



MARITIME SAFETY COMMITTEE
79th session
Agenda item 23

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

(continued)

[For items 1, 2, 4 (part), 5 (part), 6 (part), 8, 11, and 12, see MSC 79/WP.6]

**3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY
INSTRUMENTS**

GENERAL

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

- .1 chapters II-1, III, V, VII, XI-1 and XII and the appendix to the Annex of the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the 1974 SOLAS Convention;
- .2 the International Code for Application of Fire Test Procedures (FTP Code), in accordance with the provisions of article VIII and regulation II-2/3.23 of the 1974 SOLAS Convention;
- .3 the International Code of Safety for High-Speed Craft, 1994 (1994 HSC Code), in accordance with the provisions of article VIII and regulation X/1.1 of the 1974 SOLAS Convention;
- .4 the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code), in accordance with the provisions of article VIII and regulation X/1.2 of the 1974 SOLAS Convention;

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- .5 the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), in accordance with the provisions of article VIII and regulation VII/8.1 of the 1974 SOLAS Convention;
- .6 the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), in accordance with the provisions of article VIII and regulation VII/11.1 of the 1974 SOLAS Convention;
- .7 the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code), in accordance with the provisions of article VIII and regulation VII/14.1 of the 1974 SOLAS Convention;
- .8 the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code), in accordance with the provisions of article VIII and regulation IX/1.1 of the 1974 SOLAS Convention; and
- .9 the International Code for the Security of Ships and of Port Facilities (International Ship and Port Facility Security (ISPS) Code), in accordance with the provisions of article VIII and regulation XI-2/1.12 of the 1974 SOLAS Convention.

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 (iv) of the Convention.

3.2 The proposed amendments to the 1974 SOLAS Convention and the mandatory Codes were circulated in accordance with SOLAS article VIII(b)(i) to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by Circular letter No.2556 of 28 May 2004 (SOLAS chapters II-1, III, V, VII, XI-1 and XII and the appendix to the Annex, the FTP Code, 1994 HSC Code, 2000 HSC Code, IBC Code, IGC Code, INF Code, ISM Code and the ISPS Code), Circular letter No.2528 of 5 February 2004 (2000 HSC Code) and Circular letter No.2528/Add.1 of 31 May 2004 (SOLAS chapter II-1).

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

3.4 The proposed amendments to the 1988 SOLAS Protocol were circulated in accordance with SOLAS article VIII(b)(i) and article VI(c) of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1988 SOLAS Protocol by Circular letter No.2557 of 28 May 2004.

3.5 Parties to the 1988 Load Lines Protocol were invited to participate in the consideration and adoption of proposed amendments to the appendix to Annex B to the 1988 Load Lines Protocol. Parties constituting more than one third of the total of Parties to the Protocol were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of paragraph 2(f)(ii)(bb) of article VI of the 1988 Load Lines Protocol.

3.6 The proposed amendments to the 1988 Load Lines Protocol have been circulated in accordance with article VI of the Protocol to all IMO Members and Parties to the 1988 Load Lines Protocol by Circular letter No.2558 of 28 May 2004.

3.7 Parties to the 1978 STCW Convention were invited to participate in the consideration and adoption of proposed amendments to Part A of the STCW Code. Parties constituting more than one third of the total of Parties to the STCW Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article XII(1)(a)(iv) and regulation I/1.2.3 of the Convention.

3.8 The proposed amendments to the STCW Code have been circulated in accordance with article XII(1)(a)(i) of the 1978 STCW Convention to all IMO Members and Parties to the 1978 STCW Convention by Circular letter No.2560 of 24 May 2004.

3.9 The Committee was invited to consider and adopt, in accordance with the provisions of article 29(3)(a) of the International Convention on Load Lines, 1966, the proposed amendments to Annex III to the 1966 Load Lines Convention approved by MSC 78. In accordance with the aforementioned article, any amendment, if adopted by a majority of two-thirds of those present and voting in the Maritime Safety Committee, shall be communicated to all Members of the

Organization and all Contracting Governments at least six months prior to its consideration by the Assembly of the Organization with a view to adoption.

3.10 The Committee was also invited to consider and adopt:

- .1 Standards and criteria for side structures of bulk carriers of single-side skin construction; and
- .2 Standards for owners' inspections and maintenance of bulk-carrier hatch covers,

with a view to making them mandatory under the revised SOLAS chapter XII, to be adopted at this session.

3.11 The Committee was further invited to consider and to adopt and approve, as appropriate, the proposed amendments, regarding the date of completion of the survey, to the following non-mandatory IMO instruments:

- .1 the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code);
- .2 the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code);
- .3 the Code of Safety for Special Purpose Ships (SPS Code);
- .4 the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels;
- .5 the Code of Safety for Diving Systems;
- .6 the Code of Safety for Dynamically Supported Craft (DSC Code);
- .7 the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code);
- .8 the Guidelines for the design, construction and operation of passenger submersible craft; and
- .9 the Interim Guidelines for wing-in-ground (WIG) craft.

CONSIDERATION OF PROPOSED AMENDMENTS TO INSTRUMENTS AND OF NEW MANDATORY STANDARDS

CONSIDERATION OF PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

PROPOSED AMENDMENTS TO SOLAS CHAPTER II-1

3.12 The Committee recalled that the proposed amendments to SOLAS regulations II-1/18 and II-1/45 (MSC 79/3/1, annex 1) had been developed by the SLF and DE Sub-Committees and approved by MSC 75 and MSC 78.

Regulation 45 - Precautions against shock, fire and other hazards of electrical origin

3.13 The Committee noted that, after adopting the proposed amendments to the IBC Code which, *inter alia*, included amendments relating to electrical equipment, MEPC 52 had noted (MSC 79/3/1/Add.2, paragraphs 10 to 12) that similar parallel amendments for the electrical requirements of SOLAS for oil tankers and of the IGC Code for gas carriers had been submitted to MSC 79 for adoption and, having agreed that it would be unfortunate and confusing for industry if different entry-into-force dates for these parallel electrical requirements are determined, had invited MSC 79 to consider making 1 January 2007 an application date for the aforementioned amendments to SOLAS regulation II-1/45 and the IGC Code.

3.14 Following the discussion, the Committee agreed that the proposed amendments to SOLAS regulation II-1/45 should have an application date of 1 January 2007 so that the related amendments to the SOLAS and the IBC and IGC Codes have the same application dates.

Regulation 2 - Definitions

3.15 The Committee considered a modification proposed by IACS (MSC 79/3//8) to add a new subparagraph 14 (regarding the definition of bulk carrier contained also in regulation XII/1), to regulation II-1/2 and, having noted the pertinent decision on the proposed revised SOLAS chapter XII (see paragraph 3... to 3...), agreed with the proposal.

General

3.16 Noting that no further comments had been submitted on the proposed amendments to SOLAS chapter II-1, the Committee confirmed their contents, subject to editorial improvements, if any (see also paragraphs 3... to 3...).

PROPOSED AMENDMENTS TO SOLAS CHAPTER III**Regulation 31 - Survival craft and rescue boats**

3.17 The Committee recalled that the proposed amendments to SOLAS regulation III/31 (MSC 79/3/1, annex 1) had been developed by the DE Sub-Committee and approved by MSC 78.

3.18 The Committee considered the date of application of the proposed amendments and confirmed that the amendments should apply from the date of their entry into force.

3.19 Noting that no further comments had been submitted on the proposed amendments to SOLAS chapter III, the Committee confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER V

3.20 The Committee recalled that the proposed amendments to SOLAS regulations V/19 and V/20 (MSC 79/3/1, annex 1) had been developed by MSC 78 and NAV 49 respectively and approved by MSC 78.

Regulation 20 - Voyage data recorders

3.21 The Committee considered the date of application of the proposed amendments to SOLAS regulation V/20 and confirmed that the amendments should apply from 1 July 2006.

General

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

PROPOSED AMENDMENTS TO SOLAS CHAPTER VII

3.23 The Committee recalled that the proposed amendments to SOLAS regulation VII/10 (MSC 79/3/1, annex 1) had been developed by the BLG Sub-Committee and approved by MSC 78.

3.24 Noting that no further comments had been submitted on the proposed amendments to SOLAS chapter VII, the Committee confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER XI-1

3.25 The Committee recalled that the proposed amendments to SOLAS regulations XI-1/3-1 and XI-1/5 (MSC 79/3/1, annex 1) had been developed by the FSI Sub-Committee and approved by MSC 78.

Regulation 3-1 - Company and registered owner identification number

3.26 In the course of the consideration of the proposed new SOLAS regulation XI-1/3-1, the delegation of the Marshall Islands, referring to the implementation of IMO Unique Company and Registered Owner Identification Number Scheme (resolution MSC.160(78)) on a voluntary basis, stated that the trial should be continued until it had been proved successful and also suggested to defer the adoption of draft new regulation XI-1/3-1 and draft amendments to regulation XI-1/5 until MSC 80. Some delegations supported the views expressed by the delegation of the Marshall Islands, whilst others were of the opinion that the regulations should be adopted at this session of the Committee.

3.27 In this context, the Committee noted the information provided by the Secretariat that, after the dedicated LR-F website on the IMO Unique Company and Registered Owner Identification Number Scheme had gone live in October 2004, and after copies of LR-F's electronic spreadsheets containing details of national fleets had been received by the Secretariat also in October 2004, it had transmitted those spreadsheets to Member States, at the e-mail addresses provided in MSC/Circ.1103 – MEPC.6/Circ.9, with a view to facilitating the verification by Member States of data contained therein.

3.28 Following an extensive debate of the proposed new SOLAS regulation XI-1/3-1, in particular on:

- .1 the application provisions in paragraph 1 and the proposal to delete the word “seagoing” as there was no precise definition of the word;

- .2 reference to regulation I/12 or regulation I/13 in paragraph 3 of the draft regulation XI-1/3-1 regarding the insertion of the Company's identification number on the certificates;
- .3 transfer of paragraph 5 after paragraph 1; and
- .4 deletion of the text in first square bracket in paragraph 4,

the Chairman summarized the discussion and requested the drafting group to prepare a revised text for further consideration by plenary.

3.29 Having considered the draft text of regulation XI-1/3-1, as prepared by the Chairman of the drafting group (MSC 79/WP.5), the Committee agreed to the text of the regulation, with further modifications, and referred it to the drafting group for further action, as appropriate.

3.30 Noting that no further comments had been submitted on the proposed amendments to SOLAS chapter XI-1, the Committee confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER XII

3.31 The Committee recalled that the proposed amendments to SOLAS chapter XII (MSC 79/3/1, annex 1) had been developed by the DE Sub-Committee and approved by MSC 78.

Regulation 1 - Definitions

Paragraph 1

3.32 The Committee, having considered a modification proposed by Japan (MSC 79/3/10), clarifying the application of the definition of bulk carrier, did not agree with the proposal.

Paragraph 2

3.33 The Committee considered a modification, proposed by Japan (MSC 79/3/10), to the definition of bulk carrier of single-side skin construction and agreed with the proposal.

Regulation 4 – Damage stability requirements applicable to bulk carriers

Paragraph 2

3.34 The Committee considered a modification proposed by Japan (MSC 79/3/10), specifying the method of measurement of the width of the double-side skin spaces and agreed with the proposal.

