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## CONSIDERATION OF THE REPORTS OF THE MARITIME SAFETY COMMITTEE

### Note by the Secretary-General

#### SUMMARY

- Executive summary:* This document reports on the outcome of the seventy-sixth session of the Maritime Safety Committee
- Action to be taken:* Paragraph 89
- Related documents:* MSC 76/23 and Add.1; and C 90/9

## SEVENTY-SIXTH SESSION OF THE MARITIME SAFETY COMMITTEE

### INTRODUCTION

1 The report of the seventy-sixth session of the Maritime Safety Committee (MSC 76/23 and Add.1) is submitted to the ninetieth session of the Council in accordance with the provisions of Article 29 of the IMO Convention.

2 The seventy-sixth session of the Committee was held from 2 to 13 December 2002 except for the second week periods when it was suspended in favour of the 2002 SOLAS Conference on Maritime Security. It was chaired by Mr. T. Allan (United Kingdom) and was attended by 105 Member States, 2 Associate Members, 4 United Nations organizations and 45 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 paragraph 78.

### The tanker “Prestige” incident

4 During plenary sessions on three occasions, the Committee listened to statements on the sinking, on 19 November 2002, due to structural failure, of the Bahamas-flag tanker **Prestige** at a distance of 133 miles off the NW coast of Spain resulting in serious pollution of the marine environment and the Spanish coast in the region of the accident.

5 In his interventions, the Secretary-General:

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- .1 urged the flag State and classification society concerned to finalize their reports on the investigation into the casualty as soon as possible and submit their findings to IMO without delay so that the Organization could respond promptly to any recommendation for remedial action which might come to light in the context of such reports. He would see that, once submitted, the proposals of any interested parties were brought into the IMO system as expeditiously and effectively as possible; and
- .2 stated that the oversight of the United Nations Convention on the Law of the Sea (UNCLOS) was not the responsibility of IMO. However, UNCLOS had accorded certain important competences to the Organization and he would, therefore, welcome debate in IMO on any matters within the competence of the Organization. To that effect, he reiterated his preparedness, in consultation with Member Governments, to act as expeditiously as possible to ensure that any proposals put forward by Member Governments relating to matters which, in their view, needed to be improved in the light of issues which had emerged, or might emerge, in the context of the Prestige incident, would be debated at IMO's relevant bodies and action taken on them as appropriate in the shortest possible time.

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

- 6 In separate expanded sessions, the Committee considered and:
  - .1 by resolution MSC.134(76), adopted amendments to chapters II-1, II-2, III and XII of the 1974 SOLAS Convention, as amended;
  - .2 by resolution MSC.135(76), adopted amendments to the INF Code; and
  - .3 by resolution MSC.133(76), adopted Technical provisions for means of access for inspections.

7 The above amendments to the SOLAS Convention and the INF Code are expected to enter into force on 1 July 2004 provided they are deemed to be accepted on 1 January 2004 in accordance with the provisions of article VIII of the 1974 SOLAS Convention; while the Technical provisions for means of access for inspections will take effect on 1 January 2005 upon entry into force of the new SOLAS regulation II-1/3-6.

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

##### **(a) Action before the Security Conference**

8 The Committee continued work in preparation of the 2002 SOLAS Conference on Maritime Security making a number of decisions, in principle, on issues such as those identified below, before passing them to an *ad hoc* working group for further elaboration and submission, through the Committee, to the Conference for finalization and adoption:

- Application provisions;
- Continuous synopsis record;

- Security level 3;
- Declaration of security;
- Port facility security assessment;
- Alternative measures and equivalent arrangements;
- Communication of information;
- Ship security alert system;
- Control;
- Definition of “port”;
- Information on competent authorities;
- Guidelines for the operational use and acceleration of the implementation date of AIS;
- Long-range identification and tracking;
- Ship manning levels;
- Human element and shore leave;
- Attacks on ships;
- Conference resolutions;
- Work plan;
- ILO security-related progress;
- Cargo security;
- Ship identification number;
- Review of the SUA Convention; and
- Co-operative G8 action on transport security.

9 Having received the report of the Maritime Security Working Group, the Committee approved for submission to the Conference for adoption:

- .1 draft amendments to SOLAS chapters V, XI-1 and XI-2;
- .2 the proposed draft part A of the ISPS Code; and
- .3 the proposed draft Conference resolutions.

**(b) Action after the Security Conference**

10 Having received a report on the outcome of the 2002 SOLAS Conference on Maritime Security\* and having considered the various requests of the Conference as contained in the resolutions adopted by the latter, the Committee agreed to consider them in detail at MSC 77 and decided, in the meantime, to request the STW, FSI and COMSAR Sub-Committees and the SPI Working Group to give preliminary consideration to a number of tasks assigned to them and report to MSC 77 accordingly.

**BULK CARRIER SAFETY*****GENERAL***

11 The Committee continued work on bulk carrier safety, mainly from two specific viewpoints:

- .1 FSA studies on bulk carrier safety; and
- .2 proposed amendments to the 1988 Load Lines (LL) Protocol.

