



MARITIME SAFETY COMMITTEE
83rd session
Agenda item 28

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

[For items 1, 2, 4 (part), 5 (part), 6 (part), 7, 8, 9, 10, 11, 12 and 13, see MSC 83/WP.8]

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

GENERAL

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

- .1 chapters IV and VI of the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention; and
- .2 the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code), in accordance with the provisions of article VIII and regulation VII/14.1 of the 1974 SOLAS Convention.

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

3.3 The proposed amendments to SOLAS chapters IV and VI of the 1974 SOLAS Convention and to the INF Code mandatory under the Convention were circulated, in accordance

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with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the 1974 SOLAS Convention by circular letter No.2771 of 18 January 2007.

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

3.5 The proposed amendments to the 1988 SOLAS Protocol were circulated in accordance with SOLAS article VIII(b)(i) and article VI(c) of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1988 SOLAS Protocol by circular letter No.2770 of 17 January 2007.

CONSIDERATION OF THE PROPOSED AMENDMENTS TO MANDATORY INSTRUMENTS

CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

PROPOSED AMENDMENTS TO SOLAS CHAPTER IV

3.6 The Committee recalled that MSC 82 had decided that any corresponding amendments to SOLAS chapter IV should be considered and finalized by COMSAR 11 and, subsequently, authorized the Secretariat to circulate the finalized aforementioned amendments after COMSAR 11, in accordance with SOLAS article VIII(b)(i), with a view to adoption at MSC 83.

3.7 The Committee considered a new SOLAS regulation IV/4-1 (GMDSS satellite providers) prepared by COMSAR 11 (MSC 83/3, annex 1) and, noting that no further comments had been submitted on the proposed amendments to SOLAS chapter IV, confirmed its content, subject to editorial improvements, if any.

PROPOSED AMENDMENTS TO SOLAS CHAPTER VI

3.8 The Committee recalled that the proposed amendments to SOLAS chapter VI related to the transport of MARPOL Annex I cargoes and marine fuel oils had been developed by BLG 10 and approved by MSC 82.

3.9 Noting that no further comments had been submitted a new SOLAS regulation VI/5-1 (Material safety data sheets), the Committee confirmed its contents, subject to editorial improvements, if any.

DATE OF ENTRY INTO FORCE OF THE PROPOSED AMENDMENTS

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

3.11 The Committee thus agreed that the SOLAS amendments, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2009 and should enter into force on 1 July 2009. Consequently, the Committee instructed the drafting group to prepare the text of the draft requisite MSC resolution for adoption.

PROPOSED AMENDMENTS TO THE 1988 SOLAS PROTOCOL

3.12 The Committee recalled that the proposed amendments to the forms of Passenger Ship Safety Certificate and Cargo Ship Safety Certificate contained in the appendix to the Annex to the 1988 SOLAS Protocol (MSC 83/3/1, annex) had been prepared by the FSI Sub-Committee and approved by MSC 82 and, noting that no comments had been submitted on the proposed amendments, confirmed their contents, subject to editorial improvements, if any.

3.13 In the context of this item, the Committee, having discussed the pertinent comments by the delegations, agreed that:

- .1 the Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate should also be amended to include paragraphs regarding alternative design arrangements prescribed by SOLAS regulation II-2/17;

- .2 subdivision tables in the Passenger Ship Safety Certificate should be amended to bring it in line with the revised SOLAS chapter II-1 with regard to subdivision notations C.1, C.2 and C.3; and
- .3 existing certificates should be replaced at the first review survey after the date of entry of the amendments,

and instructed the drafting group to prepare the relevant draft amendments.

Date of entry into force of the proposed amendments

3.14 The Committee agreed that the amendments to the appendix to the Annex to the 1988 SOLAS Protocol, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2009 and should enter into force on 1 July 2009.

PROPOSED AMENDMENTS TO THE INF CODE

3.15 The Committee recalled that the proposed amendments to chapter 2 (Damage stability) of the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code) (MSC 83/3, annex 2) had been approved by MSC 82 and, having noted that no further comments had been submitted on the proposed amendments to the INF Code, confirmed its contents, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.16 The Committee agreed that the amendments to the INF Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2009 and should enter into force on 1 July 2009.

ESTABLISHMENT OF A DRAFTING GROUP

3.17 Following discussion in plenary, the Committee established an *ad hoc* drafting group to prepare the final text of the draft amendments to the 1974 SOLAS Convention, the 1988 SOLAS Protocol and the INF Code, together with the associated draft MSC resolutions for consideration by the Committee for adoption.

CONSIDERATION OF NEW AMENDMENTS TO THE 1974 SOLAS CONVENTION

Drainage of enclosed ro-ro spaces or special category spaces situated on the bulkhead deck

3.18 The Committee noted the submission by Denmark, Norway and Sweden (MSC 83/3/2), proposing amendments to SOLAS chapter II-1 to establish provisions concerning the drainage of fire-fighting water in enclosed ro-ro spaces, and after brief discussion, agreed to consider this document under agenda item 25 (Work programme) together with document MSC 83/25/2 (Egypt), taking into account that both documents addressed the same matter (see paragraph 25...).

[more to come]

4 MEASURES TO ENHANCE MARITIME SECURITY (continued)

REPORT OF THE MSWG

4.29 Having received and approved in general the report of the MSWG (document MSC 83/WP.4), the Committee noted the actions taken on the various documents and proposals submitted and the outcome of the MSWG's considerations; and took action as indicated in the ensuing paragraphs.

ACCESS OF PUBLIC AUTHORITIES, EMERGENCY, RESPONSE SERVICES AND PILOTS ON BOARD SHIPS TO WHICH SOLAS CHAPTER XI-2 AND THE ISPS CODE APPLY

4.30 The Committee noted that the ISPS Code, resolution MSC.159(78), MSC/Circ.1111, MSC/Circ.1132, MSC/Circ.1156 and MSC.1/Circ.1194 had all drawn attention to the importance of showing proper identification and agreed that it would not be appropriate to issue a further circular in this regard.

4.31 The Committee agreed to:

- .1 record in the report of the Committee, the need for port State control officers and other public authorities to show proper identification when boarding vessels;
- .2 invite the Memoranda of Understanding on port State control to reiterate to their member authorities the need for port State control officers and other public authorities to show proper identification when boarding vessels;

- .3 invite CLIA and other interested parties to provide full and specific details of such bad practices in the future; and
- .4 recommend that ships experiencing such bad practices should immediately notify the relevant authority of the port State and the flag State.

ENHANCEMENT OF THE SECURITY OF SHIPS OTHER THAN THOSE ALREADY COVERED BY SOLAS CHAPTER XI-2 AND THE ISPS CODE

4.32 The Committee noted that the ISO 28000 series of standards on supply chain security were now published as full ISO standards and numerous ports, terminals and organizations were being certified by third party independent accredited auditors; the ISO PAS 20858 for uniform implementation of the ISPS Code was now being published as a full ISO standard; and ISO standards could be applied to all ships, irrespective of size, type, purpose and whether operated internationally, domestically or within internal waters.

4.33 The Committee noted the discussion in the MSWG on shipborne automatic identification systems (AIS) in the context of ships not covered by SOLAS chapter XI-2 and the ISPS Code, noting that a number of recent reports of attempted piracy promulgated by the Organization (most recently in MSC.4/Circ.107 and MSC.4/Circ.108) had drawn attention to the fact that ships were not transmitting information by AIS. The Committee further noted that the Secretariat had received periodic notification of AIS anomalies, submitted by naval forces of Member Governments. The Committee agreed that such information may be of use to Administrations and port State control authorities to help them to better implement SOLAS requirements.

4.34 The Committee invited the Secretariat to:

- .1 request Member Governments and organizations with consultative status to submit details to the Organization of ships operating either without AIS or with AIS incorrectly configured, reported by ships entitled to fly their flag. Such details should include, where possible, ship name, IMO number, call-sign, date, position (latitude and longitude), and details of the anomaly; and
- .2 promulgate such information by means of an MSC Circular on a quarterly basis.

4.35 Noting the report by Finland, that a significant number of vessels were operating in and around Finnish waters using the same maritime mobile service identity (MMSI) on AIS equipment, and agreeing that ensuring the consistent implementation of SOLAS regulation V/19.2.4, and the full implementation of the Guidelines for the on-board operational use of shipborne Automatic Identification Systems (AIS) adopted by the Organization by resolution A.917(22), as amended by resolution A.956(23), were important, the Committee

[more to come]

4.36 Having noted the discussions in the MSWG, the Committee established a correspondence group on security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code, under the co-ordination of the United Kingdom¹, assisted by Japan and the United States, with terms of reference as set out in annex [..].

