

Implementation of the anti-piracy project

14.4 The Committee recalled that, at its seventy-second session (MSC 72/23, paragraphs 17.9 to 17.11), it received the complete reports on the mission of experts to Abuja and on the regional seminar and workshop on piracy and armed robbery against ships held in Lagos, Nigeria, in October 1999 for West and Central African countries; as well as a preliminary report on the regional seminar and workshop for the Indian Ocean region held in Mumbai, India, in March 2000.

14.5 The Committee, having received the full report (MSC 73/14/1) on the Mumbai regional seminar and workshop, reiterated its appreciation to the Government of India for hosting the meeting. In considering that report, it noted, in particular, resolution No.2 (annex 6 of the annex to document MSC 73/14/1) endorsing the principles behind the draft Code of practice/instrument on the investigation and prosecution of acts of piracy and armed robbery against ships, first

discussed at the 1999 Singapore and Lagos regional meetings, and suggesting that the development of a code of practice/instrument for the investigation and prosecution of acts of piracy and armed robbery against ships should be pursued on a priority basis, so that the code of practice/instrument and any guidelines accompanying it could be adopted and promulgated as soon as possible.

14.6 The delegation of the Islamic Republic of Iran, expressing concern for the increase in the number of acts of piracy and armed robbery against ships, in spite of IMO's measures, suggested that:

- .1 all States should take action to create an effective executive and regulatory infrastructure for the exchange of relevant information among competent authorities;
- .2 States should co-operate, on a regional basis, in the exchange of information and take due action to prevent and prosecute armed robbery against ships through signing bilateral and multilateral agreements;
- .3 States should improve communication means on ships and ashore for alerting other ships in the area;
- .4 States needed to establish and promulgate their jurisdiction over acts of piracy and armed robbery at sea for the purpose of enforcing legal punishment against offenders;
- .5 States should identify the most likely areas in which these crimes frequently occurred and prepare plans to combat such offences through coastal State authorities; and
- .6 shipowners should provide and implement an action plan to combat acts of piracy and armed robbery against ships, and conduct periodical drills on their ships.

Since the Islamic Republic of Iran has an extensive coastline and merchant fleet operating in the region, as well as at least 6,000 non-convention sized vessels, it was exposed to the threat of piracy and armed robbery. Considering the fact that each year about 12,000 ocean going vessels pass through the Hormouz Strait, Iran was willing to react to these offensive acts and establish some measures for enforcing regulations and rules against piracy and armed robbery. For this purpose, the Islamic Republic of Iran declared its readiness to co-operate with IMO for hosting of a regional workshop in Iran.

14.7 The delegation of India informed the Committee about further regional initiatives taken by the ASEAN members, subsequent to the IMO seminar and workshop in Mumbai and the conferences organised by Japan. They referred, in particular, to the ASEAN Regional Forum (ARF) Workshop on Anti Piracy, organized by the Indian Coast Guard at Mumbai from 18 to 20 October 2000, which had been attended by representatives from Australia, Brunei, Cambodia, China, Indonesia, Japan, the Republic of Korea, Malaysia, Myanmar, the Philippines, the Russian Federation, Singapore, Thailand, the United States, Viet Nam and the European Union and an expert from the International Maritime Bureau. All the delegates expressed profound concern about the recent rising trend in the number of incidents of piracy and armed robbery against ships and, in particular, in the Asia Pacific region. The workshop concluded that there was an urgent need for close co-ordination and co-operation amongst the maritime authorities and the law enforcement agencies of the States concerned to effectively curb these criminal acts.

The workshop discussed the different definitions of piracy contained in the United Nations Convention on the Law of the Sea and those developed by IMO and the IMB and the apparent lack of distinction between cases of petty theft, armed robbery and piracy.

The Indian delegation further advised that the workshop took into account the contributions of the IMO and the IMB in institutionalising measures to combat piracy and armed robbery against ships; and agreed that piracy posed a transnational threat necessitating bilateral and regional arrangements among ARF member States to unify measures to combat piracy. Efficient exchange of information and intelligence was also considered necessary for the successful conclusion of the investigation and prosecution of apprehended pirates. The workshop noted with appreciation Japan's offer for training of non-military personnel and identified capabilities and strengths as well as gaps that existed in the current efforts to combat piracy and armed robbery against ships in the region.

India was extremely concerned at the reported rise in the incidents in its region. Having, however, analysed the incidents, it had noted that about 90% of those reported to have taken place along the Indian coast related to petty thefts, involving paint drums, ropes and other minor stores with the thieves disappearing on being detected/challenged by the crew; such incidents could surely not be categorized as serious. In most of these cases, the crew had not even reported the incident to the local law enforcement agencies. However, India was taking all preventive measures possible in its ports and anchorages to eradicate this menace, whether minor or major.

14.8 The delegation of Malaysia informed the Committee of a Regional Experts Meeting on Combating Piracy and Armed Robbery against ships held in Kuala Lumpur from 14 to 15 November 2000, with support from the Japanese Government and the Nippon Foundation. It was attended by delegations from Cambodia, China, India, Indonesia, Japan, Malaysia, Myanmar, the Philippines, the Republic of Korea, Singapore, Thailand, Viet Nam and Hong Kong, China.

The meeting had agreed that intelligence information exchange among enforcement agencies was important and agreed to pursue the matter further. The working definition of piracy and armed robbery was also discussed and there was agreement to pursue the issue further at the next meeting. It was agreed that apart from taking preventive action, offensive actions needed to be stepped up in order to suppress these unlawful activities. From experience, it was found that standardizing the format for reporting to enforcement agencies from ships was necessary for immediate action by the enforcement agencies. The meeting had concluded with an exercise held in the Strait of Malacca with a Japanese Coast Guard ship and elements of the Malaysian Police, simulating an act of robbery and effective counter-measures by the enforcement agencies involved.

14.9 With regard to the Mumbai meeting, the delegation of Venezuela, while acknowledging its contribution to the debate, stated that it did not share the view expressed by some of the speakers, referring to piracy as illegal acts carried out against ships, anchored or docked in ports and even classifying these crimes regionally, differentiating between continents, when they were in fact similar crimes and likewise despicable and condemnable. The delegation questioned the criteria used to classify as piracy, attacks carried out against ships for military or political purposes. In Venezuela's opinion there was a difference between theft, robbery or assault on ships, being armed robbery, and a piracy act. The robbery, theft or assault was under the jurisdiction of the coastal State whilst piracy takes place on the high seas, therefore it becomes an international crime. Such differences were clearly set out in Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) and Article 15 of the Convention on High

Seas, 1958; any other illicit act or criminal actions, which did not correspond to the classification of piracy, would be punished according to Venezuela's national laws. Venezuela concurred fully with the recommendations made in the Mumbai meeting report (MSC 73/14/1, annexes 3 and 4), on the importance and the need to keep an accurate information about the events, and this was the responsibility of both the local authorities and the parties concerned, since, without prompt reports prepared by captains, owners of ships or crew, the authorities could not take adequate action.

The delegation of Venezuela informed the Committee about a meeting which took place in Venezuela in August 2000 between Coastguard, police and port authorities, security organizations and owners of marinas, in order to establish strategies and procedures to prevent such crimes taking place either in ports or at berths. Accordingly, different actions had been taken, the main one being a night and day patrol scheme by sea and road with the result that, up to the present time, no report had been received of any crime against ships.

14.10 The delegation of Peru stated that it supported the statement of the delegation of Venezuela regarding acts of piracy and armed robbery against ships. It thanked the Secretariat for differentiating between the two crimes, in the monthly and quarterly reports issued on such acts, taking into account the definition of piracy as contained in Article 101 of UNCLOS and that acts of armed robbery are considered to be illegal acts under State jurisdiction.

However, regarding document MSC 73/4/1, the Peruvian delegation noted that some organizations do not yet differentiate between the two concepts. This was the case with respect to Lecture 4 of the report (paragraph 28.2), in which the representative of IMB had defined the types of piracy but, in Peru's opinion, erroneously identified one such type as "South American", whereas it was actually an act of armed robbery. Accordingly, the Peruvian delegation requested the Secretariat to ensure that, in future seminars or events of this kind where IMO representatives were involved, the difference between the two concepts should be re-emphasized so that participants understood the true definition of each one.

The delegation of Peru also welcomed documents MSC 73/14/2 (United Kingdom) and MSC 73/14/4 (United States) and recommended that the latter should serve as a basis for definitions. Nevertheless, it suggested that the definition of offences in paragraph 2.4 of the latter document (and cited from Article 3 of the Rome Convention) might be too restrictive in scope, since it did not provide for threatened acts or for other acts that may be categorized as illegal in the future and carried out on board ships.

14.11 The Committee noted that, with the Mumbai meeting, the anti-piracy project, which had been initiated in 1998, had come to completion; and, once again, expressed appreciation to those Governments which had hosted the various meetings it comprised; the Governments and international organizations which had supported the project financially; and the lecturers and other experts who had assisted and the Secretariat for organizing and running the various events. Since piracy and armed robbery, however, continued to pose a serious threat to navigational safety and environmental protection, the Committee invited comments and proposals as to what further action should be taken from now on.

Assessment missions

14.12 The Committee recalled that, at its seventy-second session, it had been informed that, subject to the availability of funds, the Secretariat was considering conducting assessment missions to countries which had participated in the regional seminars and workshops organized as part of the completed project.

