INTERNATIONAL MARITIME ORGANIZATION

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MARITIME SAFETY COMMITTEE
83rd session
Agenda item 28

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DRAFT REPORT OF THE MARITIME SAFETY COMMITTEE ON ITS EIGHTY-THIRD SESSION

1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The Committee held its eighty-third session at the Bella Center, Copenhagen, Denmark from 3 to 12 October 2007. The meeting was held under the chairmanship of Mr. Neil Ferrer (Philippines), who was elected as Chairman for 2007 at the opening of the session.

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

ALGERIA
ANGOLA
ANTIGUA AND BARBUDA
ARGENTINA
AUSTRALIA
AZERBAIJAN
BAHAMAS
BAHRAIN
BANGLADESH
BARBADOS
BELGIUM
BELIZE
BOLIVIA
BRAZIL
BULGARIA
CAMBODIA
CANADA
CHILE
CHINA
COLOMBIA
CÔTE D'IVOIRE
CROATIA
CUBA
CYPRUS
CZECH REPUBLIC
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA
DEMOCRATIC REPUBLIC OF THE CONGO
DENMARK
DOMINICA
DOMINICAN REPUBLIC
ECUADOR
EGYPT
ESTONIA
FINLAND
FRANCE
GERMANY
GHANA
GREECE
HUNGARY
ICELAND
INDIA
INDONESIA
IRAN (ISLAMIC REPUBLIC OF)
IRELAND
ISRAEL
ITALY
JAMAICA
JAPAN
KENYA
KUWAIT
LATVIA
LIBERIA

LITHUANIA
LUXEMBOURG
MALAYSIA
MALTA
MARSHALL ISLANDS
MAURITANIA
MEXICO
MONACO
MYANMAR
NETHERLANDS
NEW ZEALAND
NIGERIA
NORWAY
PAKISTAN
PANAMA
PAPUA NEW GUINEA
PHILIPPINES
POLAND
PORTUGAL
QATAR
REPUBLIC OF KOREA
ROMANIA
RUSSIAN FEDERATION
SAINT KITTS AND NEVIS
SAINT VINCENT AND THE GRENADINES
SAUDI ARABIA
SINGAPORE
SLOVENIA
SOUTH AFRICA
SPAIN
SWEDEN
SWITZERLAND
SYRIAN ARAB REPUBLIC
THAILAND
TUNISIA
TURKEY
TUVALU
UKRAINE
UNITED KINGDOM
UNITED REPUBLIC OF TANZANIA
UNITED STATES
VANUATU
VENEZUELA

the following Associate Members of IMO:

HONG KONG, CHINA
FAROE ISLANDS

and the following State not Member of IMO:

COOK ISLANDS

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

INTERNATIONAL LABOUR ORGANIZATION (ILO)
WORLD METEOROLOGICAL ORGANIZATION (WMO)

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

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
EUROPEAN COMMISSION (EC)
LEAGUE OF ARAB STATES
PORT MANAGEMENT ASSOCIATION OF EASTERN AND SOUTHERN AFRICA (PMAESA)
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)
WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL (ABUJA MOU)

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL SHIPPING FEDERATION (ISF)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND LIGHTHOUSE AUTHORITIES (IALA)
INTERNATIONAL RADIO MARITIME COMMITTEE (CIRM)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
ICHCA INTERNATIONAL (ICHCA)
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS (IADC)
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL LIFESAVING APPLIANCES MANUFACTURERS' ASSOCIATION (ILAMA)
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS LIMITED (SIGTTO)
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY (IMarEST)
IBEROAMERICAN INSTITUTE OF MARITIME LAW (IIDM)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
INTERNATIONAL SAILING FEDERATION (ISAF)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERFERRY
INTERNATIONAL MARITIME HEALTH ASSOCIATION (IMHA)
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)
INTERNATIONAL TOWING TANK CONFERENCE (ITTC)
INTERNATIONAL ASSOCIATION OF MARITIME UNIVERSITIES (IAMU)

1.5 The session was also attended by Mr. A.I. Chrysostomou (Cyprus), Chairman of the Marine Environment Protection Committee (MEPC). The Chairmen of all sub-committees, except for the Chairman of the DSC Sub-Committee, were also present.

Address of the Minister for Economic and Business Affairs of Denmark

1.6 In his statement, the Minister for Economic and Business Affairs of Denmark, Mr. Bendt Bendtsen, extended a warm welcome to the participants to the eighty-third session of the Committee in Copenhagen, one of the world's most significant maritime business centres.

Having referred to Denmark's location, its trade pattern and shipping industry, he emphasized that the appreciation of IMO in Denmark clearly goes beyond the Government and the Danish maritime administration, and that Denmark regards IMO as a cornerstone in international maritime legislation. He stressed that it is equally important for all IMO Member States to show real commitment when it comes to ratification, effective implementation and enforcement of IMO instruments, and urged them to make every effort to do so. Having emphasized the need to improve continuously and to meet the challenges from globalization and other challenges that lie ahead, the Minister underlined that health, safety and environmental measures on ships should be maintained and improved, indicating that IMO is a key factor in this development. He then highlighted the important work of the Committee in the field of maritime safety and security, stressing, in particular, the gravity of piracy and the need to ensure that acts of piracy and armed robbery against ships are eliminated.

In conclusion, the Minister wished the meeting every success and the participants a pleasant stay in his country. (The full statement of the Danish Minister for Economic and Business Affairs is reproduced in document MSC 83/INF.20.)

Opening address of the Secretary-General

1.7 In welcoming the participants, the Secretary-General extended a special welcome to His Excellency Mr. Bendt Bendtsen, Minister for Economic and Business Affairs of Denmark, whose portfolio also covers the shipping sector of the country in the Government of Denmark and, on behalf of the Organization, expressed deep appreciation for Denmark's offer to host the meeting in Copenhagen and for bearing the substantial cost of moving the IMO staff over to assist in the preparation and running of the session.

Having referred to Denmark as a seafaring nation that has a long and proud history, the Secretary-General said that the Danish maritime sector is truly international and multi-faceted, offering a wide and comprehensive range of ship types, shipping services and ancillary activities, not least shipbuilding. Such diversity is due to the recognition of the sector's value to Denmark's economy and status, and to the importance attached to ensuring that shipping is safe and secure. He indicated that Denmark's commitment to these values is well known and was exemplified by its leadership role in the development of the Voluntary IMO Member State Audit Scheme and its associated Code for the implementation of mandatory IMO instruments.

Having touched upon the ongoing Headquarters refurbishment project and the efforts of the Secretariat to continue providing the membership with quality services and the usual effective support to all meetings, he outlined the most important topics on the Committee's agenda for the current session, such as the long-range identification and tracking of ships; safety of passenger ships; maritime security; the development of the goal-based ship construction standards; the consideration of the maritime aspects of the supply chain security in co-operation with the World Customs Organization; approval of the Code of International Standards and recommended practices for a safety investigation into maritime casualty or marine incident; developments concerning piracy and armed robbery against ships and the protection of vital shipping lanes; the carriage of IMDG Code class 7 radioactive materials; development of an e-navigation strategy and ships' routeing, ship reporting and related measures as well as issues of a general nature. He updated the Committee on recent developments concerning the implementation of the Voluntary IMO Member State Audit Scheme to which he attributed great importance.

The Secretary-General concluded his address by paying special tribute to all the Sub-Committees reporting to the current session, their Chairmen, Vice-Chairmen and other officers as well as the Secretariat that served them for their excellent work; and expressing confidence in the Committee's ability, in its usual spirit of co-operation and commitment, to provide the expected direction, guidance and assistance to all those concerned with enhancing safety, security and, indirectly, the protection of the marine environment. (The full text of the Secretary-General's opening address is reproduced in document MSC 83/INF.14.)

Chairman's remark

1.8 In responding, the Chairman thanked the Secretary-General for his words and advice and stated that the Secretary-General's advice and requests would be given every consideration in the deliberation of the Committee and its working groups.

Adoption of the agenda and related matters

1.9 The Committee adopted the agenda (MSC 83/1/Rev.1) and a provisional timetable for guidance during the session (MSC 83/1/1, annex). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 83/INF…

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

Credentials

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

2 DECISIONS OF OTHER IMO BODIES

Outcome of the thirty-fourth session of the Facilitation Committee

2.1 The Committee noted the outcome of the thirty-fourth session of the FAL Committee (MSC 83/2) and considered the information provided under the relevant agenda items.

Outcome of the fifty-seventh session of the Technical Co-operation Committee

2.2 The Committee noted the outcome of the fifty-seventh session of Technical Co-operation Committee contained in document MSC 83/2/1 and considered the information provided under agenda item 17 (Technical assistance sub-programme in maritime safety and security).

Outcome of the ninety-eighth regular session of the Council

2.3 The Committee noted the outcome of the ninety-eighth regular session of the Council (MSC 83/2/2) on matters pertaining to its work.

Outcome of the fifty-sixth session of the Marine Environment Protection Committee

2.4 The Committee noted the outcome of the fifty-sixth session of the Marine Environment Protection Committee (MSC 83/2/3) and considered the relevant information under the agenda items 10 (Bulk liquids and gases) and 16 (Role of the human element).

Outcome of the Diplomatic Conference on the Removal of Wrecks, 2007

2.5 The Committee noted the outcome of the Diplomatic Conference on the Removal of Wrecks, 2007.

4 MEASURES TO ENHANCE MARITIME SECURITY

General

4.1 The Committee recalled that, at previous sessions, it had considered various matters which had arisen following the entry into force, on 1 July 2004, of the special measures to enhance maritime security and had instructed a number of sub-committees to consider and report on salient issues.

4.2 The Committee considered documents MSC 83/4, MSC 83/4/Add.1 and MSC 83/4/1 (Secretariat). In this respect, the Committee considered the relevant parts of the reports of STW 38 and FAL 34.

4.3 The Committee further considered documents MSC 83/4/2 and MSC 83/INF.7 (United Kingdom), MSC 83/4/3 (CLIA), MSC 83/4/4 (Australia), MSC 83/INF.11 (Singapore) and MSC 83/INF.16 (United States) before referring matters raised therein to the Working Group on Maritime Security (MSWG).

Outcome of STW 38

4.4 In considering the report (MSC 82/4) on the outcome of the work of STW 38 on issues relating to measures to enhance maritime security, the Committee noted the information provided and:

.1 with respect to the STCW Convention and the STCW Code:

.1 endorsed the proposed amendments to regulation VI/1 and sections A-VI/1 and B-VI/1 addressing the basic security-related training and security-related familiarization training for seafarers without designated security-related duties and for all shipboard personnel, respectively;

.2 endorsed a new regulation VI/6 and new sections A-VI/6 and B-VI/6, addressing the standards of competency and security-related familiarization training for seafarers with designated security-related duties,

which are set out in annexes 2 to 4 to document STW 38/17, on the understanding that these would be reviewed by the STW Sub-Committee in conjunction with the comprehensive review of the STCW Convention and the STCW Code before being presented to the Committee with a view to approval and circulation for adoption;

.2 decided that seafarers serving on ships which are not required to comply with SOLAS chapter XI-2 and the ISPS Code should be required to undertake basic security-related training or instruction, and agreed to make any necessary changes to the preliminary text of the draft amendments when these had been finalized as a part of the comprehensive review; and

.3 approved MSC.1/Circ.…. on Guidelines on security-related training and familiarization training for shipboard personnel.

Outcome of FAL 34

Action taken in relation to the adoption of the Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic

4.5 The Committee recalled (MSC 82/4/Add.1 (Secretariat)) that MSC 82 had adopted resolution MSC.228(82) on Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships and had invited FAL 34 to note the action taken by MSC 82.

4.6 The Committee noted that following the action taken by MSC 82, FAL 34 had adopted resolution FAL.9(34) on Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic. The Committee further noted the action taken by FAL 34 in relation to the revision of the model course on the prevention and control of illicit drug trafficking on board ships.

4.7 As A 24 had decided (operative paragraph 3 of resolution A.985(24) on Revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)) that, as from the date of the joint adoption by the Committee and the Facilitation Committee, the Guidelines adopted by resolution A.872(20) should be deemed as revoked, the Committee also noted, that in accordance with resolutions MSC.222(82) and FAL.9(34), the Revised Guidelines had taken effect from 1 April 2007.

4.8 The Committee requested the Secretariat to report to A 25, the action taken by the Committee in relation to the revision of the Guidelines annexed to resolution A.872(20) pursuant to resolution A.985(24).

Report by the Joint MSC/FAL Working Group on security and facilitation of the movement of closed cargo transport units and of freight containers transported by ships

4.9 Having noted that the Joint MSC/FAL Working Group on Security and facilitation of the movement of closed cargo transport units and of freight containers transported by ships, convened during MSC 82, had met again during FAL 34 to continue its work, the Committee noted (MSC 82/4/1) the report by the Chairman of the joint working group on the outcome of the work of the group during FAL 34.

4.10 The Committee noted that the Facilitation Committee had completed its work in this regard and, given that there had been no submissions on this issue, approved the report of the joint working group in general.

4.11 The Committee approved MSC-FAL.1/Circ….. on Securing and facilitating global trade.

Enhancement of the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code

4.12 The Committee recalled that MSC 81 (MSC 81/25, paragraph 5.61) had:

.1 acknowledged that the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code (non-SOLAS vessels) and their interactions with ships and port facilities which were required to comply with the

aforesaid provisions was an area of varying concerns to a number of SOLAS Contracting Governments;

.2 agreed that the development of recommendations aimed at enhancing the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code would be desirable and would contribute to the efforts of the Organization to enhance maritime security. However, such recommendations would need to be practical, sustainable and proportionate to the risks and threats involved; and

.3 invited proposals on how to address the security aspects of the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code.

4.13 The Committee also recalled that MSC 82 had established a Correspondence Group on Security aspects of the operation of ships which did not fall within the scope of SOLAS chapter XI-2 and the ISPS Code under the co-ordination of the United Kingdom, supported by Japan and the United States.

4.14 In addition to noting the report of the Correspondence Group (MSC 83/4/2 and MSC 83/INF.7), the Committee considered the proposals of Australia (MSC 83/4/4) and information supplied by Singapore (MSC 83/INF.11) and the United States (MSC 83/INF.17).

4.15 The Committee noted that, in order to stimulate debate amongst the correspondence group members, the United Kingdom had produced a discussion document. The comments and examples of "best practice" received had been evaluated and the report of the Correspondence Group provided an indication as to these outcomes and proposals for the further progression of this work.

4.16 Australia (MSC 83/4/4) supported appropriate enhancements to security arrangements for non-SOLAS vessels and, recognizing that this was an issue for national Governments, proposed the development of voluntary guidance in two key areas:

.1 preventive security for non-SOLAS vessels, through undertaking security risk assessments and developing and implementing security plans, with guidance addressing, *inter alia*:

.1 preventing theft or hijack of the vessel;
.2 preventing unauthorized access to the vessel;
.3 providing a means for the raising of security alerts;
.4 undertaking training and drills and exercises to ensure familiarity with security plans and procedures; and
.5 reporting suspicious activity; and

.2 preventing non-SOLAS vessels from being used to attack ISPS Code compliant ships and port facilities, through the use of tools ranging from technology-based tools for maritime domain awareness (such as LRIT and AIS), through to simple mechanisms for reporting and investigating suspicious activity.

4.17 Singapore (MSC 83/INF.11) gave technical information on the Harbour Craft Transponder System (HARTS) operating in the port of Singapore.

