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**REPORT OF THE MARITIME SAFETY COMMITTEE ON ITS  
NINETY-SECOND SESSION**

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## **1 INTRODUCTION – ADOPTION OF THE AGENDA**

1.1 The ninety-second session of the Maritime Safety Committee was held at IMO Headquarters from 12 to 21 June 2013 under the chairmanship of Mr. Christian Breinholt (Denmark). The Vice-Chairman of the Committee, Capt. M. Segar (Singapore), was also present.

1.2 The session was attended by delegations from Members and Associated Members; by representatives from the United Nations programmes, specialized agencies and other entities; by observers from the intergovernmental organizations with agreements of cooperation; and by observers from non-governmental organizations in consultative status; as listed in document MSC 92/INF.1.

1.3 The session was also attended by the Chairman of the Council, Mr. J.G. Lantz (United States) and the Chairman of the Facilitation Committee, Mr. Y. Melenas (Russian Federation).

### **Opening address of the Secretary-General**

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>.

### **Chairman's remarks**

1.5 The Chairman thanked the Secretary-General for his opening address and stated that his advice and requests would be given every consideration in the deliberations of the Committee.

### **Adoption of the agenda and related matters**

1.6 The Committee adopted the agenda (MSC 92/1) and agreed to be guided by the provisional timetable (MSC 92/1/1) on the understanding that it was subject to adjustments depending on the progress made each day. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 92/INF.15.

### **Credentials**

1.7 The Committee noted that the credentials of the delegations attending the session were in due and proper form.

## **2 DECISIONS OF OTHER IMO BODIES**

### **Outcome of FAL 38, LEG 100 and MEPC 65**

2.1 The Committee noted the decisions of FAL 38 (MSC 92/2), LEG 100 (MSC 92/2/1) and MEPC 65 (MSC 92/2/2) and took appropriate action under the relevant agenda items.

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

#### **GENERAL**

3.1 Contracting Governments to the 1974 SOLAS Convention were invited to consider and adopt proposed amendments to:

- .1 chapters III, V and XI-1 of the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention;
- .2 the International Code of Safety for High-Speed Craft, 1994 (1994 HSC Code), in accordance with the provisions of article VIII and regulation X/1.1 of the Convention;
- .3 the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code), in accordance with the provisions of article VIII and regulation X/1.2 of the Convention;
- .4 the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code), in accordance with the provisions of article VIII and regulation IX/1.1 of the Convention; and
- .5 the International Maritime Solid Bulk Cargoes (IMSBC) Code, in accordance with the provisions of article VIII and regulation VI/1-1.1 of the 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 article VIII(b)(iii) and VIII(b)(iv) of the Convention.

3.3 The proposed amendments to the 1974 SOLAS Convention and to codes mandatory under the Convention had been circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the Convention by Circular letters No.3317 of 23 October 2012, No.3333 of 10 December 2012 and No.3334 of 11 December 2012.

3.4 Contracting Parties to the International Convention for Safe Containers, 1972 (1972 CSC), were invited to consider and adopt proposed amendments to the annexes to the Convention. Contracting Parties constituting more than one third of the total of Contracting Parties to the 1972 CSC were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of paragraphs 1 and 2 of article X of the 1972 CSC. The proposed amendments to the 1972 CSC had been circulated, in accordance with article X of the Convention, to all IMO Members and Contracting Parties to the Convention by Circular letter No.3336 of 11 December 2012.

3.5 Parties to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol) were invited to consider and adopt proposed amendments 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 paragraph 2(f)(ii)(bb) of article VI of the 1988 Load Lines Protocol. The proposed

amendments to the 1988 Load Lines Protocol had been circulated, in accordance with article VI of the Protocol, to all IMO Members and Parties to the Protocol by Circular letter No.3335 of 11 December 2012.

3.6 The Committee was also invited to consider and:

- .1 adopt the Code for Recognized Organizations (RO Code), approved at MSC 91, in conjunction with the adoption of the associated amendments to SOLAS chapter XI-1 and the 1988 Load Lines Protocol, making the provisions of parts 1 and 2 of the Code mandatory under the Convention and the Protocol;
- .2 adopt draft MSC resolutions on *Amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code)* (resolution A.414(XI)); *Amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1989 (1989 MODU Code)* (resolution A.649(16)) and *Amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009 (2009 MODU Code)* (resolution A.1023(26)), respectively;
- .3 adopt a draft MSC resolution on *Amendments to the Code of Safety for Dynamically Supported Craft (DSC Code)* (resolution A.373(X));
- .4 approve a draft MSC circular on Early implementation of amendments (02-13) to the International Maritime Solid Bulk Cargoes (IMSBC) Code;
- .5 approve a draft MSC circular on *Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the IMSBC Code and their conditions of carriage*;
- .6 approve a draft MSC circular on *Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes that may liquefy*; and
- .7 approve a draft revised version of MSC.1/Circ.1395 on Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective.

3.7 The Committee was further invited to consider the report of the Ad Hoc Working Group on the Consideration of the Issue of the Scope of Application of Amendments to SOLAS and Related Codes and Guidelines in a Holistic Manner, which was established by MSC 91 (see MSC 91/22, paragraph 3.33) and met during the five working days of FSI 21.

3.8 The Committee noted that document MSC 92/3/9 (Argentina) was considered under agenda item 8 since it related to the outcome of FP 56 (see paragraphs 8.2 and 8.3).

#### **PROPOSED NEW MANDATORY INSTRUMENT**

##### **Proposed Code for Recognized Organizations**

3.9 The Committee recalled that the draft Code for Recognized Organizations (RO Code) was developed by FSI 20 and approved by MSC 91, with a view to adoption at this session, in conjunction with the adoption of the related amendments to



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SOLAS chapter XI-1 and the 1988 Load Lines Protocol, making the provisions of parts 1 and 2 of the Code mandatory under the Convention and the Protocol.

3.10 The Committee also recalled that MSC 91 had:

- .1 noted that the RO Code should be made mandatory under the SOLAS, MARPOL and Load Lines Conventions by amending those mandatory provisions referring to resolutions A.739(18) on *Guidelines for the authorization of organizations acting on behalf of the Administration* and A.789(19) on *Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration*, under the tacit acceptance procedure; and
- .2 concurred with the decision of MEPC 64 relating to the adoption of separate MSC and MEPC resolutions for adopting and amending the RO Code.

3.11 The Committee noted that MEPC 65 had already considered the draft RO Code, taking into account proposals for modifications/clarifications contained in documents MEPC 65/6/3 (IACS) and MSC 92/3/12 (Democratic People's Republic of Korea), as well as other proposals made during MEPC 65, and had adopted the RO Code by resolution MEPC.237(65). MEPC 65 had also adopted resolution MEPC.238(65) on *Amendments to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973*, making parts 1 and 2 of the Code mandatory under Annexes I and II of MARPOL.

3.12 The Committee also noted that the draft text of the RO Code, as adopted by MEPC 65, was contained in document MSC 92/WP.5, including track changes indicating changes made by MEPC 65 to the draft Code, as approved by MSC 91 (MSC 91/22/Add.1, annex 19).

3.13 The Committee further noted that MEPC 65 had invited the Committee to ensure that the text of the RO Code adopted by both Committees remains identical.

3.14 In order to ensure consistency, the Committee considered the draft text of the RO Code as adopted by MEPC 65 (MSC 92/WP.5) and instructed the drafting group to prepare the final text of the Code, subject to editorial improvements, if any.

### ***Effective date of the Code***

3.15 The Committee noted that the Code would take effect on 1 January 2015 upon entry into force of the related amendments to SOLAS chapter XI-1 and the 1988 Load Lines Protocol, and in line with resolution MEPC.237(65).

## **PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION**

### **Proposed amendments to SOLAS chapter III**

#### ***Regulation 19 – Emergency training and drills***

3.16 The Committee recalled that the proposed amendments to SOLAS regulations III/19.2.2 and III/19.2.3 had been approved by MSC 91, following consideration of urgent issues raised by the Secretary-General related to the **Costa Concordia**, and that other proposed amendments to SOLAS regulation III/19 related to enclosed space entry and rescue drills had been developed by DSC 17 and approved by MSC 91.

3.17 The Committee noted that no comments had been submitted on the draft amendments to SOLAS regulations III/19.2.2 and III/19.2.3.

3.18 The Committee had for its consideration document MSC 92/3/10 (Democratic People's Republic of Korea), commenting on the proposed amendments related to enclosed space entry and rescue drills and proposing a new requirement for each enclosed space entry and rescue drill to be included, as follows: "checking and use of instruments for measuring the atmosphere in enclosed spaces".

3.19 The Committee recalled that, at MSC 91, it had considered a proposal by DSC 17 (DSC 17/17, annex 8), to introduce mandatory carriage requirements for appropriate atmosphere testing instruments on board ships, and agreed to include, in the 2012-2013 biennial agenda of the DSC Sub-Committee and in the provisional agenda for DSC 18, an unplanned output on "Development of amendments to SOLAS and the relevant codes concerning mandatory carriage of appropriate atmosphere testing instruments on board ships", taking into account document MSC 91/13/3, with a target completion year of 2013, in association with the FP, BLG and STW Sub-Committees as and when requested by the DSC Sub-Committee.

3.20 During the ensuing discussions, the following views were expressed on the proposal included in document MSC 92/3/10:

- .1 The majority of delegations which spoke expressed support for the proposal;
- .2 Some delegations, in supporting the proposal, indicated that this kind of equipment was already on board many ships and, for safety reasons, they should be checked before entering and using them in enclosed spaces;
- .3 Some delegations were of the view that it would be premature to consider the addition of this requirement at this stage and that the Committee should wait for the relevant outcome of the DSC Sub-Committee before taking a final decision in this respect; and
- .4 Other delegations were hesitant in supporting the proposal since the proposed new requirement could be interpreted as part of the provisions of the new subparagraph 3.6.2.1 (i.e. "checking and use of personal protective equipment required for entry").

3.21 After consideration, the Committee decided to include the additional requirement for each enclosed space entry and rescue drill related to the checking and use of instruments for measuring the atmosphere in enclosed spaces, as proposed in document MSC 92/3/10.

3.22 The Committee confirmed the contents of the proposed amendments to SOLAS regulation III/19, subject to editorial improvements, if any.

### **Proposed amendments to SOLAS chapter V**

#### ***Regulation 19 – Carriage requirements for shipborne navigational systems and equipment***

3.23 The Committee had for its consideration document MSC 92/3/7 (Bahamas and Denmark), proposing amendments to SOLAS regulation V/19.1 with the aim to clarify the application of the mandatory carriage of a Bridge Navigational Watch Alarm System (BNWAS), as adopted by resolution MSC.282(86), for ships constructed before 1 July 2002.

3.24 The Committee noted that the provisions of SOLAS regulation V/19.1 "Application and requirements" were not amended by resolution MSC.282(86) and that no comments had been received on the proposed amendments.

3.25 After consideration, the Committee agreed to allow a phase-in of implementation for ships constructed before 1 July 2002 and exemptions for ships that would be taken permanently out of service within a period of two years after implementation.

3.26 The Committee confirmed the contents of the proposed amendments to SOLAS regulation V/19.1, subject to the inclusion of the above clarifications and editorial improvements, if any.

### **Proposed amendments to SOLAS chapter XI-1**

#### ***Regulation 1 – Authorization of recognized organizations***

3.27 The Committee recalled that the proposed amendments to SOLAS regulation XI-1/1 had been developed by FSI 20 and approved by MSC 91 in order to make parts 1 and 2 of the RO Code mandatory under the provisions of the SOLAS Convention.

3.28 The Committee recalled also that similar amendments to MARPOL Annexes I and II had already been adopted by MEPC 65 by resolution MEPC.238(65) making parts 1 and 2 of the RO Code mandatory under the provisions of the MARPOL Convention.

3.29 The Committee considered the draft amendments to SOLAS regulation XI-1/1, including additional modifications proposed by the Secretariat in order to clarify some provisions contained in the version approved by MSC 91, with an editorial correction in subparagraph (b) to replace the word "amended" with the word "adopted" and the deletion of the text within square brackets in subparagraph (c).

3.30 The Committee noted that no comments had been submitted on the draft amendments to SOLAS regulation XI-1/1 and confirmed their contents, as modified by the Secretariat, subject to editorial improvements, if any.

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

3.31 The Committee agreed that the SOLAS amendments proposed for adoption at the current session should be deemed to have been accepted on 1 July 2014 and to enter into force on 1 January 2015.

### **PROPOSED AMENDMENTS TO MANDATORY CODES**

#### ***Proposed amendments to the 1994 and 2000 HSC Codes***

3.32 The Committee recalled that the proposed amendments to the 1994 and 2000 HSC Codes had been developed by DSC 17 and approved by MSC 91, as part of the consequential amendments related to the proposed amendments to SOLAS regulation III/19 relating to enclosed space entry and rescue drills and, having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any.

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

3.33 The Committee agreed that the amendments to the 1994 and 2000 HSC Codes, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2014 and enter into force on 1 January 2015.

***Proposed amendments to the ISM Code***

3.34 The Committee recalled that the proposed amendments to the ISM Code had been developed by STW 43 and approved by MSC 91, and, having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any.

3.35 The Committee also recalled that, at MSC 91, it had approved a new paragraph to be added to the foreword of the publication of the Code to clarify the intent of footnotes and that the Secretariat had been requested to amend the text of the publication accordingly (MSC 91/22, paragraph 11.8).

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

3.36 The Committee agreed that the amendments to the ISM Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2014 and to enter into force on 1 January 2015.

***Proposed amendments to the IMSBC Code***

3.37 The Committee recalled that the proposed amendments to the IMSBC Code had been developed by DSC 17 and finalized by E&T 18.

3.38 The Committee had for its consideration document MSC 92/3/8 (Norway) commenting on the proposed amendments and proposing an adjustment to the bulk density and the corresponding stowage factor for ilmenite (upgraded) to cover Norwegian ilmenite.

3.39 Having concurred with the above proposal, the Committee confirmed the contents of the draft amendments to the IMSBC Code, subject to editorial improvements, if any.

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

3.40 The Committee agreed that the amendments to the IMSBC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2014 and to enter into force on 1 January 2015.

3.41 The Committee also agreed that, in accordance with normal practice, Contracting Governments to the SOLAS Convention might apply the above amendments to the IMSBC Code from 1 January 2014, on a voluntary basis.

***PROPOSED AMENDMENTS TO THE 1972 CSC******Proposed amendments to annexes I, II, III and IV of the 1972 CSC***

***Annex I – Regulations for the testing, inspection, approval and maintenance of containers***

***Annex II – Structural safety requirements and tests***

***Annex III – Control and verification***

***Annex IV – Definitions***

3.42 The Committee recalled that the proposed amendments to the 1972 CSC had been developed by DSC 17 and approved by MSC 91 and noted that no comments had been received on the draft amendments.

3.43 After consideration, the Committee agreed to:

- .1 remove the square brackets around the date "1 July 2014" in the new proposed paragraph 5 of regulation I/1; and
- .2 move the contents of the draft annex IV (definitions) into annexes I and II and delete draft annex IV.

3.44 The Committee confirmed the contents of the proposed amendments to the annexes of the 1972 CSC, including the above modifications and subject to editorial improvements, if any.

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

3.45 The Committee agreed that the amendments to the 1972 CSC, proposed for adoption at the current session, should be deemed to have been accepted on 1 January 2014 and to enter into force on 1 July 2014.

**PROPOSED AMENDMENTS TO THE 1988 LOAD LINES PROTOCOL**

**Proposed amendments to annex I – Regulations for determining Load Lines**

***Regulation 2-1 – Authorization of recognized organizations***

3.46 The Committee recalled that the proposed amendments to the 1988 Load Lines Protocol had been developed by FSI 20 and approved by MSC 91 in order to make parts 1 and 2 of the RO Code mandatory under the provisions of the 1988 Load Lines Protocol.

3.47 The Committee considered the draft amendments to regulation I/2-1, including additional modifications proposed by the Secretariat in order to clarify some provisions contained in the version approved by MSC 91, with an editorial correction in subparagraph (b) to replace the word "amended" with the word "adopted" and the deletion of the text within square brackets in subparagraph (c).

3.48 The Committee noted that no comments had been submitted on the draft amendments to the 1988 Load Lines Protocol and confirmed their contents, as modified by the Secretariat, subject to editorial improvements, if any.

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

3.49 The Committee agreed that the amendments to the 1988 Load Lines Protocol proposed for adoption at the current session should be deemed to have been accepted on 1 July 2014 and enter into force on 1 January 2015.

**NON-MANDATORY INSTRUMENTS**

**Proposed consequential amendments to the 1979, 1989 and 2009 MODU Codes and the DSC Code**

3.50 The Committee recalled that the proposed amendments to the 1979, 1989 and 2009 MODU Codes and the DSC Code had been developed by DSC 17 in order to be adopted in conjunction with the relevant amendments to SOLAS regulation III/19 related to enclosed space entry and rescue drills.

3.51 The Committee noted that no comments had been submitted on the draft amendments to the 1979, 1989 and 2009 MODU Codes and the DSC Code and agreed to add recommendations in the requisite resolutions inviting all Governments concerned to take appropriate steps to give effect to the amendments to the codes on or after 1 January 2015, in conjunction with the related amendments to SOLAS regulation III/19.

3.52 With regard to the draft amendments to the DSC Code, the Committee agreed to delete the words "and in accordance with SOLAS regulation III/19.3.5", since these words were not used in the draft amendments to the 1979, 1989 and 2009 MODU Codes.

3.53 The Committee confirmed the contents of the proposed amendments to the 1979, 1989 and 2009 MODU Codes and the DSC Code, including the above modifications, and subject to editorial improvements, if any.

#### **RELATED DRAFT MSC CIRCULARS**

#### **Draft MSC circular on Early implementation of amendments to the International Maritime Solid Bulk Cargoes (IMSBC) Code and other draft MSC circulars associated with the IMSBC Code**

3.54 The Committee recalled that, at MSC 91, it had agreed to forward the draft MSC circular on Early implementation of amendments (02-13) to the International Maritime Solid Bulk Cargoes (IMSBC) Code for consideration at this session, with a view to approval, together with the associated amendments to the IMSBC Code.

3.55 The Committee considered the draft MSC circular on Early implementation of amendments (02-13) to the International Maritime Solid Bulk Cargoes (IMSBC) Code, including the following draft MSC circulars associated with the IMSBC Code, which had been prepared by E&T 18, as instructed by DSC 17: the draft *Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the IMSBC Code and their conditions of carriage*; the draft *Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes that may liquefy*; and the draft revision to MSC.1/Circ.1395 on Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective.

3.56 Having noted that no comments had been received on the proposed draft MSC circulars, the Committee agreed on the following additional modifications to the text of the draft MSC circulars contained in document MSC 92/3/5:

- .1 annex 1: deleting the square brackets around the words "as soon as practicable" in paragraph 1; and
- .2 annexes 2 and 3: deleting the square brackets in paragraphs 1 and 2.

3.57 The Committee noted that amendment (02-13) to the IMSBC Code was expected to enter into force on 1 January 2015 and that Contracting Governments might apply them from 1 January 2014, on a voluntary basis in accordance with usual practice. In this context, the Committee also noted that DSC 18 would consider further amendments to the Code with respect to iron ore fines, which might be included in the next package of amendments to the Code (03-15), based on the outcome of the correspondence group established by DSC 17 and taking into account relevant research outcomes.

3.58 The Committee confirmed the contents of the draft MSC circulars, including the above modifications, subject to editorial improvements, if any.

**Report of the Ad Hoc Working Group on the Consideration of the issue of the scope of application of amendments to SOLAS and related codes and guidelines**

3.59 The Committee recalled that, at MSC 91, having considered issues related to the drafting of amendments to the SOLAS Convention and related mandatory codes, it had established the Ad Hoc Working Group on the Consideration of the Issue of the Scope of Application of Amendments to SOLAS and Related Codes and Guidelines in a Holistic Manner (the group), which had met during FSI 21 under the chairmanship of Mr. Motonobu Tsuchiya (United Kingdom) and with the terms of reference set out in paragraph 3.33 of document MSC 91/22.

3.60 The Committee had for its consideration document MSC 92/3/6 (Secretariat) containing the report of the group and the following commenting documents:

- .1 MSC 92/3/11 (Democratic People's Republic of Korea) providing comments with respect to the three options considered by the group for the intervals of adoption and entry into force of amendments to the SOLAS Convention;
- .2 MSC 92/3/13 (Germany and Spain) commenting on the preliminary drafting procedure prepared by the Chairman of the group (MSC 92/3/6, annex 2), including an example of how SOLAS regulation II-2/1 would have evolved following this drafting procedure;
- .3 MSC 92/3/14 (Spain) commenting on the proposals made by the group and providing an example of how regulations contained in SOLAS chapter II-2 could be redrafted when performing a comprehensive revision of the chapter;
- .4 MSC 92/3/15 (Germany) providing comments on inconsistencies identified with regard to the terminology used in different chapters of the SOLAS Convention and recommending that, in order to guarantee uniform application of the provisions of the SOLAS Convention to the greatest possible extent, any systematic approach to be developed should address all aspects related to the drafting of amendments other than the application date, location and methodology of application provisions and exemptions; and
- .5 MSC 92/3/16 (Germany) commenting on annexes 2 and 3 relating to the drafting of amendments to the SOLAS Convention, in particular with respect to the use of date of contract.

3.61 The Committee considered the report of the group along with the commenting documents and took action as indicated in the ensuing paragraphs.

3.62 The Committee recalled that the four-year interval for the entry into force of amendments to its conventions and codes had been adopted in the past by MSC 59, allowing shorter periods under exceptional circumstances if, on the basis of experience, it was deemed necessary to do so in order to rectify a mistake or for any other compelling reason. The Committee noted that the above practice had been discontinued during recent years.

3.63 The Committee also noted:

- .1 the list of issues related to the scope of application of amendments to the SOLAS Convention and related mandatory instruments identified by the group;
- .2 the main drafting challenges and considerations related to the improvement of current drafting practices, including the issues related to the use of the expression "all ships" in different chapters of the SOLAS Convention, as pointed out by Germany in document MSC 92/3/15;
- .3 the issues and observations related to the publishing of the SOLAS Convention and the authentic text of adopted amendments;
- .4 the discussions of the group related to the methodology for amending the SOLAS Convention and related codes and mandatory instruments, including the drafting of amendments and, in particular, that the group could not reach consensus on the specific use of any of the methodologies discussed; and
- .5 the progress made with the preparation of draft interim guidance on drafting of amendments to SOLAS chapters II-2 and III.

3.64 With regard to making the "SOLAS on the web" product available to Member States and accredited observer organizations, at no cost, in order to be used as a reference to a continuous updated version of the SOLAS Convention, the Committee agreed to request the Secretariat to consider the proposal made by the group and report back to the Committee in due course.

3.65 With respect to the issues related to the authentic text of adopted amendments, the Committee noted that the Secretariat was implementing a system in IMODOCS in order to make copies of the authentic text of adopted amendments electronically available and that Member States would be advised accordingly by means of a circular letter, in due course.

3.66 In order to facilitate consideration of the group's report and the commenting documents and in the absence of a working group at this session to review in detail the work of the group and related documents, the Chairman invited the Committee to give general consideration to the issues in plenary, with a view to establishing a correspondence group to continue the work on the drafting of amendments intersessionally and finalization of the guidance, at its next session. In this respect, the Chairman indicated that the drafting group on amendments could be instructed to prepare draft terms of reference for the above correspondence group, taking into account any relevant decisions made in plenary. To provide clear directions, the Chairman put forward for consideration the following questions:

- .1 Should the four-year period for the entry into force of amendments to the SOLAS Convention and related mandatory codes be reinstated, allowing shorter intervals under exceptional circumstances? If yes, should amendments be adopted by a single resolution or by separate resolutions at each session of the Committee?;
- .2 Should the general application date of the chapter only be changed if a comprehensive revision of the chapter is made and, if so, should the application date of new requirements be indicated under each new or amended regulation?;



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- .3 Should the guidance on drafting of amendments be applicable to the entire SOLAS Convention or only to certain chapters?; and
  - .4 Should the *Guidelines on the organization and method of work of the Committees* be amended so as to include process control elements?