4.37 The Committee agreed that the guidance developed by the Correspondence Group would be promulgated by means of an MSC circular consisting of guidance to Administrations and Designated Authorities with practical guidance for operators of non-SOLAS vessels contained in the annex thereto. The MSWG agreed that the guidance to Administrations and Designated Authorities should include, but not be limited to, references to:

- .1 the existing measures contained in SOLAS chapter XI-2, the ISPS Code, the 1988 and 2005 SUA Conventions and Protocols, as appropriate, and relevant IMO guidance;
- .2 the need for liaison between stakeholders and Administrations and Designated Authorities;

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- .3 the need to encourage operators of ships engaged in international voyages but not listed in SOLAS regulation XI-2/2.1 to adopt the provisions of the ISPS Code as industry best practice, and to issue appropriate ship security certificates in respect of such ships when they demonstrate full compliance;
- .4 the need to promote a security culture both within Administrations in respect of non-SOLAS vessels and among the operators of non-SOLAS vessels;
- .5 the value in developing frameworks to assist in preventing non-SOLAS vessels from posing a security threat, including frameworks for maritime situational awareness, frameworks for interdiction, such as the 2005 SUA Convention and Protocol, and frameworks for receiving, collating and investigating reports of suspicious activity; and
- .6 that non-SOLAS vessels operating in ISPS compliant port facilities should already be regulated under port facility security programmes and that vessels such as barges and riverine traffic involved in the supply chain would probably be addressed under supply chain security regimes.

4.38 The Committee agreed that maritime security should remain on the agenda at MSC 84 and MSC 85, with provision for a drafting group on maritime security at MSC 84 if required, and with provision for the MSWG to reconvene at MSC 85.

14 SAFETY OF NAVIGATION

URGENT MATTERS EMANATING FROM THE FIFTY-THIRD SESSION OF THE SUB-COMMITTEE

General

14.1 The Committee considered urgent matters referred to it (MSC 83/14) emanating from the fifty-third session of the Sub-Committee on Safety of Navigation (NAV) (NAV 53/22) and took action as indicated hereunder.

Adoption of new traffic separation schemes (TSSs)

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

- .1 “In the Approaches to Hook of Holland and at North Hinder”;
- .2 “On the approaches to the Polish ports in the Gulf of Gdansk”; and
- .3 “Off the southwest coast of Iceland”,

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

Amendments to the existing traffic separation schemes (TSSs)

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

- .1 “Mandatory route for tankers from North Hinder to the German Bight and vice versa” and to related traffic separation schemes “Off Texel”, “Off Vlieland, Vlieland North and Vlieland Junction”, “Terschelling-German Bight” and “German Bight western approaches”;
- .2 “In the Approaches to Hook of Holland and at North Hinder”;
- .3 “In the Sound”;
- .4 “In the Approaches to Chedabucto Bay”; and
- .5 “In the Strait of Dover and Adjacent Waters” in the vicinity of the Foxtrot 3 station,

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

Routeing measures other than TSSs

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

- .1 new recommended tracks which would be mandatory as a condition of port entry through the Galapagos Area to be Avoided to enter the Particularly Sensitive Sea Area (PSSA);

- .2 new Area to be Avoided “Off the Brazilian south-east coast, in the Campos Basin region”;
- .3 amendments to the six existing recommended Areas to be Avoided “In the Region of the North-West Hawaiian Islands”: the new name of the extended Area to be Avoided is “The Papahānaumokuākea Marine National Monument”;
- .4 amendment to the deep-water route leading to Europoort;
- .5 amendments to the existing Area to be Avoided “At Maas centre” and “At North Hinder junction Point”;
- .6 new two-way route “Off the southwest coast of Iceland”;
- .7 new Areas to be Avoided “Off the south, southwest and west coast of Iceland”;
- .8 amendments to the Recommendations on navigation through the entrances to the Baltic Sea;
- .9 new mandatory No Anchoring Areas “on Sharks Bank and Long Shoal”;
- .10 new recommended seasonal Area to be Avoided “In Roseway Basin, south of Nova Scotia”;
- .11 amendments to the existing Deep-Water route, and to the position of the Foxtrot 3 station “In the Strait of Dover and Adjacent Waters” TSS;
- .12 amendments to the Recommendations on Navigation through the English Channel and the Dover Strait; and
- .13 amendments to the Deep-Water route “North-east of Gedser”,

set out in annex ..., for dissemination by means of SN.1/Circ....

14.5 With regard to new Recommendations on navigation to the Polish ports through the Gulf of Gdansk traffic area, the Committee noted that at NAV 53, the delegation of Poland had requested to use the word “shall” with respect to the use of the words “should” and “shall” in paragraph 1.5 of the Recommendations on navigation to the Polish ports through the Gulf of Gdansk traffic area, as it was the most appropriate language considering the whole contents of

this paragraph. This paragraph described the traffic requirements between the Polish ports only, and within the Poland's internal waters only. Therefore, the usage of "shall" was in their opinion right and appropriate. The delegation of the Netherlands had clarified, at NAV 53, that the words "shall" and "should" occurred in previously IMO adopted Associated Rules and Recommendations on navigation and the basic intent and purpose of each of these routeing measures was of a recommendatory nature. The Sub-Committee had subsequently approved Recommendations on navigation to the Polish ports through the Gulf of Gdansk traffic area, with some corrections to the description with the proviso that the issue of the use of the word "shall" in paragraph 1.5 would be finalized after due advice from the Legal Office of the Organization would be provided to the Committee at this session.

14.6 The Secretariat provided the advice from the Legal Office of the Organization stating that, customarily, recommendations are expected to employ the word "should" except where the context is such that there is a clear link to a mandatory instrument (e.g., SOLAS regulation V/10 for mandatory routeing). In the present case, where ships are being called on to follow particular routes within the internal waters of Poland, clarity can be achieved by a formulation which links the requirement to the application of national law. The Secretariat therefore suggested that, in the case of paragraph 1.5 of the Recommendations on navigation through the Gulf of Gdansk traffic area (NAV 53/22, annex 2), the words "[should]" and "[shall]" should be replaced by the phrase "are required to", with a footnoted reference to the national law of Poland.

14.7 The Committee subsequently accepted the revised text and approved Recommendations on navigation to the Polish ports through the Gulf of Gdansk traffic area, as set out in annex ..., for dissemination by means of SN.1/Circ....

Implementation of the adopted routeing measures

14.8 The Committee decided that the adopted new traffic separation schemes and amendments to the existing traffic separation schemes referred to in paragraphs 14.2.2, 14.3.1, 14.3.3 and 14.3.4, respectively (annex ...), and the routeing measures other than traffic separation schemes referred to in paragraphs 14.4.1 to 14.4.5 and 14.4.8 to 14.4.13 and 14.7 (annex ...), should be implemented six months after their adoption, i.e., on 1 May 2008 at 0000 hours UTC.

14.9 With respect to the ships' routeing systems proposed by Iceland, referred to in paragraphs 14.2.3, 14.4.6 and 14.4.7, the Committee concurred with Iceland's request that

the adopted ships' routing systems for Iceland should be implemented on 1 July 2008 at 0000 hours UTC.

14.10 The delegation of the United Kingdom, referring to document MSC 83/14 (Secretariat), requested that the ships' routing systems referred to in paragraph 2.1.1 ("In the approaches to Hook of Holland and at North Hinder" (NAV 53/22, paragraph 3.39 and annex 1)) proposed by the Netherlands, paragraph 2.1.5 ("In the approaches to Hook of Holland and at North Hinder") (NAV 53/22, paragraph 3.43 and annex 1)) also proposed by the Netherlands and paragraph 2.1.8 ("In the Strait of Dover and Adjacent Waters" in the vicinity of the Foxtrot 3 station (NAV 53/22, paragraph 3.46 and annex 1)) proposed by Belgium, France and the United Kingdom, should be implemented on 1 July 2008 at 0000 hours UTC. These areas were all adjacent to one another making a harmonized entry-into-force date appropriate. The Committee approved the request.

Modification to the breadth of the safety zones around oil rigs located off the Brazilian Southeast Coast – Campos Basin

14.11 The delegation of Brazil expressed appreciation and thanked the Committee for the support and its decision to adopt the Area to be Avoided "Off the Brazilian south-east coast, in the Campos Basin region". The delegation also took the opportunity to remind the Committee that there was pending work on the subject of the extension of safety zones around FPSOs and dynamic positioned platforms with regard to establishing guidelines and criteria on how to evaluate such proposals, as per the NAV 53 recommendation. It was the Brazilian delegation's intention to pursue the matter at future sessions of the NAV Sub-Committee.

Mandatory ship reporting systems

New ship reporting system for "The Papahānaumokuākea Marine National Monument" Particularly Sensitive Sea Area (PSSA)

14.12 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC....(83), the new ship reporting system "The Papahānaumokuākea Marine National Monument" Particularly Sensitive Sea Area (PSSA), set out in annex ..., for dissemination by means of SN.1/Circ.... The Committee also decided that the new ship reporting system should be implemented six months after its adoption, ie., on 1 May 2008 at 0000 hours UTC.

New mandatory ship reporting system “On the approaches to the Polish ports in the Gulf of Gdansk”

14.13 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC....(83), the new mandatory ship reporting system “On the approaches to the Polish ports in the Gulf of Gdansk”, set out in annex ..., for dissemination by means of SN.1/Circ.... The Committee also decided that the new mandatory ship reporting system should be implemented six months after its adoption, i.e., on 1 May 2008 at 0000 hours UTC.