4.18 The United States (MSC 83/INF.17) also supported enhancing the security of ships other than those already regulated by SOLAS chapter XI-2 and the ISPS Code. The United States had sponsored a National Small Vessel Security Summit (NSVSS) on 19 and 20 June 2007 to establish a dialogue between Government agencies and the small vessel owners and operators from the commercial and recreational community. The quick look findings of that event were provided for general information and were being expanded to an after action report to be released in autumn 2007. The findings of that report would be provided to the Committee and will be posted on the NSVSS website, http://www.dhs.gov/xprevprot/programs/gc_1175627911698.shtm.

4.19 Recognizing that the work of the correspondence group was at that time incomplete and having noted the information provided by Singapore and the United States, the Committee referred documents MSC 83/4/2 and MSC 83/4/4 to the MSWG for further consideration and, in particular, to advise the Committee on how to progress the issue of enhancing the security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code.

4.20 The Committee further recommended that the MSWG may develop a set of draft guidelines for consideration by the Committee and, if appropriate, direction as to which categories of ships the correspondence group should concentrate on in its future work.

Access of public authorities, emergency, response services and pilots on board ships to which SOLAS chapter XI-2 and the ISPS Code apply

4.21 In considering the proposals of Cruise Lines International Association (CLIA) (MSC 83/4/3), the Committee noted the reports of problems encountered by several CLIA member lines with port State control officers and other public authorities refusing to show proper identification when boarding vessels, contrary to the guidance contained in MSC/Circ.1156 on Access of public authorities, emergency response services and pilots on board ships to which SOLAS chapter XI-2 and the ISPS Code apply, and the importance of proper identification to the security of ships and port facilities.

4.22 The Committee recalled that, in addition to the requirements of the ISPS Code, resolution MSC.159(78) and MSC circulars MSC/Circ.1111, MSC/Circ.1132, MSC/Circ.1156 and MSC.1/Circ.1194 had all drawn attention to this issue.

4.23 The Committee reiterated the need for port State control officers and other public authorities to show proper identification when boarding vessels; invited the observers from the port State control MoUs to take the necessary action; and invited CLIA and other interested parties to provide full and specific details of such bad practices in the future.

4.24 The Committee referred document MSC 83/4/3 to the MSWG for its advice on how the Committee should best reiterate to public authorities, emergency response services and pilots, the guidance contained in MSC/Circ.1156 and other related circulars and the importance of showing proper identification when boarding ships and entering port facilities.

Development of an EDIFACT Message for security-related information

4.25 The Committee recalled that MSC 79 and FAL 32 had agreed not to prescribe a form for transmitting the security-related information that a ship may be requested by a SOLAS Contracting Government to submit pursuant to SOLAS regulation XI-2/9.2.1 and, instead, agreed to develop a standard minimum data set that ships could expect to be required to transmit prior to entry into port. This standard data set had been promulgated as MSC/Circ.1130 on Guidance to

masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port.

4.26 The Committee further recalled that MSC 79 had advised FAL 32 that, even though the standard data set contained in MSC/Circ.1130 was subject to review and amendment by the Committee, the FAL Committee should consider commencing the development of an electronic data interchange message, for joint adoption by the Committee and the FAL Committee, and for inclusion in the IMO Compendium on Facilitation and Electronic Business, through which the standard data set could be transmitted electronically.

4.27 The Committee noted the information provided by the United States (MSC 83/INF.16), which described the Data Maintenance Requests recently submitted to the World Customs Organization Data Model Project Team.

Establishment of the MSWG

4.28 The Committee re-established the MSWG and instructed the MSWG, taking into account the related discussions of the various issues in plenary, to:

.1 consider and make proposals, taking into account the report of and actions requested by the correspondence group (MSC 83/4/2) and the comments contained in the documents submitted by Australia (MSC 83/4/4), on how to progress the issue of enhancing the security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code. This may include the development a set of draft guidelines for consideration by the Committee and, if appropriate, direction as to which categories of ships the correspondence group should concentrate on in its future work;

.2 consider and make proposals, taking into account the comments contained in the document submitted by CLIA (MSC 83/4/3) on how the Committee should best reiterate to public authorities, emergency response services and pilots, the guidance contained in MSC/Circ.1156 and other related circulars and the importance of showing proper identification when boarding ships and entering port facilities; and

.3 submit a report to plenary by Thursday, 11 October 2007.

[more to come]

5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

5.1 The Committee recalled that MSC 82 had established two correspondence groups as follows:

.1 a Correspondence Group on GBS for oil tankers and bulk carriers under the co-ordination of Sweden, instructed to monitor the pilot project on trial application of the Tier III verification process using the IACS Common Structural Rules (CSR) (see paragraph 5.2) and disseminate information on its progress; and to develop draft amendments for the incorporation of GBS for oil tankers and bulk carriers in SOLAS chapter II-1, including the Ship Construction File; and

.2 a Correspondence Group on the safety level approach (SLA), under the co-ordination of Germany, instructed to progress work to determine the current safety level in a holistic high-level manner; to consider the linkage between FSA and GBS; to consider the tier structure so far agreed for GBS for oil tankers and bulk carriers for use in the safety level approach; and to progress the development of goal-based standard guidelines for the safety level approach.

5.2 The Committee also recalled that MSC 82 had established a pilot project on trial application of the Tier III verification process using the IACS Common Structural Rules (CSR) with the aim of validating the Tier III verification framework, identifying shortcomings and making proposals for improvements.

5.3 The Committee noted that MEPC 56 had referred the issue of the need for a code for safe environmental standards for seafarers (MEPC 56/17/5 by ICFTU) to this session, for consideration when discussing the safety level approach under the GBS (see paragraph 16…).

5.4 The Committee noted document MSC 83/5 (Secretariat), setting out the historical background, objectives and scope, structure, progress made and results achieved with regard to the Committee's work on goal-based new ship construction standards to date.

5.5 The delegation of the Bahamas, while thanking the Secretariat for the document, stated that, in their view, it contained a number of important inaccuracies. The delegation indicated that

paragraph 5 of the document implied that the safety level approach had been considered from the beginning of the process of developing goal-based standards when, in fact, there had been a measure of agreement on the approach at the early stages of the discussions. Document MSC 78/6/2 by the Bahamas, Greece and IACS, referred to in paragraph 9, set out what was rather misleadingly called the 'prescriptive approach', but which was the original goal-based approach. It had been at a later stage that the safety level approach was put forward. The last two lines of paragraph 6 stated that the prescriptive approach for GBS was "for provisions for hull construction for bulk carriers and tankers and oil tankers and the safety level approach for all other ship types", which was not correct since the only reason that the original method was limited to bulk carriers and tankers in the first instance was to make the task of drawing up a practical programme and methodology for the introduction of GBS more manageable. It had been recognized that to try to deal with all ship types in a single exercise would introduce so many variables that the task would be extremely difficult and would take a very long time to accomplish. The intention was that after dealing with bulk carriers and tankers and demonstrating that the process was practical, the exercise would be expanded to cover other ship types. Indeed, Tier I had been drawn up to apply to all ship types as can be seen in the chapeau of paragraph 10. It had never been the intention of the Committee, the working group or indeed of the original proponents of goal-based standards to limit the exercise to new ship construction standards for bulk carriers and tankers. The safety level approach proponents originally also limited their aim to dealing with bulk carriers and tankers; however they recognized the very long-term nature of their work and decided to try to encompass all ship types in one exercise.

5.6 While several delegations supported the statement of the delegation of the Bahamas, other delegations had a different recollection and stated that the developments in the Committee with regard to goal-based new ship construction standards had been reflected correctly in the document. In their view, the Committee had agreed to follow a prescriptive approach for bulk carriers and oil tankers and the safety level approach for other types of ships. They expressed the view that the two approaches were complementing each other and should be developed further.

5.7 After a clarification by the Secretariat that there had been no intention of misrepresenting in any way the decisions taken by the Committee on goal-based new ship construction standards over the last few sessions and that any perception that the document was misleading was regrettable, the Committee, taking into account that the document was not requesting it to take any executive action, agreed to note it.

GBS FOR BULK CARRIERS AND OIL TANKERS

Report of the Correspondence Group on GBS for bulk carriers and oil tankers

5.8 The Committee considered the report of the correspondence group on GBS for bulk carriers and oil tankers (MSC 83/5/2), approved the report in general and took decisions as outlined in the following paragraphs.

Draft SOLAS amendments

5.9 The Committee considered the proposed draft SOLAS amendments referring to International Goal-based New Ship Construction Standards [for bulk carriers and oil tankers] and the associated draft MSC resolution (paragraphs 8 to 17 and annex 1 of the report) together with document MSC 83/5/17 (Republic of Korea), containing detailed comments on the draft amendments.

5.10 Following the discussion, the Committee referred the draft SOLAS amendments and the associated draft MSC resolution, together with document MSC 83/5/17 and the comments and proposals made in plenary, to the GBS Working Group (see paragraph 5.41) for further detailed consideration and development.

Draft International Goal-based New Ship Construction Standards

5.11 The Committee considered the proposed draft International Goal-based New Ship Construction Standards and the associated draft MSC resolution (paragraph 18 and annex 2 of the report), together with document MSC 83/5/17 (Republic of Korea), containing detailed comments on the draft Standards.

5.12 In this connection, the Committee considered a proposal by Finland (MSC 83/5/8) to extend the application of the GBS for bulk carriers and oil tankers to ice class rules for ship structures applicable to ships designed for navigation in ice covered waters and to amend the Standards accordingly.

5.13 Following a brief discussion, the Committee referred the Standards and the associated draft MSC resolution, together with documents MSC 83/5/8 and MSC 83/5/17 and the comments

and proposals made in plenary, to the GBS Working Group for further detailed consideration and development.

Draft MSC circular on Guidelines for the information to be included in a Ship Construction File (SCF)

5.14 The Committee considered the draft MSC circular on Guidelines for the information to be included in a Ship Construction File (SCF) (paragraph 19 and annex 3 of the report), together with document MSC 83/5/17 (Republic of Korea), commenting on the draft circular, in particular with regard to the target coating life, and referred the draft circular, together with document MSC 83/5/17, to the GBS Working Group for finalization, bearing in mind that the contents of the SCF had been principally agreed at MSC 82.

Report of the Pilot Panel

5.15 The Committee considered the report of the Pilot project on trial application of the GBS Tier III verification process using the IACS Common Structural Rules (CSR) (MSC 83/5/1), approved the report in general and took decisions as outlined in the following paragraphs. The Committee noted in this respect that, although the Pilot Panel had completed the development of draft Guidelines for the verification of compliance with GBS, there had not been enough time to conduct a proper trial application of the newly developed guidelines.

5.16 In this connection, the Committee noted document MSC 83/INF.5 (IACS), containing the information submitted by IACS to the Pilot Panel, including their documentation package, technical presentations and replies to questions and comments of the Panel.

Guidelines for the verification of compliance with GBS

5.17 The Committee considered part A (Tier III verification process) (paragraphs 6 to 10 and annex 1 of the report) and part B (Tier III information/documentation requirements and evaluation criteria) (paragraphs 11 to 13 and annex 2 of the report) of the proposed Guidelines for the verification of compliance with GBS, together with the following documents:

.1 MSC 83/5/14 (Germany), containing specific comments regarding the process for Rule submissions, maintenance of verification, set-up of the Group of Experts, structural performance monitoring, intellectual property rights and Tier III evaluation criteria; and

.2 MSC 83/5/15 (Republic of Korea), containing detailed comments concerning the set-up of the Group of Experts, phase-in time for implementation of GBS requirements and evaluation criteria.

5.18 In the ensuing discussions, the following views were, *inter alia*, expressed:

.1 intellectual property rights needed to be taken into account and balanced with the need for design transparency, also taking into account liability issues;

.2 the issues of net scantlings, continuous performance monitoring and set up of the envisaged group of experts needed to be further considered; and

.3 industry should be given sufficient phase-in time once the verification guidelines and the related SOLAS amendments had been finalized and adopted.

5.19 Following discussion, the Committee referred the draft Guidelines for the verification of compliance with GBS, together with documents MSC 83/5/14 and MSC 83/5/15 and the comments and proposals made in plenary, to the GBS Working Group for further detailed consideration.

Proposed new functional requirements

5.20 The Committee considered the recommendation of the Pilot Panel to establish a new functional requirement (II.16) on structural performance monitoring (paragraphs 16 and 17 and annex 3 of the report), together with relevant submissions by:

.1 Japan (MSC 83/5/11), generally supporting the proposal but proposing amendments to the draft new functional requirement, taking into account that structural failure might also be due to other causes than inadequate construction, e.g. maintenance and repair issues;

.2 IACS (MSC 83/5/12), requesting that the proposed new requirement be carefully considered since most of the items included in the proposed performance metrics

are not solely controlled by and are greatly influenced by many factors beyond the new building structural requirements;

.3 Germany (MSC 83/5/14), observing that the majority of evaluation criteria in the proposed new functional requirement depend on the maintenance carried out by the operator rather than the maintenance of a Rule developer; and

.4 Republic of Korea (MSC 83/5/15), supporting the proposal in general but expressing the view that this requirement should be included in the draft SOLAS amendments rather than as a new Tier II functional requirement.

5.21 The Committee referred the proposed new functional requirement, together with documents MSC 83/5/11, MSC 83/5/12, MSC 83/5/14 and MSC 83/5/15, to the GBS Working Group for further detailed consideration and advice to the Committee with regard to its inclusion in the Tier II functional requirements.

5.22 The Committee also considered a submission by Argentina and Spain (MSC 83/5/13), pointing out that, for a ship's structure, risk of failure is determined by the probability of a load reaching or exceeding a certain limit value. Noting that the Pilot Panel had identified the need for construction standards to establish such minimum probability level and established a relevant evaluation criterion in Tier III (III.2.c.4, see annex 2 of document MSC 83/5/1), the submitters proposed that the Committee examines the need of introducing mandatory functional requirements that stipulate the acceptable probability of exceedance of the design load for ships' structures.

5.23 The Committee referred the proposed new functional requirement, together with document MSC 83/5/13, to the GBS Working Group for further detailed consideration and advice to the Committee with regard to its inclusion in the Tier II functional requirements.

Evaluation criteria for residual strength

5.24 The Committee noted the view of the Pilot Panel that there is currently insufficient information available to develop specific evaluation criteria for Tier III.5 (Residual strength) and that, therefore, the Panel had decided to require any Rule submitter to demonstrate, through the

analysis of representative designs, that their Rules require a reasonable level of residual strength after damage, considering existing IMO requirements.

Proposed modifications to functional requirements agreed at MSC 82

5.25 The Committee considered modifications to functional requirements II.3 (Structural strength), II.7 (Structural redundancy) and II.13 (Survey and maintenance) proposed by the Pilot Panel (paragraph 19 and annex 4 of the report) and referred them to the GBS Working Group for further detailed consideration and inclusion in the Tier II functional requirements.

Application of net scantlings

5.26 The Committee recalled that MSC 82 had agreed on a definition for "net scantlings" and included it in functional requirement II.3 (Structural strength). However, views in the Committee on the issue had been divided, with some Members feeling that the definition was too simplistic and did not allow for an efficient optimization of the structure since it did not take into account the change in steel thickness over the service life, whereas others felt that the definition was just right because it was transparent, simple and easy to apply and monitor. MSC 82 had noted the recommendation of the GBS Working Group not to make any changes to the definition at that time, but to ask the Pilot Panel to consider the net scantling approach in the trial verification of how the IACS CSR meet the functional requirements.

5.27 The Committee noted the discussion of the Pilot Panel on the application of net scantlings (paragraphs 20 to 23 of the report) and in particular the Panel's conclusion that the appropriate thickness to be applied in scantlings' assessment must be considered in conjunction with other factors, such as extreme loads, safety factors and acceptance criteria, and that all methods should be appropriately justified and benchmarked with service history.