3.67 Having agreed with the proposed way forward, the Committee considered the above questions and agreed that:

- .1 the four-year period for the entry into force of amendments to the SOLAS Convention and related mandatory codes should be reinstated, allowing shorter intervals under clearly defined exceptional circumstances, with adoption of amendments at each session of the Committee by separate resolutions (with the same date of entry into force), as appropriate;
- .2 the general application date of a chapter should only be changed if a comprehensive revision of the chapter is made and, after that, the application date of new requirements should be indicated under each new or amended regulation;
- .3 the guidance on drafting of amendments should be applicable to the entire SOLAS Convention and related mandatory codes; and
- .4 the *Guidelines on the organization and method of work of the Committees* should not be amended at this stage, with the understanding that this should be reconsidered in the future once the guidance on the drafting of amendments had been finalized and tested, including the consideration of whether the application of the guidance could be expanded to other Conventions and instruments (e.g. MARPOL Convention).

#### **ESTABLISHMENT OF THE DRAFTING GROUP**

3.68 Following discussion, the Committee established an ad hoc drafting group and instructed it, taking into account the decisions taken in plenary, to prepare, for consideration by the Committee with a view to adoption or approval, as appropriate:

- .1 the final text of the draft amendments to the 1974 SOLAS Convention, as amended, including the 1994 and 2000 HSC Codes and the ISM and IMSBC Codes, together with the associated MSC resolutions;
- .2 the final text of the RO Code and the associated draft MSC resolution;
- .3 the final text of the draft amendments to the 1972 CSC and the associated draft MSC resolution;
- .4 the final text of the draft amendments to the 1988 Load Lines Protocol, as amended, and the associated draft MSC resolution;
- .5 the final text of the draft amendments to the 1979, 1989 and 2009 MODU Codes and the DSC Code, and the associated draft MSC resolutions;
- .6 the final text of the draft MSC circular on Early implementation of amendments (02-13) to the International Maritime Solid Bulk Cargoes (IMSBC) Code;

- .7 the final text of the draft MSC circular on *Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the IMSBC Code and their conditions of carriage*;
- .8 the final text of the draft MSC circular on *Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes that may liquefy*;
- .9 the final text of the draft MSC circular on Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective (to be issued as MSC.1/Circ.1395/Rev.1); and
- .10 draft terms of reference for the Correspondence Group on Development of Guidance on Drafting of Amendments to the SOLAS Convention and Related Mandatory Codes.

#### **REPORT OF THE DRAFTING GROUP**

3.69 Having considered the part of the report of the drafting group related to this agenda item (MSC 92/WP.7), the Committee approved it in general and took action as indicated below (see also paragraphs 8.3 and 8.4).

#### **Adoption of a new mandatory instrument**

##### ***Adoption of the Code for Recognized Organizations***

3.70 The Committee considered the final text of the code prepared by the drafting group (MSC 92/WP.7, annex 1) and, having noted minor editorial modifications, adopted the Code for Recognized Organizations by resolution MSC.349(92), as set out in annex 1.

3.71 The delegation of Ireland made a statement in relation to the adoption of the RO Code, as set out in annex 46. The delegations of Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom aligned themselves with the statement provided by Ireland.

3.72 In response to the aforementioned statement, the delegation of Japan made a statement, which is also set out in annex 46. The delegations of Angola, Antigua and Barbuda, Australia, the Bahamas, Belize, Canada, China, the Cook Islands, Dominica, India, Indonesia, Kenya, Kiribati, Liberia, Malaysia, the Marshall Islands, Mexico, New Zealand, Nigeria, Panama, the Republic of Korea, the Russian Federation, Singapore, the United Republic of Tanzania, the United States and Vanuatu aligned themselves with the statement made by Japan.

#### **Adoption of amendments to the 1974 SOLAS Convention and mandatory codes**

##### ***Adoption of amendments to the 1974 SOLAS Convention***

3.73 The expanded Committee, including the delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the Convention, prepared by the drafting group (MSC 92/WP.7, annex 2), and adopted the amendments unanimously by resolution MSC.350(92), as set out in annex 2.

3.74 In adopting resolution MSC.350(92), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Convention should be deemed to have been accepted on 1 July 2014 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2015, in accordance with the provisions of article VIII thereof.

#### ***Adoption of amendments to the 1994 and 2000 HSC Codes***

3.75 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 1994 and 2000 HSC Codes, prepared by the drafting group (MSC 92/WP.7, annexes 3 and 4) and, having agreed to remove the square brackets in the draft amendments to the codes, adopted the amendments unanimously by resolutions MSC.351(92) and MSC.352(92), as set out in annexes 3 and 4, respectively.

3.76 In adopting resolutions MSC.351(92) and MSC.352(92), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 1994 and 2000 HSC Codes should be deemed to have been accepted on 1 July 2014 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2015, in accordance with the provisions of SOLAS article VIII.

#### ***Adoption of amendments to the ISM Code***

3.77 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the ISM Code, prepared by the drafting group (MSC 92/WP.7, annex 5), and adopted the amendments unanimously by resolution MSC.353(92), as set out in annex 5.

3.78 In adopting resolution MSC.353(92), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the ISM Code should be deemed to have been accepted on 1 July 2014 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2015, in accordance with the provisions of SOLAS article VIII.

#### ***Adoption of amendments to the IMSBC Code***

3.79 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, having considered the final text of the proposed amendments to the IMSBC Code, prepared by the drafting group (MSC 92/WP.7, annex 6), adopted the amendments unanimously by resolution MSC.354(92), as set out in annex 6, and requested the Secretariat to update the table of contents of the code accordingly.

3.80 In adopting resolution MSC.354(92), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IMSBC Code should be deemed to have been accepted on 1 July 2014 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2015, in accordance with the provisions of SOLAS article VIII.

### **Adoption of amendments to the 1972 CSC**

3.81 The Committee, including delegations of 64 Contracting Parties to the 1972 CSC, considered the final text of the proposed amendments to the Convention, prepared by the drafting group (MSC 92/WP.7, annex 7), and adopted the amendments unanimously by resolution MSC.355(92), as set out in annex 7.

3.82 In adopting resolution MSC.355(92), the Committee determined, in accordance with paragraph 2 of article X of the 1972 CSC, that the adopted amendments to the Convention should enter into force on 1 July 2014 unless, prior to 1 January 2014, five or more of the Contracting Parties notify the Secretary-General of their objection to the amendments, in accordance with paragraph 3 of article X thereof.

### **Adoption of amendments to the 1988 Load Lines Protocol**

3.83 The expanded Committee, including the delegations of 77 Parties to the 1988 Load Lines Protocol, considered the final text of the proposed amendments to annex I to the Protocol, prepared by the drafting group (MSC 92/WP.7, annex 8), and adopted the amendments unanimously by resolution MSC.356(92), as set out in annex 8.

3.84 In adopting resolution MSC.356(92), the expanded Committee determined, in accordance with article VI of the 1988 Load Lines Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 July 2014 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VI of the 1988 Load Lines Protocol) and should enter into force on 1 January 2015, in accordance with the provisions of article VI of the 1988 Load Lines Protocol.

### **Adoption/approval of amendments to non-mandatory instruments**

3.85 The Committee considered the final text of amendments to non-mandatory instruments prepared by the drafting group (MSC 92/WP.7, annexes 9 to 12) and, having agreed to remove the square brackets in the draft amendments to the 1979, 1989 and 2009 MODU Codes:

- .1 adopted the amendments to:
  - .1 the 1979, 1989 and 2009 Codes for the Construction and Equipment of Mobile Offshore Drilling Units (1979, 1989 and 2009 MODU Codes), by resolutions MSC.357(92), MSC.358(92) and MSC.359(92), as set out in annexes 9, 10 and 11, respectively; and
  - .2 the Code of Safety for Dynamically Supported Craft (DSC Code), by resolution MSC.360(92), as set out in annex 12; and
- .2 approved the following MSC circulars:
  - .1 MSC/Circ.1452 on Early implementation of amendments (02-13) to the International Maritime Solid Bulk Cargoes (IMSBC) Code;
  - .2 MSC/Circ.1453 on *Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the IMSBC Code and their conditions of carriage*;

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- .3 MSC/Circ.1454 on *Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes which may liquefy*; and
  - .4 MSC/Circ.1395/Rev.1 on Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective.

## Other matters

### ***Establishment of a correspondence group***

3.86 To progress the work intersessionally, the Committee established the Correspondence Group on the Development of Guidance on Drafting of Amendments to the SOLAS Convention and Related Mandatory Codes, under the coordination of the United Kingdom<sup>1</sup>, and instructed it, taking into account relevant decisions made at this session (see paragraph 3.67), to:

- .1 review and finalize the draft guidance on drafting of amendments to the SOLAS Convention and related mandatory codes, taking into account comments and recommendations provided in documents MSC 92/3/13, MSC 92/3/14 and MSC 92/3/16 and issues contained in document MSC 92/3/6 that were not addressed at MSC 92;
- .2 review and finalize the draft "roadmap" for the implementation of the methodology for existing and future amendments (MSC 92/3/6, annex 4); and
- .3 submit a report to MSC 93, with the view to finalization of the above guidance and "roadmap" at that session.

3.87 The Committee agreed that, during the preparation of the above guidance, the correspondence group should, in particular:

- .1 address the consequences of the "four-year period entry-into-force" scheme with separate MSC resolutions and develop details of a workable solution, which might entail at least the following:
  - .1 further detailed criteria for allowing "exceptional circumstances" for the entry into force of amendments between the regular four-year period; and
  - .2 any other possible consequential changes in the work methods and drafting practices;

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<sup>1</sup>

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- .2 further develop the relevant part of the guidance to reflect decisions taken at this session; and
- .3 further review the following issues that were not addressed at this session:
  - .1 the main drafting challenges and considerations related to the improvement of current drafting practices;
  - .2 the MSC drafting group on amendments to be instructed to review texts of draft amendments at the approval stage;
  - .3 possible instruction to the Secretariat to produce, where applicable, track-change versions of proposed amendments, as follows:
    - .1 at the sub-committee level in relation to the process of the work; and
    - .2 at the MSC drafting group prior to the final adoption of the proposed amendments; and
  - .4 keep the list of issues related to the scope of application under review (MSC 92/3/6, annex 1) and address them as part of the guidance, as appropriate.

3.88 The Committee also agreed that the correspondence group should also address, if time permits, the issue relating to "drafting terminology" (MSC 92/3/15 and relevant parts of document MSC 92/3/6).

3.89 The Committee endorsed the views of the group related to the need to establish a working group at MSC 93 to review the outcome of the correspondence group at its next session in order to finalize the guidance and the need for the assistance and participation of the Secretariat during the work of the correspondence group (see paragraph 23.31.3).

#### **INSTRUCTIONS TO THE SECRETARIAT**

3.90 In adopting the aforementioned amendments, new mandatory instrument and related instruments, the Committee authorized the Secretariat, when preparing the authentic texts of the amendments, as appropriate, to make any editorial corrections that may be identified, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions which require action by the Contracting Governments to the 1974 SOLAS Convention or Contracting Parties to the 1972 CSC, or Parties to the 1988 Load Lines Protocol.

#### **4 MEASURES TO ENHANCE MARITIME SECURITY**

4.1 In considering the communication of security-related information to the Organization (MSC 92/4), the Committee noted the changes to the access to the GISIS Maritime Security Module and the responses received in relation to Circular letter No.3338 and that a number of Contracting Governments had yet to update their information and were, therefore, not fulfilling their obligations under SOLAS regulation XI-2/13 on "Communication of information". Noting that this is a mandatory requirement and that the information contained in the module is increasingly being used for operational purposes, the Committee urged Contracting Governments to nominate a national point of contact to interface with the Organization on maritime security matters by following the procedures outlined in Circular letter No.3338.

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4.2 The Committee further urged Contracting Governments to provide detailed and complete information on:

- .1 the date of the latest review of the port facility security plan;
- .2 the contact details for PFSOs of ISPS-compliant port facilities; and
- .3 the contact details for designated recipients of maritime security-related communications, including:
  - .1 national authorities responsible for ship security;
  - .2 national authorities responsible for port facility security;
  - .3 recipients of SSAS alerts; of maritime security-related communications from other Contracting Governments; and of requests for assistance with security incidents; and
  - .4 names of recognized security organizations (RSOs), if any, approved by the State, and the terms of that approval.

4.3 The Committee noted the following outcomes of FAL 38 related to maritime security:

- .1 that the FAL Committee agreed it was desirable to harmonize the FAL Convention with the WCO SAFE Framework of Standards, but without making provisions within the Framework compulsory in the Convention, and agreed to refer the matter to the Working Group on General Review and Implementation of the Convention, for its consideration;
- .2 that the same working group had also been tasked with considering possible revisions to Standard 3.44 of the FAL Convention, in order to reduce discriminatory treatment of seafarers in respect of shore leave and access to shoreside medical facilities based on their nationality or religious belief; and
- .3 with respect to stowaway incidents, that in order to address under-reporting of the scale of problem of stowaways when compared to figures provided by the P&I Clubs, the FAL Committee had agreed to encourage Member States (particularly flag States) and non-governmental organizations to provide information on stowaway cases to IMO, making use of the GISIS module, and had also agreed that further technical co-operation actions were needed to reduce the number of stowaways through adequate security measures within the ports of these countries.

4.4 The Committee considered document MSC 92/4/1 (Republic of Korea) proposing to draft new guidelines for Companies performing security activities in accordance with the ISPS Code, and concluded that there was no need for new guidance on the matter at this time.

## **5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS**

### **Background**

5.1 The Committee recalled that MSC 90 had agreed on a work plan for the development of *Interim Guidelines for the safety-level approach (SLA)* and had also established a correspondence group and instructed it to develop draft *Guidelines for the*

*approval of alternatives and equivalents as provided for in various IMO instruments* and to submit an interim report to MSC 91 and a final report to this session.

5.2 The Committee also recalled that MSC 91, having considered, inter alia, the interim report of the correspondence group (MSC 91/5) and the report of the GBS Working Group (MSC 91/WP.9), had noted that, with respect to the aforementioned work plan, no changes to the plan were required at that time, and had approved revised terms of reference for the correspondence group, as set out in paragraph 5.16 of document MSC 91/22.

### **Report of the GBS Correspondence Group**

5.3 The Committee considered the report of the correspondence group (MSC 92/5 and MSC 92/INF.5) and noted the progress made in developing the contents of the *Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments*; that the group had further considered their applicability and had agreed to follow the draft text of paragraph 1.3 of the base documents (MSC 91/WP.9/Add.1 and MSC 86/5/3), which states that the draft Guidelines are intended for application to areas within IMO instruments that allow for alternative design and arrangements; and that it would be taken into account as the work on the draft Guidelines continued.

5.4 In the context of the above, the Committee considered document MSC 92/5/1 (Republic of Korea) commenting on the report of the correspondence group, emphasizing that the draft *Guidelines for the approval of alternatives and equivalents* will be an important reference in developing the detailed safety-level approach (SLA)-GBS in the future and introducing the need for further consideration of the strategy for defining evaluation criteria in the draft Guidelines.

5.5 The Committee considered the report of the GBS Correspondence Group together with the above-related document and, having approved it in general, took the following action:

- .1 noted the progress of the correspondence group, in particular the completed work on sections 1, 3, 4, 5, 6 and 7, as set out in the draft Guidelines (MSC 92/INF.5);
- .2 noted the substantive changes in the text of the draft Guidelines and instructed the GBS Working Group to consider the draft text, in particular those parts listed by the group in the annex to their report;
- .3 endorsed the proposal of the group to consolidate the existing IMO *Guidelines on alternative design and arrangements* in a single instrument;
- .4 endorsed the group's conclusion regarding the title of the draft guidelines, which had been agreed by the GBS Working Group established at MSC 91, i.e. *Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments*;
- .5 endorsed the group's conclusion regarding the associated MSC circular, i.e. to use option 1 as shown in annex 1 to document MSC 91/WP.9 (MSC 92/5, paragraph 15);



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- .6 noted the discussion on the verification process and instructed the GBS Working Group to further consider the process, taking into account the issues raised by the group in paragraph 16 of their report and to advise the Committee accordingly; and
- .7 noted that no information had been received by the group on how Member States and international organizations may have used the *Guidelines on approval of risk-based ship design* (MSC 86/5/3, annex) for the approval of alternatives and equivalents and reiterated the request from MSC 91 for Member States and international organizations to submit relevant information.

5.6 With regard to applicability of the draft *Guidelines for the approval of alternatives and equivalents*, the Committee, having noted the correspondence group's deliberations (MSC 92/5, paragraphs 5 to 8), did not agree with the view expressed by the majority of the group to use option 2 (MSC 92/5, paragraph 5), i.e. application to areas within IMO instruments (statutory regulations) that allow for alternative design and arrangements. In this context, the Committee recalled that SOLAS regulation I/5 allows the approval of equivalents by Administrations and requires relevant information to be reported to the Organization for circulation as an SLS circular, which has been the practice for many years without any guidance being provided. The Committee also noted the views of delegations that expansion of the scope of application of the draft Guidelines to other IMO instruments could be problematic, since no experience on the use of the Guidelines had yet been gained.

5.7 Subsequently, albeit noting that the draft Guidelines provide a structured approach for the approval of alternative and equivalent designs, the Committee confirmed that it was the prerogative of Administrations to approve alternatives and equivalents, and that, therefore, the decision on the scope of application falls under their purview and should not be prescribed in the Guidelines.

### **Safety-level approach (SLA)**

5.8 The Committee recalled that MSC 91 had noted the elements to be included in the draft *Interim Guidelines for the safety-level approach (SLA)*, developed by the GBS Working Group (MSC 91/WP.9, annex 2).

5.9 In this connection, the Committee agreed to concentrate at this session on finalizing the draft *Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments*, and instructed the GBS Working Group to further consider the development of interim guidelines for the safety-level approach only if time permits, taking into account annex 2 to document MSC 91/WP.9, and to advise the Committee accordingly.

### **Establishment of the GBS Working Group**

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

- .1 finalize the draft *Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments*, based on documents MSC 92/5 and MSC 92/INF.5, and taking into account document MSC 92/5/1, giving special consideration to the substantive changes in the draft text, as listed in the annex to document MSC 92/5;

- .2 finalize the associated draft MSC circular cover note for the above draft Guidelines, based on option 1 of annex 1 to document MSC 91/WP.9;
- .3 further consider the verification process for approving alternatives and equivalents, taking into account paragraph 16 to document MSC 92/5 and advise the Committee accordingly; and
- .4 if time permits, further consider the development of interim guidelines for the safety-level approach, taking into account annex 2 to document MSC 91/WP.9, and advise the Committee accordingly.

### **Report of the GBS Working Group**

5.11 Having considered the report of the working group (MSC 92/WP.9), the Committee approved it in general and took action as described in the following paragraphs.

#### ***Development of guidelines on the evaluation criteria determination***

5.12 Having noted that the group proposed to develop guidelines on evaluation criteria determination, which would be a separate document from the draft *Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments*, the Committee noted that general evaluation criteria are already addressed in the aforementioned draft Guidelines and that therefore there is currently no need for the development of additional guidelines. Nevertheless, some delegations were of the view that there was a need to develop guidelines on evaluation criteria determination, which would be beneficial for the implementation of the draft Guidelines for the approval of alternatives and equivalents. Having considered the above views, the Committee endorsed the group's recommendation to consider the development of guidelines on evaluation criteria determination, at a later stage.

#### ***Existing IMO guidance concerning alternative designs and arrangements***

5.13 The Committee, noting that these Guidelines are ship-specific, endorsed the group's recommendation to further consider developing consolidated guidelines for the approval of alternative and equivalent designs.

#### ***Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments***

5.14 In considering the draft Guidelines for the approval of alternatives and equivalents, two views emerged:

- .1 that the draft Guidelines should be interim, since they leave many issues to the discretion of the Administrations, which could potentially be problematic in cases of change of flag and also for port State control purposes; additionally that, according to the draft Guidelines, the Organization and/or the Administration should define the evaluation criteria, but there is no detailed procedure on how to define such criteria; and
- .2 IMO mandatory instruments have allowed the approval of equivalents by Administrations for decades, and currently there is no structured documentation on guidance for such approvals. The draft Guidelines are recommendatory, and therefore their application is left to the discretion of Administrations. It is important that experience is gained by Administrations

in their use, so that any feedback can be reported to the Organization; if there is need, a revision of the Guidelines can be undertaken in the future.

5.15 Having considered the above views, the Committee approved MSC.1/Circ.1455 on *Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments* and encouraged Member Governments to apply the Guidelines when approving alternatives and equivalents and provide feedback to the Organization on experience gained with their application.

5.16 In the context of the above decision, the delegation of Greece, supported by other delegations, expressed the view that the aforementioned Guidelines require further work in order to be regarded as complete. The full text of their statement is set out in annex 46.

### ***Development of Interim Guidelines for the safety-level approach (SLA)***

5.17 Having noted the group's discussions on the development of *Interim Guidelines for the safety-level approach (SLA) to the IMO rule-making process*, the Committee invited Member Governments and international organizations to submit comments and proposals on elements for consideration in the development of such guidelines (MSC 92/WP.9, annex 2) to MSC 93.

## **6 PASSENGER SHIP SAFETY**

### **BACKGROUND**

6.1 The Committee recalled that MSC 90 had agreed that the fatal capsizing of the **Costa Concordia** had raised new challenges for the Organization that needed to be addressed expeditiously to ensure the safety of passengers at sea. In particular, it was agreed that a two-pronged approach should be taken, namely: consideration of short-term measures related to passenger ship operations and management; and development of a long-term action plan for the remaining work, which would be based on the **Costa Concordia** accident investigation report.

6.2 The Committee noted the information provided in document MSC 92/6 (Secretariat) relating to the discussions and action taken on passenger ship safety at MSC 91.

6.3 The Committee further recalled that MSC 91 had:

- .1 re-established its Working Group on Passenger Ship Safety and, having considered its report, approved draft amendments to SOLAS chapter III on emergency drills and updated the Recommended interim measures for passenger ship companies, which has been issued as MSC.1/Circ.1446/Rev.1; and
- .2 approved the Revised long-term action plan on passenger ship safety, as set out in annex 3 to document MSC 91/WP.8.

### **COSTA CONCORDIA CASUALTY INVESTIGATION REPORT AND RECOMMENDATIONS**

6.4 The Committee considered document MSC 92/6/3 (Italy), providing the preliminary recommendations arising from the marine casualty investigation into the capsizing of the passenger ship **Costa Concordia**, together with documents MSC 92/INF.6 (Italy), informing that the casualty investigation report had been uploaded to GISIS, MSC 92/6/8 (IUMI) and MSC 92/6/10 (CLIA), both commenting on the preliminary recommendations.

6.5 In considering the above documents, the Committee noted the following views expressed during the discussion:

- .1 Due to the late availability of the official casualty report, Member States and international organizations had not had sufficient time to scrutinize the report in detail, and thus certain issues still needed to be clarified, which might require work to be conducted intersessionally before any comprehensive actions could be taken;
- .2 The background information supporting the preliminary recommendations in the casualty investigation report was difficult to find and the working group to be established should consider linking the various recommendations to the relevant parts of the report;
- .3 Any proposed measures recommended by the working group to be established should be linked to the outcome of the casualty investigation report; their scope of application should be clearly established; and preparation of requisite justifications for any proposed new or expanded outputs should be in SMART terms;
- .4 A formal safety assessment study may be needed to evaluate the effectiveness of any substantial recommended measures, particularly measures that could impact on all types of passenger ships;
- .5 Some delegations expressed the view that there may be a need to consider preparing definitions for different types and sizes of passenger ships, while others pointed out that this issue had already been thoroughly discussed during the passenger ship safety initiative; and
- .6 While some delegations felt that the principles of safe manning should be further reviewed, others pointed out that the principles had recently been revised with the adoption of resolution A.1047(27) together with the amendment of SOLAS regulation V/14, and that it was premature to conduct another review until experience is gained with the latest set of amendments, also noting that the ongoing revision to IMO model courses could be a better way to improve the situation than amending mandatory instruments.