New mandatory ship reporting system “Off the south and southwest coast of Iceland”

14.14 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC....(83), the new mandatory ship reporting system “Off the south and southwest coast of Iceland”, set out in annex, for dissemination by means of SN.1/Circ.... The Committee also decided that the new mandatory ship reporting system should be implemented on 1 July 2008 at 0000 hours UTC.

Amendments to the existing mandatory ship reporting systems

14.15 In accordance with resolution A.858(20), the Committee adopted, by resolution MSC....(83), the proposed amendments to the existing mandatory ship reporting systems “Off Ushant”, “Off Les Casquets” and “Dover Strait/Pas de Calais”, set out in annex.. for dissemination by means of SN.1/Circ.... The Committee also decided that the amendments to the existing mandatory ship reporting systems should be implemented six months after adoption, i.e., on 1 May 2008 at 0000 hours UTC.

Amended and new performance standards for navigational equipment (Integrated navigation systems (INS) and navigation lights, navigation light controllers and associated equipment)

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

- .1 resolution MSC....(83) on Adoption of the Revised performance standards for Integrated Navigation Systems (INS), set out in annex ...; and
- .2 resolution MSC....(83) on Adoption of Performance standards for navigation lights, navigation light controllers and associated equipment, set out in annex

Guidelines on the application of SOLAS regulation V/15 to INS, IBS and bridge design

14.17 The Committee approved SN.1/Circ.... on Guidelines on the application of SOLAS regulation V/15 to INS, IBS and bridge design.

Differences between RCDS and ECDIS

14.18 The Committee approved revised SN.1/Circ.207/Rev.1 on Differences between RCDS and ECDIS.

Maintenance of Electronic Chart Display and Information System (ECDIS) software

14.19 The Committee approved SN.1/Circ.... on the Maintenance of Electronic Chart Display and Information System (ECDIS) software.

Safety margins to protect radar systems

14.20 The Committee approved MSC.1/Circ... on Safety margins to protect radar systems.

Guidelines on the control of ships in an emergency

14.21 The Committee approved MSC.1/Circ.... on Guidelines on the control of ships in an emergency taking into account the editorial amendments to paragraph 12.2 to clarify the issues related to the fair treatment of seafarers.

Revised performance standards for Electronic Chart Display and Information Systems (ECDIS)

14.22 With respect to the Revised performance standards for Electronic Chart Display and Information Systems (ECDIS) adopted at MSC 82, the Committee, having recalled that, at MSC 82, it had instructed NAV 53 to review the Revised performance standards and assess whether a common layout of controls, names or symbols for controls and output on the display for each control could be appropriately included therein and advise MSC 83 accordingly, noted the conclusion of NAV 53 that it was premature to revise the ECDIS performance standards at this stage.

15 FLAG STATE IMPLEMENTATION

REPORT OF THE FIFTEENTH SESSION OF THE FSI SUB-COMMITTEE

General

15.1 The Committee approved, in general, the report of the fifteenth session of the Sub-Committee on Flag State Implementation (FSI) (FSI 15/18 and Add.1 and MSC 83/15) and took action as indicated hereunder, noting that MEPC 56 had approved the report and had taken relevant decisions, as outlined in document MSC 83/2/3 (Secretariat).

Long-range identification and tracking systems (LRIT)

15.2 The Committee noted the outcome of the consideration by FSI 15 of the question of including provisions related to long range identification and tracking systems (LRIT) in the draft Revised Code for implementation of mandatory IMO instruments. Although the Committee agreed to extend the usage of LRIT to include safety and environmental protection applications (see paragraph 6...), it also agreed that from the point of view of the voluntary audit for the implementation of LRIT, it is premature now to include LRIT in the Code of Implementation since the LRIT system will not be fully implemented until 31 December 2008. Consequently, the Committee further agreed that the text in square brackets in annex 1 of the draft Revised Code should be deleted and that annex 6 of the draft Revised Code should refer to amendments to SOLAS 1974 up to and including the 2005 amendments (resolution MSC.194(80)).

Draft Revised Code for the Implementation of Mandatory IMO Instruments

15.3 Having noted MEPC 56's concurrent decision, the Committee approved the draft Revised Code for the Implementation of Mandatory IMO Instruments and the associated draft Assembly resolution, as set out in annex .., to be submitted to the Assembly at its twenty-fifth session for adoption. The Committee requested the Secretariat to inform C/ES.24 and A 25 accordingly.

Revision of the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22))

15.4 The Committee considered in detail the Sub-Committee's decision, as endorsed by MEPC 56, to commence at FSI 16 the revision of the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22)), taking into account the outcome of the work of the Independent Group of Experts on the impact and effectiveness of implementation of the ISM Code.

15.5 In this context, the Committee recalled that MSC 78 and MEPC 52 had instructed the Sub-Committee to commence the revision of the Revised Guidelines, while MSC 81 had referred the report of the aforementioned Independent Group of Experts to the Joint MSC/MEPC Working Group on the Human Element for detailed consideration. Following the MSC 82's agreement that the guidelines for Administrations should be revised to make the guidelines more effective and user-friendly, and the guidelines and associated training material should be developed to assist companies and seafarers in improving the implementation of the Code, the Joint Working Group prepared the draft MSC-MEPC.7 circulars on Guidelines for operational implementation of the ISM Code by Companies and on Guidelines on qualifications, training and experience necessary for undertaking the role of the Designated Person (DP) under the provisions of the International Safety Management (ISM) Code (see paragraphs 16...).

15.6 Having agreed that the Sub-Committee should no longer be tasked with the revision of the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22)) but that this work should be directed to the Joint MSC/MEPC Working Group on the Human Element, which will meet during MSC 84, the Committee invited MEPC 57 to revert its decision on this issue and Members to submit proposals for discussion at the Joint Working Group. The Committee noted that the FSI Sub-Committee had received a number of submissions to be considered in the context of such a revision of resolution A.913(22) and requested the Secretariat to make this material available to the Joint MSC/MEPC Working Group.

Amendments to the ISM Code

15.7 The Committee also considered the Sub-Committee's decision, which was endorsed by MEPC 56, to develop amendments to the ISM Code, including those relating to requirements for seafarer safety representation based on the decision which MSC 82 took after consideration of document MSC 82/21/2 (New Zealand, South Africa, the Philippines and ICFTU).

15.8 Having recalled that MSC 82 had previously agreed to include in the work programme of the FSI Sub-Committee, a high priority item on "Amendments to the ISM Code relating to requirements for seafarer safety representation", with two sessions needed to complete the item and had instructed the Sub-Committee to include the item in the provisional agenda for FSI 16, the Committee agreed to instruct the Joint MSC/MEPC Working Group on the Human Element to develop draft amendments to the ISM Code with the understanding that the intended scope of

the amendments should be limited to those relating to requirements for seafarer safety representation.

15.9 Consequently the Committee invited MEPC 57 to revert its decision on this issue, implying corresponding amendments to the work programme of the FSI Sub-Committee and the provisional agenda for FSI 16, and Members to submit proposals for discussion at the Joint Working Group.

Model Course for the training of safety management system auditors

15.10 The Committee endorsed the Sub-Committee's decision to request the Secretariat to refer the draft IMO Model Course for the training of safety management system auditors to the Validation Group, having also endorsed the Sub-Committee's views that the model course, being of a recommendatory nature, should be used in a flexible manner and not be considered as the only methodology. National maritime administrations may decide to make use of other training material and that a similar initiative for the training of other categories of surveyors/auditors which is not currently covered by the existing IMO training material should be pursued.

COUGAR ACE casualty

15.11 The Committee noted the Sub-Committee's recommendation that there might be a need to learn from the **Cougar Ace** casualty regarding Ballast Water Exchange operations. The Sub-Committee recognized that sufficient guidance for Ballast Water Exchange operations existed and, therefore, the issuance of an MSC-MEPC circular reminding interested parties to make use of them was unnecessary. The Committee, having also noted MEPC 56's concurrent decision, agreed to instruct the STW Sub-Committee to consider the **Cougar Ace** casualty in the context of training requirements for ballast water exchange.

Investigator skills of their marine casualty investigators

15.12 The Committee noted that the Sub-Committee had considered the study carried out by the Inter-Industry Working Group (IIWG) and the reference by the FSI Correspondence Group on Casualty Analysis to existing guidance which can be found in the Guidelines for the investigation of human factors in marine casualty and incidents (resolution A.884(21)) and the IMO Model Course 3.11 on Marine Accident and Incident Investigation. In this context, the Committee agreed to encourage Member Governments to further develop the human element investigator skills of their marine casualty investigators.

Incidents of explosions on chemical and product tankers

15.13 The Committee considered the Sub-Committee's recommendation that the reports of investigation into the **Chassiron**, **Panam Serena** and **Bow Mariner** casualties should be referred to the relevant IMO bodies for consideration in the context of their work on incidents of explosions on chemical and product tankers.

