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## CONSIDERATION OF THE REPORTS OF THE MARITIME SAFETY COMMITTEE

### Note by the Secretary-General

#### SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of the seventy-seventh session of the Maritime Safety Committee
<i>Action to be taken:</i>	Paragraph 103
<i>Related documents:</i>	MSC 77/26 and addenda; C 90/11, C 90/12, C 90/15 and respective addenda

## SEVENTY-SEVENTH SESSION OF THE MARITIME SAFETY COMMITTEE

### INTRODUCTION

1 The report of the seventy-seventh session of the Maritime Safety Committee (MSC 77/26 and addenda) is submitted to the ninetieth session of the Council in accordance with the provisions of Article 29 of the IMO Convention.

2 The seventy-seventh session of the Committee was held from 28 May to 6 June 2003 and, in the unavailability of the Committee Chairman, Mr. T. Allan (United Kingdom) and Vice-Chairman, Admiral F.S.A.H. El Kady (Egypt), was chaired by Mr. J. Angelo (United States). It was attended by 105 Member States, 2 Associate Members, 5 United Nations organizations and 39 international organizations.

3 Decisions taken by the Committee during the session under review are summarized in the ensuing paragraphs, with reference to approved guidelines and recommendations being made in paragraphs 87 and 88.

### STRATEGIC PLAN

4 The Committee recalled that, at C 89, the Bahamas and Greece (C 89/12/1) had proposed that IMO should play a larger role in determining the standards to which new ships were built and had invited the Council to consider the above proposal and, if in agreement with the concept,

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to forward it to the Committee for an in-depth discussion. Accordingly, the Council (C 89/D, paragraph 12.1 (iv)) had referred the proposal of the two Governments to MSC 77 requesting the Committee to report the outcome of its deliberations to C 90; and further requested the Bahamas, Greece and IACS to submit documents to MSC 77 to assist the Committee in its consideration of the matter. The Committee further recalled that Greece (MSC 76/5/10), in the context of bulk carrier safety, had made proposals to MSC 76 in respect of quality standards and strength of new buildings, issues which, to date, had not been addressed by IMO.

5 The Committee (see paragraphs 2.15 to 2.43 of its report in document MSC 77/26) debated extensively the proposals of the Bahamas and Greece (outlined in document MSC 77/2/5) and by IACS (in documents MSC 77/2/3 and MSC 77/INF.6) and comments and proposals made by many delegations and observers, several of whom, in their interventions, attempted to answer the Chairman's question whether the present class system was seriously deficient. The thrust of the views expressed during the debate is summarized in the ensuing paragraphs.

6 In expressing their views, only a small number of delegations which spoke considered that the existing arrangements should be retained without change. Some delegations drew attention to the need for IMO to be proactive, particularly in view of the concerns that might arise for Governments in the event of a casualty caused by a structural failure due to inadequate standards. A number of delegations supported the IACS proposals as the way forward, other delegations expressed the view that the role of IMO was to develop standards in broad terms, either on the basis of goals to be met or through a design philosophy. Many delegations noted with appreciation the work of IACS member societies in providing data and expertise to aid IMO in its work. A number of delegations drew attention to the complementary roles of IMO and classification societies and the similarity between the proposals made whereby the outcome for IMO would be a role in setting high-level standards or objectives. Other delegations recalled existing goal-based standards developed by IMO, such as those in the Load Line Convention, and drew attention to the benefit to be gained from the involvement of all stakeholders, as was the case with FSA studies of bulk carriers. However, the majority of the delegations which spoke supported the proposals of the Bahamas and Greece.

7 In considering how to proceed in order to address the proposals made, a number of delegations which spoke expressed the view that a provision should be added to the Organization's Strategic Plan as proposed by the Bahamas and Greece. Other delegations considered it would be premature to do so at this stage as the Committee was not aware of the contents of the draft Plan and the task to be undertaken required clarification. A majority of delegations expressed the view that, as the issue was a matter of policy, the outcome of the discussions should be submitted to the Council for consideration and it was for the Council to decide whether the matter should be included in the Plan. However, all the delegations which spoke agreed that it was necessary to clarify the future role of IMO in the development of goal-based standards or design philosophy and therefore an item should be added to the Committee's work programme and agenda for MSC 78 to progress the matter.

8 The Chairman summed up the discussion on the proposals by the Bahamas and Greece outlined in document MSC 77/2/5 and by IACS in documents MSC 77/2/3 and MSC 77/INF.6, as follows:

- .1 the Committee, having recognized the importance of the issue raised in the submissions to Council and the Committee, noted the comments made generally by delegates and observers in response to the Chairman's invitation to advise as to

whether the present class system was seriously deficient, namely that while the system and, in particular, the services rendered by IACS had contributed to enhanced safety standards, whether there was a need and room for further improvements, which should be pursued based on the proposals of the Bahamas and Greece and others made in the course of the debate; in particular, whether there was a need for the Organization to take action with respect to goal-based new-building construction standards;

- .2 the Committee noted the complementary roles of IMO and IACS in the common efforts to raise the technical standards of shipping and eliminate sub-standard ships;
- .3 a few delegations expressed satisfaction with the current arrangement whereby the classification societies were responsible for the establishment of construction standards and considered that this arrangement should be retained without change;
- .4 while a number of delegations supported the IACS proposals and other delegations expressed the view that it should be the responsibility of IMO to develop standards in broad terms, either on the basis of goals to be met or through a design philosophy, however, the considerable majority of delegations, which spoke, supported the proposal of the Bahamas and Greece that IMO should commence a programme to devise basic goal-based standards for the design and construction of new ships continuing to draw on the experience, knowledge and expertise of IACS and others;
- .5 with regard to the proposal to include an appropriate provision in the Organization's Strategic Plan, although it was acknowledged that, in undertaking the development of goal-based standards for the design and construction of new ships, the Organization would be assuming a new significant role, the Committee considered that it would be premature, at this stage, to make any such recommendation to Council as it was not aware of the contents of the Strategic Plan. However, a considerable number of delegations recognized that the issue was of strategic importance to IMO;
- .6 in line with the majority position outlined in paragraph .4 above, the Committee agreed that a new item on "Goal-based new ship construction standards" should be included in its agenda for MSC 78 to further consider the matter in detail;
- .7 in order to clarify and define the meaning of "goal-based" standards and the associated design philosophy that IMO should develop and adopt, interested Member Governments and international organizations were invited to submit specific proposals to MSC 78; and
- .8 the debate and decisions of the Committee should be conveyed to C 90 in response to the latter's request at C 89, for information and appropriate action.

9 The Committee agreed with the Chairman's summary of the outcome of the discussion and decided to:

- .1 forward its discussion on the proposals to the Council for its consideration in the context of the development of the Organization's Strategic Plan;

- .2 include a new appropriate item in its work programme and agenda for MSC 78; and
- .3 invite interested Member Governments and international organizations to submit, to MSC 78, specific proposals on goal-based standards and design philosophy in order to clarify and define their meaning.