12 To progress the matter further during the session, the Committee established an **ad hoc** working group and, based on recommendations of the latter, made a number of decisions (differentiating, as appropriate, between new and existing bulk carriers) on the following topics:

- Double hull: Double-side-skin construction;
- Improved coating: Controls and/or performance standards for protective coatings in relation to compatibility with cargoes;
- Steel repair standards: Tighter controls on grades of steel and welding rods used for in-service repairs. Suggestion to establish internationally recognized colour-code for steel primer coatings;
- Additional corrosion margin of hold frames: Corrosion margins of hold frames are to be sufficient to compensate a possible loss of fillet welding and face/web plate thickness during the ship's life, taking various types of corrosions identified in the historical casualty record into account;
- Forecastle: Superstructure at fore end;
- Bulwark/Breakwater: Structures designed to reduce the impact of green sea loads away from vulnerable hatches and foredeck equipment;
- Ballast system capacity: Redesign of ballast systems to incorporate pumping capacities that enable the ship to maintain hull stress at permissible levels taking account of the loading rates possible in terminals;
- Protection of foredeck fittings: Reposition vents and foredeck fittings close to bulwarks to provide protection from mountainous seas, extending existing bulwarks where necessary;

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\* See also document C 90/9.

- Hold frames equivalent to UR S12: Hold frames of existing bulk carriers that do not comply with UR S12 should be strengthened equivalent to UR S12;
- Coating of internal side skin: Corrosion progress control of hold frames by coating, with regular maintenance and repainting when it deteriorates to a poor condition;
- Corrosion control of hold frames: Hold frames should be replaced earlier than is current practice, using reduced diminution allowances for existing frames;
- Hatch cover equivalent to UR S21: Replacement or reinforcement of hatch covers forward of 0.25L of existing bulk carriers to be equivalent to UR S21;
- Fore deck fittings: Strength of stud pipes for air and vent pipes to be sufficient to withstand horizontal forces of green sea loading. Closing devices and strength of small hatches to be sufficient to withstand vertical and horizontal green sea loading in accordance with standards being developed by IACS;
- Redesign/reinforcement of hatch cover: Redesign of hatch covers and securing mechanisms to withstand both vertical and horizontal loads;
- Hatch cover/Access closed indication: Positive indication system enabling status of hatch covers and/or accesses to be monitored from a permanently manned space;
- Water ingress alarm: Provision of early warning system detecting water ingress into cargo holds and dry spaces forward with visual and audible alarms in permanently manned spaces;
- Immersion suits: Personal immersion suits for all personnel on board;
- Free-fall lifeboats (with a float-free mode): Single free-fall survival craft with float-free capability enabling rapid evacuation of crew from ship;
- Terminal interface improvement: Improvement of ship/shore communications, training of stevedores and terminal operators and better control of loading capabilities;
- Risk-based ESP targeting: Targeting of inspections towards areas of established high risk;
- PSC training: Provision of specialised training for port State control inspectors in bulk carrier design and operation, with particular emphasis on areas of vulnerability;
- Weather routeing: Standardized minimum requirements for weather routeing that are compliant with SOLAS passage planning requirements and load line zones;
- Improved loading/stability information: Provision of detailed, comprehensive and user-friendly information covering stability and stress characteristics of the ship's hull;

- Mandatory BC Code: Making the BC Code mandatory and incorporating a bulk carrier endorsement for officers' qualifications;
- Early implementation of SOLAS chapter XII using 10 years instead of 15 years for existing ships;
- Alternate hold loading;
- Application of bulkhead structural standards in SOLAS chapter XII;
- Shipbuilding practices;
- Early abandonment;
- Bulk carrier endorsement;
- Definition of "bulk carrier"; and
- Agreed list of recommendations.

13 As a consequence of the decisions taken on each of the aforementioned topics, the Committee instructed the DSC, FSI, NAV, DE and SLF Sub-Committees to carry out specific work and report to the Committee accordingly.

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

14 The Committee recalled work on large passenger ship safety it had carried out at its previous session along with work carried out by NAV 48 and SLF 45 and agreed to further consider the issue at MSC 77 in the light of reports by sub-committees assigned specific tasks.

#### **IMPLEMENTATION OF THE REVISED STCW CONVENTION**

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

#### **Progress report**

15 The Committee recalled that, at the end of its last session, the so-called "White list" consisted of: 71 Parties confirmed by MSC 73; 23 Parties confirmed by MSC 74; 8 Parties confirmed by the Committee's first extraordinary session; and 4 Parties confirmed by MSC 75, giving a total of 106 Parties, out of a total of 144 current STCW Parties. It then noted updated information showing that of the outstanding 11 Parties whose reports had been communicated after 1 August 1998, 8 panels of competent persons had completed their initial evaluation and the relevant Parties had been requested to provide clarifications and, of those, 3 panels were considering the clarifications provided by those Parties concerned while clarifications were still awaited from 3 other Parties. Evaluation was continuing with respect to the remaining 5 Parties.