15.14 Recalling its earlier decision regarding the work of its subsidiary bodies on incidents of explosions on chemical and product tankers (see paragraphs 6...), the Committee agreed to refer the reports of investigation into the **Chassiron**, **Panam Serena** and **Bow Mariner** casualties to the FP Sub-Committee for consideration, bearing in mind that only the analysis of the report of investigation into the **Chassiron** casualty has been approved by the FSI Sub-Committee.

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

15.15 The Committee considered the recommendations of the Sub-Committee on the course of action for the adoption of the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) and to make it mandatory under SOLAS, together with the related comments contained in documents MSC 83/15/2 (Brazil, China, Cyprus, Greece, India, the Philippines, South Africa, ICS, ISF, ITF, BIMCO, INTERTANKO and INTERCARGO) and MSC 83/12/4 (ILO).

15.16 The delegation of the United States indicated that, after careful review of the existing text of the draft Code, the Government of the United States had identified significant areas of substantive and procedural concern that would currently prevent it from allowing these amendments to enter into force for the United States. Accordingly, the delegation suggested that the draft Code be referred back to FSI 16 for further consideration to remove individual legal rights and legal process requirements, which the United States believe is contrary to the purpose of SOLAS, and to prevent inconsistencies with the Joint IMO/ILO Guidelines for the Fair Treatment of Seafarers in the Event of a Maritime Accident, and their ongoing review by other bodies. (The full statement of the delegation of the United States is set out in annex...)

15.17 After consideration of the views expressed regarding the wording of paragraph 12.2 of the draft Code and the need for consistency with the text of resolution A.987(24) on Guidelines on fair

treatment of seafarers in the event of a maritime accident and resolution LEG.3(91) on adoption of Guidelines on fair treatment of seafarers in the event of a maritime accident, the Committee agreed to amend the text of paragraph 12.2 of the draft Code to replace the word “or” by “and” in accordance with the proposal contained in paragraph 5 of document MSC 83/15/2. The Committee also agreed to amend paragraph 24.2 of the draft Code to be consistent with the new text of paragraph 12.2.

15.18 Subsequently, the Committee approved the draft Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), as amended, as reflected in paragraph 15.17 above, and as set out in annex ..., with a view to adoption at MSC 84.

15.19 The Committee also approved the draft amendments to SOLAS chapter XI-1, making the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident mandatory with a view to adoption at MSC 84 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. The delegation of the United States reserved its position on the action taken by the Committee on approval of the Casualty Investigation Code and the draft amendments to SOLAS chapter XI-1.

15.20 In the same context, the Committee further approved, subject to concurrent decision by MEPC 57, the draft MSC-MEPC.3 circular on the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, to allow for the Code to be implemented on a voluntary basis prior to the effective date of the Code for approval. The Committee invited Member States to start implementing the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident on a voluntary basis prior to the effective date of the Code.

15.21 The Committee requested the Secretariat to inform the Legal Committee and ILO on the outcome of the consideration of this issue.

15.22 Having noted MEPC 56's concurrent decision, the Committee endorsed, as reworded, the Sub-Committee's decision to consider, in the future, the revision of the Guidelines (resolution A.884(21)) to assist investigators in the implementation of the Code for the

Investigation of Marine Casualties and Incidents, with a view to inclusion as an appendix to the Casualty Investigation Code.

Code of good practice to assist PSCOs in conducting their inspections

15.23 Having noted MEPC 56's concurrent decision, the Committee approved MSC-MEPC.4/Circ... on the Code of good practice and invited PSC regimes to develop and adopt a similar Code to assist PSC officers in conducting their inspections.

Contact details

15.24 Taking also into account the information provided by the Secretariat regarding the release of a module of the Global Integrated Shipping Information System (GISIS) on contact points (see paragraph 22...), the Committee invited Member States to update their contact details for safety and pollution prevention and response as contained in MSC-MEPC.6/Circ.2.

Invitation to expert

15.25 The Committee endorsed the Sub-Committee's decision to invite a representative of Equasis to attend as an expert, under Rule 45 of the Rules of Procedure, the next meeting of the Sub-Committee, in particular, to facilitate the consideration of issues on the potential role of Equasis in the context of the harmonization of PSC activities and on the possible interactions between GISIS and Equasis regarding the global exchange of PSC data.

Findings and recommendations of the 2005 Paris MoU Concentrated Inspection Campaign on the GMDSS

15.26 The Committee endorsed the Sub-Committee's decision to refer the findings and recommendations of the 2005 Paris MoU Concentrated Inspection Campaign on the GMDSS to the STW Sub-Committee for information and requested the STW Sub-Committee to comment on the usefulness to its work of the information collected through the concentrated inspection campaign in its current form.

Draft Revised Survey Guidelines under HSSC

15.27 The Committee considered the proposal contained in document MSC 83/15/5 (the Bahamas and CLIA) regarding the inspection of the outside of the ship's bottom for passenger ships and proposing a possible extension of the period between dry-dock inspections

for a passenger ship, after consideration of factors, including technological advances, operational issues, condition monitoring and the age of the ship.

15.28 Following the detailed presentation by the delegation of Malta of the technical merits of the proposal contained in document MSC 83/15/5, while introducing inherent problems associated with dry-docking, the Committee recognized the potential merit of the proposal, subject to the detailed review and clarification of the elements contained therein and the possible development of additional guidance by relevant IMO bodies.

15.29 Having noted that the Sub-Committee has a responsibility to conduct a continuous review of the Survey Guidelines and that FSI 15 had re-established the intersessional Correspondence Group on the Review of the Survey Guidelines under the HSSC, the Committee agreed to refer the above-mentioned proposal to the Correspondence Group under its existing terms of reference for consideration and recommendation to FSI 16 while inviting Member States to consider proposing new items to be added to the work programmes of relevant sub-committees.

15.30 Having noted MEPC 56's concurrent decision, the Committee approved the draft Revised Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the associated draft Assembly resolution, as set out in annex ..., for submission to the Assembly at its twenty-fifth session for adoption.

Annual testing of the automatic identification system

15.31 The Committee considered the proposal contained in document MSC 83/15/3 (Republic of Korea) which raised the issue related to the incorporation of the annual testing of the automatic identification system (AIS) within the HSSC Guidelines as this test is not required by SOLAS regulation or any other instrument and proposing to add a new SOLAS regulation V/18.9 requiring annual testing of the equipment.

15.32 Having noted the views expressed that there is a substantial amount of electronic equipment on board ships (e.g. radar, VHF, etc.) which is not currently required to undergo a mandatory annual testing, the Committee referred the proposal to FSI 16 for further consideration.

15.33 The Committee approved MSC.1/Circ.... on Annual testing of the automatic identification system (AIS).

Loss of containers overboard

15.34 The Committee noted the information provided by the delegations of the France and the United Kingdom, concerning the incidents onboard the container ships **Othello** and **Annabella**, respectively, involving the loss of containers overboard. Based on the investigation carried out into the two incidents, a series of findings and recommendations has been made public by the national investigating authorities. In the same context, the representative of ICS further indicated that the industry, based on the aforementioned recommendations, was developing best practice guidelines. The statements of France, the United Kingdom and ICS are reproduced in annexes .., .. and .. respectively.

REPORT OF THE SECOND JOINT FAO/IMO AD HOC WORKING GROUP ON IUU FISHING AND RELATED MATTERS (JWG)

15.35 The Committee, having recalled that, following the decision of MEPC 51 and MSC 78, the second meeting of the Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters (JWG) was held from 16 to 18 July 2007 at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome, considered documents MSC 83/15/1 and MSC 83/INF.12 on the outcome and the report of the meeting respectively, as introduced by the Chairman of JWG, Mr. J. Morishita (Japan), and the Secretariat.

15.36 The Committee noted that, as a prelude to the July meeting of the JWG, the Secretary-General had addressed the Committee on Fisheries (COFI) of FAO at its 27th session in Rome from 5 to 9 March 2007, and provided his statement to promote the entry into force of the 1993 Torremolinos Protocol for the Safety of Fishing Vessels and the 1995 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel. The Committee also noted that the Secretariat had recruited a consultant (Dr. T. Mensah) to conduct a study to be presented to the JWG on the conditions for the entry into force of the Torremolinos Protocol as well as on proposals which could facilitate the decision-making process at the level of individual States to become Parties to this instrument.

15.37 During his introduction of the two documents under consideration, the Chairman of the JWG highlighted the areas of ongoing and possible future co-operation between the two Organizations in the wider context of IUU fishing and related matters which also relate to the safety of fishing vessels and the prevention of marine pollution. Such areas were indicated to

include the monitoring of fishing vessels movements, the assessment of flag States' performances, the security of non-convention ships and the involvement of regional fishery management organizations in the work of IMO; and illustrated the usefulness of maintaining the mechanism of the JWG with a third meeting proposed to take place within the next three to five years, depending on the progress made on relevant issues. He further indicated that, as part of the ongoing collaboration between the two Organizations and its positive outcome, an expert consultation to draft a legally-binding instrument on port State measures had already taken place in Washington DC last September.