#### **ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

10 In separate expanded sessions, the Committee considered and:

- .1 by resolution MSC.142(77), adopted amendments to chapter V of the 1974 SOLAS Convention, as amended;
- .2 by resolution MSC.143(77), adopted amendments to the 1988 Load Lines Protocol; and
- .3 by resolution MSC.144(77), adopted amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)).

11 The above amendments to the SOLAS Convention are expected to enter into force on 1 July 2006 provided they are deemed to be accepted on 1 January 2006 in accordance with the provisions of article VIII of the 1974 SOLAS Convention; while the amendments to the instruments referred to under sub-paragraphs .2 and .3 are expected to enter into force on 1 January 2005 provided they are deemed to be accepted on 1 July 2004, in accordance with the amendment provisions of the 1988 Load Lines Protocol and the SOLAS Convention, respectively.

#### **LARGE PASSENGER SHIP SAFETY**

##### **Holistic approach to large passenger ship safety issues**

12 In the context of a proposal by the United Kingdom (MSC 77/4/3), the Committee considered whether to expand the work on large passenger ship safety to include a review of the regulatory framework for all current and future passenger ships (regardless of size). Having noted the large divergence of views on this issue and recognizing that a working group to consider relevant matters would not be convened at the session under review, the Committee agreed to further consider the matter at MSC 78, taking into account the views of sub-committees assigned relevant tasks.

##### **Further work on large passenger ship safety**

13 The Committee agreed that the “Large passenger ship safety” item should be included in the agenda for MSC 78 for it to:

- .1 consider any recommendations forwarded by sub-committees assigned work on large passenger ship safety, providing additional guidance, as necessary;

- .2 further consider issues highlighted in the United Kingdom document referred to above, together with any other relevant issues raised; and
- .3 reconvene the *ad hoc* working group at MSC 78.

14 To that end, the Committee, recalling the structure approach adopted at MSC 74 (e.g. guiding philosophy, strategic goals and objectives), instructed the Secretariat to prepare a report on progress made by itself and the sub-committees assigned work on large passenger ship safety issues vis-à-vis the guiding philosophy, strategic goals, objectives and assigned tasks, as appropriate, so that the Committee might have a global picture of the situation and make decisions on how to take the matter forward in the expeditious manner the seriousness and importance of the issue deserved.

#### **BULK CARRIER SAFETY**

15 To progress the matter further, the Committee reconvened the *ad hoc* working group and, having received the latter's report, approved it in general and took action on a variety of issues such as:

- .1 ***Agreed recommendations for decision-making***
  - performance standards for water level detectors;
  - application of IACS Unified Requirements S26, S27, S30 and S31;
  - hatch cover surveys and owners' inspections and maintenance;
  - alternate hold loading ban;
  - preliminary chapter XII draft definitions, including that of "double-side skin";
  - strength of bulkheads on existing bulk carriers; and
  - overall risk reduction on new bulk carriers; and
- .2 ***FSA study of bulk carriers less than 150 m in length***
  - consideration of the FSA study; and
  - safety of general cargo ships.

#### **MEASURES TO ENHANCE MARITIME SAFETY**

16 The Committee considered a variety of issues on which the 2002 SOLAS Conference on Maritime Security had requested it and the Secretary-General to take specific actions; as well as issues raised by Governments and international organizations relating to decisions of the Conference and the implementation of maritime security issues emanating from the Conference and relevant sub-committees which had met since the Conference and MSC 76. Having made certain decisions, in principle, the Committee established an *ad hoc* working group the report of

which it approved in general and took action on specific issues as identified in paragraph 21 below.

### **Co-operation with ILO - Seafarers' identification and port security**

17 The Committee recalled that, in the context of resolution 8, the 2002 SOLAS Conference had requested the Secretary-General to contribute, with appropriate expertise, to the work of ILO on the "Improved security for seafarers' identification" and to the proposed work on the wider issue of port security to be jointly undertaken by ILO and IMO. In this context, the Committee considered document MSC 77/6/9 (ILO) outlining the current work undertaken by the ILO on seafarers' identification and port security, including the revision of the Seafarers' Identity Documents Convention, 1958 (No. 108); the ILO guidance on Safety and Health in ports; and the preparation of a guidance on the wider issue of port security.

18 The Secretary-General advised the Committee that, in pursuance of Conference resolution 8 and following consultations with ILO, the Joint ILO/IMO Working Group would consist of 16 members, with the ILO providing 8 members (4 Employers' and 4 Workers' representatives) and IMO another 8 members, which would be Government representatives. In order to ensure the required expertise and also as widespread a representation of the IMO membership as possible, he, therefore, nominated Brazil, Egypt, India, Nigeria, Panama, Philippines, the United Kingdom and the United States as the IMO Government representatives to the Joint ILO/IMO Working Group.

19 The Committee endorsed the Secretary-General's proposal and decided that Brazil, Egypt, India, Nigeria, Panama, Philippines, the United Kingdom and the United States should be the IMO Government representatives at the Joint ILO/IMO Working Group on Port security.

### **Co-operation with WCO**

20 With respect to Conference resolution 9 on Co-operation with the World Customs Organization (WCO), the Committee received a report by the Secretariat on WCO meetings attended by IMO; and also a report by the WCO observer on developments within his organization aiming at enhancing security in WCO's areas of competence.

### **Action after conclusion of the Working Group's meeting**

21 Having considered the report of the Maritime Security Working Group, the Committee took action on issues such as:

- long-range ship identification and tracking;
- mobile and immobile floating units;
- International Ship Security Certificates (ISSC);
- assessment of compliance;
- issue of the International Ship Security Certificate (ISSC);
- subsequent failures or suspensions;

- conditional certificates or certificates of short duration;
- records;
- training and certification;
- revision of resolution A.890(21);
- notification of compliance with ISSC requirements;
- review of MSC/Circ.967;
- reporting requirements and communication of information;
- Continuous Synopsis Record (CSR);
- recognized security organizations (RSOs);
- ILO/IMO Working Group on Port Security;
- guidance on port State control;
- implementation of the new regulatory regime; and
- future work programme on maritime security.

### **Draft progress report to the Assembly**

22 The Committee endorsed the Secretary-General's draft progress report to the Assembly in compliance with operative paragraph 6 of resolution A.924(22), as contained in document MSC 77/6/2, and authorized the Secretariat to supplement it with details of the activities of other relevant IMO bodies, and the outcomes of MSC 77 and TCC 53, before it is submitted, through the Council, to the twenty-third session of the Assembly for information\*.

### **PROPOSED IMO MODEL AUDIT SCHEME**

23 This item will be dealt with under agenda item 15.

### **PLACES OF REFUGE**

24 The Committee recalled that, at MSC 76, it had:

- .1 noted the progress NAV 48 had made in the preparation of draft Guidelines on places of refuge for ships in need of assistance along with an associated draft Assembly resolution and another draft Assembly resolution on the establishment of Maritime Assistance Services;

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\* See document C 90/12.