14.13 The Committee was informed by the Secretariat that the purpose of this new effort would be to evaluate the follow-up actions taken by the Governments concerned; examine, with responsible governmental representatives, what measures the national authorities responsible for anti-piracy activities had taken to implement the relevant IMO guidelines, where such measures had not been successful and what had impeded their implementation; and, eventually, how IMO could assist in overcoming any difficulties encountered in the process. It was envisaged that such assessment missions would include advisory services and "tabletop" exercises at the national level for the purpose of assessing and evaluating the results of the relevant IMO activities.

14.14 The Committee, being informed that the Governments of Greece, Japan, the Netherlands, Norway and the United Kingdom and ITF had responded positively to the request of the Secretary-General for funds, expressed appreciation to them and encouraged other potential donors to do the same so that the project could start being implemented as soon as possible.

Preparation of a Code of practice/instrument for the investigation and prosecution of the crime of piracy and armed robbery against ships

14.15 The Committee recalled that MSC 72 (MSC 72/23, paragraphs 17.23 and 17.24), having discussed the aforementioned draft code/instrument to some extent, instructed the correspondence group to continue its work intersessionally, taking into account the comments made in plenary and to report to MSC 73, when a working/drafting group could be established to finalize the draft code/instrument for adoption. Interested Member Governments and organizations were invited to provide the correspondence group with comments and/or proposals.

14.16 The Committee considered the report (MSC 73/14/2) of the correspondence group referred to above, which contained the preliminary draft text of an instrument for the investigation and prosecution of the crime of piracy and armed robbery against ships.

14.17 The Committee also considered the United States' proposal (MSC 73/14/4) on a definition of "armed robbery against ships" based on the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the SUA Convention) as a replacement for the text proposed in paragraph 2 of the annex to document MSC 73/14/2, and urging Member States to ratify or accede to that Convention if they have not already done so.

14.18 The Committee agreed that a definition of "armed robbery" was necessary within the scope of its work on this topic although article 3 of the SUA Convention might be too restrictive for this purpose.

14.19 Having considered the issue of "Phantom ships and the registration process" (see also paragraphs 14.34 to 14.45), the Committee established a drafting group, as decided at MSC 72, and instructed it:

- .1 taking into account documents MSC 73/14/2 (United Kingdom) and MSC 73/14/4 (United States) and any comments and proposals made in plenary to finalize the draft instrument for the investigation and prosecution of the crime of piracy and armed robbery against ships in the form of a Code of Practice together with an associated draft Assembly resolution, for approval by the Committee and submission to the twenty-second session of the Assembly; and also for dissemination, in the interim, by means of an MSC circular;

- .2 to finalize the draft Assembly resolution encouraging flag States to ensure that proper checks are made when registering a ship in order to reduce the number of "phantom" ships and hijackings, taking into account documents MSC 72/17/7 (Canada, China, Denmark, the United Kingdom and ICFTU) and MSC 73/14/5 (Norway) and any comments and proposals made in plenary; and
- .3 to finalize the proposed amendments to MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.1 on the basis of the proposals of Brazil in document MSC 73/14/3 and Corr.1 (see paragraph 14.29).

Report of the drafting group

14.20 Having received the report of the drafting group (MSC 73/WP.5), the Committee agreed that the definition of "piracy" in the draft Code should be kept similar to the definition contained in article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) as it is a well-known reference.

14.21 The Committee discussed the definition of "armed robbery against ships", taking into account that piracy, as defined in UNCLOS, is limited to the high seas, the exclusive economic zone and places outside the jurisdiction of any State as well as the broader definition of unlawful acts in article 3 of the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) and in article 2 of the 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.

14.22 The Committee noted that the draft Code of Practice refers to the three international instruments listed in the paragraph above and, therefore, allows the combination of the geographical scope of the jurisdiction over piracy, according to UNCLOS, together with the jurisdiction over unlawful acts, according to the SUA Convention and its Protocol.

14.23 The Committee recognized that the SUA Convention lists a number of acts that Contracting States undertake to criminalize under their national laws and which are not covered by the definition contained in UNCLOS, wherever their place of occurrence.

14.24 The Committee, therefore, agreed to use the terms "unlawful acts" and "State's jurisdiction over such offences" in the definition of "armed robbery against ships" (as amended in plenary), in order to define the scope of application and the jurisdiction over offences contained in the draft Code of Practice.

14.25 As a possible consequence of the proposed definitions, notwithstanding the fact that an incident taking place within the territorial sea cannot be qualified as piracy, an act occurring on the high seas could be qualified as armed robbery over which a State may have jurisdiction.

14.26 The Committee approved the draft Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships and the issuance of the MSC circular containing the Code as an annex pending adoption by the twenty-second session of the Assembly as an Assembly resolution.

14.27 The Committee instructed the Secretariat to disseminate the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships by means of MSC/Circ.984.

Amendments to MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.1

14.28 The Committee recalled that, based on the conclusions and recommendations of the regional seminars and workshops organized by IMO within the anti-piracy project, it had, at its seventy-first session, revised MSC/Circs.622 and 623, which were eventually disseminated to Member Governments and international organizations in June 1999.

14.29 The Committee considered a proposal by Brazil (MSC 73/14/3 and Corr.1.) suggesting amendments to MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.1 to meet the local peculiarities of each port based on recommendations of the local authorities and agreed that there was merit in incorporating the proposed changes into the aforementioned circulars.

14.30 The Committee, having been advised by the drafting group referred to in paragraph 14.19, noted that MSC/Circ.622/Rev.1 did not prevent a coastal State from taking any action deemed appropriate according to particular local circumstances and that, therefore, Brazil had decided to withdraw its proposal for amending MSC/Circ.622/Rev.1.

14.31 The Committee recalled its instructions at MSC 72 to COMSAR 5 (MSC 72/23, paragraph 17.11) to consider the standard message format for piracy attacks and alerts contained in appendix 2 to MSC/Circ.623/Rev.1 and report to MSC 74 as appropriate. Accordingly, the Committee instructed the Secretariat to await the final outcome of the consideration of the matter at MSC 74 prior to issuing MSC/Circ.623/Rev.2.

Regional Conference on combating piracy and armed robbery against ships (Tokyo, 27 to 29 April 2000)

14.32 Further to the information received at MSC 72 (MSC 72/23, paragraph 17.20), the Committee noted with interest additional information provided by Japan in document MSC 73/INF.4 on the Regional Conference on combating piracy and armed robbery against ships, held in Tokyo from 27 to 29 April 2000 and expressed appreciation for the initiative taken by the Japanese Government.

14.33 The delegation of Japan further informed the Committee that, at the aforementioned Conference, the participants, having shared concerns about the current situation of piracy and armed robbery against ships, endorsed the "Tokyo Appeal" expressing their resolve to fight against these crimes, including setting up counter-measures, reinforcement of self-protection measures and promotion of international exchange of information and co-ordination. As a further step for implementing concrete actions, the "Model Action Plan" was also adopted containing a series of actions to be taken by Maritime Policy Authorities, shipping companies and all the other private maritime-related concerns, taking fully into account the IMO recommendations contained in MSC/Circ.622/Rev.1 and Circ.623/Rev.1.

That delegation also stated Japan's intention to further strengthen international co-operation on measures against piracy and armed robbery against ships to ensure the safety of navigation in the South-East Asia region. It mentioned, in particular the Japan Coast Guard's patrol vessel visits to India and Malaysia and the conduct of joint exercises with each State's maritime police authorities in November 2000.

In concluding, the delegation of Japan emphasized that, since Japan had a great interest in the prevention and suppression of acts of piracy and armed robbery against ships in the above sea areas, it intended to support other Asian coastal States as much as possible for that purpose.

“Phantom” ships and the registration process

14.34 The Committee recalled that, at its seventy-second session (MSC 72/23, paragraphs 17.29 to 17.34), it had considered a joint submission by Canada, China, Denmark, the United Kingdom and ICFTU (MSC 72/17/7) proposing the development of an Assembly resolution encouraging flag States to ensure that proper checks are made when registering a ship in order to reduce the number of “phantom” ships and hijackings.

14.35 The Committee also recalled that MSC 72 had noted that the Mumbai seminar and workshop, when adopting a resolution on the appropriate punishment for the crime of piracy and armed robbery against ships, had invited the Committee to consider the issue of "phantom" ships (*i.e.* fraudulent registration, certification and identification of ships) in the light of the experience gained from the **Alondra Rainbow** incident.

14.36 The Committee further recalled that there was considerable discussion, at MSC 72, on the issue of “phantom” ships and the registration process with a number of delegations proposing that the matter should be brought to the attention of the United Nations General Assembly. There was also general agreement that the issue of “phantom” ships needed to be taken further than the development of the draft Assembly resolution proposed, e.g. to consider engraving the IMO ship registration number on the ships’ hull; utilizing the EQUASIS system; developing guidance material on the issue, etc. MSC 72 had agreed that these general ideas should be further discussed at MSC 73, when the Mumbai seminar and workshop report would be considered.

14.37 Whilst acknowledging that the UN General Assembly had called upon States to co-operate fully with IMO to address the piracy/armed robbery issue (MSC 72/19/2, annex, paragraphs 20 and 21), MSC 72 had been of the opinion that there might be additional assistance that could be provided from other bodies within the framework of the United Nations to ensure that seafarers and ships could safely and peacefully engage in international maritime activities. Appreciative of the support given by the UN General Assembly, it had, therefore, requested the Secretary-General to bring the growing seriousness of the problem of piracy and armed robbery against ships at sea to the attention of the United Nations for such additional action as it might deem appropriate.

