

MARITIME SAFETY COMMITTEE  
89th session  
Agenda item 25

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**DRAFT REPORT OF THE MARITIME SAFETY COMMITTEE  
ON ITS EIGHTY-NINTH SESSION  
(continued)**

**[For items 1, 2, 4 (part), 5 (part), 7, 8, 11, 16 (part) and 18 (part) see MSC 89/WP.1]  
[For items 9, 10 (part), 12 and 23 see MSC 89/WP.1/Add.1]**

**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 the proposed amendments to:

- .1 International Maritime Solid Bulk Cargoes (IMSBC) Code (resolution MSC.268(85); and
- .2 Part B of the International Code on Intact Stability, 2008 (2008 IS Code).

3.2 The Committee was also invited to consider matters related to the evaluation and replacement of lifeboat release and retrieval systems, adopt the following proposed amendments and approve related MSC circulars, as appropriate:

- .1 regulation III/1 of the International Convention for the Safety of Life at Sea, 1974, as amended;
- .2 International Life-Saving Appliance (LSA) Code;
- .3 Revised recommendation on testing of life-saving appliances (resolution MSC.81(70));

.4 draft MSC circular on Guidelines for evaluation and replacement of lifeboat release and retrieval systems; and

.5 draft MSC circular on Early application of new SOLAS regulation III/1.5.

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

3.4 The proposed amendments to the 1974 SOLAS Convention and to the codes mandatory under the Convention were circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by Circular letters No.2978 of 17 July 2009 (proposed amendments to the SOLAS Convention and the LSA Code) and No.3112 of 18 October 2010 (proposed amendments to the IMSBC Code).

3.5 The Committee agreed to also consider under this agenda item document MSC 89/19, regarding proposed amendments to appendices of the 1974 SOLAS Convention and its 1978 and 1988 Protocols.

### ***CONSIDERATION OF AMENDMENTS TO MANDATORY INSTRUMENT***

#### ***PROPOSED AMENDMENTS TO THE IMSBC CODE***

3.6 The Committee recalled that the proposed amendments to the IMSBC Code (MSC 89/3, annex) had been developed by DSC 15, and that MSC 86, having approved the procedure for the adoption of future amendments to the IMSBC Code, had agreed that the next amendment to the IMSBC Code should be submitted to MSC 89 for adoption. Having noted that no comments had been submitted on the draft amendments, the Committee confirmed their contents, subject to editorial improvements, if any.

#### **Date of entry into force of the proposed amendments**

3.7 The Committee agreed that the amendments to the IMSBC Code, proposed for adoption at the current session, should enter into force on 1 January 2013, and that Contracting Governments to the SOLAS Convention may apply the amendments from 1 January 2012 on a voluntary basis, and instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

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**CONSIDERATION OF NON-MANDATORY INSTRUMENT*****PROPOSED AMENDMENTS TO PART B OF THE INTERNATIONAL CODE ON INTACT STABILITY, 2008 (2008 IS CODE)***

3.8 The Committee recalled that the proposed amendments to part B (recommendatory) of the International Code on Intact Stability, 2008 (2008 IS Code) (MSC 89/3/1, annex) were developed by SLF 52 and approved by MSC 87, in accordance with SOLAS regulation II-1/2.27.2 and 1988 LL Protocol regulation I/3(16).2. Having noted that no comments had been submitted on the draft amendments, the Committee confirmed their contents, subject to editorial improvements, if any.

**Effective date of the proposed amendments**

3.9 The Committee agreed that the amendments to part B of the 2008 IS Code, proposed for adoption at the current session, should become effective on 19 May 2011, and instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

***CONSIDERATION OF THE DRAFT AMENDMENTS TO SOLAS CHAPTER III AND THE LSA CODE, AND RELATED NON-MANDATORY INSTRUMENTS RELATED TO LIFEBOAT RELEASE AND RETRIEVAL SYSTEMS*****GENERAL**

3.10 In considering matters related to the evaluation and replacement of lifeboat release and retrieval systems, following the explanation by the Chairman of the DE Sub-Committee (MSC 89/3/4), the Committee noted concerns raised by delegations and observers from industry associations that, although progress was made by the Organization, further work is needed on matters related to the safety of lifeboat release and retrieval systems, in particular, the need for a permanent secondary safety system (e.g., a locking pin, etc.) for the design of new systems, an appropriate vibration test, standardization of life-saving appliances and training issues. In this regard, the Committee welcomed the initiative by the industry to develop guidance to assist shipowners and operators in their selection of replacement hooks.

3.11 The Committee, having noted the further explanation by the DE Chairman on discussions held at DE 54 and DE 55, agreed that the DE Sub-Committee should further consider the above issues under its item on "Development of a new framework of requirements for life-saving appliances", based on relevant submissions, taking into account the proposals made by the industry lifeboat group (ISWG LRH/2/3).

***PROPOSED AMENDMENTS TO SOLAS CHAPTER III*****Regulation 1 – Application**

3.12 The Committee recalled that the proposed amendments to SOLAS chapter III were developed by DE 52 and approved by MSC 86, and that their adoption had been deferred by MSC 87 and MSC 88 (MSC 88/3, annex 1), pending finalization of the associated Guidelines for evaluation and replacement of lifeboat release and retrieval systems.

3.13 The Committee also recalled the outcome of the *Ad Hoc* Working Group on Lifeboat Release Hooks, established by MSC 88, and DE 55, which prepared modifications to the proposed amendments to SOLAS chapter III (MSC 89/3/4, annex 2), in particular the date for replacement of lifeboat release and retrieval systems, included in square brackets in the new draft paragraph 5 of SOLAS regulation III/1.

3.14 The Committee noted that no comments had been submitted on the draft amendments to regulation III/1 and confirmed their contents, to delete square brackets around the dates "1 July 2014" and "1 July 2019" and retain the text, subject to editorial improvements, if any.

**Date of entry into force of the proposed amendments**

3.15 The Committee agreed that the SOLAS amendments proposed for adoption at the current session should be deemed to have been accepted on 1 July 2012 and should enter into force on 1 January 2013, and instructed the drafting group to prepare the final text of the draft requisite MSC resolution for adoption.

***PROPOSED AMENDMENTS TO THE LSA CODE***

3.16 The Committee recalled that the proposed amendments to the LSA Code were developed by DE 52 and approved by MSC 86, and that their adoption had been deferred by MSC 87 and MSC 88 (MSC 88/3, annex 3), pending finalization of the associated Guidelines for evaluation and replacement of lifeboat release and retrieval systems.