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

16 The Secretary-General reported on 2 Parties whose information had not been evaluated previously and 1 Party which had communicated additional information, advising the Committee that, in preparing his report as required by STCW regulation I/7, paragraph 2, he had acted as required under the terms of the STCW Convention and Code. He then invited the Committee to

consider his report and the Committee, having applied the procedures previously agreed for the assessment of information communicated by interested STCW Parties, confirmed that the information submitted demonstrated that full and complete effect had been given to the relevant provisions of the Convention with respect to the additional Parties assessed, thus raising the number of “white-list” entrants to 108.

## **SUB-COMMITTEES**

### ***General***

17 The Committee approved, in general, the reports of DE 45, FSI 10, BLG 7, NAV 48 and SLF 45. It also dealt with urgent matters emanating from DSC 7. Decisions on important issues emanating from those sessions are reported hereunder.

## **SHIP DESIGN AND EQUIPMENT**

### **Incorporation of the Condition Assessment Scheme (CAS) into resolution A.744(18)**

18 The Committee endorsed the DE Sub-Committee’s decision that the work on introducing and incorporating relevant elements and provisions of the CAS into resolution A.744(18) should continue after experience had been gained in the application of the scheme’s requirements.

### **Amendments to resolution A.744(18)**

19 The Committee approved proposed amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), as well as the associated draft MSC resolution; and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 77.

### **Work plan for measures to prevent accidents with lifeboats**

20 The Committee concurred with the work plan for measures to prevent accidents with lifeboats prepared by the DE Sub-Committee.

## **FLAG STATE IMPLEMENTATION**

### **Analysis of self-assessment of flag State performance**

21 The Committee noted the efforts made by the Sub-Committee regarding the analysis of the self-assessment forms (SAFs) received so far and the relevant database and agreed that FSI 11 should complete the identification of the problems and purpose associated with the database and report on how the information contained therein might be used to analyse performance.

### **Reporting procedures on port State control detentions and analysis and evaluation of reports**

22 The Committee, having noted the outcome of the Sub-Committee’s consideration of the detention notification issue and its invitation to Member Governments to comply with the

requirements of conventions concerning the notification to flag States of any detentions, agreed that:

- .1 the information contained in the lists of detentions and corresponding flag State comments should reflect both the factual situation regarding the detention of ships and the status of the exchange of information between the flag and port States concerned and be made freely accessible via the internet on the IMO public website; and
- .2 all detentions reported to the Organization should remain in the relevant lists with flag State comments recorded, including those on non-receipt of detention notification from port States, and also allowing the addition of the abbreviation “FSCR” (flag State comments received), thereby cancelling the “outstanding status” of the flag State comments.

### **Casualty statistics and investigations**

23 The Committee, having approved MSC/Circ.1058 - MEPC/Circ.400 (see paragraph 78.6), endorsed the Sub-Committee’s instruction to the Secretariat to publish information on casualties on the IMO website provided that its content had been agreed by the FSI Sub-Committee.

24 The Committee endorsed the decision of the FSI Sub-Committee to circulate a draft of the annex to the report of the Correspondence Group on Casualty Analysis to the reporting States requesting assurance that the analysis was representative of the significant factors of the report.

### **Matters related to CSD 7**

25 The Committee endorsed the course of action taken by the FSI Sub-Committee, as a follow-up to the seventh session of the United Nations Commission on Sustainable Development (CSD 7), in respect of the development of measures to ensure that flag States meet international standards.

26 The Committee, while considering a proposal from Canada, Denmark, Finland, the Netherlands, New Zealand and Spain calling for a four-point plan to develop amendments to resolution A.847(20) on Guidelines to assist Flag States in the implementation of IMO instruments, in the form of a draft Flag State Implementation Code, noted the comments made at MEPC 48 calling for more emphasis to be put on all Member States’ responsibilities rather than only on those of flag States; and concurred with the MEPC’s request to the authors of the above document to take those views into account when they submit a comprehensive document on the matter to FSI 11.

27 In this context, the Committee recognized the need for the proposed Code and the proposed IMO Model Audit Scheme to be compatible and further invited Member Governments to submit proposals to the FSI Sub-Committee on the stakeholders which should be covered by the Code.

### **IMO MODEL AUDIT SCHEME**

28 The outcome of the Committee’s consideration of the IMO Model Audit scheme is reported under agenda item 15.



## **BULK LIQUIDS AND GASES**

### **Criteria for assigning carriage requirements**

29 The Committee, having noted the MEPC 48's concurrent decision, approved criteria for assigning carriage requirements for products subject to the IBC Code and agreed that they should become effective at the same time as the revised Annex II to MARPOL 73/78.

### **Safety-related issues for FPSOs and FSUs**

30 The Committee noted the Sub-Committee's view that, for the time being, it was not necessary to apply mandatory IMO instruments to address safety-related issues for floating production, storage and offloading units (FPSOs) and floating storage units (FSUs) and that the BLG Sub-Committee had agreed that a structured plan to develop appropriate safety guidelines for FPSOs and FSUs was no longer necessary. It, therefore, decided to take no further action on safety-related issues, taking into account the views expressed in plenary that the existing safety regime was adequate.