15.38 On the issue of the 1993 Torremolinos Protocol, the Chairman of the JWG emphasized that the group had recognized the potential of the proposals introduced by Dr. Mensah *vis-à-vis* the question of its entry into force, and stressed, in particular, that the method, based on the preparation of the draft Agreement relating to the implementation of the Protocol, had already been successfully used in the context of the United Nations Convention on the Law of the Sea (UNCLOS), 1982 regarding the Agreement for the Implementation of the Provisions of relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Agreement relating to the Implementation of Part XI of the Convention. He also indicated that the proposed action aimed at undertaking appropriate consultations with the interested Governments with a view to identifying the revisions to the 1993 Protocol which may be needed to make the Protocol acceptable to the required number of Governments to ensure the early entry into force was intended to involve the visit by relevant experts and representatives of the Secretariat to the appropriate authorities in the countries which have the largest fleets of fishing vessels of 24 metres and above.

15.39 In the context of his intervention to clarify the technical content of the three options put forward by Dr. Mensah, the Director of the Maritime Safety Division explained the reported disadvantages of the option to adopt a new Protocol. He focused on the presentation made by Dr. Mensah of the third option based on the proposal to incorporate the agreed revisions of the Protocol in a new instrument referred to as an Agreement relating to the implementation of the Protocol. This Agreement would be read and interpreted with the 1993 Protocol as a single treaty instrument and be adopted by an appropriate IMO organ or by an intergovernmental conference convened by IMO in collaboration with FAO. Such an Agreement would provide that States which accept it would also have to accept the 1993 Protocol, and the States which have

already ratified the 1993 Protocol would be able to accept the revisions in the Agreement through the tacit acceptance procedure, if they so wish.

15.40 The Director stated that the IMO consultant was of the opinion that the adoption of such an Agreement could make it possible to revise the 1993 Protocol in order to remove the impediments that currently prevent some States with large fishing fleets from ratifying the Protocol. It would also make it possible for the revisions to become applicable at the same time as the Protocol enters into force. In addition it would avoid the complications of having two separate treaties. In particular, it would make it possible for the States which have already ratified the 1993 Protocol to accept the revised Protocol without necessarily going through the constitutional or parliamentary processes normally required for formal ratification.

15.41 Among the delegations which spoke to support the importance of a close co-operation between the two Organizations and between their Secretariats, the delegation of Turkey also stressed the need for national administrations in charge of maritime matters and those dealing with fishing activities to ensure efficient collaboration in the context of the various issues addressed by the JWG.

15.42 Following the reporting by the delegation of Turkey on a discrepancy between the figures shown in the 2004 study carried out at the request of the Council (C 93/4/Add.2) concerning the national fleets of fishing vessels of 24 metres and above, and the actual size of the fleet flying the Turkish flag, the Committee invited Member States to co-operate with the Secretariat in order to keep those figures updated.

15.43 Having considered the list of actions requested by the JWG (MSC 83/15/1, paragraph 14), the Committee agreed that IMO, in consultation with FAO, should explore options suggested, including the possibility of preparation of the draft Agreement relating to the implementation of the Torremolinos Protocol with a view to adoption by an appropriate IMO organ. In this context, the Committee invited interested delegations to consider submitting to MSC 84, a proposal for a new work programme item which may require to progress the matter of the entry into force of the 1993 Torremolinos Protocol.

15.44 The Committee concurred with the JWG's recommendations that the two Organizations should undertake appropriate consultations with the interested Governments with a view to

identifying the revisions to the 1993 Protocol which may be needed to make the Protocol acceptable to the required number of Governments to ensure the early entry into force; and assist Governments to adopt measures needed to accept and implement the 1993 Protocol; and that the IMO Secretariat, in co-operation with the FAO Secretariat, should further consider organizing international events for a focussed consideration, at a decision-making level, of the entry into force of the Torremolinos Protocol and the STCW-F Convention. Subsequently, the Committee requested the Secretariat to act accordingly within the context of the ITCP under the coordination of the Technical Co-operation Committee.

15.45 The Committee agreed to refer the full report of the JWG (MSC 83/INF.12) to FSI 16 for detailed consideration and requested the Secretariat to inform the FAO and the ILO on the outcome of the consideration of this matter.

16 ROLE OF THE HUMAN ELEMENT

OUTCOME OF MEPC 56 (REPORT OF THE JOINT MSC/MEPC WORKING GROUP ON HUMAN ELEMENT)

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

16.2 The Committee noted that MEPC 56 had reconvened the Joint MSC/MEPC Working Group on the Human Element.

16.3 The Committee approved, in general, the report of the Joint MSC/MEPC Working Group on Human Element (MEPC 56/WP.8, MSC 83/16) and took action as indicated hereunder.

THE ORGANIZATION'S STRATEGY TO ADDRESS THE HUMAN ELEMENT

Updated Human Element Action Plan

16.4 The Committee approved the updated action plan in the Organization's Strategy to Address the Human Element.

Near-miss data in accident and incident investigations

16.5 The Committee invited Member Governments, intergovernmental and non-governmental organizations to submit comments on the preliminary text on near-miss reporting proposals to the next session of the group.

Guidelines for the operational implementation of the ISM Code by Companies

16.6 The Committee approved MSC-MEPC.7/Circ.5 circular on Guidelines for operational implementation of the International Safety Management (ISM) Code by Companies.

EXPERIENCE, QUALIFICATIONS AND TRAINING FOR THE ROLE OF DESIGNATED PERSON UNDER THE INTERNATIONAL SAFETY MANAGEMENT CODE

16.7 The Committee approved MSC-MEPC.7/Circ.6 circular on Qualification, training and experience necessary for undertaking the role of designated person under the provisions of the International Safety Management (ISM) Code.

DEVELOPMENT OF A SAFE WORKING ENVIRONMENTAL STANDARD AND ITS APPLICATION TO TIER II FUNCTIONAL REQUIREMENTS OF THE GOAL BASED CONSTRUCTIONAL STANDARDS

16.8 The Committee recalled that it had taken appropriate action relating to this item under agenda item 5 (Goal Based Standards), as reflected in paragraphs 5.... to 5....

ONGOING WORK OF THE HUMAN FACTORS TASK GROUP (HFTG) ESTABLISHED BY THE INDUSTRY

16.9 The Committee noted the discussions of the group relating to the ongoing work of the human factor task group (HFTG) established by the industry.

ILO PROPOSAL FOR THE ESTABLISHMENT OF IMO/ILO JOINT WORKING GROUP ON THE HUMAN ELEMENT

16.10 ILO expressed the opinion that, in light of the formal communication from the Director-General of ILO to establish a Joint ILO/IMO Working Group to address matters within the competence of both Organizations relating to seafarers training, hours of work and rest, seafarer fatigue, career and skills development and opportunities for seafarers' employment pursuant to resolution X of the International Labour Conference 2006, the Committee should consider this issue taking the aforementioned into account. This was supported by the Philippines, IFSMA, ITF and ISF.

16.11 In this context, the MEPC Chairman clarified that the communication from ILO had been considered by the Joint MSC/MEPC Working Group on the Human Element in detail. Based on the recommendations of that group, MEPC 56 had agreed that:

- .1 it was not appropriate to establish the proposed Joint ILO/IMO Working Group with such wide and open ended terms of reference; and
- .2 in future when preparing or reviewing other technical texts or proposals on matters within the technical competence of both Organizations, if considered necessary, an *ad hoc* Joint ILO/IMO working group with specific terms of reference on a case by case basis could be established to properly address the human element on a tripartite basis.

16.12 Having noted the clarifications by the MEPC Chairman, the Committee agreed that:

- .1 the Joint MSC/MEPC Working Group on the Human Element should continue its work in accordance with the Organization's Strategy to Address the Human Element (MSC-MEPC.7/Circ.4);
- .2 there was no compelling need to establish a Joint ILO/IMO Working Group at this stage to address issues relating to seafarers' training; hours of work and rest; manning levels; seafarers' fatigue; career and skill development as these were already being addressed by the STW Sub-Committee on a regular basis; and
- .3 it was not appropriate to establish the proposed Joint ILO/IMO Working Group with such wide and open ended terms of reference and that, in future, when preparing or reviewing other technical texts or proposals on matters within the technical competence of both Organizations, if considered necessary, to establish an *ad hoc* Joint ILO/IMO working group on a case by case basis with specific terms of reference to properly address the human element on a tripartite basis.

Other issues

16.13 The Committee instructed the Secretariat to publish all related guidance issued by the Organization in the next edition of the ISM Code.

16.14 The Committee noted that the Joint MSC/MEPC Working Group on the Human Element was scheduled to be reconvened at MSC 84 and invited Member Governments, intergovernmental and non-governmental organizations to submit proposals in accordance with the Organization's Strategy to Address the Human Element (MSC-MEPC.7/Circ.4).

16.15 The Committee noted, under agenda item 11 – Stability, load lines and fishing vessel safety (see paragraphs 11... to 11...), that SLF 50 had referred relevant chapters of the draft Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels to the respective sub-committees and to the Joint MSC/MEPC Working Group on Human Element for consideration. The Committee requested the Secretariat to prepare a relevant document for MSC 84 under this agenda item, so that the Joint MSC/MEPC Working Group on Human Element, when established, could consider the relevant chapters of the draft Safety recommendations and comment as appropriate.