3.17 The Committee also recalled the outcome of the *Ad Hoc* Working Group on Lifeboat Release Hooks, established by MSC 88, and DE 55, which prepared modifications to the proposed amendments to the LSA Code (MSC 89/3/4, annex 4).

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

#### **Date of entry into force of the proposed amendments**

3.19 The Committee agreed that the amendments to the LSA Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2012 and should enter into force on 1 January 2013, and instructed the drafting group to prepare the final text of the draft requisite MSC resolution for adoption. In this regard, the Committee, taking into account that the new SOLAS regulation III/1.5 would apply to all ships after 1 July 2014, endorsed, for ships constructed on or after 1 July 2014, that lifeboat release and retrieval systems shall comply with the amended LSA Code, and also that, for ships constructed on or after date of approval of this circular but before 1 July 2014, lifeboat release and retrieval systems should comply with the amended LSA Code. The Committee agreed that the above decision should also be reflected in the draft MSC circular on Early application of new SOLAS regulation III/1.5 (see paragraph 3...).

#### ***PROPOSED AMENDMENTS TO THE REVISED RECOMMENDATION ON TESTING OF LIFE-SAVING APPLIANCES (RESOLUTION MSC.81(70))***

3.20 The Committee recalled the outcome of the *Ad Hoc* Working Group on Lifeboat Release Hooks, established by MSC 88, and DE 55, which prepared associated draft amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)) (MSC 89/3/4, annex 5), and confirmed the contents subject to any editorial improvements.

#### ***PROPOSED GUIDELINES FOR EVALUATION AND REPLACEMENT OF LIFEBOAT RELEASE AND RETRIEVAL SYSTEMS***

3.21 The Committee recalled that the draft Guidelines for evaluation and replacement of lifeboat release and retrieval systems and the associated MSC circular had been considered by MSC 88 (MSC 88/3/4) and that their approval had been deferred to this session, pending further consideration of the draft Guidelines at DE 55.

3.22 The Committee also recalled the outcome of the *Ad Hoc* Working Group on Lifeboat Release Hooks, established by MSC 88 and DE 55, which prepared modifications to the draft Guidelines (MSC 89/3/4, annex 1), and confirmed the contents subject to any editorial improvements.

3.23 With regard to the reporting procedure on the results of evaluation of existing systems and a factual statement to be issued by a manufacturer upon satisfactory completion of the overhaul examination, which are described in the draft Guidelines, the Committee, while approving the contents, noted the concerns expressed on actual implementation of these procedures raised by the observer from IACS and instructed the DE and FSI Sub-Committees to further consider the matter in detail and advise the Committee as appropriate.

***MSC CIRCULAR ON EARLY APPLICATION OF NEW SOLAS REGULATION III/1.5***

3.24 The Committee also considered the associated draft MSC circular on Early application of new SOLAS regulation III/1.5, prepared by the *Ad Hoc* Working Group on Lifeboat Release Hooks, established by MSC 88, and DE 55 (MSC 89/3/4, annex 3), and confirmed the contents, subject to any editorial improvements.

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

3.25 The Committee recalled that MSC 88, while considering document MSC 88/20/2 (IACS), referring to the amendments to the appendix of the 1974 SOLAS Convention in relation to the Cargo Ship Safety Construction Certificate and the Passenger Ship Safety Certificate with regard to the expression "Date of build" (resolution MSC.216(82)) which, as a consequence, might have also been relevant for amending the 1988 SOLAS Protocol. Consequently, MSC 88 had requested the Secretariat, based on its initial internal study, to carry out a thorough and comprehensive review of the consistency among the forms of certificates and records contained in the appendices of the 1974 SOLAS Convention and its 1988 Protocol and to submit the results of such review to MSC 89.

3.26 The Committee also recalled that MSC 88 had decided that the document to be prepared by the Secretariat should contain a set of draft amendments to the abovementioned instruments, which should be strictly consequential to the amendments already adopted, and a possible procedure to avoid future anomalies.

3.27 In pursuance of the above request, the Committee noted document MSC 89/19 (Secretariat), presenting a study (annex 1), which found that the amendments to the appendices of the 1974 SOLAS Convention and its 1978 and 1988 Protocols were not always harmonized and in some cases, had resulted in inconsistencies in some forms of certificates or records of equipment. The study also found that records of equipment might need to be updated in order to reflect current requirements of the SOLAS Convention.

3.28 The Committee also noted that the study suggested that proposed amendments to appendices of the aforementioned instruments, which are only consequential to the amendments to the appendices already adopted, could be approved and adopted in two complementary forms. First, errors contained in amendments to forms of certificates or records of equipment, which were adopted by previous resolutions MSC.171(79), MSC.216(82) and MSC.283(86), need to be rectified. Second, for the purpose of streamlining documentation, avoiding unnecessary duplication of the contents and facilitating the drafting of future revisions, draft amendments should be developed in order to reduce the number of records of equipment by removing the records of equipment for Form P, Form E and Form R from the appendix of the 1988 SOLAS Protocol, and the records of equipment for Form PNUC and Form CNUC from the appendix of the 1974 SOLAS Convention. The study, in its additional considerations, also pointed out that the records of equipment (Form P, Form E, Form R, Form C, Form PNUC and Form CNUC) might need to be updated to reflect the current requirements of the Convention.

3.29 In considering how best proceed in light of the above study, the Committee decided to refer document MSC 89/19 to the drafting group and instructed the group, taking into account the discussion and decision made in the plenary, to prepare the final text of editorial corrections to the annexes to resolutions MSC.171(79), MSC.216(82) and MSC.283(86), concerning the forms of certificates, for issuing Note verbal of rectifications.

3.30 With regard to harmonizing the certificates and records of equipment, the Committee decided to defer preparation of any draft amendments to the appendices of the 1974 SOLAS Convention and its 1978 and 1988 Protocols to MSC 90, when more time would be available to consider the matter in detail. In this connection, Member Governments and international organizations were invited to submit comments and proposals to MSC 90.