- .2 authorized the NAV Sub-Committee to submit the final text of the two Assembly resolutions directly to A 23 after it had taken into account any proposals and comments by MSC 77, COMSAR 7, MEPC and the Legal Committee; and
- .3 invited the Legal Committee to consider the work in progress from the point of view of issues within its competence and, in particular, with respect to the provision of financial security to cover either expenses which the coastal State might have incurred or to provide adequate compensation to meet any liabilities of the shipowner which might arise.

25 In considering the issue, the Committee took into account recommendations of COMSAR 7 and noted that, at LEG 86, there had been wide agreement that ships in distress situations were covered by the current liability and compensation regime, i.e. by conventions already in force (such as the 1992 CLC and the 1992 IOPC Fund Conventions) along with others which had not yet entered into force (i.e. HNS, Bunkers and the 1996 LLMC Protocol), as well as those under development (such as the one on Wreck removal and the CLC Supplementary Fund). LEG 86, however, had recognized that there might be gaps since not all ships were subject to compulsory insurance requirements and not all States were party to the relevant instruments. LEG 86 had also supported the need for the adoption of guidelines on places of refuge urgently and had agreed that the draft guidelines should contain a caveat stating that the guidelines did not address the issue of liability and compensation for damage resulting from a decision to grant or deny a ship a place of refuge. LEG 86 had further agreed to recommend to MSC 77 and NAV 49 the addition of an operative paragraph to the draft Assembly resolution on Guidelines on places of refuge for ships in need of assistance, requesting it to consider, as a matter of priority, the Guidelines from its own perspective, including the provision of financial security to cover coastal State expenses and for compensation issues; and to take action as it might deem appropriate; to refer to the 1992 CLC Convention and the 1973 Intervention Protocol in appendix 2 of the annex to the guidelines containing a list of “international conventions applicable”; and to urge States which had not already done so to implement the existing liability and compensation regimes.

26 After due consideration of the various proposals made, the Committee agreed, that:

- .1 paragraph 3.1.3.2 of the draft Guidelines on places of refuge should be amended to include a recommendation to the effect that:

“States should have due regard to the preservation of the hull, machinery and cargo of a ship in need of assistance when considering the analysis”;
- .2 there was, for the time being, no need to develop an IMO Convention on Places of Refuge, as had been proposed by IUMI;
- .3 as there was no support for the concept of a Supervisory Body identifying certain ports, anchorages and other areas which might be suitable for vessels in distress, such a decision could only be made on a case-by-case basis using appropriate developed methodology; and
- .4 the guidelines on places of refuge should not designate pre-identified places of refuge.



27 The Committee considered, among others, a document by the Bahamas (MSC 77/8/3) recommending that:

- .1 a mechanism should be established to promote the broad and uniform pre-planning of place-of-refuge issues internationally, including risk assessment methodologies and parameters, and the designation of appropriate places of refuge. Regional, national and local plans would be needed to support this international framework, and States should be afforded appropriate technical and logistical advice if necessary;
- .2 the required funding for the reimbursement of costs incurred, including clean-up costs, should be guaranteed within specified parameters; and
- .3 financial resources should be made available, within specified parameters, to compensate those who suffer losses as a result of place-of-refuge operations.

The Bahamas further recommended that place-of-refuge processes be specified and agreed using, wherever appropriate, the currently existing international conventions and agreements (with reference, where necessary, to such existing arrangements as salvage agreements and other commercial arrangements).

28 The Committee also considered a document by Spain (MSC 77/8/10) providing comments on the Bahamas proposal (MSC 77/8/3) and suggesting that, for the provision of places of refuge, predetermined technical risk assessment criteria, objectives and parameters ought to be established to enable such situations to be evaluated and, secondly, the question of places of refuge ought to be tackled at global level and financial guarantees put in place to compensate coastal States for the costs and risks to which they might be subjected. The Committee agreed, in principle, with the recommendations outlined by the Bahamas and Spain.

29 In his summing up, the Chairman suggested, and the Committee agreed, that NAV 49 should:

- .1 review and amend, as appropriate, the two draft Assembly resolutions prepared by NAV 48, taking into consideration a number of specified documents submitted to MSC 77 and any other relevant documents submitted to NAV 49 as long as proposals contained therein were not inconsistent with specific decisions made by the Committee;
- .2 insert the caveat recommended by LEG 86 (see paragraph 25 above) at an appropriate place of the draft Guidelines on places of refuge for ships in need of assistance;
- .3 take into account the outcome of LEG 86 and insert the following operative paragraph in the draft resolution on Places of refuge for ships in need of assistance: "REQUESTS the Legal Committee to consider, as a matter of priority, the Guidelines from its own perspective, including the provision of financial security to cover coastal State expenses and/or compensation issues; and to take action as it may deem appropriate"; and

- .4 submit the revised text of both the draft Assembly resolutions to LEG 87 (13 to 17 October 2003) for information and action as deemed appropriate; and directly to A 23 for adoption.

30 With respect to the inclusion, in the draft guidelines, of the caveat recommended by LEG 86 on the issue of liability and compensation, the delegation of Spain reserved its position. Together with this, Spain expressed doubts about the convenience of approving a set of guidelines that did not give full coverage to the issue of liability and compensation.

31 The Chairman, having invited the Committee's attention to the fact that the discussion had focused on the two draft Assembly resolutions prepared by NAV 48 and how to improve them before submitting them to A 23 for adoption, enquired whether the Committee saw the need for further work on the issue, i.e. to plan beyond the provisions in the draft resolutions (in which case it might retain the item on its agenda and invite comments and proposals to MSC 78); or, whether the Committee should return to the issue after adoption of the two resolutions and after sufficient experience had been gained with their implementation rendering any revisiting of the issue meaningful. In response to this, the Committee agreed that there should be no separate item on Places of refuge on the agenda for MSC 78; however, this decision might be reconsidered in the light of decisions of LEG 87 and A 23.

## **SUB-COMMITTEES**

### ***General***

32 The Committee approved, in general, the reports of DSC 7, COMSAR 7, FP 47 and STW 34. It also dealt with urgent matters emanating from DE 46, BLG 8 and FSI 11. Decisions on important issues emanating from those sessions are reported hereunder.

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

#### **Guidance on serious structural deficiencies in containers**

33 The Committee, recalling its decision at MSC 75, following a proposal by Spain calling for the development of a Manual on structural deficiencies in CSC containers, to include, in the work programme of the Sub-Committee and provisional agenda for DSC 7, a high priority item on "Guidance on serious structural deficiencies in containers", endorsed the establishment of a correspondence group to progress the matter intersessionally.

