



ASSEMBLY
25th session
Agenda item 9

A 25/9/Add.1
29 October 2007
Original: ENGLISH

CONSIDERATION OF THE REPORTS AND RECOMMENDATIONS OF THE MARITIME SAFETY COMMITTEE

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on the outcome of the eighty-third session of the Maritime Safety Committee

Action to be taken: Paragraph 64

Related documents: MSC 83/28 and Adds. 1, 2 and 3; and A 25/9

EIGHTY-THIRD SESSION OF THE MARITIME SAFETY COMMITTEE

GENERAL

1 The Maritime Safety Committee held its eighty-third session from 3 to 12 October 2007 in Copenhagen, Denmark, and the report of the session (MSC 83/28 and Adds 1, 2 and 3) has been circulated to all IMO Member Governments. It will be considered by the Council at its twenty-fourth extraordinary session.

2 The eighty-third session of the Committee was held under the chairmanship of Mr. N. Ferrer (Philippines) who was elected at the start of the session. The Committee unanimously re-elected Mr. N. Ferrer as Chairman for 2008 and elected Mr. Christian Breinholt (Denmark) as Vice-Chairman for both 2007 and 2008.

3 The report under consideration records the attendance by Member Governments, by representatives of United Nations specialized agencies and by observers from intergovernmental organizations and non-governmental organizations in consultative status with IMO.

4 The Committee's proposals for the High-level Action Plan and priorities for the 2008-2009 biennium will be considered under agenda item 7(b). Subjects of significance dealt with at the eighty-third session, of which the Assembly may wish to take note or action, as appropriate, are addressed in the ensuing paragraphs.

AMENDMENTS TO CONVENTIONS, PROTOCOLS AND RELATED MANDATORY CODES

5 In separate expanded sessions held during MSC 83, the Committee considered and adopted amendments to chapters IV and VI of, and the appendix to the Annex to, the 1974 SOLAS Convention; the 1988 SOLAS Protocol; and the INF Code, with the decision under SOLAS article VIII that they should enter into force on 1 July 2009, if deemed accepted on 1 January 2009.

MEASURES TO ENHANCE MARITIME SECURITY

6 The Committee considered issues relating to the implementation of the special measures to enhance maritime security and, having, *inter alia*, approved relevant circulars on security-related matters, established a correspondence group to deal with security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code; and reiterated the need for port State control officers and other public authorities to show proper identification when boarding ships.

7 The Committee also requested Member Governments and international organizations to submit, to the Organization, details of ships operating either without AIS or with AIS incorrectly configured, to be promulgated by means of an MSC circular on a quarterly basis.

GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS (GBS)

8 The Committee continued its work, in parallel, on both the prescriptive approach for GBS for bulk carriers and oil tankers and GBS based on the safety level approach and, with regard to the GBS for bulk carriers and oil tankers, *inter alia*, noted the progress made on development of draft SOLAS amendments to make the GBS for bulk carriers and oil tankers mandatory and the associated draft International goal-based new ship construction standards for bulk carriers and oil tankers; and approved the project plan for the second trial application of the Guidelines for the verification of compliance with GBS. With regard to GBS based on the safety level approach, the Committee noted the outcome of group's work on that approach, in particular regarding the categorization of ship types, time windows for assessing statistics and the linkage between GBS and formal safety assessment.

9 Having agreed to the work plan for the development of goal-based standards, bearing in mind that both the prescriptive approach and the safety level approach should move forward as integral elements of IMO GBS, with regard to short-term efforts, the Committee agreed that it would be more effective to focus efforts, at MSC 84, on the unified GBS framework and safety level approach and, at MSC 85, on finalization of the GBS for bulk carriers and oil tankers, including Tier III and the associated SOLAS amendments.

LONG-RANGE IDENTIFICATION AND TRACKING OF SHIPS (LRIT) AND RELATED MATTERS

10 The Committee recognized that, in order to bring the LRIT system into operation by 30 December 2008, it needed to take decisions with respect to all issues which have a bearing on the establishment and operation of the International LRIT Data Centre (IDC) and the International LRIT Data Exchange (IDE). In addition, the Committee noted that, as the actual establishment and integration of almost all elements of the LRIT system would start after MSC 83, it needed to decide how matters relating to the technical aspects and the developmental testing of the various elements of the LRIT system would be handled during the period between MSC 83 and MSC 84. Furthermore, the Committee also recognized, *inter alia*, the need to approve the agreement to be concluded between all SOLAS Contracting Governments and the LRIT Coordinator in relation to the tasks to be entrusted to the LRIT Coordinator.