***PROPOSAL FOR GUIDANCE ON DRAFTING AMENDMENTS TO THE SOLAS CHAPTERS II-1, II-2 AND III***

3.31 In the context of the thorough and comprehensive review of the forms of certificates of the 1974 SOLAS Convention and the 1988 SOLAS Protocol, with a view to providing a set of proposals for modifications to existing certificates, for approval at this session, the Committee noted that the Secretariat prepared document MSC 89/3/2, identifying the need for a consistent and systematic approach to avoid any future anomalies and errors in the process of drafting amendments to IMO instruments, in particular regarding amendments to SOLAS requirements concerning structure and equipment, and undertaking to provide guidance for the drafting of amendments to the SOLAS Convention, as set out in the annex to

document MSC 89/3/2. The Committee also noted that this was the first attempt at establishing such guidance and that it should be improved in the future, taking into account the experience gained in the application of the guidance. The Committee agreed that, in order to ensure effective implementation of such guidance in a systematic way, every opportunity of drafting work in the Organization should be utilized to apply it, with a view to examining all amendments to SOLAS thoroughly from the point of view of providing clean application provisions for future amendments to technical SOLAS requirements.

3.32 In this connection, the Committee also noted document MSC 89/3/3 (Argentina), proposing a methodology for establishing the scope of application of amendments to certain chapters of the SOLAS Convention, and the LSA, FSS and FTP Codes, in order to establish a fast and systematic set of requirements to apply to a ship according to its age.

3.33 The Committee, taking into account that similar issues were being discussed in relation to the revision of the Committee's Guidelines, decided to instruct the 2011 Chairmen's meeting to consider the above documents (see also paragraph 21...) and, having considered the part of the meeting's report (MSC 89/WP.10) related to this issue, noted that the meeting had considered the methodologies proposed in the above documents and agreed that, as a first step, clear definitions should be prepared for the words "construction" and "equipment" with a view to clarifying the scope of application of article VIII(e) of the Convention. The meeting also agreed that the guidance proposed in the above documents, once harmonized, should initially be limited to the application of the SOLAS Convention and applied by the MSC Drafting Group on Adoption of Amendments. Notwithstanding the above view, the meeting felt that eventually, once experience has been gained, future guidance could also be applied to other IMO instruments, as appropriate.

3.34 After a general discussion of the recommendations made by the group, the Committee noted the meeting's views on the issue of drafting of amendments to IMO instruments and, having agreed that any new drafting procedures should initially be limited to the application of the SOLAS Convention, decided to forward the above outcome to MEPC 62 for consideration and instructed the FSI Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of mandatory IMO instruments to consider documents MSC 89/3/2 and MSC 89/3/3 and report its outcome to FSI 20.



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**ESTABLISHMENT OF A DRAFTING GROUP**

3.35 Having considered the above matters, the Committee established an *ad hoc* drafting group under the chairmanship of Mr. K. Yoshida (Japan), and instructed it to prepare:

- .1 the final text of the draft amendments to the International Maritime Solid Bulk Cargoes (IMSBC) Code and the associated draft MSC resolution;
- .2 the final text of the draft amendments to part B of the International Code on Intact Stability, 2008 (2008 IS Code) and the associated draft MSC resolution;
- .3 the final text of the draft amendments to regulation III/1 of the International Convention for the Safety of Life at Sea, 1974, as amended, and the associated draft MSC resolution;
- .4 the final text of the draft amendments to the International Life-Saving Appliance (LSA) Code and the associated draft MSC resolution;
- .5 the final text of the draft amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)) and the associated draft MSC resolution;
- .6 the final text of the draft Guidelines for evaluation and replacement of lifeboat release and retrieval systems and the associated draft MSC circular;
- .7 the final text of the draft Early application of new SOLAS regulation III/1.5 and the associated draft MSC circular; and
- .8 the final text of editorial modifications to the annexes to resolutions MSC.171(79), MSC.216(82) and MSC.283(86) concerning the forms of certificates for issuing *Note verbale* of rectifications,

for consideration by the Committee with a view to adoption and approval, as appropriate.

**[REPORT OF THE DRAFTING GROUP]**

3.36 Having considered the report of the drafting group (MSC 89/WP.5), the Committee approved it in general and took action as indicated hereunder.

**ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENT*****ADOPTION OF AMENDMENTS TO THE IMSBC CODE***

3.37 The expanded Committee, including the delegations of [...] Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IMSBC Code, prepared by the drafting group (MSC 89/WP.5, annex 1), and adopted the amendments unanimously by resolution MSC...(89), as set out in annex ...

3.38 In adopting resolution MSC...(89), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IMSBC Code should be deemed to have been accepted on 1 July 2012 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2013, in accordance with the provisions of article VIII thereof.

3.39 The Committee agreed that, in accordance with the procedure approved by MSC 86 for the adoption of amendments to the IMSBC Code with regard to, *inter alia*, voluntary application of new amendments one year prior to their date of entry into force, as stated in the operative paragraph 4 of the resolution, Contracting Governments may apply the aforementioned amendments in whole or in part on a voluntary basis from 1 January 2012, pending their entry into force on 1 January 2013.

**ADOPTION OF AMENDMENTS TO NON-MANDATORY INSTRUMENT*****ADOPTION OF AMENDMENTS TO PART B OF THE 2008 IS CODE***

3.40 The Committee considered the final text of the proposed amendments to part B (recommendatory) of the International Code on Intact Stability, 2008 (2008 IS Code), prepared by the drafting group (MSC 89/WP.5, annex 2), and adopted the amendments by resolution MSC....(89), set out in annex ....

**ADOPTION OF AMENDMENTS TO SOLAS CHAPTER III AND THE LSA CODE, AND RELATED NON-MANDATORY INSTRUMENTS CONCERNING LIFEBOAT RELEASE AND RETRIEVAL SYSTEMS*****ADOPTION OF AMENDMENTS TO SOLAS CHAPTER III***

3.41 The expanded Committee, including delegations of [...] Contracting Parties to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapter III of the 1974 SOLAS Convention, prepared by the drafting group (MSC 89/WP.5, annex 3), and adopted the amendments unanimously by resolution MSC....(89), as set out in annex ...

3.42 In adopting resolution MSC...(89), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to chapter III of the SOLAS Convention should be deemed to have been accepted on 1 July 2012 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2013, in accordance with the provisions of article VIII thereof.

#### ***ADOPTION OF AMENDMENTS TO THE LSA CODE***

3.43 The expanded Committee, including delegations of [...] Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the International Life-Saving Appliance (LSA) Code, prepared by the drafting group (MSC 89/WP.5, annex 4), and adopted the amendments unanimously by resolution MSC...(89), as set out in annex ....

3.44 In adopting resolution MSC...(89), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the LSA Code should be deemed to have been accepted on 1 July 2012 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2013, in accordance with the provisions of article VIII thereof.

#### ***PROPOSED AMENDMENTS TO THE REVISED RECOMMENDATION ON TESTING OF LIFE-SAVING APPLIANCES (RESOLUTION MSC.81(70))***

3.45 The Committee considered the final text of the proposed amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)), prepared by the drafting group (MSC 89/WP.5, annex 6), and adopted the amendments by resolution MSC...(89), set out in annex ...