5.28 In this connection, the Committee considered the following documents:

.1 MSC 83/5/12 (IACS), proposing to amend the definition of "net scantlings" in order to base it on a methodology that takes into account the permissible diminution of structural elements over the service life; and

.2 MSC 83/5/15 (Republic of Korea), expressing the view that a single unified net scantling approach for the design of ships is too ambitious and does not allow any

efficient optimization of structure. The scantlings should be determined based on a rational and technically justified net thickness concept and the fatigue strength should recognize the changes in steel thickness over the ship's service life and, therefore, for fatigue calculation, a different net scantlings approach should be allowed,

and instructed the GBS Working Group to consider the issue in detail, taking into account documents MSC 83/5/12 and MSC 83/5/15, and to advise the Committee accordingly.

Second trial application with CSR

5.29 The Committee considered the recommendation of the Pilot Panel to conduct a second, more in-depth, trial application with CSR before the Guidelines for the verification of compliance with GBS are approved (paragraph 24 of the report), and, following discussion and noting the general support for the conduct of a second trial application, instructed the GBS Working Group to further consider the matter and to advise the Committee accordingly.

Funding of a Group of Experts

5.30 The Committee considered document MSC 83/5/4 (Secretariat), presenting funding options for a Group of Experts to verify the rules of recognized organizations, based on the operation of already existing groups of experts or similar groups in IMO, and agreed that the matter should be considered further after the draft SOLAS amendments (see paragraph 5.10) had been finalized.

SAFETY LEVEL APPROACH

Report of the correspondence group

5.31 The Committee considered the report of the Correspondence Group on the Safety Level Approach (SLA) (MSC 83/5/3), approved the report in general and took decisions as outlined in the following paragraphs. In this connection, the Committee noted document MSC 83/INF.4 (Netherlands) which presented the results of a research project on goal-based regulations for life-saving appliances for the information of the Committee.

5.32 The Committee also considered the following documents commenting on the report:

.1 MSC 83/5/9 (Japan), commenting on the categorization of ship types and on the evaluation of the current safety level inherent in IMO regulations; proposing to use Lloyds Register Fairplay (LRFP) data and to prioritize the on-going work by limiting the evaluation to certain ship types for the time being; and that an assessment method for the required minimum safety level on separate functions, e.g., life-saving appliances, fire protection, stability, etc., should be further considered;

.2 MSC 83/5/10 (Germany), proposing to develop a more detailed description of the future shape of the safety levels and how they relate to the existing risk levels and also a definition of the system "ship" for an agreed understanding of the risk contributors of the shipping industry. The document also comments extensively on the application of the tier system to the safety level approach, the linkage to IMO's method of work and available ship casualty data; and

.3 MSC 83/5/16 (Republic of Korea), commenting on the categorization of ship types, the time windows to be used for historical data, the review of available statistical data, the extension of the Tier II functional requirements to other aspects and the development of common terminology for GBS/SLA.

5.33 The Committee noted the progress made by the SLA Correspondence Group and referred the report, together with documents MSC 83/5/9, MSC 83/5/10, MSC 83/5/16 and MSC 83/INF.4, to the GBS Working Group for further detailed consideration.

Occupational health and safety of seafarers

5.34 The Committee noted document MSC 83/16 (Secretariat), concerning the outcome of MEPC 56 with regard to the human element, and in particular that MEPC 56 had considered a proposal by ICFTU (MEPC 56/17/5) for the development of a Code on Safe Working Environmental Standards and for consideration of its application to the Tier II functional requirements of the GBS. MEPC 56 had agreed that this issue should be considered by the GBS Working Group when discussing the safety level approach at this session (MEPC 56/23, paragraphs 17.34 and 17.35). In this connection, the Committee recalled that MSC 82 had

included a new functional requirement (II.9) on human element considerations in Tier II of the GBS.

5.35 The Committee considered document MSC 83/5/7 (Denmark), proposing the inclusion of occupational health and safety, with focus on work-related accidents, in the safety level approach through a GBS Tier I goal focussing on the design of systems and functions, leading to a substantial reduction of work-related accidents. Denmark had conducted a study showing a clear interrelation between inexpedient or bad design and work-related accidents and was of the view that improving the design by including cost effective measures must be considered already in the design phase to ensure the safety and health of the seafarer.

5.36 Following discussion, the Committee instructed the GBS Working Group to consider the matter of occupational health and safety further when discussing the safety level approach, with a view of including it in the safety level tier system.

FURTHER DEVELOPMENT OF GBS

5.37 The Committee had for its consideration the following documents:

.1 MSC 83/5/5 (Sweden), proposing that IMO develop a framework for a systematic and transparent goal-based rule-making process (guidelines for rule-making procedures), applicable to all IMO instruments, based on systematic and continuous hazard identification and risk analysis. This includes the introduction of a "rule commentary" for all new regulations to be developed;

.2 MSC 83/5/6 (Netherlands), containing a proposal for recording background information when a (new) regulation is developed (similar to the "rule commentary" proposed by Sweden in document MSC 83/5/5). Such information may include the reasons for the development of the regulation (what concern does it address), the contribution to safety/security and/or environmental benefits and the costs to the maritime industry.

5.38 The Committee recalled in this connection that Germany, in document MSC 83/5/10, had made a similar proposal, i.e. that future requests for new regulations or amendments or new work

items should generally only be accepted if an FSA is submitted, also describing the effect of the proposal on the safety level.

5.39 While there was general support for the proposals made in the above documents and that a work plan for the long-term strategy on goal-based standards should be developed, several delegations expressed concerns, in particular with regard to the suggestion that proposals for new work programme items should be accompanied by a full FSA study. Other delegations noted that the proposals made were very different from the original purpose of the introduction of goal-based standards, i.e. verifying the rules of recognized organizations, and that they should not endanger the work already carried out concerning GBS for bulk carriers and oil tankers. It was also pointed out that the proposals might have implications for the budget of the Organization.

5.40 Subsequently, the Committee instructed the GBS Working Group to consider the proposals, in particular the proposed long-term work plan for goal-based standards, further and to advise the Committee accordingly.

ESTABLISHMENT OF THE GBS WORKING GROUP

5.41 The Committee established the GBS Working Group and instructed it, taking into account decisions, comments and proposals made in plenary, to:

.1 further develop the proposed draft SOLAS amendments referring to International Goal-based New Ship Construction Standards [for bulk carriers and oil tankers] and the associated draft MSC resolution, based on the report of the relevant correspondence group (MSC 83/5/2) and taking into account document MSC 83/5/17;

.2 consider the possible need for consequential amendments to other IMO instruments, based on the report of the relevant correspondence group (MSC 83/5/2);

.3 further develop the draft International Goal-based New Ship Construction Standards [for bulk carriers and oil tankers] and the associated draft

MSC resolution, based on the report of the relevant correspondence group (MSC 83/5/2) and taking into account document MSC 83/5/17, and in particular:

.3.1 consider the application of the GBS for bulk carriers and oil tankers to ice class rules (MSC 83/5/8);

.3.2 consider the inclusion of a new Tier II functional requirement on continuous performance monitoring as proposed by the Pilot Panel (MSC 83/5/1, annex 3; MSC 83/5/11; MSC 83/5/12 and MSC 83/5/14);

.3.3 consider the inclusion of a new Tier II functional requirement concerning the acceptable probability of exceedance of the design load for ships' structures (MSC 83/5/13);

.3.4 consider the modifications to the Tier II functional requirements agreed at MSC 82 proposed by the Pilot Panel (MSC 83/5/1, annex 4); and

.3.5 consider the definition of "net scantlings" included in functional requirement II.3 on structural strength (MSC 83/5/1, MSC 83/5/12 and MSC 83/5/15);

.4 finalize the draft MSC circular on Guidelines for the information to be included in a Ship Construction File (SCF), based on the report of the relevant correspondence group (MSC 83/5/2) and taking into account document MSC 83/5/17;

.5 further develop the draft Guidelines for the verification of compliance with GBS, parts A and B, based on the report of the Pilot Panel (MSC 83/5/1), taking into account documents MSC 83/5/14 and MSC 83/5/15;

.6 prepare a plan and timetable for a second, more in-depth, trial application of the Guidelines for the verification of compliance with GBS using the IACS CSR (MSC 83/5/1);

.7 consider in detail the report of the Correspondence Group on the Safety Level Approach (SLA) (MSC 83/5/3), and in particular:

.7.1 the categorization of ship types, the review of available statistical data, the evaluation of the current safety level, the SLA functional requirements, and common terminology (MSC 83/5/9, MSC 83/5/10, MSC 83/5/16 and MSC 83/INF.14); and

.7.2 inclusion of a high-level goal concerning the occupational health and safety of seafarers (MSC 83/16 and MSC 83/5/7);

.8 consider the development of a work plan for goal-based standards, including any financial ramifications for the IMO budget, and advise the Committee accordingly (MSC 83/5/5, MSC 83/5/6 and MSC 83/5/10);

.9 prepare draft terms of reference for the correspondence group on GBS for bulk carriers and oil tankers and for the correspondence group on the safety level approach, as appropriate;

.10 submit a written report to plenary on Thursday, 11 October 2007.

[more to come]

6 LRIT-RELATED MATTERS

General

6.1 The Committee recognized that, in order to bring the LRIT system into operation on 30 December 2008, it must take decisions with respect to all issues which have a bearing on the establishment and operation of the:

.1 International LRIT Data Centre (IDC); and

.2 International LRIT Data Exchange (IDE).

In addition, the Committee also recognized the need to approve the agreement to be concluded between all SOLAS Contracting Governments (Contracting Governments) and the LRIT Co-ordinator in relation to the tasks to be entrusted to the LRIT Co-ordinator.

6.2 The Committee noted that as the actual establishment and integration of almost all elements of the LRIT system would start after MSC 83, it would need to decide how matters relating to the technical aspects and the developmental testing of the various elements of the LRIT system would be handled during the period between MSC 83 and MSC 84.

6.3 The Committee further noted that, in order to have constructive discussions, there was a need to have a clear understanding as to the plans of Contracting Governments in relation to:

.1 the establishment of National (NDCs), Regional (RDCs) and Co-operative LRIT Data Centres (CDCs); and

.2 the volume of LRIT information they contemplated to request.

6.4 The Committee noted that, in order to have focused discussions, it must have a clear understanding of the financial aspects and implications of proposals which had been put forward in relation to the establishment and operation of the IDC and IDE and those who had put forward such proposals would be asked, if need be, to provide additional information.

6.5 The Committee agreed that all issues of principle should be tabled in plenary to enable it to instruct the Working Group on LRIT matters to be established accordingly. The Committee agreed to consider only issues of principle in plenary and take the necessary decisions before referring matters to the working group.

6.6 The Committee also agreed to consider the various matters in the following order:

.1 general comments;
.2 intentions of Contracting Governments;
.3 date of implementation of the LRIT system;
.4 use of LRIT information for safety and environmental protection purposes;
.5 transmission of LRIT information when a ship is laid-up or is undergoing repairs;

.6 outcome of the intersessional working group, including:

.1 financial aspects relating to the establishment and sustained and viable operation of the LRIT system, other than matters relating to the tasks of the LRIT Co-ordinator;

.2 aspects related to the evaluation of proposals for the establishment of IDC and IDE;

.3 determination of additional milestones relating to the establishment of the LRIT system;

.4 arrangements to be made for the period between MSC 83 and MSC 84;

.5 issues relating to the tasks of the LRIT Co-ordinator;

.6 development of models of the various agreements needed; and

.7 other actions requested by the intersessional working group;

.7 outcome of the *Ad hoc* Working Group on Engineering aspects of LRIT;

.8 outcome of COMSAR 11; and

.9 the establishment of the IDC and IDE, including:

.1 matters of principle relating to the establishment and operation of the IDC and IDE;

.2 proposal for the establishment and operation of the IDC and IDE; and

.3 contingency offers in relation to the establishment and operation of the IDC and IDE.

6.7 The Committee considered documents MSC 83/6/Add.1, MSC 83/6/14 and MSC 83/WP.9 (Secretariat), MSC 83/6/1 (*ad hoc* engineering group), MSC 83/6/2 (intersessional working group), MSC 83/6/3, MSC 83/6/4 and MSC 83/6/5 (United States), MSC 83/6/6 (Marshall Islands), MSC 83/6/7, MSC 83/6/11, MSC 83/6/13 (IMSO), MSC 83/6/8 and MSC 83/6/9 (Islamic Republic of Iran), MSC 83/6/10 (Austria *et al*), MSC 83/6/12 (Russian Federation), MSC 83/6/15 (Canada), MSC 83/6/16 (India) and MSC 83/6/17 (Greece).

General comments

6.8 The delegation of Japan emphasized the importance for the timely establishment of the LRIT system but expressed its concern that there was a possibility that current uncertainties mainly on cost and billing options might cause a delay in the national preparations process of the Contracting Governments.

Intentions of Contracting Governments

6.9 The Committee recalled that MSC 81, when adopting the 2006 SOLAS (chapter V) (resolution MSC.202(81)) amendments on LRIT, also adopted resolution MSC.211(81) on Arrangements for the timely establishment of the LRIT system which, *inter alia*:

.1 invited Contracting Governments to advise MSC 82 of their firm intentions in relation to the establishment of NDCs, RDCs and CDCs (operative paragraph 1 of the resolution); and

.2 recommended that Contracting Governments take early appropriate actions to ensure that all necessary infrastructures are in place, timely, for the establishment of the LRIT system (operative paragraph 10 of the resolution).

6.10 The Committee noted that COMSAR 11 had, taking into account the fact that those contemplating to put forward proposals in relation to the establishment and operation of the IDC and IDE needed to have a clear understanding of the volume of LRIT information the IDC and IDE were expected to handle, in association with the demand for the provision of LRIT information to Contracting Governments pursuant to the provisions of SOLAS

regulation V/19-1.8.1, requested, once more, Contracting Governments to provide for consideration by the intersessional working group, *inter alia*:

.1 the approximate volume of LRIT information packages that they are likely to request in a particular period (COMSAR 11/18, paragraph 14.36); and

.2 their firm intentions in relation to the establishment of NDCs, RDCs and CDCs (COMSAR 11/18, paragraph 14.37).

6.11 The Committee also noted that the intersessional working group, noting the very limited response to resolution MSC.211(81) and to the request of COMSAR 11, had agreed that it was imperative that each Contracting Government should provide to MSC 83 its firm and definite intentions with respect to:

.1 requesting the provision of LRIT information, to indicate if they would be doing so as a flag, port or coastal State (the terms flag State, port State and coastal State being used for simplicity and refer to the cases when a Contracting Government is requesting LRIT information pursuant to the provisions of regulation V/19-1.8.1.1, regulation V/19-1.8.1.2 and regulation V/19-1.8.1.3, respectively) and in the latter case to specify the distance off its coast within which it would be requesting such information;

.2 the estimated number of LRIT information packages to be requested in any 24-hour period or the estimated number of ships (as a flag, port and coastal State) to be tracked in any 24-hour period; and

.3 establishing an NDC, RDC or CDC or using the services to be provided by the IDC,

and concluded that, without such information, the Committee would be unable to take any decisions in connection with the financial aspects which have a bearing on the establishment of the LRIT system and, in particular, with respect to the IDC and IDE.