11 Noting that, following extensive discussions of the various alternatives, the Contracting Governments had accepted the contingency offer of the United States in relation to IDE, the Committee decided to recognize it as the International LRIT Data Exchange stipulated in the Performance standards and functional requirements for the LRIT.

12 The Committee, following consideration of the alternatives in relation to the establishment and operation of IDC and in view of the response of the Contracting Governments which did not contemplate to establish NDCs, RDCs or CDCs, saw no basis to pursue, at this stage, the establishment of IDC further.

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

14 With a view to ensuring the timely establishment of the LRIT system, the Committee established the *ad hoc* LRIT Group and empowered it to decide, during the period between MSC 83 and MSC 84, on a variety of technical matters on behalf of the Committee, subject to the actions and decision taken by the Committee in retrospect.

15 The Committee adopted amendments to the Performance standards and functional requirements for the long-range identification and tracking of ships; and authorized the Chairman to approve an MSC.1 circular on Guidance on LRIT-related matters through which a number of technical standards and specifications relating to the LRIT system will be disseminated.

SUB-COMMITTEES' REPORTS

16 The Committee approved, in general, the reports of DSC 11, FP 51, DE 50, BLG 11, SLF 50, STW 38, COMSAR 11 and FSI 15 and also dealt with urgent matters emanating from NAV 53. Actions taken on important issues emanating from these reports of the Sub-Committees are indicated in paragraphs 17 to 39.

DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

17 The Committee noted DSC 11's outcome regarding the establishment of the *ad hoc* mechanism for resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials and an entry in the Transport Document and/or Dangerous Goods Manifest to confirm the shipment of radioactive materials to be used in medical or public health applications; the amendments to the IMO FAL Compendium; and the issue of the global shipping manpower shortage.

FIRE PROTECTION

18 Having noted and endorsed, as appropriate, FP 51's outcome regarding fire safety systems; evacuation analyses for new and existing passenger ships; and unified interpretations of SOLAS chapter II-2 and the FSS and IBC Codes, the Committee, in particular, approved for adoption at MSC 84, draft amendments to SOLAS chapter II-2.

19 The Committee, having considered the recommendations of FP 51 and DE 50 with regard to the report of the Inter-Industry Working Group on incidents of explosions on oil and chemical tankers, instructed the FP Sub-Committee to consider measures to prevent explosions on oil and chemical tankers transporting low flashpoint cargoes for new ships, and agreed that, depending

on the outcome, the Committee could then consider the extension of the work item towards the development of appropriate measures for existing oil and chemical tankers.

SHIP DESIGN AND EQUIPMENT

20 The Committee noted and endorsed, as appropriate, DE 50's outcome regarding unified interpretations of SOLAS chapter III; measures to prevent accidents with lifeboats; symbol of infant lifejacket; and safety of oil and chemical tankers.

21 The Committee adopted the Performance standard for protective coatings for void spaces on bulk carriers and oil tankers, and concurred with the decision of DE 50 to consider making the Performance standard mandatory, through the development of relevant SOLAS amendments, in the longer perspective, after experience had been gained with its application.

22 The Committee approved, for adoption at MSC 84, draft amendments to the ESP Guidelines (resolution A.744(18)), to include a new part B on Survey guidelines for double-skin bulk carriers; draft SOLAS regulation II-1/3-9 (Means of embarkation on and disembarkation from ships) and a related draft MSC circular on Guidelines for construction, maintenance and inspection of accommodation ladders and gangways; and draft amendments to SOLAS regulation II-1/3-4 (Emergency towing arrangements on tankers) and a related draft MSC circular on Guidelines for owners/operators on preparing for emergency towing procedures, for final approval at MSC 84.

BULK LIQUIDS AND GASES

23 The Committee noted and endorsed, as appropriate, BLG 12's outcome regarding safety-related matters, in particular, development of provisions for gas-fuelled ships; material safety data sheets for MARPOL Annex I cargoes and marine fuel; device to prevent passage of flame into cargo tanks; information on properties of MARPOL Annex II and IBC Code cargoes; matters on the application of requirements of the BCH and IBC Codes and MARPOL Annex II; and on incidents of explosions on oil and chemical tankers.

STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

24 The Committee noted and endorsed, as appropriate, SLF 50's outcome regarding development of explanatory notes for harmonized SOLAS chapter II-1; options to improve the effect of the 1969 TM Convention on ship design and safety; revision of resolution A.266(VIII); interpretation of alterations and modifications of a major character; and review of the SPS Code.