## **SAFETY OF NAVIGATION**

### **Ships' routing measures and mandatory ship reporting systems**

31 The Committee adopted a number of:

- new, and amendments to existing, traffic separation schemes (TSS);
- routing measures other than TSSs; and
- mandatory ship reporting systems,

and decided on the dates they should become effective.

### **Development of appropriate model courses/standards in the operational use of IBSS**

32 The Committee instructed the STW Sub-Committee to develop appropriate model courses/standards in the operational use of integrated bridge systems (IBSS), taking into account an approved Guidance covering operational aspects.

### **Places of refuge**

33 The Committee noted the NAV Sub-Committee's progress report on the preparation of draft Guidelines on places of refuge for ships in need of assistance, along with an associated draft Assembly resolution; as well as on a draft Assembly resolution on Establishment of maritime assistance services.

34 It also noted the general support for urgent action on the issue of places of refuge, including the issue of financial security and, accordingly, requested Member Governments to give priority to it and submit relevant proposals to any subsequent meetings of IMO's competent bodies, including LEG 86, to ensure that the matter was considered from all possible angles and that it progressed satisfactorily.

35 With respect to the aforementioned draft Assembly resolutions and draft Guidelines, the Committee agreed that they should be forwarded to COMSAR 7 with a view to it establishing whether there was any conflict with existing SAR procedures.

36 The Committee further authorized NAV 49, taking into account any proposals and comments made on the draft Guidelines by the Committee, COMSAR 7, the MEPC and the Legal Committee, to submit their final text, together with the associated draft Assembly resolutions, directly to the twenty-third session of the Assembly for adoption.

37 The Committee 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 may have incurred or to provide adequate compensation to meet any liabilities of the shipowner which may arise.

### **ITU matters**

38 The Committee adopted resolution MSC.140(76) on Recommendation for the protection of the AIS VHF data link, which had been conveyed to ITU for consideration and appropriate action.

### **Proposed amendments to SOLAS regulations V/2 and V/22.1**

39 The Committee approved proposed amendments to SOLAS regulations V/2 and V/22.1 and invited the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 77.

### **Mandatory daily position reporting by ships**

40 The Committee, having considered a proposal by the United Kingdom outlining the need for daily reporting, to their company, their ships' daily position (a need which had originally been identified in the context of bulk carrier losses), approved draft amendments to SOLAS regulation V/28 with a view to adoption at MSC 77; and invited the Secretary-General to circulate them in accordance with SOLAS article VIII.

### **Archipelagic sea lanes**

41 The Committee noted information provided by the delegation of Indonesia regarding the promulgation of Regulation No. 37, Year 2002, concerning the "Rights and Obligations of Foreign Ships and Aircraft in Conducting the Rights of Archipelagic Sea Lane Passages", clarifying the designation of the archipelagic sea lanes in Indonesian archipelagic waters. This information was in connection with resolution MSC.72(69), by means of which the Committee had adopted a partial system of archipelagic sea lanes in Indonesian archipelagic waters, as detailed in SN/Circ.200. Pursuant to this, the archipelagic sea lanes in the Indonesian archipelagic waters would be implemented effectively on 28 December 2002 at 0000 hours local time.

## **STABILITY, LOAD LINES AND FISHING VESSEL SAFETY**

### **Amendments to Annex B to the 1988 LL Protocol**

42 The Committee considered proposed amendments to Annex B to the 1988 Load Line Protocol, prepared by the Sub-Committee, in conjunction with documents on the subject submitted to the session by Member Governments and international organizations; and took action on a number of issues, such as:

- Design wave loads;
- Reserve buoyancy;
- Qualification of “classification society”;
- Design wave loads on bulk carrier hatch covers;
- Consideration of the expression ‘in any sea conditions’; and
- Bulk carrier reserve buoyancy.

43 Subsequently, the Committee approved draft amendments to Annex B to the 1988 Load Line Protocol and requested the Secretary-General to circulate them in accordance with article VI of the Protocol, for consideration with a view to adoption at MSC 77. Without prejudice as to its final decision at MSC 77, the Committee concurred, in principle, with the Sub-Committee’s recommendation that the proposed amendments should enter into force on 1 January 2005.

### **Intact Stability (IS) Code**

44 The Committee, having noted the progress made in the revision of the Intact Stability Code and that further progress was expected to be made intersessionally by a correspondence group, concurred with the two-way (short- and long-term) approach agreed by the SLF Sub-Committee for the revision of the IS Code, together with the associated work methodology and plan of action.

### **Model test method**

45 Having considered the proposed draft MSC resolution on the revised Model test method under resolution 14 of the 1995 SOLAS Conference and noting that it would be for SOLAS Contracting Governments present at a session of the Committee to agree to any revision of the Model test method and associated guidance notes to supersede the one appended to the annex to resolution 14; and to adopt any such revised Model test method and guidance notes by an MSC resolution, the Committee adopted the aforementioned revised Model test method by resolution MSC.141(76).