6.12 The United States (MSC 83/6/4) advised that they would be requesting the provision of LRIT information in all cases foreseen in regulation V/19-1.8.1 (i.e., as a flag, port and coastal

State) and it had been estimated that approximately 3,000 ships would be tracked in any 24-hour period, 450 of which were ships entitled to fly the flag of the United States. They indicated that as a coastal State they would be seeking LRIT information transmitted by ships operating within 1,000 nautical miles off its coast. They also indicated that they were planning to establish an NDC to be located at the United States Coast Guard Operations Systems Centre in Kearneysville, West Virginia. In addition, the United States stated that they had not yet been formally approached by any other Contracting Governments regarding participation in an RDC or CDC and advised that any decision on such a request would be considered on an individual basis.

6.13 Canada (MSC 83/6/15) advised that it would be requesting the provision of LRIT information in all cases foreseen in regulation V/19-1.8.1 and it had been estimated that approximately 1,000 ships would be tracked in any 24-hour period; indicated that each 24-hour period 60 ships entitled to fly its flag and 140 ships proceeding to its ports would be tracked at 6-hour intervals; also indicated that as a coastal State it would be seeking LRIT information transmitted by ships operating within 1,000 nautical miles off its coast and it has been estimated that 800 ships navigating off the coast of Canada would be tracked at 12-hour intervals; and stated that it was planning to establish an NDC.

6.14 The Committee noted that India (MSC 83/6/16) would be requesting the provision of LRIT information in all cases foreseen in regulation V/19-1.8.1 and it had been estimated that approximately 1,000 ships would be tracked in any 24-hour period; indicated that each 24-hour period 300 ships entitled to fly its flag and 700 ships proceeding to its ports or navigating within a distance of 1,000 nautical miles would be tracked at 6-hour intervals; and informed that it was planning to establish an NDC which may be expanded to an RDC depending on further discussions with States in its region.

6.15 The Russian Federation (MSC 83/6/12, paragraphs 1 to 4 and 9.1) advised that it planned to establish a NDC based on the existing national vessel monitoring system "Victoria". The Russian Federation stated that at this stage it had no information on the number of ships proceeding to ports or places under the jurisdiction of the Russian Federation or on the number of ships navigating in waters off the coast of the Russian Federation which would be tracked. The Russian NDC would process LRIT information transmitted by ships flying the flag of the Russian Federation and other flags, if they wished. In addition, the Russian NDC would also

support LRIT data exchange procedures. The Russian Federation also advised that it was ready to provide free of charge facilities for a back-up IDE.

6.16 The Committee noted that Australia had already provided salient information during the intersessional working group which is found in document MSC/ISWG/LRIT 2/3/1.

6.17 The Committee considered documents MSC 83/6/14 and MSC 83/WP.9 by the Secretariat. The purpose of document MSC 83/6/14 was to provide a questionnaire which Contracting Governments were asked to complete and return to the Secretariat as soon as possible; whilst document MSC 83/WP.9 summarized in a tabular matrix format the responses received by the Secretariat until the close of business on 1 October 2007.

6.18 The Committee noted, in particular, that MSC 83/WP.9 provided a summary of responses to the questionnaire on LRIT-related matters received from 22 Contracting Governments representing approximately just over 13% of the total number of Contracting Governments. One Contracting Government had indicated that it wished to use the IDC. A group of Contracting Governments appeared to be contemplating the establishment of one RDC. A number of Contracting Governments were planning to establish their own NDCs. Two of those planning to establish NDCs had indicated that they were prepared to provide their services to other Contracting Governments.

6.19 The delegation of Ukraine stated that it fully supported the establishment of an IDC and IDE and was in the process of completing the development of an NDC which might be available for use by other Contracting Governments in the Black Sea region.

6.20 The delegation of Portugal advised that the Council of the European Union, during its 2821st meeting in Luxembourg on 1 and 2 October 2007, has agreed to the setting-up of a European Union Long Range Identification and Tracking Data Centre (EU LRIT DC) and has underlined that the EU LRIT DC would also benefit from the participation of Norway and Iceland.

6.21 The Chairman, noting the very limited response to the questionnaire set out in the annex to document MSC 83/6/14, advised that, at this stage, there was no other alternative to asking each Contracting Government attending the current session to provide a clear indication on its

plans and firm intentions by completing and handing in, if it had not already done so, the questionnaire.

Date of implementation of the LRIT system

6.22 The Committee considered the proposal by the Islamic Republic of Iran (MSC 83/6/8) to extend the implementation date of the LRIT system to 2010. In support of its proposal the Islamic Republic of Iran made reference to a number of problems which might be encountered with shipborne equipment. In addition, they pointed out that the provisions of the information were time-consuming and any related errors would have an impact on the correct and efficient functioning of the LRIT system.

6.23 The Chairman recalled that the 2006 SOLAS amendments had been unanimously adopted at MSC 81 by 97 Contracting Governments and advised that regulation V/19-1 did not include any enabling provisions which the Committee might invoke for extending the date of implementation.

6.24 The delegation of China, whilst noting that good progress had been made in relation to the establishment of the LRIT system, pointed out that there were still a number of technical issues that needed to be resolved and, in view of other uncertainties, suggested that it favoured postponing the implementation of the LRIT system to 31 December 2010.

6.25 The other Contracting Governments who spoke on this particular issue stated that they did not support the postponement of the implementation of the LRIT system and indicated that the Committee should seek to resolve all pending matters in order to ensure the timely establishment of the LRIT system.

6.26 As a result, the Committee agreed that the proposal of the Islamic Republic of Iran did not merit further consideration.

Use of LRIT information for safety and environmental protection purposes

6.27 The Committee considered the proposal by Austria *et al* (MSC 83/6/10) inviting it to agree that Contracting Governments should be able to request, receive and use LRIT information for maritime safety and marine environment protection purposes. Austria *et al* stated that they were not proposing any amendments to regulation V/19-1; and that the LRIT information

specified in this regulation V/19-1.5 was adequate for use for maritime safety and marine environment protection purposes and would provide a significant added value for such objectives. In addition, they advised that, in their view, the demand for LRIT information would increase significantly if Contracting Governments were able to receive and use such information for maritime safety and marine environment protection purposes and this, in its turn, would contribute to ensuring the financial viability and sustainability of the LRIT system. They also proposed that, in case the Committee was to take such a decision, it should invite the MEPC to note its decision and, if necessary take any related decisions within issues under its purview, as it may deem appropriate.

6.28 The Committee recalled, in this context, that MSC 79 had agreed that the purpose and scope of LRIT should be extended ultimately to include safety and environmental protection applications. However, before being able to embark on the detailed technical consideration of the extension of LRIT it would be necessary for the Committee to define the safety applications and for the MEPC to define the environmental protection applications for which LRIT would be used.

6.29 A considerable number of Contracting Governments supported allowing the use of LRIT information for safety and environmental purposes. However, one Contracting Government, whilst agreeing that ultimately the LRIT system should have safety and environmental applications, stated that it was premature, at this stage, to consider altering the current LRIT information package. In addition, one Contracting Government stated that it had a number of concerns and pointed out that the use of LRIT information for safety and environmental purposes should be consistent with the provisions of regulation V/19-1 and the provisions of international law and, in particular, the United Nations Convention on the Law of the Sea.

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

6.31 The Committee also instructed the working group to prepare a draft MSC resolution allowing the use of LRIT information for safety and marine environment protection purposes.

Transmission of LRIT information when a ship is laid-up or is undergoing repairs

6.32 The Committee considered document MSC 83/6/17 (Greece) proposing that, when a ship was undergoing repairs in port or dry-dock or when a ship was laid up, the master of the ship should be allowed to switch off the shipborne equipment transmitting LRIT information. Greece also proposed that, in such cases, the master should inform the flag State accordingly and should make a relevant entry in the ships log-book. In addition, the LRIT Data Centre to which the ship was transmitting LRIT information should keep the last information transmitted by the ship until the master had reactivated the shipborne equipment before the departure of the ship or its shifting to any other location. Greece pointed out that such an approach would reduce the number of unwanted LRIT information packages and also avoid an unnecessary burden on LRIT Data Centres with the attendant financial consequences.

6.33 A considerable number of Contracting Governments supported the principle that ships undergoing repairs in port or dry-dock and ships which are laid up should not be required to transmit LRIT information. However, a number of Contracting Governments suggested that before switching off the shipborne LRIT equipment the permission of both the flag and port State should be obtained and some stated that an appropriate entry should also be made in the record of navigation activities and incidents maintained, in accordance with SOLAS regulation V/28. One Contracting Government, whilst supporting the switching off of the shipborne LRIT equipment stated that it was not in favour of requiring the explicit permission of the Administration in each individual case.

6.34 Accordingly, the Committee, with a view to minimizing the transmission of unnecessary LRIT information, instructed the working group to recommend the approach to be taken in relation to the transmission of LRIT information by ships undergoing repairs in port or in dry-dock and by ships which are laid up; prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards and functional requirements for the long-range identification and tracking of ships, adopted by resolution MSC.210(81); and incorporate any needed changes to the draft technical specification and standards developed by the *ad hoc* engineering group.

Outcome of Intersessional MSC Working Group on Long-Range Identification and Tracking

Introduction

6.35 The Committee recalled that MSC 82 had approved the convening of an intersessional MSC working group and instructed it, in essence, to consider all issues (other than those related to engineering) which had a bearing on the timely establishment of the LRIT system.

6.36 In considering the report of the intersessional working group (MSC 86/3/2), the Committee approved the report in general, noted that the report had set out thirty-four points on which it had been requested to take action and agreed only to address a selected number of key issues where it was necessary to have a debate in plenary before referring matters to the working group for further consideration. For the rest of the actions requested, it decided, once it had agreed matters in principle, to refer them to the working group for the necessary development, as appropriate.

Financial aspects relating to the establishment and sustained and viable operation of the LRIT system, other than matters relating to the tasks of the LRIT Co-ordinator

6.37 The Committee considered paragraph 142.1 of document MSC 83/6/2 relating to the approach to be taken with a view to ensuring the timely establishment of the LRIT system on a sustained and viable financial basis.

6.38 The United States (MSC 83/6/5) presented its view on the vital question of ensuring that the LRIT system survived the start-up and was available to all Contracting Governments, whether rich or not, so that all enjoyed the benefits that the system was designed to serve and advised that if the system was not built on a sound economic footing, it would cease to be used and would sooner or later cease to exist. The United States recalled that the LRIT system was always envisioned as an international system to be available to all Contracting Governments on a non-discriminatory, fair and economically sustainable basis. All Contracting Governments had an obligation to ensure that the LRIT system was sustainable. None of the Contracting Governments should be called upon to bear a disproportionate share of the costs. The United States did not expect any other Contracting Government to pay a disproportionate and unfair amount of the costs of the LRIT system in order to subsidize its non-use.

6.39 The Committee noted that those establishing NDCs, RDCs and CDCs were responsible for the expenditure associated with the initial establishment and the operation and running of the DCs they would be establishing. The report of the Intersessional Working Group also made it clear that the start-up of the IDC and IDE needed to be funded. Regulation V/19-1.11.1 stated that "Contracting Governments shall bear all costs associated with any LRIT information they request and receive". However, Contracting Governments would be able to receive and pay for LRIT information provided the related data arrived at the DCs and the IDE was operational. For LRIT information to arrive at IDCs there was a cost involved and the private entities which would be providing services as communication and application service providers needed to be paid.

6.40 A number of Contracting Governments shared the views of the United States, in particular, that the LRIT system should be available to all Contracting Governments on a non-discriminatory, fair and economically sustainable basis and that the system should be established on a sound financial basis so as to ensure its long-term viability and sustainability. A Contracting Government stated that as a minimum, the Committee should make the required decisions in relation to the establishment and operation of the IDE in view of the critical function and pivotal role of the IDE in the establishment of the LRIT system. Another Contracting Government was of the opinion that the burden for the funding of the establishment of the LRIT system should not fall exclusively on flag States alone and that there should a fair distribution of the costs involved amongst all Contracting Governments in their capacity as flag, port and coastal States. Furthermore, a Contracting Government also pointed out that regulation V/19-1 allowed, subject to the provisions of the national legislation of the Contracting Government concerned, to recover the cost of LRIT information from ships entitled to fly its flag.

6.41 The Committee referred the matter to the working group for further consideration and instructed it to recommend the approach to be taken for ensuring the timely establishment of the LRIT system on a sustainable and viable financial basis and to prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards.

Aspects related to the evaluation of proposals for the establishment of IDC and IDE

6.42 The Committee noted the discussions in relation to the evaluation by IMSO of proposals for the establishment, operation and maintenance of IDC and/or IDE (paragraph 142.15 of document MSC 83/6/2) and concurred with the agreed approach.

Determination of additional milestones relating to the establishment of the LRIT system

6.43 Having considered paragraph 142.25 of document MSC 83/6/2, the Committee accepted the need for the establishment of additional milestones to be observed in relation to the establishment of the LRIT system, taking into account the target dates stipulated in resolution MSC.211(81) and the recommendation set out in paragraphs 91 to 94 of the document.

6.44 The Committee referred the matter to the working group for further consideration and instructed it to review and, if need be, refine, taking into account the target dates stipulated in resolution MSC.211(81), the additional milestones to be observed in relation to the establishment of the LRIT system proposed by the intersessional working group and to recommend the date(s) to be associated with each of the milestones.

Arrangements to be made for the period between MSC 83 and MSC 84

6.45 Having considered paragraph 142.30 of document MSC 83/6/2, the Committee accepted the need for the establishment of arrangements for the period between MSC 83 and MSC 84 with a view to ensuring the timely establishment of the LRIT system and the recommendations set out in paragraphs 109 to 116 of the document.

6.46 The Committee referred the matter to the working group for further consideration and instructed it to review and, if need be, refine the recommendations of intersessional working group in relation to arrangements to be made for the period between MSC 83 and MSC 84 with a view to ensuring the timely establishment of the LRIT system and prepare and submit for consideration with a view to adoption of draft(s) proposed decision(s).

Issues relating to the tasks of the LRIT Co-ordinator with respect to the initial establishment and the performance review and audit of the LRIT system

6.47 The Committee considered paragraph 142.31 of document MSC 83/6/2, in particular, the discussion in relation to issues relating to the LRIT Co-ordinator and on the approach to be taken as set out in paragraphs 118 to 128 of the document.

6.48 IMSO (MSC 83/6/7 and MSC 83/6/13) advised that the IMSO Assembly, at its nineteenth (Extraordinary) session which was held in London in March 2007, was informed of the decision of MSC 82 to appoint IMSO as the LRIT Co-ordinator, and decided that IMSO might assume the functions and duties of the LRIT Co-ordinator with effect from 7 March 2007, at no cost to IMSO Parties, in accordance with decisions of the Organization, where article 4 of the amended IMSO Convention would be applied on a provisional basis.

IMSO provided an overview of the budget estimates which it needed to undertake the various tasks of the LRIT Co-ordinator envisaged in section 14 of the Performance standards and provided information on the accounting procedures to be followed, the contemplated organizational structure, the resulting staff needs, the associated programme of recruitment and its needs and plans with respect to office accommodation.

IMSO stated that it would levy a range of charges for providing its services and would need to establish a formal basis for performance review, audit, charging, resolution of disputes, etc. This would be carried out through a legally binding public/civil contract called the IMSO LRIT Public Service Contract. The IDE, all DCs, and those Application Service Providers (ASPs) providing services to the IDC would be required to sign an LRIT Public Service Contract with IMSO which was under development similar to the Public Services Agreement presently in use to establish the basis for oversight of GMDSS satellite operators.