Regulation 5 – Structural strength of bulk carriers

Paragraph 2

3.35 The Committee considered a modification proposed by Japan (MSC 79/3/10), specifying the method of measurement of the width of the double-side skin spaces and agreed with the proposal.

Regulation 6 – Structural and other requirements for bulk carriers

Paragraph 2

3.36 The Committee considered a modification proposed by Japan (MSC 79/3/10), clarifying the relevant structural requirements to double-side skin construction as part of the structure of bulk carriers of single-side skin construction (i.e. combined double-side skin and single-side skin construction), and agreed with the proposal.

Paragraph 3

3.37 The Committee considered modifications proposed by Japan (MSC 79/3/10), and IACS (MSC 79/3/8) and, while agreeing to the modifications proposed by IACS to include the additional text extending the application of coating to dedicated seawater ballast tanks, did not agree to the modifications proposed by Japan. In particular, with regard to the proposal by Japan to delete, from the paragraph, the reference to performance standards for coating, in view of the fact that they have not been developed yet by the DE Sub-Committee, the Committee, after some discussion, agreed that some reference should be made to the performance standards for coating and that, until such time that the performance standards had been adopted by the Organization, that reference should refer to the performance standards acceptable to the Administration, pending the finalization of the performance standards by the Organization and making it mandatory by suitably modifying the SOLAS regulation.

New paragraphs

3.38 The Committee considered a proposal by the United Kingdom (MSC 79/3/13) for the inclusion of a new paragraph in regulation 6 to address side shell failure in bulk carriers and, having made some modifications to the proposed new paragraph, agreed to the proposal.

3.39 With regard to the new paragraph proposed by Japan (MSC 79/3/10), which requires that the hold frames and attached side shell plates of single-side skin construction within cargo holds shall have an efficient protective coating, the Committee, following debate, did not agree to the proposal.

3.40 In view of the decision of the Committee in respect of the new paragraph proposed by the United Kingdom, referred to in paragraph 3.38 above, the delegation of Japan withdrew their proposal for new paragraph 3 referred to in paragraph 12 of, and the annex to, document MSC 79/3/10.

Regulation 14 – Restrictions from sailing with any hold empty

3.41 Following the intervention of the delegation of Norway, the Committee agreed to replace the word “requirements of” in the first sentence of the regulation by the words “requirements for withstanding flooding of any one cargo hold as specified in”.

General

3.42 Noting that no further comments had been submitted on the proposed amendments to the SOLAS chapter XII, the Committee confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO THE APPENDIX TO THE ANNEX TO THE 1974 SOLAS CONVENTION

3.43 The Committee recalled that the proposed amendments to the appendix to the Annex to the 1974 SOLAS Convention had been developed by the Secretariat, as instructed by FSI 11, and approved by MSC 78.

3.44 The Committee considered modifications proposed by the Russian Federation (MSC 79/3/11 and Add.1 and MSC 79/3/12 and Add.1) containing revisions to the forms of

Nuclear Ship Safety Certificates and associated Record of equipment, including those agreed to by NAV 50 and agreed with the proposed modifications.

3.45 Noting that no further comments had been submitted on the proposed amendments to the appendix to the Annex to SOLAS, the Committee confirmed their contents, subject to editorial improvements, if any.

DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

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

3.47 The Committee thus agreed that the SOLAS amendments, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006. Consequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO MANDATORY CODES

PROPOSED AMENDMENTS TO THE FTP CODE

3.48 The Committee recalled that the proposed amendments to the International Code for Application of Fire Test Procedures (FTP Code) (MSC 79/3/1, annex 2) had been prepared by the FP Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the FTP Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.49 The Committee agreed that the amendments to the FTP Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE 1994 HSC CODE

3.50 The Committee recalled that the proposed amendments to the International Code of Safety for High-Speed Craft, 1994 (1994 HSC Code) (document MSC 79/3/1, annex 3) had been developed by the FSI Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the 1994 HSC Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.51 The Committee agreed that the amendments to the 1994 HSC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE 2000 HSC CODE

3.52 The Committee recalled that the proposed amendments to the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code) (MSC 79/3/1, annex 4) had been prepared by the SLF and FSI Sub-Committees and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the 2000 HSC Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.53 The Committee agreed that the amendments to the 2000 HSC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE IBC CODE

3.54 The Committee recalled that the proposed amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) (MSC 79/3/1, annex 5) had been approved by MSC 78; and noted that the Secretariat (MSC 79/3/1/Add.1), as requested by MSC 78, had prepared the proposed revisions to the fire protection references and provisions contained in the revised IBC Code, as approved by MEPC 51 and further amended by MSC 78.

3.55 The Committee also noted (MSC 79/3/1/Add.2) that MEPC 52 had invited the Committee to consider the modifications made by MEPC 52 to the proposed amendments to the IBC Code approved by MSC 78, which are set out in document MEPC 52/WP.11/Add.1 and further noted that MEPC 52 had adopted, by resolution MEPC.119(52), the amendments to the IBC Code, including chapters 17, 18 and 19, subject to changes to be brought to the attention of MSC 79 before final adoption by the Committee.

3.56 The Committee agreed to use, as a basis for consideration, the proposed amendments to the IBC Code adopted by MEPC 52, as contained in documents MEPC 52/WP.11 and MEPC 52/WP.11/Add.1, together with the editorial changes identified by the Secretariat so that the revised IBC Code, once adopted by the Committee, will have the same text as that adopted by MEPC 52.

3.57 Following consideration of the aforementioned proposed amendments to the IBC Code and taking into account the editorial changes identified by the Secretariat (MSC 79/3/1/Add.2), the Committee instructed the drafting group to prepare the final text of the proposed amendments to the IBC Code.

Date of entry into force of the proposed amendments

3.58 The Committee, having noted that MEPC 52, in adopting the amendments to the IBC Code had determined that the entry-into-force date of the amendments should be 1 January 2007, concurred with MEPC 52's decision and agreed that the amendments to the IBC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2006 and should enter into force on 1 January 2007.

List of substances with missing safety and pollution data

3.59 In the context of this matter, the Committee, having noted that MEPC 52 had agreed that circulation of a circular containing lists of substances with missing safety and pollution data would give industry the opportunity to provide the missing data to GESAMP/EHS Working Group, concurred with the MEPC 52's decision to issue an MSC/MEPC circular containing the three lists of substances with missing data and instructed the drafting group to prepare an appropriate draft MSC/MEPC circular.

PROPOSED AMENDMENTS TO THE IGC CODE

3.60 The Committee recalled that the proposed amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) (MSC 79/3/1, annex 6) had been prepared by the BLG and FSI Sub-Committees and approved by MSC 78.

3.61 The Committee recalled that, when considering amendments to SOLAS chapter II-1, relating to electrical requirements, it had agreed that such amendments to SOLAS and the IBC and IGC Codes should have the same application date of 1 January 2007; and instructed the drafting group accordingly.

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

Date of entry into force of the proposed amendments

3.63 The Committee agreed that the amendments to the IGC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE INF CODE

3.64 The Committee recalled that the proposed amendments to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-level Radioactive Wastes on Board Ships (INF Code) (MSC 79/3/1, annex 7) had been prepared by the FSI Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the INF Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.65 The Committee agreed that the amendments to the INF Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE ISM CODE

3.66 The Committee recalled that the proposed amendments to the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) (MSC 79/3/1, annex 8) had been prepared by the FSI Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the ISM Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.67 The Committee agreed that the amendments to the ISM Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

Proposed amendments to the ISPS Code

3.68 The Committee recalled that the proposed amendments to the International Code for the Security of Ships and of Port Facilities (International Ship and Port Facility Security (ISPS) Code) had been prepared by the FSI Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the ISPS Code, confirmed their contents, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO THE STCW CODE

3.69 The Committee recalled that the proposed amendments to table A-VI/2-1 of Part A of the STCW Code (MSC 79/3) had been developed by the STW Sub-Committee and approved by MSC 78, and noting that no comments had been submitted on the proposed amendments to the STCW Code, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.70 The Committee agreed that the amendments to Part A of the STCW Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE 1988 SOLAS PROTOCOL

3.71 The Committee recalled that the proposed amendments to the appendix to the Annex to the 1988 SOLAS Protocol (MSC 79/3/2, annex) had been prepared by the NAV and FSI Sub-Committees and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to the appendix, the Annex to the 1988 SOLAS Protocol, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.72 The Committee agreed that the amendments to the appendix to the Annex to the 1988 SOLAS Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO ANNEX B TO THE 1988 LOAD LINES PROTOCOL

3.73 The Committee recalled that the proposed amendments to Annex B to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (MSC 79/3/3, annex) had been prepared by the FSI Sub-Committee and approved by MSC 78 and, noting that no comments had been submitted on the proposed amendments to Annex B to the 1988 Load Lines Protocol, confirmed their contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.74 The Committee agreed that the amendments to Annex B to the 1988 Load Lines Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2006 and should enter into force on 1 July 2006.

PROPOSED AMENDMENTS TO THE 1966 LOAD LINES CONVENTION

3.75 The Committee recalled that the proposed amendments to the 1966 Load Lines Convention (MSC 79/3/4) had been approved by MSC 78 for adoption at this session and subsequent adoption by the Assembly at its twenty-fourth session and, noting that no comments had been submitted on the proposed amendments to the 1966 Load Lines Convention, confirmed their contents, subject to editorial improvements, if any.

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

3.76 The Committee considered the draft Assembly resolution contained in the annex to document MSC 79/3/4 and instructed the drafting group to prepare the final text of the requisite draft Assembly resolution for approval. In this context, the Chairman, having referred to other procedures for adoption of amendments specified in article 29 of the 1966 Load Lines Convention, offered to consider the issue in detail and submit appropriate proposals to MSC 80 for consideration.

CONSIDERATION OF AMENDMENTS TO NON-MANDATORY IMO INSTRUMENTS

Proposed amendments to the certificates contained in non-mandatory IMO instruments

3.77 The Committee recalled that the proposed amendments, regarding the date of completion of the survey, to the following non-mandatory IMO instruments (MSC 79/3/5) had been developed by the FSI Sub-Committee and approved by MSC 78:

- .1 the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code);
- .2 the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code);
- .3 the Code of Safety for Special Purpose Ships (SPS Code);
- .4 the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (LHNS Guidelines);
- .5 the Code of Safety for Diving Systems;
- .6 the Code of Safety for Dynamically Supported Craft (DSC Code); and
- .7 the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code).

3.78 The Committee further recalled that MSC 78 had also agreed to amend likewise the certificates contained in the following non-mandatory guidelines:

- .1 the Guidelines for the design, construction and operation of passenger submersible craft; and
- .2 the Interim Guidelines for wing-in-ground (WIG) craft,

which, as instructed by MSC 78, were prepared by the Secretariat (MSC 79/3/5, annexes 8 and 9).

3.79 Noting that no comments had been submitted on the proposed amendments to the aforementioned non-mandatory instruments, the Committee confirmed their contents, subject to editorial improvements, if any.

Application date of the proposed amendments

3.80 The Committee agreed that the amendments to the aforementioned non-mandatory instruments, proposed for adoption at the current session, should become effective on 1 July 2006, except for the amendments to the BCH Code and the LHNS Guidelines which should become effective on 1 January 2007 upon acceptance and entry into force of the corresponding amendments to the IBC Code.