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

#### **Review of resolution A.888(21)**

34 In accordance with operative paragraph 3(c) of resolution A.888(21) on Criteria for the provision of mobile-satellite communication systems in the GMDSS, the Committee authorized the Sub-Committee to review the resolution, under its work programme item "Satellite services (Inmarsat and COSPAS-SARSAT)", with a view to keeping it updated to secure the long-term integrity of the GMDSS.

### **Proposed draft amendments to SOLAS regulation IV/15.9**

35 The Committee approved proposed amendments to SOLAS regulation IV/15.9 clarifying the testing and maintenance requirements for satellite EPIRBs, with a view to adoption at MSC 78 and a proposed entry-into-force date of 1 January 2006.

### **Adoption of amendments to the IAMSAR Manual**

36 When adopting proposed amendments to the IAMSAR Manual which had already been approved by ICAO (see paragraph 88.16), the Committee noted a statement by the delegation of Greece as reproduced in paragraph 10.25 of the MSC report, MSC 77/26.

### ***Review of safety measures and procedures for the treatment of persons rescued at sea***

### **Proposed amendments to the SOLAS and SAR Conventions**

37 After considerable discussion and, taking into account the various views expressed and comments made by COMSAR 7, the Committee:

- .1 approved the proposed draft amendments to the SOLAS and SAR Conventions and associated draft MSC resolutions respectively, with a view to adoption at MSC 78;
- .2 established a correspondence group co-ordinated by the United States to prepare draft guidelines based on the outline in document MSC 77/10/8 and report to COMSAR 8; and
- .3 instructed COMSAR 8 to finalize the draft guidelines referred to in the proposed draft amendments to the SOLAS and SAR Conventions and submit them to MSC 78 for appropriate action.

### **Progress report to the Assembly pursuant to resolution A.920(22)**

38 The Secretary-General's draft progress report to the Assembly in compliance with operative paragraph 5 of resolution A.920(22) will be dealt with under agenda item 11.

### ***Other COMSAR matters***

### **Intergovernmental oversight of possible future mobile-satellite service providers to the GMDSS**

39 The Committee considered document MSC 77/10/4 (Denmark) addressing the question of intergovernmental oversight of possible future mobile-satellite service providers to the GMDSS; and informing the Committee of issues raised at the International Mobile Satellite Organization (IMSO) before inviting it to formally request IMSO to carry out such an oversight with respect to possible future providers of the said services as well as to continue overseeing the activities of Inmarsat relevant to the GMDSS.

40 Taking into account comments made by the overwhelming majority of those who spoke in favour of the Danish proposal, the Committee agreed that an intergovernmental oversight, similar to the oversight presently carried out by IMSO in respect of Inmarsat Ltd., would be

needed when other providers of GMDSS satellite service would, in future, be accepted and recognized by the Organization. It, therefore, instructed the Secretariat to communicate with IMSO enquiring if that organization could carry out the oversight of future providers of satellite services for the GMDSS and advise MSC 78 accordingly.

### **Follow-up to the Florence Conference**

41 Having considered document MSC 77/10/6 (Secretariat) containing a report on activities to implement the recommendations of the 2000 Florence SAR and GMDSS Conference and taking into account comments and proposals made in plenary, the Committee:

- .1 invited the African countries, which had not as yet responded to the invitations of the Florence Conference, to do so as early as possible; and
- .2 instructed the Secretariat to proceed with the organization of the missions and other meetings specified in paragraphs 12, 15 and 16 of document MSC 77/10/6 as soon as possible and report to MSC 78 as appropriate.

42 In order to decide how to proceed with the implementation of the remaining steps to give effect to the establishment of the subregional MRCC in Mombasa (and thereafter the remaining subregional MRCCs proposed by the Florence Conference), the Committee noted the following options:

- .1 establishment of an international SAR Fund with contributions from the sale of the IAMSAR Manual;
- .2 funding by a project under the ITCP; and
- .3 funding by donors (such as the World Bank, the African Development Bank, donor countries, etc.).

43 To progress the matter further at its next session, the Committee instructed the Secretariat to conduct an analysis of the financial implications of the above, and other possible, options (and/or a combination of same) and advise MSC 78 accordingly.

### ***FIRE PROTECTION***

#### **Revision of the fishing vessel Safety Code and Voluntary Guidelines**

44 The Committee noted the outcome of the Sub-Committee's consideration of the revision of the fishing vessel Safety Code and Voluntary Guidelines and its recommendations to the SLF Sub-Committee to consider including a new annex to the Code containing a list of pertinent instruments, such as the Fire Test Procedures (FTP) and Fire Safety Systems (FSS) Codes, which were developed after 1993, and to consider structural issues related to the safety of fishing vessels built of glass reinforced plastic with a view to deciding how to proceed.

## ***TRAINING AND WATCHKEEPING***

### **Updating of the list of confirmed STCW Parties at regular intervals**

45 The Committee noted the Sub-Committee's view that amendments to the STCW Convention or Code for the purpose of updating the list of confirmed STCW Parties at regular intervals were unnecessary. It further noted the Sub-Committee's consideration of methods for promulgating information updating the list of confirmed STCW Parties in general and approved the proposed procedures, taking into account that, at this stage, they were tentative and that they might be revised in the light of experience. The Committee also endorsed the views of the Sub-Committee that any information on the outcome of the process should not be promulgated until MSC 80 (May/June 2005) and that the presentation of information on the outcome of the evaluation process should be in the format agreed by the Sub-Committee.

### **Unlawful practices associated with certificates of competency**

46 The Committee endorsed the Sub-Committee's decision to instruct the Secretariat to prepare a questionnaire for circulation to STCW Parties to collect information on current national database standards, record systems and anti-fraud measures and to report the results to STW 35 in order that measures being implemented by Parties to restrict the proliferation of counterfeit and fraudulently-issued certificates might be identified.

### **Measures to enhance maritime security**

47 The Committee noted that draft model courses for Ship Security Officers (SSO), Company Security Officers (CSO) and Port Facility Security Officers (PFSO) had been received from the developers (United States and India) on 30 May 2003 and had been passed to members of the validation panel for scrutiny so that the courses might be issued as soon as possible to assist Governments in the implementation of the decisions of the 2002 SOLAS Conference on Maritime Security.

### **Transfer of ILO provisions to the STCW Convention**

48 The Committee considered an ILO request that IMO should agree, in principle, to the possible transfer of ILO provisions on able seamen to the STCW Convention. The majority of delegations which spoke did not agree to that request, as they considered it premature for IMO to do so. The Committee agreed, however, that the STW Sub-Committee should consider the outcome of the ILO discussions on the Certification of Able Seamen Convention, 1946 (No.74); the existing ILO provisions and the specific competences for training and certification of able seamen which might be included in the STCW Convention, in order that a fuller analysis of the situation could be made; and to report the outcome of its discussions to MSC 78.