14.38 The Committee was informed that this had been done by the Secretary-General in a letter dated 8 June 2000 to the Secretary-General of the United Nations and a reply had been received from the office of the Assistant Secretary-General for Policy Co-ordination and Inter-Agency Affairs of the United Nations, stating that the Secretary-General's communication had been forwarded to the United Nations Legal Counsel and the Secretariat of the ACC Sub-Committee on Oceans and Coastal Areas. Subsequently, the Secretary-General of the United Nations, in a note dated 21 August 2000, had transmitted to the United Nations General Assembly the Secretary-General's letter for consideration under the General Assembly's agenda item on "Oceans and the law of the sea: Consideration of elements relating to oceans and seas, including improvement of co-ordination and co-operation".

14.39 As a result of the above efforts and, as the Committee was orally informed during the session, the United Nations General Assembly, at its 55th session, adopted resolution A/RES/55/7 on "Oceans and the law of the sea", in which, mentioning, in the preambular paragraphs, the Secretary-General's letter and addressing, *inter alia*, the issue of piracy and armed robbery at sea, it:

Urges all States, in particular coastal States, in affected regions to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea, including through regional co-operation, and to investigate or co-operate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice in accordance with international law;

Calls upon States, in this context, to co-operate fully with the International Maritime Organization, including by submitting reports on incidents to the organization and by implementing the International Maritime Organization guidelines on preventing attacks of piracy and armed robbery;

Urges States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol,^[19] and to ensure its effective implementation;

Recommends that, in its deliberations on the report of the Secretary-General on oceans and law of the sea at its second meeting, the Consultative Process should organize its discussions around the following area of focus:

.1 Co-ordination and co-operation in combating piracy and armed robbery at sea."

14.40 In this context, the Committee recalled that MSC 72 had further requested the correspondence group on the preparation of the code of practice/instrument referred to in paragraphs 14.12 to 14.14 above, to consider and advise MSC 73 on the draft Assembly resolution attached to document MSC 72/17/7 so that, if MSC 73 so decided, a draft resolution might be approved for submission to the twenty-second session of the Assembly for adoption.

14.41 The Committee considered the proposal by Norway (MSC 73/14/5) on the need for a revision and improvement of the practices of registration of ships in order to avoid cases of double registration and the registration of so-called "phantom" ships, and agreed to refer the document to FSI 9 for detailed consideration.

14.42 The Committee, agreeing that, in this context, the "deletion certificate" and the possibility of ship registration by electronic means should also be examined, instructed the drafting group accordingly (see also paragraph 14.45).

14.43 Some delegations were of the opinion that the marking of ships indelibly and visibly with the IMO identification number externally and access to the Lloyds Maritime Information Services (LMIS) database should also be considered as a means to reduce the number of "phantom ships".

14.44 The Committee agreed that the scope of the draft Assembly resolution on "phantom" ships should, at this stage, be kept as broad as possible, leaving room for further work to be undertaken by relevant IMO bodies.

14.45 The Committee, therefore, noted the progress made on the draft Assembly resolution on Measures to prevent the registration of "phantom" ships and decided to refer it, as prepared by the drafting group (MSC 73/WP.5) and amended in plenary, to FSI 9 for review and submission to MSC 74 for approval.

15 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

General

15.1 The Committee recalled (MSC 73/15) that, owing to lack of time, MSC 72 deferred consideration to this session of the documents submitted to MSC 72 under this agenda item and, having considered documents MSC 72/18/1 (Secretariat), MSC 72/18/2 (ICHCA), MSC 73/15, MSC 73/15/1 and MSC 73/INF.2 (Secretariat) and MSC 73/INF.14 (IACS), took action as indicated hereunder.

Implementation of instruments

15.2 The Committee noted information on the status of acceptance, as at 1 August 2000, of safety-related conventions, protocols and amendments thereto and codes and recommendations (MSC 73/15/1 and MSC 73/INF.2 and Corr.1 updating the information contained in documents MSC 72/18 and MSC 72/INF.6) and was advised orally by the Secretariat of additional acceptances notified after the aforementioned date.

Uniform wording for referencing IMO instruments

15.3 The Committee recalled that MSC 71 approved Guidelines on methods for making reference to IMO and other instruments in IMO conventions and other mandatory instruments, which, following approval also by MEPC 43, were disseminated by means of MSC/Circ.930-MEPC/Circ.364. The Committee noted that, as instructed, the Secretariat had brought the matter to the attention of the Legal and Facilitation Committees so that the Guidelines, if found satisfactory by the two Committees, might eventually be adopted by an appropriate Assembly resolution, covering IMO instruments developed by all Committees; and was informed that FAL 27 and LEG 80 had endorsed the proposal.

15.4 The Committee considered (MSC 72/18/1) a draft Assembly resolution on Uniform wording for referencing IMO instruments, prepared by the Secretariat to that effect and approved it (annex 32) for submission to the twenty-second session of the Assembly for adoption, subject to concurrence by the MEPC and the LEG and FAL Committees. The Secretariat was instructed to inform the above Committees accordingly.

Implementation of the IMDG Code by shore-side parties

15.5 The Committee noted that, owing to lack of time, DSC 5 had decided (DSC 5/13, paragraph 8.4) to defer to DSC 6 the consideration of document DSC 5/8 (ICHCA) which had been submitted to MSC 72 as well (MSC 72/18/2). In their submission, ICHCA suggested that IMO collaborate with ILO to achieve the implementation of the IMDG Code by shore-side cargo interests involved in the packing and shipping of cargoes of dangerous goods.

15.6 Following discussion, the Committee requested the Secretary-General to communicate with the Director-General of ILO informing him of the outcome of the Committee's consideration concerning the mandatory application of the IMDG Code and, in this context, explore possible avenues for future co-operation. In addition, the Committee decided to refer

document MSC 72/18/2 to DSC 6 for detailed consideration, taking into account the Committee's decision relevant to the mandatory application of the IMDG Code, and advice to MSC 75.

Implementation problems relating to ISM Code certification

15.7 The Committee considered document MSC 73/15/2 (Australia), in which important problems were identified in respect of the contents of the certificates issued under the ISM Code and the extent of compliance with the Code that might be inferred from them. Australia suggested that documentation underlying such certification needed to be made available to accident investigators and PSC inspectors and that failure to act on, or extend non-conformities by the close-out date, should invalidate the certificates concerned. Having discussed, in general, the problems raised, the Committee decided to refer the document to FSI 9 for detailed consideration, in the context of the revision of resolution A.788(19) and reporting back on a possible course of action.

Post-ERIKA action

15.8 The Committee noted information provided by IACS (MSC 73/INF.14) on IACS' actions subsequent to the loss of the **Erika** and the dates on which they would be implemented, having recalled that, under agenda item 2, it had decided to refer document MSC 73/INF.14 to the Working Group on Oil Tanker Safety and Environmental Matters, for them to take into account the information provided by IACS.

16 RELATIONS WITH OTHER ORGANIZATIONS

Applications for consultative status

16.1 The Committee, recalling that MSC 72 had recommended to the Council that consultative status should:

- .1 not be granted to the Professional Yachtsmen's Association (PYA), since it was viewed as only being able to marginally contribute to the Committee's work, not being truly international and that it could have access to IMO through other organizations; and
- .2 be granted to International Harbour Masters' Association (IHMA), since it was found to meet the requisite criteria and, in particular, because it was assessed to be able to contribute directly to IMO's work and did not seem to have access to IMO through other organizations,

noted the concurrent decisions by C 84 with respect to IHMA and PYA (MSC 73/16, paragraphs 3 and 4).

16.2 In considering new applications for consultative status, referred to it by the Council (MSC 72/16), in respect of:

- .1 the International Confederation of Plastics Packaging Manufacturers (ICPP);
- .2 the Vessel Operators Hazardous Materials Association, Inc. (VOHMA);
- .3 the International Maritime Health Association (IMHA);

- .4 the International Christian Maritime Association (ICMA);
- .5 the World LP Gas Association (WLPGA);
- .6 the International Dry Bulk Terminals Contact Group (Dry Bulk Terminals);
- .7 the International Federation of Freight Forwarders Associations (FIATA); and
- .8 the Royal Institution of Naval Architects (RINA),

the Committee noted relevant decisions taken by MEPC 45, LEG 82 and FAL 28, as set out in documents MSC 73/2/2, MSC 73/2/3 and MSC 73/2/4 respectively.

16.3 The Committee noted that the Council, at its eighty-fifth session, had requested the small group of Council Members, which would meet to screen applications, also to review the Guidelines on the Grant of Consultative Status. In the interim, the Council had requested the Secretary-General to ensure that the informal groups of the Committees reviewing applications for consultative status were provided with copies of, and utilize, the Rules governing relationship with non-governmental international organizations and the Guidelines on the grant of consultative status.

16.4 The Committee established a group to consider the applications referred to in paragraph 16.2 above and advise the Committee as appropriate. Having received the group's report (MSC 73/WP.9) (which, in its deliberations, had also taken into account additional information on the signing of a Memorandum of Understanding between the Dry Bulk Terminal Operators' Association and the Coal Exporting Terminal Operators' Association (CETOA) bringing the two associations together under the new name of International Bulk Terminals Association (IBTA)), the Committee, concurring with the relevant decisions of MEPC 45 and partly of FAL 28, recommended to the Council that consultative status should:

- .1 not be granted to ICPP, IMHA and WLPGA, since they were viewed as only being able to marginally contribute to the Committee's work, not being truly international and that they could have access to IMO through other organizations; and
- .2 be granted to VOHMA, ICMA, IBTA and RINA, since these organizations were found to meet the requisite criteria and, in particular, because they were assessed to be able to contribute directly to IMO's work and did not seem to have access to IMO through other organizations.