CONSIDERATION OF MANDATORY STANDARDS

Consideration of the Standards and criteria for side structures of bulk carriers of single-side skin construction

3.81 The Committee recalled that MSC 78 had approved, with a view to adoption at this session, the draft Standards and criteria for side structures of bulk carriers of single-side skin construction (MSC 79/3/6, annex 1), aiming at making them mandatory under the revised SOLAS chapter XII.

3.82 Noting that no comments had been submitted on the draft Standards and criteria for side structures of bulk carriers of single-side skin construction, the Committee confirmed their contents, subject to editorial improvements, if any.

Standards for owner's inspections and maintenance of bulk carrier hatch covers

3.83 The Committee recalled that MSC 78 had approved, with a view to adoption at this session, the draft Standards for owner's inspection and maintenance of bulk carrier hatch covers (MSC 79/3/6, annex 2), aiming at making them mandatory under the revised SOLAS chapter XII.

3.84 Noting that no comments had been submitted on the draft Standards for owner's inspections and maintenance of bulk carrier hatch covers, the Committee confirmed their contents, subject to editorial improvements, if any.

ESTABLISHMENT OF A DRAFTING GROUP

3.85 Following a general discussion in plenary, the Committee established an *ad hoc* drafting group to prepare the final texts of the draft amendments to the 1974 SOLAS Convention, the 1988 SOLAS Protocol, Annex B to the 1988 Load Lines Protocol, the 1966 Load Lines Convention, mandatory codes and non-mandatory codes and guidelines, together with the associated draft MSC resolutions and MSC circulars, as appropriate; and of the final texts of the Standards and criteria for side structures of bulk carriers of single-side skin construction and the Standards for owner's inspections and maintenance of bulk carrier hatch covers, together with the associated draft MSC resolutions as well as the draft MSC/MEPC circular on list of substances with missing safety and pollution data for consideration and adoption and approval by the Committee, as appropriate.

OTHER MATTERS

Early implementation of amendment to SOLAS regulation III/19.3.3.3

3.86 The Committee considered a proposal by Australia and Sweden (MSC 79/3/7) calling to urge Member Governments to give effect to the amendment to SOLAS regulation III/19.3.3.3, adopted by resolution MSC.152(78), prior to 1 July 2006 (which is the amendment's entry into force date) and providing a draft MSC circular in this respect.

3.87 As there was general agreement for the issuance of an MSC circular, the Committee instructed the drafting group to prepare the final text of the MSC circular for the Committee's approval.

Guidelines for the implementation of SOLAS chapter XII

3.88 The Committee considered a proposal by Japan (MSC 79/3/9) for guidelines for the implementation of SOLAS chapter XII as amended in 2004 related to the definition of bulk carriers, providing guidance to SOLAS Contracting Governments and the industry on the application of the revised SOLAS chapter XII to ships constructed before the date of its entry into force.

3.89 Having considered a draft MSC resolution containing the Guidelines for the implementation of SOLAS chapter XII, the Committee instructed the drafting group to prepare the final text of the draft Guidelines for the Committee's adoption.

Circulation of proposed SOLAS amendments

3.90 The Committee noted the information provided by the Secretariat in document MSC 79/3/14 on the circulation of proposed amendments to the 1974 SOLAS Convention in cases where the period of time between two consecutive Committee meetings is less than six months. In this context, with the exception of the agreed procedures for circulation and adoption of amendments to the IMDG Code, the Committee confirmed the procedure for circulation of amendments specified in SOLAS article VIII and requested the Secretariat to make necessary arrangements, if possible, regarding the programme of the future meetings of the MSC.

[more to come]

7 IMPLEMENTATION OF THE STCW CONVENTION

SECRETARY-GENERAL'S REPORTS PURSUANT TO STCW REGULATION I/7, PARAGRAPH 2

General

7.1 The Committee recalled that MSC 69 (MSC 69/22, paragraph 7.11) had instructed the Secretariat to keep the Committee informed of progress being made in preparation of reports pursuant to STCW regulation I/7, paragraph 2.

Progress report

7.2 The Committee noted the progress on the evaluation of information communicated by STCW Parties as at 1 September 2004 (MSC 79/7), and that, at the end of MSC 78, the so-called 'white list' had consisted of 113 Parties, out of a total of 147 current STCW Parties, as promulgated by MSC/Circ.1121.

7.3 The Committee also noted that:

- .1 eighty-two Parties had submitted the required information in accordance with the STCW Convention by the deadline of 1 August 1998;
- .2 since the above deadline, up to date, 39 Parties had submitted the required information among which relevant reports for 31 Parties have been cleared by the Committee, giving a total of 113 Parties on the White List;
- .3 as indicated in document MSC 79/7, as at 1 September 2004, panels of competent persons for eight Parties had completed their initial evaluation.

7.4 Following a proposal from the delegation of Cyprus, the Committee agreed that since those 82 Parties who had met the deadline of 1 August 1998, have been confirmed by the Committee to be giving 'full and complete effect' to the requirements of the revised Convention, it was not necessary for the Secretariat to keep the Committee informed of progress being made in the preparation of reports pursuant to STCW regulation I/7, paragraph 2, unless there is a change to the information provided which requires reporting.

7.5 In introducing his report (MSC 79/WP.3), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. Each report, as required by MSC/Circ.796/Rev.1, is comprised of:

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

7.6 The Committee was subsequently invited to consider the reports attached to document MSC 79/WP.3 for the purpose of confirming that the information provided by those Governments concerned confirmed that full and complete effect was given to the provisions of the STCW Convention.

7.7 As was the case with the Secretary-General's reports to previous sessions of the Committee, the Committee considered each report individually under the same procedures for the assessment of information as had been applied for previous cases.

7.8 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of the one STCW Party included in the Secretary-General's report and instructed the Secretariat to prepare a draft MSC circular (along the lines of those approved previously, namely MSC/Circs.978, 996, 1018, 1031, 1066, 1092 and 1121) attaching a list of Parties so far found to be giving the STCW Convention full and complete effect, including the one confirmed by the current session. The Committee also confirmed that the procedures for assessment of information provided had been correctly followed in respect of the other STCW Party which had communicated additional information pursuant to regulation I/10 of the STCW Convention, included in the Secretary-General's report.

7.9 Having considered the draft MSC circular (MSC 79/WP...), the Committee approved MSC/Circ.... on Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, confirmed by the Maritime Safety Committee to have communicated information which demonstrates that full and complete effect is given to the relevant provisions of the Convention, listing all the STCW Parties so far confirmed.

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

General

7.10 The Committee recalled that MSC 78 had agreed to consider the Secretary-General's report pursuant to STCW regulation I/8 at each session of the Committee, as they are completed but to issue the 'official' IMO updated so-called 'white list' only at or after MSC 80.

Progress report

7.11 The Committee noted that 63 reports of independent evaluations pursuant to STCW regulation I/8 had been received and had been forwarded to panels of competent persons for evaluation. The present situation was that three reports had been considered by MSC 77 and 17 reports had been considered by MSC 78 and, since then, 19 panels had completed their evaluation. Out of the balance, 13 panels had completed their initial evaluation and the relevant Parties had been requested to provide clarifications. Evaluation continues with respect to the 11 remaining Parties.

Secretary-General's report

7.12 In introducing his report (MSC 79/WP.3/Add.1), the Secretary-General advised the Committee that, in preparing the reports required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. Each report, as required by MSC/Circ.997, is comprised of:

- .1 the Secretary-General's report to the Committee;
- .2 a description of the procedures followed; and

- .3 a summary of the conclusions reached in the form of a comparison table.

7.13 The Committee was subsequently invited to consider the reports attached to document MSC 79/WP.3/Add.1 for the purpose of confirming that the information provided by the STCW Parties pursuant to STCW regulation I/8 confirmed that full and complete effect was given to the provisions of the STCW Convention.

7.14 As was the case with the Secretary-General's reports to previous sessions of the Committee, the Committee considered each Party report individually under the same procedures for the assessment of information provided as had been applied for previous cases.

7.15 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 19 STCW Parties bearing in mind that MSC 77 had agreed that any information on the outcome of this process with respect to reports on independent evaluation required by STCW regulation I/8, should not be promulgated until MSC 80.

APPROVAL OF COMPETENT PERSONS

7.16 The Committee approved additional competent persons nominated by Governments (MSC 79/7/1 and Add.1) and instructed the Secretariat to update MSC/Circ.797/Rev.10 accordingly and issue the updated circular as MSC/Circ.797/Rev.11.

DEVELOPMENT OF COMPETENCE FOR RATINGS (OUTCOME OF ILO PREPARATORY TECHNICAL CONFERENCE)

7.17 The Committee recalled that MSC 78 had noted that STW 35 had deferred consideration of preliminary proposals for the development of competence for ratings until the outcome of the ILO Preparatory Technical Conference would be made available.

7.18 The Committee further recalled that MSC 78 had agreed that IMO was the appropriate body to deal with standards related to competence for ratings, excluding ship's cook, and had instructed the Secretariat to convey this decision to ILO.

7.19 The Committee, having recalled that MSC 78 had noted that MSC 79, on receipt of the outcome of the ILO Preparatory Technical Conference, would be in a position to instruct STW 36 to consider the issue and the possible implications arising from standards for training related to ratings being regulated by the Organization and to suggest the best way forward, noted the outcome of the ILO Preparatory Technical Conference (MSC 79/7/2), and instructed STW 36 to do as mentioned above and report to MSC 80.

7.20 The ISF observer informed the Committee that BIMCO/ISF were in the process of updating the 2000 BIMCO/ISF manpower study and would be sending questionnaires to Member Governments to ascertain the manpower supply numbers. The ISF observer requested Member Governments to support this effort and to respond to the questionnaire.

Information received from STCW Parties

7.21 The Committee noted the information provided by Belgium (MSC 79/INF.7) related to verification of certificates of competency and instructed the Secretariat to amend the website accordingly.

9 FLAG STATE IMPLEMENTATION

REPORT OF THE TWELFTH SESSION OF THE SUB-COMMITTEE

General

9.1 The Committee, recalling that MSC 78 had considered urgent matters emanating from the twelfth session of the Sub-Committee, approved, in general, the report of that session of the Sub-Committee (FSI 12/22) and, having noted the MEPC's relevant decisions and approval of that report, as outlined in document MSC 79/2/3, took action on all remaining items (MSC 79/9) as indicated hereunder.

Casualty-related matters

9.2 As requested by the Sub-Committee, the Committee, in order to assist the Organization in receiving the information needed on casualties, endorsed the Sub-Committee's reminder to Member States on the provision of casualty-related information, as follows:

- .1 to ensure that the information on reports on marine casualties and incidents are provided to the Secretariat in accordance with the reporting requirements and the revised format annexed to MSC/Circ.953 - MEPC/Circ.372;
- .2 to provide information on whether human element was an underlying cause of a casualty or injury;
- .3 to provide the Secretariat with information on the number of fishing vessels, fishermen, total losses and lives lost, so that updated information on the matter can be incorporated in the relevant circulars;
- .4 to provide the Secretariat with preliminary information on casualties derived from RCCs, according to MSC/Circ.802 - MEPC/Circ.332, to enable the Organization to provide its Member States with timely and accurate information on casualties;
- .5 to indicate in the reports on investigations into casualties whether fraudulent certificates have been involved; and
- .6 to submit reports involving thermal oil systems accidents.