25 The Committee approved the draft International Code on Intact Stability, 2008 and the associated draft amendments to the 1974 SOLAS Convention and the 1988 LL Protocol to make the Code mandatory, for consideration at MSC 85 with a view to adoption; and a draft MSC circular on Explanatory Notes to the Code with a view to its formal approval simultaneously with the adoption of the Code.

26 The Committee noted the progress made in the development of the draft Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels, in particular the timeframe for the finalization of the work on the Safety recommendations and the referral of relevant chapters of the Safety recommendations to the sub-committees concerned and the Joint MSC/MEPC Working Group on the Human Element, for comments.

TRAINING AND WATCHKEEPING

27 The Committee noted and endorsed, as appropriate, STW 38's outcome regarding measures to enhance maritime security; development of competences for ratings; identification of areas where training cannot be conducted on board; comprehensive review of the STCW Convention and the STCW Code; PSC guidelines on seafarers' working hours and the revised format relating to reporting of fraudulent certificates detected.

28 The Committee, while noting that no reports pursuant to STCW regulation I/7, paragraph 2 had been submitted to this session, with regard to the reports pursuant to STCW regulation I/8, confirmed that the procedures for assessment of information provided had been correctly followed in respect of 10 STCW Parties. In the context of this item, the Committee also approved additional competent persons nominated by Governments.

RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

29 The Committee noted and endorsed, as appropriate, COMSAR 11's outcome regarding radiocommunication and SAR matters; satellite services; guidelines on the control of ships in an emergency; development of an e-navigation strategy; amendments to the IAMSAR Manual; and long-range identification and tracking of ships.

30 In accordance with resolution A.886(21), the Committee adopted Performance standards for survival craft AIS search and rescue transmitters (AIS-SART) for use in search and rescue operations; and the amendments to Performance standards for survival craft radar transponders for use in search and rescue operations.

31 The Committee approved, for adoption at MSC 84, draft amendments to the 1974 SOLAS Convention; 1988 SOLAS Protocol; and 1994 and 2000 HSC Codes.

WMU SAR research project related to passenger ships

32 Having considered the report on the Intermediate Phase of the WMU Project on search and rescue research related to passenger ships, the Committee noted the development on the project and endorsed the holding of a workshop of the expert group to review the material hosted on the SAR Platform on the WMU website and advise on further data sources which could be supported by the Platform; and the WMU proposal to submit the report on the Intermediate Phase to COMSAR 12, for the Sub-Committee to provide its views and recommendations to MSC 85.

FLAG STATE IMPLEMENTATION

33 The Committee noted and endorsed, as appropriate, FSI 15's outcome regarding the **Cougar Ace** casualty; long-range identification and tracking of ships; the model course for training of safety management auditors; skills of marine casualty investigators; incidents of explosions on chemical and product tankers; the Code of good practice to assist PSCOs in conducting their inspections; findings and recommendations of the 2005 Paris MoU concentrated inspection campaign on the GMDSS; and revised survey guidelines under HSSC.

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

34 The Committee approved the aforementioned draft Code and the associated draft amendments to SOLAS chapter XI-1, making the Code mandatory, with a view to adoption at

MSC 84. The delegation of the United States reserved its position on the action taken by the Committee on approval of the Casualty Investigation Code and the draft amendments.

Report of the Second Joint FAO/IMO *ad hoc* Working Group on IUU Fishing and Related Matters

35 Having considered the report of the second meeting of the aforementioned group, the Committee agreed that IMO, in consultation with FAO, should explore legal options to facilitate the entry into force of the 1993 Torremolinos Protocol, including the possibility of preparation of a draft Agreement relating to the implementation of the Protocol (document A 25/9/1 also refers).

36 The Committee agreed that the two Organizations should undertake consultations with the interested Governments with a view to identifying revisions to the 1993 Torremolinos Protocol which may be needed to make the Protocol acceptable to the required number of Governments to ensure its early entry into force and should assist Governments to adopt measures needed for its acceptance and implementation; and that the IMO Secretariat, in co-operation with the FAO Secretariat, should consider organizing international events for consideration, at a decision-making level, of the entry into force of the Protocol and the STCW-F Convention.

SAFETY OF NAVIGATION

37 The Committee noted and endorsed, as appropriate, NAV 53's outcome regarding extension of safety zones around FPSOs and dynamic positioned platforms; and revised Performance standards for electronic chart display and information systems (ECDIS).

38 In accordance with resolution A.858(20), the Committee adopted the proposed new, and amendments to existing, traffic separation schemes, including associated routeing measures; a number of new routeing measures other than traffic separation schemes (TSS), including amendments to existing routeing measures other than TSS; and the proposed new, and amendments to existing, mandatory ship reporting systems.