6.6 Having considered the above comments, the Committee decided to refer documents MSC 92/6/3, MSC 92/6/8, MSC 92/6/10 and MSC 92/INF.6 to the working group for detailed consideration.

#### **RECOMMENDATIONS EMANATING FROM THE CRUISE INDUSTRY OPERATIONAL SAFETY REVIEW**

6.7 The Committee, having considered documents MSC 92/6/1 (CLIA) providing three new outputs from the Operational Safety Review and proposing to revise MSC.1/Circ.1446/Rev.1, and MSC 92/6/9 (CLIA) providing comments relating to the **Costa Concordia** incident, decided to refer the documents to the working group for consideration with a view to preparing revisions to MSC.1/Circ.1446/Rev.1, as appropriate.

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## OPERATIONAL SAFETY MEASURES TO ENHANCE THE SAFETY OF PASSENGER SHIPS

6.8 The Committee, having considered document MSC 92/6/5 (ICS) providing information on a review on operational safety measures carried out by ICS members' passenger ship operating companies, including ro-ro passenger ships and high-speed craft, decided to refer the document to the working group for detailed consideration and advice.

### EVACUATION ANALYSIS

6.9 The Committee considered document MSC 92/6/2 (Germany and Spain) expressing the view that simulation of evacuation procedures, including basic rules on how to carry out such simulation, should be made mandatory under SOLAS or the FSS Code, together with document MSC 92/6/4 (ITF and NI) providing comments on document MSC 92/6/2 and, having noted the views expressed during the discussion that:

- .1 consideration should be given to make simulation of evacuation procedures mandatory;
- .2 the outcome of the ongoing revision of related recommendations by the FP Sub-Committee (MSC.1/Circ.1238) should be taken into account in making the final decision to make it mandatory; and
- .3 there would always be the need for a well-trained crew to provide professional assistance during evacuations,

agreed to refer the above documents to the working group for detailed consideration and advice.

### SURVIVABILITY OF PASSENGER SHIPS

6.10 The Committee considered documents MSC 92/6/6 (Austria et al.) providing information on the results of the studies on damage stability of ro-ro passenger ships and a goal-based damage stability research and demonstration project proposing a two-phase approach to review and improve the survivability of passenger ships after damage, and MSC 92/6/7 (United States) commenting on document MSC 92/6/6.

6.11 During the ensuing discussion, the Committee noted the views of some delegations that a compelling need should be established before considering the expansion of ongoing work on damage stability, while others expressed the view that the FSA Experts Group should be instructed to consider the research project and advise the Committee. In this connection, the IFSMA observer made a statement, which is set out in annex 46.

6.12 After a brief discussion, the Committee decided to refer documents MSC 92/6/6 and MSC 92/6/7 to the working group for detailed consideration and advice.

### RE-ESTABLISHMENT OF THE WORKING GROUP ON PASSENGER SHIP SAFETY

6.13 The Committee re-established the Working Group on Passenger Ship Safety and instructed it, taking into account comments and proposals made in plenary, to:

- .1 based on the preliminary recommendations (MSC 92/6/3) and the **Costa Concordia** casualty investigation report (MSC 92/INF.6) and taking into account documents MSC 92/6/8 and MSC 92/6/10, consider recommendation by recommendation:

- .1 whether a sufficient link for the proposed recommendation can be found in the casualty report or more information is needed;
  - .2 for recommendations having such a link, consider any actions to be taken and advise on the possible scope of application and the way forward; and
  - .3 prepare relevant draft text for any recommendations on operational, management or other issues where immediate action is needed;
- .2 consider the latest recommendations from the Cruise Industry Operational Safety Review (MSC 92/6/1 and MSC 92/6/9) and prepare revisions to MSC.1/Circ.1446/Rev.1, as appropriate, for approval by the Committee;
  - .3 consider the outcome of the ICS Review of Operational Safety Measures to Enhance the Safety of Passenger Ships (MSC 92/6/5) and advise the Committee accordingly;
  - .4 consider whether the voluntary guidance on evacuation analysis should be made mandatory, taking into account documents MSC 92/6/2, MSC 92/6/4, MSC 92/6/10 and MSC.1/Circ.1238, and advise the Committee accordingly;
  - .5 consider the proposal related to survivability of passenger ships, taking into account documents MSC 92/6/6, MSC 92/6/7 and MSC 92/6/10, and advise the Committee accordingly;
  - .6 update the Revised long-term action plan on passenger ship safety (MSC 91/WP.8, annex 3), including the prioritization of the work to be undertaken (i.e. target completion dates for each task), taking into account the preliminary recommendations (MSC 92/6/3) and the **Costa Concordia** casualty investigation report (MSC 92/INF.6) and other documents submitted to the session, as appropriate; and
  - .7 consider whether a correspondence group should be established and, if so, prepare draft terms of reference for consideration by the plenary.

#### **REPORT OF THE WORKING GROUP**

6.14 Having considered the report of the working group (MSC 92/WP.8), the Committee approved it in general and took action as indicated below.

#### **Costa Concordia casualty investigation report and recommendations**

6.15 The Committee, having noted that the group had considered at length the **Costa Concordia** casualty investigation report and the associated preliminary recommendations:

- .1 invited Italy to provide more technical information on penetration depth in support of the recommendation for a double-skin to protect watertight compartments (WTCs) containing equipment and the recommendation to consider relocation of the UHF radio switchboard above the bulkhead deck;

- .2 expanded the planned output, 5.2.1.15, on Revision of SOLAS chapter II-1 subdivision and damage stability regulations to include consideration to limit the down-flooding points on the bulkhead deck for passenger ships (see also paragraph 23.20);
- .3 instructed the Correspondence Group on Casualty Analysis and the FSI (III) Sub-Committee to consider the **Costa Concordia** accident investigation report and advise MSC 93 accordingly;
- .4 invited Member Governments and international organizations to submit detailed comments and proposals to MSC 93 on the **Costa Concordia** official casualty investigation report; and
- .5 invited Italy to assist both the FSI (III) Sub-Committee and the MSC Working Group by providing further clarification and information, as appropriate, with regard to the **Costa Concordia** casualty investigation report.

### **Recommendations emanating from the Cruise Industry Operational Safety Review**

6.16 The Committee noted that the group had considered, in detail, the latest recommendations emanating from the Cruise Industry Operational Safety Review (MSC 92/6/1 and MSC 92/6/9) and had agreed to include three additional guidance notes in the Recommended interim measures (MSC.1/Circ.1446/Rev.1) (see paragraph 6.24). In this connection, the Committee endorsed the view of the group that the role of shoreside management was critical to the proper development and functioning of an effective Safety Management System.

### **Operational safety measures to enhance the safety of passenger ships**

6.17 The Committee noted that the group, having considered in detail the review carried out by ICS passenger ship operating companies (MSC 92/6/5), had agreed to include four additional guidance notes in the Recommended interim measures (MSC.1/Circ.1446/Rev.1) (see paragraph 6.24).

### **Evacuation analysis**

6.18 The Committee, having noted the group's consideration of documents MSC 92/6/2, MSC 92/6/4, MSC 92/6/10 and MSC.1/Circ.1238 related to evacuation analysis, agreed to instruct FP 57 (SDC 1)<sup>2</sup> to consider the mandatory application of evacuation analysis to non-ro-ro passenger ships and advise MSC 93 accordingly.

### **Survivability of passenger ships**

6.19 In considering the group's recommendations related to the survivability of passenger ships, the Committee agreed to forward documents MSC 92/6/6 and MSC 92/6/7, together with the EMSA and GOALDS studies (SLF 55/INF.6, SLF 55/INF.7, SLF 55/INF.8 and SLF 55/INF.9), to SLF 56 (SDC 1) for consideration. In this regard, the Committee instructed SLF 56 (SDC 1) to examine the Phase 1 options that were technically justifiable for raising the Required Subdivision Index 'R' and to review other aspects deemed relevant to the issue, such as the length of the ship, number of persons on board and practical and operational aspects, taking into account actual economic factors, and advise MSC 93 accordingly.

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<sup>2</sup> See paragraph 22.19.

### **Re-establishment of the Experts Group on Formal Safety Assessment (FSA)**

6.20 In light of the above decision, the Committee re-established the experts Group on Formal Safety Assessment (FSA) and instructed it to review the EMSA and GOALDS studies, taking into account the risk models and calculated risk and the validity of the data and assumptions that were used and the revised FSA Guidelines (MSC-MEPC.2/Circ.12), and advise MSC 93 accordingly (see also paragraph 23.28.10). The Committee noted that the report of the FSA Experts Group would be submitted to MSC 93 for consideration under the agenda item on Passenger Ship Safety.

### **Revised long-term action plan on passenger ship safety**

6.21 Noting that the group had updated the Revised long-term action plan on passenger ship safety (MSC 92/WP.8, annex 2), the Committee agreed to bring forward the output on "Review of conditions under which passenger ship watertight doors may be opened during navigation and prepare amendments to SOLAS regulation II-1/22 and MSC.1/Circ.1380", for inclusion in the provisional agenda for SLF 56 (SDC 1) (see paragraph 23.17).

6.22 In considering the updated revised long-term action plan on passenger ship safety, several views were expressed during the discussion, in particular that:

- .1 any action to be taken as a result of the **Costa Concordia** accident should be directly linked to the cause of the accident;
- .2 the **Costa Concordia** accident had provided the opportunity to review and take appropriate action on SOLAS regulations and guidance material related to passenger ship safety issues, and therefore should not be restricted to issues emanating solely from the accident;
- .3 the long-term action plan was not clear and should indicate the status of each action item; and
- .4 actions related to existing outputs should be separated from those which could lead to new unplanned outputs, which should require a full justification in accordance with the Committees' Guidelines.

6.23 Having considered the above views, the Committee instructed the Secretariat, in consultation with the Chairman of the working group, to revise the long-term action plan (MSC 92/WP.8, annex 2) with a view to clearly identifying whether any proposed actions are related to existing outputs or are new outputs arising from the loss of the **Costa Concordia**, and reissue it as document MSC 92/WP.8/Rev.1.

### **Recommended interim measures for passenger ship companies to enhance the safety of passenger ships**

6.24 The Committee approved MSC.1/Circ.1446/Rev.2 on Recommended interim measures for passenger ship companies to enhance the safety of passenger ships. In this connection, the Committee noted the view of the group that, in the future, a decision will need to be taken regarding the final status of the above interim guidance.



## **7 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS**

### **REPORT OF THE SEVENTEENTH SESSION OF THE SUB-COMMITTEE**

#### **General**

7.1 The Committee recalled that MSC 91 had considered urgent matters emanating from the seventeenth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) (MSC 91/22, section 13).

7.2 The Committee, having considered remaining issues emanating from DSC 17 (documents DSC 17/17 and MSC 92/7), approved the report of DSC 17 in general and took action as indicated hereunder.

#### **Amendments to the 1979, 1989 and 2009 MODU Codes and the DSC Code**

7.3 With regard to the draft amendments to the 1979, 1989 and 2009 MODU Codes and the DSC Code, the Committee recalled that this matter was considered under agenda item 3 (see paragraph 3.85).

#### **Guidelines for development of an ACEP**

7.4 The Committee approved CSC.1/Circ.143 on *Guidelines for development of an Approved Continuous Examination Programme (ACEP)*.

#### **Amendments to CSC.1/Circ.138**

7.5 The Committee approved CSC.1/Circ.138/Rev.1 on Revised Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended.

#### **Training requirements for firefighting related to water-reactive materials**

7.6 The Committee noted that document DSC 17/11/2 (Germany) had been forwarded to the STW Sub-Committee for consideration of matters related to training requirements for firefighting when water-reactive materials are involved (STW 44/19, paragraph 17.38).

#### **Investigation report on the very serious casualty on board the bulk carrier *La Donna I***

7.7 With regard to the investigation report on the very serious casualty on board the bulk carrier **La Donna I**, the Committee noted that the Sub-Committee had invited Member Governments and international organizations to submit comments and proposals to DSC 18 on the matter and forwarded its outcome to FSI 21 accordingly.

## **8 FIRE PROTECTION**

### **REPORT OF THE FIFTY-SIXTH SESSION OF THE SUB-COMMITTEE**

#### **General**

8.1 The Committee approved in general the report of the fifty-sixth session of the Sub-Committee on Fire Protection (FP) (FP 56/23 and Corr.1; and MSC 92/8) and took action as indicated in the following paragraphs.

**Draft amendments to SOLAS regulations II-2/4.5.5 and II-2/16.3.3**

8.2 The Committee considered the draft amendments to SOLAS regulations II-2/4.5.5 and II-2/16.3.3 concerning inert gas systems for new tankers, together with document MSC 92/3/9 (Argentina) containing an analysis of the scope of application of the draft SOLAS regulation II-2/4.5.5 and the draft chapter 15 of the FSS Code. Having noted the concerns regarding the term "hydrocarbon" in the text of draft SOLAS regulation II-2/4.5.5.1.4 and matters related to application, the Committee approved the above regulations, in principle, and instructed the drafting group established under agenda item 3 (see paragraph 3.68) to carefully consider the proposals contained in document MSC 92/3/9 and ensure that no unintended consequences arise, particularly with respect to the proposal in paragraph 7 of that document, and prepare the final text of the draft amendments to SOLAS regulations II-2/4.5.5 and II-2/16.3.3 and chapter 15 of the FSS Code, for consideration by the Committee.

8.3 Having considered the relevant part of the report of the drafting group (MSC 92/WP.7, annex 17), the Committee, having agreed to keep draft SOLAS regulation II-2/4.5.5.3.2 in square brackets, approved the draft amendments to SOLAS regulations II-2/4.5.5 and II-2/16.3.3, as set out in annex 13, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

**Draft amendments to chapter 15 of the FSS Code**

8.4 Having considered the relevant part of the report of the drafting group (MSC 92/WP.7), the Committee approved the draft amendments to chapter 15 of the International Code for Fire Safety Systems (FSS Code) concerning inert gas systems for new ships, as set out in annex 14, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

**Draft amendments to SOLAS regulations II-2/3 and II-2/9.7**

8.5 In considering the draft amendments to SOLAS regulations II-2/3 and II-2/9.7 concerning fire resistance of ventilation ducts for new ships, the Committee noted the views of the observer from IACS that the draft text did not contain any reference to the date of application of the amendments, and that therefore the draft amendments would be applicable to ships constructed after 2012. Additionally, the observer pointed out that in the draft amendments the words "heat resisting" were introduced without a definition in the SOLAS Convention, which would need to be clarified. In this context, the Committee also noted the information from the Chairman of the Sub-Committee that in paragraph 4.10 of the report of the Sub-Committee (FP 56/23) it was stated clearly that the draft amendments applied to new ships only.

8.6 Consequently, the Committee requested the Secretariat to modify the draft amendments to introduce the date of application, approved the draft amendments to SOLAS regulations II-2/3 and II-2/9.7 concerning fire resistance of ventilation ducts for new ships, as set out in annex 13, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

8.7 With regard to the term "heat resisting", the Committee invited the observer from IACS to submit comments and a proposal to MSC 93 for consideration in conjunction with the adoption of the aforementioned draft amendments.

## Draft amendments to SOLAS regulation II-2/10

8.8 The Committee considered the draft amendments to SOLAS regulation II-2/10 concerning fire protection requirements for on-deck cargo areas for new ships, together with document MSC 92/8/2 (Denmark and Norway) proposing amendments to clarify the requirements of the aforementioned draft amendments, in particular to amend the draft text of SOLAS regulation II-2/7.3.2.4.2 to require a minimum capacity of 60 m<sup>3</sup>/h.

8.9 In this connection, the Committee noted the following views:

- .1 The draft amendments should be approved as prepared by FP 56;
- .2 The flow rates of water monitors cannot be easily measured at the location covered by the monitors. A flow rate verification at the top level of the top tier of containers, as suggested in paragraph 11 of document MSC 92/8/2, does not appear to be feasible; and
- .3 The proposal to include a pressure requirement is redundant.

8.10 Following discussion, the Committee approved the draft amendments to SOLAS regulation II-2/10, as set out in annex 13, and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

8.11 In light of the above decision, the Committee noted the concern expressed by the delegation of the Bahamas, supported by other delegations, regarding the proposed new SOLAS regulation II-2/10.7.3.1, which requires ships to carry at least one water mist lance. The Bahamas delegation disagrees with the inclusion of this new requirement, as in its opinion the use of this equipment may expose seafarers to significant danger, if the seafarers approach a container stack in which there is a fire of unknown extent or progression. Problems of inaccurate information regarding the contents of containers are well known and the undeclared presence of explosive or water-reactive contents only adds to the danger. The Committee also noted that the delegation had already expressed concern during the discussion on the output of the working group at FP 56, although that was not reflected in the report of the Sub-Committee. The delegation of the Bahamas pointed out that fires in container stacks can be extremely dangerous, as the fatalities of seafarers on the MSC *Flaminia*, 11 months ago, attest. Therefore, the principle of fighting a fire from a safe location and distance should be maintained. In its view, it is unacceptable to give seafarers the impression that entering into risky situations is acceptable by mandating carriage of equipment which, by its very nature and mode of use, may require them to do so. The delegation noted the footnote proposed by the correspondence group (paragraph 34 of document FP 56/5), and would refer to this when implementing the aforementioned amendments.

## Mobile water monitors used for the protection of on-deck cargo areas

8.12 The Committee considered the draft *Guidelines for the design, performance, testing and approval of mobile water monitors used for the protection of on-deck cargo areas of ships designed and constructed to carry five or more tiers of containers on or above the weather deck*, together with document MSC 92/8/2 (Denmark and Norway) proposing amendments to clarify the draft text of the Guidelines, in particular, to combine paragraphs 3.5 and 3.7 of the draft Guidelines to be read jointly in terms of the required flow rate and throw length of a water jet at a horizontal elevation of 30° to 35°.

8.13 Following discussion, and noting that there was no support for the proposal contained in document MSC 92/8/2, the Committee approved, in principle, the draft *Guidelines for the design, performance, testing and approval of mobile water monitors used for the protection of on-deck cargo areas of ships designed and constructed to carry five or more tiers of containers on or above the weather deck*, and the associated draft MSC circular, for final approval at MSC 93, in conjunction with the adoption of the amendments to SOLAS regulation II-2/10.

#### **FSA study on sea transport of dangerous goods**

8.14 The Committee noted that the proposed draft amendments to SOLAS regulation II-2/20 and the associated draft MSC circular on *Guidelines for the design, performance, testing and approval of mobile water monitors used for the protection of on-deck cargo areas of ships designed and constructed to carry five or more tiers of containers on or above the weather deck*, are consistent with Recommendation 2 of the FSA study on safe transport of dangerous goods (DSC 16/INF.2). Therefore, the intent of Recommendation 2 had been achieved and no further action was necessary in this regard.

#### **Review of recommendations on evacuation analysis for new and existing passenger ships**

8.15 The Committee noted the progress made on review of the recommendations on evacuation analysis for new and existing passenger ships, which is part of the Committee's long-term work plan on passenger ship safety.

#### **Draft amendments to SOLAS regulation II-2/13.4**

8.16 The Committee considered the draft amendments to SOLAS regulation II-2/13.4 concerning additional means of escape from machinery spaces for new passenger and cargo ships, together with document MSC 92/8/1 (IACS), seeking clarification on the terms "a continuous fire shelter" and "main workshop" and whether the dispensation for ships of less than 1,000 gross tonnage in SOLAS regulation II-2/13.4.2.2 should be extended to include these new draft SOLAS amendments.

8.17 Following discussion, the Committee noted the views expressed that the issues contained in document MSC 92/8/1 had been discussed during FP 56 and that the Sub-Committee could not agree with the proposals, and instead had agreed to a compromise solution. Consequently, the Committee approved the draft amendments to SOLAS regulation II-2/13.4, as set out in annex 13, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

8.18 In this connection, the Committee noted that the delegation of Sweden could not agree with the aforementioned draft amendments, as, for example, electrical or even electronic workshops within machinery spaces and adjacent to a main workshop would not need to have two escape routes under the amendments proposed: in such a case the escape is supposed to be effected by means of the room-to-room escape principle, and that might not be possible if the electrical workshop is separated from the main workshop. Additionally, the Committee noted, therefore, that the delegation of Sweden favoured the deletion of the term "main workshop" appearing in paragraphs 4.1.5 and 4.2.3 of the draft amendments to SOLAS regulation II-2/13.

**Proposed interpretations to SOLAS regulation II-2/13.4**

8.19 In the context of the above, the Committee noted the agreement of the Sub-Committee to discuss any proposed interpretations to SOLAS regulation II-2/13.4, regarding the insulation of escape trunks for machinery spaces of category A, at FP 57, under "Any other business".

**Draft amendments to SOLAS regulations II-2/1 and II-2/3 and the draft new SOLAS regulation II-2/20-1**

8.20 The Committee approved the draft amendments to SOLAS regulations II-2/1 and II-2/3 and the draft new SOLAS regulation II-2/20-1 concerning requirements for ships carrying hydrogen and compressed natural gas vehicles for new ships, as set out in annex 13, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

**Fire protection requirements for waste stowage spaces (resolution MEPC.76(40))**

8.21 Having noted the relevant decision of MEPC 65 (MEPC 65/22, paragraph 11.17), the Committee endorsed the view of the Sub-Committee that the survey and certification of fire protection in incinerator and waste stowage spaces should be covered by the SOLAS Convention.

8.22 Subsequently, the Committee agreed that, at this time, the issue should not be referred to the FSI (III) Sub-Committee. However, the Committee invited interested Member Governments and international organizations to further consider the matter with a view to submitting proposals on how the survey and certification of fire protection in incinerator and waste stowage spaces should be taken forward.

**Unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes**

8.23 The Committee approved MSC.1/Circ.1456 on Unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes.

**Unified interpretations of the 2000 HSC Code, as amended by resolutions MSC.175(79) and MSC.222(82)**

8.24 The Committee approved MSC.1/Circ.1457 on Unified interpretations of the 2000 HSC Code, as amended by resolutions MSC.175(79) and MSC.222(82).

**Interpretation to the Revised Guidelines for the approval of equivalent water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms (MSC/Circ.1165)**

8.25 The Committee approved MSC.1/Circ.1458 on Interpretation of the Revised Guidelines for the approval of equivalent water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms (MSC/Circ.1165).

**Unified interpretation of the SOLAS Convention and the IBC and IGC Codes**

8.26 The Committee approved MSC.1/Circ.1459 on Unified interpretation of the SOLAS Convention and the IBC and IGC Codes.

### **Use of fibre reinforced plastic (FRP) within ship structures**

8.27 The Committee endorsed the agreement of the Sub-Committee to develop *Guidelines for the use of FRP within ship structures*, which would be based on an engineering and risk-based approach that can be followed under SOLAS regulation II-2/17 and the associated circular MSC/Circ.1002.

8.28 In light of the above, the Committee noted the statement by the delegation of the United States, as set out in annex 46, expressing concerns at the agreement of the Sub-Committee to develop guidelines for the use of combustible FRP construction within ship structures, as that delegation does not support the use of combustible FRP construction within the existing framework of SOLAS chapter II-2 at this time.

### **Development of amendments to SOLAS chapter II-2 on the location of EEBDs**

8.29 The Committee endorsed the agreement of the Sub-Committee not to proceed with the development of amendments to SOLAS chapter II-2 on the location of emergency escape breathing devices (EEBDs).