9.3 Having noted the low rate of preliminary information on casualties received from Member States, the Committee instructed the Secretariat to prepare letters to be addressed to the National Authorities in charge of Maritime Rescue Co-ordination Centres (RCCs) reiterating the invitation to provide preliminary information on casualties derived from RCCs in accordance with MSC/Circ.802 - MEPC/Circ.332.

9.4 While concurring with the Sub-Committee's decision on the issue of technical co-operation programmes, the Committee agreed that such programmes should not necessarily focus on the conduct of the investigation itself but on the means to communicate with the Organization in general and, in particular, on reporting the requested findings.

9.5 The Committee agreed with the proposed amendments to MSC/Circ.953 - MEPC/Circ.372 on Reports on marine casualties and incidents and, having instructed the Secretariat to prepare a new MSC/MEPC circular, incorporating the proposed amendments, for

submission to MSC 80 and MEPC 53 for approval, requested the DE Sub-Committee to provide comments on the proposed life-saving appliance casualty record, as appropriate.

9.6 The Committee decided to refer to STW 36, for consideration, as appropriate, the casualty analyses information relating to training issues for passenger ships collected by the Sub-Committee.

Port State control-related matters

9.7 The Committee had for its consideration, under this agenda item, the outcome of the review by the Sub-Committee of the report of the second IMO Workshop for Port State control MoU (Agreement) Secretaries and Directors of Information Centres. The Committee also had for its consideration, under agenda item 13, the Record of Recommendations of the third IMO Workshop for Port State control MoU (Agreement) Secretaries and Directors of Information Centres (see paragraphs ...).

9.8 With regard to the provision of PSC-related data to ILO, the Committee agreed that the latter Organization should be invited, in turn, to provide IMO with any relevant PSC-related data.

9.9 On the issue of the development of a distance learning package for training of PSCOs, the Committee, noted that the Chairman of the Paris MoU had informed the Sub-Committee that the Paris MoU had already developed such a package and that, in order to avoid unnecessary efforts and development costs, the Organization could consider inviting the Paris MoU to make this training material available in the context of the IMO TC activities. The Committee accordingly instructed the Secretariat to liaise with the Secretariat of the Paris MoU in this regard.

9.10 Regarding the consideration of the proposal relating to the Lloyd's Register-Fairplay (LR-F) World fleet database, the Committee concurred with the Sub-Committee's opinion that the development of the IMO Global Integrated Shipping Information System (GISIS), together with the development of the performance indicators contained in the Strategic Plan for the Organization (resolution A.944(23)), required the availability to Member States and the Secretariat of relevant information and analysing tools, such as an accurate database on the world fleet.

9.11 The Committee endorsed the instruction given to the Secretariat to prepare a further analysis of the LR-F proposal for consideration at FSI 13 based on the following issues needing further study:

- .1 identification of the added value of the scheme to existing contractual arrangements between Member States and LR-F;
- .2 clarification concerning the costing methods applied in the proposal and development of a financial option based on the equal share for all Member States in the IMO regular budget;
- .3 identification of data, the accuracy of which could be improved by the scheme in order to assist in complying with safety-, security- and pollution prevention-related requirements and methods to achieve such an improvement;
- .4 review of accessibility options as presented in the LR-F proposal; and
- .5 review of existing potential sources.

9.12 The Committee considered the proposal for the FSI Sub-Committee to carry out in-depth analyses of the annual reports on port State control activities. Having acknowledged the dangers of amalgamating data from different origins, the Committee agreed to the proposal made by the Chairman of the Paris MoU that the IMO Secretariat be associated with the work of the Paris MoU task force dealing with the specific issue of analysing PSC statistical data, as contained in the annual Blue Book, in order to prepare a submission for the next session of the Sub-Committee describing the process of in-depth analysis carried out within the Paris MoU.

Transfer of ships between States

9.13 The Committee considered the opinion of the Sub-Committee on the establishment of a procedure under which the transfer of ships between flags should be conducted so that the “gaining” flag State could seek safety-related information from the “losing” flag State.

9.14 In this context, having noted MEPC 52’s concurrent decision, the Committee approved MSC/Circ.... - MEPC/Circ.... on Transfer of ships between States.

Guidelines for the authorization of organizations acting on behalf of the Administrations

9.15 The Committee, having concurred with the decision of the Sub-Committee on the use of radio communication specialists under the supervision of recognized organizations (ROs) for performing survey and certification services, approved draft amendments to the Guidelines for the authorization of organizations acting on behalf of the Administrations (resolution A.739(18)), as set out in annex and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 81.

9.16 In this context, the Committee noted the concern expressed by the delegation of Panama that, as a result of the aforementioned amendments, it would be probable that duly qualified and trained persons, who were not employed by recognized organizations as exclusive surveyors, would be excluded from carrying out statutory survey and certification functions even though, heretofore, such persons had been carrying out such tasks on behalf of Administrations.

9.17 On this point the Committee noted that the draft amendments concerned the use of exclusive surveyors and auditors employed solely by recognized organizations authorized to act on behalf of an Administration and that Administrations can always employ or nominate their own surveyors and auditors, or use a third party State, for the purpose of carrying out statutory survey and certification functions. The Committee also noted the Procedural Requirement of IACS that, where particular circumstances so demanded it, an exclusive surveyor or auditor of an authorized IACS member could, always with the consent of the flag State in question, carry out statutory survey and certification functions on behalf of another authorized IACS member.

One-week course on flag State implementation

9.18 The Committee agreed to consider, under agenda item 13 (see paragraphs ...), the recommendation of the Sub-Committee that the one-week course on flag State implementation be included in the IMO Programme of Model Courses.

Harmonized System of Survey and Certification

9.19 The Committee concurred with the Sub-Committee that the timely preparation of relevant amendments to the Revised Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.948(23)), based on new requirements, should become a priority.

9.20 Consequently, the Committee endorsed the instructions to the Secretariat to prepare, for every session of the Sub-Committee, a list of new requirements adopted during the intersessional period, in order to allow the identification of those which might necessitate the preparation of appropriate amendments to the Guidelines.

Unified interpretation of the term “first survey”

9.21 The Committee approved MSC/Circ.... on Unified interpretation of the term “first survey” referred to in SOLAS regulations II-2/1.2.2.2, V/19.1.2.2, V/19.2.4.2.2 and V/20.1.2.

Marking the ship’s plans, manuals and other documents with the IMO ship identification number

9.22 The Committee, having noted that FAL 31 had not provided any information on the list of plans, manuals and other documents to be marked with the IMO ship identification number, concurred with the Sub-Committee that the application of such non-mandatory provisions should be limited to new ships only.

9.23 In this context, the Committee, having noted MEPC 52’s concurrent decision, approved MSC/Circ... - MEPC/Circ... on Marking the ship’s plans, manuals and other documents with the IMO ship identification number.

SECOND JOINT MINISTERIAL CONFERENCE OF THE PARIS AND TOKYO MEMORANDA OF UNDERSTANDING ON PORT STATE CONTROL

9.24 The Committee recalled that the First Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on Port State Control had taken place in Vancouver in 1998 on the theme of “Tightening the Net: Inter-regional Action to Control Substandard Shipping” and was informed (MSC 79/INF.12) that the Second Joint Ministerial Conference, which was attended by

the Secretary-General on behalf of IMO, had taken place in Vancouver on 2 and 3 November 2004 on the theme of "Strengthening the Circle of Responsibility".

9.25 The Committee noted that the Declaration adopted by the latter Conference and further details on the event would be submitted to FSI 13.

10 SAFETY OF NAVIGATION

REPORT OF THE FIFTIETH SESSION OF THE SUB-COMMITTEE

General

10.1 The Committee approved, in general, the report of the fiftieth session of the Sub-Committee on Safety of Navigation (NAV) (NAV 50/19 and MSC 79/10) and took action as indicated hereunder.

Adoption of new traffic separation schemes (TSSs)

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

- .1 "In the Approaches to the Cape Fear river"; and
- .2 "Off Mina Al-Ahmadi".

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

10.3 With respect to the new traffic separation scheme "Off Mina Al-Ahmadi", the Committee agreed to the revised accurate co-ordinates of six geographical positions of the traffic separation scheme as proposed by Kuwait after consultations with its hydrographic office.

Amendments to the existing traffic separation schemes (TSSs)

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

- .1 "In Puget Sound and its approaches in Haro Strait, Boundary Pass and in the Strait of Georgia";
- .2 "In the approaches to Chesapeake Bay";
- .3 "Off Cape Roca" and "Off Cape S. Vicente";
- .4 "In the approaches to Puerto San Martin"; and
- .5 "Off Berlenga" (revoked),

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

Routeing measures other than TSSs

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

- .1 the new area to be avoided and a mandatory no anchoring area in the West Cameron Area of the Gulf of Mexico;
- .2 the proposed amendments to the Notes for the existing "Deep-water route in the southern approach to Chesapeake Bay"; and
- .3 the proposed new area to be avoided in the region of the Berlengas Islands,

as set out in annex ..., for dissemination by SN/Circ....

Implementation of the adopted routeing measures

10.6 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 10.2 and 10.4, respectively (annex ...); and the routeing measures other than traffic separation schemes referred to in

paragraph 10.5 (annex ...), should be implemented six months after their adoption, i.e. on 1 July 2005 at 0000 hours UTC.

Amendments to the General provisions on Ships' Routeing

10.7 In accordance with resolution A.572(14), as amended, the Committee adopted, subject to confirmation by the Assembly, proposed amendments to section 3 "Procedures and responsibilities" of the General provisions on ships' routeing (resolution A.572(14), as amended) as given in annex ..., for dissemination by SN/Circ....

Amendments to the Guidelines and criteria for ship reporting systems (resolution MSC.43(64), as amended by resolution MSC.111(73))

10.8 The Committee, by resolution MSC....(79), adopted the amendments to section 3.3 (Proposing a ship reporting system to the Organization for adoption) of the Guidelines and criteria for ship reporting systems (resolution MSC.43(64), as amended by resolution MSC.111(73)), as set out in annex

Mandatory ship reporting system in the Western European Waters Particularly Sensitive Sea Area (PSSA)

10.9 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC....(79), the proposed new mandatory ship reporting system in the Western European Waters Particularly Sensitive Sea Area (PSSA), as set out in annex ..., for dissemination by SN/Circ.....

10.10 The Committee decided that the new ship reporting system in the Western European Waters Particularly Sensitive Sea Area (PSSA) should be implemented at 0000 hours UTC on 1 July 2005 as indicated by Belgium, France, Ireland, Portugal, Spain and the United Kingdom in document NAV 50/3/6.

Torres Strait Particularly Sensitive Sea Area (PSSA)

10.11 With respect to the Torres Strait Particularly Sensitive Sea Area (PSSA), the Committee recalled the discussion at NAV 50 on the proposed pilotage system in the Torres Strait (NAV 50/19, paragraph 3.29).

10.12 The Committee also noted the outcome of the consideration of the afore-mentioned issue by MEPC 52 and LEG 89. The Committee further noted that the MEPC had now embarked on a revision of the PSSA guidelines (resolution A.927(22)).

10.13 The Committee considered Australia's and Papua New Guinea's proposal to extend the current associated protective measure of a system of pilotage within the Great Barrier Reef to include the Torres Strait. The current system of pilotage within the Great Barrier Reef is contained within resolution MEPC.45(30). Australia proposed a resolution that would be identical to resolution MEPC.45(30), but would include the following:

- .1 note the fact that the Torres Strait has been identified as a PSSA;
- .2 extend the existing associated protective measure of a system of pilotage within the Great Barrier Reef to include the Torres Strait; and
- .3 revoke resolution MEPC.45(30).