### **IACS unified interpretations**

46 The Committee, having considered a relevant recommendation by the SLF Sub-Committee, agreed that IACS should continue submitting its unified interpretations directly to the Committee for preliminary review. Upon taking a decision as to which sub-committee a particular unified interpretation should be referred for further consideration, the Committee

would include an appropriate item in the work programme of the sub-committee concerned and specify an appropriate target completion date.

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

### **Exemptions from the provisions of the IMDG Code**

47 The Committee agreed that there was a compelling need to regulate cases which were not covered by the IMDG Code in its mandatory form before the envisaged 2004 amendments to the Code entered into force on 1 January 2006 and requested the E & T Group to prepare an appropriate MSC circular, which should be based on the draft amendment to the IMDG Code agreed, in principle, by DSC 7, taking into account a proposal by Estonia, Finland and Germany; and requested the Secretariat to submit such a draft MSC circular to MSC 77 for consideration with a view to approval.

### **Cargo securing manual and cargo information**

48 The Committee agreed that appropriate ways to ensure proper stowage and securing of cargo inside cargo transport units (CTUs) would be to:

- .1 place more emphasis on the training of personnel involved in the packing and securing of all cargoes;
- .2 co-operate with ILO and other UN agencies to ensure proper implementation of the relevant provisions of the IMO/ILO/UN ECE Guidelines for Packing of Cargo Transport Units (CTUs);
- .3 have a multimodal approach to address this issue with IMO being represented at UN ECE meetings on land transport; and
- .4 take measures to encourage inspection, by Member Governments, of CTUs before they are loaded on board ships.

### **Incident reports involving dangerous goods**

49 After some further discussion, the Committee agreed that, whilst incident reports involving dangerous goods should be considered by the DSC Sub-Committee, casualty reports should be considered by the FSI Sub-Committee. However, should there be a dangerous goods element involved in the latter case, the DSC Sub-Committee should also be involved.

### **Development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives**

50 Based on advice provided by the Working Group on Bulk Carrier Safety addressing, in particular, recommended measures for terminal interface improvements: improvement of ship/shore communications, training of stevedores and terminal operators and better control of loading capabilities, the Committee decided that work on the development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives should continue and that a risk control option should be addressed in such a Manual.

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

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

51 The Committee noted information on safety-related technical co-operation projects and programme activities executed during, and planned for, 2002 by the Maritime Safety Division within the Organization's Integrated Technical Co-operation Programme (ITCP) and on relevant future activities. It also noted that detailed information on each of the projects and activities was contained in a database maintained by the Secretariat.

52 The Committee further noted information on technical co-operation activities aiming at enhancing maritime security concerning a number of sub-regional seminars/workshops on maritime and port security, which were held by IMO in Mombasa, Kenya (22 to 26 July 2002); Singapore (26 to 30 August 2002); Sydney, Australia (2 to 6 September 2002); Alexandria, Egypt (6 to 10 October 2002); Montevideo, Uruguay (28 October to 1 November 2002); Panama City, Panama (4 to 8 November 2002); and Chmielno, Poland (18 to 22 November 2002).

53 The Committee requested the Secretariat to continue providing the Committee with updated information on its technical co-operation activities at future sessions and agreed to amending the relevant item on its agenda to read "Technical assistance sub-programme in maritime safety and security".

### **Safety- and security-related thematic priorities for 2004-2005 ITCP**

54 The Committee agreed that the following safety- and security-related thematic priorities should be included in the ITCP for the 2004-2005 biennium:

- .1 promoting the establishment of effective ship and port facility security measures in accordance with the relevant IMO standards and recommendations;
- .2 fostering the effective implementation of Conventions and other mandatory instruments, with particular emphasis on SOLAS chapter XI-2 and the ISPS Code, the SAR and STCW Conventions and the ISM and IMDG Codes;
- .3 capacity-building in maritime Administrations in respect of training, assessment, examination and certification responsibilities and quality standards relating to the STCW Convention;
- .4 supporting maritime Administrations to strengthen their human resource capabilities in the discharge of their responsibilities as flag and port States;
- .5 promoting the acceptance of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention as well as proactive safety measures relating to fishing vessels and their personnel; and
- .6 supporting maritime training institutions and fellowship programmes.

## IMO model course programme

55 Having noted an update on IMO model course production and revision, the Committee instructed the Secretariat to follow-up the model course project and to report developments to MSC 77.

## PIRACY AND ARMED ROBBERY AGAINST SHIPS

### Statistical information

56 The Committee noted that, since June 2001, the circulars reporting on acts of piracy and armed robbery had differentiated between acts of piracy and armed robbery actually "committed" and "attempted" ones. In addition, the Secretariat had, as of July 2002, classified separately incidents of piracy and armed robbery **at sea** (international or territorial waters) vis-à-vis armed robbery acts committed in **port areas**, in addition to "**attempted**" acts of armed robbery. Furthermore, the geographically large South American and Caribbean region had been subdivided into three sub-regions: South America (Atlantic), South America (Pacific) and the Caribbean.