IMSO advised that the current estimates indicated that for the period from 2007 to 2010, in order to perform the tasks of the LRIT Co-ordinator, it would incur expenditure of the order of GBP 2,505,000 against estimated revenue of the order of GBP 876,960. As a result, IMSO had calculated that it would require start-up funding of GBP 1,445,150, distributed over the period. For each year during the period from 2007 to 2010, the start-up capital had been assessed to be GBP 314,000, GBP 671,000, GBP 424,325 and GBP 35,825 respectively. However, as the actual involvement of IMSO as LRIT Co-ordinator was behind the schedule envisaged when preparing the two submissions and details of its involvement were subject to a number of decisions which the Committee was to take during its current session, the budget estimates would need to be adjusted and most probably would result in lesser final figures than those quoted in the submissions.

Since MSC 82, IMSO had actively solicited the provision of the start-up funding needed and had so far received promises of funding in cash or kind amounting to no more than GBP 10,000 in total. So far no significant source for start-up funding had been identified and the development could prejudice the ability of IMSO to fulfil its functions as LRIT Co-ordinator.

IMSO provided an overview of the charging policies it was contemplating to adopt when providing services as LRIT Co-ordinator and advised that, as an intergovernmental organization, it was not authorized by the IMSO Parties to incur any level of debt and, because of the way it was funded entirely from contributions paid by those it oversaw, did not have any money reserves. IMSO stated that it must therefore adopt terms of business that did not allow any credit on the part of those who were liable to pay IMSO for services within the LRIT system. IMSO would therefore insist that all fees and other payments for which LRIT system elements would become liable were paid in full before any service was provided.

IMSO also stated that it was in touch with various potential ASPs and data centre providers in the industry and Contracting Governments, and had begun to develop procedures for undertaking the various tasks of the LRIT Co-ordinator. However, it was too early to provide specific details as to the procedures to be employed, given the fact that no specifics yet existed for the design and implementation of the various elements of the LRIT system. IMSO advised that it was already working with potential providers to ensure that they were aware of the requirements and thus they were making preparations to fulfil them. IMSO planned, in due course, to develop guidance on what was expected and how such data should be made available for performance review and audit.

Once the LRIT system was in operation, IMSO anticipated reporting to the Committee on an annual basis, as was currently the practice for GMDSS services. However, during the start-up period until 2010, it was expected that reports would be made more frequently to each session of the Committee.

6.49 The Committee noted the information provided by IMSO and referred the matter to the working group for further consideration. In particular, it further instructed the working group to consider all issues relating to the performance by IMSO of the functions of the LRIT Co-ordinator and recommend the approach to be taken.

Development of models of the various agreements needed

6.50 The Committee considered paragraph 142.32 of document MSC 83/6/2, in particular, and noted the discussion in relation to the development of the models of the various agreements needed for the establishment of the LRIT system.

6.51 The Committee referred the matter to the working group for further consideration and instructed it to consider all issues relating to the models of the various agreements needed for the establishment of the LRIT system and recommend the approach to be taken.

Other actions requested by the intersessional working group

6.52 The Committee agreed, in principle, to the other actions requested by the intersessional working group and referred them to the working group for further consideration.

6.53 The Committee further agreed that the various decisions of the Committee relating to LRIT matters, other than those which would be adopted as amendments to the Performance standards or the technical specifications, should be consolidated and codified in an appropriate format as an MSC resolution or MSC circular, depending on their nature, so as to enable easy identification and reference.

6.54 The Committee instructed the working group to:

.1 codify and consolidate the issues involved in an appropriate format so as to enable easy identification and reference and prepare and submit, for consideration with a view to adoption or approval, the relevant document;

.2 prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards; and

.3 incorporate any needed changes to the draft technical specification and standards developed by the *ad hoc* engineering group.

Outcome of the *Ad hoc* Working Group on Engineering aspects of LRIT

6.55 The Committee recalled that MSC 82 had re-established the *ad hoc* engineering group and instructed it to deal with a number of engineering issues and technical specifications following the work the group had submitted for consideration during MSC 82.

6.56 The Committee considered the report of the *ad hoc* engineering group (MSC 83/6/1) and, having approved the report in general, noted that a number of its recommendations had been overtaken by earlier decisions of the Committee when considering the report of the intersessional working group. In particular, the Committee noted that the Criteria for the location of the IDC and IDE, set out in paragraphs 14 to 17 of the report, section 6 of annex 5 on draft Protocols for the development testing of the LRIT system and for testing the integration into the system of new LRIT Data Centres; and annex 7 on Key policy decisions required of the Committee, therefore need not be considered.

6.57 The Committee also noted that annexes 1 to 5 to document MSC 83/6/1 required extensive editorial review and amendment before they could be considered as meeting standards, style and practices of the Organization in relation to performance standards and technical specifications.

6.58 The Committee referred:

.1 the draft Technical specification for the International LRIT Data Exchange (MSC 83/6/1, annex 1);

.2 draft Technical specification for the International LRIT Data Centre (MSC 83/6/1, annex 2);

.3 draft Technical specification for communications within the LRIT system network (MSC 83/6/1, annex 3);

.4 draft Technical costing and billing standard (MSC 83/6/1, annex 4); and

.5 draft Protocols for the development testing of the LRIT system and for testing the integration into the system of new LRIT data centres (MSC 83/6/1, annex 5),

to the working group for further consideration and instructed it to finalize and submit them for consideration with a view to approval.

In this respect, the Committee, noting that in view of the work done by the intersessional working group and, as a result of its related decisions, the draft Technical costing and billing standard prepared by the *ad hoc* engineering group had been overtaken by events, agreed that the working group should use, as the basis for its work, a draft prepared by Canada.

6.59 In addition, the Committee instructed the working group to consider and advise the Committee as to when and how the technical specifications and standards developed by the *ad hoc* engineering group should be integrated in the Performance standards.

6.60 The Committee, in view of the work done by the Secretariat on the LRIT Data Distribution Plan, agreed that the action requested in paragraph 23.1.6 of document MSC 83/6/1, in relation to the draft Guidance on setting up and maintaining the LRIT Data Distribution Plan, set out in annex 6 of MSC 83/6/1, need not be considered as it had been overtaken by developments.

6.61 As a result, the Committee did not take any action as requested in paragraphs 23.1.7, 23.2 and 23.3 of document MSC 83/6/1 as they had been overtaken by developments.

6.62 The Russian Federation (MSC 83/6/12, paragraphs 6 to 8 and 9.2), considering that the LRIT network may consist of a number of LRIT Data Centres developed by different manufacturers, suggested that it would be logical to use a "step-by-step" approach in the practical establishment of the LRIT network and use the IDE as a base element for prescribing the network communication protocols. Such a "step-by-step" approach should have as its target the establishment of a network which was compliant with the technical standard adopted by the Committee and would allow to add practically demanded features and delete practically not used or not executable ones. The Russian Federation also recalled that it had offered, when introducing part of the document earlier on, to provide free of charge facilities for a back-up IDE.

6.63 The Committee referred the proposals of the Russian Federation (MSC 83/6/12, paragraphs 3 to 8 and 9.2) to the working group for further consideration and instructed it,

bearing in mind that the IDE was an essential element of the LRIT system, to advise on the approach to be taken.

Outcome of COMSAR 11

6.64 The Committee recalled that MSC 82 had instructed COMSAR 11 to consider a number LRIT related matters and noted that COMSAR 11 subsequently had invited the Committee to note the the outcome of its discussions with respect to the establishment of the LRIT system, especially in the context of matters pertaining to draft agreements and billing and costing issues, as set out in its report (COMSAR 11/18, paragraphs 14.25 to 14.42 and annexes 18 and 19).

6.65 The Committee further noted that, following the consideration of the actions requested by the *ad hoc* engineering group and the intersessional working group, the actions requested by COMSAR 11 had been overtaken by events and no specific action was therefore required beyond noting that COMSAR 11, within the constraint of the submissions it had before it, dealt with the tasks it had been asked to undertake.

The establishment of the IDC and IDE

Matters of principle relating to the establishment and operation of the IDC and IDE

6.66 The Islamic Republic of Iran (MSC 83/6/9), taking into account the importance and the special position of IDC and IDE in the LRIT system and the necessity to ensure the security of LRIT information, suggested that the IDE and IDC should be operated and maintained by an international group or agency rather than a specific State.

6.67 One of the Contracting Governments expressed the view that whoever was to establish and operate the IDC and IDE had to comply fully with all the requirements established by the Committee and needed to ensure adequate physical security arrangements, confidentiality and protection of the data from unauthorized access or disclosure and thus, under such circumstances, the matter as to who would establish or operate the IDC and IDE was not of importance. Another Contracting Government pointed out that, at this stage of the development of the LRIT system, the Committee had to stay within the framework of what had been agreed thus far and should not seek to explore new avenues or options, as they could seriously frustrate the timely establishment of the LRIT system.

6.68 As a result, the Committee agreed that the proposal of the Islamic Republic of Iran did not merit further consideration.

Proposal for the establishment and operation of the IDC and IDE

6.69 The Committee noted the information provided in document MSC 83/6/Add.1 (Secretariat), which the Secretariat, in the absence of specific decisions of the Committee and following consultations with the acting Chairman of the Committee, had to develop to advise on a procedure to be followed in relation to the submission and evaluation of proposals for the establishment, operation and maintenance of the IDC and the IDE.

6.70 The Marshall Islands (MSC 83/6/6), acting as a conduit, brought to the attention of the Committee a proposal of an LRIT Consortium (the Consortium) consisting of Pole Star Space Applications Limited (a legal entity incorporated in the United Kingdom), GateHouse A/S (a legal entity incorporated in Denmark) and Wallem Innovative Solutions Inc. (a legal entity incorporated in the Philippines) for the establishment and operation of the IDC and the IDE. The Marshall Islands stated that, as indicated in paragraph 4 of its document, it had submitted the proposal without obligation or intent to be involved in any way in the Consortium. The statement made by the Marshall Islands when introducing the proposal of the Consortium is set out at annex […].

6.71 The Committee recalled that it had already discussed, when considering the report of the intersessional working group, the criteria to be used in evaluating proposals for the establishment of the IDC and the IDE and the format of the evaluation report which IMSO, acting as LRIT Co-ordinator, had been directed to provide.

6.72 IMSO (MSC 83/6/11) presented the results of the evaluation undertaken by it, acting as LRIT Co-ordinator, of the proposal submitted by the Consortium through the Marshall Islands. On the basis of the information provided in the annex to document MSC 83/6/6 and subsequent discussions with the point of contact for the Consortium, IMSO reported that the Consortium had demonstrated, to the extent possible within the constraints established by decisions still to be taken by the Organization, the state of development of the technical specifications and the key dates provided in resolution MSC.211(81), that its proposal complied with the established standards and requirements for the LRIT system. In particular, IMSO advised that it believed that the Consortium had demonstrated compliance, or the ability and willingness to comply, with

the operational, technical and functional requirements of the Performance standards; and that the proposal offered a realistic financial model that could provide a sustainable evolving solution for the LRIT system. IMSO advised that it also believed that the proposal met the essential criteria established by regulation V/19-1, the Performance standards, resolution MSC.211(81) and the criteria for the location of the IDC and IDE set out in annex 2 to document MSC 83/6/2, to the extent possible before further technical, operational and financial decisions had been taken by the Committee. In addition IMSO reported that the proposal also incorporated the need for further development of certain aspects of the LRIT system during the test and implementation phases in 2008.

6.73 The Committee referred the proposal submitted by the Consortium through the Marshall Islands (MSC 83/6/6, annex) in relation to the establishment and operation of the IDC and IDE to the working group for consideration and instructed it to recommend the approach to be taken. In this respect, the Committee agreed that the Consortium could present to the working group an alternative financial model in relation to its proposal for the establishment of the IDC and IDE and a financial model for the establishment of the IDE only.

Contingency offer in relation to the establishment and operation of the IDC and IDE

6.74 The United States (MSC 83/6/3) provided details of a contingency offer to host, build and operate on an interim basis until the Committee was to make final and permanent arrangements in this respect. The United States recalled that it had clearly advised during the Intersessional Working Group that its contingency offer was not in response to the request for submission of proposals for the establishment and operation of the IDC and IDE issued by IMSO, acting as LRIT Co-ordinator, and thus their offer was not subject to any form of evaluation by IMSO.

6.75 The Committee referred the contingency offer of the United States (MSC 83/6/3), in relation to the establishment and operation of the IDC and IDE on an interim basis, to the working group and instructed it to recommend the approach to be taken.

Establishment of the Working Group on LRIT matters

6.76 Having considered the various issues relating to LRIT matters, the Committee established, under the chairmanship of Dr. Sam Ryan (Canada), the Working Group on LRIT matters and instructed it, taking into account decisions taken and proposals and comments made in plenary, to:

.1 prepare a draft MSC resolution allowing the use of LRIT information for safety and marine environment protection purposes;

.2 recommend the approach to be taken in relation to the transmission of LRIT information by ships undergoing repairs in port or in dry-dock and by ships which are laid up; prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards; and incorporate any needed changes to the draft technical specification and standards developed by the *ad hoc* engineering group (see item .9 below), so as to minimize the transmission of unnecessary LRIT information;

.3 recommend the approach to be taken for ensuring the timely establishment of the LRIT system on a sustained and viable financial basis and prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards;

.4 review and, if need be, refine, taking into account the target dates stipulated in resolution MSC.211(81), the additional milestones to be observed in relation to the establishment of the LRIT system proposed by the intersessional working group and recommend the date(s) to be associated with each of the milestones;

.5 review and, if need be, refine the recommendations of the intersessional working group in relation to arrangements to be made for the period between MSC 83 and MSC 84 with a view to ensuring the timely establishment of the LRIT system and prepare and submit for consideration with a view to adoption draft(s) proposed decision(s);

.6 consider all issues relating to the performance by IMSO of the functions of the LRIT Co-ordinator and recommend the approach to be taken;

.7 consider all issues relating to the models of the various agreements needed for the establishment of the LRIT system and recommend the approach to be taken;

.8 note that the Committee has accepted, in principle, the recommendations of the intersessional working group set out in paragraphs 142.2 to 142.14, 142.16 to 142.24 and 142.26 to 142.29 of document MSC 83/6/2:

.1 codify and consolidate the issues involved in an appropriate format (which may be MSC resolution(s) and/or MSC circular(s) depending on the nature of the issues involved) so as to enable easy identification and reference and prepare and submit for consideration with a view to adoption or approval the relevant document;

.2 prepare and submit for consideration with a view to adoption any needed consequential amendments to the Performance standards; and

.3 incorporate any needed changes to the draft technical specification and standards developed by the *ad hoc* engineering group (see item .9 below);

.9 finalize and submit for consideration with a view to approval:

.1 the draft Technical specification for the International LRIT Data Exchange (MSC 83/6/1, annex 1);

.2 draft Technical specification for the International LRIT Data Centre (MSC 83/6/1, annex 2);

.3 draft Technical specification for communications within the LRIT system network (MSC 83/6/1, annex 3);

.4 draft Technical costing and billing standard (MSC 83/6/1, annex 4); and

.5 draft Protocols for the development testing of the LRIT system and for testing the integration into the system of new LRIT data centres (MSC 83/6/1, annex 5);

.10 recommend when and how the technical specifications and standards developed by the *ad hoc* engineering group (see item .9 above) should be integrated in the Performance standards;

.11 consider the proposals of the Russian Federation (MSC 83/6/12, paragraphs 3 to 8 and 9.2) and, bearing in mind that the IDE was an essential element of the LRIT system, recommend the approach to be taken;

.12 consider the proposal submitted through the Marshall Islands (MSC 83/6/6, annex) in relation to the establishment and operation of the IDC and IDE and recommend the approach to be taken;

.13 consider the contingency offer of the United States (MSC 83/6/3) in relation to the establishment and operation of the IDC and IDE and recommend the approach to be taken; and

.14 submit a report to plenary by Thursday, 11 October 2007.