16.5 With respect to the ICMA application, the Committee agreed that the Association offered its services to any seafarer irrespective of their religion and, therefore, that consultative status should be granted to them now, which could be reviewed, if and when another organization with similar global service to the world's seafarers would request such status with IMO.

16.6 With respect to the WLPGA application, the Committee agreed that there was a need for more information as to that Association's ability to contribute directly to the Committee's work and whether it had access to IMO through other organizations.

16.7 The Committee could not decide on the application of FIATA, as it needed more information on the Association's commitment to safety in transport operations and on its possible access to IMO through CEFIC, HMAc, ICC and IRU.

16.8 As to the application of RINA, the Committee agreed that, although that Association might not be truly international, it was important for the Committee to have representation of this professional body and that RINA should be granted full consultative status now, which could be reviewed, if and when applications are received from other organizations representing similar interests, to determine if an umbrella organization of naval architects could represent such interests from a truly international perspective.

16.9 The delegation of the United States reserved its position with respect to the decision on the RINA application.

16.10 The delegations of France, Belgium and Egypt reserved their position with regard to the Committee's decision not to grant consultative status to IMHA.

16.11 The IRU observer stated that FIATA did not have access to IMO through the Union.

17 APPLICATION OF THE COMMITTEE'S GUIDELINES

General

17.1 The Committee recalled that, following detailed discussion of the proposals submitted, MSC 71 approved a revised version of the Guidelines on the organization and method of work, which were later approved by MEPC 43 and subsequently disseminated by means of circular MSC/Cir.931-MEPC/Circ.366. Having further recalled that, owing to lack of time, MSC 72 could not deal with, and decided (MSC 73/17) to defer consideration of, the documents submitted to MSC 72 to this session, the Committee considered documents MSC 72/20 and MSC 72/20/1 (Secretariat), MSC 72/20/2 (Cyprus) and MSC 73/17/1 (Secretariat) and took action as indicated hereunder.

Outcome of MEPC 43

17.2 The Committee was informed of the outcome of the discussion by MEPC 43 (MSC 72/20/1) on the number of working/drafting groups which may be established during meetings, as specified in the Guidelines, and that issues such as those identified below needed clarification:

- .1 the number of working groups should be kept to a minimum; however, a maximum of three should be permitted, where necessary, unless the Committee's Guidelines are amended;
- .2 a priority order should be established for possible working group items which require detailed discussion within small groups;
- .3 the fact that established working groups have completed their task and have been terminated should not allow working group(s) to be convened in their place during the same session;

- .4 when more than three independent working groups are needed to address unrelated topics over several sessions, such groups may meet at alternative sessions of the Committee/subsidiary body within the maximum number of three working groups per session; and
- .5 intersessional working groups should be avoided unless considered absolutely essential and the meeting of such intersessional meetings should be assessed on a case-by-case basis.

17.3 The Committee concurred with the views of MEPC 43 on the above clarifications and agreed that the relevant provisions of the Guidelines should be modified accordingly (see paragraph 17.5).

Proposals by the Secretariat

17.4 With regard to draft amendments to paragraphs 14, 28 and 29 of the Guidelines (MSC 72/20/1) proposed by the Secretariat (in line with the provision of the Guidelines that they should be kept under review and updated as necessary in the light of experience gained in their application and on the basis of comments made during recent sessions of sub-committees when discussing implementation issues of the Guidelines), the Committee, following discussion thereof and noting the relevant decisions made by MEPC 45, agreed to the draft proposed amendments.

17.5 In addition, the Committee decided that these modifications and amendments and those referred to in paragraph 17.3, as finalized by the Secretariat (MSC 73/WP.18), set out in annex 33, should, for the time being, be attached to the report of the Committee for reference and application as appropriate. They should be incorporated in the Guidelines at a later stage when a sufficient number of further amendments has been approved to justify a new set of the revised Guidelines.

17.6 In connection with the aforementioned amendments to paragraphs 28 and 29 of the Guidelines, the Committee:

- .1 in the context of paragraph 28 of the Guidelines, noted that, at MEPC 45, in response to the concern of some delegations, that, in order to fulfil their obligations *vis-à-vis* paragraphs 13.1 and 13.2 of the Guidelines, subsidiary bodies may not have sufficient time to develop the required information as their work programmes are normally only discussed at the end of the session, an understanding was reached whereby interested delegations would, in consultation with the Sub-Committee Chairmen and the Secretariat, prepare the information which should accompany the Sub-Committee's proposal necessary for the Committee(s) to decide whether a new item should be included in the Sub-Committees' work programme; and, having concurred with the MEPC's understanding, agreed that this should be reflected in the Guidelines; and
- .2 in the context of paragraph 29 of the Guidelines, concurred with MEPC 45's confirmation that Member Governments' right to circulate proposals to the Committee and their subsidiary bodies simultaneously are not affected by the provisions introduced by the amendments.

Proposals by Cyprus

17.7 The Committee considered a number of issues raised by Cyprus (MSC 72/20/2) emanating from the application of the Guidelines on which Cyprus had also drawn the attention of MEPC 44. In this context, the Committee noted the outcome of MEPC 44 and MEPC 45 (MSC 72/2/2/Add.1, paragraphs 23 to 25 and MSC 73/2/2, paragraph 17) regarding such issues as requesting the BLG Sub-Committee to consider operating the OPRC Working Group under its auspices; passing technical issues to sub-committees while keeping matters of policy under the MEPC; and proposing that the Chairmen of the Committees might, in future, consider the matter of reviewing the sub-committees' structure with the view to improving the efficiency and effectiveness of the Committees and sub-committees.

17.8 After discussion of the proposals made by Cyprus in the aforementioned document and taking into account the outcome of MEPC 44, the Committee:

- .1 re-affirmed its commitment to strict adherence to the Guidelines and that its subsidiary bodies should do the same;
- .2 in line with the provisions of paragraph 7 of the Guidelines, agreed that, at an appropriate time, a meeting should be convened of the Chairmen of the Committees and Sub-Committees to examine any matters pertinent to the effective conduct of business of the Committees and their subsidiary bodies; and
- .3 instructed the Secretariat to inform the sub-committees accordingly.

17.9 In the context of the discussion of the issue referred to in paragraph 17.8.2, the Committee, noting that the organizational review of the IMO Secretariat was yet to be completed and having considered a relevant proposal by the Chairman, agreed that:

- .1 **in the short term:**
 - .1.1 the allocation of the OPRC Working Group would be for the MEPC to consider;
 - .1.2 the MSC and MEPC Chairmen would prepare, for consideration by their respective Committees at their forthcoming sessions, terms of reference for the consideration of a restructuring of the Committees and sub-committees; and

- .2 **in the long term:**

the MSC Chairman, in co-operation with the MEPC Chairman, would prepare, based on the outcome of the discussion at MEPC 46 and MSC 74 on the terms of reference referred to in paragraph 17.9.1.2 above, a draft work plan to undertake a revision of the Committees' and sub-committees' structure and identify the preferred way forward, for consideration by the twenty-second session of the Assembly.

17.10 In this context, the Committee recalled the previously expressed view of the Secretary-General that the main purpose of the Guidelines was to assist the Committees and sub-committees to enhance their efficiency and, therefore, the Committee should use them as a positive means of enhancing safety and environmental protection rather than as a rigid

instrument which, for reasons of formality and bureaucratic attitude, might hamper progress where progress was due. A balanced approach in the application of the Guidelines was required so that, while ensuring that certain procedures were strictly observed, the Committee's ability to respond in a timely and appropriate manner to real safety and pollution prevention and control needs should not be impaired. The Committee, therefore, reiterated its view that the Guidelines should be applied in a flexible but consistent manner.

17.11 The Committee instructed the Secretariat to inform MEPC 46 of the outcome of its consideration of this item as outlined above.

18 WORK PROGRAMME

DEFERRAL OF CONSIDERATION OF DOCUMENTS

18.1 Owing to lack of time, the Committee decided to defer consideration of documents MSC 73/18/2, MSC 73/18/3 MSC 73/18/4 and MSC 73/18/7 (United Kingdom), MSC 73/18/6 (France, Italy and United Kingdom), MSC 73/18/8 (Australia and Canada), MSC 73/18/10 (Australia), proposing new work programme items, and MSC 73/WP.2 (Chairman) to MSC 74.

18.2 With regard to the decision to defer, to MSC 74, the consideration of the documents proposing new work programme items, the delegation of Australia, while understanding the time constraints, expressed disappointment at the decision.

WORK PROGRAMMES OF THE SUB-COMMITTEES AND PROVISIONAL AGENDAS FOR THEIR FORTHCOMING SESSIONS

General

18.3 Taking into account the recommendations made by the sub-committees which had met since MSC 72 (MSC 73/18/Add.1 and 2), and various decisions taken during the session, the Committee reviewed the work programmes of the sub-committees and their forthcoming sessions and took action as indicated hereunder.