The operative paragraph of the new MEPC resolution would read as follows:

“RECOMMENDS that Governments recognize the need for effective protection of the Great Barrier Reef and Torres Strait region and inform ships flying their flag that they should act in accordance with Australia's system of pilotage for merchant ships 70 m in length and over or oil tankers, chemical tankers and gas carriers, irrespective of size when navigating:

- (a) the inner route of the Great Barrier Reef between the northern extreme of Cape York Peninsula (10°41'S) and 16°40'S and in Hydrographers Passage;
- (b) the Torres Strait and the Great North East Channel between Booby Island (latitude 10°36'S, longitude 141°54'E) and Bramble Cay (latitude 09°09'S, longitude 143°53'E).”

10.14 Pursuant to resolution A.927(22), the Committee agreed that Australia's proposal to extend the associated protective measure of a system of pilotage within the Great Barrier Reef to

the Torres Strait should be adopted. The Committee agreed with Australia's proposal to incorporate the above changes to MEPC.45(30) into a new MEPC 53 resolution.

10.15 The Committee invited MEPC 53 to consider adopting the resolution as proposed by Australia and Papua New Guinea.

10.16 In the light of the above decision, the Committee, with regard to the NAV 50's request for the Committee to consider whether there might be a need to develop guidelines and criteria for a pilotage system in straits used for international navigation, decided that there was not a need to develop such guidelines and criteria.

NEW AND AMENDED PERFORMANCE STANDARDS FOR NAVIGATIONAL EQUIPMENT

Performance standards for the presentation of navigation-related information on shipborne navigational displays

10.17 In accordance with resolution A.886(21), the Committee adopted resolution MSC....(79) on Performance standards for the presentation of navigation-related information on shipborne navigational displays, as set out in annex

Guidelines for the presentation of navigation-related symbols, terms and abbreviations

10.18 The Committee approved SN/Circ.... on Guidelines for the presentation of navigation-related symbols, terms and abbreviations.

10.19 The Committee also agreed that there was no need to revoke SN/Circ.217 applicable to the existing equipment displaying AIS information, as SN/Circ.217 would be automatically revoked on the date of application of new performance standards for the presentation of navigation-related information on shipborne navigational displays.

Revised performance standards for radar equipment

10.20 In accordance with resolution A.886(21), the Committee adopted resolution MSC...(79) on Revised performance standards for radar equipment, as set out in annex

10.21 In adopting the Revised performance standards for radar equipment, the Committee took into consideration a few minor editorial and substantive comments regarding the Revised performance standards, as proposed by IEC, and instructed the Secretariat to incorporate the editorial changes and comments into the Revised performance standards.

Chapter X of the draft revised fishing vessel Safety Code and chapter 10 of the draft revised Voluntary Guidelines

10.22 The Committee endorsed the action by the Sub-Committee in submitting chapter X of the draft revised fishing vessel Safety Code and chapter 10 of the draft revised Voluntary Guidelines to SLF 47 and considered the item further under agenda item 11 (Stability, load lines and fishing vessel safety).

Proposed amendments to SOLAS regulation V/19

10.23 The Committee, in considering the proposed amendments to SOLAS regulation V/19 (NAV 50/19, annex 11), discussed the retrospective application of the proposed draft amendments to existing ships; and whilst some delegations were of the opinion that the amendments should not be approved and should be referred back to the NAV Sub-Committee for review, other delegations supported the approval of the proposed amendments at this session and adoption by MSC 80.

10.24 Taking into account the various views expressed during the discussion, the Committee approved the draft amendments to SOLAS regulation V/19, as set out in annex ..., for consideration with a view to adoption at MSC 80. The Committee noted that the original text of the draft amendments as prepared by the NAV Sub-Committee had already been circulated by circular letter No.2584 for consideration at MSC 80 subject to approval of the Committee at this session. The Secretariat was instructed to editorially review the text of the draft amendments and to issue the revised text of the draft amendment as a basic document for consideration at MSC 80.

ITU matters

10.25 The Committee endorsed the action by the Sub-Committee in submitting a liaison statement to ITU-R Working Party 8B.

Large passenger ship safety

10.26 The Committee endorsed the work to be undertaken for the tasks assigned to the Sub-Committee on large passenger ship safety.

Guidelines on early assessment of hull damage and possible need for abandonment of bulk carriers

10.27 The Committee approved MSC/Circ.... on Guidelines on early assessment of hull damage and possible need for abandonment of bulk carriers.

Additional guidance for uniform application of Rule 1(e) of the International Regulations for Preventing Collisions at Sea, 1972, as amended

10.28 The Committee approved MSC/Circ.... on Additional guidance for uniform application of rule 1(e) of the International Regulations for Preventing Collisions at Sea, 1972, as amended.

Guidance on the use of UN/LOCODE in the destination field in AIS messages

10.29 The Committee approved SN/Circ.... on Guidance on the use of UN/LOCODE in the destination field in AIS messages.

Amendments to the Record of Equipment for the nuclear ship safety certificates

10.30 The Committee noted that the draft amendments to the Record of Equipment for the nuclear ship safety certificates had been considered under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (paragraphs 3... to 3...) based on the documents submitted by the Russian Federation (MSC 79/3/11, MSC 79/3/11/Add.1, MSC 79/3/12 and MSC 79/3/12/Add.1), which contained editorial modifications including those agreed to by NAV 50, to bring the Forms of Nuclear Ship Safety Certificates in line with the other SOLAS forms.

Amendments to the Guidelines for the installation of a shipborne automatic identification system (AIS)

10.31 The Committee approved MSC/Circ.... on Amendments to the Guidelines for the installation of a shipborne automatic identification system (AIS) (SN/Circ.227).

Reporting procedure

10.32 The Committee noted that the Sub-Committee, at its fiftieth session, had used the trial reporting procedure. The Committee further noted that the outcome of the discussion on the trial reporting procedure had been considered under agenda item 19 (paragraphs 19... to 19...).

ASSOCIATED NEW RULES AND PROCEDURES FOR SHIPS TRANSITING AND USING THE ANCHORAGE AND THE SEPARATION ZONE OF THE TRAFFIC SEPARATION SCHEME “IN THE SINGAPORE STRAIT”

10.33 The Committee noted (MSC 78/26, paragraphs 11.3 to 11.9) that MSC 78 had adopted, in accordance with the provisions of resolution A.858(20), an amendment to the traffic separation scheme “In the Singapore Strait” for the establishment of an anchorage area in the existing separation zone for the emergency anchoring of vessels including damaged vessels proceeding for repairs, prior to entry into a shipyard or similar matters. This information was circulated by COLREG.2/Circ.54 and the amendment would be implemented at 0000 hours UTC on 1 January 2005. The delegation of Indonesia had informed MSC 78 that the associated new rules and procedures for ships transiting and using the amended TSS “In the Singapore Strait” would be submitted to IMO before 1 December 2004.

10.34 The Committee further noted that on 28 June 2004, the Organization received a copy of the text of a Decree of the Directorate General of the Sea Communications No. PP 72/8/1-03, dated 20 November 2003, on “Standard operating procedures for management and operation of the Nipah transit anchorage area on the waters of Nipah” from the Government of the Republic of Indonesia. This information was circulated to Member Governments by means of SN/Circ.238 of 20 July 2004.

10.35 The observer from INTERTANKO, speaking also on behalf of OCIMF, recalled that, OCIMF, INTERTANKO and SIGTTO had submitted, to MSC 78, document MSC 78/11/6 in which they had listed several concerns of a navigational nature with respect to the new anchorage area being established, in the amended traffic separation scheme in the Singapore Straits.

OCIMF, INTERTANKO and SIGTTO had requested that the scheme be referred back to the NAV Sub-Committee in order that the Ships' Routeing Working Group might once again consider the navigational and safety aspects of the amendment. MSC 78 had adopted the amendments; however, it was stated that after the adoption of amendments, new rules and procedures for ships transiting and using the amended Scheme would be prepared by the littoral States. All interested parties were invited to give their comments and contributions directly to the three littoral States and that it was therefore not necessary to refer the proposed amendments back to NAV 50. Accordingly, OCIMF, INTERTANKO and SIGTTO had written to the littoral States, reiterating their navigational concerns and requesting the opportunity to discuss these further and a response was awaited. It had been further noted that the Organization had received a copy of the Decree, dated 20 November 2003 on "Standard operating procedures for management and operation of the Nipah transit anchorage area in the waters of Nipah", which predated their document MSC 78/11/6, and did not appear to have considered their concerns. Hence, it was requested that the implementation date of 1 January 2005 be delayed until their concerns had been addressed.

10.36 The delegation of Indonesia thanked OCIMF, INTERTANKO and SIGTTO for their concerns on the establishment of an anchorage area in the Straits of Malacca and Singapore called Nipah Anchorage Area (NAA). As already explained at NAV 49 the purpose of the establishment of an anchorage area was to enhance the safety of navigation in the Straits, which had been adopted by MSC 78 in May 2004, in particular, for ships entering Singapore port to allow them to wait outside the port. The Indonesian delegation further explained that due to a very tight meeting schedule in the region, the Tripartite Technical Experts Group (TTEG) on the safety of navigation in the Straits of Malacca and Singapore, among the three littoral States was meeting in Jakarta concurrently with MSC 79 and was also discussing the concerns submitted by the OCIMF, INTERTANKO and SIGTTO regarding the NAA.

10.37 The delegation of Indonesia, bearing in mind the aforementioned reasons, therefore, proposed to await the outcome of the TTEG Meeting and agreed to inform the Committee accordingly of the possible consequential adjustment of the new rules and procedures for ships transiting and using the anchorage in the Singapore Straits adopted by the MSC 78. Consequently, the Committee was also informed that the implementation date had been postponed to 1 July 2005.

10.38 The Committee instructed the Secretariat to issue an appropriate addendum to COLREG.2/Circ.54 to bring this information to the attention of all Member Governments.

TRANSITORY NON-COMPLIANCE WHEN CONDUCTING BALLAST WATER EXCHANGE

10.39 The Committee noted that, having recalled, in this context, the proposal of MEPC 49 (document MSC 78/2/1, paragraph 3) to confirm the acceptability of transitory non-compliance with safety regulations when conducting ballast water exchange, MSC 78 had instructed NAV 50 (paragraph 24.34 of the annex to NAV 50/2/2) "to specify the permissible limits of transitory deviation for safety problem areas".

10.40 The Committee further noted that NAV 50 was unable to reach a conclusion on this matter, including which requirements might be deviated from and whether this could be addressed in guidance or whether the relevant mandatory instrument should be amended to take account of such situations.

10.41 The Committee considered the proposal by the United Kingdom (MSC 79/10/2) on possible transitory non-compliance, especially with bridge visibility requirements in SOLAS regulation V/22, when ships conduct ballast water exchange at sea, which addresses the issue of transitory non-compliance with requirements for propeller immersion, minimum draught and/or trim and bridge visibility.

10.42 The Committee noted that the same issue had also been discussed at MEPC 52 based on a near identical document submitted by the United Kingdom (MEPC 52/2/12) to MEPC 52.