## ***Implementation of the STCW Convention***

### **Progress report**

49 The Committee noted the progress made on the evaluation of information communicated by STCW Parties as at 17 March 2003 and further noted that, at the end of MSC 76, the so-called 'white list', had consisted of 71 Parties confirmed by MSC 73; 23 Parties confirmed by MSC 74; 8 Parties confirmed by the Committee's first extraordinary session; 4 Parties confirmed by

MSC 75; and 2 Parties confirmed by MSC 76, giving a total of 108 Parties, out of a total of 144 STCW Parties.

### **Secretary-General's report to the Committee**

50 The Committee considered the reports submitted by the Secretary-General upon recommendations of panels of competent persons confirming that the STCW Parties referred to therein were giving the Convention full and complete effect; and confirmed that the procedures for the assessment of information provided had been correctly followed in respect of three STCW Parties. The Committee also considered reports submitted by the Secretary-General upon recommendations of panels of competent persons on reports of independent evaluations submitted pursuant to STCW regulation I/8 in respect of three STCW parties

### ***SHIP DESIGN AND EQUIPMENT***

#### **Proposed amendments to SOLAS regulation III/20**

51 The Committee approved proposed amendments to SOLAS regulation III/20 concerning inspections of lifeboats and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 78.

#### **Proposed amendments to SOLAS regulation III/19**

52 The Committee approved proposed amendments to SOLAS regulation III/19 concerning the conditions in which lifeboat emergency training and drills should be conducted and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 78.

#### **Proposed amendments to SOLAS regulation III/32.3 and the 1988 SOLAS Protocol**

53 The Committee approved proposed amendments to SOLAS regulation III/32.3 and the 1988 SOLAS Protocol concerning carriage requirements for immersion suits, including consequential amendments relating to the records of equipment and requested the Secretary-General to circulate them in accordance with SOLAS article VIII and article VI of the 1988 SOLAS Protocol, respectively, for consideration with a view to adoption at MSC 78.

### ***BULK LIQUIDS AND GASES***

#### **Transportation of cargoes containing toxic substances**

54 The Committee endorsed the Sub-Committee's course of action on requirements for the protection of personnel involved in the transport of cargoes containing toxic substances in all types of tankers, in particular to:

- .1 forward the proposed draft Guidelines on the basic elements of a shipboard occupational health and safety programme to the COMSAR, DE, FP, FSI, SLF and STW Sub-Committees for comments;
- .2 further consider, at BLG 9, a submission by Norway, INTERTANKO, OCIMF and ITOFP proposing the development of mandatory requirements for the carriage

and use of safety data sheets, and advise the STW Sub-Committee accordingly so that the two sub-committees could comment or make proposals, as appropriate; and

- .3 instruct the Secretariat to communicate with ILO and WHO seeking their contribution to this work.

### **Translation of working group reports**

55 The Committee noted the concerns expressed at BLG 8 by the delegations of Argentina and France regarding the difficulties experienced by the Spanish and French speaking delegations when invited to approve texts of working group reports, which at BLG 8 were available in English only at the time of their consideration. In this regard, the Committee requested the Secretariat to review the matter with a view to developing a cost effective means for addressing the issue and to advise C 90 accordingly, inviting the Council to take appropriate action.

### ***FLAG STATE IMPLEMENTATION***

### **Amendments to the Code for the Investigation of Marine Casualties and Incidents and related matters**

- 56 In considering relevant proposals of the Sub-Committee, the Committee:
- .1 concurred with the proposed revocation of resolutions A.322(IX) (on Conduct of investigations into casualties) and A.442(XI) (on Personnel and material resource needs of Administrations for the investigation of casualties and contraventions of conventions), as part of the next revision of the Code for the Investigation of Marine Casualties and Incidents (resolution A.849(20), as amended); and
  - .2 endorsed the Sub-Committee's recommendation regarding the references relating to SOLAS regulation I/21 to be made in the next publication of the consolidated edition of the SOLAS Convention.

### **Unique IDs for companies and registered owners**

57 The Committee, endorsing a recommendation of the Sub-Committee concerning the proposal by France and the United Kingdom to develop unique IDs for shipowning and shipmanagement companies, included a high priority item on "Unique IDs for companies and registered owners" in the Sub-Committee's work programme and the provisional agenda for FSI 12.

### **Marking of ship's plans, manuals and other documents with the IMO ship identification number**

58 The Committee, endorsing a recommendation of the Sub-Committee concerning the proposal by IACS for the marking of ship's plans, manuals and other documents with the IMO ship identification number, included a high priority item on "IMO number on ship's plans, manuals and documents" in the Sub-Committee's work programme and the provisional agenda for FSI 12.

## **Draft Code for the implementation of [mandatory] IMO instruments**

59 The Committee noted developments in the Sub-Committee with respect to the aforementioned draft Code and dealt with it when considering the proposed IMO Model Audit Scheme.

### **TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY**

#### **Developments concerning safety- and security-related technical co-operation activities**

60 The Committee noted information on safety- and security-related technical co-operation projects and programme activities executed during 2002/2003 and those planned for 2003 by the Maritime Safety Division within the Organization's Integrated Technical Co-operation Programme (ITCP).

61 The Committee further noted information on technical co-operation activities aiming at enhancing maritime security including information on two sub-regional seminars/workshops on maritime and port security, which were held in Calabar, Nigeria (30 March to 4 April 2003) and Mumbai, India (7 to 11 April 2003). The Committee also noted that a further five regional meetings were planned for 2003 for the benefit of the Arab States, Black Sea, Caribbean Sea, Caspian Sea and Persian Gulf regions and that further national seminars and workshops, as well as assessment and advisory missions, would be held upon request during the course of 2003.

62 The Committee noted information provided by the Director, TCD, concerning the consideration, by TC 53, of the ITCP for 2004-2005 and proposals for funding from the TC Fund for the core programme. Funding from the TC Fund for maritime safety and security amounted to over 3 million USD and 39% of the total programme. With respect to delivery, the Committee noted that, in 2002, over 12 million USD had been disbursed on TC activities representing a 27% increase in volume over 2001; and that, since 1999, there had been a 78% increase in the volume of expenditure on TC programmes.

#### **IMO model course programme**

63 Having noted an update on IMO model course production and revision, the Committee instructed the Secretariat to follow-up the IMO model course project and to report developments to MSC 78.

#### **Report on the Workshop for port State control MoU Secretaries and Directors of Information Centres**

64 The Committee considered the outcome of the second Workshop for port State control MoU Secretaries and Directors of Information Centres, which had been conducted at the Organization's headquarters in July 2002, and took action as specified in paragraph 16.10 of its report, MSC 77/26.

### **ROLE OF THE HUMAN ELEMENT**

#### **Development of a strategic plan for addressing the human element**

65 The Committee considered proposals by the United Kingdom and the United States relating to Human Element Vision and Strategy and agreed, as a follow-up to resolution



A.850(20) (on Human element vision, principles and goals for the Organization), to develop a strategic plan to address the human element at the next meeting of the Joint MSC/MEPC Working Group on the Human Element scheduled for MSC 78.