39 In accordance with resolution A.886(21), the Committee adopted the Revised performance standards for Integrated Navigation Systems (INS) and the Performance standards for navigation lights, navigation light controllers and associated equipment.

ROLE OF THE HUMAN ELEMENT

Report of the Joint MSC/MEPC Working Group on the Human Element

40 Having taken appropriate decisions, as reflected in paragraphs 16.1 to 16.15 of document MSC 83/28, the Committee, in particular, approved the Guidelines for operational implementation of the ISM Code by Companies and the Guidance on qualification, training and experience necessary for undertaking the role of designated person under the provisions of the ISM Code.

IMO/ILO Joint Working Group on the Human Element

41 Having considered a proposal by ILO to establish a joint ILO/IMO working group to address matters within the competence of both Organizations relating to seafarers training, hours of work and rest, seafarer fatigue, career and skills development and opportunities for seafarers' employment, the Committee agreed that there was no compelling need, at this stage, to establish such a group as the issues were already being addressed by the STW Sub-Committee on a regular

basis; and that, in future, if considered necessary, to establish a joint ILO/IMO working group on a case-by-case basis with specific terms of reference.

TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

42 The Committee noted the information provided on the safety-, and security-related activities executed in 2007 under the Integrated Technical Co-operation Programme (ITCP) for the 2006-2007 biennium, including the information on consultancy missions, training courses, seminars and workshops held at national, regional and global levels, linkage between the ITCP and the Millennium Development Goals impact assessment exercise; and, in particular, noted the information regarding the final meeting of the West African Group (8 to 9 November 2007), to sign the Agreement by the Ministers of the various countries and the information provided on the Abuja MoU and its programme of capacity development for the period 2007-2010.

Domestic ferry safety pilot project

43 The Committee noted that IMO and the International Ferry Industry Association (INTERFERRY) had carried out a detailed research-based analysis of the problems on the pilot country and that both Organizations were currently working on phase 5 of the plan on resource mobilization of funds for the project. It was expected that lessons learned from the project would serve as a model project in other countries needing to address domestic ferry safety.

CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

44 The Committee agreed to the criteria for assessment of capacity-building when proposing the development of new instruments and requested the Secretariat to prepare draft amendments to the Committee's Guidelines to this effect for submission to MEPC 57 and MSC 84 for consideration. The Committee also approved a draft Assembly resolution on the need for capacity-building for the development and implementation of new, and amendments to existing, instruments, for submission to the twenty-fifth session of the Assembly, for adoption.

PIRACY AND ARMED ROBBERY AGAINST SHIPS

45 Based on reports disseminated by means of MSC circulars and additional information provided, the Committee noted the number of acts of piracy and armed robbery against ships reported to the Organization and which had occurred between 1 October 2006 and 30 June 2007. The Committee observed that the 7.5% increase in the reported acts of piracy and armed robbery against ships during the period under review was a cause for concern and was largely attributable to an increase in such criminal activities in the Gulf of Aden, Arabian Sea and off the coast of West Africa. As emphasized in previous sessions of the Committee, much more still needed to be done to reduce this menace.

46 The Committee noted a report on the actions of the Council and the Secretariat with respect to piracy and armed robbery against ships in waters off the coast of Somalia and, in particular, that the Secretary-General, after consultation with the Committee's Acting Chairman, had issued MSC.1/Circ.1233 on Piracy and armed robbery against ships in waters off the coast of Somalia.

47 The Committee also noted the progress made pursuant to the workshops and seminars on combating piracy, in particular, the IMO/MOWCA Forum on the establishment of an integrated sub-regional coast guard network for West and Central African countries; the actions taken pursuant to the Secretary-General's initiative on the protection of vital shipping lanes and the follow-up Meeting to enhance safety, security and environmental protection in the Straits of

Malacca and Singapore, held in Singapore from 4 to 6 September 2007; and a progress report on the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia.

GENERAL CARGO SHIP SAFETY

48 The Committee agreed, in general, that there was an urgent need to consider the safety of general cargo ships, taking into account the current safety level of this type of ship; that more detailed information, analysis of the causes of accidents involving general cargo ships and related FSA studies are needed to facilitate the identification of the problem areas of such ships and consideration of appropriate measures to be taken; and that a working group needed to be established to consider the relevant issues in detail.

FORMAL SAFETY ASSESSMENT

49 In the context of this item, the Committee discussed how to deal with the reports on the FSA studies so far submitted to the Organization and agreed, in general, that a group of experts needed to be established to consider the matter further at a future session.

IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

50 Having noted a comprehensive list of non-mandatory instruments and the information on the development of a GISIS module on safety- and security-related requirements and recommendations applicable to all ships and certain types of ships, the Committee referred the aforementioned list to the sub-committees for identification of those instruments which might be relevant in the context of the collection of information on the implementation of the instruments.

RELATIONS WITH OTHER ORGANIZATIONS

51 The Committee considered applications for the granting of consultative status to non-governmental organizations and advised the Council accordingly.*

APPLICATION OF THE COMMITTEE'S GUIDELINES

52 The Committee considered the recommendations of the Chairmen's meeting and took decisions regarding the holding of intersessional working groups and technical groups; splinter groups of a working group; the extension of the deadline for submission of bulky information documents; and amending the Guidelines.

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

53 The Committee noted that, as requested by the *ad hoc* Council Working Group on the Organization's Strategic Plan (CWGSP), the Chairmen's meeting had considered proposals on assessment of new work programme items against the Strategic Plan and the High-level Action Plan and, being sympathetic to the proposals of the group, expressed its views, as reflected in paragraph 24.13 of document MSC 83/28.**

* Matters concerning relations with non-governmental organizations, including applications for consultative status, will be considered under agenda item 19.

** These views are also reproduced in document C/ES.24/3(a), for C/ES.24 to take into account.

WORK PROGRAMME

Review of the work programme – Intersessional meetings

54 The Committee, taking into account the spirit and intent of resolution A.500(XII), as reaffirmed by the Assembly in resolutions A.777(18) and A.900(21), as well as the Strategic Plan and the High-level Action Plan of the Organization and priorities for the 2006-2007 biennium, reviewed the work programmes of its subsidiary bodies and adjusted them in the light of the progress of work and proposals made by these bodies and Member Governments.

55 The Committee authorized a limited number of intersessional meetings of working groups necessary to progress its work, bearing in mind the request of the Council, at its sixtieth session, that the number of intersessional working groups should be restricted to the minimum necessary; the Guidelines on the organization and method of work; and its decision that sub-committees wishing to propose the convening of intersessional meetings should scrutinize the need for such meetings and, only when they consider it essential, submit to the Committee a fully justified request for approval.

Proposals for the High-level Action Plan for the 2008-2009 biennium

56 The Committee approved the proposed modifications to the High-level Action Plan and requested the Secretariat to submit the aforementioned proposed modifications to the twenty-fourth extraordinary session of the Council.*

GUIDELINES AND OTHER RECOMMENDATIONS RELATED TO MARITIME SAFETY AND SECURITY

Draft Assembly resolutions

57 The Committee approved recommendations related to maritime safety in the form of Assembly resolutions which the Assembly is invited to consider for adoption. These recommendations are listed below with the appropriate reference indicated in parentheses, while the text of the associated draft resolution is given in the annex to the document:

- .1 Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS) (MSC 83/28/Add.1, annex 17);
- .2 Revised Code for the Implementation of Mandatory IMO Instruments (MSC 83/28/Add.1, annex 32);
- .3 Revised Survey Guidelines under the harmonized system of survey and certification (HSSC) (MSC 83/28/Add.1, annex 35); and
- .4 Need for capacity-building for the development and implementation of new, and amendments to existing, instruments (MSC 83/28/Add.3, annex 36).

Guidelines and other recommendations

58 In addition to the aforementioned action taken, the Committee adopted and approved, as appropriate, guidelines and other recommendations, which were brought to the attention of Member Governments through appropriate circulars or other means, as follows:

* These modifications were incorporated in document C/ES.24/3(a).

- .1 drainage of fire-fighting water from closed vehicle and ro-ro spaces and special category spaces for passenger and cargo ships;
- .2 guidelines on security-related training and familiarization training for shipboard personnel;
- .3 guidance on LRIT-related matters;
- .4 amendments to the Revised Guidelines for the approval of equivalent water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms;
- .5 guidelines for evacuation analysis for new and existing passenger ships;
- .6 unified interpretations of SOLAS chapter II-2;
- .7 unified interpretations of the International Code for Fire Safety Systems (FSS Code);
- .8 unified interpretations of the International Bulk Chemical (IBC) Code;
- .9 guidelines for the approval of fixed fire detection and fire alarm systems for cabin balconies;
- .10 unified interpretation of SOLAS chapter III;
- .11 symbol of infant lifejacket;
- .12 guidelines for damage control plans and information to the master;
- .13 interpretation of alterations and modifications of a major character;
- .14 promulgation of information related to reports of independent evaluation submitted by Parties to the 1978 STCW Convention, as amended, confirmed by the Maritime Safety Committee to have communicated information which demonstrates that Parties are giving full and complete effect to the relevant provisions of the Convention;
- .15 list of competent persons to be maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code;
- .16 amendments to resolution A.706(17) on World Wide Navigational Warning Service;
- .17 minimizing delays in search and rescue response to distress alerts;
- .18 amendments to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual;
- .19 safety margins to protect radar systems;
- .20 guidelines on the control of ships in an emergency;
- .21 annual testing of the automatic identification system (AIS);