### **Draft amendments to SOLAS regulation II-2/18**

8.30 The Committee approved the draft amendments to SOLAS regulation II-2/18 concerning helicopter landing areas on new ro-ro passenger ships, as set out in annex 13, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

### **TESTING OF AUTOMATIC SPRINKLER SYSTEMS ON PASSENGER SHIPS**

8.31 The Committee noted with appreciation document MSC 92/INF.10 (Bahamas), drawing its attention to the fact that during annual testing of automatic sprinkler systems on several passenger ships, several sprinklers had failed to operate. Further testing had noted an elevated sprinkler failure rate which, in some instances had exceeded 50 per cent. The elevated failure rates suggest the scope of testing in the *Revised Guidelines for the maintenance and inspection of fire protection systems and appliances* (MSC.1/Circ.1432) may not adequately assess the actual condition of automatic sprinkler systems.

8.32 In this connection, the Committee noted the update on recent developments provided by the delegation of the Bahamas. Basic testing of automatic sprinkler systems had been completed on 15 ships, nine of which had suffered sprinkler head fail rates sufficient to require extended testing. Four ships had completed the extended testing and three of those had failed to meet the pass criterion. The highest fail rate experienced was 68 per cent of sprinklers. The manufacturer of the sprinkler heads in question had continued investigations and the conclusion was that the water used in the automatic sprinkler systems did not meet their standards over the range of required characteristics. This had led to hardening of nitrile sealing rings and deposition of corrosion and chemical products on internal components. The manufacturer in question had issued technical bulletins on these problems in 2012 but these had not been made widely available; however, the delegation would provide copies of the bulletins to interested parties.

8.33 Subsequently, the Committee agreed to refer document MSC 92/INF.10 and the above updated information to FP 57 for consideration under its agenda item "Any other business" for advice, as appropriate.

## **9 RADIOCOMMUNICATIONS AND SEARCH AND RESCUE**

### **REPORT OF THE SEVENTEENTH SESSION OF THE SUB-COMMITTEE**

#### **General**

9.1 The Committee approved, in general, the report of the seventeenth session of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR 17/17 and MSC 92/9) and took action as indicated below.

#### **Review and Modernization of the GMDSS**

9.2 The Committee endorsed the action taken by the Sub-Committee to re-establish the Correspondence Group on the Review of the GMDSS under the coordination of the United States.

#### **Revision of annex 7 to MSC.1/Circ.1382/Rev.1**

9.3 The Committee approved the review of annex 7 to MSC.1/Circ.1382/Rev.1 containing the revised questionnaire on shore-based facilities in the GMDSS, and instructed the Secretariat to disseminate it as MSC.1/Circ.1382/Rev.2, after including the revised annex 7.

#### **Amendments to resolution A.705(17)**

9.4 The Committee approved the revised MSC circular on amendments to resolution A.705(17), as amended, on *Promulgation of maritime safety information* and instructed the Secretariat to disseminate it as MSC.1/Circ.1287/Rev.1.

#### **Amendments to resolution A.706(17)**

9.5 The Committee approved the revised MSC circular on amendments to resolution A.706(17), as amended, on *World-Wide Navigational Warning Service* and instructed the Secretariat to disseminate it as MSC.1/Circ.1288/Rev.1.

#### **Validity of radiocommunications equipment installed and used on ships**

9.6 The Committee, having considered document MSC 92/9/4 (Japan) and agreed to the proposals therein, approved circular MSC.1/Circ.1460 on *Guidance on the validity of radiocommunications equipment installed and used on ships*.

#### **Joint IMO/ITU Experts Group**

9.7 The Committee authorized the convening of the ninth meeting of the Joint IMO/ITU Experts Group, to be held at IMO Headquarters in London, from 14 to 18 October 2013.

9.8 The Committee also authorized the holding of a meeting of the Joint IMO/ITU Experts Group in 2014 and instructed the Secretariat to take action, as appropriate.

#### **Liaison statements to ITU and CIRM**

9.9 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to convey liaison statements to ITU and CIRM.

**Use of the graph in figure N.14 of the IAMSAR Manual relating to advice on survivor life expectancy**

9.10 The Committee approved COMSAR.1/Circ.57 on *Guidance on the use of the graph in figure N.14, appendix N of IAMSAR Manual, Volume II*, which would finally be incorporated in the 2016 edition of the IAMSAR Manual.

**IMO documents and publications which should be held by an MRCC**

9.11 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to circulate SAR.7/Circ.11 providing the list of IMO documents and publications which should be held by an MRCC.

**Information on the display of AIS-SART, AIS Man Overboard and EPIRB-AIS devices**

9.12 The Committee approved SN.1/Circ.322 on Information to seafarers on the display of AIS-SART, AIS Man Overboard (MOB) and EPIRB-AIS devices.

**ICAO/IMO Joint Working Group**

9.13 The Committee authorized the holding of the twentieth session of the ICAO/IMO Joint Working Group, to be held in Amsterdam, the Netherlands, from 23 to 27 September 2013.

9.14 The Committee also authorized the holding of the twenty-first session of the ICAO/IMO Joint Working Group in 2014 and instructed the Secretariat to take action, as appropriate.

**Audits of LRIT Data Centres and of the International LRIT Data Exchange**

9.15 The Committee approved the revised COMSAR circular on Audits of LRIT Data Centres and of the International LRIT Data Exchange conducted by the LRIT Coordinator and instructed the Secretariat to disseminate it as COMSAR.1/Circ.54/Rev.1.

**Partial read-only access to the web interface of the DDP for GISIS users from Member Governments**

9.16 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to implement the necessary changes in the web interface of the DDP, to allow GISIS users from Member Governments to access information on Application Service Providers (ASPs) and on the contact details of National Points of Contact and Data Centres, and to discontinue the publishing of revised versions of MSC.1/Circ.1377.

**Operation of the International LRIT Data Exchange after 2013**

9.17 The Committee adopted resolution MSC.361(92) on *Operation of the International LRIT Data Exchange after 2013*, as set out in annex 15.

**Draft Polar Code**

9.18 The Committee endorsed the action taken by the Sub-Committee to forward the advice on the parts of the draft Polar Code under the purview of the Sub-Committee to DE 58 (SDC 1) for consideration.



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**INCLUSION OF "NEXT ENTITLED PORT" MESSAGE IN THE LRIT SYSTEM**

9.19 Brazil (MSC 92/9/1) proposed the sharing of information about a ship's "next entitled port" between Data Centres (DCs), for inclusion in the LRIT system, by creating a new message which would allow data to be shared only between DCs, with the aim of informing a Contracting Government that a ship had declared its intention to enter a port, port facility or a place under its jurisdiction. In Brazil's view, it would improve the mechanisms for the use of a port State's entitlement to receive LRIT information under SOLAS regulation V/19-1.8.1.2 and would increase the use of the system by port States.

9.20 In the ensuing discussions, the views expressed were that:

- .1 implementation of the proposal would place an additional burden on Administrations;
- .2 flag States should not get involved in the provision of Notice of Arrival (NoA) information;
- .3 there were cost implications for flag States in the preparation and transmitting of these messages;
- .4 it should not lead to additional costs to shipowners;
- .5 there was merit in the proposal, since flag States already gathered information on the ships flying their flag in order to provide information only to port States which were entitled to receive LRIT information;
- .6 it would standardize the NOA procedure; and
- .7 it could increase the use of the LRIT system.

9.21 Having considered the above views, the Committee did not agree with the proposal.

**Recognition of the Iridium mobile-satellite system**

9.22 The Committee considered the notification by the United States (MSC 92/9/2) of the application of the "Iridium" mobile-satellite system for recognition and use in the GMDSS. The United States informed the Committee that it intended to provide the competent Sub-Committee with the necessary information to enable the Sub-Committee to verify that the "Iridium" mobile-satellite system meets the criteria of resolution A.1001(25), and to provide a recommendation to the Committee concerning the recognition of that system for use in the GMDSS.

9.23 In this context, the Committee also considered the information provided by IMSO (MSC 92/9/3) on actions undertaken by IMSO in preparation for the recognition of a new mobile satellite communication system for the GMDSS.

9.24 After some discussion, the Committee, having noted that, in principle, there were no objections, agreed to refer the matter to the NCSR Sub-Committee for evaluation of the detailed information, which would be provided to it in due course, under its agenda item on "Developments in maritime radiocommunication systems and technologies".

9.25 Furthermore, the Committee noted that IMSO was prepared to assist the Organization in undertaking the technical and operational assessment to ensure full compliance with all the criteria and procedures, as set out in resolution A.1001(25), as well as the guidance provided in MSC.1/Circ.1414.

## **10 BULK LIQUIDS AND GASES**

### **REPORT OF THE SEVENTEENTH SESSION OF THE SUB-COMMITTEE**

10.1 The Committee approved, in general, the report of the seventeenth session of the Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 17/18 and Add.1 and MSC 92/10) and took action, taking into account the decisions made by MEPC 65 (MSC 92/2/2), as indicated below.

#### **Outcome of ESPH 18**

10.2 The Committee endorsed the decisions taken by the Sub-Committee regarding the outcome of ESPH 18, as endorsed by MEPC 65.

#### **Draft amendments to the IBC Code**

10.3 The Committee approved the draft amendments to the IBC Code prepared by BLG 17, together with further amendments to the Code relating to mandatory carriage requirements for stability instruments on board tankers prepared by SLF 55 (SLF 55/17, annex 5), which had been approved by MEPC 65, as set out in annex 16, and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII, for consideration at MSC 93 with a view to adoption.

#### **Guidance on the timing of replacement of existing certificates by revised certificates according to the IBC Code**

10.4 The Committee approved MSC-MEPC.5/Circ.7 on *Guidance on the timing of replacement of existing certificates by revised certificates as a consequence of the entry into force of amendments to chapters 17 and 18 of the IBC Code*, as amended by MEPC 65.

#### **Development of the IGF Code**

10.5 The Committee noted the progress made on the development of the International Code for Ships using Gas as Fuel (IGF Code). With regard to document MSC 92/10/3 (United States) proposing that diesel fuel with a flashpoint between 52°C and 60°C should be excluded from the scope of the IGF Code and that further consideration should be given to the acceptability of diesel fuels with a flashpoint between 52°C and 60°C for propulsion, in the context of SOLAS regulations II-2/4.2.1 and 4.2.2.3.2, the Committee noted in particular that:

- .1 some delegations supported the exclusion of fuels with a flashpoint between 52°C and 60°C from the scope of the IGF Code;
- .2 some delegations supported further consideration of the acceptability of diesel fuels with a flashpoint between 52°C (or even lower) and 60°C for propulsion in the related SOLAS chapter II-2 regulations;
- .3 many delegations did not support the proposal to modify the scope of the IGF Code at this stage, taking into account that provisions for alternative

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fuels other than LNG have been included in the draft and the need to finalize the Code as soon as practicable; and

- .4 many delegations expressed the view that, if SOLAS chapter II-2 was to be reviewed in relation to low-flashpoint fuels between 52°C and 60°C, it should be considered as a separate output in a holistic manner, since it may affect a wide range of other requirements, including MARPOL requirements for cargoes with similar flashpoints.

10.6 After a lengthy discussion, the Committee, bearing in mind that the draft IGF Code should be finalized as soon as possible, decided not to exclude fuel with a flashpoint between 52°C and 60°C from the scope of the Code and invited Member States and international organizations, if they so wish, to submit documents to the Committee proposing a new output, in accordance with the Committee's Guidelines, on a SOLAS chapter II-2 review in relation to low-flashpoint fuels between 52°C and 60°C.

### Revision of the IGC Code

10.7 The Committee considered the draft amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), together with the following documents:

- .1 MSC 92/10/1 (Germany, Japan, Norway, United Kingdom and SIGTTO) providing a draft "standard for the use of limit state methodologies in the design of cargo containment systems of novel configuration" to be made mandatory via draft amendments to the Code;
- .2 MSC 92/10/2 (Secretariat) proposing further modifications to the draft amendments;
- .3 MSC 92/10/4 (Norway) proposing a number of modifications to the draft amendments to the IGC Code and that the draft revised IGC Code should not set precedents for the content of the IGF Code; and
- .4 SLF 55/17 (annexes 8 and 17) providing further modifications to the draft amendments to the IGC Code prepared by SLF 55, particularly those included in annex 17 since the contents of annex 8 are incorporated in annex 17.

10.8 The Committee agreed, in principle, to the modifications proposed in documents MSC 92/10/1, MSC 92/10/2 and SLF 55/17 and authorized the Secretariat to effect any editorial corrections to the draft amendments to the IGC Code.

10.9 With regard to proposals in document MSC 92/10/4 to further modify the draft amendments to the IGC Code, the Committee, while noting some support for them, did not agree to them, taking into account concerns expressed about making further substantial modifications at this stage, including concerns that some of the proposals may reduce the safety level of the Code. In addition, the Committee agreed that the draft revised IGC Code should not set precedents for the content of the IGF Code and that the relationship between the IGC Code and the IGF Code may be considered once the draft IGF Code is finalized.

10.10 Consequently, the Committee approved the draft amendments to the IGC Code, as set out in annex 17, and requested the Secretary-General to circulate the amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

## **ESPH Working Group intersessional meeting in 2014**

10.11 The Committee approved the holding of an intersessional meeting of the ESPH Working Group in 2014 (see also paragraph 23.28).

## **11 STABILITY AND LOAD LINES AND ON FISHING VESSELS SAFETY**

### **REPORT OF THE FIFTY-FIFTH SESSION OF THE SUB-COMMITTEE**

11.1 The Committee approved in general the report of the fifty-fifth session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) (SLF 55/17 and MSC 92/11) and took action as indicated below.

### **Revised Recommendation on a standard method for evaluating cross-flooding arrangements**

11.2 The Committee considered the draft MSC resolution on *Revised Recommendation on a standard method for evaluating cross-flooding arrangements*, together with the following documents:

- .1 MSC 92/11/2 (Finland, Japan) proposing a modification of the revised regression formulae for cross-flooding through a series of structural ducts with 1 and 2 manholes; and
- .2 MSC 92/11/3 (United States) proposing several minor editing corrections and updates to the draft Revised Recommendation,

and noted that calculations to evaluate cross-flooding arrangements performed before the adoption of the Revised Recommendation remain valid, and that calculations for ships constructed on or after the date of the adoption of the Revised Recommendation should follow the latter.

11.3 Following discussion, the Committee, having noted that those who spoke did not support the proposals contained in document MSC 92/11/2 and having agreed to the modifications set out in document MSC 92/11/3, adopted resolution MSC.362(92) on *Revised Recommendation on a standard method for evaluating cross-flooding arrangements*, as set out in annex 18.

### **Draft Guidelines for verification of damage stability requirements for tankers**

11.4 The Committee approved MSC.1/Circ.1461 on *Guidelines for verification of damage stability requirements for tankers*.

### **Draft amendments to the BCH Code**

11.5 The Committee approved the draft amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code), concerning carriage requirements for stability instruments on board tankers, which were prepared in conjunction with the *Guidelines for verification of damage stability requirements for tankers* (see paragraph 11.4 above), as set out in annex 19, with a view to adoption at MSC 93, in conjunction with the adoption of the associated mandatory carriage requirements for stability instruments on board tankers under the IBC and IGC Codes.

### **Draft amendments to the IBC Code**

11.6 The Committee recalled that the draft amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), concerning carriage requirements for stability instruments on board tankers, had already been dealt with under agenda item 10 (see paragraph 10.3).

### **Draft amendments to the EGC Code**

11.7 The Committee approved the draft amendments to the Code for Existing Ships Carrying Liquefied Gases in Bulk (EGC Code), concerning carriage requirements for stability instruments on board tankers, as set out in annex 20, with a view to adoption at MSC 93, in conjunction with the adoption of the associated mandatory carriage requirements for stability instruments on board tankers under the IBC and IGC Codes.

### **Draft amendments to the GC Code**

11.8 The Committee approved the draft amendments to the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code), concerning carriage requirements for stability instruments on board tankers, as set out in annex 21, with a view to adoption at MSC 93, in conjunction with the adoption of the associated mandatory carriage requirements for stability instruments on board tankers under the IBC and IGC Codes.

### **Draft amendments to the IGC Code**

11.9 The Committee recalled that the draft amendments to the IGC Code, concerning carriage requirements for stability instruments on board tankers, had already been dealt with under agenda item 10 (see paragraphs 10.7 and 10.10).

### **Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011**

11.10 The Committee approved the draft amendments to *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011* (resolution A.1053(27)), concerning carriage requirements for stability instruments on board tankers, as set out in annex 9 of document SLF 55/17, with a view to subsequent adoption, and referred the draft amendments to FSI 22 (III 1) for inclusion in the appropriate revision of the HSSC Guidelines once the associated amendments to mandatory instruments have entered into force.

### **EMSA and GOALDS research related to survivability level of passenger ships after damage**

11.11 The Committee considered the request for referral of the EMSA and GOALDS research related to survivability level of passenger ships after damage to the FSA Experts Group, and having noted views that this research was under consideration by the Working Group on Passenger Ship Safety (see paragraphs 6.10 to 6.12), decided to consider this matter under agenda item 6 (see paragraphs 6.19 and 6.20).

### **Use of national tonnage in applying international conventions**

11.12 The Committee approved the draft Assembly resolution on *Recommendation on the use of national tonnage in applying international conventions*, as set out in annex 22, for submission to the Assembly, at its twenty-eighth session, for adoption.

**Draft Polar Code**

11.13 The Committee noted that matters related to the proposed text of chapters 3 and 4 of the draft Polar Code had been forwarded to the IS and SDS Correspondence Groups for further consideration and reporting to SLF 56 (SDC1).

**Performance standards for electronic inclinometers**

11.14 The Committee adopted resolution MSC.363(92) on *Performance standards for electronic inclinometers*, as set out in annex 23, which had been forwarded to SLF 55 by NAV 58 for advice on appropriate criteria for their alarming functionality.

**Procedure for calculating the number of fishing vessels of each Contracting State to the 2012 Cape Town Agreement**

11.15 The Committee adopted resolution MSC.364(92) on the *Procedure for calculating the number of fishing vessels of each Contracting State to the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, by the Depositary*, as set out in annex 24. In this context, the Committee urged all Contracting States of the Torremolinos Protocol to sign the Cape Town Agreement as soon as possible, using the simplified procedure under the Cape Town Agreement. Additionally, the Committee invited Member Governments to submit to the Depositary, when signing the Agreement, the number of fishing vessels of 24 m in length and over under their flag, authorized to operate on the high seas.

**Damage stability standard for OSVs carrying limited amounts of hazardous and noxious liquid substances in bulk**

11.16 The Committee endorsed the action taken by the Sub-Committee on matters related to a proposed damage stability standard for OSVs carrying limited amounts of hazardous and noxious liquid substances in bulk, and noted the text referred to BLG 18 for consideration (SLF 55/17, annex 16).

**Risk-based distance criteria for gas-fuel tanks providing appropriate collision protection**

11.17 The Committee noted that due to time constraints the SDS Working Group did not consider matters related to appropriate risk-based distance criteria for gas fuel tanks providing appropriate collision protection, which was referred to the Sub-Committee by BLG 16 and BLG 17; and also noted that the Sub-Committee invited Member Governments and international organizations to submit comments and proposal on this matter to SLF 56 (SDC 1).

**Draft revised IGC Code**

11.18 With regard to the proposed modifications to sections 2.2 to 2.7, chapter 2, of the draft IGC Code, the Committee agreed to consider the modifications in conjunction with the approval of the draft revised IGC Code under agenda item 10 (see paragraphs 10.7 to 10.10).

**CAPE TOWN AGREEMENT OF 2012 ON THE IMPLEMENTATION OF THE PROVISIONS OF THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977**

11.19 The Committee recalled that the International Conference on Safety of Fishing Vessels, 2012, having adopted the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (the Agreement), had adopted Conference resolution 4 on *Preparation of a consolidated text*, whereby the Secretary-General of the Organization was requested to prepare a consolidated text of the newly established international regime for the safety of fishing vessels of 24 m in length and over.

11.20 In this connection, the Committee had for its consideration document MSC 92/11/1 (Secretariat) containing the consolidated text of the regulations annexed to the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, as modified by the 2012 Cape Town Agreement.

11.21 Having considered document MSC 92/11/1, and following discussion, the Committee:

- .1 approved the consolidated text of the regulations annexed to the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, as modified by the Cape Town Agreement of 2012, on the implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (Agreement), as set out in annex 25;
- .2 agreed that attachments 1 to 3 to the annex to document MSC 92/11/1 be attached to the approved consolidated text;
- .3 noted that, as requested by Conference resolution 4, the certified copies of the consolidated text, as approved by the Committee, will be sent to the Governments of the States that were invited to be represented at the aforementioned Conference; and
- .4 authorized the Secretariat, when preparing the certified copies of the consolidated text, to effect any editorial corrections that may be identified, and to bring to the attention of the Committee any errors or omissions which require action by the Governments of the States that were invited to be represented at the aforementioned Conference.

## **12 FLAG STATE IMPLEMENTATION**

### **REPORT OF THE TWENTY-FIRST SESSION OF THE SUB-COMMITTEE**

#### **OUTCOME OF FSI 21**

##### **General**

12.1 The Committee approved in general the report of the twenty-first session of the Sub-Committee on Flag State Implementation (FSI 21/18 and MSC 92/12) and, taking into account relevant decisions and comments made by MEPC 65 (MSC 92/2/2), took action as indicated below.

### **List of certificates and documents required to be carried on board ships**

12.2 The Committee concurred with the decision of FAL 38 and MEPC 65 and approved FAL.2/Circ.127-MEPC.1/Circ.817-MSC.1/Circ.1462 on List of certificates and documents required to be carried on board ships, including the amendment to the "Note" in the title of the annex to previous versions of the list (e.g. FAL.2/Circ.87-MEPC/Circ.426-MSC/Circ.1151) in order to remove the wording "All certificates to be carried on board must be originals".

12.3 With regard to the Sub-Committee's recommendation to FAL 38 that certificates carried on board have to be valid and drawn up in the form corresponding to the model required by the relevant international convention and that a certificate may also be considered as "original" or "authentic" while containing an "authorized" electronically applied signature or stamp, the Committee concurred with the decision of MEPC 65 and endorsed the recommendation.

12.4 In the same context, the Committee, having noted that FAL 38 had requested it to consider FAL.5/Circ.39 on *Interim Guidelines for use of printed versions of electronic certificates* and to advise FAL 39 of any additions or amendments required, and had established the Correspondence Group on Electronic Access to Certificates and Documents which should, inter alia, collect lessons learned through the implementation of the above-mentioned Interim Guidelines, instructed the FSI (III) Sub-Committee to consider FAL.5/Circ.39 in detail at its next session and to report to the Committee, as appropriate. Furthermore, the Committee noted the initiative taken by MEPC 65 to establish a correspondence group on the use of electronic record books under MARPOL.

### **Notification and circulation through GISIS**

12.5 Having concurred with MEPC 65, as well as with FAL 38 which had agreed that a reference to the FAL Committee should be added to the text of the draft resolution, the Committee approved the draft Assembly resolution on *Notification and circulation through the Global Integrated Shipping Information System (GISIS)*, as set out in annex 26, for submission to the Assembly, at its twenty-eighth session, for adoption.

### **Technical review of the set of GlobalReg standards**

12.6 Having agreed, in principle, with the proposed method, process and principles for the technical review of the set of GlobalReg standards, as presented in document FSI 21/3/4 (France, Morocco and Vanuatu), for implementation after consideration of the full set of safety standards, the Committee considered the views expressed in document MSC 92/12/6 (Antigua and Barbuda et al.) that GlobalReg should not introduce lower levels of safety and manning compared to current national or regional standards. The co-sponsors also proposed that a full review of GlobalReg, including a gap analysis between GlobalReg and other existing codes and a clarification of the terminology "non-convention ships" should be undertaken.

12.7 Following the discussion, the Committee reached the common understanding that GlobalReg should be developed as a model set of regulations for Member States to use as they deem appropriate; that the future GlobalReg should not be subject to routine and normal amendments as is the case with other IMO standards; and that it is not intended to undermine existing regional, bilateral and national standards with respect to the safety levels achieved by them, as well as the relationships which form the basis for their implementation.