[more to come]

7 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

General

7.1 The Committee, having recalled that MSC 82 had considered urgent matters emanating from the eleventh session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC), approved, in general, the report of that session (DSC 11/19 and MSC 83/7) and took action on the remaining matters as indicated hereunder.

Class 7 radioactive materials *ad hoc* mechanism

7.2 The Committee noted that, as reported in document MSC 83/2, FAL 34 approved, in principle and subject to results of a trial, the proposed mechanism within the IMO Secretariat for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials; requested the Secretariat to conduct a trial of the proposed mechanism; and to report on its experience to FAL 35 for evaluation of results of the trial. It further requested the Secretariat to

continue to co-operate with IAEA, ILO and other UN bodies on issues surrounding the delays and denials of shipments of class 7 radioactive materials.

7.3 In this context, the Committee supported the view of the Sub-Committee that an *ad hoc* mechanism within the Organization to speedily resolve difficulties in the carriage of class 7 radioactive materials would contribute to the resolution of such difficulties.

7.4 The Committee appreciated that, pursuant to the above, the Secretary-General had established a Class 7 Focal Point where Member States are invited to submit reports in accordance with the mechanism promulgated by means of FAL 34/19, annex 5. In that context, the Committee requested the Secretariat to keep it informed of the progress made on the issue.

7.5 The Committee further noted that with regard to the notification of denials of shipment of dangerous goods other than class 7, the Facilitation Committee requested the Secretariat to keep a record only of any notification of such denials which are brought to the attention of the Secretariat.

Entry in Transport Document and/or Dangerous Goods Manifest (FAL Form 7)

7.6 The Committee noted that, as requested by FAL 33, the Sub-Committee considered the issue of an entry in the Transport Document and/or Dangerous Goods Manifest (FAL Form 7), whereby Cobalt 60 shipments, specially produced for immediate use in medical, consumer, health or agriculture applications, would be declared as such as that would facilitate its identification by the public authorities concerned raised technical concerns, and that the Secretariat was requested to inform the Maritime Safety Committee and Facilitation Committee accordingly.

7.7 The Committee recalled that in the context of the above, MSC 82 considered matters relevant to difficulties encountered with the inclusion of an entry in the transport document and/or dangerous goods manifest (FAL Form 7) to confirm that shipment of radioactive materials is to be used in medical or public health applications and forwarded the matter to FAL 34 for consideration and action as appropriate.

Amendments to the IMO FAL Compendium

7.8 The Committee also noted that, as requested by FAL 33, the Sub-Committee considered section G of the IMO FAL Compendium and prepared the amended section for submission to FAL 34 for action as appropriate.

8 FIRE PROTECTION

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

General

8.1 The Committee approved, in general, the report of the fifty-first session of the Sub-Committee on Fire Protection (FP) (FP 51/19 and MSC 83/8) and took action as indicated hereunder.

Equivalent fire-extinguishing systems for machinery spaces and cargo pump-rooms

8.2 The Committee approved MSC.1/Circ.... on Amendments to the Revised Guidelines for the approval of equivalent water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms (MSC/Circ.1165).

Amendments to SOLAS regulation II-2/10

8.3 The Committee approved the draft amendments to SOLAS regulation II-2/10, set out in annex …, to require all carbon dioxide systems to have two separate releasing controls, and requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 84.

Safety matters relating to the installation of total flooding carbon dioxide systems

8.4 Noting the proposal of the Sub-Committee and the relevant justification for a new item regarding safety matters relating to the installation of total flooding carbon dioxide systems for inclusion in the Sub-Committee's work programme, the Committee agreed to deal with the matter in detail under agenda item 25 (Work programme).

Sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12

8.5 In considering the draft amendments to the Revised Guidelines for approval of sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12 (resolution A.800(19)), proposed by FP 51, the Committee noted that draft amendments to the Revised Guidelines agreed, in principle, at FP 50 had not been included in the aforementioned set of amendments and decided to instruct FP 52 to prepare a composite set of draft amendments to the Revised Guidelines on the basis of the draft amendments prepared by FP 50 and FP 51, for submission to MSC 84 for adoption.

Evacuation analyses for new and existing passenger ships

8.6 The Committee approved MSC.1/Circ.... on Guidelines for evacuation analysis for new and existing passenger ships.

8.7 In this context, the Committee considered document MSC 83/8/2 (Germany), proposing that the item related to the above Guidelines be retained in the Sub-Committee's work programme so that unresolved issues could still be further considered by the Sub-Committee and agreed to the proposal by Germany (see also paragraph 25….).

Location of entrances, air inlets and openings in the superstructures of tankers

8.8 Noting a proposal by the Sub-Committee and the relevant justification for a new item to harmonize the requirements for the location of entrances, air inlets and openings in the superstructures of tankers, the Committee agreed to deal with the matter in detail under agenda item 25 (Work programme) (see paragraph 25….).

Interpretation of SOLAS regulation II-2/4.5.1.1

8.9 The Committee noted that, as instructed by MSC 82, the Sub-Committee had considered the draft MSC circular on Interpretation of SOLAS regulation II-2/4.5.1.1, concerning pump-rooms intended solely for ballast or fuel oil transfers, and, subsequently, had decided to refer the matter to a correspondence group for detailed consideration.

Unified interpretations of SOLAS chapter II-2

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

Unified interpretations of the FSS Code

8.11 The Committee approved MSC.1/Circ.... on Unified interpretations of the International Code for Fire Safety Systems (FSS Code).

Unified interpretations of the IBC Code

8.12 The Committee, having agreed to minor modifications, approved MSC.1/Circ... on Unified interpretations of the International Bulk Chemical (IBC) Code.

Safety of oil and chemical tankers

8.13 The Committee noted that, following consideration of the report of the Inter-Industry Group which had recommended to consider amending SOLAS chapter II-2 to provide for application of inert gas system to new oil tankers of less than 20,000 dwt and new chemical tankers and pertinent proposals and recommendations made by Member Governments, the Sub-Committee discussed at length how to proceed with the matter and, having recognized that it would require detailed consideration, taking into account the complexity of the matter, including the disadvantages (i.e., affixation) and potential benefits (i.e., reducing the risk of explosion) of application of inert gas systems for the practical safety-related implications to the operation of chemical tankers and product tankers of less than 20,000 dwt, had agreed to recommend to the Committee the inclusion of a new item, in the Sub-Committee's work programme, to deal with the matter comprehensively.

8.14 In considering the recommendations of FP 51, in particular that a new item on "Measures to prevent explosions on oil and chemical tankers transporting low-flash point cargoes" be included in the Sub-Committee's work programme, in co-operation with the BLG and DE Sub-Committees, and that under the aforementioned item, the Sub-Committee would first consider measures for new ships and, depending on the outcome of their consideration, could consider appropriate measures for existing oil and chemical tankers, the Committee noted the views expressed by:

.1 the delegation of the Netherlands, which pointed out that the preliminary FSA study carried out by Japan (FP 51/10/1) on this matter concluded that the installation of inert gas systems on tankers of less than 20,000 dwt was not justified and expressed the view that a cost benefit analysis is needed to support a justification for a new work programme item;

.2 the delegation of Norway, which was of the view that the aforementioned new work item should be placed on the BLG Sub-Committee's work programme, taking into account that the cargo to be carried is the decisive factor on this issue and that such matters fall under the purview of the BLG Sub-Committee; and

.3 the delegation of the Cook Islands, which expressed the opinion that the outcome of DE 50 should be considered in detail by the Committee before making a final decision on this issue and that matters related to asphyxiation should be taken into account if it is decided that a new work programme item be established.

8.15 In light of the above views, the Committee agreed to finalize its consideration of the matter under agenda item 9 (Ship design and equipment), following the discussion of the relevant outcome of DE 51 which had also been instructed by MSC 82 to consider the matter (see paragraph 9…).

Consequential amendments to SOLAS regulation II-2/19

8.16 The Committee noted that, as instructed by MSC 82, the Sub-Committee considered proposed amendments to SOLAS regulation II-2/19 and chapter 7 of the HSC Code and a draft circular on Application of requirements for dangerous goods in packaged form for SOLAS and 2000 HSC Code and, having requested the Committee to extend the target completion date for the item, invited Member Governments and international organizations to submit relevant comments and proposals to FP 52 (see also paragraph 25...).

Fixed fire-extinguishing systems for cabin balconies

8.17 The Committee, in considering the draft Guidelines for the approval of fixed pressure water spraying and water based fire-extinguishing systems for cabin balconies, noted that Finland had conducted testing according to the draft Guidelines and that the results showed that the test standards need further improvements. In view of the above developments, the Committee

decided to refer the draft Guidelines to FP 52 for further consideration, and submission to MSC 84, as appropriate.

Fixed fire detection and fire alarm systems for cabin balconies

8.18 The Committee approved MSC/Circ... on Guidelines for the approval of fixed fire detection and fire alarm systems for cabin balconies and endorsed the Sub-Committee's recommendation that the approval of fire detection and alarm systems for cabin balconies installed on passenger ships before 1 July 2008 should be left to the satisfaction of the Administration.

OTHER MATTERS

Proposed amendments to SOLAS regulation II-2/19.4

8.19 The Committee considered document MSC 83/8/1 (Japan), containing proposed amendments to SOLAS regulation II-2/19.4 to harmonize the aforementioned regulation with SOLAS regulation II-2/3.20 in respect of the mandatory application of the IMDG Code, and having approved the proposed amendments to SOLAS regulation II-2/19.4, set out in annex …, requested the Secretary-General to circulate the proposed amendments, in accordance with SOLAS article VIII, for consideration, with a view to adoption, at MSC 84.

9 SHIP DESIGN AND EQUIPMENT

Report of the fiftieth session of the Sub-Committee

9.1 The Committee approved, in general, the report of the fiftieth session of the Sub-Committee on Ship Design and Equipment (DE) (DE 50/25 and MSC 83/9) and took action as indicated hereunder.

Amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)) and related matters

9.2 The Committee approved the draft amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)) (ESP Guidelines), set out in annex …, including a new part B on Survey guidelines for double-skin bulk carriers in Annex A (Guidelines on the enhanced programme of inspections during surveys of bulk carriers) of the ESP Guidelines, applicable to bulk carriers of 500 gross tonnage and over having double-side skin construction, and requested the Secretary-General to

circulate the draft amendments in accordance with SOLAS article VIII for consideration at MSC 84 with a view to adoption.

9.3 In this connection, the Committee requested the Secretariat to prepare, after the current amendments have been adopted, a new consolidated publication of the ESP Guidelines, incorporating all amendments adopted since the last publication was issued.

9.4 With regard to the Sub-Committee's justification for an expansion of the scope of the existing work programme item on "Amendments to resolution A.744(18)" to include the harmonization of the ESP Guidelines with the relevant IACS Unified Requirements (UR Z.10 series), the Committee agreed to deal with the matter under agenda item 25 (Work programme).

Performance standard for protective coatings for void spaces on bulk carriers and oil tankers

9.5 The Committee considered the draft MSC resolution on Performance standard for protective coatings for void spaces on bulk carriers and oil tankers, together with the following documents:

.1 MSC 83/9/2 (United Kingdom), proposing to include a footnote at the end of paragraphs 4.2.1.1.4 and 4.2.1.1.5 in order to clarify the issue of totally enclosed spaces and to change the words "other small void spaces in cargo tanks" in paragraph 4.2.1.1.3 to read "... in cargo holds" or "... in cargo spaces";

.2 MSC 83/9/3 (RINA), suggesting that in order to remove any ambiguities and conflicts with other statutory requirements regarding the term "totally enclosed spaces" the requirements of the performance standard should apply to all void spaces, except where access is neither required nor possible and that guidance on the types of such excluded spaces should be given; and

.3 MSC 83/9/4 (Greece), proposing a number of amendments to section 4.2 (Standard application), concentrating on the notion of totally enclosed spaces, and to the basic coating requirements in Table 1 of the Standard concerning the number of spray coats, stripe coats, dust limit and testing exposure.

Greece also stated that the Standard should become mandatory not later than the PSPC for dedicated seawater ballast tanks (i.e. 1 July 2008).

9.6 Following extensive discussions, of the above proposals and other proposals made orally for changes to the draft Performance Standard, the Committee, noting that the text of the performance standard as agreed at DE 50 presented a carefully drafted compromise and that the Sub-Committee had agreed to revisit the Performance Standard after experience had been gained with its application (see paragraph 9.8), agreed to:

.1 introduce a footnote clarifying the term "totally enclosed spaces", referenced from the ends of paragraphs 4.2.1.1.4 and 4.2.1.1.5 of the Performance Standard as follows:

"Noting, *inter alia*, the mandatory provisions of resolution A.744(18), as amended, regarding the requirement to undertake close-up surveys of the internal structure of upper and lower stools, where fitted.";

.2 change the words "other small void spaces in cargo tanks" in paragraph 4.2.1.1.3 to read "other small void spaces in cargo spaces"; and

.3 set the number of spray coats in Table 1, .4 (Job specification) to one,

and adopted resolution MSC…(83) on Performance standard for protective coatings for void spaces on bulk carriers and oil tankers, set out in annex ….

9.7 In this context, the Committee concurred with the decision of DE 50 that it would consider making the Performance standard mandatory, through the development of relevant draft SOLAS amendments, in the longer perspective, after experience has been gained with its application.

Means of embarkation on and disembarkation from ships

9.8 The Committee approved draft new SOLAS regulation II-1/3-9 (Means of embarkation on and disembarkation from ships), set out in annex …, having agreed to delete the words "or pilotage" in paragraph 1, of the regulation and requested the Secretary-General to circulate the

draft new SOLAS regulation, in accordance with SOLAS article VIII, for consideration at MSC 84 with a view to adoption.

9.9 The Committee also approved, in principle, a draft MSC circular on Guidelines for construction, maintenance and inspection of accommodation ladders and gangways, set out in annex 5 to document DE 50/27, for final approval at MSC 84 in conjunction with the adoption of the above new SOLAS regulation and requested the Secretariat to submit the relevant document to MSC 84.

Emergency towing arrangements on tankers

9.10 The Committee approved draft amendments to SOLAS regulation II-1/3-4 (Emergency towing arrangements on tankers), set out in annex …, and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII for consideration at MSC 84 with a view to adoption.

9.11 The Committee also approved, in principle, a draft MSC circular on Guidelines for owners/operators on preparing for emergency towing procedures, set out in annex 7 to document DE 50/27, for final approval at MSC 84 in conjunction with the adoption of the above SOLAS amendments and requested the Secretariat to submit the relevant document to MSC 84.

Unified interpretation of SOLAS chapter III

9.12 The Committee approved MSC.1/Circ… on Unified interpretation of SOLAS chapter III.

Measures to prevent accidents with lifeboats

MSC.1/Circ.1206 on Measures to prevent accidents with lifeboats

9.13 The Committee noted the outcome of DE 50 concerning the implementation and mandatory application of MSC.1/Circ.1206 on Measures to prevent accidents with lifeboats and concurred with the view of the Sub-Committee that:

.1 only annex 1 to the circular, dealing with servicing and maintenance of lifeboats, launching appliances and on-load release, should be made mandatory; and

.2 guidance for qualification and certification of personnel or organizations carrying out servicing and maintenance of lifeboats, launching appliances and on load release gear should be developed.