3.46 In light of the above, the Committee noted that the group, in considering the draft amendments to resolution MSC.81(70), had noted that footnotes, referring to resolution MSC.81(70), in chapter III of the 2009 Consolidated Edition of the 1974 SOLAS Convention, needed to be amended, to include the words "as amended" after the words "resolution MSC.81(70)", and requested the Secretariat to amend the aforementioned footnotes as appropriate.

**APPROVAL OF THE GUIDELINES FOR EVALUATION AND REPLACEMENT OF LIFEBOAT RELEASE AND RETRIEVAL SYSTEMS**

3.47 The Committee considered the final text of the proposed Guidelines for evaluation and replacement of lifeboat release and retrieval systems and the associated draft MSC circular, prepared by the drafting group (MSC 89/WP.5, annex 5), and approved MSC.1/Circ... on Guidelines for evaluation and replacement of lifeboat release and retrieval systems.

**EARLY APPLICATION OF NEW SOLAS REGULATION III/1.5**

3.48 The Committee also considered the final text regarding the early application of new SOLAS regulation III/1.5, prepared by the drafting group (MSC 89/WP.5, annex 7), and approved it as MSC.1/Circ... on Early application of new SOLAS regulation III/1.5.

**EDITORIAL MODIFICATIONS TO THE ANNEXES TO RESOLUTIONS MSC.171(79), MSC.216(82) AND MSC.283(86)**

3.49 In considering the proposed editorial modifications to the annexes to resolutions MSC.171(79), MSC.216(82) and MSC.283(86) concerning the forms of certificates, the Committee, noting document MSC 73/21/Add.2/Corr.1, containing a corrigenda to the item numbers relevant to the proposed editorial modifications to the annexes to resolutions MSC.171(79) and MSC.283(86), noted that the group had agreed that there was no need to make modifications to the annex to resolution MSC.283(86). However, having noted an editorial mistake in the proposed modifications to the annex to resolution MSC.171(79), contained in annex 4 to document MSC 89/19, the Committee noted that the group had agreed on the need for a relevant editorial modification to the aforementioned resolution.

3.50 Subsequently, the Committee considered the proposed editorial modifications to the annexes to resolutions MSC.171(79) and MSC.216(82) concerning the forms of certificates, prepared by the drafting group (MSC 89/WP.5, annexes 8 and 9), endorsed the aforementioned editorial modifications, set out in annexes ... and ..., respectively, and requested the Secretariat to issue the relevant Note verbale of rectifications accordingly.

**INSTRUCTIONS TO THE SECRETARIAT**

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

any errors or omissions which require action by the Contracting Governments to the 1974 SOLAS Convention, and Parties to the 1988 SOLAS Protocols.]

#### **4 MEASURES TO ENHANCE MARITIME SECURITY (continued)**

4.22 .1 with respect to the development of the Maritime Security Manual, and with reference to documents MSC 89/4/1 and MSC 89/INF.13:

.1 consider and provide recommendations on any proposals received by the correspondence group since document MSC 89/INF.13 was issued;

.2 discuss and resolve any outstanding substantive issues;

.3 recommend the final text of the document disclaimer; and

.4 submit the final document to plenary with a view to approval in the following format:

(a) main body (to be translated); and

(b) appendices (English only); and

.2 with reference to the proposals contained in document MSC 89/4/2 (Republic of Korea), consider and provide recommendations on the need to conduct periodical surveys of SSAS equipment and, if appropriate, how this issue should be taken forward.

#### **[REPORT OF THE WORKING GROUP]**

4.23 Having considered the part of the report of the Working Group on Maritime Security and Piracy (MSC 89/WP.6) related to this item, the Committee approved it in general and took action as indicated in paragraphs 4.24 to 4.27.

#### ***Development of the Maritime Security Manual***

4.24 The Committee noted that the group, having reviewed all of the proposals received by the correspondence group and issues raised in plenary, had agreed to amend the draft Maritime Security Manual (document MSC 89/INF.13) as follows:

- .1 changed the title of the document to "User Guide to SOLAS chapter XI-2 and the ISPS Code" (the User Guide) to more accurately capture its purpose and content;
- .2 changed the definition of Contracting Government in 1.8.1.m;
- .3 added a new paragraph 2.2.31*bis* related to national legislation and review of PFSA's;
- .4 added new paragraphs under 2.10.8 to clarify the issue raised related to interim and initial verifications;
- .5 added a new paragraph 2.17.17 indicating that some governments exercise oversight to ensure sustained implementation of PFSPs through frequent spot checks;
- .6 added a new section on preventing unauthorized access (3.8.22), and a new section on effective security of cargo, ship's stores and ship's equipment (3.8.23); and
- .7 finalized the text of the disclaimer in the preamble to the User Guide.

4.25 The Committee approved the IMO User Guide to SOLAS chapter XI-2 and the ISPS Code; and instructed the Secretariat to undertake a final editorial review of the User Guide prior to its publication, make consequential amendments to the User Guide when changes to the related IMO instruments occurred and to report such amendments to subsequent sessions of the Committee.

4.26 The Committee noted that the group had discussed the issue relating to further consideration of potential supplementary documents related to LRIT and piracy and armed robbery against ships. Regarding LRIT matters, the group had acknowledged the fact that a user guide on LRIT had already been adopted by means of MSC.1/Circ.1298 on Guidance on the implementation of the LRIT system. Having noted that there had been no submissions to MSC 89 in relation to piracy and armed robbery against ships, the Committee agreed to invite interested delegations to submit proposals with respect to the possible development of a User Guide on piracy and armed robbery against ships for its consideration in future sessions.

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***Consideration of periodical survey to Ship Security Alert System (SSAS)***

4.27 The Committee noted that the group had agreed that section A/19-1 of the ISPS Code addressed requirements for verification of SSAS; MSC/Circ.1097 on Guidance relating to the implementation of SOLAS chapter XI-2 and the ISPS Code provided guidance on means to ensure the system is correct and viable; and that these were sufficient to provide appropriate guidance. The Committee agreed that there was no need to establish a new instrument requiring periodic surveys of the SSAS system and that annual testing procedures could be put in place by the Administration.]

**5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS (continued)****[Report of the GBS/FSA Working Group]**

5.10 Having considered the part of the report of the GBS/FSA Working Group (MSC 89/WP.7), dealing with the agenda item, the Committee approved it in general and took action as indicated in paragraphs 5.11 to 5.13.