12.8 The Committee, having noted the potential magnitude of the work to be carried out, instructed the FSI (III) Sub-Committee to undertake the task as proposed, with the possible assistance of consultants, and to develop a strategy for completion of the review of the standards, including identifying any tasks that could involve other sub-committees, and to report to the Committee prior to involving other sub-committees. In response to the request by the Committee for the possible use of consultants, the Secretary-General indicated his readiness to explore the provision of resources, through the Organization's Integrated Technical Co-operation Programme (ITCP), for this purpose.

12.9 Having further instructed the FSI (III) Sub-Committee to consider an alternative to the terminology "non-convention" as used in GlobalReg, the Committee agreed that making the GlobalReg standards compatible with other safety standards should not be achieved through a full gap analysis, but that the review should take into account existing standards as referred to above.

### **Casualty-related matters**

12.10 The Committee endorsed the Sub-Committee's decision to forward the reports on the incidents of the **Commodore Clipper** (GISIS incident C0008451) to the FP, DE and SLF (SDC and SSE) Sub-Committees; **Lisco Gloria** (GISIS incident C0008391) and **Pearl of Scandinavia** (GISIS incident C0008286) to the FP and DE (SDC and SSE) Sub-Committees; **CMA CGM Christophe Colomb** (GISIS incident C0008272-R01) to the DE (SDC) Sub-Committee; **Deepwater Horizon** to the DE, FP and STW (HTW, SDC and SSE) Sub-Committees, together with the analyses and comments made by the correspondence group (FSI 21/5), for their consideration under the agenda item on "Any other business" and for them to advise MSC 93 on how best to proceed.

12.11 Having concurred with MEPC 65, the Committee approved the draft Assembly resolution on *Guidelines to assist investigators in the implementation of the Casualty Investigation Code* (resolution MSC.255(84)), as set out in annex 27, to revoke resolutions A.849(20) and A.884(21), for submission to the Assembly, at its twenty-eighth session, for adoption.

12.12 The Committee further concurred with the decision of MEPC 65 and approved MSC-MEPC.3/Circ.4 on Revised harmonized reporting procedures – Reports required under SOLAS regulations I/21 and XI-1/6 and MARPOL, articles 8 and 12 to supersede MSC-MEPC.3/Circ.3.

### **Application of SOLAS regulations XII/3, XII/7 and XII/1**

12.13 While considering the recommendation by the Sub-Committee based on a proposal to clarify the meaning of "periodical survey" which would have been used in SOLAS chapter XII with a meaning different from that in the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011 or the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), the Committee approved MSC.1/Circ.1463 on Application of SOLAS regulations XII/3, XII/7 and XII/11.

### **Survey Guidelines under the Harmonized System of Survey and Certification**

12.14 The Committee concurred with the decision of MEPC 65 and approved the draft amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011* (resolution A.1053(27)), which were derived from the amendments to the relevant IMO instruments entering into force up to and including 31 December 2013,

together with the text of the draft Assembly resolution, as set out in annex 28, for submission to the Assembly, at its twenty-eighth session, for adoption.

### **III Code-related matter**

12.15 Having recalled that MEPC 64 and MSC 91 had instructed FSI 21 to develop a new non-mandatory instrument in the form of a draft Assembly resolution, solely containing the annexes to the *Code for the implementation of mandatory IMO instruments, 2011* (resolution A.1054(27)), the Committee concurred with the decision of MEPC 65 and approved the draft Assembly resolution on *2013 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)*, as set out in annex 29, for submission to the Assembly, at its twenty-eighth session, for adoption.

### **Building contract date, keel laying date and delivery date**

12.16 Based on the recommendation by the Sub-Committee, which had considered a proposal by IACS that, in order to determine the application of the mandatory requirements of SOLAS and MARPOL Conventions, it would be more appropriate and reasonable to use the completion date of the initial survey that is entered on the relevant certificates, rather than the date of the protocol of delivery and acceptance signed by both the builder and owner, the Committee, taking into account the concurrent decision of MEPC 65, approved MSC-MEPC.5/Circ.7 on Unified interpretation of the application of regulations governed by the building contract date, the keel laying date and the delivery date for the requirements of the SOLAS and MARPOL Conventions.

### **IMO Ship Identification Number Scheme**

12.17 The Committee considered a draft Assembly resolution annexed to document MSC 92/12/1 (Australia et al.) intended to amend resolution A.600(15) and remove the exemption of fishing vessels in order to allow voluntary application of the *IMO Ship Identification Number Scheme*, on the basis of existing tonnage criteria, to fishing vessels of 100 gross tons and above, for approval prior to submission to the Assembly at its twenty-eighth session for adoption.

12.18 Although some concerns were expressed regarding the possible impact on existing fishing-vessels databases and the security of the information to be held, the Committee concluded that the proposed draft Assembly resolution would be of assistance to the implementation of IMO, FAO and ILO instruments, as well as the conduct of Search and Rescue missions and anti-criminal activities. In this context, the Committee approved the draft Assembly resolution on *IMO Ship Identification Number Scheme*, as set out in annex 30, which replaces and revokes resolution A.600(15), for submission to the Assembly, at its twenty-eighth session, for adoption,.

### **General cargo safety**

12.19 Having considered the recommendations by the Sub-Committee regarding risk control option (RCO) 19 on Extended survey and RCO 20 on Port State control inspector training on general cargo ships, the Committee decided to consider this matter under agenda item 19 (see paragraph 19.2.2).

## Reporting requirements in the context of the marine casualties and incidents

12.20 Recalling that each Administration undertakes to conduct an investigation into any casualty occurring to ships under its flag, in accordance with SOLAS regulations I/21 and XI-1/6, MARPOL articles 8 and 12 and Load Lines, article 23, the provisions of which are supported by article 94 of the United Nations Convention on the Law of the Sea (UNCLOS), the Committee decided to refer documents MSC 92/12/3 (ITF), MSC 92/12/4 (ICS and ITF) and MSC 92/12/5 (IFSMA) to the FSI (III) Sub-Committee for detailed consideration as to the need to encourage flag States and substantially interested States to meet their international obligation to investigate and report on very serious casualties, so as to bring about an increased level of safety, improve protection for the marine environment and to reduce the number of deaths at sea, together with document MSC 92/INF.8 (INTERCARGO) relating to casualties involving bulk carriers.

12.21 The Committee further instructed the FSI (III) Sub-Committee to review the listing of very serious casualties to be investigated and outstanding reports, and to consider, in consultation with the International Civil Aviation Organization (ICAO), whether any lessons might be learnt from the approach taken towards the submission and dissemination of accident reports within the aviation industry.

12.22 The Committee noted the interventions by the delegations of Panama, regarding the progress made in the finalization of the investigation report on the casualty of the livestock carrier **Danny F II** (IMO 7359462), and Indonesia, regarding the carriage of solid bulk cargoes, particularly Nickel Ore. Furthermore, the delegation of the Cook Islands referred to the casualty of the general cargo ship **Swanland** (IMO 7607431), in particular to the issue of the standardization of immersion suits and their compatibility with other buoyancy aids. The Committee was informed that the analysis of the full report of investigation into the latter casualty would be reviewed by the Correspondence Group on Casualty Analysis and the FSI (III) Sub-Committee at its next session. The statements of the three above-mentioned delegations are set out in annex 46.

## Intermediate and renewal survey windows

12.23 The Committee considered the proposal to align the survey regime for ships not subject to the enhanced survey programme of inspections of bulk carriers and oil tankers (ESP ships) with that of ships subject to it, as contained in document MSC 92/12/2 (Liberia et al.), and noted that any changes to the existing arrangements might require the development of draft amendments to SOLAS chapter XI-1 regarding intermediate surveys and to the Survey Guidelines under the HSSC for renewal and intermediate surveys, taking into account the risk of potential conflict with provisions such as SOLAS regulation I/10(a)(iii).

12.24 Having taken a policy decision to align the two survey regimes, the Committee instructed the FSI (III) Sub-Committee to prepare all relevant material for expeditious implementation of the above-mentioned alignment on the basis of the proposal contained in document MSC 92/12/2, while addressing fully the concerns raised about the potentially adverse effect of the extended period of renewal surveys on annually-based survey items.

## 13 SHIP DESIGN AND EQUIPMENT

### REPORT OF THE FIFTY-SEVENTH SESSION OF THE SUB-COMMITTEE

13.1 The Committee approved, in general, the report of the fifty-seventh session of the Sub-Committee on Ship Design and Equipment (DE) (DE 57/25, DE 57/25/Add.1 and MSC 92/13) and took action as outlined in paragraphs 13.2 to 13.37.

## Unified interpretations

### ***SOLAS chapters II-1 and XII, Technical provisions for means of access for inspections and Performance standards for water level detectors on bulk carriers***

13.2 The Committee approved MSC.1/Circ.1464 on Unified interpretation of SOLAS chapters II-1 and XII, of the Technical provisions for means of access for inspections (resolution MSC.158(78)) and of the *Performance standards for water level detectors on bulk carriers* (resolution MSC.145(77)).

### ***Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers***

13.3 The Committee considered document MSC 92/13/4 (Greece, INTERTANKO, and INTERCARGO), suggesting modifications to the draft MSC circular on Unified interpretations of the *Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers* (resolution MSC.215(82)) (PSPC).

13.4 Having considered the suggested modifications, the Committee:

- .1 did not agree to the proposal (MSC 92/13/4, paragraph 4) to add additional text at the end of the interpretation concerning water-soluble salt limit;
- .2 did not agree to the proposal (MSC 92/13/4, paragraph 5) to add an additional sentence at the end of the interpretation concerning shop primer;
- .3 agreed to delete interpretation 1 to paragraph 3.4 of PSPC 4, table 1, section 3 (Secondary surface preparation) which DE 57 had left in square brackets for a decision by the Committee;
- .4 agreed to the proposal (MSC 92/13/4, paragraph 7) to modify paragraphs 4.1 and 4.3 of the interpretation concerning assistant coating inspectors to read as follows:  

"4.1 If the coating inspectors require assistance from other persons to perform part of the inspections, those persons should perform the inspections under the coating inspector's supervision and should be trained to the coating inspector's satisfaction."

"4.3 Training records should be available for verification."; and
- .5 did not agree to the proposal (MSC 92/13/4, paragraph 8) to add an additional paragraph to the interpretation concerning verification of the application of the PSPC since it considered this to be an amendment rather than an interpretation. In this connection, having noted this decision, the observer from INTERTANKO, supported by the delegation of Greece, made the Committee aware that the activity and result of the verification process for compliance with the PSPC was currently not documented for Administrations and shipowners, while the basic principles of quality control required such documentation.

13.5 Consequently, the Committee approved MSC.1/Circ.1465 on Unified interpretations of the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers (resolution MSC.215(82)).

13.6 The observer from IACS, referring to the decision of DE 57 not to include in the above-mentioned unified interpretation text referring to section 8 (Alternative systems) of the PSPC, pointed out that the alternative approval scheme was explicitly referred to in the mandatory provisions of the PSPC and that the deletion of the relevant interpretations, which aimed at facilitating consistent and global implementation of the scheme, would not stop its implementation. The interpretations would have clarified that any coating system not fully meeting the standard approval scheme of the PSPC was required to undergo the more rigorous alternative test procedure. Coating manufacturers had stated that their new products, some developed for health and environmental reasons, e.g. solvent free coating systems, and others of a novel or innovative nature, were equivalent to products approved under the standard approval. The IACS observer, stressing that such products must be proven and approved under the more rigorous assessment criteria for alternative systems, urged the Committee to task the DE (SDC) Sub-Committee to reconsider its decision not to include provisions relating to alternative systems in the unified interpretation.

13.7 Following consideration, and having noted differing views of delegations on whether relevant provisions should be included in the unified interpretations just approved, the Committee invited IACS to submit a relevant proposal to the next session of the DE (SDC) Sub-Committee, under its agenda item on "Consideration of IACS Unified interpretations".

#### ***Fall preventer devices***

13.8 The Committee approved MSC.1/Circ.1466 on Unified Interpretations on fall preventer devices.

#### ***Redundancy of fuel oil pumps for the normal operation of propulsion systems***

13.9 The Committee approved MSC.1/Circ.1467 on Unified Interpretations of SOLAS regulation II-1/26.3.

#### ***Greatest launching height for a free-fall lifeboat***

13.10 The Committee approved MSC.1/Circ.1468 on Unified Interpretations of paragraph 1.1.4 of the LSA Code.

#### **Measures to prevent accidents with lifeboats**

##### ***Requirements for periodic servicing and maintenance of lifeboats and rescue boats***

13.11 The Committee, having considered paragraph 6.2.3 of the draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats*, concerning the possibility of an extension for the annual examination, which DE 57 had left in square brackets for a decision by the Committee, agreed to delete the paragraph.

13.12 Having considered document MSC 92/13/3 (Dominica) commenting on the requirements for operational testing of davit-launched lifeboat and rescue boat on-load and off-load release gear and proposing to add two new subparagraphs 6.2.6.5 and 6.2.7.5, the Committee agreed that more information was necessary to take a decision on the matter and invited relevant submissions to MSC 93, to be considered at that session in conjunction with the adoption of the requirements.

13.13 Consequently, the Committee approved the draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats*, as set out in annex 31, with a view to adoption at MSC 93 in conjunction with the adoption of the associated draft SOLAS amendments (see paragraph 13.16).

#### ***Guidelines on safety during abandon ship drills using lifeboats***

13.14 The Committee approved, in principle, the draft MSC circular on *Guidelines on safety during abandon ship drills using lifeboats*, for final approval at MSC 93 in conjunction with the adoption of the associated draft MSC resolution (see paragraph 13.13).

13.15 In this connection, the Committee considered document MSC 92/13/1 (ITF), suggesting that the draft Guidelines should be considered by the STW Sub-Committee, taking into account all other guidance and amendments relevant to measures to prevent accidents with lifeboats, the need to give advice on the standardization of drills and the possibility of making the Guidelines mandatory, and, having noted that the next session of the STW (HTW) Sub-Committee was scheduled to take place before MSC 93, instructed it to consider the draft Guidelines, taking into account document MSC 92/13/1, so that any comments may be taken into account for their final approval at MSC 93.

#### ***Associated draft amendments to SOLAS chapter III***

13.16 Subsequently, the Committee approved draft amendments to SOLAS chapter III, as set out in annex 32, to make the aforementioned *Requirements for periodic servicing and maintenance of lifeboats and rescue boats* mandatory (see paragraph 13.13), and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

#### **Goal-based guidelines on the framework of requirements for ships' life-saving appliances**

13.17 The Committee noted that the Sub-Committee had referred parts of the draft *Goal-based Guidelines on the framework of requirements for ships' life-saving appliances* (DE 57/WP.5, annex 1) to the STW (HTW), COMSAR (NCSR) and FP (SSE) Sub-Committees for consideration, as appropriate.

#### **Acceptable arrangements for the positioning and operation of lights fitted to lifejackets**

13.18 The Committee recalled that MSC 91, following consideration of document MSC 91/18 (IACS) regarding acceptable arrangements for the positioning and operation of lights fitted to lifejackets, had referred the document to DE 57 for consideration.

13.19 The Committee noted the comments of the Sub-Committee on the matter, as set out in the report of DE 57 (DE 57/25, paragraphs 8.6 to 8.9) and that DE 57 had invited IACS to prepare a relevant unified interpretation.

#### **Development of a mandatory Polar Code**

13.20 The Committee noted the progress made at DE 57 in the development of the mandatory Polar Code.

13.21 In this connection, the Committee noted the outcome of MEPC 65 in the matter, in particular that the MEPC had considered draft chapter 15 (Environmental protection) of the Polar Code, as requested by DE 57, and had taken the following decisions:

- .1 agreed that the DE (SDC) Sub-Committee should await the outcome of the BLG (PPR) Sub-Committee on the impact on the Arctic of emissions of Black Carbon from international shipping before considering the issue further;
- .2 agreed to exempt cargo ships having ice-breaking capability from the EEDI requirements and approved relevant draft amendments to regulations 2 and 19 of MARPOL Annex VI;
- .3 with regard to additional requirements to those of MARPOL Annex I, agreed that any discharge into the sea of oil or oily mixtures from any ship should be prohibited;
- .4 agreed that it was premature to regulate the use of heavy fuel oil (HFO) on ships operating in Arctic waters;
- .5 noted DE 57's agreement that proposals concerning the introduction of regulations on grey water discharge should first be considered by the MEPC as grey water is currently not regulated under MARPOL;
- .6 with regard to additional requirements to those of MARPOL Annex V, agreed that the discharge of food waste into the sea should be allowed under certain conditions;
- .7 did not support the proposal (MEPC 65/11/5) to include a provision in the draft Polar Code prohibiting shipboard incineration in polar regions within 12 nautical miles from the nearest land, ice shelf, land-fast ice, or area of ice concentration in excess of 10 per cent ice coverage;
- .8 instructed the DE (SDC) Sub-Committee to take into account the temperature testing requirements for ballast water management systems, as contained in the revised Methodology for information gathering and conduct of work of the GESAMP-BWWG (BWM.2/Circ.13/Rev.1), when considering relevant recommendations on ballast water management systems; and
- .9 approved, subject to the concurrent decision of MSC 92, the holding of an intersessional meeting of the Polar Code Working Group (refer to paragraph 23.28.5).

### ***Status of nautical charting in polar waters***

13.22 The Committee considered the unsatisfactory status of nautical charting in polar waters and the impact this has on navigation (DE 57/11/24), having noted that DE 57 had referred this matter to the NAV Sub-Committee for further consideration.

13.23 In this connection, the Committee noted a statement by IHO advising the Committee that the chart coverage for Arctic and Antarctic areas at an appropriate scale was generally inadequate for coastal navigation and that, where charts did exist, they had limited usefulness because of the lack of any reliable depth or hazard information. Consequently,

they urged Member States to meet their surveying and charting obligations as set out in SOLAS chapter V. The full text of the statement is set out in annex 46.

13.24 Having considered the information provided by IHO, the Committee stressed the utmost importance of adequate charting, not only for the polar regions, but also for all other areas and, recognizing that a collective effort was necessary to improve the situation, encouraged Member States to collect relevant information, especially for remote areas, in support of IHO activities in this regard. Having recalled that DE 57 had already requested the NAV Sub-Committee to consider the matter for polar regions (see paragraph 13.22), the Committee instructed the NAV Sub-Committee to also take the comments made at this session into account in their considerations.

13.25 The Committee noted a second statement by IHO drawing its attention to this year's theme of World Hydrography Day: "Hydrography – Underpinning the Blue Economy" which refers to the sum of all economic activity associated with oceans, seas, harbours, ports and coastal zones. The full text of their statement is set out in annex 46.

### **Guidelines addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages**

13.26 The Committee decided to consider this matter under agenda item 23 (Work programme (see paragraph 23.19)).

### **Lifejacket reference test devices (RTDs)**

13.27 The Committee approved:

- .1 draft amendments to the LSA Code concerning lifejacket RTDs, as set out in annex 33, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 93;
- .2 draft amendments to the *Revised Recommendation on testing of life-saving appliances* (resolution MSC.81(70)), as set out in annex 34, with a view to adoption at MSC 93 in conjunction with the adoption of the aforementioned associated LSA Code amendments; and
- .3 in principle, a draft MSC circular on *Guidelines for validating the construction of a completed adult reference test device (RTD)*, for final approval at MSC 93 in conjunction with the adoption of the associated amendments to the LSA Code and the *Revised Recommendation on testing of life-saving appliances*, and requested the Secretariat to forward the above draft MSC circular to MSC 93 accordingly.

### **Requirements for lifting appliances and winches**

13.28 The Committee noted that DE 57 had requested the Secretariat to liaise with ILO to inform it of the ongoing work with regard to the development of requirements for lifting appliances and winches and invite its participation. In this connection, the Committee also noted that the Secretariat, in the meantime, had contacted ILO and had received confirmation that it would welcome participating in the work.



### **Requirements for steering gear trials**

13.29 The Committee approved draft amendments to SOLAS regulation II-1/29 concerning requirements for steering-gear trials, as set out in annex 35, and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

### **Draft revised IGC Code**

13.30 The Committee noted that DE 57 had considered the parts of the draft revised IGC Code referred to it by the BLG Sub-Committee and had concurred with the draft text as set out in documents BLG 17/9 and BLG 17/WP.6.

### **Amendments to the 2011 ESP Code**

13.31 The Committee concurred with the procedure for regular updates to the 2011 ESP Code agreed by DE 57, as set out in the report of that session (DE 57/25, paragraph 24.5).

13.32 With regard to the consideration of amendments to the ESP Code prepared by DE 57, the Committee considered proposed new text in square brackets in paragraph 1.3.3 of annexes A and B of parts A and B of the 2011 ESP Code and agreed that the paragraph should read as follows:

"1.3.3 Where the damage found on the structure mentioned in paragraph 1.3.1 above is isolated and of a localized nature which does not affect the ship's structural integrity (as for example a minor hole in a cross-deck strip), consideration may be given by the surveyor to allow an appropriate temporary repair to restore watertight or weathertight integrity after evaluation of the surrounding structure and impose an associated condition of classification or recommendation with a specific time limit to complete the permanent repair and retain classification."

13.33 Consequently, the Committee approved the draft amendments to the 2011 ESP Code, as set out in annex 36, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 93.

### **Deferment of agenda items**

13.34 The Committee noted that, due to lack of time, DE 57 had deferred consideration of agenda items 9 (Development of amendments to the LSA Code for thermal performance of immersion suits), 10 (Development of amendments to the LSA Code for free-fall lifeboats with float-free capabilities), 14 (Development of guidelines for wing-in-ground craft), 15 (Revision of the *Recommendation on conditions for the approval of servicing stations for inflatable liferafts* (resolution A.761(18)) and 19 (Review of general cargo ship safety) to DE 58 (SDC 1 and SSE 1), as appropriate.

### **SHIP SPECIFIC PLANS AND PROCEDURES FOR RECOVERY OF PERSONS FROM THE WATER**

13.35 The Committee recalled that MSC 91 had adopted new SOLAS regulation III/17-1 concerning the recovery of persons from the water, which is expected to enter into force on 1 July 2014 and requires ship-specific plans and procedures for such recovery (MSC.1/Circ.1447 on *Guidelines for the development of plans and procedures for recovery of persons from the water* refers).

13.36 In this connection, the Committee noted with thanks document MSC 92/INF.7 (Japan), providing information on a sample form to facilitate the preparation of plans and procedures for the recovery of persons from the water, developed in consultation with stakeholders such as class societies, shipowners and the Japanese Administration. The sample form does not imply any minimum requirements for all ships to follow, for example, some rescue equipment listed in the form may not be needed on all ships.

## **14 TRAINING AND WATCHKEEPING**

### **REPORT OF THE FORTY-FOURTH SESSION OF THE SUB-COMMITTEE (URGENT MATTERS EMANATING FROM THE FORTY-FOURTH SESSION OF THE SUB-COMMITTEE)**

#### **General**

14.1 The Committee considered urgent issues emanating from the forty-fourth session of the Sub-Committee (MSC 92/14) and took action as indicated below.

#### **Revision of Recommendations for the training, competency and fitness for duty of personnel on mobile offshore units (MOUs)**

14.2 The Committee approved the draft Assembly resolution on *Recommendations for the training and certification of personnel on mobile offshore units (MOUs)*, as set out in annex 37, for submission to the Assembly, at its twenty-eighth session, for adoption.

#### **Development of a mandatory Code for ships operating in Polar waters**

14.3 The Committee concurred with the conclusion of the Sub-Committee that it was appropriate to include training and certification provisions for the Polar Code in chapter V of the STCW Convention and Code, and instructed the Secretariat to inform DE 58 (SDC 1) accordingly.

#### **IMO instruments Implementation (III Code)**

14.4 The Committee approved amendments to the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended, and the Seafarers' Training, Certification and Watchkeeping (STCW) Code, to make the IMO Instruments Implementation Code (III Code) mandatory, as set out in annexes 38 and 39, respectively, and requested the Secretary-General to circulate them in accordance with article XII of the STCW Convention.