57 The Committee also noted that the number of acts of piracy and armed robbery against ships, which had occurred during the first eight months of 2002, as reported to the Organization, had been 228, a marginal decrease of 1% over the figure for the corresponding period of 2001. However, comparing the figures for the first ten months of 2001 (263) with the corresponding period of 2002 (315), there had been an increase of approximately 20%. The Committee further noted that the total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of October 2002, had risen to 2,880.

58 The Committee observed that the identified 20% increase in the reported acts of piracy and armed robbery against ships was a worrying development and a cause for concern and, therefore, agreed that much needed to be done to reduce this menace.

59 In further considering the statistical information for the period between 1 January and 31 October 2002, the Committee noted with deep concern that, during the period under review, twelve ships had been hijacked and eight ships had gone missing. From the reports received it had also emerged that the areas most affected (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, the Indian Ocean, the Caribbean, South America (Pacific and Atlantic) and West and East Africa. Over the same period, the number of incidents reported to have occurred had decreased from 44 to 24 in the Malacca Strait, from 62 to 57 in the Indian Ocean and from 39 to 38 in West Africa; however, they had increased from 84 to 112 in the South China Sea, from 18 to 20 in East Africa, from 8 to 33 in the Caribbean, from 5 to 17 in South America (Pacific) and from 1 to 11 in South America (Atlantic) over the figures for the first ten months of 2001. Most of the attacks worldwide were reported to have taken place in territorial waters while the ships were at anchor or berthed. In many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. The Committee was particularly concerned to note that, during the same period, four passengers and one crew member of the ships involved had been killed, two crew members and four entire crew had been reported missing and seventy-one crew members and twelve passengers of the ships involved had been wounded.

60 The Committee also observed that, although after the 11 September 2001 attacks emphasis had been placed on **security**, the issue of piracy and armed robbery against ships

continued to cast a black spot on the image of the shipping industry as a whole. The maritime community could not any longer tolerate this situation and the serious repercussions it had on the security of passengers and crews and the safety of ships, not to mention the impact on the marine environment if a piracy/armed robbery incident resulted in oil or other hazardous and noxious cargoes escaping into it. The Committee, therefore, urged, once again, all Governments and the industry to intensify their efforts to eradicate these unlawful acts.

### ***IMPLEMENTATION OF THE ANTI-PIRACY PROJECT***

#### **The Accra Regional Meeting**

61 The Committee, having received the report on the March 2002 Evaluation and Assessment mission on Piracy and armed robbery against ships conducted in Accra, Ghana, noted that, from statistics compiled, the situation piracy/armed robbery-wise in the West and Central African sub-regions had deteriorated with an increase to 58 of the incidents reported in 2001. The Committee also noted that, from information received by the Secretariat and on the basis of recent statistics, the situation, armed robbery-wise, for the West and Central African sub-regions had not improved in recent years and, in fact, that there had been a nearly 43% increase in reported cases.

62 The Committee noted with particular interest that the Maritime Organization of West and Central African States (MOWCA) had been invited, in co-operation with IMO, to undertake consultations with Governments in the two sub-regions concerned for the purpose of convening, at an appropriate time, a meeting to consider widening the regional strategy on maritime safety to cover co-operation and co-ordination in the prevention and suppression of acts of piracy and armed robbery against ships.

63 Several delegations appreciated the efforts of the IMO Secretariat and of Member Governments and industry organizations, which had contributed towards facilitating the fielding of the three assessment and evaluation missions to Singapore, Guayaquil (Ecuador) and Accra (Ghana) undertaken in 2001 and 2002. They also expressed gratitude to those Member Governments which had provided assistance to vessels which had come under attack by pirates and armed robbers in various parts of the world.

64 The delegation of the United Kingdom, supported by other delegations, outlined the need for the Organization to assess the progress made so far, following the conclusion of the assessment and evaluation mission phase of the anti-piracy project and to develop a co-ordinated plan of action for future activities to tackle piracy and armed robbery against ships through concluding of regional agreements. The Committee endorsed that proposal and instructed the Secretariat to submit an appropriate document to MSC 77.

#### **Concluding of regional agreements**

65 The Committee noted that the process to promote and conclude viable regional agreements to combat piracy and armed robbery against ships was progressing rather slowly and urged Member Governments to give urgent consideration to the issue instructing their appropriate national authorities to address it on a priority basis.

66 The Committee was informed by the Secretariat that, following completion of the second phase of the anti-piracy project, the Secretariat was consulting with Governments interested to receive technical assistance and was also co-ordinating missions to countries which were

expected to request such assistance, using, for this purpose, the answers to the questionnaires handed over to the participants to the Singapore, Guayaquil and Accra Meetings.

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

67 The Committee noted information on the status of acceptance, as at 27 September 2002, of safety-related conventions, protocols and amendments thereto and was advised orally by the Secretariat of additional information on instruments of ratification, acceptance, approval of, or accession to, safety-related IMO conventions and protocols deposited with the Secretary-General on or after the date the above documents had been prepared.