Oil tanker safety and environmental matters

18.4 Having recalled that, under agenda item 2, it had decided (see paragraph 2.15.2) to refer the working group's report (MSC 73/WP.14) to the sub-committees for their attention requesting them to consider it in general (i.e. not to embark on substantial debate, but to address the relevant proposals), the Committee instructed the BLG, FP, FSI, COMSAR, NAV, DE, SLF and STW Sub-Committees, identified in MSC 73/WP.14, to deal with the matter under their agenda item on "Decisions of other IMO bodies" and advise MSC 74 or MSC 75, as appropriate, on the outcome of the consideration of their assigned topics and submit possible proposals for inclusion in their work programmes.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

Outcome of MEPC 45

18.5 The Committee noted (MSC 73/2/2, paragraphs 16 and 17) that MEPC 45 had decided to include in the Sub-Committee's work programme and the provisional agenda for BLG 6, items:

- .1 on “Oil tagging systems”, with a target completion date of 2003; and
- .2 on “Evaluation of the IMO Greenhouse gas emission study”, with a target completion date of 2001,

and had further decided that there was sufficient work to justify holding the Sub-Committee’s sixth session on the dates originally planned, i.e. 5 to 9 February 2001. The Committee endorsed MEPC’s decision.

Work programme of the Sub-Committee and provisional agenda for BLG 6

18.6 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 34. The Secretariat was instructed to inform the MEPC accordingly.

18.7 The Committee approved the provisional agenda for BLG 6, including the new items referred to in paragraph 18.4, as set out in annex 35 and instructed the Secretariat to inform the MEPC accordingly.

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)

Cargo stowage and securing

18.8 Having recalled its decision to reconsider the DSC 5’s proposal to change the title of the item on “Cargo securing manual“ to “Cargo stowage and securing” at this session, the Committee considered document MSC 73/18/1 (Secretariat) providing background information on the proposed change of the work programme item’s title and document MSC 73/18/9 (Norway) supporting such a change. The Committee decided to retain the item's title "Cargo securing manual" and advised the Sub-Committee that, in dealing with this item, the Sub-Committee could address only small additional issues.

Outcome of MEPC 45

18.9 The Committee noted (MSC 73/2/2) that MEPC 45 had approved the environment-related items on the Sub-Committee’s work programme.

Work programme of the Sub-Committee and provisional agenda for DSC 6

18.10 The Sub-Committee’s work programme, as revised and approved by the Committee, is set out in annex 34.

18.11 The Committee approved the provisional agenda for DSC 6, as set out in annex 35 including the item on "Amendments to SOLAS chapters VI and VII and MARPOL Annex III to make the IMDG Code mandatory".

SUB-COMMITTEE ON FIRE PROTECTION (FP)

Work programme of the Sub-Committee and provisional agenda for FP 45

18.12 The Sub-Committee’s work programme, as confirmed by the Committee, is set out in annex 34.

18.13 The Committee confirmed its approval of the provisional agenda for FP 45, as set out in annex 35.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

Technical assistance matters

18.14 The Committee, having noted the opinion of TCC 48 (MSC 73/2/1, paragraph 3) and MEPC 45 (MSC 73/2/2, paragraph 13) regarding submission, for the FSI Sub-Committee's consideration, of requests for technical assistance by Member Governments experiencing implementation difficulties, decided to delete the item on "Technical assistance" from the Sub-Committee's work programme and the provisional agenda for FSI 9, in view of the fact that:

- .1 no requests for technical assistance had ever been submitted to any session of the FSI Sub-Committee;
- .2 requests for technical assistance are generally submitted to the Organization's Technical Co-operation Division; and
- .3 MEPC 45 had concluded that it could see no advantage in having requests for technical assistance submitted to the FSI Sub-Committee.

Outcome of MEPC 45

18.15 The Committee noted (MSC 73/2/2, paragraph 16) that MEPC 45, in approving the work programme of the Sub-Committee, had included, in its work programme, a new item on "Development of guidelines for survey and certification for anti-fouling paints".

Work programme of the Sub-Committee and provisional agenda for FSI 9

18.16 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 34. The Secretariat was instructed to inform the MEPC accordingly.

18.17 The Committee approved the provisional agenda for FSI 9, as set out in annex 35 and instructed the Secretariat to inform the MEPC accordingly.

Subjects referred to FSI 9 for consideration

18.18 Having recalled its decisions under the various agenda items, the Committee decided that FSI 9 should:

- .1 review the SAFs with a view to improving the clarity of the questions in order to obtain consistent answers thereto (see paragraph 8.6.1);
- .2 consider preparing guidance for Governments on how to complete the SAFs to ensure that the Sub-Committee obtains all the information it requires (see paragraph 8.6.2); and
- .3 take account of the analysis of the database information provided by the United States in document MSC 73/8/2 and the three levels of information proposed by Cyprus in paragraph 8.3 above and advise the Committee how to proceed (see paragraph 8.6.3),

under the Sub-Committee's agenda item on "Self-assessment of flag State performance";

- .4 consider the request of CSD 7, using the terms of reference specified in paragraph 5 of MSC 73/8/3 (see paragraph 8.12),

under its agenda item on "Responsibilities of Governments and measures to encourage flag State compliance";

- .5 consider document MSC 73/13/1 and advise on the legal implications of the recommendation in paragraph 15 for PSC MoUs to consider the inspection of ships below convention size and to include the results in their database (see paragraph 13.9),

under its agenda item on "Regional co-operation on port State control";

- .6 comment on the draft Assembly resolution on "phantom" ships (see paragraphs 14.41 and 14.45); and
- .7 consider document MSC 73/15/2 in detail and report back on a possible course of action, in the context of the revision of resolution A.788(19) (see paragraph 15.7),

under its agenda item on "Any other business".

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

Work programme of the Sub-Committee and provisional agenda for COMSAR 5

18.19 The Sub-Committee's work programme, as approved by the Committee, is set out in annex 34.

18.20 The Committee confirmed its approval of the provisional agenda for COMSAR 5, as set out in annex 35.

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

New work programme items proposed by NAV 46

18.21 Endorsing proposals of NAV 46, the Committee decided to include the following new items in the Sub-Committee's work programme and provisional agenda for NAV 46:

- .1 on "Revision of resolution A.815(19) on world-wide radionavigation system", with a target completion date of 2001; and
- .2 on "Guidelines on voyage data recorders' ownership and recovery", with a target completion date of 2001.

Carriage of VDRs on existing cargo ships

18.22 Recalling its decision under agenda item 3, the Committee agreed to include a high priority item on "Feasibility study on carriage of VDRs on existing cargo ships", with 3 sessions needed to complete the item, in the Sub-Committee's work programme.

Large passenger ship safety

18.23 The Committee, as decided under agenda item 4, agreed to include a high priority item on "Effective voyage planning for large passenger ships" in the Sub-Committee's work programme, with a target completion date of 2003 and in the provisional agenda for NAV 47.

Work programme of the Sub-Committee and provisional agenda for NAV 47

18.24 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 34.

18.25 The Committee approved the provisional agenda for NAV 47, as set out in annex 35, including the new item referred to in paragraph 18.20.

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)**Outcome of MEPC 45**

18.26 The Committee noted (MSC 73/2/2, paragraph 16) that MEPC 45 had decided to reinstate the subitem on "Guidelines for sampling of fuel oil for combustion purposes" and to include the following new items in the Sub-Committee's work programme and the provisional agenda for DE 44:

- .1 on "Interpretation of MARPOL regulation I/16 on oil filtering equipment", with a target completion date of 2002; and
- .2 on "Matters related to incinerators", with a target completion date of 2002.

Amendments to the 2000 HSC Code

18.27 The Committee, recalling its earlier decision under agenda item 3 (see paragraphs 3.61 and 3.63), decided to include a high priority item on "Amendments to the 2000 HSC Code", with 2 sessions needed to complete the item, in the Sub-Committee's work programme and instructed the Sub-Committee to commence the work on the item at DE 44 under its agenda item on "Any other business".

Work programme of the Sub-Committee and provisional agenda for DE 44

18.28 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 34.

18.29 The Committee, approved the provisional agenda for DE 44, as set out in annex 35.

Items to be considered by MSC 74

18.30 Noting that, due to the close proximity between DE 44 and MSC 73 and in accordance with the provisions of paragraph 45 of the Guidelines on the organization and method of work, it should consider, at its seventy-fourth session, only urgent matters emanating from DE 44, the Committee agreed that the following should be considered as urgent matters for consideration by MSC 74:

- .1 amendments to resolution A.744(18);
- .2 oil tanker maritime safety and environmental matters; and
- .3 the Sub-Committee's work programme and provisional agenda for DE 45.

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

Amendments to the 2000 HSC Code

18.31 Having recalled its earlier decision under agenda item 3 (see paragraph 3.61), the Committee decided to include a high priority item on "Amendments to the 2000 HSC Code", with a target completion date of 2001, in the Sub-Committee's work programme and provisional agenda for SLF 44.

Work programme of the Sub-Committee and provisional agenda for SLF 44

18.32 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 34.

18.33 The Committee approved the provisional agenda for SLF 44, as set out in annex 35, including the new item referred to in paragraph 18.31.

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

Work programme of the Sub-Committee and provisional agenda for STW 32

18.34 The Sub-Committee's work programme, as revised and approved by the Committee, is set out in annex 34.

18.35 The Committee approved the provisional agenda for STW 32, as set out in annex 35.

INTERSESSIONAL MEETINGS AND ARRANGEMENTS FOR THE NEXT TWO SESSIONS

Intersessional meetings

18.36 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 37 of the Guidelines on the organization and method of work; as well as the Committee's decision at MSC 66 that all Sub-Committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justify request for consideration, the Committee, taking into account the decision made under agenda item 10, approved the holding of an intersessional meeting of the ESPH Working Group in 2001.

Substantive items for inclusion in the agendas for MSC 74 and MSC 75

18.37 The Committee agreed on the substantive items to be included in the agendas for its seventy-fourth and seventy-fifth sessions as set out in document MSC 73/WP.7, as amended.