***Generic guidelines for developing goal-based standards***

5.11 The Committee approved MSC.1/Circ.... on Generic guidelines for developing goal-based standards.

***Future work on GBS***

5.12 The Committee endorsed the group's view on the future work on GBS, in particular on the further development of the safety level approach (SLA) as a high priority issue under the current agenda item on GBS.

***Strategic Directions, High-level Actions and Planned outputs for the next biennium***

5.13 The Committee endorsed the group's recommendation to include security and protection of the marine environment for GBS in the Strategic Directions, High-level Actions and Planned outputs for the coming biennium (see paragraph 22...)].

## **10 TRAINING AND WATCHKEEPING (continued)**

### **[Report of the working group]**

10.33 Having considered the report of the working group (MSC 89/WP.8), the Committee approved it in general and took action as indicated in paragraphs 10.34 to 10.36.

### ***Future terms of reference of the STW Sub-Committee***

10.34 The Committee approved the revised terms of reference of the STW Sub-Committee, as set out in annex ....

### ***Implementation of the 2010 Manila Amendments***

10.35 The Committee approved:

- .1 STCW.7/Circ.16 on Clarification of transitional provisions relating to the 2010 Manila Amendments to the STCW Convention and Code; and
- .2 STCW.7/Circ.17 on Advice to port State control authorities on transitional arrangements leading up to the full implementation of the requirements of the 2010 Manila Amendments to the STCW Convention and Code.

10.36 The Committee invited Member Governments and international organizations to bring to the notice of the STW Sub-Committee any difficulties encountered in implementing the requirements of the 2010 Manila Amendments, with a view to providing the appropriate guidance.]

## **13 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE**

### **URGENT MATTERS EMANATING FROM THE FIFTEENTH SESSION OF THE SUB-COMMITTEE**

#### **General**

13.1 The Committee considered urgent matters referred to it (MSC 89/13) emanating from the fifteenth session of the Sub-Committee (COMSAR 15/16) and took action as indicated hereunder.

#### **Scoping exercise to establish the need for a review of the elements and procedures of the GMDSS**

13.2 The Committee noted the progress made with regard to the Work Plan on the Scoping exercise to establish the need for a review of the elements and procedures of the



GMDSS and the establishment of a correspondence group. It was further noted that the Correspondence Group on the Scoping Exercise should progress the development of the Work Plan, including consideration as to how the matter of incorporation of additional satellite systems into the GMDSS might be achieved, as an outcome of the Scoping exercise, with a view to finalization at COMSAR 16 and subsequent approval of an unplanned output on the review and modernization of the GMDSS by MSC 90.

### **Review of the NAVTEX Manual**

13.3 The Committee approved MSC.1/Circ..... on the Revised NAVTEX Manual. The Committee noted that the revision of the NAVTEX Manual was the last step in the holistic review of all World-Wide Navigational Warning Service documentation, following the adoption of amendments to resolutions A.705(17) and A.706(17), as amended by MSC 85; the approval of the revised Joint IMO/IHO/WMO Manual on Maritime Safety Information (MSI) by MSC 86; and the approval of the revised International SafetyNET Manual by MSC 87.

### **Development of an Assembly resolution on the Worldwide Met-Ocean Information and Warning Service**

13.4 The Committee approved the draft Assembly resolution on IMO/WMO Worldwide Met-Ocean Information and Warning Service Guidance Document with a view to adoption by the twenty-seventh session of the Assembly.

13.5 The Committee recalled that this draft Assembly resolution had been developed to ensure consistency with other components of maritime safety information and to meet the requirements of SOLAS regulation V/5.4, by providing specific guidance for the promulgation of internationally coordinated meteorological information, forecast and warnings. It was further recalled that this would complement the existing resolution A.706(17), as amended (MSC.1/Circ.1288), containing the IMO/IHO Worldwide Navigational Warning Services Guidance Document.

### **NAVAREA Coordinators**

13.6 The Committee endorsed the Sub-Committee's action in instructing the Secretariat to circulate COMSAR.1/Circ.51/Rev.1 containing the list of NAVAREA Coordinators.

13.7 The Committee endorsed the action taken by the Sub-Committee in authorizing the Secretariat to issue future updates of the list of NAVAREA Coordinators upon receipt of

changes from either a NAVAREA Coordinator or from IHO and to issue appropriate revisions to the COMSAR circular, informing the COMSAR Sub-Committee accordingly.

### **ITU Maritime Radiocommunication matters**

#### ***The seventh meeting of the Joint IMO/ITU Experts Group***

13.8 The Committee authorized the convening of the seventh meeting of the Joint IMO/ITU Experts Group, to be held at the Organization's London Headquarters, from 13 to 15 September 2011.

#### ***IMO position on WRC-12 Agenda items concerning matters relating to maritime services***

13.9 The Committee approved the revised draft IMO position on WRC-12 Agenda items concerning matters relating to maritime services. The Committee noted that this was the final approval of the IMO position for submission to the ITU World Radiocommunication Conference, which was scheduled to take place from 23 January to 17 February 2012.

13.10 The Committee authorized the Joint IMO/ITU Experts Group, at its September 2011 meeting, to add, as appropriate, more non-contentious information in the background sections of the Agenda items contained in the IMO position for WRC-12, as approved at the current session of the Committee, in order to strengthen the arguments supporting the IMO position. The Secretariat was instructed to submit the IMO position, amended as appropriate, to ITU after the meeting of the Experts Group had taken place.

### **Matters concerning search and rescue, including those related to the 1979 SAR Conference and the implementation of the GMDSS**

#### ***The eighteenth session of the ICAO/IMO Joint Working Group***

13.11 The Committee authorized the convening of the eighteenth session of the ICAO/IMO Joint Working Group, to be held in Norway, from 3 to 7 October 2011.

### **Measures to protect the safety of persons rescued at sea**

13.12 The Committee noted the outcome of discussions with regard to measures to protect the safety of persons rescued at sea and, in particular, that COMSAR 15 had:

- .1 noted the progress made in the work on the development of a draft regional arrangement;

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- .2 in view of the ongoing work, agreed to invite MSC 89 to extend the target completion date to 2012; and
  - .3 concluded that the parties concerned should meet again as early as possible to take stock and review the situation; and eventually consider the expansion of the group to other interested parties in the light of the development of a draft regional agreement as a "pilot scheme" which, if successful, could be extended to other parts of the world experiencing the same or similar situations.