10.43 The Committee also noted that MEPC 52 (MEPC 52/24, paragraphs 2.8 to 2.9) agreed to refer documents MEPC 52/WP.3 (containing legal advice on transitory non-compliance with SOLAS regulation V/22 during ballast water exchange as provided by the Legal Office of the Organization) and MEPC 52/2/12 (United Kingdom) proposing amendments to SOLAS regulation V/22 in connection with transitory non-compliance with SOLAS when conducting ballast water exchange, to it for consideration.

10.44 The Committee, having noted that identical advice had been provided by the Legal Office of the Organization regarding document MSC 79/10/2, considered document MEPC 52/WP.3 and reviewed the proposed amendments to SOLAS regulation V/22, as proposed by the United Kingdom, and the proposed text suggested by the Legal Office of the Organization.

10.45 The Committee, based on the concurrence of the United Kingdom agreed to replace the draft text in annex 2 to document MSC 79/10/2 with the text given in paragraph 4 of document MEPC 52/WP.3.

10.46 There was some debate on the issue with some delegations urging caution in revising SOLAS regulation V/22, as ballast water exchange was an operational issue and the safety of the ship was important, whilst other delegations were of the opinion that the point of view of the master also needed to be considered, including national/regional regulations or requirements regarding ballast water exchange.

10.47 The Committee, recognizing that there was equal support for both views, approved the proposed amendments to SOLAS regulation V/22, as set out in annex ..., with a view to adoption at MSC 81. To this effect, the Committee invited the Secretary-General to circulate the aforementioned amendments in accordance with SOLAS article VIII.

10.48 In order to facilitate the consideration of the draft amendments at MSC 81, the Committee instructed NAV 51 to look at the proposed amendments in detail and submit any comments to MSC 81.

[10.49 In the context of this issue, the Committee approved MSC/Circ.... on precautionary advice to masters when undertaking ballast water exchange.]

[item 13 to follow]

14 ROLE OF THE HUMAN ELEMENT

14.1 The Committee recalled that, at MSC 78, the Joint MSC/MEPC Working Group on Human Element was reconvened to develop the Organization's strategic plan to address the human element.

14.2 The Committee also recalled that the Joint MSC/MEPC Working Group on Human Element, due to the complex and interrelated issues involved and time constraints, had not been able to develop a complete strategic plan and had, instead, developed a working document, which could serve as a basis for developing the strategic plan to address the human element.

14.3 The Committee further recalled that, in order to facilitate the finalization of the strategic plan, MSC 78 had invited Member Governments to submit comments on the working document (MSC 78/WP.16) to this session.

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

Development of a strategic plan for addressing the human element

14.5 The Committee considered document MSC 79/14 (Liberia) outlining a draft strategic plan for IMO to address the human element taking into account three fundamental questions:

- .1 assistance to IMO: What can be developed to ensure the comprehensive consideration of the human element in the development of mandatory and non-mandatory IMO instruments?
- .2 assistance to shipowners and ship managers: What can be developed by IMO to assist shipowners and ship managers to efficiently and effectively implement human element efforts to comply with mandatory and non-mandatory instruments?

- .3 assistance to seafarers: What can be developed by IMO to assist seafarers in the prevention of safety and environmental accidents and injuries to personnel, ships, the environment and other relevant stakeholders?

14.6 The Committee also considered document MSC 79/14/1 (Liberia) proposing the development of guidance for the Organization to facilitate the comprehensive consideration of the human element in the development of guidance, tools, mandatory and non-mandatory instruments. Liberia also proposed developing a check list for the use by committees, sub-committees and working groups.

14.7 The Committee further considered documents MSC 79/14/2 and MSC 79/14/3 (Liberia) proposing the development of a human element action plan for consideration of ergonomics within IMO and greater participation by Member States to ensure presence of human element expertise at the relevant sessions of the committees, sub-committees, working and correspondence groups concerned at IMO.

14.8 The Committee considered document MSC 79/14/4 (ISF) proposing that the above-mentioned documents (MSC 79/14, MSC 79/14/1, MSC 79/14/2 and MSC 79/14/3) should be referred to the next session of the Joint MSC/MEPC Working Group on Human Element.

14.9 The Committee also considered documents MSC 79/14/5 and MSC 79/14/6 (ICFTU) which proposed to include standards for seafarer's occupational health and safety in the Organization's human element strategy and to consider ergonomics in the engine room of ships in addition to discussing bridge ergonomics.

14.10 The Committee noted that, following consultations between the Chairmen of the Committees, MEPC 52 agreed that the next session of the Joint MSC/MEPC Working Group on Human Element would be reconvened at MEPC 53.

14.11 The Committee agreed that the Joint MSC/MEPC Working Group on Human Element, instead of developing a strategic plan, should prepare a strategy to address the human element, which should not be in conflict with the Organization's Strategic Plan.

14.12 The Committee further agreed that the draft Guidelines on the basic elements of a shipboard occupational health and safety program (BLG 8/WP.4) should also be considered by the working group at its next session to be held at MEPC 53.

14.13 The Committee agreed that documents MSC 79/14, MSC 79/14/1, MSC 79/14/2, MSC 79/14/3 MSC 79/14/4, MSC 79/14/5 and MSC 79/14/6 should be considered in detail by the Joint MSC/MEPC Working Group on Human Element at MEPC 53.

Impact of the ISM Code and its effectiveness

14.14 The Committee noted the information provided by the Secretariat (MSC 79/14/7) on the establishment of the Independent Experts Group to study the impact of the ISM Code at no cost to the Organization and appreciated the initiative of the Secretary-General to establish the Experts Group.

14.15 The Committee requested the Secretariat to take note of the comments made relating to collection of data and submit an interim report on the activities of the Experts Group to MSC 80.

15 FORMAL SAFETY ASSESSMENT

15.1 The Committee recalled that MSC 78, due to lack of time, decided to defer consideration of the item to this session and noted the list of the documents deferred from MSC 78, as contained in document MSC 79/15. The Committee further recalled that MSC 77, having discussed proposed amendments to the FSA Guidelines (MSC/Circ.1023– MEPC/Circ.392) and whether sub-committees should apply the principles of the FSA methodology when analysing casualties referred to them by the FSI Sub-Committee, established a correspondence group to review the Guidelines and prepare draft amendments, as appropriate; to consider the application of the FSA methodology to the analysis of casualties; and to consider the need for developing a procedure for estimating risk reduction after the introduction of certain safety measures, for possible appending to the FSA Guidelines.

15.2 The Committee noted that:

- .1 MEPC 49, when considering FSA matters, had tasked the FSA correspondence group mentioned above with additional terms of reference, i.e. to consider the need to develop a risk index relevant to the protection of the marine environment; and
- .2 FSI 12's working group on casualty analysis considered the use of FSA methodology in the casualty analysis process and found that its application would be a good step forward towards improvements in organizing casualty analysis. A procedure had been developed by the group, with steps 1 and 2 of the FSA being specified for use in casualty analysis in a practical way. The group believed that the proposed procedure formed a good basis for trial and further improvement. FSI 12 agreed with the proposed casualty analysis procedure (FSI 12/WP.2, annex 5) and informed MSC 78 accordingly.

15.3 In the context of this item, the Committee recalled the discussion under item 6 (Goal-based new ship construction standards) on the role of the FSA methodology in the development of a goal-based regulatory framework for ship construction standards, in particular the consideration of documents MSC 79/6/3 (Germany), MSC 79/6/19 (Bahamas) and MSC 79/6/25 (United Kingdom) (paragraphs ... to ...) and agreed to take the outcome of that discussion into account when considering this agenda item.

15.4 The Committee had for its consideration the report of the correspondence group MSC 78/19 (Japan); documents MSC 78/19/1, MSC 78/19/2 and MSC 78/19/3 (IACS); document MSC 79/15 (Secretariat), providing a list of documents deferred to this session; and document MSC 79/15/1 (Secretariat), providing the outcomes of MSC 77, MSC 78 and FSI 12 on the issue of application of the FSA methodology to casualty analysis.

Consideration of IACS submissions

15.5 The Committee considered the following three IACS submissions:

- .1 document MSC 78/19/1, analysing the FSA studies carried out at IMO so far and commenting on various aspects of the studies in some detail. This includes problems with FSA studies with too large a scope, the definition of the generic model, the limitations and disadvantages of the use of historical data, procedures

to re-evaluate the cost effectiveness of RCOs before adopting measures, presentation of results and project management in the conduct of large FSA studies. Deriving from the analysis, proposals are made for the improvement of the FSA Guidelines, however, no concrete text for amendments is suggested;

- .2 document MSC 78/19/2, suggesting a set of quantified risk acceptance and cost-effectiveness criteria, which could be agreed by IMO as guidance for the use in future FSA studies. Agreed risk evaluation criteria would enable FSA studies to be conducted in a more consistent manner, making results and the way they were achieved better comparable and understandable. The document provides clarification on available criteria to assess the acceptability or tolerability of risks, so-called risk acceptance criteria, and the cost effectiveness of risk control options, so-called cost effectiveness criteria. The paper also recommends how these criteria should be applied. It is suggested that similar criteria are developed for risk to environment and property;
- .3 document MSC 78/19/3, suggesting a specific technique to indicate the degree of agreement (concordance) between experts, in a situation where experts are asked to rank hazards in terms of severity. Experts are sometimes used to rank risks associated with accident scenarios, or to rank the frequency or severity of hazards. One example is the ranking that takes place at the end of FSA Step 1 – Hazard Identification. This is a subjective ranking, where each expert may develop a ranked list of accident scenarios, starting with the most severe. To enhance the transparency in the result, the resulting ranking should be accompanied by a concordance coefficient, indicating the level of agreement between the experts.

15.6 The Committee agreed that these IACS submissions contained valuable comments and proposals which warranted further detailed consideration and decided to instruct the Correspondence Group on FSA (paragraph 15.11) to consider them further with a view to preparing relevant amendments to the FSA Guidelines, as appropriate.

Consideration of the report of the correspondence group

15.7 Following consideration of the report of the correspondence group (MSC 78/19), in conjunction with the abovementioned documents, in particular the action requested of the Committee in the report of the correspondence group, the Committee:

- .1 approved, subject to MEPC's concurrent decision, the proposed draft amendments to the FSA Guidelines (MSC/Circ.1023 - MEPC/Circ.392) as set out in annex .. and instructed the Secretariat to inform MEPC 53 accordingly;
- .2 noted the opinion of the group with regard to document MSC 76/5/12, proposing a number of considerations on the decision-making process when independent FSA studies show different final recommendations, and agreed on the need to develop appropriate amendments to the FSA Guidelines to address the issue as well as to make sure that the stages in the FSA process, where subjectivity can substantially influence the results, are defined in a way that the possibility of obtaining inconsistent results is reduced to a minimum;
- .3 with regard to the recommendation of the group that the FSI Casualty Analysis Working Group should not apply the FSA methodology in its work, decided, taking into account the recommendation of FSI's working group on casualty analysis (see paragraph 15.2.2 above) and background information on the matter as contained in document MSC 79/15/1, to instruct the Sub-Committee to ensure that casualty data are collected in a uniform manner and to develop guidelines for the analysis of casualties which could also be used as a guidance by other sub-committees;

In this connection, the Committee, having recalled its decision, under agenda item 20, to include a new item on "Review of the Code for the investigation of marine casualties and incidents" in the work programme of the FSI Sub-Committee which would include the review of the reporting requirements in the context of casualty investigations that could impact on the data collected by the Organization for casualty analysis purposes, noted that the further work of the FSI Sub-Committee on the uniform manner of data collection would be compatible with the above new work programme item;

- .4 noted the view of the group that any technique for analysis should be notified, examined and recognized by a technological or scientific forum before it is introduced into FSA;
- .5 noted the view of the group that indices relevant to the protection of the marine environment were currently not well defined and were under development and that, therefore, no concrete proposal on such indices for FSA could be developed at this point in time;
- .6 endorsed the view of the group that the development of a risk index for marine environment protection was an important issue which should be further discussed; and
- .7 agreed with the recommendation of the group regarding further work necessary under the FSA item, as follows:
 - .7.1 the guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the rule making process of IMO (MSC/Circ.1022) should be used more actively, and if necessary, should be further amended to ensure its application; and
 - .7.2 the development of relevant indices for use in FSA for marine environment protection should be undertaken.