Establishment of working groups during MSC 74

18.38 Recalling the provisions of the Guidelines on the organization and method of work concerning the number of groups which may be established at any session, the Committee, taking into account decisions made under various agenda items, agreed, in principle, that working groups on the following topics should be established at the Committee's seventy-fourth session:

- .1 large passenger ship safety;
- .2 bulk carrier safety; and
- .3 Human element/Formal Safety Assessment (HE/FSA).

Dates of the next two sessions

18.39 The Committee noted that its seventy-fourth session had been scheduled to take place from 30 May to 8 June 2001; and its seventy-fifth session had been tentatively scheduled to take place in May 2002.

ACTIVITIES, PRIORITIES AND PLAN OF MEETING WEEKS NEEDED IN THE BIENNIUM 2002-2003

18.40 The Committee recalled that the Guidelines on the organization and method of work require that, at the end of every second year, the Committee Chairmen should submit to their respective Committees a joint plan covering their activities, priorities and meeting requirements of their subsidiary bodies for the subsequent two years.

18.41 In this context, the Committee considered a joint Note by its Chairman and the Chairman of the MEPC (MSC 73/WP.10), submitted in pursuance of the above requirement and after consultations with the Chairmen of the sub-committees.

18.42 Having noted that the plan for meeting weeks for the two Committees and the sub-committees, including those of any Conference scheduled to be convened in the biennium 2002-2003, would have to be approved by the Council based on the Secretary-General's relevant proposals, the Committee took the following action:

- .1 noted the information regarding the Committees' and sub-committees' activities and priorities;
- .2 approved, subject to MEPC's concurrent decision, the proposed plan of meeting weeks of the MSC and the MEPC and their subsidiary bodies for the biennium 2002-2003, for inclusion in the Secretary-General's relevant budget proposals.

In this context, noting that the FAL Committee, when requesting one meeting week during the current biennium 2000-2001 for incorporation in the Secretary-General's budget proposals did so on the understanding that its future meetings would be scheduled in a manner which would not adversely affect the efficiency and continuity of its work and, considering that, for budgetary purposes, there was a need to make economies, the Committee agreed that the total of the 25.5 meeting weeks proposed by the two Chairmen might be reduced by one or two on an understanding similar to that on which the FAL Committee based its own decision and in line with the Committee's past practice, i.e. that one

or two sub-committees would meet once during the next biennium and thereafter as early as possible during the biennium after the next, and authorized the Secretary-General to take this into account in his budget proposals for the biennium 2000-2001; and

- .3 noted the proposed additional allocation, in the Organization's meeting weeks' plan, of one meeting week for the contemplated ballast water management conference to be held during the biennium 2002-2003.

18.43 The Committee agreed to reconsider the meeting week needs at MSC 74, should this become necessary and advise C 86 accordingly.

19 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2001

The Committee unanimously re-elected Mr. T. Allan (United Kingdom), as Chairman and Captain B. Watt (South Africa), as Vice-Chairman, for 2001.

20 ANY OTHER BUSINESS

MATTERS DEFERRED FROM MSC 72

General

20.1 Based on document MSC 73/20 (Secretariat) containing a list of issues and documents MSC 72 deferred, owing to lack of time, to this session for consideration, the Committee dealt with all outstanding matters as reported under paragraphs 20.2 to 20.30 below.

IMO/IACS co-operation on the IACS Quality System Certification Scheme

20.2 The Committee recalled that, having been invited by IACS to participate in its Quality System Certification Scheme (QSCS), MSC 59 agreed, in May 1991, to appoint an IMO consultant/observer to participate in the scheme and report to the Committee on its effectiveness. Since then, the Committee receives regularly progress reports prepared by the IMO observer. The Secretariat also participates in IACS's Advisory Committee which assists IACS in maintaining the effectiveness of the QSCS and its developments, as necessary, to meet changing demands of the IACS member societies.

20.3 The Committee also recalled that, at MSC 71, it noted documents MSC 70/22 and MSC 71/22/2 (Secretariat) reporting on developments in the IMO/IACS area of co-operation relating to the QSCS, in particular the reports of the IMO observer on his continued participation in the implementation of the scheme; and requested the Secretariat to report on any further progress made.

20.4 The Committee noted (MSC 72/22) information provided by the Secretariat on developments since MSC 71 and the IMO observer's report annexed to the document. Although that report was supposed to be the observer's final, the Committee, in view of recent casualties rendering IMO's continued participation in the scheme necessary, decided to extend the Organization's participation in the scheme on the same basis as in the past, that is with no financial implications to the Organization. The Secretariat was requested to monitor progress within the scheme and report further developments to MSC 75.

Memorandum of Understanding on the Equasis Information System

20.5 The Committee received information (MSC 72/22/3) on the establishment of the Equasis Information System initiated by the European Commission and the Government of France and noted information covering such aspects as membership, scope and objectives, structure and finance, as provided in the annex to the above document.

20.6 The delegation of Cyprus was of the opinion that the Committee should advise the Council as to whether the EQUASIS contributes to the objectives of the Organization and whether there would be a benefit to the Organization by participating in the EQUASIS Supervisory Committee. By so advising the Council, the Committee ought to assure itself that the Organization would not be held liable when a case arises where information supplied to the general public by the EQUASIS system was wrong, misleading and/or libellous. In addition, the delegation of Cyprus queried whether, if IMO accepted to participate in the Supervisory Committee, this would mean that EQUASIS would be requesting, at a later stage, consultative status with the Organization, which would result in a financial burden to the Organization.

20.7 In the context of this information system, the Committee recalled that the benefits of establishing reliable ship information databases had been recognized by the Committee in the early 1990s' culminating in MSC 65 in May 1995 agreeing to the then proposed objectives of an International Ship Information Database (ISID), a scheme which, due to financial constraints, did not get off the ground.

20.8 The Committee commended the Secretary-General for his initiative relative to the Equasis Information System and, in particular, for his request that the original draft of the MoU on the system be amplified to provide that representatives of regional agreements or MoUs on port State control, other than the Paris and Tokyo MoUs, be also invited to participate as observers in the work of the Equasis MoU.

20.9 The Committee approved IMO's participation in the Equasis Supervisory Committee as an observer, subject to the Council's consent; and instructed the Secretariat to keep the FSI Sub-Committee informed of relevant developments.

Multiple inspections

20.10 In introducing his Note (MSC 72/22/5), the Secretary-General referred to the problems reportedly caused to shipmasters and ship officers, as well as to the smooth running of ships in ports, as a result of the proliferation of inspections by representatives of various interests within the industry. His main concern was that the large number of inspectors boarding a ship on arrival and during its stay in port might distract the master and officers from important duties often relating to difficult loading and unloading operations. Apart from the safety risk this might cause, it might well be the reason for masters and officers not resting sufficiently before resuming their duties on the departure of the ship or when undertaking the first watch thereafter.

In order to consider the issue and collectively agree on the most appropriate, meaningful, pragmatic and practical approach to the problem, he invited the Heads of the international organizations listed in paragraph 4 of his Note to a meeting which took place at IMO Headquarters on 9 February 2000.

The agreed main objectives of the Meeting were:

- .1 *to provide a forum* where parties, whose members are involved in the process of ship inspections and surveys, could present their current practices and offer their individual and collective views on how to deal with the problems caused by the excessive number of inspections to ships when in port or at offshore terminals;
- .2 *to agree that, for safety and environmental protection reasons, it is desirable* to alleviate the workload imposed on shipmasters and officers, possibly through a reduction in the number and scope of onboard inspections while in port; and
- .3 *to agree on a collective course of action* to remedy the situation.

The Meeting used as a basic document the discussion paper reproduced in annex 1 to document MSC 72/22/5 and, following discussion, and after the need for greater transparency in making available information on the condition of ships relating to overall safety and environmental protection had been emphasised, the Meeting agreed on a number of conclusions and recommendations concerning:

- flag State Administrations;
- port State control authorities;
- industry partners; and
- class and IACS.

The Meeting was of the opinion that, in view of the increasingly beneficial impact on safety and environmental protection of the ISM Code, measures should be taken to promote greater awareness, among parties concerned, of the role of the Code as an indicator of an accepted level of safe operation. To this effect, the Meeting recommended that the Committee should be invited to consider issuing an appropriate MSC circular, the first draft of which the Secretary-General had attached as annex 2 to his Note.

20.11 Following discussion, the Committee:

- .1 approved, subject to a concurrent decision by the MEPC, the proposed draft MSC/MEPC circular on The beneficial impact of the ISM Code and its role as an indicator of safe operation and environmental protection, set out in annex 36;
- .2 agreed:
 - .2.1 to request the Secretary-General to communicate with MoU/PSCs to convey to them the relevant conclusions and recommendations of the Meeting; and
 - .2.2 to endorse the Meeting's recommendation that IMO should continue its efforts to assist in the establishment of an effective global network of control systems consisting of MoUs and regional PSC agreements as appropriate; and

- .3 agreed to request the Secretary-General to communicate with industry representatives and IACS, as appropriate, in the context of the Meeting's conclusions and recommendations.

20.12 The Committee instructed the Secretariat to report to MSC 75 on any action taken in accordance with the above decisions; and also to inform the MEPC accordingly.