17 TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

DEVELOPMENTS CONCERNING TECHNICAL CO-OPERATION ACTIVITIES

General

17.1 The Committee noted the information provided in document MSC 83/2/1 on the outcome of TCC 57 and document MSC 83/17 on the safety-, security- and facilitation-related activities executed in 2007 under the Integrated Technical Co-operation Programme (ITCP) for the 2006-2007 biennium. It further noted the high rate of implementation delivery over 2006 which expended about US\$12 million on activities which included 36 consultancy missions, 93 training courses, seminars and workshops held at national, regional and global levels resulting in the training of some 2,433 participants worldwide.

ITCP for 2008-2009

17.2 The Committee noted that, for the first time, links between the ITCP and the Millennium Development Goals (MDGs) have been established and incorporated into the proposed ITCP for 2008-2009. The ITCP, which comprised 14 programmes, including a new global programme on "Support to Small Island Developing States (SIDS) and Least Developed Countries (LDCs) for their shipping needs" had a funding requirement of approximately US\$20.445 million. The Committee further noted that the ITCP for 2008-2009 was approved by TCC 57 with the

addition of “Sustainable maritime sector development” as one of the priorities of the ITCP, focusing on safe navigation on coastal routes and the integration of SIDs and LDCs.

Linkage between the ITCP and the Millennium Development Goals (MDGs)

17.3 The Committee noted the importance of the maritime industry on the economic development of countries which were highlighted in the report of the Intersessional Working Group on the Linkage between the ITCP and the MDGs held from 26 February to 1 March 2007. The report also established the fact that improved maritime capacity, supported by the work of IMO and the ITCP, had a major and direct impact on at least five MDGs. The Committee also noted that TCC approved the draft Assembly resolution on the Linkage between the ITCP and the MDGs for submission to A25 for adoption.

Impact Assessment Exercise (IAE)

17.4 The Committee noted that the third impact assessment exercise covering the period 2004-2007 was scheduled for 2008 and would focus on an analysis of the extent to which the delivery of technical assistance had achieved its programme objectives and any related demonstrable improvements in capacity, with respect to support for the establishment and strengthening of national maritime administrations, marine pollution prevention, preparedness and response and maritime security.

Progress on Search and Rescue in Africa

17.5 The Committee was informed by the Secretariat that, following the first meeting of the West African Group (Côte d’Ivoire, Ghana, Guinea, Liberia and Sierra Leone), a second meeting to finalize the Multilateral Agreement between the countries was held in Monrovia, Liberia from 25 to 27 September 2007. The final meeting, which will see the signing of the Agreement by the Ministers of the various countries, is scheduled to be held in Monrovia, Liberia from 8 to 9 November 2007. The delegation of Nigeria informed the Committee of its follow-up action and assistance in visiting the countries in its group from 19 to 30 October prior to commissioning the RMRCC on 9 November 2007.

17.6 The Secretary-General provided an update on the progress of the implementation of the 2000 Florence Conference resolutions on the designated regional MRCCs centres in Mombasa, Cape Town, Liberia, Nigeria and Morocco. He informed the Committee that he had so far commissioned the Mombasa RMRCC in Kenya on 5 May 2006 and also commissioned the

Cape Town RMRCC in South Africa on 16 January 2007. The Secretary-General further indicated that he was also in constant communication with Nigeria which intends to commission its Regional MRCC on 9 November 2007, as well as Liberia and Morocco. The Committee expressed its appreciation to the Secretary-General for his interest and assistance to the various countries.

ABUJA MOU STRATEGY FOR 2010

17.7 The Committee noted the information provided in document MSC 83/17/3 on the Abuja MoU and its programme of capacity development for the period 2007-2010. The document indicates specific areas requiring technical capacity co-operation between the Abuja MoU and its partners and also highlights some of the problems being faced by the Abuja MoU, which was established in October 1999. Out of the 19 States that signed the MoU, only six have deposited a formal instrument of acceptance with the Abuja MoU Secretariat, where the level of participation in the affairs of the MoU is minimal due to lack of basic infrastructure necessary for meaningful participation in port State control activities. The document lists a number of projects which are aimed at enhancing the administrative and operational capacity of the Abuja MoU on port State control. The sponsors of the document considered the undertaking of these projects as critical in the improvement of the operational capacity of the participating Member States, and the MoU Secretariat in general, and requested the Committee's support.

17.8 There was overwhelming support by Member States for the planned activities by the Abuja MoU and other sponsors contained in document MSC 83/17/3 and the initiative taken in identifying projects and developing a schedule for its implementation. The Committee, agreeing on the need for supporting the Abuja MoU, requested the Secretariat (MSD and TCD) to discuss the projects listed in the document with the Abuja MoU Secretariat and take action as appropriate, including the provision of technical assistance.

DOMESTIC FERRY SAFETY PILOT PROJECT

17.9 The Committee recalled that, at MSC 82, it was informed by the Secretariat that the continual loss of life resulting from domestic ferry accidents had prompted IMO to develop an eight-phase plan concerning non-Convention ferry safety and invited the International Ferry Industry Association (INTERFERRY) to join in this effort. The two Organizations signed a Memorandum of Understanding (MoU) in January 2006, formalizing their intent to work

together towards enhancing the safety of domestic non-Convention ferries by collaborating, through IMO's Integrated Technical Co-operation Programme (ITCP).

17.10 The Committee noted the information provided in document MSC 83/17/2 (Secretariat) that, following the signing of the MoU and conducting the needs assessment mission, the two Organizations had carried out a detailed research-based analysis of the problems prior to the establishment of a Working Group in the pilot country. Under phase 4, the Working Group meeting was held in Dhaka, Bangladesh from 18 to 20 December 2006, where a variety of stakeholders as well as experts participated. A number of recommendations were made by the Working Group on critical issues involving non-convention ferry safety for incorporation into the pilot project.

17.11 The Committee further noted that both Organizations were currently working on phase 5 of the plan on resource mobilization of funds for the project and it was expected that the lessons learned from this project would serve as a model project in other countries needing to address ferry safety. It also noted that, concurrently, the first pilot project was also under preparation and, on completion of the project document, the project would be launched once the funding from donors has been committed.

17.12 The delegation of Bangladesh expressed its appreciation to the IMO Secretariat for undertaking a number of safety-related projects in the region under the various technical assistance programmes. He emphasized that many lives had been lost in Bangladesh due to ferry and other water-craft related accidents and hoped that the project on Domestic ferry safety would soon be implemented.

17.13 The Committee urged Governments and industry to contribute to the IMO's technical co-operation programmes and requested the Secretariat to continue providing the Committee with updated information.

MODEL COURSE PROGRAMME

17.14 The Committee noted the updated information on the Model course project provided in document MSC 83/17/1. The Committee requested the Secretariat to continue its follow-up and provide an updated report to MSC 84.

18 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

General

18.1 The Committee recalled that, at MSC 82, it had considered document MSC 82/20/1 which proposed that the Committee and all its sub-committees should ensure that, when developing new instruments or amending existing ones, where necessary, guidance for implementation is prepared and that issues which the Technical Co-operation Committee (TCC) might need to consider for the purpose of developing related technical co-operation and assistance programmes are identified.

18.2 The Committee further recalled that, while supporting the proposal in principle, it had recognized that an appropriate mechanism for preparing such guidance should be established and had also noted an option that a consultation mechanism for the implementation of new measures should be established as well as a view that an appropriate policy should be established, taking into account relevant paragraphs of resolution A.500(XII), as an Assembly resolution to be adopted at the next Assembly meeting. The Committee, recognizing that the issue was not only relevant to it and its sub-committees but also to other Committees (MEPC, FAL and LEG) as well as the Assembly and Diplomatic Conferences, had agreed to consider the matter at this session and invited Members to submit proposals and invited other Committees to consider the same matter.

Outcome of FAL 34

18.3 The Committee noted that FAL 34 (MSC 83/18, paragraph 4) had noted the outcome of MSC 82 on the issue, and recalled in this context that ongoing work on the preparation of an Explanatory Manual to the FAL Convention and its strategy to promote the use of electronic means to exchange information with the objective of harmonizing and simplifying procedures, adopted by FAL 28, were examples of items which could be utilized towards capacity building.

Outcome of the International Conference on the Removal of Wrecks

18.4 The Committee noted that the International Conference on the Removal of Wrecks, 2007 (14 to 18 May 2007), when adopting the Nairobi International Convention on the Removal of Wrecks, 2007, had also adopted resolution 3 on Promotion of Technical Co-operation and Assistance (LEG/CONF.16/20), recognizing the need for the development of appropriate legislation and the putting in place of appropriate infrastructure for the removal of wrecks where

there may be limited infrastructure, facilities and training programmes to obtain the experience required in assessing the hazard which a wreck may pose, particularly in developing countries.