- .22 shipboard technical operating and maintenance manuals;
- .23 provision of information in respect of products carried in accordance with the requirements of MARPOL Annex II and the IBC Code;
- .24 code of good practice;
- .25 guidelines for operational implementation of the ISM Code by Companies;
- .26 qualification, training and experience necessary for undertaking the role of designated person under the provisions of the ISM Code;
- .27 securing and facilitating international trade;
- .28 new and amended traffic separation schemes;
- .29 analysis of maritime safety information promulgated with the EGC SafetyNet system and recommendations on improving its quality;
- .30 routing measures other than traffic separation schemes;
- .31 mandatory ship reporting systems;
- .32 guidelines on the application of SOLAS regulation V/15 to INS, IBS and bridge design;
- .33 differences between RCDS and ECDIS;
- .34 maintenance of electronic chart display and information system (ECDIS) software; and
- .35 unified interpretation of “unforeseen delay in delivery of ships”.

ANY OTHER BUSINESS

Global Integrated Shipping Information System (GISIS)

59 The Committee noted the updated information provided by the Secretariat regarding the status of developments of GISIS modules.

IMO/IACS Co-operation on the IACS Quality System Certification Scheme (QSCS)

60 The Committee noted the information regarding the development of the IACS QSCS as far as it concerns the participation agreement between IMO and IACS and 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.

Persons rescued at sea

61 The Committee considered information by Spain which referred to experience with a great flood of migrants from Africa towards Europe and made proposals intended to ensure that the international community had a secure and effective legal system in place, including making

the Guidelines on the treatment of persons rescued at sea mandatory under the SOLAS and/or SAR Conventions. The delegations, having expressed sympathy and supporting the need for work to be undertaken on this issue, cautioned that some of the proposals were outside the remit of IMO or needed to be considered as a multi-disciplinary matter possibly in an inter-agency approach.

62 The Secretary-General informed the Committee that the Secretariat was fully aware of the problem which, if left unattended, would endanger innocent lives at sea. He acknowledged that parts of the problem were outside IMO's remit and recalled the inter-agency initiative on persons rescued at sea and the meetings in 2001 and 2003 between IMO, IOM, OHCHR, UNHCR, UN/DOALOS and UNODC, which had resulted in a closer co-operation between the Organizations concerned. The Secretary-General also indicated that technical co-operation in terms of capacity-building would be available, in particular to the African States, in respect of this issue.

63 The Committee, recognizing the need for caution in relation to issues outside IMO's remit, agreed that there was a need for further discussion and work by IMO, without disturbing the delicate balance achieved with the 2004 amendments to the SOLAS and SAR Conventions and the associated guidelines. The Committee acknowledged efforts undertaken on a bilateral or multilateral level and the supplementary action underway at the EU level and expressed appreciation to the Secretary-General for the continuation of the inter-agency initiative, as well as the suggested technical co-operation possibilities.

ACTION REQUESTED OF THE ASSEMBLY

64 The Assembly is invited to consider the report of the Maritime Safety Committee on its eighty-third session. Apart from action, which will be taken under other safety-related items of its agenda, the Assembly is invited to approve, in general terms, the Committee's report and, in particular, to consider and adopt the draft resolutions listed in paragraph 57 and set out in the annex.

ANNEX

DRAFT ASSEMBLY RESOLUTIONS

(1) CRITERIA FOR THE PROVISION OF MOBILE SATELLITE COMMUNICATION SYSTEMS IN THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS)

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety,

RECALLING ALSO that regulation IV/5 of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended in 1988, requires each Contracting Government to undertake to make available, either individually or in co-operation with other Contracting Governments, as they may deem practical and necessary, appropriate shore-based facilities for space and terrestrial radiocommunication services, having due regard to the recommendations of the Organization,

TAKING INTO ACCOUNT resolution 322(Rev.Mob-87) of the World Administrative Radio Conference, 1987, relating to coast stations and coast earth stations assuming watchkeeping responsibilities on certain frequencies in connection with the implementation of distress and safety communications for the Global Maritime Distress and Safety System (GMDSS),

TAKING ALSO INTO ACCOUNT resolution 3, Recommendation on the early introduction of the Global Maritime Distress and Safety System (GMDSS) elements, adopted by the 1988 SOLAS Conference introducing the System,