#### **International Code of safety for ships using gas or other low flash-point fuels with properties similar to liquefied natural gas (IGF Code)**

14.5 The Committee concurred with the view of the Sub-Committee that the appropriate instrument to include training and certification provisions for personnel on ships using gases or other low flash-point fuels was chapter V of the STCW Convention and Code, and accordingly, that reference should be made in chapter 18 of the IGF Code to the appropriate provisions of STCW Convention and Code, and instructed the Secretariat to inform DSC (CCC 1) accordingly.

#### **Amendments to the STCW Code's vision requirements**

14.6 The Committee approved STCW.7/Circ.20 on *Interim Guidance on colour vision testing*.

14.7 The Committee approved amendments to part A of the STCW Code related to Minimum in-service eyesight standards for seafarers, as set out in annex 39, and requested the Secretary-General to circulate them in accordance with article XII of the STCW Convention.

#### **Secretary-General's report pursuant to STCW regulation I/7, paragraph 2**

14.8 The Sub-Committee noted that no reports pursuant to STCW regulation I/7, paragraph 2, had been submitted to this session for consideration.

#### **Secretary-General's report pursuant to STCW regulation I/8**

14.9 In introducing his report (MSC 92/WP.3), the Director of the Maritime Safety Division, on behalf of the Secretary-General, 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 section A-I/7 of the STCW Code and circulated as MSC.1/Circ.797. The reports, as required by MSC.1/Circ.1449, comprised:

- .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.

14.10 Having considered the Secretary-General's reports attached to document MSC 92/WP.3, the Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of two STCW Parties, and requested the Secretariat to issue an updated circular as MSC.1/Circ.1164/Rev.12.

#### **Approval of competent persons**

14.11 The Committee approved additional competent persons nominated by Governments (MSC 92/14/1), and requested the Secretariat to issue an updated circular as MSC/Circ.797/Rev.24.

## **15 TECHNICAL CO-OPERATION ACTIVITIES RELATING TO MARITIME SAFETY AND SECURITY**

### **Developments concerning technical co-operation activities and model courses**

15.1 The Committee noted document MSC 92/15 (Secretariat) reporting on the 31 regional and 45 global safety- and security-related activities implemented for the period January to December 2012 and the 29 regional and 34 global activities planned for 2013 under the Integrated Technical Co-operation Programme (ITCP) for the biennium.

15.2 The Committee also noted document MSC 92/15/2 (Singapore) containing information on a four-day workshop held from 12 to 15 March 2013, for 31 maritime security personnel from the Asian Pacific region. The workshop was hosted by Singapore, in collaboration with IMO and the Maritime Security Experts Subgroup (MEG-SEC) of the Asia-Pacific Economic Cooperation (APEC), and was based on a manual developed in 2008 by the subgroup as part of technical assistance to aid APEC Member Economies' port facilities in complying with the ISPS Code requirements for maritime security drills and

exercises. The guidelines in the manual had proven to be a useful tool and could be adapted as a basis for future collaboration on maritime capacity-building initiatives.

15.3 The Committee noted document MSC 92/15/1 (Secretariat) containing the information that 66 model courses have been published in English, of which 32 have been translated into French and 35 into Spanish. Of the translated courses, 27 have been published in French and 25 in Spanish, while the translation of other courses is being undertaken in a phased manner within existing resources.

15.4 In appreciating the information provided on the implementation of technical co-operation activities and the development of model courses, the Committee urged Governments and industry to contribute to the Technical Co-operation Fund and requested the Secretariat to keep the Committee informed of future activities.

## **16 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES**

### **General**

16.1 The Committee recalled that MSC 91 (MSC 91/22, paragraph 15.10) had requested the Vice-Chairman of the Committee, in consultation with the Chairman and assisted by the Secretariat, to submit to MSC 92 a preliminary assessment of the capacity-building implications and technical assistance needs related to the approved amendments to mandatory instruments and the new unplanned outputs related to mandatory instruments, which had been approved at that session.

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

16.2 The Committee considered document MSC 92/16 (Vice-Chairman) providing the outcome of the preliminary assessment referred to above. The Committee noted that new/updated legislation is required for most of the items considered under the draft amendments to mandatory instruments as reflected in annex 2 and recalled that technical and/or legal support that may be necessary could be addressed through the Organization's Integrated Technical Co-operation Programme (ITCP).

16.3 The Committee, having further noted that no validated training existed for enabling seafarers and port personnel to improve the safe transport and operation procedures involving solid bulk cargoes, agreed that the development of such a training course should be considered by the DSC (CCC) Sub-Committee. With respect to the assessment of the items in annex 3 of document MSC 92/16, the Committee agreed that the outputs may need to be monitored in due course.

16.4 The Committee, having agreed that it would not be necessary to establish the Ad Hoc Capacity-building Needs Analysis Group (ACAG), requested the Vice-Chairman, in consultation with the Chairman and with the assistance of the Secretariat, to submit to MSC 93 a preliminary assessment of the amendments to mandatory instruments and the new outputs related to proposed new measures approved at this session.

## **17 FORMAL SAFETY ASSESSMENT**

### **General**

17.1 The Committee recalled that MSC 91 had approved, subject to the concurrent approval of MEPC 65, the draft Revised FSA Guidelines and the draft HEAP Guidelines. In this regard, the Committee noted that MEPC 65 had approved them, and they would be

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issued as MSC-MEPC.2/Circ.12 on *Revised Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* and MSC-MEPC.2/Circ.13 on *Guidelines for the application of Human Element Analysing Process (HEAP) to the IMO rule-making process*.

17.2 The Committee also recalled that, with regard to the FSA study on the safe sea transport of dangerous goods and the FSA study on crude oil tankers, MSC 91, having considered the report of the FSA Experts Group, had forwarded the recommendations contained in those FSA studies to the relevant sub-committees.

### **FSA study on the safe sea transport of dangerous goods**

17.3 The Committee noted the following outcomes of FP 56 and STW 44 on the safe sea transport of dangerous goods (MSC 92/17 and Add.1):

- .1 FP 56 noted that the draft SOLAS amendments to regulation II-2/10 and the associated draft MSC circular, prepared by the Sub-Committee, were consistent with Recommendation 2 of the FSA study, and that therefore the intent of the aforementioned recommendation had been achieved, offering a considerable improvement of safety; and
- .2 STW 44 agreed that the scope of the competence to fight and extinguish fires could be extended to address problems concerning water-reactive materials which, in most cases, could be extinguished with water, noting that the contents of model courses were based on the competences identified in the tables in the STCW Code, which would need to be amended; subsequently, STW 44 invited interested Member States and international organizations to submit proposals to MSC 93 for a new unplanned output to amend the STCW Code to extend the scope of the competence "fight and extinguish fires" to address fire-fighting involving water-reactive materials.

### **FSA study on crude oil tankers**

17.4 The Committee noted the following outcomes of FP 56 and STW 44 on crude oil tankers (MSC 92/17 and Add.1):

- .1 FP 56 concluded that, with regard to RCO 8 (Hot work procedures training) in the FSA study, the work on that output had been completed for matters under the purview of the Sub-Committee, and that work related to RCO 9 (Double sheathed low-pressure fuel pipes for fuel injection systems in engines) had been included in the list of items on the Committee's post-biennial agenda; and
- .2 STW 44 noted that RCO 8 (Hot work procedures training) had already been included in the Committee's post-biennial agenda, as agreed by MSC 91.

### **Re-establishment of the Experts Group on Formal Safety Assessment (FSA)**

17.5 The Committee recalled that it had re-established the FSA Experts Group under agenda item 6 and instructed it to report its outcome to MSC 93 under the agenda item on "Passenger ship safety" (see paragraphs 6.20 and 23.28.10).

## **18 PIRACY AND ARMED ROBBERY AGAINST SHIPS**

### **Piracy and armed robbery against ships in the Gulf of Guinea**

18.1 In welcoming the submissions of Greece and the Secretariat (documents MSC 92/18/1 and MSC 92/18, respectively), the Committee recognized the gravity of the issue of piracy and armed robbery against ships in the Gulf of Guinea and the extreme violence exhibited, and expressed its deep concern for, and condemnation of, such activities. In addition to the information provided in these documents, the Committee also noted that a study entitled "Human Cost of Piracy" had just been released and was available online at the following website address: [www.oceansbeyondpiracy.org](http://www.oceansbeyondpiracy.org). In this connection, the delegation of Liberia made a statement, which is set out in annex 46.

18.2 The Committee noted that the maritime safety, security and law enforcement challenges in the region all have broadly similar solutions, including: comprehensive legal frameworks; maritime situational awareness; maritime law enforcement capability; and inter-agency cooperation on both the national and regional levels. The Committee further noted that the Secretariat had developed a series of national, subregional and regional workshops on the ISPS Code, maritime security and stowaways in the region, currently funded under the International Maritime Security Trust Fund.

18.3 Having noted the statements made by Angola, Côte d'Ivoire, Ghana and Nigeria, which are set out in annex 46, the Committee expressed its appreciation for the increased commitment and efforts of a number of coastal States in the region to address these issues through the implementation of a range of measures including better cooperation, coordination, communication and development of their capacity to enforce the law at sea. The Committee welcomed the regional initiative by ECCAS, ECOWAS and the Gulf of Guinea Commission, pursuant to United Nations Security Council resolutions 2018 (2011) and 2039 (2012), to develop a Code of Conduct on the repression of piracy, armed robbery against ships and other illicit activities at sea. This Code of Conduct, which complemented the integrated coastguard function network project, launched by IMO and MOWCA in 2006, and the African Union's Integrated Maritime Strategy 2050, was adopted at a ministerial meeting in Cotonou, Benin, in March 2013 and was expected to be opened for signature at the meeting of the Heads of State and Government of Central and West African States, in Yaoundé, Cameroon, on 24 and 25 June 2013.

18.4 The Committee called upon flag States to reiterate the need for proper and comprehensive reporting of incidents by ships operating in the area and to reinforce the need for the full implementation of IMO guidance (MSC.1/Circs.1333 and 1334) and other guidelines developed by industry. As this guidance included recently developed interim guidance specific to the region, the Committee requested the Secretariat to circulate relevant details by means of a circular letter.

18.5 The Committee noted the calls for some States, regional bodies and the United Nations to redouble their efforts to implement effective maritime law enforcement solutions.

18.6 The Secretary-General advised the Committee that he would write to the Secretary-General of the United Nations, Mr. Ban Ki-moon, keeping him informed of developments with respect to the situation in the Gulf of Guinea, including the preparation of guidance by the industry and the establishment of a multi-donor trust fund for the implementation of IMO projects on maritime security for West and Central Africa; and the need for continued close cooperation between members of the United Nations system.

18.7 The Secretary-General further advised the Committee that he had attended the Tokyo International Conference on African Development (TICAD V) in Yokohama in June 2013. The Secretary-General had participated in a session chaired by Mr. Ban on the Post-2015 Development Agenda for Africa and had stressed that maritime development should find a proper position on African development and that maritime infrastructure development and maritime security were fundamentally important to achieving this.

18.8 The Secretary-General reiterated his determination to eradicate piracy and armed robbery against ships, noting that the new Code of Conduct was an important factor within a regional mechanism for cooperation. The Secretariat had been active in promoting the implementation and coordination of coastguard functions nationally and regionally, and had contributed to developing the Code of Conduct. African countries needed to take action and all Member States were encouraged to support these activities.

18.9 The Committee concluded by urging Member States to contribute to the Maritime Security Trust Fund and the multi-donor trust fund for the implementation of IMO projects on maritime security for West and Central Africa.

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

18.10 The delegation of Japan stated that, although the numbers of piracy attacks in the Gulf of Aden and western Indian Ocean had significantly reduced, it remained a significant threat and there was no cause to relax. The Committee noted with gratitude reports from the Islamic Republic of Iran and Turkey on their activities to counter piracy. The full text of the statement by the Islamic Republic of Iran is set out in annex 46.

18.11 The Committee further noted the concerns expressed by the delegation of Bangladesh on the fate of 15 seafarers from Bangladesh, India and Sri Lanka on the M.V. **Albedo**, still being held captive since November 2010. The seafarers and their families were under tremendous pressure due to their enforced captivity. Bangladesh sought help from any quarter, in particular from the flag State and other IMO Member States, for the release of those 15 seafarers.

### **Activities of ReCAAP-ISC and Canada related to piracy**

18.12 The Committee noted an update on the activities of the ReCAAP Information Sharing Centre (MSC 92/INF.12) and the information provided by Canada (MSC 92/INF.4) on the Dalhousie Marine Piracy Project's intersectoral working group workshop on global maritime piracy.

### **Private armed security and rules on the use of force**

18.13 The Committee recalled its decision at MSC 90 that ISO would be best placed to develop standards on Private Maritime Security Companies (PMSC) with guidance from IMO, and that MSC.1/Circ.1443 on *Interim Guidance to private maritime security Companies providing privately contracted armed security personnel on board ships in the High Risk Area*, which included guidance on rules on the use of force, was accordingly provided to ISO to assist in development of the new ISO standard. Recalling also that, at MSC 91, ISO had reported on progress on the new ISO Publicly Available Specification (PAS) 28007, published in November 2012, the Committee noted that "Rules for the Use of Force" (MSC 92/INF.14) has been accepted as an input to ISO TC 8. The Committee thanked ISO for its continuing work and once again encouraged Member States to bring the PAS to the attention of their national standards bodies, and PMSCs, shipowners and other stakeholders to study and use this PAS

as appropriate, noting also that any delegation wishing to discuss either the process or content related to the ISO PAS is invited to contact ISO.

18.14 In considering document MSC 92/INF.14 (Marshall Islands), on the inclusion of rules for the use of force in ISO PAS 28007, a matter to be addressed by next annual general meeting of ISO/TC 8, the Committee noted an intervention by BIMCO, supported by ICS and others, calling for Governments to implement ISO PAS 28007 as the sole standard. BIMCO expressed concern that some Governments may be considering using the International Code of Conduct as a standard for the approval of PCASPs, as opposed to ISO PAS 28007. The full text of the statement by BIMCO is set out in annex 46.

### **Outcomes of FAL 38 on information related to the questionnaire on information on port and coastal State requirements related to PCASP**

18.15 The Committee recalled that, following discussions during MSC 89 and FAL 37, an intersessional working group had developed MSC-FAL.1/Circ.2 on Questionnaire on information on port and coastal State requirements related to PCASP, and that responses to the questionnaire and any related national legislation, policies and procedures provided had been posted by the Secretariat, in the language received, on IMO's public website ([www.imo.org](http://www.imo.org)).

18.16 The Committee noted that FAL 38, in order to address the low level of responses, had requested the Secretariat to write to Member States reminding them of the need to supply the information requested. This had been done by means of Circular letter No.3366 dated 14 May 2013. The Committee urged Contracting Governments which had not yet done so to complete the questionnaire annexed to MSC-FAL.1/Circ.2 and to submit the information to the Organization at their earliest convenience.

## **19 GENERAL CARGO SHIP SAFETY**

19.1 The Committee recalled that MSC 90, having considered part of the report of the GBS/FSA Working Group (MSC 90/WP.7), had forwarded the final recommendations for risk control options (RCOs) included in the FSA study on General Cargo Ship Safety (MSC 88/19/2) to relevant sub-committees for advice.

19.2 The Committee noted the following outcomes of FP 56, FSI 21 and STW 44 on the matter (MSC 92/19 and Add.1):

- .1 FP 56, in considering RCO 28 (Measures to prevent fire and explosion accidents caused by inadequate repair and maintenance procedures and work during harbour stays), concluded that the regulatory basis was already in place and that relevant measures should be effected by Administrations through strict implementation of the requirements of the ISM Code, including further strengthening of SMS procedures, and invited the Committee to note this view; consequently, FP 56 agreed that no further action on RCO 28 was needed;
- .2 FSI 21, with regard to RCO 19 (Extended survey on general cargo ships) and RCO 20 (Port State control inspector training for general cargo ships), agreed that further consideration is required at FSI 22 (III 1); and



- .3 STW 44, having considered RCOs 8, 23 and 26 on operational/training matters, agreed that the STCW Convention and Code adequately covered training requirements relating to these RCOs and recommended to the Committee that no further action be taken.

19.3 In this regard, the delegation of IACS, noting that a full set of responses from the relevant sub-committees relating to the detailed technical evaluation of the RCOs from the IACS FSA study is not likely to be available until MSC 93, stated that, in order to facilitate a holistic overview of the work the sub-committees have done, IACS intended to submit to MSC 93 a status report and analysis of the RCOs as referred by the Committee.

## **20 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS**

### **Clarification on the definition of "new ship" in LL 66/88**

20.1 The Committee considered document MSC 92/20 (Democratic People's Republic of Korea), seeking clarification on the definition of "new ship" in article 2 of the International Convention on Load Lines, 1966, as modified by the 1988 Protocol relating thereto.

20.2 In considering the proposal, the Committee noted, among other things, the "no more favourable treatment" provision in the Protocol and the responsibilities of flag State Administrations accepting ships on their registers; and decided that an interpretation of the term "new ship" was not required.

### **Bridge Navigational Watch Alarm System (BNWAS) auto-function**

20.3 The Committee considered document MSC 92/20/1 (Marshall Islands, et al.), seeking its view on the need for the automatic function as specified in resolution MSC.128(75) – *Performance Standards for a Bridge Navigational Watch Alarm System (BNWAS)*.

20.4 Having recalled the views of NAV 55 that the automatic mode of the performance standard was not usable on a ship compliant with the SOLAS Convention and, in particular, with the requirements of SOLAS regulation V/19.2.2.3, the Committee instructed NAV 59 to further consider document MSC 92/20/1 under its agenda item "Any other business" and develop necessary guidance on the issue and, in addition, advise MSC 93 on the way forward.

## **21 RELATIONS WITH OTHER ORGANIZATIONS**

21.1 The Committee noted the decisions of C 109 (MSC 92/21) relating to the review of the Rules Governing the Relationship with Non-Governmental International Organizations, the Guidelines on the Grant of Consultative Status, and the questionnaire.

## **22 REVIEW AND REFORM OF THE ORGANIZATION, INCLUDING APPLICATION OF THE COMMITTEES' GUIDELINES**

### **COMMITTEES' GUIDELINES**

22.1 With regard to the Committees' Guidelines (MSC-MEPC.1/Circ.4./Rev.2), the Committee noted that FAL 38 had revised the *Guidelines on the organization and method of work of the Facilitation Committee* (FAL.3/Circ.209) and had invited the MSC to note the revision and to consider if the editorial improvements made by FAL 38 should be included in the relevant Guidelines of the MSC and MEPC in due course.

22.2 The Committee agreed to request the Secretariat to prepare a document for consideration at MSC 93, setting out the revised text prepared by FAL 38, so that the Committee may take a decision on the matter.

## REVIEW AND REFORM OF THE ORGANIZATION

### Background

22.3 The Committee recalled that C 109 had considered and endorsed in principle the Secretary-General's proposals on the review and reform of the Organization (C 109/D, section 3) and, in regard to matters relating to the proposed sub-committee restructuring, had invited the MSC and MEPC to consider the implications and practicability of the relevant proposals under their purview, including appropriate new names for the sub-committees in question, and to report to C 110 accordingly.

22.4 The Committee also recalled that MSC 91, following an extensive debate on the matter (MSC 91/22, paragraphs 19.38 to 19.51), had requested the Secretariat to prepare a detailed proposal containing proposed names, terms of reference, provisional agendas and biennial agendas, a cost-benefit analysis and meeting dates for each body, for consideration at MEPC 65 and MSC 92. MSC 91 had also agreed to establish a working group at this session to consider the matter further.

### Documents submitted and information provided

22.5 The Committee had for its consideration the following two documents by the Secretary-General:

- .1 MSC 92/22, containing a detailed proposal on the proposed sub-committee restructuring, including draft terms of reference of each sub-committee, biennial and provisional agendas for each body and a provisional meeting programme for 2014, and proposing to rearrange the existing nine sub-committees as a new structure comprising seven sub-committees, as follows (in alphabetical order):
  - .1 **Sub-Committee on Implementation of IMO Instruments (III):**  
Renaming the FSI Sub-Committee to better reflect its actual work.
  - .2 **Sub-Committee on Human Element, Training and Watchkeeping (HTW):**  
Renaming the STW Sub-Committee to better reflect the increased importance placed on matters relating to the role of the human element.
  - .3 **Sub-Committee on Navigation, Communications and Search and Rescue (NCSR):**  
Amalgamating the work of the COMSAR and NAV Sub-Committees to maximize the efficiency of the operational work undertaken by the Committee, taking into account that communication-related matters are essential for both navigation and SAR operations and that both navigation and communication equipment is virtually all computer software-based.

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- .4 **Sub-Committee on Pollution Prevention and Response (PPR):**  
Renaming the BLG Sub-Committee, expanding its terms of reference in order for it to deal with environment-related matters in addition to its traditional work on bulk liquid cargoes, including the ESPH Group, and reallocating it to the MEPC as the principal parent body.
  - .5 **Sub-Committee on Transport of Cargoes (TOC):**  
As a consequence of the changed nature of the work of the BLG Sub-Committee and its renaming, broadening the responsibilities of the DSC Sub-Committee to concentrate on packaged dangerous goods, solid bulk cargoes, bulk gas cargoes and containers and reporting to the MSC and MEPC, as appropriate.
  - .6 **Sub-Committee on Ship Design and Construction (SDC):**  
Amalgamating the work of the DE and SLF Sub-Committees, except for all matters related to life-saving appliances, which are to be transferred to the new SSE Sub-Committee (see below).
  - .7 **Sub-Committee on Ship Systems and Equipment (SSE):**  
Amalgamating the work of the FP Sub-Committee and all matters related to life-saving appliances, currently under the DE Sub-Committee; and
- .2 MSC 92/INF.2, providing information on anticipated costs and benefits resulting from the proposed restructuring of the sub-committees, as requested by MSC 91; reporting on possible savings due to the reduction in meeting-weeks, engagement of translators, and professional staff, as well as the cost reduction for Member States due to the reduced number of meetings; and pointing out opportunities for a reorganization of the Secretariat, leading to enhanced flexibility of staff, and for a reduction of the need to refer specific items between sub-committees, which in the past resulted in delays.

22.6 In respect of the two aforementioned documents, the Committee noted further information provided by the Secretary-General, who recalled that C 109, in endorsing, in principle, his proposals for modifications to the sub-committees' structure, had requested the MSC and MEPC to consider the implications and practicability of the proposals.

He advised the Committee that, taking into account the comments expressed at MSC 91 and having consulted with the MSC and MEPC Chairmen and the Chairmen of the subsidiary bodies and specialist groups established by them, and having sought the views of the expert bodies themselves at the beginning of this year at various sub-committee meetings, he had prepared the detailed proposals set out in document MSC 92/22 for consideration, reflecting the comments expressed at the sub-committee meetings, including the related cost-benefit analysis contained in document MSC 92/INF.2.

A synopsis of the purpose, implications and practicability of the various proposals was provided in paragraphs 5 to 17 of document MSC 92/22 and the proposed terms of reference, provisional agendas for 2014, arrangements for the respective sessions and biennial agendas of the sub-committees for 2014-2015 were set out in the annexes to the same document. He noted that the proposed names of the new sub-committees reflected

the draft terms of reference for each body, as set out in the document, and that they may change, based on the final terms of reference and the preferences of the Committees.

He emphasized that he had maintained in his proposals a very important principle agreed in 2005, namely that each sub-committee should also cover respective marine environmental issues, and that both Committees may give instructions to any of the sub-committees, as and when necessary, since all sub-committees were equally subsidiary bodies of the MSC and MEPC, such that the Committees may, as set out in their Rules of Procedure, establish such subsidiary bodies as they consider necessary.

Referring to document MSC 92/INF.2, he explained that it had been prepared in response to the discussions at C 109 and MSC 91 on the anticipated cost reduction and benefits of the sub-committee restructuring on the assumption that, under the new structure, seven sub-committee meetings would be held per year. The document covered potential opportunities for cost reduction in the Secretariat and possible other benefits contemplated, as information for the Committee.