9.14 In the context of this issue, the Committee considered document MSC 83/9/5 (Bahamas, Dominica, Finland, BIMCO, CLIA, INTERCARGO, INTERMANAGER, INTERTANKO, IPTA, OCIMF and SIGTTO), stating that the submitters consider it premature and inappropriate to make MSC.1/Circ.1206 mandatory as currently written because of difficulties experienced in the implementation of the provisions contained in annex 1 to MSC.1/Circ.1206, mainly related to the lack of world-wide servicing networks and a tendency among manufacturers not to approve independent service providers, although their competency and track records are excellent. They therefore proposed that the circular be amended to allow Administrations to authorize independent service providers to carry out the necessary inspections and maintenance without prior authorization from the original manufacturer and that the DE Sub-Committee's Correspondence Group on LSA which is currently developing qualification and certification requirements for personnel carrying out inspection and maintenance of lifeboats, rescue boats, launching and release systems, should take this into account.

9.15 The majority of delegations which spoke supported the proposal made in document MSC 83/9/5, namely that Administrations should be allowed to authorize independent service providers to carry out maintenance and repair of life-saving appliances. They mentioned, in particular, the difficulties experienced in implementing the provisions of MSC.1/Circ.1206 due to the lack of a global network of LSA manufacturers to provide a world-wide service, the lack of appropriate manufacturer training in order to have service personnel certified and the high costs for such training charged by manufacturers.

9.16 Other delegations were of the view that the matter had been discussed in detail at DE 50 and that the DE LSA Correspondence Group had been instructed to develop guidance for qualification and certification of personnel or organizations carrying out servicing and maintenance of lifeboats, launching appliances and on-load release gear which would cover the issues raised and that it was premature to take any decisions in the matter before the outcome of the correspondence group was available.

9.17 Following the above discussion, the Committee agreed to instruct the aforementioned Correspondence Group on LSA to include relevant provisions addressing the issue of independent service providers, in the aforementioned qualification and certification requirements currently under development, as appropriate, and DE 51 to discuss the matter further.

9.18 In this connection, the Committee noted document MSC 83/INF.15 (ICS, BIMCO, CLIA, ICFTU, INTERCARGO, INTERTANKO, IPTA, OCIMF, SIGTTO and P and I Clubs), informing it of the formation of an industry group to address issues relating to lifeboat safety.

Unfavourable conditions of trim and list

9.19 The Committee noted that DE 50, with regard to the draft SOLAS chapter III and LSA Code amendments concerning the definition of "unfavourable conditions of trim and list" referred back to the Sub-Committee by MSC 82, had agreed, in principle, on a new draft definition and had instructed its LSA Correspondence Group to consider it further.

Interpretation of the term "reduced degree of hazard"

9.20 The Committee noted that DE 50 had agreed to an interpretation of the term "reduced degree of hazard" in the revised SOLAS regulation II-1/6.2.4 for referral to the SLF Sub-Committee for inclusion in the Explanatory Notes to the SOLAS chapter II-1 subdivision and damage stability regulations. In this connection, the Committee noted that SLF 50 had agreed to include the interpretation in the draft Explanatory Notes (see paragraph …).

Term "N = N1 + 2N2" in the formula for the required subdivision index R

9.21 The Committee concurred with DE 50's decision to investigate the impact of recent developments in the design and capability of life-saving appliances, in particular liferafts and launching systems, on the term "N = N1 + 2N2" in the formula for the required subdivision index R.

Application of the B/5 value to the subdivision standards

9.22 The Committee noted the view of DE 50 that no change is needed to the application of the B/5 value to the subdivision standards in SOLAS chapter II-1.

Symbol of infant lifejacket

9.23 The Committee approved MSC.1/Circ… on Symbol of infant lifejacket.

Safety of oil and chemical tankers

9.24 The Committee noted that, with regard to the proposal by the IIWG concerning the application of inert gas to new oil tankers of less than 20,000 dwt and to new chemical tankers, DE 50 supported the relevant recommendations of FP 51 (see paragraphs 8… to 8…).

9.25 In this connection, the Committee, while recalling the comments made under agenda item 8 (Fire protection) on this matter (see paragraph 8...), noted the comments made by delegations during the discussion regarding:

.1 the problems associated with retrofitting inert gas systems on new and existing tankers;

.2 the disadvantages (i.e., asphyxiation) and the potential benefits (i.e., reduced risk of explosion) for application of such systems;

.3 the practical safety-related implications to the operation of chemical tankers and product tankers of less than 20,000 dwt as well as other human element issues; and

.4 practical limitation of retrofitting smaller chemical tankers.

9.26 Having considered the outcomes of FP 51 and DE 50 and the points made during the discussion on the matter, the Committee endorsed the recommendations of FP 51 and:

.1 included, in the FP Sub-Committee's work programme, a high priority item on "Measures to prevent explosions on oil and chemical tankers transporting low-flash point cargoes", with two sessions needed to complete this item, in co-operation with the BLG and DE Sub-Committees as necessary and when requested by the FP Sub-Committee; and

.2 agreed that, under the aforementioned work programme item, the FP Sub-Committee should first consider measures for new ships, taking into account the different operational demands on chemical tankers and, depending on the outcome of their consideration, the Sub-Committee could then consider the appropriate measures for existing oil and chemical tankers transporting low-flash point cargoes, taking into account the comments made during the discussion (see paragraph 9.26 above).

9.27 In addition to the above, the Committee agreed with DE 50's recommendation to consider developing international safety standards for the design and operation of in-tank pumps after IACS had submitted the result of their work on a relevant unified requirement.

Definition of the term "bulk carrier"

9.28 The Committee noted that DE 50 had not been able to agree on a definition of the term "bulk carrier" and, in this connection, considered document MSC 83/9/1/Rev.1 (Austria *et al*), proposing that the issue of the definition of the term "bulk carrier" should be referred back to the DE Sub-Committee for further discussion and clarification. Following a brief discussion, the Committee instructed the Sub-Committee to re-consider the issue, taking into account the documents that had already been submitted on the issue to previous sessions of the Committee and the DE Sub-Committee (see DE 50/27, paragraph 25.4) and included an item on "Definition of the term 'bulk carrier'" in the provisional agenda for DE 51.

10 BULK LIQUIDS AND GASES

REPORT OF THE ELEVENTH SESSION OF THE BLG SUB-COMMITTEE

General

10.1 The Committee approved, in general, the report of the eleventh session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 11/16 and MSC 83/10) and took action as indicated in the ensuing paragraphs.

Development of provisions for gas-fuelled ships

10.2 The Committee noted the progress made on the development of provisions for gas-fuelled ships, concurred with the revised long-term action plan and, having noted that the draft Interim

guidelines on safety for gas-fuelled engines installations in ships had not been finalized at BLG 11, agreed to extend the target completion date for the item to 2009.

IACS Unified interpretation GC 11

10.3 The Committee endorsed the decision of BLG 11, regarding IACS Unified Interpretation GC 11 concerning loading of type 'C' cargo tanks, whereby, regardless of the date of construction of the ship, type C cargo tanks can be loaded in accordance with the provisions of paragraph 15.1.5 or, alternatively, to the provisions of paragraph 15.1.2 or, if allowed by the Administration, to the provisions of paragraph 15.1.15 of the IGC Code.

Incidents of explosions on chemical and product tankers

10.4 The Committee noted the outcome of the Sub-Committee's deliberations on the study on incidents of explosions on chemical and product tankers, in particular the Sub-Committee's decision that it would be appropriate to await the outcome of the relevant casualty report, report of the IIWG Human Factors Task Group and that of the FP Sub-Committee.

Intersessional meeting of the ESPH Working Group

10.5 Having noted that MEPC 56 had agreed that the intersessional meeting of the ESPH Working Group should be held some time in the latter part of 2008, the Committee approved the holding of the meeting of the group in 2008.

Review of the Recommendation for material safety data sheets for MARPOL Annex I cargoes and marine fuel

10.6 Noting the proposal of the Sub-Committee and the relevant justification for a new item regarding the review of the aforementioned Recommendation, the Committee agreed to consider the matter and related document MSC 83/10/3 (IBIA) under agenda item 25 (Work programme) (see paragraph 25…).

DEVICE TO PREVENT PASSAGE OF FLAME INTO CARGO TANKS

10.7 The Committee recalled that at BLG 11 the observer from IACS highlighted that the literal meaning of paragraph 1.2.3 of MSC/Circ.677 by IACS was different from how FP 51 had interpreted its application to the extent that regardless of whether the chemical carrier is dedicated, or not, to the carriage of substances with a Maximum Experimental Safe Gap (MESG) of less than 0.9, the MESG of the device must correspond to the lowest MESG of the substances

loaded. In that context, BLG 11 agreed that IACS may continue to apply its interpretation till such time the BLG Sub-Committee was instructed to revisit the issue.

10.8 Having considered the proposals by:

.1 Denmark (MSC 83/10/1), which highlighted that to maintain compliance with existing equipment certification and consistency with other standards in order to prevent passage of flame into cargo tanks, the observations referred to in the document submitted by Denmark to FP 51 (FP 51/18) should be noted. Furthermore, the procedure concluded at BLG 11 is not in accordance with the provisions of IBC Code and MSC/Circ.677 as amended, and there would be serious complications with regard to other mentioned standards; and

.2 CESA (MSC 83/10/2), which emphasized that the conclusions of BLG 11 and FP 51 do not coincide, as far as the testing of devices to prevent the passage of flame into cargo tanks certified for cargoes with a MESG of less than 0.9 mm was concerned.

10.9 After extensive discussion on the best way forward on this matter, and noting that the proposal by Denmark (MSC 83/10/1) had support from many delegations, the Committee agreed that a clarification on the issue was needed and referred documents MSC 83/10/1 (Denmark) and MSC 83/10/2 (CESA) to BLG 12 for further consideration, with a view to amending circular MSC/Circ.677 accordingly, taking into account the conclusions of FP 51 on this issue, for approval by the Committee.

INFORMATION ON PROPERTIES OF MARPOL ANNEX II AND IBC CODE CARGOES

10.10 The Committee recalled that MEPC 56, as noted under agenda item 2, approved a draft MSC/MEPC circular on Provision of information in respect of products carried in accordance with the requirements of MARPOL Annex II and the IBC Code, as set out in the annex to document MSC 83/2/3.

10.11 Having noted that MEPC 56, taking into account that matters pertaining to the IBC Code fall also under the remit of the MSC, had invited the Committee to concur with this decision so that a joint MSC/MEPC circular could be disseminated immediately after MSC 83, the

Committee approved MSC-MEPC.2/Circ.… on Provision of information in respect of products carried in accordance with the requirements of MARPOL Annex II and the IBC Code.

APPLICATION DATES OF FLAMMABLE VAPOURS MONITORING SYSTEMS UNDER THE BCH AND IBC CODES

10.12 As invited by MEPC 56, the Committee considered document MEPC 56/5/3 in which India, having referred to the date of application (1 January 2009) of the proposed amendments to the IBC Code relating to chapter 11 on fire protection, which was after the date of application of equivalent provisions in the BCH Code that entered into force on 1 August 2007, proposed to modify and bring the application date of the amendments to the BCH Code in line with the application date of the amendments to the IBC Code. In this context, the Committee noted that the MEPC had felt that, if the Committee agrees with the proposal by India, a joint MSC/MEPC circular could be prepared, inviting parties to defer the application date of the amendments to the BCH Code to 1 January 2009.

10.13 Following the discussion, the Committee concluded that no action should be taken with regard to the proposal by India, because, whilst the amendments to the BCH Code, including safety-related provisions (adopted by resolution MSC.212(81) are recommendatory, the identical amendments to the BCH Code adopted by resolution MEPC.144(54) are mandatory, as the BCH Code is mandatory under the Convention. In accordance with resolution MEPC.144(54), ships shall comply with the amendments to the BCH Code as from 1 August 2007 and, legally, the date of their application can not be modified or deferred by way of issuing a circular inviting parties to defer the application date of the amendments. The Secretariat was requested to inform the MEPC of the above outcome.

APPLICATION OF REGULATION 4.1.3 OF MARPOL ANNEX II

10.14 The Committee noted that MEPC 56 had had an extensive debate regarding application of regulation 4.1.3 of MARPOL Annex II, where a majority of the delegations which spoke agreed that allowing the carriage of any cargo, including vegetable oil, in excess of the 3,000 m^3 operational limit on a Ship Type 2 tanker (ST2) was in violation of the provisions of MARPOL 73/78 and that, therefore, MEPC 56 had not agreed with views expressed in documents submitted on the issue and had decided to urge all parties to take into account the outcome of the debate.

11 STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

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

11.1 The Committee approved, in general, the report of the fiftieth session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 50/19 and MSC 83/11) and took action as indicated hereunder.

Development of explanatory notes for harmonized SOLAS chapter II-1

Guidelines for damage control plans and information to the master

11.2 Having agreed to replace the words "SOLAS Convention" by the word "Organization" in paragraph 2.2 of the draft guidelines, the Committee approved MSC.1/Circ…. on Guidelines for damage control plans and information to the master.

11.3 The Committee endorsed the Sub-Committee's recommendation that the two existing footnotes in the revised SOLAS regulation II-1/19 (in the publication), referring to the aforementioned guidelines (see paragraph 11.2), should be replaced by a single footnote with an asterisk to be inserted after the title of the regulation, and requested the Secretariat to act accordingly.

Unfavourable conditions of trim and list

11.4 The Committee noted that the Sub-Committee had considered the definition of the term "unfavourable conditions of trim and list" and forwarded its views to the DE Sub-Committee for consideration and appropriate action.

Revision of the Intact Stability Code

11.5 The Committee, having agreed to request the Secretariat to effect any editorial modifications as may be identified, approved the draft International Code on Intact Stability, 2008 (2008 IS Code) and the associated draft MSC resolution, set out in annex …, with a view to adoption at MSC 85.

11.6 The Committee also approved the associated draft amendments to the 1974 SOLAS Convention and the 1988 LL Protocol to make the aforementioned Code mandatory, set out in annex …, and requested the Secretary-General to circulate the draft amendments, in accordance

with SOLAS article VIII and article VI of the 1988 LL Protocol, respectively, for consideration at MSC 85 with a view to adoption.

11.7 The Committee noted the Sub-Committee's decision to draft an MSC circular on early implementation of the 2008 IS Code at SLF 51, with a view to submission to MSC 85 for approval simultaneously with the adoption of the draft Code.

11.8 The Committee approved, in principle, the draft MSC circular on Explanatory Notes to the International Code on Intact Stability, 2008, with a view to its formal approval at MSC 85 simultaneously with the adoption of the draft Code and requested the Secretariat to submit the draft MSC circular to MSC 85.

Safety of small fishing vessels

11.9 The Committee noted the progress made on the development of the draft Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels, in particular the time frame for the finalization of the work on the Safety recommendations and the referral of relevant chapters of the draft Safety recommendations to the COMSAR, DE, FP, NAV and STW Sub-Committees and the Joint MSC/MEPC Working Group on Human Element, for consideration and comments as appropriate.

11.10 In this regard, the delegation of South Africa pointed out that, as the International Labour Conference had adopted the Work in Fishing Convention, 2007, and the Work in Fishing Recommendation, 2007, the correspondence group, established at SLF 50, would take the above Convention and Recommendation into account when examining the text of the draft Safety recommendations to ensure consistency.

11.11 The representative of the ILO informed the Committee that the aforementioned Convention applies to all fishers and fishing vessels engaged in commercial fishing operations and contains general requirements, covering all fishers and vessels, and higher requirements for larger vessels or those remaining at sea for extended periods. He indicated that the Convention includes provisions concerning compliance and enforcement by flag States and port States, and that it includes flexibility devices to allow ratification by States which lack certain levels of infrastructure or institutions, and allow for the possibility to exclude certain categories of fishers and fishing vessels under certain conditions. He also informed that the Convention will enter into force 12 months after the date on which the ratifications of ten Members, eight of which are

coastal States, have been registered with the Director-General of the ILO, and that further information on the Convention and Recommendation is available on a dedicated ILO website, http://www.ilo.org/public/english/dialogue/sector/sectors/mariti/fishing-iloact.htm.

