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COUNCIL - 90th session

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SUMMARY RECORD OF THE SIXTH MEETING

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR
on Wednesday, 18 June 2003 at 2.30 p.m.**

Chairman: Mr. CHEN TZE PENN (Singapore)
Vice-Chairman: Mr. J. FRANSON (Sweden)
Secretary-General: Mr. W.A. O'NEIL

A list of participants is given in document C 90/INF.1.

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AGENDA ITEM 34 - APPOINTMENT OF THE SECRETARY-GENERAL (C90/34, and Add.1-4) (continued)

The SECRETARY-GENERAL congratulated Mr. Mitropoulos on his election to the post of Secretary-General of the Organization from 1 January 2004. He believed that the Council had chosen wisely: having worked for a number of years with Mr. Mitropoulos, he had found him to be not only highly competent but also gifted with an understanding of the industry and, in particular, of the needs of seafarers. He thanked the Governments of Iceland and Nigeria for submitting candidates for the position. Their interest in the Organization had been much appreciated.

AGENDA ITEM 15 - IMO MODEL AUDIT SCHEME (C 90/15 and Add.1; C 90/15/1) (continued)

The CHAIRMAN invited the Council to continue consideration of the action requested of it in paragraph 51 of annex 1 to document C 90/15/Add.1.

Mr. CHARALAMBOUS (Cyprus), referring to paragraph 4.1.7 of the draft Framework for Member State audits, recalled that the TCC, after due consideration, had recommended that the text in square brackets, namely “including, *inter alia*, infrastructure building” be retained and the square brackets removed.

The CHAIRMAN took it that, in the absence of any further comment, the square brackets would be removed and the text retained.

It was so decided.

The CHAIRMAN invited the Council to approve the objectives of the scheme, taking into account that MSC 77 and TCC 53 had endorsed the Group's view and the overarching aim and the ten supporting objectives of the scheme, subject to Council's consideration of any recommendations MEPC 49 would make on the issue.

It was so decided.

The CHAIRMAN invited the Council to consider the principles of the scheme. He invited the representative of Spain to introduce his proposal, which was contained in document C 90/15/1.

Mr. GABALDÓN GARCÍA (Spain) recalled that, at the eighty-ninth session of the Council, following the accident to the tanker **Prestige**, Spain had stressed the need for speedy introduction of an IMO Model Audit Scheme that would be mandatory in character, in the belief that maritime safety was primarily achieved by the regulations that each Member State applied to the fleets under its responsibility.

Spain had submitted its ideas to the MSC and they had been discussed by the Joint Working Group, which had noted the possibility of applying a mandatory scheme while considering that it was for the Council to decide. Spain was aware of the difficulties involved in the design and implementation of such a scheme, but did not believe that it would be impossible to accomplish.

While he understood that it might not be feasible to introduce a mandatory scheme immediately, he believed that the Council should not exclude that possibility in the future since all the evidence pointed to the fact that such a scheme would contribute to ensuring efficient, transparent, safe and protected maritime transport.

The Joint Working Group had agreed that the scheme should be founded on the principles of sovereignty and universality; consistency; fairness, objectivity and timeliness; transparency and disclosure; quality and inclusiveness; and continual improvement. Spain wholly endorsed those principles, which were in line with its own proposal. He proposed that the Council should retain the question on its agenda for discussion at future sessions, so that it could be considered and developed as requested by the Joint Working Group.

The CHAIRMAN suggested that representatives confine their responses to the proposal contained in paragraph 8.2 of document C 90/15/1, namely: that the results of the audits should be made public.

Mr. BELL (Bahamas) said that, in view of the reference made in the document to the **Prestige**, a Bahamian ship, he felt obliged to respond to the criticisms of flag States that were, by implication, directed towards his administration.

Concerning the black lists of the various Memoranda of Understanding, referred to in paragraph 6, it should be noted that the Bahamas was on the white list of the Memorandum of Understanding to which it was a signatory, whereas Spain was on the grey list. The document made reference only to flag States, whereas both the FSI Sub-Committee and the MSC had agreed that the audit should also cover port and coastal States. It fell within the obligations and responsibilities of coastal States to provide places of refuge, and the accident to the **Prestige** had highlighted the need for them to make proper provision in that regard. Had Spain offered the **Prestige** a place of refuge, it was almost certain that the ship would have been saved and pollution minimized. The Bahamas was conducting a thorough investigation into the sinking of the **Prestige** and the results would be made public. It was to be regretted that Spain had only offered to supply information to the Bahamas a few days previously, since one of the responsibilities of port and coastal States was to co-operate in accident investigations.

In summary, he rejected the criticisms implied by Spain and did not support its proposal.

Mr. CHARALAMBOUS (Cyprus) said that the reason it was being proposed that the scheme should be voluntary was to encourage States to participate, and the threat of disclosure might discourage them from agreeing to come forward and submit to audit. In his view, the recommendation set out in paragraph 5.3.1 of annex 1 to document C 90/15/Add.1 on transparency and disclosure was adequate and appropriate. In addition, it should be remembered that the Council could not dictate what action should be taken by States Parties to MARPOL, SOLAS, and other IMO instruments. He therefore considered that the draft Framework outlined by the Joint Working Group should be adhered to.