13.13 The Committee further noted document MSC 89/INF.23 (Secretariat), providing information on the progress made in the development of a draft Regional agreement on concerted procedures relating to the disembarkation of persons rescued at sea. It was also noted that the second consultation of a group of interested parties had been held under the auspices of, and chaired by, the Secretary-General on 6 April 2011 and, that the meeting had been attended by representatives from Italy, Spain and the Secretariat.

13.14 The meeting had reviewed the situation in the region; noted the loss of more than 200 lives when a vessel had capsized in the Mediterranean Sea on 6 April 2011; and had agreed that urgent action was required towards the establishment of a draft Regional agreement on concerted procedures relating to the disembarkation of persons rescued at sea. The meeting further had:

- .1 reviewed the terms of reference for future meetings to consider the development of such a Regional agreement;
- .2 completed a first reading and prepared the draft text for the above Regional agreement, to be used as the basis for consideration at a future meeting;
- .3 agreed that, since the issue under consideration was concerning the Mediterranean region, with global dimensions, the group should be expanded to include other interested parties concerned in the region, and the next meeting should consequently be convened as a regional meeting with relevant regional and international organizations, as early as possible after MSC 89; and
- .4 agreed that consideration of the development of a Regional agreement should be restricted to purely maritime matters, in view of IMO's primary

concern for the integrity of the search and rescue and, consequentially, the safety of life at sea regime.

13.15 The delegation of Malta stated that they could not attend the meeting held on 6 April 2011 and that they were not in complete agreement with the outcome of that meeting, as reflected in document MSC 89/INF.23. Malta added that while they had no difficulty with the essence of the terms of reference, in the interest of clarity and consistency the text needed to be revisited. Malta had some reservations about the expansion of the Group, particularly to international and regional organizations and to other States outside the region, but had strong reservations about the text of a first draft of a Regional Agreement they had seen which, as far as they were aware, had not been officially circulated. Malta was of the opinion that perhaps another meeting between the three States under the auspices of the Secretariat to address these issues would not be amiss, since up to now everything was still open for discussion.

Malta stressed that the Committee should be aware that while there might be some divergence of opinion on the procedure related to the disembarkation of persons rescued at sea, Italy, Spain and Malta still continued to carry out their search and rescue responsibilities and extensive activities and here there was no divergence of opinion. Search and Rescue operations in the West Mediterranean were carried out successfully on a regular basis.

13.16 The delegation of Italy thanked Malta for its availability for future meetings and reiterated its willingness to progress the development of the procedures related to the disembarkation of persons rescued at sea. Italy further stated that during COMSAR 14, it had been already made clear that the problem in the region was serious indeed and could become worse and worse and, unfortunately, what had happened, in particular, during the last few months went beyond the worst predictions. Since 1 January 2011, Italy had coordinated and carried out more than 600 SAR operations in the southern part of the Mediterranean basin [and around 34,000 persons had thus far been rescued and accepted on Italian territory]. Italy expressed the view that the Group was ready to be expanded to and involve other interested parties in the region.

13.17 The UNHCR observer explained that developments in North Africa in the first few months of 2011, notably events in Libya, had led to the movement of hundreds of thousands of people to neighbouring countries and also across the Mediterranean, often in unseaworthy vessels. UNHCR's statistics indicated that since February 2011, some 700,000 people,

Libyans and other nationalities, had departed from the Libyan Arab Jamahiriya alone. To date, 14,000 people had arrived by boat in Italy and Malta from Libyan Arab Jamahiriya. The UNHCR expressed its concerns about the very high number of casualties, which had recently occurred in the Mediterranean. Based on accounts from survivors and family members, over 1,200 people were still unaccounted for since 25 March 2011. The UNHCR observer also urged States to strengthen the rescue at sea regime in the Mediterranean through early initiation of Search and Rescue operations, better coordination and information sharing. It welcomed the efforts of the Secretary-General and interested countries to work towards the establishment of a regional agreement and declared its readiness to do whatever it could within its protection mandate, to assist and contribute to a successful outcome of the process.

13.18 The delegation of Spain stated that it had actively participated in the meetings held so far to find a solution to this problem and reiterated its readiness to co-operate and continue working on this issue at future meetings.

13.19 The Director of the Maritime Safety Division, speaking on behalf of the Secretariat, explained that significant progress had thus far been made under the auspices of the Secretary-General. The IMO Secretariat wished to proceed working on this matter with all three countries involved, taking into account the views expressed, and would give careful consideration as to how to move forward.

#### **Development of Standards for Inmarsat equipment**

13.20 The Committee agreed to recommend to the twenty-seventh session of the Assembly to revoke resolution A.570(14), as the recommendation of that resolution was now included in the recommendations of the performance standards given in resolutions A.807(19), MSC.130(75) and MSC.306(87).

13.21 The Committee recalled that MSC 88, in considering the matter of LRIT shipborne equipment not operating within the LRIT system in accordance with the provisions of SOLAS regulation V/19-1 and the revised performance standards, it had invited IEC to consider the issue of the type approval of LRIT shipborne equipment and report its findings to the COMSAR Sub-Committee for consideration. The Committee noted that it had dealt with the matter of LRIT shipborne equipment under agenda item 6 (see paragraphs 6... to 6...).

**LSA Code amendment concerning lifeboat exterior colour**

13.22 The Committee recalled that MSC 87, in considering draft amendments to the LSA Code clarifying the phrase "highly visible colour" in relation to the lifeboat exterior colour, had noted the view of the observer from CLIA, supported by several other delegations, that yellow was a comparably highly visible colour, as required by the current provisions of paragraph 1.2.2.6 of the LSA Code. It was further recalled that they were opposing a draft amendment to paragraph 1.2.2.6, prepared by DE 53, proposing an amendment to the LSA Code to restrict the lifeboat exterior colour to international or vivid reddish orange only.

13.23 The Committee recalled also that MSC 87 had, consequently, decided to refer the proposed LSA Code amendments to COMSAR 15 for detailed technical consideration and advice before the Committee considered and approved them with a view to subsequent adoption.

13.24 The Committee noted that COMSAR 15 had considered document COMSAR 15/15/2 (United States), providing information on a "Field Study of Detectability of Colored Targets at Sea" conducted by the United States Naval Medical Research Laboratory in 1955, and that, the majority of the delegations who spoke on this issue at COMSAR 15, were of the view that the study presented by the United States was outdated and that a new study was needed, taking into account present circumstances. Views were also expressed that there was no evidence that life-saving equipment had not been located for lack of visible colour; no compelling need was demonstrated for such a change of the LSA Code; and it would not be advisable to make any hasty decisions on an issue of such severity and financial impact for the shipping industry.