11.12 With regard to the Sub-Committee's proposal to expand the scope of the existing work programme item on "Safety of small fishing vessels" to include the development of guidelines to assist Administrations in implementation of the Safety recommendations, the Fishing Vessel Safety Code (part B) and the Voluntary Guidelines, together with the relevant justification for the proposal, the Committee agreed to deal with the proposal under agenda item 25 (Work programme) (see paragraph 25…).

Development of options to improve effect on ship design and safety of the 1969 TM Convention

11.13 The Committee noted the Sub Committee's outcome on matters related to the development of options to improve effect on ship design and safety of the 1969 TM Convention, in particular that SLF 50 had established a correspondence group on the issue to identify pros and cons of such options and, having invited the ILO Secretariat to participate in the aforementioned group, had requested the IMO Secretariat to communicate with the ILO Secretariat, as appropriate.

Revision of resolution A.266(VIII)

11.14 The Committee adopted resolution MSC....(83) on Recommendation on a standard method for evaluating cross-flooding arrangements, set out in annex …, and requested the Secretariat to insert a footnote referring to the Recommendation in regulation 7-2.2 of the revised SOLAS chapter II-1 publication.

Review of the SPS Code

11.15 The Committee noted that the Sub-Committee had agreed to the draft amendments to the SPS Code for referral to the DE Sub-Committee, for inclusion in the draft revised SPS Code.

Revision of MSC/Circ.650

11.16 The Committee approved MSC.1/Circ.… on Interpretation of alterations and modifications of a major character.

Interpretation of alterations and modifications of a major character under the revised SOLAS chapter II-1

11.17 The Committee noted the Sub-Committee's conclusion regarding an interpretation of alterations and modifications of a major character under the revised SOLAS chapter II-1, in particular that there is no need for guidance on how ships built before 1 January 2009 should be handled, since the application of the revised SOLAS chapter II-1 was clearly defined in part A, regulation 1, of the chapter, and should a passenger ship built before 1 January 2009 have undergone alterations or modifications of a major character, it would still remain under the damage stability regulations of the current SOLAS chapter II-1, except in the case of a cargo ship being converted to a passenger ship.

12 TRAINING AND WATCHKEEPING

Report of the thirty-eighth session of the Sub-Committee

12.1 The Committee approved, in general, the report of the thirty-eighth session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (STW 38/17 and MSC 83/12) and took action as indicated hereunder.

Unlawful practices associated with certificates of competency

12.2 The Committee approved the revised format relating to reporting of fraudulent certificates detected and urged Member Governments and international organizations to use it when reporting the detection of fraudulent certificates to the Secretariat.

Measures to enhance maritime security

12.3 The Committee recalled that, under agenda item 4 (Measures to enhance maritime security), it had taken appropriate action relating to this item as reflected in paragraphs 4… to 4… and 4… to 4….

Development of competences for ratings

12.4 The Committee considered the proposal by ISF and ITF (MSC 83/12/2) that, instead of endorsing the decision of STW 38 to postpone the amendments to the STCW Convention and Code relating to competences for ratings until after the Comprehensive review of the Convention and Code had been completed, it should consider implementing the amendments at the earliest possible stage taking into account the lead time involved in the training of ratings.

12.5 This proposal was not supported by the Committee and subsequently, the Committee endorsed the decision of the Sub-Committee that the preliminary text of amendments to the STCW Convention and STCW Code related to standards of competence for ratings should be adopted after the comprehensive review was completed and in conjunction with the adoption of other amendments developed during the comprehensive review to facilitate implementation and to avoid any inconsistencies that may arise due to the proposed review.

Identification of areas in chapter VI of the STCW Code where training cannot be conducted on board

12.6 The Committee endorsed the decision of the Sub-Committee that those areas in chapter VI of the STCW Code where training could not be conducted on board should be identified in conjunction with the comprehensive review of the STCW Convention and Code.

Comprehensive review of the STCW Convention and the STCW Code

12.7 The Committee approved the list of areas in the STCW Convention and Code identified for the comprehensive review and instructed the Sub-Committee to undertake the proposed review accordingly in a systematic and organized manner.

Review of the principles for establishing the safe manning levels of ships

12.8 Noting the proposal by the Sub-Committee for a new item regarding "mandatory requirements for determining safe manning" and documents MSC 83/12/3 (ISF) and MSC 83/12/5 (United Kingdom), the Committee agreed to deal with the matter in detail under agenda item 25 (Work programme).

PSC guidelines on seafarers' working hours

12.9 The Committee endorsed the Sub-Committee's decision to provide its advice on the draft PSC guidelines on seafarers' working hours developed by FSI 14 to MSC 84, since it had not been possible to consider the draft guidelines at STW 38, due to the close proximity between MSC 82 and STW 38.

PREPARATION OF REPORTS PURSUANT TO STCW REGULATION I/7, PARAGRAPH 2

12.10 The Committee noted that no reports pursuant to STCW regulation I/7, paragraph 2 had been submitted by the Secretary-General at this session.

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

12.11 In introducing the Secretary-General's report (MSC 83/WP.2), the Director, Maritime Safety Division, advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 2, the Secretary-General had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of the regulation and circulated as MSC/Circ.797. Each report, as required by MSC/Circ.997, was comprised of:

.1 the Secretary-General's report to the Committee;

.2 a description of the procedures followed; and

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

12.12 The Committee was subsequently invited to consider the reports attached to document MSC 83/WP.2 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.

12.13 As was the case with the Secretary-General's reports to previous sessions of the Committee, the Committee agreed to consider each Party report individually in order to:

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

.2 review the procedures report to identify any entries requiring clarification;

.3 review the information presented in comparison table format; and

.4 confirm that each report reflected that the procedures for the assessment of the information provided by the Parties concerned had been correctly followed.

12.14 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 10 STCW Parties and instructed the Secretariat to update MSC/Circ.1164/Rev.2 accordingly and issue it as MSC.1/Circ.1164/Rev.3.

APPROVAL OF COMPETENT PERSONS

12.15 The Committee approved additional competent persons nominated by Governments (MSC 83/12/1) and instructed the Secretariat to update MSC/Circ.797/Rev.14 accordingly and issue the updated circular as MSC.1/Circ.797/Rev.15.

OTHER MATTERS

12.16 The Committee considered the proposal by India (MSC 83/12/4) for a long-term view to address the global shipping manpower shortage by the inclusion of a requirement for trainees and the provision of training berths onboard in the relevant IMO Conventions. In this context, they provided examples of similar provisions available in other professions such as for airline pilots and doctors.

12.17 China, supported by others, expressed the opinion that the provision of trainees would assist in addressing the manpower shortage, improve the quality of training for seafarers and therefore reduce accidents.

12.18 Japan, supported by others, expressed the view that in line with the Sub-Committee's decision to retain the structure and goals of the STCW Convention and the STCW Code during the proposed comprehensive review such a proposal could not be supported and that merely providing trainees on board ships would not solve the present manpower shortage. Furthermore, there were other issues such as adequate life-saving appliances and accommodation which also needed to be considered in the provision of adequate training berths on board ships.

12.19 INTERTANKO, supported by others, expressed the opinion that the provision of trainees on board should not be a mandatory requirement. However, the STW Sub-Committee could be instructed to consider in general measures to improve training on board ships.

12.20 After an in-depth discussion, the Committee agreed to forward document MSC/83/12/4 to the STW Sub-Committee with a view to consideration, under Any Other Business, of how to address measures to improve training on board and to advise the Committee accordingly.

13 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

REPORT OF THE ELEVENTH SESSION OF THE SUB-COMMITTEE

General

13.1 The Committee approved, in general, the report of the eleventh session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) (COMSAR 11/18 and MSC 83/13) and took action as indicated hereunder.

Radiocommunication matters

Establishment of new NAVAREAs in Arctic Waters

13.2 The Committee approved the establishment of new NAVAREAs in Arctic Waters.

NAVAREA Co-ordinators

13.3 The Committee endorsed the action of the Secretariat in circulating COMSAR/Circ.40 on List of NAVAREA Co-ordinators.

Incorrect use of 'C' Codes

13.4 The Committee approved COMSAR/Circ..... on Analysis of maritime safety information promulgated via the EGC (Enhanced Group Call) SafetyNET system and recommendations on improving its quality.

Satellite services

Revision of resolution A.888(21)

13.5 The Committee considered document MSC 83/13/2 by Norway containing a proposal to amend the annex to the draft revised text of resolution A.888(21) to ensure that the level of safety of life at sea was not diminished by the introduction of new satellite systems for future use in the GMDSS and that satellite system providers should have an obligation to grant MRCCs direct access to their systems.

13.6 The Committee, noting that there was general support for the Norwegian proposal, subsequently approved the draft Assembly resolution on Criteria for the Provision of Mobile Satellite Communication Systems in the Global Maritime Distress and Safety System (GMDSS), as amended, revoking resolution A.888(21) and MSC/Circ.1077, for submission to the twenty-fifth session of the Assembly for adoption.

13.7 The Committee noted that the corresponding draft amendments to SOLAS chapter IV had been considered, with a view to adoption under agenda item 3 (paragraphs 3… to 3…).

SAR matters

Minimizing delays in Search and Rescue response

13.8 The Committee approved MSC.1/Circ.….. on Minimizing delays in search and rescue response to distress alerts.

Fourteenth session of the ICAO/IMO Joint Working Group

13.9 The Committee endorsed the decision of the Sub-Committee for the convening of the 14th meeting of the ICAO/IMO JWG on Harmonization of Aeronautical and Maritime SAR, which took place in Réunion (France) from 10 to 14 September 2007.

Adoption of amendments to the IAMSAR Manual

13.10 The Committee noted that the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime SAR, at its thirteenth session held from 28 August to 1 September 2006, had prepared draft amendments to the IAMSAR Manual which were subsequently endorsed by COMSAR 11.

13.11 In accordance with the procedures prescribed in the Annex to resolution A.894(21), and being advised that ICAO had already approved the proposed draft amendments to the IAMSAR Manual, the Committee adopted them for dissemination by means of MSC.1/Circ.….., and decided that the adopted amendments should enter into force on 1 June 2008.

New amended Performance standards for radiocommunications/navigational equipment (AIS-SART and Survival Craft Radar transponders)

13.12 In accordance with resolution A.886(21), the Committee adopted:

.1 resolution MSC….(83) on Performance standards for AIS Search and Rescue Transmitters (AIS-SART) for use in Search and Rescue operations; and

.2 resolution MSC….(83) on Adoption of amendments to resolution A.802(19) on Performance standards for Survival Craft Radar transponders for use in search and rescue operations.

13.13 The Committee approved:

.1 draft amendments to SOLAS regulations III/6.2.2, III/26.2.5 and IV/7.1.3;

.2 draft amendments to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea;

.3 draft consequential amendments to the 1994 HSC Code;

.4 draft consequential amendments to the 2000 HSC Code, and requested the Secretary-General to circulate the text of the draft amendments in accordance with SOLAS article VIII(b)(i) for consideration with a view to adoption by MSC 84.

13.14 The Committee further instructed the DE Sub-Committee to review the consequential amendments to the MODU Code and incorporate them when revising the MODU Code.

13.15 The Committee endorsed the action of the Sub-Committee in inviting the NAV Sub-Committee to consider the need for a presentation symbol for AIS-SART.

Amendments to COLREG Annex IV relating to distress signals

13.16 The Committee recalled that the proposed amendments adopted by MSC 82 containing the term "Recognized Mobile-Satellite Service Providers (RMSSP)" had already been circulated under Circular letter No.2760 in accordance with article VI/2 of the Convention on the International Regulations for Preventing Collision at Sea, 1972, for consideration by the twenty-fifth session of the Assembly with a view to their adoption.

13.17 The Committee endorsed the recommendation of the COMSAR Sub-Committee that, with respect to COLREG, Annex IV relating to distress signals the term “Recognized Mobile Satellite Service Providers (RMSSP)” should be reverted back to “Inmarsat”, since there was currently no proposal to include that new term into SOLAS chapter IV and recommended that the Assembly replace this term by "Inmarsat" when adopting the proposed amendments to COLREG.

13.18 The Secretariat was instructed to inform the twenty-fifth session of the Assembly accordingly.

Guidelines on the control of ships in an emergency

13.19 The Committee endorsed the action taken by the COMSAR Sub-Committee in conveying the revised draft guidelines on the control of ships in an emergency to the NAV Sub-Committee (see also paragraphs 14… to 14…).

Development of an E-Navigation strategy

13.20 The Committee noted that with respect to the Development of an E-Navigation strategy, issues connected with search and rescue, data communication links, and operation of the GMDSS were within the COMSAR Sub-Committee's remit and noted that NAV 53 was reporting on this issue to MSC 84.

Long-Range Identification and Tracking (LRIT) of Ships

13.21 The Committee noted the outcome of the discussions at COMSAR 11 with respect to the establishment of the LRIT system, especially in the context of matters pertaining to draft agreements and billing and costing issues and considered these issues further under agenda item 6 – LRIT related matters (see also paragraphs 6… to 6…).

REPORT ON THE WMU SAR PROJECT

13.22 The Committee noted that COMSAR 11 had considered the report on the WMU project on SAR research related to passenger ships. Various delegations had supported the idea of the development of an Internet-based information platform as proposed in the annex to MSC 82/8/4. However, it was clear to the Sub-Committee that such a platform could only be beneficial if all users provided information proactively. Accordingly, the Sub-Committee had invited Member Governments to provide WMU with the information on a competent national point of contact to allow for proper consideration as to whether and how to carry out an intermediate phase to gather information on SAR research and relevant development programmes in order to establish this information platform.

13.23 The Committee considered document MSC 83/13/1 (Secretariat) providing the report on the Intermediate Phase of the WMU Project on Search and Rescue Research related to Passenger Ships. The Committee noted that following MSC 82 and COMSAR 11, the University had taken two initiatives, namely:

.1 it had developed and implemented the framework for the SAR Information Platform on the WMU website and begun to populate the platform with relevant academic publications, project reports, relevant IMO documents, and other information sources; and

.2 following informal consultations with SAR practitioners and researchers, it had offered to host an expert group of those actively involved in or affected by research in SAR matters; this initiative had produced encouraging support from a number of institutions and individuals.

13.24 The Committee also noted that the Intermediate Phase was providing the groundwork for the tasks in Phase II and would be completed with a report on the information collected in the platform and initial ideas of the expert group. The Intermediate Phase was expected to be completed in time for submission of its report to COMSAR 12.

13.25 The Committee further noted document MSC 83/INF.18 (Secretariat) providing an overview on the current status of the SAR information platform hosted by WMU with regard to the project on Search and Rescue research related to passenger ships.

13.26 The Committee subsequently:

.1 endorsed the holding of a workshop of the aforementioned expert group, to review the prevailing material information hosted on the Platform and advise on further data sources which could be supported by the Platform, using the available budget for the 2006-2007 biennium for the implementation of Phase II;

.2 endorsed the WMU proposal to submit the report on the Intermediate Phase directly to COMSAR 12; and

.3 instructed COMSAR 12 to consider and provide its views and recommendations to MSC 85.

13.27 The Committee encouraged Member Governments to submit further information to WMU for inclusion in the Information Platform, taking into account the information requested in Circular letter No.2650 and the subject areas highlighted in paragraph 15 of the annex to document MSC 82/8/4.

[MORE TO COME]