### **Safety culture**

66 The Committee gave preliminary consideration to documents submitted by the United Kingdom addressing safety culture issues and decided to convey them to the next meeting of the Joint MSC/MEPC Working Group for detailed consideration.

### **FORMAL SAFETY ASSESSMENT**

#### **Proposed amendments to the FSA Guidelines - Use of the FSA methodology when analysing casualties**

67 To progress intersessionally issues raised in various submissions, the Committee established a correspondence group, under the co-ordination of Japan, to:

- .1 review the Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process, taking into account submissions by Liberia and Japan and comments and proposals made in plenary; and prepare draft amendments to the Guidelines, for submission to MSC 78 for consideration, keeping MEPC informed of developments;
- .2 consider the application of FSA methodology to the analysis of casualties, as proposed in a submission by the United Kingdom, taking into account the work of FSI's correspondence group on casualty analysis; and
- .3 consider the need to develop a procedure for estimating risk reduction after the introduction of certain safety measures, for possible appending to the Guidelines.

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

#### **Statistical information**

68 Based on the statistical information provided by the Secretariat, the Committee noted that the number of acts of piracy and armed robbery against ships, which had occurred during the calendar year of 2002, as reported to the Organization, was 383, an increase of nearly 4% over the annual figure for 2001. The total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of March 2003, was 3,041.

69 In further considering the statistical information for the period between 1 January and 31 December 2002, the Committee noted with deep concern that twelve ships had been hijacked and eight ships had gone missing. From the reports received, it had also emerged that the areas most affected in 2002 (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, South America and the Caribbean, the Indian Ocean and West and East Africa. Over the period under review, the number of acts reported to have occurred or to have been attempted had increased from 2 to 3 in the Mediterranean Sea, from 120 to 140 in the South China Sea, from 23 to 67 in South America and the Caribbean and from 22 to 24 in East Africa. However, it had decreased from 58 to 47 in West Africa, from 58 to 34 in the Malacca Strait and from 86 to 66 in the Indian Ocean, over the 2001 figures. Most of the attacks

worldwide were reported to have occurred or to have been attempted in the coastal States' concerned territorial waters while the ships were at anchor or berthed. The Committee was particularly concerned to note that, during the same period, ship crews had been violently attacked by groups of five to ten people carrying knives or guns. During the same period, six crew members of the ships involved had been killed, fifty had been wounded, thirty-eight had been reported missing and another thirty-eight had been thrown overboard (although they were later rescued) in the reported incidents.

70 The Committee invited Member Governments, especially those with responsibility for identified high risk areas, to promulgate security advice to port facilities within their territory, as well as to ships prior to entering a port or whilst in a port within their territory (as required by the new SOLAS regulation XI-2/3), to ensure the protection of ships and crew from piracy and armed robbery attacks.

### **Implementation of the anti-piracy project: co-ordinated plan of action for future activities**

71 The Committee considered a submission by the Secretariat outlining the co-ordinated plan of action for future activities to prevent and suppress piracy and armed robbery against ships through the conclusion of regional agreements, prepared in response to the Committee's request at MSC 76 (see C 90/5, paragraph 64).

72 The Committee noted that, through an analysis of the outcome of the three regional/sub-regional meetings organized by IMO in Singapore, Guayaquil and Accra in 2001 and 2002, a number of commonalities had been identified and also that, through analysing the returns in the questionnaires distributed at these meetings, it had transpired that a number of countries required additional technical assistance to enable them to take measures to prevent and suppress acts of piracy and armed robbery against ships in their waters. Such assistance could be in the form of expert assessment and advisory services as well as in the form of national seminars and workshops for training purposes.

### ***March 2003 Accra Meeting***

73 The Committee noted that the Secretariat, in co-operation with the Maritime Organization for West and Central Africa (MOWCA), had organized a sub-regional Meeting on combating piracy and armed robbery against ships for a number of countries among MOWCA Member States, which had been held in Accra in March 2003. The main purpose of that sub-regional Meeting was to facilitate the development of a framework for sub-regional co-operation, following a step-by-step approach; and the Committee was informed of decisions taken to progress the Meeting's results in the near future.

### ***Sub-regional and regional meetings as part of a co-ordinated action plan for future activities***

74 The Committee considered and endorsed the Secretariat plans to organize a meeting for South American and Caribbean countries in September 2003 and later on another meeting for the Asia and Pacific region to update participants on the initiatives taken in other parts of the world and the progress which had been achieved therein; and to promote the conclusion of regional agreements/MoUs on the prevention and suppression of piracy and armed robbery against ships in the regions concerned.

### ***Technical assistance***

75 The Committee also endorsed, in addition to the sub-regional/regional meetings referred to above, the Secretariat plans to undertake, in agreement with, and upon request by, countries concerned, expert missions to other regions of the world; and agreed that IMO should continue to take the lead in the proposed development of regional co-operation activities and agreements/arrangements.

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

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

76 The Committee noted information relating to activities which had taken place since MSC 76, as part of a programme comprising a series of regional seminars and workshops to raise awareness of the benefits of meeting the standards of the 1995 STCW-F Convention, and others which were planned in furtherance of the Assembly's requests in resolution A.925(22), which has also addressed the 1993 Torremolinos Protocol.

77 The Committee urged Governments not Parties to the 1993 Torremolinos Protocol and 1995 STCW-F Convention to accept the two instruments at the earliest opportunity thus contributing to their entry into force; and also invited Governments experiencing difficulties in the process of becoming Parties to these instruments to inform the Organization of the circumstances thereof so that assistance might be provided to overcome such difficulties.

### **RELATIONS WITH OTHER ORGANIZATIONS**

#### **United Nations General Assembly resolution A/RES/57/141 on Oceans and the Law of the Sea**

78 The Committee noted information provided by the Secretariat regarding the United Nations General Assembly resolution A/RES/57/141 on Oceans and the Law of the Sea, which had been adopted by the fifty-seventh session of the United Nations General Assembly on 12 December 2002, as it referred to matters within the competence of the Organization, e.g. maritime security, piracy and armed robbery at sea, pollution prevention and control, the proposed IMO Model Audit Scheme, etc.

### **APPLICATION OF THE COMMITTEE'S GUIDELINES**

79 The Committee considered a submission by the Secretariat providing background information on recent work done by the MSC and MEPC in both Committees' efforts to revise and update the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies; on the outcome of the consideration of Guideline issues by the Meeting of Chairmen held on 15 June 2002; and on the action taken thereon by MSC 76, including the instructions given to the Secretariat to submit to MSC 77 a draft text of the Guidelines, re-arranged to make them more user-friendly and modified as had been agreed at MSC 75 and MSC 76.