Referring to the outcome of MEPC 65, which had discussed all these issues, he noted that there had been wide support and agreement in principle to his proposals for restructuring the sub-committees as part of the wider programme of review and reform of the Organization and that suggestions for minor changes to the terms of reference and titles of the sub-committees would be introduced in more detail when the Committee considered the outcome of MEPC 65 on the matter (see paragraph 22.9).

He emphasized the importance of restructuring the sub-committees within the total work of the review and reform initiative, covering issues such as long-term financial sustainability; review of the work methods of the Organization; review of the reporting procedure (a proposal for trial of the new reporting procedure would be presented to the Council in 2014); review of meeting support arrangements in the Secretariat; creation of a priority-setting mechanism; staff motivation initiatives; staff succession and evolution plan; and continuous review and reform activities beyond 2014.

The Secretary-General expressed his appreciation to Member Governments for their understanding on the need for review and reform, as reflected at the last Council session, and to the Secretariat staff for its support and cooperation. He stressed that the views of the Committee on the practicability and implications of the proposals for restructuring the sub-committees were important and that the dedicated working group, to be established at this session, would provide the Committee and the Council with a workable solution, so that a final decision, taking into account the budgetary implications of the proposed restructuring, could be made by the Council in July of this year, for subsequent endorsement by the Assembly.

22.7 The Committee thanked the Secretary-General for the extensive work undertaken on this important initiative.

22.8 The delegation of the Cook Islands referring to its statement at MSC 91 (MSC 91/22, annex 40, item 19), supported by other delegations, expressed concern at the proposed reduction in the number of sub-committees and suggested that significant budgetary savings could be better achieved by reducing the frequency of relevant sub-committee meetings.

22.9 In this connection, the Committee also considered document MSC 92/22/1 (Republic of Korea) which, while agreeing with the proposed restructuring of the sub-committees, stressed the need to ensure that it neither impaired the quality of the sub-committees' work nor led to the omission or inadequacy of relevant discussions,

also pointing out that the amalgamation of sub-committees with already heavy agendas may cause problems in dealing with the workload inherited and that these could be addressed by either temporarily increasing the number of working, drafting, correspondence and intersessional working groups or increasing the number of intersessional correspondence groups while keeping the current number of working groups. Having considered the proposal, the Committee did not agree to an increase in the number of any of the groups (see also paragraph 22.12).

22.10 The Committee further noted information by the Secretariat on the outcome of MEPC 65 on this matter (MSC 92/WP.6), in particular that there had been wide support and agreement in principle for the Secretary-General's proposals for restructuring the sub-committees as part of the wider programme of review and reform of the Organization, and that MEPC 65 had:

- .1 regarding the restructuring and renaming of the BLG and DSC Sub-Committees, agreed to the inclusion of the words "technical and operational matters" in the draft terms of reference for all the sub-committees; that the reference to "air pollution" in paragraph 1.1 of the terms of reference for the proposed PPR Sub-Committee should be put in square brackets; and that the new name for the BLG Sub-Committee should be decided based on its final terms of reference;
- .2 agreed, in principle, to the restructuring and renaming of the BLG and DSC Sub-Committees, together with the proposed names, terms of reference, provisional agendas and working arrangements for 2014 and biennial agendas for 2014-2015, subject to the concurrent decision of MSC 92, and had invited MSC 92 to take into account comments and decisions made at MEPC 65;
- .3 agreed, in principle, to the renaming of the FSI Sub-Committee to Sub-Committee on Implementation of IMO Instruments (III) and its terms of reference, provisional agenda and working arrangements for 2014 and biennial agenda for 2014-2015, subject to concurrent decision of MSC 92, and had confirmed that there would be no intersessional working group on Casualty Analysis and Statistics;
- .4 agreed, in principle, to the amalgamation of the FP, DE and SLF Sub-Committees into two sub-committees; the amalgamation of the NAV and COMSAR Sub-Committees into one sub-committee and the renaming of the STW Sub-Committee; and to the proposed names, terms of reference, provisional agendas and working arrangements for 2014 and biennial agendas for 2014-2015, subject to the concurrent decision of MSC 92.

22.11 Following an extensive discussion, the Committee endorsed the Chairman's summary as follows:

- .1 There was general acceptance of the need to adapt the work methods of the Committees and embrace new possibilities;
- .2 There was also general appreciation for the extensive work done by the Secretariat in preparing the documents submitted by the Secretary-General;

- .3 There was further general support in principle for the proposals of the Secretary-General, which would be subject to detailed consideration in the working group;
- .4 A holistic approach should be taken, not only considering the costs to the Organization but also those of the Member States;
- .5 The proposals for restructuring and reform were aimed at the introduction of a more effective way of conducting the work, leading to savings in costs;
- .6 The sound technical work of the Organization should not suffer;
- .7 A proper transition to the new structure should be facilitated by stricter prioritization and not by increasing the number of working, drafting, correspondence and intersessional groups since that would adversely affect, in particular, small delegations and raise the costs of Member States;
- .8 Consideration should be given to adapting the sequence and duration of meetings to accommodate the workload of all bodies of the Organization and not just the sub-committees;
- .9 The newly merged NCSR, SDC and SSE Sub-Committees had heavy agendas;
- .10 It was essential to have proper reports of meetings and working/drafting groups and to have them approved before the end of the respective session; and
- .11 Early advice by the Secretariat on planned working and drafting group arrangements would be helpful in order to plan for the attendance of meetings.

22.12 Having established that there was in principle agreement to proceed with the restructuring as proposed in document MSC 92/22, the Committee agreed that a working group should consider the matter in detail and finalize the arrangements for its consideration, taking into account that there should be no increase in the number of working, drafting, correspondence or intersessional groups and that issues of reporting should not be addressed by the group. In view of the above decisions, the Committee agreed that the group should not consider the proposals made in document MSC 92/22/1 (see paragraph 22.9).

#### **Establishment of a working group**

22.13 Consequently, the Committee established the Working Group on Review and Reform of the Organization and instructed it, taking into account documents MSC 92/22 and MSC 92/INF.2, the outcome of MEPC 65 (MSC 92/WP.6) and decisions and comments made in plenary, to consider the proposals for the restructured sub-committees based on the annexes to document MSC 92/22 and finalize:

- .1 their proposed names and terms of reference;
- .2 their provisional agendas for 2014, including their working, drafting and correspondence group arrangements;

- .3 their biennial agendas for the 2014-2015 biennium; and
- .4 their proposed working arrangements for 2014, in particular the proposed intersessional working groups and the timetable of meetings for 2014.

### **Report of the working group**

22.14 Having considered the report of the Working Group (MSC 92/WP.10), the Committee approved it in general and took action as outlined in the following paragraphs.

#### ***Names and terms of reference of the restructured sub-committees***

22.15 In considering the proposed names and terms of reference of the restructured sub-committees, the Committee noted the following statements with regard to the PPR Sub-Committee.

22.16 The delegation of China stated that it appreciated the hard work of the working group, especially the efforts made by the Chairman and the Secretariat. The delegation was of the view that paragraph 16 of the working group report conflicted with Article 38(a) of the IMO Convention, and caused misinterpretation of the term "pollution of the marine environment" contained in UNCLOS, and thus requested the deletion of paragraph 16. China was also of the view that the explanation included in the paragraph touched legal and policy issues and was beyond the mandate of the working group. The IMO Convention provided that the MEPC should perform functions for the prevention and control of marine pollution from ships and the Rules of Procedure of the MEPC allowed for the establishment of subsidiary bodies. Therefore, from a legal point of view, the terms of reference of subsidiary bodies of the MEPC shall strictly follow the functions specified by the IMO Convention, but the text contained in paragraph 16 of the working group report went beyond the IMO Convention. The existing terms of reference of the BLG Sub-Committee clearly defined that the Sub-Committee considered issues for the prevention and control of marine pollution. The objective of the review and reform of the sub-committees was to reorganize the existing functions and responsibilities of sub-committees, not to expand the existing functions and responsibilities. Therefore, the task of the working group was to develop the terms of reference for each new sub-committee within the current framework of IMO sub-committees' responsibilities specified in their existing terms of reference, and the working group was not tasked and entitled to define what marine pollution or the marine environment was. It was the view of the delegation of China that the terms of reference of sub-committees originated from and should strictly follow the IMO Convention. Therefore, the delegation of China, supported by the delegations of Brazil, India and Peru opposed the text contained in paragraph 16 of the working group report.

22.17 The delegation of Norway, supported by the delegations of Canada, Denmark, France and the United States, stated that they were not satisfied with the outcome of the discussions in the working group on the terms of reference for the new PPR Sub-Committee, in particular with the inclusion of the word "marine" in paragraph 1.1. They recalled that the Organization had adopted Annex VI to MARPOL and had changed the full name of MARPOL to cater for air emissions and that the Assembly had adopted resolution A.1011(26) which, inter alia, stated that IMO should contribute to international efforts to reduce atmospheric pollution and address climate change and global warming. Norway agreed that policy decisions must be taken by the parent bodies; however, the parent bodies might need assistance from sub-committees to develop tools and mechanisms to address policy decisions, and hence the terms of reference developed should not create obstacles in fulfilling the objectives of the Organization. Nevertheless, acknowledging the long and in-depth discussions that had taken place in the working group, the delegation was willing to

accept the outcome, provided that paragraphs 15, 16 and 18 were lifted from the working group's report into the main report of the Committee, since it saw these paragraphs as part of a package together with paragraph 1.1 of the terms of reference and, should anything in that package be changed, it reserved its right to revert to its original position, i.e. to delete the word "marine" in paragraph 1.1 of the terms of reference.

22.18 In this connection, the Committee also noted the view of the group that only the MEPC could discuss, develop and adopt policy issues concerning GHG emissions, which might then lead to the PPR Sub-Committee being instructed to consider related technical and operational matters.

22.19 Following consideration, the Committee approved the names and terms of reference, as set out in annex 40, for the following subsidiary bodies of the MSC and MEPC, as appropriate, which will replace the existing subsidiary bodies starting from the 2014-2015 biennium:

- .1 Sub-Committee on Carriage of Cargoes and Containers (CCC);
- .2 Sub-Committee on Human Element, Training and Watchkeeping (HTW);
- .3 Sub-Committee on Implementation of IMO Instruments (III);
- .4 Sub-Committee on Navigation, Communications and Search and Rescue (NCSR);
- .5 Sub-Committee on Pollution Prevention and Response (PPR);
- .6 Sub-Committee on Ship Design and Construction (SDC); and
- .7 Sub-Committee on Ship Systems and Equipment (SSE).

22.20 The delegation of the Cook Islands, supported by the delegation of Vanuatu, stated that in its view the Committee could not take a final decision on this issue since it was subject to the agreement of the Council and the Assembly.

22.21 In response, the Chairman referred to the Rules of Procedure of the Committees which state that "The Committee may establish such subsidiary bodies as it considers necessary." and clarified that endorsement by the Council and Assembly was related to any budgetary implications of the restructuring.

***Provisional agendas, biennial agendas and working arrangements of the restructured sub-committees***

22.22 The Committee approved the biennial agendas for 2014-2015 and the provisional agendas for the respective first sessions of the restructured sub-committees, as set out in annexes 41 and 42, respectively, and as further described in section 23 (Work programme).

22.23 The Committee also approved the tentative arrangements for correspondence, working, drafting and intersessional groups (see also paragraph 23.28) relating to the restructured sub-committees, as set out in the respective annexes to document MSC 92/WP.10, noting that they may be subject to modifications, depending on documentation submitted to the respective meetings and the advice of the outgoing Chairmen of the existing sub-committees.



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22.24 With regard to the work methods of the restructured sub-committees, the Committee endorsed the views of the group that:

- .1 matters already under consideration in the existing sub-committees should be considered with priority by the restructured sub-committees, in order that ongoing work could be completed before work on new outputs commences; and
- .2 new outputs should only be included in the provisional agendas of sub-committees if a corresponding number of existing outputs had been completed.

22.25 In this connection, the Committee invited Member Governments to carefully consider the necessity of proposing new unplanned outputs and, in any case, provide full justifications for any urgent matters during the transition period (considered to be the 2014-2015 biennium) from the old sub-committee structure to the new one.

22.26 The Committee also endorsed the proposal for full five-day sessions with interpretation for the first sessions only of the NCSR and SDC Sub-Committees, to enable those sub-committees to cope with their heavy agendas.

22.27 The Committee, having noted the views of the delegation of Cyprus regarding necessary changes to the IMODOCS website, requested the Secretariat to ensure that the new sub-committee structure was properly reflected on the website while also maintaining access to documents under the previous structure.

#### ***Consideration of casualty reports by sub-committees***

22.28 In the context of discussion of the sub-committees' working arrangements, the Committee considered the current practice of the casualty review process, whereby the FSI Sub-Committee, following the advice of its Casualty Analysis Working Group, refers casualty reports to other IMO bodies for consideration under the continuous output on "Casualty analysis", noting that this no longer meets the SMART output structure introduced by the Council in recent years.

22.29 Following discussion, the Committee agreed to change the procedure for the review of casualty reports by sub-committees as follows:

- .1 The III Sub-Committee will only refer casualty reports directly to other sub-committees for consideration if an identifiable current output addressing the matter in question is on the agenda of such sub-committees;
- .2 In cases where sub-committees have no related outputs on their agendas, casualty reports will only be referred to them after consideration by the Committee and establishment of a relevant dedicated output; and
- .3 As a consequence, the output on "Casualty analysis" will be deleted from the biennial agendas of the (HTW, NCSR, PPR, SDC and SSE) Sub-Committees, but not the III.

***Provisional timetable of meetings for 2014***

22.30 The Committee noted the views of the group regarding the provisional timetable of meetings for 2014, as set out in paragraph 28 of document MSC 92/WP.10, and forwarded them to the Secretariat for consideration and action, as appropriate, when preparing the draft programme of meetings for 2014 for consideration by the Council.

**23 WORK PROGRAMME****BIENNIAL AGENDAS OF THE NAV AND DSC SUB-COMMITTEES AND PROVISIONAL AGENDAS FOR THEIR FORTHCOMING SESSIONS**

23.1 The Committee, taking into account that NAV 59 and DSC 18 will meet after this session, before the restructuring of the sub-committees (see section 22) takes effect, considered the biennial and provisional agendas for the two sub-committees.

**Biennial agenda of the Sub-Committee and provisional agenda for NAV 59**

23.2 The Committee confirmed the Sub-Committee's biennial agenda and the provisional agenda for NAV 59, as set out in annexes 41 and 42, respectively.

**Biennial agenda of the Sub-Committee and provisional agenda for DSC 18**

23.3 The Committee confirmed the Sub-Committee's biennial agenda and the provisional agenda for DSC 18, as set out in annexes 41 and 42, respectively.

**BIENNIAL AGENDAS OF THE RESTRUCTURED SUB-COMMITTEES AND PROVISIONAL AGENDAS FOR THEIR FORTHCOMING SESSIONS, INCLUDING CONSIDERATION OF NEW OUTPUTS PROPOSED BY MEMBER GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS AND SUB-COMMITTEES CONCERNED**

23.4 Taking into account the recommendations made by the sub-committees which had met since MSC 91 (MSC 92/23 and MSC 92/23/Add.1); the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1013(26)); various proposals for new outputs submitted to the session by Member Governments, international organizations and sub-committees; a preliminary assessment of such proposals (MSC 92/WP.2), undertaken by the Chairman with the assistance of the Secretariat, in accordance with the relevant provisions of the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.2); and decisions taken during the session, especially with regard to the restructuring of the sub-committees (see section 22), the Committee reviewed the biennial agendas of the restructured/renamed sub-committees and the provisional agendas for their forthcoming sessions and took action as indicated hereunder.

23.5 In this connection, the Committee recalled that MEPC 65 had agreed in principle to the provisional agendas for 2014 and biennial agendas for 2014-2015 of the restructured/renamed sub-committees (see paragraph 22.7).

23.6 The Committee also recalled that, with regard to the Committee's methods of work relating to the consideration of proposals for new outputs, MSC 78 had agreed that the objective when discussing these proposals was to decide, based upon justification provided by Member States in accordance with the Committees' Guidelines, whether an output should or should not be included in a sub-committee's biennial agenda. A decision to include an output in a sub-committee's biennial agenda does not mean that the Committee agreed with the technical aspects of the proposal, and detailed consideration of those aspects and the

development of appropriate requirements and recommendations should be left to the sub-committee concerned.

#### ***SUB-COMMITTEE ON CARRIAGE OF CARGOES AND CONTAINERS (CCC)***

##### **Training on transportation of dangerous goods by sea**

23.7 The Committee recalled that it had agreed to include in the 2014-2015 biennial agenda of the HTW Sub-Committee and the provisional agenda for HTW 1, an output on "Development of guidelines for shipowners and seafarers for proper implementation of relevant IMO instruments in relation to the carriage of dangerous goods in packaged form by sea", with a target completion year of 2015, assigning the HTW Sub-Committee as the coordinating organ, in association with the CCC Sub-Committee as and when requested by the HTW Sub-Committee (see paragraph 23.9).

##### **Biennial agenda of the Sub-Committee and provisional agenda for CCC 1**

23.8 The Committee approved the Sub-Committee's biennial agenda and the provisional agenda for CCC 1, as set out in annexes 41 and 42, respectively, and requested the Secretariat to inform the MEPC accordingly.

#### ***SUB-COMMITTEE ON HUMAN ELEMENT, TRAINING AND WATCHKEEPING (HTW)***

##### **Training on transportation of dangerous goods by sea**

23.9 The Committee considered document MSC 92/23/3/Rev.1 (Australia, et al.) proposing to develop guidelines for shipowners and seafarers for proper implementation of relevant IMO instruments in relation to carriage of dangerous goods in packaged form by sea, and decided to include in the 2014-2015 biennial agenda of the HTW Sub-Committee and the provisional agenda for HTW 1, an output on "Development of guidelines for shipowners and seafarers for proper implementation of relevant IMO instruments in relation to the carriage of dangerous goods in packaged form by sea" with a target completion year of 2015, assigning the HTW Sub-Committee as the coordinating organ, in association with the CCC Sub-Committee as and when requested by the HTW Sub-Committee.

##### **Format of training certificates**

23.10 The Committee considered document MSC 92/23/4 (Republic of Korea) proposing to develop a requirement to ensure global consistency in the format of training certificates, including names and lists of training to be stated on the certificate as a minimum requirement, and decided to include in the 2014-2015 biennial agenda of the HTW Sub-Committee and the provisional agenda for HTW 1, an output on "Development of a globally consistent format for the certificate of training and education issued under the STCW Convention", with a target completion year of 2015.

##### **Biennial agenda of the Sub-Committee and provisional agenda for HTW 1**

23.11 The Committee approved the Sub-Committee's biennial agenda and the provisional agenda for HTW 1, as set out in annexes 41 and 42, respectively.

***SUB-COMMITTEE ON IMPLEMENTATION OF IMO INSTRUMENTS (III)*****Biennial agenda of the Sub-Committee and provisional agenda for III 1**

23.12 The Committee approved the Sub-Committee's biennial agenda and the provisional agenda for III 1, as set out in annexes 41 and 42, respectively, and requested the Secretariat to inform the MEPC accordingly.

***SUB-COMMITTEE ON NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE (NCSR)*****Interconnection of NAVTEX and Inmarsat SafetyNET receivers and their display on Integrated Navigation Display Systems**

23.13 The Committee considered document MSC 92/23/5 (United States), proposing to amend performance standards as necessary to allow Inmarsat C SafetyNET Maritime Safety Information messages to be presented on an integrated navigation display system, and agreed to include, in the post-biennial agenda of the Committee, an output on "Interconnection of NAVTEX and Inmarsat SafetyNET receivers and their display on Integrated Navigation Display Systems" with one session needed to complete the item, assigning the NCSR Sub-Committee as the coordinating organ.

23.14 The delegation of Ireland informed the Committee on the developments within the European Union concerning the European radio navigation satellite system Galileo, the performance of which had been successfully demonstrated last April and which would provide first services at the end of 2014. The delegation stressed the great potential of Galileo in maritime navigation, for both regulated and unregulated ships, that it would provide accuracy and availability to the maritime community in multi-constellation solutions promoted within the e-Navigation concept, that the European Union would be seeking recognition of the Galileo service by IMO as a component of the World Wide Radio Navigation System (WWRNS), similarly to the GPS and Glonass, and that it was intended to present to MSC 93 a proposal for a new output to be included in the biennial agenda of the NCSR Sub-Committee.

**Biennial agenda of the Sub-Committee and provisional agenda for NCSR 1**

23.15 The Committee approved the Sub-Committee's biennial agenda and the provisional agenda for NCSR 1, as set out in annexes 41 and 42, respectively.

***SUB-COMMITTEE ON POLLUTION PREVENTION AND RESPONSE (PPR)*****Biennial agenda of the Sub-Committee and provisional agenda for PPR 1**

23.16 The Committee approved the Sub-Committee's biennial agenda and the provisional agenda for PPR 1, as set out in annexes 41 and 42, respectively, and requested the Secretariat to inform the MEPC accordingly.

***SUB-COMMITTEE ON SHIP DESIGN AND CONSTRUCTION (SDC)*****Conditions under which watertight doors on passenger ships may be opened during navigation**

23.17 The Committee considered document MSC 92/23/2 (Norway, Spain, United Kingdom and United States), proposing to review the conditions under which watertight doors of passenger ships may be opened during navigation and to prepare amendments to

MSC.1/Circ.1380 and SOLAS regulation II-1/22, as appropriate. Having noted the view of several delegations that the compelling need had not been established, the Committee decided to include, in the 2014-2015 biennial agenda of the SDC Sub-Committee and provisional agenda for SDC 1, an output on "Review of conditions under which passenger ship watertight doors may be opened during navigation and prepare amendments to SOLAS regulation II-1/22 and MSC.1/Circ.1380", with a target completion date of 2015.

23.18 The Chairman of the DE Sub-Committee highlighted the difficulties of some overloaded sub-committees, such as the DE Sub-Committee, which were struggling to complete their agendas, especially taking into account the decisions taken by the Committee at this session, which effectively reduce the resources of the DE, FP and SLF Sub-Committees by a third, as a consequence of the restructuring of the Sub-Committees.

### **Guidelines addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages**

23.19 The Committee considered a proposal by DE 57 (DE 57/25/Add.1, annex 10), to develop guidance/clarification on appropriate methods for addressing the carriage of more than 12 industrial personnel, taking into account comments provided in document MSC 92/13/2 (United Kingdom). The Committee agreed to include, in the 2012-2013 biennial agenda of the DE Sub-Committee, the 2014-2015 biennial agenda of the SDC Sub-Committee and in the provisional agenda for SDC 1, an unplanned output on *Guidelines addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages*, with a target completion year of 2015. The Committee further agreed to instruct the correspondence group established at DE 57 to consider guidelines for offshore wind farm vessels, coordinated by the United Kingdom<sup>3</sup>, to include the new output in the scope of its work (as agreed at DE 57, pending the decisions of MSC 92).

### **Biennial agenda of the Sub-Committee and the provisional agenda for SDC 1**

23.20 The Committee, having recalled its decision under agenda item 6 (Passenger ship safety) to expand output 5.2.1.15 (see paragraph 6.15.2), approved the Sub-Committee's biennial agenda and the provisional agenda for SDC 1, as set out in annexes 41 and 42, respectively.

### ***SUB-COMMITTEE ON SHIP SYSTEMS AND EQUIPMENT (SSE)***

### **Biennial agenda of the Sub-Committee and provisional agenda for SSE 1**

23.21 The Committee approved the Sub-Committee's biennial agenda and the provisional agenda for SSE 1, as set out in annexes 41 and 42, respectively.