13.25 The Committee noted further that COMSAR 15, taking into account the information provided by the observer of IACS, informing that they had developed a unified interpretation for the expression "or a comparably highly visible colour" in this context, had concluded that the proposed amendment to the LSA Code was not justified and invited the Committee to take appropriate action.

13.26 Having considered the above views, the Committee decided:

- .1 not to approve the proposed amendment to paragraph 1.2.2.6 of the LSA Code; and

- .2 to instruct the DE Sub-Committee to re-consider the IACS unified interpretation, which had been brought to the attention of DE 53 by document DE 53/17 (IACS), and develop an MSC circular, as appropriate, under its existing agenda item "Development of a new framework of requirements for life-saving appliances".

## **ESTABLISHMENT OF REGIONAL MRCCs**

### **Establishment of Regional MRCCs in Africa**

13.27 The Committee noted that the final link in the chain of sub-regional MRCCs around Africa's coast had been completed on 3 March 2011 with the signing, in the presence of representatives from Cape Verde, the Gambia, Guinea-Bissau, Mauritania, Morocco and Senegal, of an *ad hoc* multi-lateral co-operative agreement on the North and West African sub-regional MRCC, which established a new Regional MRCC in Morocco, with its associated sub-centres in the other participating countries.

Subsequently, together with the competent Moroccan Minister and Ministers of the participating regional countries, the Secretary-General had commissioned the Regional MRCC in Rabat, which, together with the Regional MRCCs already established in Mombasa, Cape Town, Lagos and Monrovia, completed the network of Regional MRCCs in Africa, as recommended by the 2000 Florence Conference. The Florence Conference had proposed a regional approach to the provision of search and rescue services in western, southern and eastern parts of Africa in countries selected for their strategic location.

13.28 The delegation of Senegal confirmed that Senegal had not signed the *ad hoc* multi-lateral co-operative agreement on the North and West African sub-regional MRCC. They were of the view that the outcome of the Lagos Sub-Regional Conference on Maritime Search and Rescue (Lagos, 8-10 October 1991) had not been fully respected, which had dedicated a search and rescue region (SRR) under the coordination of Senegal. Senegal had expressed their readiness to keep the operational coordination of that SRR also under the arrangements made pursuant to the outcome of the 2000 Florence Conference, as laid down in the *ad hoc* multi-lateral co-operative agreement. Senegal was of the opinion that their views had not been fully taken into account in the completion of the agreement.

13.29 The delegation of Morocco expressed the view that the *ad hoc* multi-lateral co-operative agreement on the North and West African sub-regional MRCC was fully in line with the outcome of the 2000 Florence Conference. The Secretary-General had inaugurated

the Regional MRCC in Morocco, thus completing the establishment of all five regional centres along the African coast, as agreed at the Florence Conference. Morocco further informed the Committee that the Rabat MRCC was well equipped and prepared to provide SAR services for the whole area under its responsibility.

### **Establishment of Regional MRCCs in Central America**

13.30 The Committee recalled that COMSAR 4, held in July 1999, had identified East and West Africa and some parts of Asia and the Pacific, Central and South America and the Mediterranean region as being the areas mainly lacking SAR and GMDSS facilities. COMSAR 4 had agreed that, in considering any action to be taken, priority should be given to the African regions first and to the other regions later, in accordance with the outcome of assessments. It was noted the MSC 72, held in May 2000, had endorsed this approach.

13.31 In the above context, the Committee considered document MSC 89/13/1 (Secretariat), requesting the Committee's approval to develop a technical co-operation project for the establishment of two Regional MRCCs and five associated sub-centres in Central America for search and rescue coordination purposes.

13.32 The Committee noted that, following the establishment of the five Regional MRCCs in Africa and the ongoing work on the establishment of associated sub-centres in that region, the Secretariat had recently explored the possibilities to extend the implementation of the concept of the regional approach, by establishing Regional MRCCs and sub-centres in other regions. It had become evident that the Central America region needed urgent attention. Although limited SAR and GMDSS Services were available in several countries in the region, no relevant information had been provided to the Organization for inclusion in the Global SAR Plan (SAR.8 circular) and the GMDSS Master Plan (GMDSS.1 circular). Furthermore, none of the seven countries concerned (Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama) had so far ratified the SAR Convention.

13.33 The Committee noted further that, if it was to agree to the desirability of addressing the adequacy of an appropriate SAR infrastructure in Central America, a first step would be the organization, preferably towards the latter part of 2011, of a series of needs assessment and evaluation missions on the availability of SAR and GMDSS facilities to all the seven aforementioned Central American countries concerned. Following these missions, a decision could be made as to which two countries (one on the Pacific and one on the Caribbean side) should be hosting the Regional MRCC and which countries would need to establish associated sub-centres.



13.34 The Committee noted also that available ITCP Funds could be used for undertaking the proposed needs assessment and evaluation missions. Further follow-up action would involve development of a relevant project proposal including identification and mobilization of funds from the International SAR Fund to undertake the resulting proposed technical assistance activities.

13.35 The delegation of Chile expressed its support for the proposed project and explained that in 2002 it had signed a Memorandum of Understanding (MoU) with the Organization for the provision of Technical Co-operation for Latin American countries relating to any matters within the scope of the Organization. This MoU had been amended in 2005 with the aim of introducing the Global SAR Plan to all IMO Member States. In this context, Chile offered all human, material, technical and technological resources available, through its maritime authority, to implement the technical co-operation project aimed at the establishment of two Regional MRCCs and five associated sub-centres in Central America.

13.36 All delegations that spoke on this subject supported the proposed project, recognizing the urgent need for the establishment of appropriate SAR and GMDSS facilities in the region. The offer of Chile to provide the necessary assistance was very much appreciated. Some other delegations also offered to provide technical assistance to implement the project.

13.37 Following debate, the Committee approved the development of a technical co-operation project aimed at the establishment of two Regional MRCCs and five associated sub-centres in Central America for search and rescue coordination purposes.

#### **SAR EDUCATION AND TRAINING**

13.38 The delegation of Mexico informed the Committee that, on 8 April 2011, it had inaugurated new facilities for SAR education and training in Acapulco.

13.39 The delegation of Malta reminded the Committee that, thanks to the ongoing large financial and technical support from the United States Coast Guard, Malta was continuing to provide technical co-operation in terms of SAR education and training on a regular basis to a number of countries.