68 With respect to the low rate of ratification of the 1993 Torremolinos Protocol and 1995 STCW-F Convention, the Committee noted information provided by the Secretariat that, with regard to the 1995 STCW-F Convention, the Organization had planned a project comprising a series of regional seminars and workshops to raise awareness of the benefits of meeting the standards of the Convention and to provide advice on how to ratify it and on the availability of technical assistance through IMO. In this regard, the Committee noted that the Secretary-General had written to the Administrations of countries which owned large fishing vessel fleets and had not yet accepted the 1993 Torremolinos Protocol and the 1995 STCW-F Convention urging them to consider doing so as soon as possible so that the two instruments could enter into force without further delay. He had also invited Governments experiencing difficulties in the process of becoming parties to the above instruments, to advise IMO accordingly so that action could be taken to help them, including the provision of any necessary technical assistance.

## **RELATIONS WITH OTHER ORGANIZATIONS**

### ***RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS***

#### **Applications for consultative status**

69 The Committee's recommendations on this sub-item are reported under agenda item 29.

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

### **Chairmen's Meeting**

70 The Committee noted that the Meeting of the Chairmen of the MSC, MEPC, TCC and the FAL Committee along with the Chairmen of the technical sub-committees, convened to mainly consider ways and means to enhance the efficiency and effectiveness of the IMO bodies concerned, had taken place on 15 June 2002.

71 In dealing with the Meeting's report, the Committee agreed to deal with it by considering, first, the recommendations to amend the MSC/MEPC Guidelines on the organization and method of work; then, the other agreed proposals, which were not related directly to the Guidelines; and, finally, comments of general nature before the Committee's advice is submitted to Council, at its ninetieth session, for consideration and action as appropriate. Matters relating to the Guidelines on the organization and method of work of the Facilitation Committee (FAL.3/Circ.179) were left for that Committee to consider.



## **Recommendations to amend the Guidelines**

72 Having debated the parts of the report of the Chairmen's Meeting making recommendations to amend the Guidelines on the organization and method of work, the Committee agreed on a number of issues as reported in paragraph 19.4 of the Committee's report (document MSC 76/23).

73 The Committee then made decisions on a number of other issues, including:

- terms of reference of the sub-committees;
- long-term work plan of the Organization and determination of whether there was a need to restructure the sub-committees\*;
- ability to implement new requirements and recommendations;
- role of the SPI Working Group and matters related to maritime security;
- responsibilities and roles of the sub-committee Chairmen and Vice-Chairmen;
- attendance of journalists at meetings of IMO's technical bodies, etc.

## **WORK PROGRAMME**

### **Work programmes of the Sub-Committees and provisional agendas for their forthcoming sessions**

74 Taking into account the recommendations made by the Sub-Committees and decisions taken during the session, the Committee reviewed the work programmes of the Sub-Committees and the provisional agendas for their forthcoming sessions and took appropriate action, as specified in paragraphs 20.5 to 20.58 of its report (document MSC 76/23).

### **Activities, priorities and plan of meeting weeks needed in the biennium 2004-2005**

75 The Committee considered a joint Note by the MSC and MEPC Chairmen, submitted in pursuance of the requirement of the Guidelines on the organization and method of work that, at the end of every second year, the Committee Chairmen should submit to their respective Committees a joint plan covering activities, priorities and meeting requirements of the two Committees and their subsidiary bodies over the subsequent two years.

76 Having noted that the plan for meeting weeks for the two Committees and sub-committees, including those of any safety- and/or environment-related conferences scheduled to be convened in the biennium 2004-2005, would have to be approved by the C 90, based on the relevant budget proposals of the Secretary-General, the Committee:

- .1 noted the information regarding the Committees' and sub-committees' planned activities and priorities during the biennium 2004-2005 and that MEPC 48 had approved the planned activities and priorities for the same biennium;

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\* See document C 90/16

- .2 approved, noting MEPC 48's concurrent decision, the proposed plan of meeting weeks of the MSC and the MEPC and their subsidiary bodies for the biennium 2004-2005, for inclusion in the Secretary-General's relevant budget proposals; and
- .3 agreed that if, for budgetary purposes, there was a need to make economies, the total of the 25.5 meeting weeks proposed by the two Chairmen might be reduced by one or two, i.e. one or two sub-committee(s) should meet once during the next biennium and thereafter as early as possible during the biennium after the next; and authorized the Secretary-General to take this into account in his budget proposals for the biennium 2004-2005.

### **Intersessional meetings**

77 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; and its 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 approved an intersessional meeting of the Working Group on Evaluation of Safety and Pollution Hazards of Chemicals (ESPH), to take place in 2003.