Outcome of the ILO Tripartite Meeting on Safety and Health in the Fishing Industry

20.13 In considering document MSC 72/2/6 (ILO) providing information on the outcome of the ILO Tripartite Meeting on Safety and Health in the Fishing Industry held in Geneva from 13 to 17 December 1999, the Committee noted, in particular, the information relating to priority areas for improving occupational safety and health; legal, regulatory and other measures; promoting enforcement or application of laws, regulations and good practices; tripartite action in training and measures to improve safety and health; action on safety, health and related issues for vulnerable groups of workers; improving data on the incidents and severity of accidents and disease; and extension of maritime conventions and new standards.

20.14 The Committee also noted that, as indicated in the list of ILO actions to promote safety and health in the fishing industry, ILO:

- .1 had encouraged IMO to finalize and publish, as soon as possible, the revised FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification.

In this context, the Committee recalled that MSC 72 and the Governing Bodies of ILO and FAO had approved the Document and that the IMO Secretariat had been instructed to publish the Document which is expected to be available for sale in the first quarter of 2001;

- .2 would participate in the revision of the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, Part B and, following consultation with IMO, would take a leading role in revising Part A of that Code.

With regard to part B of the Code, the Committee noted that SLF 43, having prepared a draft revised part B of the Code and having agreed to a timeframe for the finalization of its revision, invited the two organizations to participate in meetings of the Sub-Committees tasked with work relating to the revision of part B of the Code; and

- .3 together with IMO and WHO, would undertake the revision of the ILO/IMO/WHO Medical Guide for Ships.

In this respect, the Committee noted that WHO would be holding a preliminary informal meeting in Geneva from 11 to 13 December 2000 consisting of representatives from WHO, ILO and IMO who would be interested to attend the meeting at their expense and that Finland and the United Kingdom had already expressed willingness to participate.

20.15 The Secretariat was instructed to convey document MSC 72/22/6 and the above outcome to SLF 44 and STW 32 for consideration and action as appropriate.

Transport of radioactive materials

20.16 The Committee, recalling that MSC 71 had adopted resolutions MSC.87(71) and MSC.88(71) to make the INF Code mandatory with an expected entry-into-force date of 1 January 2001, noted the information provided by the World Nuclear Transport Institute (WNTI) (MSC 72/INF.5) on the publication "Radioactive Materials Transport - The International Regime".

Revised IACS Unified Requirements UR Z10.1 and UR Z10.2

20.17 The Committee considered document MSC 72/INF.11 (IACS) advising on items introduced into IACS Unified Requirements (UR) Z10.1 and Z10.2, which are additional to the requirements of resolution A.744(18) and agreed that such items would warrant amending resolution A.744(18) accordingly. Consequently, the Committee invited IACS to submit to DE 44 draft amendments to resolution A.744(18), in line with the modifications made to their Unified Requirements. Interested Members Governments and international organizations were also invited to submit proposals and comments on this matter, as appropriate.

20.18 The Committee further requested DE 44 to convey the outcome of consideration of this matter to the FSI Sub-Committee, which has undertaken an overall review of resolution A.744(18), for co-ordination purposes.

ICCL industry policy

20.19 The Committee noted the three policy guidelines adopted unanimously by the member cruise vessel operators of the International Council of Cruise Lines (ICCL), as referred to in document MSC 72/INF.23 and expressed appreciation to ICCL for taking these initiatives.

Recycling of ships

20.20 The Committee noted (MSC 72/2/2/Add.1, paragraphs 19 to 22) MEPC 44's view that IMO had a role to play in reducing the safety and environmental risks associated with the recycling of ships. Having expressed appreciation for the proactive approach being taken by the shipping industry and the desire to be kept informed of developments in this respect, MEPC 44 had noted the opinion of some delegations that IMO should not take the lead in this activity, which would be more appropriately undertaken by the Basel Convention or ILO depending on the aspects of the issue under consideration. MEPC 44 agreed to consider the matter further at MEPC 46. Having established an ad hoc correspondence group, MEPC 44 invited the Secretariats of the Basel Convention, ILO and the London Convention to provide that group with relevant inputs.

20.21 Having noted the opinion of MEPC 44 that the issue of ship scrapping might involve safety matters, the Committee agreed to invite Member Governments and international organizations to submit to MSC 74 comments and proposals on the safety aspects of the scrapping of ships, so that the matter might be discussed on the basis of such submissions before the Committee's views are forwarded to MEPC 47 for consideration and appropriate action.

Interim Measures for combating unsafe practices associated with the trafficking or transport of illegal migrants by sea

20.22 The Committee recalled that MSC 71 had noted that the first meeting of the UN Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime had

agreed, in principle, that the relevant provisions of MSC/Circ.896 (Interim Measures for combating unsafe practices associated with the trafficking or transport of migrants by sea) should be incorporated, as far as possible, in the appropriate chapter for sea transport of the draft Protocol being prepared.

20.23 The Committee further recalled that, pursuant to resolution A.867(20) (Combating unsafe practices associated with the trafficking or transport of migrants by sea), MSC 71 had, in principle, approved, for submission to A 21, the required draft progress report (MSC 71/17/1) and had instructed the Secretariat to:

- .1 supplement it, as necessary, to reflect the outcome of MSC 71 and the results of the UN Ad Hoc Committee meetings scheduled to take place afterwards; and
- .2 continue representing the Organization at the relevant meetings of the UN Ad Hoc Committee and report to the Committee as appropriate.

20.24 The Committee noted that A 21 had subsequently approved the progress report prepared by the Committee and the Secretariat (MSC 72/2, paragraph 19).

20.25 The Committee was informed (MSC 72/22/4) that the sixth session of the UN Ad Hoc Committee (6 to 19 December 1999) had considered the revised text of articles 7, *7bis* and *7ter* of the Protocol under elaboration, which essentially contained all relevant provisions of MSC/Circ.896 and, noting that the IMO twenty-first session of the Assembly had endorsed, by consensus, the contents of MSC/Circ.896 and had recommended them to Governments for appropriate action, had also agreed to the revised text with minor amendments relating to the more legal nature of the instrument under development.

20.26 The Committee also noted that, due to the slow progress made, the eighth session of the UN Ad Hoc Committee (21 February to 3 March 2000) had not been able to further consider articles 7, *7bis* and *7ter* of the draft Protocol. This was done at the eleventh session (2 to 27 October 2000), during the final reading of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime. The UN Ad Hoc Committee approved, *inter alia*, chapter II thereof on "Smuggling of migrants by sea", which had reflected the relevant provisions of MSC/Circ.896.

20.27 The Convention against Transnational Organized Crime, together with two of the three protocols (against illegal migration and trafficking in persons), had been finalized for submission to the UN General Assembly, which had adopted it on 15 November 2000. The official signing ceremony was expected to take place in Palermo, Italy, from 12 to 15 December 2000 and the Committee noted that the final text of the protocol on migrants would be submitted to MSC 74.

20.28 The Committee recalled that MSC 70, in approving MSC/Circ.896, had invited Member Governments to promptly report to the Organization relevant incidents and measures taken to enable the updating or revising of the circular, using the report format appended to MSC/Circ.896 for such reports.

20.29 The Committee considered documents MSC 72/22/2 (Greece) and MSC 73/20/1 (Italy), reporting on incidents related to unsafe practices associated with the trafficking or transport of illegal migrants by sea in Greek and Italian waters and, noting that, in order to assist its further consideration, the Secretariat had prepared a database and a format for regular reporting

(MSC 73/WP.8), which also contained additional information by Italy on unsafe illegal migration practices received after the relevant submission deadline:

- .1 expressed appreciation to both delegations for the reports submitted;
- .2 agreed to establish a reporting procedure similar to that for acts of piracy and armed robbery against ships using the format contained in MSC 73/WP.8 as amended, for dissemination by the Secretariat on a biannual basis; and
- .3 urged Governments and international organizations to promptly report all unsafe practices associated with the trafficking or transport of illegal migrants by sea they are aware of.

20.30 The Committee instructed the Secretariat to keep the Committee informed of developments on this matter, as appropriate.

CURRENT SESSION SUBMISSIONS

Manual on operational requirements for seafarers

20.31 The Committee recalled that, at its sixty-seventh session, it had expressed support for a project proposed and sponsored by ICFTU on the development of a Manual on operational requirements for seafarers; and requested the *ad hoc* IMO/ICFTU Steering Committee to keep it informed of progress made. At MSC 69, MSC 70 and MSC 71, the Committee had received oral reports on progress; however, document MSC 72/22/1 reporting progress to MSC 72 had not been considered owing to lack of time.

20.32 The Committee noted that since MSC 71 (MSC 72/22/1 and MSC 73/20/3), the review of the contents of IMO conventions, codes and Assembly resolutions had been completed and those elements of direct relevance to seafarers' operational requirements had been identified. Sample pages of the 'user-friendly' manual, the compendium and the index had been prepared and approved by the Steering Committee following receipt of comments from a selected group of seafarers.

20.33 The Committee also noted that the contractor engaged to undertake the work had subsequently prepared and delivered final versions of the manual for consideration and approval by the Steering Committee. In reviewing the final versions, the Steering Committee had concluded that the text was not suitable for immediate publication without further external review. Accordingly, two consultants from a training institute in India had been engaged by the Steering Committee to review the quality of the text and its accessibility for seafarers and trainers.

20.34 The Committee noted an oral update by the Secretariat that the consultants had made their reports immediately prior to the Committee's current session and that their conclusions and recommendations will be considered by the Steering Committee in due course. The Committee noted the information provided and instructed the Secretariat to report further developments to MSC 74.