## **14 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY**

### **DEVELOPMENTS CONCERNING TECHNICAL CO-OPERATION ACTIVITIES**

#### **Progress report on TC activities**

14.1 The Committee noted with thanks the information provided by the Secretariat in document MSC 89/14 on the safety-, security- and facilitation-related activities implemented for the period October 2010 to March 2011 and those planned activities for the rest of 2011 under the Integrated Technical Co-operation Programme (ITCP) for the biennium 2010-2011.

14.2 The Committee urged Governments and industry to contribute to the technical co-operation programme, with special donations to the SAR fund to enable the project to be completed successfully, and requested the Secretariat to continue providing the Committee with updated information on the programme.

#### **Technical activities undertaken by IHO in coordination with IMO**

14.3 The Committee noted the information provided in document MSC 89/INF.10 (IHO), which focused on the enhancement of coordination of training activities and the sharing of resources to strengthen the capabilities of developing countries to comply with SOLAS regulation V/9 on the provision of hydrographical services. The document also provided information on the activities conducted between 2008 and 2010 and those planned for 2011 in collaboration with IMO and proposed a number of similar activities to be included in the 2012-2013 ITCP.

14.4 Whilst appreciating the information provided and the efforts of IHO towards the safety of navigation, the Committee requested the Secretariat to forward the above document to the Technical Co-operation Committee for its information and consideration in developing the ITCP for the 2012-2013 biennium.

#### **IMO MODEL COURSE PROGRAMME**

14.5 The Committee noted the information in document MSC 89/14/1 (Secretariat) that one new model course 3.22 on flag State implementation has been published, 35 model courses had been translated into French and 38 into Spanish, of which 32 have been published in French and 35 in Spanish. The Committee requested the Secretariat to continue its follow-up activities and provide an updated report to MSC 90.

## 15 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

### General

15.1 The Committee recalled that, in accordance with the provisions of paragraph 2.11-1 of the Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies (MSC-MEPC.1/Circ.2, as amended), the Committee should assess the implication for capacity-building and technical co-operation and assistance, initiated at the acceptance of a proposal for the work programme item (output) concerning new, or amendments to existing, mandatory instruments, against the criteria for identification of capacity-building implications.

15.2 The Committee recalled also that, at its eighty-eighth session (MSC 88/26, paragraph 15.6), it had requested the Vice-Chairman of the Committee, in consultation with the Chairman and assisted by the Secretariat, to submit to MSC 89, a preliminary assessment and, if relevant, a draft post-assessment of mandatory instruments approved at MSC 87 and at MSC 88, together with a preliminary assessment of the unplanned outputs related to mandatory instruments approved at MSC 88.

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

15.3 The Committee considered document MSC 89/15 (Vice Chairman), providing the preliminary assessment of capacity-building implications for the amendments to mandatory instruments approved at MSC 87 and MSC 88 and the unplanned outputs related to mandatory instruments approved at MSC 88, which was prepared to assist the Committee in the consideration of capacity-building for the implementation of new measures in pursuance of the request of MSC 88, and agreed that the *Ad Hoc* Capacity-building Needs Analysis Group (ACAG) should be established to consider the preliminary assessment.

### Establishment of the Expert Group

15.4 The Committee established the ACAG Expert Group, under the chairmanship of the Vice-Chairman of the Committee (Mr. C. Breinholt), and instructed it, taking into account comments, proposals and decisions made in plenary, to:

- .1 make an assessment of the capacity-building actions that may include technical assistance or technical co-operation required by Administrations and/or the shipping industry for the implementation of the amendments to the instruments; and

- .2 advise the Committee of the implications for capacity-building relating to the proposed amendments to existing instruments.

### **[Report of the ACAG Expert Group]**

15.5 Having considered the report of the ACAG Expert Group (MSC 89/WP.9), the Committee approved it in general and took action as set out in paragraphs 15.6 to 15.8.

### ***Improvement of the assessment process***

15.6 The Committee agreed that future assessments to the Committee should include recommendations of the way forward. In particular, the Vice-Chairman, after assessing the capacity-building implications for each item, should:

- .1 indicate if there were no capacity-building needs, or
- .2 indicate if there were capacity-building needs and, if possible, specifically address whether there is any need for guidelines to be developed by a sub-committee and/or any need for technical assistance.

### ***Implications related to the amendments to the International Convention for Safe Containers (CSC), 1972***

15.7 The Committee noted that the preliminary assessment indicated that Administrations and industry would need to provide equipment and financial and human resources to ensure that the provisions of the amendment to the International Convention for Safe Containers (CSC), 1972, as amended, would be fully implemented. In this regard, the Committee, noting that the amendments had been adopted during MSC 88 and were due to enter into force on 1 January 2012, invited the Technical Co-operation Committee to consider including a training programme for implementation of the 1972 CSC in the ITCP, with a view to further consolidation of the programme with the currently available training on cargo transport units (CTUs).

### ***Preliminary assessment for MSC 90***

15.8 The Committee requested the Vice-Chairman, in consultation with the Chairman and assistance of the Secretariat, to submit, to MSC 90, a preliminary assessment of the amendments to mandatory instruments and the new outputs related to mandatory instruments, approved at the session.]

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**16 FORMAL SAFETY ASSESSMENT** (continued)**[Report of the GBS/FSA Working Group]**

16.8 Having considered the part of the report of the GBS/FSA Working Group (MSC 89/WP.7) dealing with the agenda item, the Committee took action as indicated below.

16.9 With regard to the revision of the FSA Guidelines and the Guidance on the use of HEAP and FSA, the Committee endorsed the group's view that the group had agreed, in principle, to some draft amendments to FSA Guidelines (MSC 89/WP.7, annex 2) and other matters be further considered.

16.10 The Committee also endorsed the group's recommendation that the consolidated texts of the FSA Guidelines and the Guidance on the use of HEAP and FSA be issued when the revision work is finalized.

***Establishment of a correspondence group***

16.11 Subsequently, the Committee agreed to establish a correspondence group, coordinated by Japan\*, and instructed it, taking into account the comments made and decisions taken by the Committee, based on documents MSC 89/16/1 and MSC 89/WP.7, to:

- .1 prepare draft amendments to the FSA Guidelines (MSC/Circ.1023 – MEPC/Circ.392, as amended);
- .2 prepare draft amendments to the Guidance on the use of HEAP and FSA relating to the review of FSA studies (MSC/Circ.1022 – MEPC/Circ.391, as amended by MSC-MEPC.2/Circ.6); and
- .3 submit the report to MSC 90.]

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**20 RELATIONS WITH OTHER ORGANIZATIONS**

20.1 The Committee noted that no documents had been submitted under this agenda item.

[more to come]

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