Outcome of MEPC 56

18.5 The Committee noted that MEPC 56 (MSC 83/18, paragraph 8) had noted the outcome of MSC 82 on the issue. The MEPC noting that, in the discussion, many delegations supported the decision of MSC 82 that the option to develop guidance for implementation of new instruments and/or when amending existing ones could be equally applied to MEPC and other Committees, decided to consider this matter further at its next session and invited delegations to submit proposals to MEPC 57 taking into account the outcome of MSC 83.

Process towards the enhancement of capacity to implement new measures and proposals

18.6 The Committee considered document MSC 83/18/1 (South Africa) which proposed that:

- .1 as a matter of policy, the Committee must insert a criteria in its method of work requiring that Member States and organizations with observer status, when proposing development of new instruments or proposing amendment of existing instruments, identify capacity implications with the assessment criteria:
 - .1 Does the proposed instrument require capacity building before or during the implementation phase? and
 - .2 Does the proposal require technical assistance and co-operation including the development of a simplified guide for its implementation?
- .2 with regard to new instruments, the Committee should establish, at MSC 84, an *ad hoc* Working group on Capacity building and technical co-operation for the implementation of new instruments, with the terms of reference as stated in paragraph 8 of document MSC 83/18/1; and
- .3 the Committee consider the proposed draft Assembly resolution, on the need for capacity building when implementing new instruments and when developing, and/or amending, existing ones, annexed to document MSC 83/18/1.

18.7 Many delegations expressed their support for the proposal, contained in document MSC 83/18/1 (South Africa), acknowledging that there were difficulties with the implementation of IMO Conventions and other instruments due to lack of capacity, especially in developing countries.

18.8 The Committee agreed on the proposed criteria for assessment of capacity building when proposing the development of new instruments or amendment to existing instruments (MSC 83/18/1, paragraph 7), and, recognizing the need to amend the Committee's Guidelines accordingly, requested the Secretariat to prepare draft amendments to the Committee's Guidelines and submit these to MEPC 57 and MSC 84 for consideration.

18.9 The Committee agreed, in principle, to establish an *ad hoc* working group on Capacity building and technical co-operation for the implementation of new instruments, as proposed by South Africa (MSC 83/18/1) at its next session, subject to further consideration of the issue under agenda item 25 (see paragraphs ...) in the context of the number of groups to be established at the next session.

18.10 The Committee agreed, in principle, to the proposed draft Assembly resolution on the need for capacity building when implementing new instruments and when developing and/or amending existing ones (document MSC 83/18/1, annex). The Secretariat was requested to submit the draft Assembly resolution to the twenty-fifth session of the Assembly.

18.11 The delegation of the Republic of Korea informed the Committee of the First Seoul International Maritime Forum which was held from 6 to 8 September 2007 in Seoul, Republic of Korea. The main theme of the Forum was the Wreck Removal Convention (WRC) which was adopted in May 2007 in Nairobi, Kenya. The report will be provided to IMO and Member States in due course. The Korean delegation further informed the Committee that such a Forum would be held on a regular basis to promote and facilitate proper implementation of IMO instruments. In this regard, he invited the IMO Secretariat and Member States to propose appropriate and relevant topics which may be adopted for the next Seoul International Maritime Forum, the outcome of which will be provided to IMO accordingly.

19 PIRACY AND ARMED ROBBERY AGAINST SHIPS

STATISTICAL INFORMATION

19.1 The Committee recalled that, since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships had been circulated under the MSC.4/Circular series. The annual report for the calendar year 2006 was issued under the symbol MSC.4/Circ.98.

19.2 The Committee recalled that, since June 2001 and in accordance with the instruction of MSC 74, the MSC.4 circulars reporting on acts of piracy and armed robbery differentiated (in separate annexes) acts of piracy and armed robbery actually “committed” from “attempted” ones.

19.3 In considering document MSC 83/19 (Secretariat), the Committee noted that the number of acts of piracy and armed robbery against ships reported to the Organization and which had occurred between 1 October 2006 and 30 June 2007 was 201 against 187 over the same period for 2005/6, representing an increase of 7.5% from the figure for 1 October 2005 to 30 June 2006. The total number of incidents of piracy and armed robbery against ships, reported to have occurred or to have been attempted from 1984 to the end of August 2007, was 4,432

19.4 The Committee observed that this 7.5% increase in the reported acts of piracy and armed robbery against ships during the period under review was a cause for concern and was largely attributable to an increase in such criminal activities in the Gulf of Aden, Arabian Sea and off the coast of West Africa. As emphasized in previous sessions of the Committee, much more still needed to be done to reduce this menace.

19.5 The Committee further observed that during the period under review (i.e. 1 October 2006 and 30 June 2007), it had emerged that the areas most affected (i.e. five incidents reported or more) were the Far East, in particular, the South China Sea and the Malacca Strait, East Africa, the Indian Ocean, West Africa, the Arabian Sea, South America (Atlantic), South America (Pacific) and the Caribbean. Most of the attacks worldwide occurred or had been attempted in territorial waters while the ships were at anchor or berthed.

19.6 The Committee expressed deep concern that in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. It was noted that during the period under review, 26 crew members were killed, 58 crew members were assaulted/injured and 133 crew members were taken hostage. Eleven ships were hijacked. One vessel and its crew were still missing.

19.7 The Committee concluded by urging, once again, all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

19.8 The Committee noted that despite numerous requests, at previous sessions of the Committee, the Secretariat still received very few, if any, reports from Member Governments on action they had taken with regard to incidents reported to have occurred in their territorial waters. The Committee reiterated the urgent need for all Governments to provide the Organization with the information requested.

INITIATIVES TO COUNTER PIRACY AND ARMED ROBBERY AT SEA

Piracy and armed robbery against ships in waters off the coast of Somalia

19.9 In considering document MSC 83/19/1 (Secretariat), the Committee recalled that in November 2005, at a time when the incidence of piracy attacks off Somalia was high, A 24 adopted resolution A.979(24) on Piracy and armed robbery against ships in waters off the coast of Somalia, by means of which the situation was brought to the attention of the United Nations Security Council (UN SC), resulting in a subsequent Statement by the President of UN SC of 15 March 2006.

19.10 The Committee recalled that operative paragraph 7.2 of resolution A.979(24) requested the Secretary-General “to continue monitoring the situation in relation to threats to ships sailing in waters off the coast of Somalia and to report to the Council, as and when appropriate, on developments and any further actions which may be required”.

19.11 The Committee noted that following the publication of the UN SC’s Presidential Statement, although there had been a much-welcomed reduction in acts of piracy and armed robbery against ships in waters off the coast of Somalia, since the beginning of the current year there had been a worrying increase in the number of reported incidents, including attacks on ships carrying humanitarian aid, such as those chartered or operated in the service of the World Food Programme (WFP), reflecting a common pattern of organized and co-ordinated activities up to 200 miles off the coast, and several reportedly within Somalia’s territorial sea.

19.12 The Committee noted that in response to this situation, co-ordination between IMO, WFP and navies operating in the region had intensified with a view to ensuring that the tracking of

and, where necessary, the provision of assistance to merchant shipping, particularly ships carrying humanitarian aid, was maintained and further strengthened.

19.13 Additionally, on 15 June 2007, the Secretary-General, after consultation with the Acting Chairman of the Committee, had issued MSC.1/Circ.1233 on Piracy and armed robbery against ships in waters off the coast of Somalia, warning maritime interests of the continuing worrying situation off Somalia and inviting Governments and organizations concerned to implement effectively the guidance to Administrations, industry and crew issued previously by the Organization.

19.14 The Secretary-General had subsequently requested the Council, at its ninety-eighth session, to authorize him to communicate with the UN Secretary-General requesting him to bring the matter anew to the attention of the UN SC to seek their further engagement to promote and facilitate the international community's efforts, *inter alia*, to combat acts of piracy and armed robbery against ships sailing in waters off the coast of Somalia and, in particular, ships carrying humanitarian aid to the country; and, more particularly, that the UN SC request the Transitional Federal Government of Somalia to take action, as it may be deemed necessary and appropriate in the circumstances, to prevent and suppress acts of piracy and armed robbery against ships, including consenting to ships, as defined in article 107 of UNCLOS, operating in the Indian Ocean, entering its country's territorial waters when engaging in operations against pirates or suspected pirates and armed robbers endangering the safety of life at sea, in particular the safety of crews on board ships carrying, within WFP's programme, humanitarian aid to Somalia or leaving Somali ports after having discharged their cargo.

19.15 The Council had:

- .1 shared the Secretary-General's concern;
- .2 expressed appreciation for the initiatives recently undertaken by the Secretary-General to strengthen support and assistance to ships by navies operating in the West Indian Ocean region; and to promote the wide and effective implementation of relevant guidance issued by the Organization (MSC.1/Circ.1233);
- .3 welcomed and endorsed the Secretary-General's proposal; and

- .4 authorized the Secretary-General to communicate with the UN Secretary-General accordingly.

19.16 The Committee noted that the UN Secretary-General had responded to Secretary-General and advised him that the issue had been raised with the representative of the Transitional Federal Government of Somalia to the UN and that the UN SC had been briefed verbally.