High-speed craft wash and wake

20.35 Observing that MEPC 45 had noted information on the effects of high-speed craft wash and wake, submitted by the United Kingdom (MEPC 45/INF.18) and FOEI (MEPC 45/INF.19),

and that the United Kingdom would submit a full report on these effects to this session of the Committee and also to MEPC 46, the Committee considered document MSC 73/20/2 (United Kingdom) reporting on the results of a project carried out in the United Kingdom to investigate the wash of high-speed ferries operating in Belfast Lough.

Outcome of the ITU World Radiocommunication Conference, 2000 (WRC-2000)

20.36 The Committee recalled that, at its seventy-second session, it received general information (MSC 72/23, paragraphs 9.11 to 9.16) on maritime issues before the World Radiocommunication Conference (WRC-2000) held in Istanbul, Turkey, from 8 May to 2 June 2000. The Committee was, in particular, informed that the Steering Committee of WRC-2000, by document CMR 2000/195 of 12 May 2000, had agreed on certain principles relating to the handling of information documents and statements submitted by observers.

20.37 The Committee recalled also that, in light of the information received, MSC 72, considering that, for serious reasons pertaining to and importance of maritime safety, there was a need for harmonized international maritime communication standards, which should be internationally recognized and protected, undertook certain actions as indicated in paragraph 9.14 of its report (document MSC 72/23).

20.38 In considering document MSC 73/20/4 (Secretariat), the Committee noted that:

- .1 as instructed by the Committee, the Secretariat had submitted the technical outcome of WRC-2000, containing a partial revision of the Radio Regulations, recommendations and resolutions dealing with maritime matters, to COMSAR 5 (document COMSAR 5/5), for consideration and action as appropriate with a view to it reporting to MSC 74;
- .2 MSC 72 had invited the Legal Committee to comment and advise on the status of documents and oral interventions by United Nations specialized agencies under the International Telecommunication Union (ITU) Conference Rules of Procedure. To that end the Secretariat had submitted document LEG 82/10/2 with attachment CMR 2000/195 to the eighty-second session of the Legal Committee (16 to 20 October 2000), for consideration; and
- .3 the IMO position presented to WRC-95 and WRC-97 had been issued by ITU as "information documents", which, however, had been presented by an IMO observer and discussed on all appropriate meetings of the two Conferences including Plenary sessions (refer to paragraph 6, document MSC 73/20/4).

20.39 With regard to the MSC 72's invitation mentioned in paragraph 20.38.2 above, the Committee was informed by the Secretariat (document MSC 73/2/3, paragraphs 6 and 7) that "the Legal Committee had agreed that it was the prerogative of each specialized agency to decide on its own rules of procedure regarding the interventions of observers and the submission of documents and proposals. ITU was therefore entitled to restrict the right to submit proposals to its conferences to Member States only and to require documents submitted by observers to be issued in the form of information documents, although neither of these is IMO practice."

20.40 The Committee, taking into account the above information and comments made by the delegation of Cyprus (mainly that the Committee should consider the technical aspect of the issue, leaving any policy aspects to the Council), was of the opinion that, within ITU, the status of the United Nations specialized agencies dealing with safety-related matters and protection of

human lives, such as ICAO, IMO and WMO, should be distinguished from the status of other international organizations and sector Members, which are private companies and:

- .1 urged Member Governments, when developing national positions on radio and telecommunications for discussion at various ITU fora, to ensure that the maritime interests and needs, as developed and identified by IMO, are duly covered and protected;
- .2 invited the Secretary-General, taking into account the advice provided, to communicate with the Secretary-Generals of ITU and ICAO on the matter of co-operation between United Nations specialized agencies on protecting safety-related services, such as maritime and aeronautical radiocommunications, radionavigation, IMSO, COSPAS-SARSAT and other relevant issues; and
- .3 recommended Member Governments and the Secretariat to actively participate in the work of ITU Study Groups, Working Parties and regional telecommunication organizations dealing with maritime communications.

20.41 The Secretariat was instructed to bring the outcome of the above discussion to the attention of COMSAR 5.

Passenger ferry bow structural design

20.42 The Committee noted information provided by Finland (MSC 73/INF.5) regarding an investigation on passenger ferry bow structural design against wave-induced loads in the Northern Baltic, which included all Finnish ro-ro passenger vessels, and agreed to refer the document to SLF 44 for consideration in the context of its work on the revision of SOLAS chapter II-1, parts A, B and B-1.

Investigation by the Norwegian Maritime Directorate into the sinking of the bulk carrier “Leros Strength”

20.43 The Committee noted a submission by Norway (MSC 73/INF.8) attaching a copy of the report entitled “Investigation by the Norwegian Maritime Directorate into the sinking of the bulk carrier **Leros Strength**”. The delegation of Norway advised the Committee that the above information had also been submitted to MEPC 45 and that a document based on the above report would be submitted to FSI 9.

World VTS Guide

20.44 The Committee noted with interest the information provided by IALA (MSC 73/INF.13) on the up-to-date list of VTS registered in the IALA/IAPH/IMPA World VTS Guide.

Shipping in the Asia-Pacific arena – A major perspective

20.45 The Committee noted with interest the information provided by Australia in document MSC 73/INF.18 on two major shipping conferences to be held in Sydney, Australia, from 6 to 9 March 2001. The first is the International Symposium on Safer Shipping in the APEC Region to be held from 6 to 7 March 2001 where two keynote addresses are scheduled, the first by the Secretary-General of IMO and the second by the Chairman of the Independent Commission on Shipping. The second conference is the National Shipping Industry Conference 2001 (to be held on 8 and 9 March 2001).

International Transportation Symposium for the 21st Century

20.46 The Committee noted with interest the information provided in document MSC 73/INF.19 and in the oral report by the Secretariat on the outcome of the International Transportation Symposium for the 21st century, which took place in Washington, D.C., from 9 to 12 October 2000.

Outcome of the Regional Conference on Maritime Search and Rescue and the GMDSS (Florence, Italy – 16 to 20 October 2000)

20.47 The Committee received an oral report by the Secretariat on the Regional Conference on Maritime Search and Rescue (SAR) and the Global Maritime Distress and Safety System (GMDSS), organized by IMO in Florence, Italy, from 16 to 20 October 2000, in co-operation with the Government of Italy and the Region of Tuscany; and with financial support provided by the Governments of Italy, the Netherlands, Norway and the United Kingdom and the European Commission and the International Transport Workers' Federation (ITF).

20.48 The Conference aimed at bringing together representatives of all the Western, Southern and Eastern African and adjacent Island States to discuss SAR and GMDSS issues. Following the successful completion of the Global SAR Plan by the 1998 Fremantle SAR/GMDSS Conference, the Florence Conference aimed, in particular, at initiating steps towards practical implementation of the plan effectively and economically in the African countries bordering the Atlantic and Indian Oceans, which COMSAR 4 had identified and MSC 72 had endorsed as the areas mainly lacking SAR/GMDSS facilities, along with parts of Asia and the Pacific, Central and South America and the Mediterranean regions.

20.49 In this regard the Committee noted that the Florence Conference had adopted, *inter alia*, resolutions on:

- .1 Arrangements for the provision and regional co-operation and co-ordination of maritime search and rescue (SAR) services and co-operation between States (Resolution No. 1), proposing, among others, the establishment of five regional maritime rescue co-ordination centres at the western, southern and eastern parts of Africa;
- .2 Establishment of an international SAR fund (Resolution No. 2);
- .3 Technical co-operation in maritime search and rescue (SAR) and the Global Maritime Distress and Safety System (GMDSS) (Resolution No. 3);
- .4 Implementation of the Global Maritime Distress and Safety System (GMDSS) in the African Sea areas of the Atlantic and Indian Oceans (Resolution No. 4); and
- .5 Application of tacit acceptance procedures for the completion of the Global Search and Rescue Plan (Resolution No. 5).

20.50 The Committee noted the information provided, recalling that COMSAR 5 would consider the outcome of the Conference (document COMSAR 5/8/3) and report to MSC 74.

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20.51 The delegation of South Africa informed the Committee of the change of venue from Durban to Johannesburg for the 14th International Symposium on the Transport of Dangerous Goods by Sea and Inland Waterways scheduled to be held in South Africa from 3 to 5 September 2001.

General statements

20.52 The delegation of Namibia informed the Committee that its Government had recently acceded to three IMO conventions, namely SOLAS 1974 and its 1978 Protocol, the COLREG Convention of 1972 and the Tonnage Convention of 1969. Their Government was also in the final stages of ratifying another five IMO Conventions. As a new Maritime Administration which was established in 1995, its Administration had given priority to the development of modern infrastructure and skilled manpower to be able to implement conventions of the Organization effectively once they are ratified.

20.53 Commenting on the statement by the delegation of Namibia, the delegation of South Africa expressed appreciation for the progress made by the new Maritime Administration and offered its assistance, if required.

20.54 The delegation of Honduras informed the Committee that its Administration had recently deleted from its register 140 fishing vessels which had been found to be in breach of international conventions and had suspended the registration of another 41 fishing vessels until all identified deficiencies had been rectified.

Expressions of appreciation

20.55 The Committee expressed appreciation to the following delegates and observers 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:

- Captain J. Fournarakis (Maritime Attaché, Greek Embassy) (on return home);
- Mrs. L. Caballero de Clulow (Peru) (on transfer to other duties);
- Captain V.S. Knyazev (Russian Federation) (on return home);
- Mr. C. de la Torre (Spain) (on return home);
- Mr. F. Plaza (Secretariat) (on retirement);
- Captain E.O. Agbakoba (Secretariat) (on impending retirement); and
- Lieutenant O. Marumoto (JCG) (Secretariat) (on return home).

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