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

78 The Committee approved a number of guidelines and recommendations for dissemination to Governments by means of circulars on the following topics:

- .1 Explanatory Notes to the Standards for ship manoeuvrability;
- .2 interim Guidelines for wing-in-ground (WIG) craft;
- .3 Guidelines on the sampling method of thickness measurements for longitudinal strength evaluation and repair methods in accordance with annex 12 to Annex B to resolution A.744(18), as amended;
- .4 Guidelines for ships operating in Arctic ice-covered waters;
- .5 proposed amendments to update the DSC Code and the 1994 HSC Code;
- .6 interim Guidelines to assist flag States and other substantially interested States to establish and maintain an effective framework for consultation and co-operation in maritime casualty investigations;
- .7 procedures concerning observed ISM Code major non-conformities;
- .8 Guidance Note on the preparation of proposals on ships' routing and ship reporting systems;
- .9 Guidance for integrated bridge systems (IBSs) covering operational aspects;

- .10 maintenance and administration of AIS binary messages;
- .11 participation of ships in weather routing services;
- .12 amendments to the International SafetyNET Manual;
- .13 IALA standards for training and certification of vessel traffic service (VTS) personnel;
- .14 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;
- .15 list of competent persons maintained by the Secretary-General pursuant to Section A-I/7 of the STCW Code;
- .16 new and amended traffic separation schemes and associated routing measures;
- .17 routing measures other than traffic separation schemes;
- .18 mandatory ship reporting systems;
- .19 dangers of conflicting actions in collision avoidance; and
- .20 Guidelines for the installation of a shipborne automatic identification system (AIS).

#### **ANY OTHER BUSINESS**

#### **IMO/IACS co-operation on the IACS Quality System Certification Scheme**

79 The Committee, having received a report from the IMO consultant/observer, decided, in view of developments relating to the full implementation of the ISM Code, bulk carrier safety, survey and certification and other issues, to extend the Organization's participation in the Scheme on the same basis as in the past, that is with no financial implication to the Organization; and instructed the Secretariat to report on developments to MSC 78.

#### **Manual on operational requirements for seafarers**

80 The Committee noted a progress report on the above Manual, in particular that the prototype had been reviewed by IMO and ICFTU; by seafarers and trainers in three countries; and by one maritime Administration. Feedback from the review had been incorporated into the final version of the CD-ROM, which was anticipated to be published early in 2003. This would bring the project to a close; and the Committee expressed appreciation to the ICFTU for its financial and other support throughout the project and its contribution to bringing it to a successful conclusion.

### **The SPI Working Group's work**

81 The Committee considered, at some considerable length, the status, terms of reference, work programme, etc. of the SPI Working Group; and its Chairman, in summing up the discussions, concluded that ship/port interface issues were important for the Organization to address and a group dealing with SPI issues was necessary; however, management of such a group was the main issue which needed to be considered carefully; there was also a need to consider whether the group should be under the purview of the FAL Committee, MSC, MSC/MEPC or MSC/MEPC/FAL and also the interface between the three Committees; the current terms of reference of the group should be reviewed; and, therefore, proposals and comments by Member Governments were needed to consider the matter properly at MSC 77 – which the Committee agreed to and invited Member Governments and international organizations to do so.

### **Developments concerning the EQUASIS information system**

82 The Committee recalled that MSC 75 had recommended to the Council that the continued participation of IMO in the Equasis Supervisory Committee as an observer should be conditional on the acceptance of an appropriate amendment to the relevant Memorandum of Understanding in line with the advice provided by the IMO Legal Office and that the Equasis website should display a disclaimer for the Organization similar to that for the European Commission.

83 In this context, the Committee also recalled its previous decision that flag State comments on detentions could be made available to Equasis, as a consequence of which IMO would become a data provider.

84 The Committee, having been informed that the request for a disclaimer to be inserted on the Equasis website had been done by Equasis and that an appropriate amendment to the Memorandum of Understanding had been prepared and submitted to the system's Supervisory Committee for approval, agreed to inform the Council accordingly and to refer future consideration of all matters relating to the Equasis system to the FSI Sub-Committee for it to follow any relevant developments in the Equasis system and take appropriate action on a case-by-case basis.

### **Outcome of the ITU Plenipotentiary Conference (PP-02)**

85 The Committee received a report on the outcome of the above Conference and noted, in particular, that PP-02 had decided to confirm to upcoming world radiocommunication conferences that observers from specialized agencies of the United Nations could submit information documents relevant to their mandates for ITU Member States to note only, this meaning that such documents or advice provided by the observers should not be treated as containing proposals for action.

86 The Committee assessed that the PP-02 decisions were partially meeting the IMO interests and recommended Member Governments to invite their national telecommunication authorities, when participating in the work of the ITU Group on the Review of the observer status at future ITU meetings, to support the IMO position as reflected in circular letter No. 2383.

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

87 This matter is dealt with under agenda item 11.

## **SEVENTY-SEVENTH SESSION OF THE MARITIME SAFETY COMMITTEE**

88 The Maritime Safety Committee will hold its seventy-seventh session from 28 May to 6 June 2003. A report on the results of that session will be submitted to the Council in an addendum to this document to be prepared as soon as possible after the conclusion of the session.

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

89 The Council is invited to:

- .1 consider the report of the seventy-sixth 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 note the Committee's recommendation that 25.5 meeting weeks should be allocated to the MSC, MEPC and their subsidiary bodies for the biennium 2004-2005 (paragraph 76);
- .3 endorse the action taken by the Committee in approving the intersessional meeting referred to in paragraph 77;
- .4 note the developments concerning the Equasis information system as reported in paragraphs 82 to 84; and
- .5 take note of the information provided in paragraph 88 above concerning the seventy-seventh session of the Committee.