19.17 Denmark, while expressing concern at the increased number of attacks, noted that there had been a positive trend in some areas of the world, particularly Asia. Denmark cited the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Centre (ReCAAP ISC) as a good example of State involvement in suppressing piracy and armed robbery and drew attention to the recent increase in attacks off West Africa and Somalia as indicative of the need for further co-operation in those areas and for States to strengthen counter-piracy initiatives. Denmark proposed that the forthcoming Assembly would provide a good opportunity to decide how best to enhance States' efforts. Denmark also thanked France and the United States for their assistance during a recent hijacking incident off Somalia.

19.18 A number of delegations expressed sincere appreciation for the efforts and initiatives of the Secretary-General to combat acts of piracy and armed robbery against ships sailing in waters off the coast of Somalia, for which there was unanimous support. Kenya noted that the actions of navies in the Western Indian Ocean appeared to be stabilizing the situation. Ghana supported similar initiatives in West Africa. Nigeria had established a joint police / navy task force and Angola as chair of MOWCA were actively promoting the efforts to establish a regional coastguard. South Africa also spoke in support of the regional coastguard initiative, adding that improving the aids to navigation in the region could also assist in suppressing piracy and armed robbery against ships. There was also considerable support for the other initiatives described below.

19.19 The Secretary-General in thanking delegations for their support, drew attention to the role of the littoral States, namely Indonesia, Malaysia and Singapore, in reducing piracy and armed robbery in the Strait of Malacca; and to the role of the Mombasa and Dar es Salaam maritime rescue co-ordination centres in co-ordinating actions against pirates and armed robbers.

19.20 In response to a specific concern expressed by Egypt, the Secretary-General assured the Committee that the issue of the sovereignty of Somalia would not be disregarded and the consent

of the Transitional Federal Government of Somalia would be required prior to any action by warships within Somali territorial waters to deal with armed robbers.

19.21 The Committee noted that the Council had agreed to seek further action by the UN SC. In this regard, the Secretary-General requested delegations of Member States of the UN SC to give the Organization's proposals their full support. Further more all delegations to the UN General Assembly were requested to give their support to the paragraph on the suppression of piracy and armed robbery anywhere and in particular, off Somalia and where WFP ships were involved, in the forthcoming debate on the proposed UNGA resolution on Oceans and the law of the sea.

Straits of Malacca and Singapore

19.22 The Committee recalled that MSC 81 and MSC 82 had received (documents MSC 81/25, paragraphs 19.24 and 19.25 and MSC 82/24, paragraphs 17.14 to 17.18, respectively) briefings on outcome of the Jakarta and Kuala Lumpur Meetings on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection.

19.23 The Committee noted that with the blessing of the Council, a follow-up Meeting to enhance safety, security and environmental protection in the Straits of Malacca and Singapore had taken place in Singapore from 4 to 6 September 2007. It had been jointly organized by IMO and the Government of the Republic of Singapore, in co-operation with the Governments of the other two littoral States, Indonesia and Malaysia, and had been well attended. The littoral States had presented a Co-operative Mechanism they had developed which provided a framework for co-operation among the littoral States, user States and other stakeholders to enhance the safety of navigation and environmental protection in the Straits. In addition, the progress made in securing sponsors for a number of projects, presented for the first time during the Kuala Lumpur Meeting, aiming at enhancing safety of navigation and environmental protection in the Straits had been reviewed. All in all, the Meeting, which was the third and last in the series, had been, as the previous two, successful in providing a forum to promote and advance on issues relating to the safety, security and environmental protection in Straits. The outcome of the Singapore Meeting was reflected in a Statement, which had been unanimously adopted, and which would be considered by the Council at its next session.

Yemen Seminar and Oman Workshop

19.24 The Committee recalled that MSC 81 and MSC 82 had received reports on the Sub-regional seminar on piracy and armed robbery against ships and maritime security, held in

Sana'a, Republic of Yemen, from 9 to 13 April 2005; and the follow-up Sub-regional workshop on maritime security, piracy and armed robbery against ships for those countries from the Red Sea and Gulf of Aden area which had participated in the Sana'a seminar, held in Muscat, Sultanate of Oman, from 14 to 18 January 2006.

IMO/MOWCA integrated coast guard project

19.25 The Committee recalled that MSC 82 had received a report on the regional IMO/MOWCA forum on the establishment of an integrated coast guard function network for West and Central African Countries, held in Dakar, Senegal, from 23 to 25 October 2006.

19.26 The observer from MOWCA advised the Committee that in February 2007 the African Union Conference of Maritime Transport Ministers had adopted the coastguard network as part of its strategic action plan to respond to maritime security threats in the African region. The coastguard network now featured in the medium to long-term strategic action plan of the New Partnership for African Development (NEPAD), under which an amount of US\$3.6 million had been budgeted for IMO, MOWCA and SADC maritime security projects.

19.27 The MOWCA Bureau of Ministers had met on 11 September 2007 in Luanda, Angola, and had unanimously adopted the resolution of the IMO/MOWCA Forum on the establishment of the sub-regional coastguard network. The MOWCA Bureau of Ministers had reaffirmed its earlier decision to establish coastguard co-ordinating centres in Abidjan, Dakar, Lagos and Pointe Noire with principal co-ordinating centres in Accra and Luanda.

19.28 The Committee further noted that the General Assembly of the MOWCA Bureau of Ministers was scheduled for March 2008 and was expected to consider the adoption of a Memorandum of Understanding on the implementation of the coastguard network.

19.29 MOWCA thanked the Organization, other participating UN agencies and development partners for their support and requested the Organization to continue to assist in implementing the coastguard network.

Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia

19.30 In considering document MSC 83/19/2 (Singapore), the Committee recalled that MSC 82 had been informed of the launch of the ReCAAP ISC on 29 November 2006 and of the inaugural meeting of its Governing Council in Singapore from 28 to 30 November 2006.

19.31 The Committee noted the information provided on the status of ReCAAP and the ISC; and the report on the outcome of the Special Meeting of the ReCAAP Governing Council, held in Singapore on 5 July 2007.

[MORE TO COME]

ANNEX [..]

**DRAFT TERMS OF REFERENCE FOR THE CORRESPONDENCE GROUP
ON SECURITY ARRANGEMENTS FOR VESSELS WHICH DO NOT FALL
WITHIN THE SCOPE OF SOLAS CHAPTER XI-2 AND THE ISPS CODE**

1 The correspondence group on security arrangements for vessels which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code (non-SOLAS vessels) is instructed, taking into account the relevant discussions of the Maritime Security Working Group and decisions of MSC 82 and MSC 83, to develop recommendatory guidelines to enhance maritime security to complement measures required by SOLAS chapter XI-2 and the ISPS Code, which could be utilized by Contracting Governments and/or Administrations at their own discretion. The correspondence group should take the following into account:

- .1 the guidelines should address security measures for possible application by non-SOLAS vessels in order to:
 - .1.1 protect non-SOLAS vessels against security threats; and
 - .1.2 prevent non-SOLAS vessels from posing a security threat to other vessels and port facilities;
- .2 the guidelines should reiterate the importance of undertaking a risk assessment to determine if and to what extent such guidelines are to be applicable;
- .3 the guidelines should draw attention to existing IMO instruments and guidance material, for example guidance on suppression of piracy, drug smuggling, and stowaways;
- .4 the guidelines should complement other security procedures, for example the need for port service craft to comply with port facility security plans, and the need for barges and other craft involved in the supply chain to comply with measures for supply chain security;

- .5 the guidelines should be developed for four broad categories of non-SOLAS vessels:
 - .1 commercial non-passenger vessels;
 - .2 passenger vessels;
 - .3 fishing vessels; and
 - .4 pleasure craft;
- .6 the guidelines should set out a list of basic security measures, and additional security measures for operations in higher-risk environments, for non-SOLAS vessels in the following areas, where appropriate:
 - .1 Security Awareness and Culture
 - maintaining security vigilance and reporting suspicious activity;
 - understanding practices for interacting with ISPS compliant ships and port facilities, including dialogue with SSOs and PFSOs, and procedures for completing declarations of security; and
 - awareness of security levels set by Contracting Governments in accordance with SOLAS chapter XI-2.
 - .2 Security Measures
 - preventing theft or hijack of the vessel;
 - preventing unauthorized access to the vessel;
 - conducting a search of a vessel;
 - verifying identity of persons on board a vessel;
 - communicating intended destination (international voyages); and
 - using available means of vessel identification, where appropriate.

.3 Planning for security events

- undertaking training and drills to ensure familiarity with contingency plans and procedures;
- knowing how to respond to bomb threats or discovery of suspicious items; and
- maintaining a means for reporting security concerns.

.4 Other security considerations for international voyages

- avoidance of piracy;
- prevention of trafficking in drugs and illicit cargoes; and
- prevention of stowaways.

.7 the guidelines should be accompanied by practical examples of best practice for the implementation of each of these measures, in the context of suitable risk scenarios where appropriate.

2 The correspondence group should submit a written report to MSC 85.