80 The Committee approved, subject to MEPC's concurrent decision, the draft revised Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies, as amended following consideration of a number of proposals; and instructed the

Secretariat to issue the Guidelines under cover of an MSC/MEPC circular superseding MSC/Circ.931-MEPC/Circ.366.

## **WORK PROGRAMME**

### **Work programmes of the sub-committees and provisional agendas for their forthcoming sessions**

81 Taking into account the recommendations made by the Sub-Committees which had met since MSC 76, various proposals for new work programme items submitted by Member Governments and international organizations; a preliminary assessment of such proposals undertaken by the Chairman with the assistance of the Secretariat; and decisions taken during the session, the Committee reviewed the work programmes of the Sub-Committees and provisional agendas for their forthcoming sessions and took action as specified in paragraphs 23.2 to 23.42 of its report (MSC 77/26).

### **Long-term work plan of the Organization**

82 The Committee, in considering its objectives and long-term work plan for the period up to 2010, confirmed the objectives proposed; approved the indicative list of subjects for consideration during the same period, including priorities; and agreed to recommend them to the Council for inclusion in the long-term work plan of the Organization, for submission to the twenty-third session of the Assembly.

### **Information on progress made**

83 In the course of the consideration of its long-term work plan, the Committee noted document MSC 77/INF.3, providing, as instructed by the twenty-first session of the Assembly, information on progress made on the subjects established in the Committee's long-term work plan (up to 2008), as referred to in resolution A.907(22) and, having expressed satisfaction with the progress made on its (and the sub-committees') work programme, invited the Council, when considering the Secretary-General's proposals for the next biennium budget, to take the Committee's progress and future work into account.

### **Intersessional meetings**

84 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 37 of the Guidelines on the organization and method of work, as well as the Committee's decision at MSC 66, that all sub-committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justified request for consideration, the Committee, taking into account decisions made under various agenda items, approved the following intersessional meetings:

- .1 Working Group on Evaluation of Safety and Pollution Hazards of Chemicals (ESPH), to take place in 2003; and
- .2 Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR, to meet at its tenth session in Torquay (United Kingdom), from 15 to 19 September 2003.

## **ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2004**

85 The Committee unanimously re-elected, *in absentia*, Mr. T. Allan (United Kingdom), as Chairman and Admiral F.S.A.H. El Kady (Egypt), as Vice-Chairman, for 2004.

86 The Committee expressed deep appreciation to Mr. J. Angelo (United States) for accepting, at short notice, to chair the meeting and for the successful manner in which he had performed his duties at what proved to be a very demanding session.

## **RECOMMENDATIONS AND GUIDELINES RELATING TO MARITIME SAFETY AND SECURITY**

87 The Committee approved, for submission to the twenty-third session of the Assembly for adoption, draft resolutions on:

- .1 amendments to principles of safe manning (resolution A.890(21));
- .2 graphical symbols for shipboard fire control plans;
- .3 revised Survey Guidelines under the harmonized system of survey and certification\*;
- .4 revised human element vision, principles and goals for the organization; and
- .5 wider acceptance of the Protocol of 1988 relating to the International Convention on Load Lines, 1966.

88 The Committee also approved a number of guidelines and recommendations on the following topics:

- .1 Guidelines on minimum training and education for shore-side mooring personnel\*\*;
- .2 interpretation of SOLAS regulation XII/13;
- .3 ship design, construction, repair and maintenance;
- .4 Guidelines for bulk carrier hatch cover surveys and owners' inspections and maintenance;
- .5 Guidance on provision of ship security alert systems (SSASs);
- .6 Guidelines on maritime rescue co-ordination centres (MRCCs);
- .7 Interim guidelines for the authorization of recognized security organizations acting on behalf of the Administration and/or designated authority of a Contracting Government;
- .8 Guidance on the implementation of SOLAS chapter XI-2 and the ISPS Code;

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\* Subject to the MEPC's concurrent decision.

\*\* Jointly with FAL Committee.

- .9 granting exemptions from the provisions of the International Maritime Dangerous Goods (IMDG) Code;
- .10 amendments to the International SafetyNET Manual;
- .11 future withdrawal of Inmarsat-A services by Inmarsat Ltd.;
- .12 procedure for evaluation and possible recognition of mobile-satellite systems notified for use in the GMDSS;
- .13 Guidelines to Administrations on reporting false alerts;
- .14 harmonization of GMDSS requirements for radio installations on board SOLAS ships;
- .15 Guidelines for preparing plans for co-operation between search and rescue services and passenger ships (in accordance with SOLAS regulation V/7.3);
- .16 amendments to the IAMSAR Manual;
- .17 unified interpretations of the revised SOLAS chapter II-2;
- .18 unified interpretation of the Guidelines for the approval of fixed water-based local application fire-fighting systems (MSC/Circ.913);
- .19 unified interpretation of SOLAS regulation II-2/15.2.11;
- .20 principles for hot work on board all types of ships;
- .21 use of smoke helmet-type breathing apparatus;
- .22 Code of practice for atmospheric oil mist detectors;
- .23 Guidelines for partially weathertight hatchway covers on board container ships;
- .24 questionnaire on national data base standards, records systems and anti-fraud measures;
- .25 amendments to Part B of the STCW Code;
- .26 Guidance on recommended anti-fraud measures and forgery prevention features for seafarers' certificates;
- .27 Guidance for Administrations, shipping companies, masters and manning agents for detecting and preventing unlawful practices associated with certificates;
- .28 issues to be considered when introducing new technology on board ship;
- .29 Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, confirmed by the Maritime Safety Committee to have communicated information which demonstrates that full and complete effect is given to the relevant provisions of the Convention;

- .30 list of competent persons nominated by the Secretary-General pursuant to section A-I/7 of the STCW Code;
- .31 Guidelines for periodic servicing and maintenance of lifeboats, launching appliances and on-load release gear;
- .32 application of SOLAS regulation III/26 concerning fast rescue boat systems on ro-ro passenger ships;
- .33 revised minimum safety standards for ships carrying liquids in bulk containing benzene;
- .34 Guidelines on the prevention and management of severe acute respiratory syndrome (SARS); and
- .35 Guidelines on the organization and method of work of the Maritime Safety Committee and Marine Environment Protection Committee and their subsidiary bodies\*.

#### **ANY OTHER BUSINESS**

#### **Developments concerning the Equasis Information System**

89 The Committee was advised by the Secretariat that the conditions established by the Council, at its eighty-eighth session, for the participation of the Secretariat in the work of the Equasis system and the subsequent communication of the Secretary-General to the Director of the Equasis Management Unit (which, in part, had requested an appropriate amendment to the system's Memorandum of Understanding stating that IMO, in its capacity as an observer, would not be responsible for the accuracy and reliability of data or records provided by the system), had been considered by the system's Supervisory Committee, which had agreed to amend clause 5.1.2 of the Equasis MoU to read as follows:

“The Committee may invite organizations involved in maritime safety to participate in its meetings as non-voting observers.”