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**ENDORSEMENT OF OUTPUTS**

23.22 In accordance with the relevant provisions of the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1013(26)), the Committee, having agreed to the sub-committees' biennial agendas and the provisional agendas for their forthcoming sessions, invited the Council to endorse, for inclusion in the current High-level Action Plan, the unplanned output on *Guidelines addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages* (see paragraph 23.19).

**STATUS OF PLANNED OUTPUTS FOR THE 2012-2013 BIENNIUM**

23.23 Having recalled that the status of planned outputs will only be produced after the session as an annex to the Committee's report, to avoid any unnecessary duplication of work, the Committee invited the Council to note the Report on the status of planned outputs for the 2012-2013 biennium, as set out in annex 43, instructed the Secretariat to undertake a holistic review of the outputs to ensure consistency across the Organization, and requested the Secretariat to submit any changes to the aforementioned report emanating from NAV 59 and DSC 18 to CWGSP 13 or C/ES.27, as appropriate.

**PROPOSALS FOR THE HIGH-LEVEL ACTION PLAN AND PRIORITIES FOR THE 2014-2015 BIENNIUM**

23.24 The Committee recalled that for the preparation of the High-level Action Plan for the 2014-2015 biennium, MSC 91 had instructed the sub-committees to prepare their respective biennial agendas for the coming biennium at their forthcoming sessions, for consideration at this session, and requested the Secretariat to assist them in the usual manner, taking into account that:

- .1 outputs selected for the biennial agenda should be phrased in SMART terms;
- .2 where the target completion year for a specific output goes beyond the 2014-2015 biennium, an interim output should be placed on the biennial agenda with a target completion year of 2014 or 2015, as appropriate, and a related output should be placed in the Committee's post-biennial agenda with the anticipated completion year; and
- .3 biennial and provisional agendas should not contain sub-items and items placed on the provisional agendas should correspond with the outputs in the Sub-Committee's biennial agenda.

23.25 The Committee further recalled that MSC 91 had requested the Secretariat, in consultation with the Chairman, to prepare the Committee's proposals for the High-level Action Plan for the coming biennium, for consideration at this session and submission to C 110.

23.26 The Committee, having considered document MSC 92/23/1 (Secretariat) proposing modifications to the planned outputs assigned to the Committee for the 2012-2013 biennium, taking into account the progress made by the sub-committees during the current biennium, and document MSC 92/23/6 (United Kingdom) proposing to simplify the COMSAR agenda and planned outputs in the High-level Action Plan in line with the request of C 109, approved the proposals for the High-level Action Plan of the Organization and priorities for the 2014-2015 biennium for matters under the purview of the Maritime Safety Committee, as set out in annex 44, for submission to C 110; instructed the Secretariat to undertake

a holistic review of the outputs to ensure consistency across the work of the Organization, taking into account document MSC 92/23/6; and requested the Secretariat to submit any changes to the annexed proposals emanating from NAV 59 and DSC 18 to CWGSP 13 or C/ES.27, as appropriate.

#### **POST-BIENNIAL AGENDA OF THE COMMITTEE**

23.27 The Committee, having noted that the updated post-biennial agenda will only be produced after the session as an annex to the Committee's report to avoid any unnecessary duplication of work, invited the Council to note the updated post-biennial agenda of the Maritime Safety Committee, as set out in annex 45.

#### **INTERSESSIONAL MEETINGS**

23.28 The Committee, taking into account the decisions made under various agenda items at MSC 91 and at this session, approved/confirmed, as appropriate, the following intersessional meetings:

- .1 a meeting of the ESPH Working Group, to be held from 21 to 25 October 2013, as approved by MSC 91 and MEPC 64;
- .2 a meeting of the ESPH Working Group, to take place in 2014, as approved by MEPC 65;
- .3 the second meeting of the E&T Group for the IMDG Code, to be held from 23 to 27 September 2013, directly after DSC 18, as approved by MSC 91;
- .4 the first meeting of the E&T Group for the IMBSC Code, to take place in the first half of 2014;
- .5 a meeting of the Polar Code Working Group, to be held from 30 September to 4 October 2013, as concurrently approved by MEPC 65;
- .6 the twentieth session of the ICAO/IMO Joint Working Group on Search and Rescue, to be held in Amsterdam, the Netherlands, from 23 to 27 September 2013;
- .7 a meeting of the ICAO/IMO Joint Working Group on Search and Rescue, to take place in 2014;
- .8 the ninth meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, to be held at IMO Headquarters from 14 to 18 October 2013;
- .9 a meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, to take place in 2014; and
- .10 a meeting of the Experts Group on Formal Safety Assessment, to be held on 11 to 13 November 2013,

and invited the Council to endorse the above decisions.

**SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 93****Substantive items for inclusion in the agendas for MSC 93 and MSC 94**

23.29 The Committee agreed to substantive items to be included in the agendas of its ninety-third and ninety-fourth sessions, as set out in document MSC 92/WP.11.

23.30 The Committee further agreed to consider during MSC 94, under the agenda item on Application of the Committee's Guidelines, the impact of the review and reform of the Organization, taking into account the experience gained during the year throughout the meetings of the bodies held in the Organization.

**Establishment of working and drafting groups during MSC 93**

23.31 The Committee, taking into account the decisions made under various agenda items, agreed that working and drafting groups on the following subjects should be established at the Committee's ninety-third session:

- .1 passenger ship safety;
- .2 goal-based standards;
- .3 application of amendments; and
- .4 consideration and adoption of amendments to mandatory instruments.

23.32 The Committee agreed that the Capacity-building Needs Analysis Group (ACAG) may also need to be established.

**Meeting weeks of the Committee for the 2014–2015 biennium**

23.33 The Committee recalled that MSC 91 had approved the proposed plan of 21 meeting weeks for the MSC and the MEPC and their subsidiary bodies for the 2014-2015 biennium, as a basis for the preparation of the Secretary-General's relevant budget proposals.

23.34 The Committee further recalled that MSC 91 had approved eight days for MSC 93 (May 2014), five days for MSC 94 (November 2014) and, provisionally, eight days for MSC 95 (May 2015).

**Duration and dates of the next two sessions**

23.35 The Committee noted that its ninety-third session has been tentatively scheduled to take place from 14 to 23 May 2014 and its ninety-fourth session has been tentatively scheduled to be held in November 2014.

**24 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2014**

24.1 The Committee unanimously re-elected Mr. Christian Breinholt (Denmark) as Chairman, and Capt. M. Segar (Singapore) as Vice-Chairman, for 2014.



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## **25 ANY OTHER BUSINESS**

### **Further National Contact Points to be made available on GISIS**

25.1 The Committee considered document MSC 92/25 (Saint Kitts and Nevis) proposing to maintain, in GISIS, lists of contact point details of Administrations with regard to matters related to continuous synopsis records (CSRs) and the Maritime Labour Convention (MLC).

25.2 With regard to CSRs, the Committee requested the Secretariat to develop relevant direct reporting facilities for Member States in the module on contact points. Regarding contact point details for the MLC, the Committee, having recalled that the matter had already been considered by the FSI Sub-Committee, instructed it to address the matter in detail following consultation between the Secretariats of the Organization and ILO, and to take action, as appropriate.

### **IMO/IACS Cooperation on the IACS Quality System Certification Scheme (QSCS)**

25.3 Having recalled that MSC 90 had requested the Secretariat to continue the arrangement for the IMO observer participation in IACS QSCS during the current biennium (2012-2013), with financial contributions provided by IACS, the Committee considered document MSC 92/25/1 containing the report of the IMO consultant/observer. The report provided information on the developments in the scheme, following the transition to the assumption by Accredited Certification Bodies (ACBs) of sole and independent responsibility for audit and for assessment of compliance with the scheme.

25.4 In noting that the current arrangement between IACS and IMO regarding IMO observer participation in the scheme was due to come to an end in June 2013, the Committee requested the Secretariat to continue IMO's participation for the next two years, with financial contributions provided by IACS, and to provide a report to MSC 94.

### **Difficulties encountered in the implementation of IMO instruments**

25.5 In the absence of comments after the introduction of document MSC 92/25/2 (Islamic Republic of Iran), the Committee noted the information contained therein on difficulties encountered in implementing IMO instruments and the issues they have faced in using classification societies which are members of IACS to provide technical services since 1 July 2012; in that document, all Member States, IGOs and NGOs were requested to continue their cooperation with the Islamic Republic of Iran in order to enhance maritime safety and security. Furthermore, the delegation of the Islamic Republic of Iran referred to paragraph (b) of article 1 of the IMO Convention and, adding that it considered restrictive measures by some Governments against its commercial shipping as a discriminatory action that is completely against the goals and objectives of IMO and other instruments, such as SOLAS and MARPOL, and therefore, have to be avoided. The full statement of the delegation of the Islamic Republic of Iran is set out in annex 46.

### **Global Integrated Shipping Information System (GISIS)**

25.6 The Committee noted the information contained in document MSC 92/INF.3 (Secretariat) which indicated that GISIS presently consists of 28 modules that are already developed or in the process of development.

## **Bulk Carrier Casualty Report**

25.7 The Committee noted the information on bulk carrier casualties as provided in document MSC 92/INF.8 (INTERCARGO) under item 12 on "Flag State implementation" (see paragraph 12.20).

## **Sustainable Maritime Transportation System**

25.8 The Committee considered document MSC 92/INF.9 (Secretary-General) related to the theme for this year's World Maritime Day – "**Sustainable Development: IMO's Contribution Beyond Rio+20**" and the follow-up to the United Nations Conference on Sustainable Development (Rio+20) work for the development of Sustainable Development Goals. In this regard, the Committee noted that the Secretary-General had initiated an internal process, with input from the shipping industry and other stakeholders, to establish his vision for a sustainable maritime transportation system serving the needs of society, as maritime transportation is vital for global growth and prosperity. The outcome of this internal process would be the Secretary-General's own contribution to the celebration of this year's World Maritime Day.

25.9 The delegation of Argentina highlighted the role that the United Nations plays in sustainable development and the need to consider whether the Organization should or should not address the objectives of sustainable development and, if so, the need to fully examine both the objectives put forward by the Secretary-General and others that may be put forward. The full text of their statement is set out in annex 46.

## **Safe Mooring – A guide to prevent accidents while mooring**

25.10 The Committee noted the information contained in document MSC 92/INF.11 (Denmark) providing information on current challenges while preparing and executing safe mooring, and providing guidance on how to prevent unsafe situations within the current layouts of mooring systems.

## **Meeting of Experts to Adopt Guidelines on the Training of Ships' Cooks**

25.11 The Committee noted the information contained in document MSC 92/INF.13 (ILO) providing information on a Meeting of Experts to adopt Guidelines on the Training of Ships' Cooks that will be held at the ILO in Geneva from 23 to 27 September 2013.

## **Threshold values for asbestos**

25.12 The Committee was advised that MEPC 65, in the context of its review of the *2011 Guidelines for the development of the inventory of hazardous materials* (resolution MEPC.197(62)), invited it to give consideration to a threshold value for asbestos in view of its expertise on the matter.

25.13 In this context, the Committee recalled various initiatives taken on matters related to asbestos, namely the approval by MSC 75 of MSC/Circ.1045 on *Guidelines for maintenance and monitoring of onboard materials containing asbestos*, the coverage of new installation of materials containing asbestos by SOLAS regulation II-1/3-5, the approval by MSC 88 of MSC.1/Circ.1374 on Information on prohibiting the use of asbestos on board ships and MSC.1/Circ.1379 on Unified interpretation of SOLAS regulation II-1/3-5, the letter from the Secretary-General to interested parties reiterating the advice on prohibiting the use of asbestos contained in the former circular and the approval by MSC 90 of MSC.1/Circ.1426 on Unified interpretation of SOLAS regulation II-1/3-5, concerning new installation of

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materials containing asbestos and referring to appendix 8 of the above-mentioned MEPC *Guidelines for the development of the inventory of hazardous materials*.

25.14 Due to the short period of time that had elapsed since MEPC 65 and in the absence of any submission to be considered, the Committee referred the detailed technical review of the issue referred by MEPC 65 to the DE (SDC) Sub-Committee under its agenda item on "Any other business" for reporting to MSC 93.

### **Outcome of the IMO Symposium on the Future of Ship Safety**

25.15 The Committee noted with appreciation the information provided by the Secretariat (MSC 92/25/3) regarding the outcome of the IMO Symposium on the Future of Ship Safety, was held at IMO Headquarters on 10 and 11 June 2013. In particular, the Committee noted that the symposium was attended by some 500 participants and comprised six panels of internationally recognized experts in maritime affairs and included speakers and moderators from Member States, United Nations agencies, IGOs, NGOs, academic institutions, consultants, researchers and the maritime industry, who gathered to discuss the trends impacting ship design and operation and questioned where this will lead from the perspectives of the shipping industry, society and others. Risk assessment, data collection, new technology, the human element and the man/machine interface were identified as important issues to be addressed when reviewing the existing safety regulatory framework in order to effectively respond to future challenges.

25.16 Due to the close proximity of the symposium to MSC 92, the Committee decided to note only the outcome of the symposium at this session and consider, at a future session, the recommendations contained in the "Statement of the Participants to the IMO Symposium on the Future of Ship Safety" (attached to document MSC 92/25/3).

### **Casualty involving the containership MOL Comfort**

25.17 The Committee noted the information provided by the delegation of the Bahamas regarding the casualty involving the **Mol Comfort** (IMO 9358761) 200 nm south of the coast of Yemen on 17 June 2013. The full text of their statement is set out in annex 46.

### **Expression of appreciation**

25.18 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, retired or been transferred to other duties or were about to, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Jose Accioly (Brazil) (on transfer);
- Dr. Rosalie Balkin (Secretariat) (on retirement);
- Mr. Manuel Carrasco E. (Peru) (on transfer);
- Mr. Dachang Du (Secretariat) (on retirement);
- Mr. Shin Imai (Japan) (on transfer);
- Mr. Martin Pablo Ruiz (Argentina) (on transfer);
- Mr. Adonis Pavlides (Cyprus) (on transfer);
- Mr. Michael Rambaut (CIRM) (on retirement);
- Ms Rouba Ruthnum (Secretariat) (on retirement);
- Mr. Vladimir Semenov (Secretariat) (on retirement);
- Captain Gurpreet Singhota (Secretariat) (on retirement);
- Mrs Marie-Hélène Williams (Secretariat) (on retirement); and
- Mr. Jianxin Zhu (Secretariat) (on retirement).

26.19 The Committee also expressed appreciation to the Chairmen and Vice-Chairmen of the BLG, COMSAR, DE, DSC, FP, FSI, NAV, SLF and STW Sub-Committees, in light of the restructuring of the aforementioned bodies, and thanked them for their invaluable contribution to the work of the Organization.

### **Expression of condolence**

25.20 The Committee noted, with great sadness, the terrorist attack on the United Nations Common Compound in Mogadishu, Somali, in which a number of United Nations staff, contractors and Somalis lost their lives in the service of the United Nations. The Committee expressed its condolences to the families and friends of those that lost their lives.

25.21 The Committee also noted, with great sadness, the passing away of Captain Tore Fossum, an IMO staff member until his retirement in 2004, who had served as Senior Deputy Director, Sub-Division for Navigation and Cargoes, of the Maritime Safety Division. Captain Fossum had been greatly respected by both his superiors and subordinates alike for his vast knowledge and deep commitment to the shipping industry. The Committee appreciated his contribution to the work of the Organization and requested the Secretary-General to convey the Committee's sincere sympathy to his family.

## **26 ACTION REQUESTED OF OTHER IMO ORGANS**

26.1 The Assembly, at its twenty-eighth session, is invited to:

- .1 consider and adopt the draft Assembly resolution on *Use of national tonnage in applying international conventions* (paragraph 11.12 and annex 22);
- .2 consider and adopt the draft Assembly resolution on *Notification and circulation through Global Integrated Shipping Information System (GISIS)* (paragraph 12.5 and annex 26);
- .3 consider and adopt the draft Assembly resolution on *Guidelines to assist investigators in the implementation of the Casualty Investigation Code* (resolution MSC.255(84)) (paragraph 12.11 and annex 27);
- .4 consider and adopt the draft Assembly resolution on *Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011* (paragraph 12.14 and annex 28);
- .5 consider and adopt the draft Assembly resolution on *2013 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (paragraph 12.15 and annex 29);
- .6 consider and adopt the draft Assembly resolution on *IMO Ship Identification Number Scheme* to revoke resolution A.600(15) (paragraph 12.18 and annex 30);
- .7 consider and adopt the draft Assembly resolution on *Recommendations for the training, competency and fitness for duty of personnel on mobile offshore units (MOUs)* (paragraph 14.2 and annex 37); and

- .8 note the approved restructuring of the sub-committees for the 2014-2015 biennium, which has resulted in the reduction of their numbers from 9 to 7, taking into account the outcome of C 110 on the matter (paragraphs 22.19, 22.21, 22.22 and 23.33 and annex 40).

26.2 The Council, at its 110th session, is invited to:

- .1 note the adoption, by the Committee, of amendments to the 1974 SOLAS Convention and mandatory codes and resolutions related thereto; amendments to the 1972 CSC and the 1988 Load Lines Protocol, as well as approval/adoption of non-mandatory instruments (paragraphs 3.70 to 3.85);
- .2 note the action taken by the Committee on issues related to passenger ship safety (paragraphs 6.15 to 6.24);
- .3 note for budgetary planning purposes the approved restructuring of the sub-committees for the 2014-2015 biennium, which has resulted in the reduction of their number from 9 to 7 (paragraphs 22.19, 22.21, 22.22 and 23.33 and annex 40);
- .4 endorse the unplanned output agreed at the session for inclusion in the current High-level Action Plan and priorities for the 2012-2013 biennium (paragraph 23.22 and annexes 41 and 42);
- .5 note the report on the status of planned outputs for the 2012-2013 biennium (paragraph 23.23 and annex 43);
- .6 endorse the proposed High-level Action Plan of the Organization and priorities for the 2014-2015 biennium for matters under the purview of the Maritime Safety Committee (paragraph 23.26 and annex 44);
- .7 note the updated post-biennial agenda of the Maritime Safety Committee (paragraph 23.27 and annex 45);
- .8 endorse the intersessional meetings approved for 2013 and 2014 (paragraph 23.28);
- .9 note that, for budgetary planning purposes, the proposed number of meeting weeks for the coming biennium will be reduced from 25 to 21 planned meeting-weeks, for inclusion in the Secretary-General's relevant budget proposals for the biennium 2014-2015 (paragraph 23.33); and
- .10 note that the Committee approved eight days for MSC 93 (May 2014), five days for MSC 94 (December 2014) and eight days for MSC 95 (May 2015), for inclusion in the Secretary-General's relevant budget proposals for the biennium 2014-2015 (paragraph 23.34).

26.3 The Marine Environment Protection Committee, at its sixty-sixth session, is invited to:

- .1 note the concurrent adoption, by resolution MSC.349(92), of the *Code for Recognized Organizations* (paragraphs 3.9 to 3.15, 3.70 and annex 1);

- .2 note the concurrent decision that survey and certification of fire protection of incinerator and waste stowage spaces should be covered by the SOLAS Convention (paragraphs 8.21 and 8.22);
- .3 note the concurrent endorsement of the decisions taken by BLG 17 regarding the outcome of ESPH 18 (paragraph 10.2);
- .4 note the concurrent approval of the draft amendments to the IBC Code (paragraph 10.3 and annex 16);
- .5 note the concurrent approval of MSC-MEPC.5/Circ.7 on the *Guidance on the timing of replacement of existing certificates by revised certificates as a consequence of the entry into force of amendments to chapters 17 and 18 of the IBC Code* (paragraph 10.4);
- .6 note the concurrent approval of FAL.2/Circ.127-MEPC.1/Circ.817-MSA.1/Circ.1462 on "List of certificates and documents required to be carried on board ships" (paragraph 12.2);
- .7 note the concurrent decision that certificates carried on board have to be valid and drawn up in the form corresponding to the model where required by the relevant international convention and that a certificate may also be considered as "original" or "authentic" while containing an "authorized" electronically applied signature or stamp (paragraph 12.3);
- .8 note the concurrent approval of the draft Assembly resolution on *Notification and circulation through Global Integrated Shipping Information System (GISIS)* (paragraph 12.5 and annex 26);
- .9 note the concurrent approval of the draft Assembly resolution on *Guidelines to assist investigators in the implementation of the Casualty Investigation Code* (resolution MSC.255(84)) (paragraph 12.11 and annex 27);
- .10 note the concurrent approval of MSC-MEPC.3/Circ.4 on "Revised harmonized reporting procedures – Reports required under SOLAS regulations I/21 and XI-1/6, and MARPOL, articles 8 and 12", to supersede MSC-MEPC.3/Circ.3 (paragraph 12.12);
- .11 note the concurrent approval of the draft Assembly resolution on *2013 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (paragraph 12.15 and annex 29);
- .12 note the concurrent approval of MSC-MEPC.5/Circ.7 on Unified interpretation of the application of regulations governed by the building contract date, the keel laying date and the delivery date for the requirements of the SOLAS and MARPOL Conventions (paragraph 12.16);
- .13 note the decision to request the Secretariat to prepare a document for consideration at MSC 93, setting out any proposed revisions to the Committee's Guidelines (MSC-MEPC.1/Circ.4/Rev.2) as a consequence of the revision of the *Guidelines on the organization and method of work of the Facilitation Committee* (FAL.3/Circ.209), as approved by FAL 38, so that the Committee may take a decision on the matter (paragraph 22.1);

- .14 note the concurrent approval of the names and terms of reference of restructured sub-committees (paragraphs 22.19 and annex 40);
  - .15 note the concurrent approval of the biennial agendas for 2014-2015 and the provisional agendas for the respective first sessions of the restructured sub-committees (paragraphs 22.22 and annexes 41 and 42);
  - .16 note the action taken regarding changes to the procedures for the review of casualty reports by sub-committees (paragraphs 22.28 and 22.29);
  - .17 note the concurrent approval for the intersessional meetings of the ESPH and Polar Code Working Groups (paragraph 23.28); and
  - .18 note that, due to the short time period between MEPC 65 to MSC 92, the detailed technical consideration of matters related to the threshold value for asbestos was referred to SDC 1, for consideration under its agenda item on "Any other business", with a view to it advising MSC 93 accordingly (paragraph 25.14).
- 26.4 The Technical Co-operation Committee, at its sixty-third session, is invited to:
- .1 note the discussion on developments concerning technical co-operation activities and model courses (paragraphs 15.1 to 15.4); and
  - .2 note the outcome on matters related to capacity-building for the implementation of new measures (paragraphs 16.1 to 16.4).
- 26.5 The Facilitation Committee, at its thirty-ninth session, is invited to:
- .1 note the concurrent approval of FAL.2/Circ.127-MEPC.1/Circ.817-MS C.1/Circ.1462 on "List of certificates and documents required to be carried on board ships" (paragraph 12.2);
  - .2 note that concurrent decision that certificates carried on board have to be valid and drawn up in the form corresponding to the model where required by the relevant international convention and that a certificate may also be considered as "original" or "authentic" while containing an "authorized" electronically applied signature or stamp (paragraph 12.3);
  - .3 note the decision to instruct the III Sub-Committee to consider FAL.5/Circ.39 in detail at its first session and advise MSC 93 accordingly (paragraph 12.4);
  - .4 note the approval of the draft Assembly resolution on *Notification and circulation through Global Integrated Shipping Information System (GISIS)* (paragraph 12.5 and annex 26);
  - .5 note that Contracting Governments which had not yet completed the questionnaire annexed to MSC-FAL.1/Circ.2 were urged to submit the information to the Organization at their earliest convenience (paragraph 18.16); and

- .6 note the decision to request the Secretariat to prepare a document for consideration at MSC 93 setting out any proposed revisions to the Committee's Guidelines (MSC-MEPC.1/Circ.4/Rev.2) as a consequence of the revision of the *Guidelines on the organization and method of work of the Facilitation Committee* (FAL.3/Circ.209), as approved by FAL 38, so that the Committee may take a decision on the matter (paragraph 22.1).

(The annexes will be issued as addenda to this document)

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