Establishment of a group of experts on FSA

15.8 The Committee recalled the proposal by IACS (MSC 78/19/1) for an FSA review process, foreseeing a standing MSC working/correspondence group to carry out independent reviews of FSA studies submitted to IMO. The Committee recognized that there was clearly a need to improve the FSA process so that, in the future, the Organization could base its decisions on a single, internationally recognized, set of findings and recommendations that are based on the formal safety assessment process.

15.9 Following from the above, the Chairman suggested that this could be achieved by the establishment of a group of experts which would be entrusted to provide expert judgement for specific FSA studies, either to be carried out under the auspices of IMO or to be reviewed by the expert group. The Terms of reference of such a group should be decided by the Committee and may include, for example, the following activities:

- .1 review past IMO experience with the application of FSA with a view to identifying any weak points in applying the process and providing recommendations on how to avoid having different sets of results in the future;
- .2 prepare relevant amendments to the FSA Guidelines, also taking into account the recommendations of the FSA Correspondence Group (MSC 78/19) in this regard;
- .3 carry out FSA studies on specific subjects as directed by the MSC and other Committees;
- .4 review FSA studies on specific subjects submitted to the Organization as directed by the MSC and other Committees;
- .5 consider any role for FSA to play in the framework of the goal-based standards, taking into account documents MSC 79/6/3, MSC 79/6/19 and MSC 79/6/25; and
- .6 prepare relevant reports for submission to the MSC and other Committees.

15.10 The delegation of the United States, in agreeing that the Chairman's proposal might be the right course of action to improve the FSA application in IMO suggested that the matter, including participation, funding and terms of reference for such a group, should be discussed in detail at MSC 80; that a Working Group on FSA should be established for that purpose; and that the Secretariat could be instructed to prepare a basic document for consideration at MSC 80, covering the above issues.

15.11 Several other delegations, when supporting the proposal by the delegation of the United States on how to proceed, mentioned other issues which needed to be addressed in this connection, such as the status of the group and its independence, the selection of experts, how to ensure transparency, and the linkage between FSA and goal-based standards.

15.12 Subsequently, the Committee agreed to establish a Working Group on FSA at MSC 80 in order to consider the need for such a group, including representation, funding, independence and transparency issues, and to advise the Committee accordingly. The Committee further agreed that the Working Group should also be tasked with the consideration of the documents submitted to MSC 78, MSC 79 and MSC 80 in order to improve the FSA Guidelines and with the consideration of the link between FSA and goal-based standards, taking into account the three FSA related submissions under agenda item 6, as mentioned in paragraph 15.3.

15.13 Consequently, the Committee instructed the Secretariat to prepare a basic paper for the establishment of such a group of experts, including procedures for selection of experts and funding options, for consideration at MSC 80.

Re-establishment of the correspondence group

15.14 Taking into account the above decisions, the Committee agreed to re-establish the correspondence group, under the co-ordination of Japan*, with the following terms of reference:

- .1 to consider documents MSC 78/19/1, MSC 78/19/2 and MSC 78/19/3 and prepare relevant amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023 – MEPC/Circ.392), as appropriate;
- .2 to consider further unresolved issues raised in the report of the correspondence group (MSC 78/19), i.e. inconsistent results of different FSAs on the same subject and clarifications of the technology used for particular FSAs;

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- .3 to consider whether any amendments to the guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the rule making process of IMO (MSC/Circ.1022) were necessary in order to make it more user-friendly;
- .4 to develop relevant indices for use in FSA for marine environment protection and report the outcome directly to the MEPC; and
- .5 to submit a report to MSC 80.

16 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Statistical information

16.1 The Committee noted (MSC 79/16) that, since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships have been circulated under the MSC.4/Circ. series, while the annual report for the period between March 2003 and March 2004 had been issued under the symbol MSC.4/Circ.50 and had been presented at MSC 78.

16.2 The Committee further noted that, since June 2001 and in accordance with the instruction of MSC 74, the MSC circulars reporting on acts of piracy and armed robbery differentiate (in separate annexes) acts of piracy and armed robbery actually "committed" from "attempted" ones. In addition and as instructed by MSC 75 (MSC 75/24, paragraph 18.41), the Secretariat had, as of July 2002, classified separately incidents of piracy and armed robbery at sea (international or territorial waters) *vis-à-vis* armed robbery acts committed in port areas, in addition to "attempted" acts of armed robbery (as explained above). Furthermore and as suggested by Brazil at MSC 75, the geographically large South American and Caribbean region had been sub-divided into three sub-regions: South America (Atlantic), South America (Pacific) and the Caribbean. This change was reflected in all relevant reports issued as of 1 January 2003.

16.3 Based on the above reports and additional information provided orally by the Secretariat, the Committee noted that the number of acts of piracy and armed robbery against ships, which occurred during the first nine months of 2004, as reported to the Organization, was 252, a decrease of 28% over the figure for the corresponding period in 2003. The Committee further

noted that the total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of September 2004, was 3,653.

16.4 The Committee observed that, although this 28% annual decrease in the reported acts of piracy and armed robbery against ships was encouraging, as was the increased number of repelled or otherwise unsuccessful attacks, the fact that the monthly reports indicated an increase in the violence of the attacks, was not. The incidence of such acts remained a cause for concern and, therefore, as emphasised on previous sessions of the Committee, much more still needed to be done to reduce this menace. The Committee agreed that it was too soon to quantify the effect that the implementation of the new regulatory maritime security regime has had in reducing the number of piracy and armed robbery cases.

16.5 In further considering the statistical information for the period between 1 January and 30 September 2004, the Committee expressed deep concern on the information received on incidents allegedly committed against ships during the period under review, which had resulted in six ships being hijacked, two ships being sunk/capsized and seven ships being damaged by gunfire. From the reports received, it had also emerged that the most affected areas in 2003 (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, South America and the Caribbean, the Indian Ocean and West and East Africa. Most of the attacks worldwide had occurred or been attempted in the coastal States' concerned territorial waters while the ships were at anchor or berthed. In many of the reports received, the crews were violently attacked by groups of five to ten people carrying knives or guns. The Committee was particularly concerned to note that that, during the same period, 30 crew members and passengers were reportedly killed, 94 were injured and 113 were taken hostage. Amongst those confirmed as still missing to date and unaccounted for were 36 crew members including 17 crew members thrown overboard in the reported incidents.

16.6 The Committee observed that, although since the 11 September 2001 attacks emphasis had been placed on maritime security, piracy and armed robbery against ships continued to trouble the shipping industry. Although the implementation of SOLAS chapter XI-2 and the ISPS Code was expected to have a positive impact on the reduction of piracy and armed robbery incidents, Contracting Governments should be aware of the fact that continued activities of that nature would raise serious concerns as to the compliance of the ports and port facilities of the country concerned with the new maritime security regime. The Committee, therefore, urged,

once again, all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

16.7 The Committee noted that after MSC 78 the Secretariat had received no reports from Member Governments on action they took with regard to incidents reported to have occurred in their territorial waters. Therefore, the Committee urged all Governments to provide the Organization with the information requested.

16.8 The Committee noted the information by ICFTU (MSC 79/INF.8) on “In the Firing Line”, a report produced by NUMAST, an ICFTU affiliate, which provided the seafarers’ perspective of the unacceptable threat to merchant shipping and how seafarers perceive the problem could be best addressed.

16.9 The Committee noted the verbal report by the delegation of the Netherlands on the armed attack against the vessel **Smitwijs London** in the Malacca Strait on 1 November 2004, and the concerns raised by the delegation of Liberia on recent reports of ships arming themselves for their own protection. The Committee also noted the Secretary-General’s recollection that MSC 62 in June 1992, in approving MSC/Circs.622 and 623, had endorsed the view that ships should not carry firearms on the basis that, *inter alia*, the carriage of such weapons requires the training of those using them; may encourage attacks to seize weapons from ships known to be armed; would lead to an escalation of violence; and had legal implications in respect of self-defence.

16.10 The Committee further noted the activities of the Secretariat in conducting workshops and seminars on combating piracy; the actions taken pursuant to the Secretary-General’s initiative on the protection of vital shipping lanes, as endorsed by the Council, at its ninety-third session and, in particular, the intention to hold a meeting on maritime safety, security and environmental protection of the Malacca and Singapore Straits in Jakarta in July or August 2005; and the plan to hold a regional seminar on piracy and armed robbery against ships and maritime security in Yemen in March or April 2005.

Update on the United Nations Open-ended Informal Consultative Process

16.11 The Committee recalled that, as reported by MSC 76 (MSC 76/23, paragraphs 16.27 to 16.28), it had instructed the Secretariat to continue following closely any further developments

at the United Nations level on the United Nations [Open-ended Informal] Consultative Process and report thereon, as appropriate.

16.12 The Committee, having received the report (MSC 79/16/1) on the outcome of discussions, in relation to piracy and armed robbery held, during the Fifth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea which met from 7 to 11 June 2004, noted the information provided in paragraphs 4 and 5 of document MSC 79/16/1, which had meanwhile been adopted, with editorial changes, as part of the United Nations General Assembly Resolution 59/24 on Oceans and the Law of the Sea as operative paragraphs 47 and 48:

“47. Urges all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration; [and]

48. Welcomes the progress in regional cooperation in the prevention and suppression of piracy and armed robbery at sea in some geographical areas, and urges States to give urgent attention to promoting, adopting and implementing cooperation agreements, in particular at the regional level in high-risk areas.”

16.13 The Committee instructed the Secretariat to keep the Committee updated on future developments on this Consultative Process.

Information on the development of GISIS

16.14 The Committee recalled that MSC 78, noting that the preparation of a statistical presentation of the additional information on total figures of reported incidents and responses received from the coastal States was not envisaged at this stage, had instructed the Secretariat to

investigate and to inform the Committee on the possibility of making the corresponding entire set of data, which was being stored in the Secretariat database on piracy and armed robbery against ships, accessible and searchable on the IMO public website when developing the respective application in the context of the IMO Global Integrated Shipping Information System (GISIS).

16.15 The Committee noted the report by the Secretariat (MSC 79/16/2) on the status of the development of the IMO Global Integrated Shipping Information System (GISIS), with regard to the piracy and armed robbery module, and was informed about the specific need for information on incidents, as submitted to the Organization, to contain the IMO ship identification number, as appropriate.