90 Regarding the inclusion in the Equasis MoU of a new clause 6A on liability issues, the Supervisory Committee, at its seventh session on 10 April 2003, had approved the following text of the clause:

“Participants and organizations, invited as observers to the Committee meetings, accept no liability for the accuracy or reliability of the data displayed on Equasis, nor any liability in connection with the management, operation or use of Equasis”.

91 In the light of the above information, the Committee concluded that the outstanding issues of the proposed amendments to the Equasis MoU had been satisfied and, therefore, invited the Council to note that the conditions established by it for the participation of the IMO Secretariat in the Equasis system had been met.

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\* Subject to MEPC's concurrent decision.

**Proposed amendments to the traffic separation scheme “Off Finisterre”**

92 The Committee considered a proposal by Spain calling for the establishment of two additional traffic lanes for ships carrying dangerous bulk cargoes to expand the existing traffic separation scheme “Off Finisterre”, in order to enhance maritime safety, safety of navigation and protection of the marine environment in an area of confluence and great traffic congestion; and noted that the proposed new traffic lanes were entirely located in the Spanish exclusive economic zone.

93 The Committee, recognizing the sensitivity surrounding recent casualties and the damage suffered by the Spanish coasts in the vicinity of the TSS as a result, requested NAV 49 to review the Spanish proposal and, if satisfied that all the pertinent criteria to adopt the proposed amendments had been met, to convey the outcome of its deliberations directly to Committee 2 (Technical) of the twenty-third session of the IMO Assembly in November 2003 for final review and adoption, as appropriate.

**Severe Acute Respiratory Syndrome (SARS)**

94 The Committee expressed appreciation to Singapore and Hong Kong, China, for the information they had provided aiming at sharing their experience with the entire IMO membership on the issue of Severe Acute Respiratory Syndrome (SARS) which had given rise to justified concern worldwide.

95 The Committee, recalling the Secretary-General’s reference to SARS in his opening remarks, noted information provided by the Secretariat that, following consultations between the Secretary-General and the Chairman of the Committee and on the basis of document MSC 77/25/8 (Singapore), the Secretariat had issued MSC/Circ.1068 on SARS aiming at increasing awareness of the situation and the measures being taken to prevent its spread.

96 The Committee welcomed an update on developments provided by the WHO representative and information on the availability of guidance aimed at preventing the international spread of the disease. The Committee also welcomed the proactive action reported by the ICCL observer and the preventative measures taken by the Governments of Canada and China to limit the spread of the disease.

97 In order to assist the global effort to control SARS, the Committee agreed to promulgate appropriate guidelines, based on information and guidance provided by WHO, to ensure that the maritime community was fully aware of the precautions to be taken and, to that effect, it approved MSC/Circ.1096 on Guidelines for the prevention and management of Severe Acute Respiratory Syndrome (SARS).

**Navigation through the Strait of Istanbul, Strait of Çanakkale and the Marmara Sea**

98 The Committee considered a submission by the Russian Federation on the above subject; noted pertinent information provided by the delegation of Turkey; and listened to interventions made by the delegations of Greece, Iceland and Ukraine.

99 The Committee expressed appreciation to the delegation of Turkey for a presentation it had made on 3 June 2003 of a VTS being installed in the Strait of Istanbul, Marmara Sea and Strait of Çanakkale and noted the information that operational testing of the system would start on 1 July 2003 and the system would be fully operational in October 2003, leading to a safer and



more secure and efficient management of the traffic through the Strait of Istanbul, Marmara Sea and Strait of Çanakkale safeguarding the marine environment; and also noted Turkey's intention to undertake, in the light of experience gained with the system's implementation, a review of the system as a whole and inform IMO as appropriate.

### **Designation of archipelagic sea lanes through Indonesian archipelagic waters**

100 The Committee recalled that, at MSC 76, the delegation of Indonesia had informed the Committee that the partial system of archipelagic sea lanes in Indonesian archipelagic waters, disseminated by SN/Circ.200, would be implemented effective on 28 December 2002 at 0000 hours local time as a result of the promulgation, on 28 June 2002, by the Indonesian Government of Regulation No. 37 of 2002 concerning the "Rights and Obligations of Foreign Ships and Aircraft in Conducting the Rights of Archipelagic Sea Lanes Passage," clarifying the designation of the archipelagic sea lanes in Indonesian archipelagic waters.

101 The Committee considered a submission by the United States (MSC 77/25/7) stating that Indonesia had not properly designated the aforementioned sea lanes, as required by the IMO Guidelines and international law (as reflected in the United Nations Law of the Sea Convention), and advising that it would continue to exercise its right of archipelagic sea lanes passage through all routes normally used for international navigation.

102 After some discussion and following interventions by the delegations of Indonesia and Australia, the Committee re-affirmed the provisions of Part H of the General Provisions on Ships' Routing concerning the adoption, designation and substitution of archipelagic sea lanes, adopted by resolution MSC.71(69), particularly those related to partial archipelagic sea lanes and, recognizing that there were different interpretations of paragraph 3.13 of the said Section H, agreed to seek clarification, from the NAV Sub-Committee, of that paragraph. It also instructed NAV 49 to consider the matter further and report the outcome to MSC 78. The Committee invited the delegation of Indonesia to submit to NAV 49 the English version of Government Regulation No. 37, Year 2002, as stated in paragraph 11.41 of the MSC 76 report (MSC 76/23).

### **ACTION REQUESTED OF THE COUNCIL**

103 The Council is invited to:

- .1 consider the report of the seventy-seventh session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, to transmit it with its comments and recommendations to the Assembly;
- .2 consider the outcome of the Committee's debate on the "goal-based new ship construction standards" proposals in the context of the development of the Organization's Strategic Plan (paragraph 9)\*;
- .3 endorse the Secretary-General's draft progress report on the Organization's activities on maritime security in compliance with operative paragraph 6 of resolution A.924(22), for submission to the twenty-third session of the Assembly for information (paragraph 22)\*\*;

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\* Action on this item will be taken under agenda item 14.

\*\* Action on this item will be taken under agenda item 12.

- .4 take appropriate action with respect to the concerns expressed, at BLG and other sub-committees, by French and Spanish speaking delegations when invited to approve texts of working group reports available in English only (paragraph 55);
- .5 include the indicative list of subjects, including priorities, as approved by the Committee, in the Organization's long-term work plan (paragraph 82);\*
- .6 take into account the progress made by the Committee and sub-committees during the past biennium on subjects established in the Committee's long-term work plan (up to 2008), when considering the Secretary-General's proposals for the next biennium budget (paragraph 83);
- .7 endorse the action taken by the Committee in approving the intersessional meetings referred to in paragraph 84; and
- .8 note the developments concerning the participation of IMO in the Equasis information system as reported in paragraphs 89 to 91.

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\* Action on this request will be taken under agenda item 21.