NOTING the Provision of radio services for the GMDSS (resolution A.801(19)), as amended,

NOTING ALSO that future mobile satellite communication systems might have the potential to offer maritime distress and safety communications,

NOTING FURTHER the decision of the Maritime Safety Committee, at its eighty-second session, that the oversight of future satellite providers in the GMDSS should be undertaken by IMSO,

RECOGNIZING that mobile satellite communication systems for use in the GMDSS should fulfil performance criteria adopted by the Organization,

RECOGNIZING ALSO the need for the Organization to have in place criteria, against which the capabilities and performance of mobile satellite communication systems for use in the GMDSS may be verified and evaluated,

1. ADOPTS Criteria for the provision of mobile satellite communication systems in the GMDSS, set out in the Annex to the present resolution;
2. INVITES Governments, when permitting ships flying their States' flag to carry maritime mobile satellite equipment for use in the GMDSS, to require those ships to carry equipment, which can utilize only those satellite systems that have been recognized by IMO and conform to the Performance Standards adopted by the Organization for use in the GMDSS, in accordance with the criteria set out in sections 2 to 5 of the Annex;
3. REQUESTS the Maritime Safety Committee to:
 - (a) apply the criteria, set out in the Annex to the present resolution, via the procedure, set out in section 2 of the Annex, for the evaluation of satellite systems notified by Governments for possible recognition for use in the GMDSS, within the context of the relevant regulations of SOLAS chapter IV; and
 - (b) ensure that mobile satellite communication systems recognized by the Organization for use in the GMDSS are compatible with all appropriate SOLAS requirements, and also that such recognition takes into account existing operational procedures and equipment performance standards;
4. REQUESTS ALSO the Maritime Safety Committee to keep this resolution under review and take appropriate action as necessary to secure the long-term integrity of the GMDSS;
5. REVOKES resolution A.888(21) and MSC/Circ.1077.

ANNEX

CRITERIA FOR THE PROVISION OF MOBILE SATELLITE COMMUNICATION SYSTEMS IN THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS)

[MSC 83/28/Add.1, annex to annex 17]

(2) REVISED CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that, by resolution A.973(24), it adopted the Code for the Implementation of Mandatory IMO Instruments,

RECOGNIZING the need for the above Code to be revised to take account of the amendments to the IMO instruments referred to above, which have entered into force or become effective since the adoption of resolution A.973(24),

BEING AWARE of the request of the seventh session of the UN Commission on Sustainable Development (CSD 7) that measures be developed to ensure that flag States give full and complete effect to the IMO and other relevant conventions to which they are Party, so that the ships of all flag States meet international rules and standards,

RECOGNIZING that Parties to the relevant international conventions have, as part of the ratification process, accepted to fully meet their responsibilities and to discharge their obligations under the conventions and other instruments to which they are Party,

REAFFIRMING that States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with relevant international rules and regulations in respect of maritime safety, security and protection of the marine environment,

REAFFIRMING ALSO that States, in their capacity as port and coastal States, have other obligations and responsibilities under applicable international law in respect of maritime safety, security and protection of the marine environment,

NOTING that, while States may realize certain benefits by becoming Party to instruments aiming at promoting maritime safety, security and the prevention of pollution from ships, these benefits can only be fully realized when all Parties carry out their obligations as required by the instruments concerned,

NOTING ALSO that the ultimate effectiveness of any instrument depends, *inter alia*, upon all States:

- (a) becoming Party to all instruments related to maritime safety, security and pollution prevention and control;
- (b) implementing and enforcing such instruments fully and effectively;
- (c) reporting to the Organization, as required,

NOTING FURTHER that, in the context of the Voluntary IMO Member State Audit Scheme, the enactment of appropriate legislation and its implementation and enforcement are the three key issues on which a Member State's performance can be measured,

BEARING IN MIND that the Voluntary IMO Member State Audit Scheme contains references to the Code for the Implementation of Mandatory IMO Instruments, as appropriate; and that the Code, in addition to providing guidance for the implementation and enforcement of IMO instruments, forms the basis of the Audit Scheme, in particular concerning the identification of the auditable areas,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, at its eighty-third session and the Marine Environment Protection Committee, at its fifty-sixth session,

1. ADOPTS the Revised Code for the Implementation of Mandatory IMO Instruments, set out in the Annex to the present resolution;
2. URGES Governments of flag States, port States and coastal States to implement the Revised Code on a national basis;
3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Revised Code under review and, in co-ordination with the Council, to propose amendments thereto to the Assembly;
4. REVOKES resolution A.973(24).