17 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Implementation of instruments

17.1 The Committee noted the information on the status of acceptance, as at 31 March 2004, of safety-related conventions, protocols and amendments thereto and of the status of implementation of codes, recommendations, guidelines and other safety related non-mandatory instruments (MSC 78/21 and MSC 78/INF.17), as well as the updated information, as at 30 September 2004, regarding safety-related conventions, protocols and amendments thereto (MSC 79/17/1 and MSC 79/INF.11). The Committee was advised orally by the Secretariat of additional information on instruments of ratification, acceptance, approval of, or accession to, safety-related IMO conventions and protocols deposited with the Secretary-General on or after the date the above documents were prepared.

17.2 On the specific issue of the status of implementation of codes, recommendations, guidelines and other safety related non-mandatory instruments referred to in annex 4 to document MSC 78/INF.17, which the Secretariat introduces once every two years at the first session of the Committee following every Assembly session, the Committee, having noted the small number of updates received, requested the Secretariat to issue an MSC circular to encourage Member States to provide relevant information to the Secretariat and, if there was a sufficiently large response, to provide the Committee with updated information on the status of such instruments.

Acceptance and implementation of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention

17.3 The Committee considered the information contained in documents MSC 78/21/1, MSC 79/17/2 and MSC 79/2/1/Add.1, together with data on related TC activities contained in documents MSC 78/17 and MSC 79/13/1/Add.1.

17.4 The Committee recalled that it had been requested by the Assembly, through resolution A.925(22), to review the situation concerning the entry into force of the two aforementioned instruments and to take action, as deemed appropriate; and also that the Secretary-General had been requested to take additional measures aimed at assisting Member Governments in the process of becoming Parties to, and implementing, the said instruments. In this context, the Committee noted the information provided by the Secretariat (MSC 78/21/1) on IMO activities comprising a series of regional seminars and workshops to raise awareness of the benefits of meeting the standards of the 1995 STCW-F Convention and to promote the acceptance and implementation by Governments of that Convention and of the 1993 Torremolinos Protocol.

17.5 On the promotion of the implementation and eventual entry into force of the latter Protocol, including also other relevant instruments such as the FAO/ILO/IMO Code of safety for fishing vessels and fishermen and the FAO/ILO/IMO Voluntary Guidelines for the design, construction and equipment of small fishing vessels, the Committee noted that, pursuant to resolution A.925(22), a regional seminar was held in Beijing, People's Republic of China, from 21 to 24 September 2004, for selected South East Asian countries. The seminar was attended by high-level Government and maritime Authority officials with relevant decision-making functions relating to fishing vessel safety.

17.6 A similar regional seminar had also been programmed for selected Latin American countries in 2005, and, subject to appropriate funding becoming available, further regional seminars would be organized in other parts of the world during 2006-2007.

17.7 On the promotion of the implementation and eventual entry into force of the 1995 STCW-F Convention, the Committee noted that document MSC 78/17 provided information on planned activities for 2004 and was informed that a regional seminar and workshop on the implementation of that Convention had been planned for the Caribbean region

from 11 to 15 October 2004, in St. George's, Grenada, but the event was cancelled due to the devastating effect of Hurricane Ivan and will be rescheduled in due course.

17.8 In the same context, the Committee noted that the ITCP for 2004-2005 included a specific programme of seminars and workshops targeting technical assistance for national Administrations to address specific needs, on demand, relating to the ratification and implementation of the 1995 STCW-F Convention; and that its thematic priorities for the ITCP covering the 2006-2007 biennium (MSC 79/13/1/Add.1) included the promotion of the acceptance of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention as well as proactive safety measures relating to fishing vessels and their personnel.

17.9 In regard to the consideration by C 93 of the study carried out by the Secretariat on the legal and practical implications of amending the entry-into-force provisions of the 1993 Torremolinos Protocol, the Committee noted that that the Council had (see MSC 79/2/1/Add.1):

- .1 noted the study provided by the Secretariat, in particular the current estimate of the size of the world fishing vessels fleet and the legal analysis of the entry-into-force provisions of the 1993 Torremolinos Protocol (C 93/4/Add.2 and C 93/4/Add.4);
- .2 urged Member Governments, which have not yet responded to the Secretary-General's request for information, to do so in order that reliable information is obtained on the size of the world fishing vessels fleet and insights are gained into the reasons why some States have been reluctant to ratify the 1993 Torremolinos Protocol;
- .3 agreed, in the context of accelerating the entry into force of the 1993 Torremolinos Protocol, to urge Member States to accept that Protocol as soon as possible; and
- .4 agreed that the Organization should continue its technical co-operation activities related to fishing vessel safety.

17.10 The Committee decided to refer the information contained in documents MSC 78/21/1, MSC 79/17/2 and in the relevant paragraphs of document MSC 79/2/1/Add.1 to the FSI, SLF and STW Sub-Committees for information purposes.

[item 18 to follow]

19 APPLICATION OF THE COMMITTEE'S GUIDELINES

GENERAL

19.1 The Committee recalled that, at MSC 78, it noted the outcome of the 2004 Chairmen's Meeting (MSC 78/WP.9 and Corr.1), which had considered in detail several Secretariat documents relating to various issues under this agenda item, and that, due to lack of time, it agreed to consider these matters further at its present session.

19.2 In this regard, the Committee decided to use the report of the Chairmen's Meeting as the baseline for its discussions under this agenda item, together with the related updating documents submitted by the Secretariat to its present session. The Committee took decisions on these matters as indicated hereunder.

NEW REPORTING PROCEDURES AND RELATED MATTERS

19.3 The Committee recalled that the new reporting procedure had been put to trial by all nine Sub-Committees (SLF and DSC Sub-Committees having applied it twice) and noted their views on the results of such trials (MSC 78/23 and MSC 79/19/1/Add.3), together with the related views of the Chairmen's Meeting (MSC 78/WP.9 and Corr.1). The Committee noted also that C 92 had authorized it to make appropriate decisions on the future of the new reporting procedure for implementation by the Sub-Committees during the first half of 2005, taking into account the views of MEPC 52 (MSC 79/19/1).

19.4 During discussion, all delegations that intervened expressed the view that the trial reporting procedure had entailed the loss of historical and background information, as well as a summary of the various positions taken during debates, which was not helpful either for

delegations at home or for new representatives coming to IMO meetings. In recommending a return to the previous practice, it was nonetheless acknowledged that improvements in the reporting procedures should continue to be sought.

19.5 The Committee, noting further that MEPC 52 had recommended that the trial new reporting procedure be halted and the previous reporting procedure be re-established (MSC 79/19/1/Add.3), and that C 93 had agreed with that recommendation, subject to a concurrent decision by MSC 79 (MSC 79/2/1/Add.1), decided to halt the trial new reporting procedure and to re-establish the previous reporting procedure with immediate effect and instructed the Secretariat to inform the Council, at its ninety-fourth session, of its decision. Notwithstanding that decision, the Committee noted with appreciation the Secretariat's intention to continue with the practice of placing all WPs on the secure IMO website.

19.6 The Committee was advised that the Secretariat would endeavour to make available the final version of the Committee's and Sub-Committees' reports on the secure IMO website, or in hard copy, as early as possible following the end of the meetings.

19.7 The Committee also took note of the outcome of the Chairmen's Meeting on related matters, including the list of actions requested of the Committees in the reports of Sub-Committees (MSC 78/WP.9, paragraph 14), and the role and responsibilities of chairmen and vice-chairmen of Sub-Committees (MSC 78/WP.9, paragraphs 15 and 16).

OTHER ISSUES EMANATING FROM THE 2002 CHAIRMEN'S MEETING

19.8 The Committee, having noted the recommendations of the 2004 Chairmen's Meeting concerning issues that had been left unresolved by the 2002 Chairmen's Meeting (MSC 78/23/1 and MSC 78/WP.9, paragraphs 18 to 22), decided that such issues should be further discussed by the next Chairmen's Meeting, which was tentatively scheduled to take place on Saturday, 14 May 2005, with a view to that Meeting reporting to MSC 80.

NEWS MEDIA ATTENDANCE AT IMO MEETINGS AND RELATED AMENDMENTS TO THE RULES OF PROCEDURE OF THE COMMITTEE

19.9 The Committee recalled that, on the issue of news media attendance at IMO meetings, the Secretariat document submitted to its previous session (MSC 78/23/2) and the corresponding

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outcome of the 2004 Chairmen's Meeting (MSC 78/WP.9, paragraph 23) had been overtaken by events since C 92 had adopted Guidelines for media access to meetings of Committees and their subsidiary bodies (MSC 79/19/1) and that, as a consequence, a media accreditation system (MSC 79/19/1/Add.1) had been established by the Secretariat and was already in operation.

19.10 The Committee recalled also that, in adopting the aforementioned Guidelines, the Council instructed the IMO bodies to follow them and to amend their respective Rules of Procedure as necessary. In this regard, the Committee noted that FAL 31, MEPC 52 and LEG 89 had adopted amendments to their respective Rules of Procedure in accordance with the instruction of the Council (MSC 79/19/1/Add.2, annex), and that the TCC would consider the issue at its fifty-fifth session.

19.11 Having noted the approach taken by the MEPC, the Committee agreed to take the same amendments as adopted by MEPC 52 and adopted an amendment to Rule 8 (Publicity) of its Rules of Procedure, as set out in annex

TERMS OF REFERENCE OF THE SUB-COMMITTEES

19.12 The Committee recalled that:

- .1 the COMSAR, DE, FP, FSI, NAV, SLF and STW Sub-Committees had, in accordance with the instruction given at MSC 76, drawn up their proposed terms of reference (MSC 78/23/3);
- .2 the DSC Sub-Committee had also done so at its ninth session (MSC 79/12 and DSC 9/15, annex 9);
- .3 at its eighth session, the BLG Sub-Committee, having considered its existing terms of reference, agreed that more time was necessary to finalize work on this issue (MSC 78/23/3, paragraph 3);
- .4 the Chairmen's Meeting discussed the proposed terms of reference of the Sub-Committees (except those of the DSC and BLG Sub-Committees), agreed upon a number of points that should be generic to all sub-committees (MSC 78/WP.9, paragraph 5), and recommended that the Secretariat revise the

terms of reference to reflect those points and resubmit them to the sub-committees for further consideration; and

- .5 MEPC 52 noted the aforementioned points, requested the Committee to take them into account at its present session, and agreed to consider the matter further at MEPC 53 (MSC 79/19/2).

19.13 Following discussion, the Committee instructed the Secretariat to revise the terms of reference of the sub-committees in consultation with their respective Chairmen, taking into account the points agreed by the Chairmen's Meeting (MSC 78/WP.9, paragraph 5), the views of MEPC 52, as well as its own views, and submit them to MSC 80 and, as a consequence, to the next Chairmen's Meeting, for final consideration and approval by that session of the Committee and by MEPC 53.

19.14 Recalling its earlier decision that there was no immediate need to change the existing structure of the sub-committees, as subsequently noted also by the Council and the Assembly, the Committee endorsed the recommendation of the Chairmen's Meeting (MSC 78/WP.9, paragraph 7) that, at this stage, it should not pursue any further the consolidation under one sub-committee (i.e. DE, FP or COMSAR Sub-Committee) of the responsibility for escape, evacuation and recovery, or the change of name for the COMSAR Sub-Committee.

[more to come]