ANNEX

REVISED CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS

[MSC 83/28/Add.1, annex to annex 32]

(3) REVISED SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION (HSSC)

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO the adoption by:

- (a) the International Conference on the Harmonized System of Survey and Certification, 1988, of the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, and the Protocol of 1988 relating to the International Convention on Load Lines, 1966, which, *inter alia*, introduced the harmonized system of survey and certification under the International Convention for the Safety of Life at Sea, 1974 and the International Convention on Load Lines, 1966, respectively;
- (b) resolution MEPC.39(29), of amendments to introduce the harmonized system of survey and certification into the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78);
- (c) resolution MEPC.132(53), of amendments to introduce the harmonized system of survey and certification to the MARPOL Annex VI; and
- (d) the resolutions given below, of amendments to introduce the harmonized system of survey and certification into:
 - (i) the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) (resolutions MEPC.40(29) and MSC.16(58));
 - (ii) the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) (resolution MSC.17(58)); and
 - (iii) the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code) (resolutions MEPC.41(29) and MSC.18(58)),

RECALLING FURTHER that, by resolution A.948(23), it adopted Survey Guidelines under the Harmonized System of Survey and Certification, with a view to assisting Governments in the implementation of the requirements of the aforementioned instruments,

RECOGNIZING the need for the Revised Survey Guidelines to be further revised to take account of the amendments to the IMO instruments referred to above, which have entered into force or become effective since the adoption of resolution A.948(23),

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, at its eighty-third session and the Marine Environment Protection Committee, at its fifty-sixth session,

1. ADOPTS Revised Survey Guidelines under the Harmonized System of Survey and Certification, set out in the Annex to the present resolution;
2. INVITES Governments carrying out surveys required by the relevant IMO instruments to follow the provisions of the annexed Revised Survey Guidelines;
3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Revised Survey Guidelines under review and amend them as necessary;
4. REVOKES resolution A.948(23).

ANNEX

REVISED SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION

[MSC 83/28/Add.1, annex to annex 35]

(4) NEED FOR CAPACITY-BUILDING FOR THE DEVELOPMENT AND IMPLEMENTATION OF NEW, AND AMENDMENTS TO EXISTING, INSTRUMENTS

THE ASSEMBLY,

RECALLING resolution A.500(XII) whereby it directed the Council and the Committees to entertain proposals for new conventions or amendments to existing conventions only on the basis of clear and well-documented demonstration of compelling need, taking into account the undesirability of modifying conventions not yet in force or of amending existing conventions unless such latter instruments have been in force for a reasonable period of time and experience has been gained of their operation, having regard to the costs to the maritime industry and the burden on the legislative and administrative resources of Member States,

NOTING WITH SATISFACTION progress achieved in the implementation of the provisions of resolution A.500(XII),

APPRECIATING the efforts of the Council, through the Organization's Strategic Plan, to enhance the importance of capacity-building to ensure universal and uniform application of the Organization's instruments,

FURTHER NOTING that, unless the Council, the Committees and their subsidiary bodies adopt a cradle to grave approach in relation to matters concerning capacity-building, technical co-operation and assistance, the chances of success in the ratification and effective implementation of IMO instruments may be reduced by the level of unpreparedness or lack of capacity that Governments, particularly of developing countries, experience at the point when implementation of such instruments is urgently required,

CONSIDERING that the lack of capacity within States has a direct relationship to the level and quality of implementation of existing, new and/or amended instruments and that the low speed of ratification is partly due to the lack of understanding of the original intentions of the instrument and what is required of Member States in order to realize full benefits of implementation,

TAKING INTO ACCOUNT that, even though States may have ratified newly adopted or amended instruments, the lack of preparation through capacity-building and training, or the absence of a guidance document to implementation, results in an undesirable lack of success to effective implementation of these instruments,

1. DIRECTS the Council to co-ordinate the work of the Committees and their subsidiary bodies towards ensuring, as far as possible, a balanced level of implementation of new instruments;
2. RECOMMENDS that the Council and the Committees consider, as a means to promote and enhance capacity-building efforts, proposals for the development of new instruments and/or amendment of existing ones after an assessment of implications for capacity-building and technical co-operation has been undertaken;
3. FURTHER RECOMMENDS that the Committees establish a mechanism for the identification of new instruments requiring the provision of technical assistance prior to implementation; identification of issues requiring special focus when developing technical

co-operation and assistance activities relating to the implementation of new measures; and the identification of new instruments requiring a simplified guide for implementation;

4. REQUESTS the Council to monitor progress on the implementation of this policy on a regular basis.