Mr. ASUQUE (Philippines), supported by Mr. NASTRUCCI (Italy) and Mr. ALMEIDA (Brazil), said that the purpose of the audit was to help Member States to improve, where necessary, implementation of conventions to which they were Parties, and believed that it would be counter-productive to make its results public. The objectives defined in paragraph 4 of the draft Framework included feedback on lessons learnt from the audits, and the principles defined

in paragraph 5 made reference to the sovereignty of Member States. In his view audits should be encouraged and supported on a voluntary basis, and disclosure should be at the discretion of the State audited.

The CHAIRMAN noted that the overwhelming view of the Council was that there should be no obligatory disclosure of audit results, and that the principle of anonymity should be maintained. He invited the Council to approve the Group's decision that sovereignty and universality; consistency, fairness, objectivity and timeliness; transparency and disclosure; quality and inclusiveness; and continual improvement should be the principles of the scheme, taking into account that MSC 77 and TCC 53 had endorsed the Group's decision, and subject to Council's consideration of any recommendations MEPC 49 would make on the issue.

It was so decided.

The CHAIRMAN invited the Council to consider the scope of the audit as set out in paragraphs 15 to 25 of the report.

Mr. CHARALAMBOUS (Cyprus) said that he had agreed to the possible inclusion of the 1978 STCW Convention, as amended, on the understanding that the scheme would not duplicate the existing mandatory audit requirements contained in that Convention.

Mr. ROWE (United Kingdom) recalled that, during its discussions, the Group had agreed that those elements of the Convention that were already subjected to some degree of audit would not be duplicated in the proposed scheme.

Mr. FINLEY (Panama), referring to the Chairman's summing up in respect of the principles of the scheme and, in particular, to paragraph 8.2 of the document submitted by Spain, wished to place on record his understanding that, in regard to anonymity, the principle of transparency and disclosure would apply solely to the conduct of the audit and not to the communication of results.

The CHAIRMAN endorsed that interpretation of the position.

Mr. CHRYSOSTOMOU (Cyprus), speaking as Chairman of the Marine Environment Protection Committee, pointed out that, while a decision on anonymity in general could be taken by the Council, the MEPC would still be required to fulfil its reporting requirements in respect of States Parties to MARPOL 73/78, for instance, regarding the adequacy of reception facilities in ports. It should be understood that, despite the Council's decision, there would be specific cases where the MEPC would continue to adhere to reporting requirements even where they infringed the right to anonymity.

Mr. PACHA VICENTE (Spain) said that he wished to place on record that although he had accepted a democratic decision on the issue, it was not clear to him why the principle of transparency and disclosure should apply only to the conduct of the audit. In response to the comments made by the representative of Panama, he wished to state, in exercise of the right of reply, that transparency and disclosure of results would make the audit scheme more effective, and that he shared the concerns raised by the Chairman of the MEPC.

In response to a question raised by Mr. RWELAMIRA (South Africa), Mr. CHARALAMBOUS (Cyprus) explained that texts in square brackets had been retained at a number of points throughout the report and would be revisited during the course of the Working Group's deliberations.

The CHAIRMAN invited the Council to endorse the Group's decision that the scope should be comprised of sections on IMO instruments; obligations and responsibilities of a Member State; and areas to be covered by the scheme and to approve the inclusion of a generic reference to UNCLOS within the scope of the scheme, taking into account that MSC 77 and TCC 53 had endorsed the group's decision and subject to the Council's consideration of any recommendations MEPC 49 would make on the issue.

It was so decided.

The CHAIRMAN invited the Council to endorse the safety- and security-related areas for the scheme, taking into account that MSC 77 had approved the Group's recommendation in that regard, and to note that the action requested in paragraph 51.2.4, namely, to endorse the environmentally critical areas for the scheme, taking into account the decisions and recommendations of MEPC 49 on the matter, would be considered at the twenty-second extraordinary session of the Council along with the recommendations of MEPC 49.

It was so decided.

The CHAIRMAN invited views on the capacity-building, technical co-operation and overall funding aspects of the scheme (paragraphs 34 to 38 and 39 to 42 of the report and paragraph 8 of annex 1 thereto).

Mr. CHRYSOSTOMOU (Cyprus) drew attention to paragraph 38, which stated that his delegation had expressed a reservation in respect of paragraph 36.5.

Mr. RASMUSSEN (Denmark), in reply to a question raised by Mr. FINLEY (Panama), referred to paragraph 42 of C 90/7/1, which indicated that TC 53 had endorsed the Working Group's decision on capacity-building, technical co-operation and overall funding for the scheme as well as approving the draft Assembly resolution. There would be no need, therefore, to refer the matter to the TCC again.

Mr. EDWARDS (Director, Technical Co-operation Division) said that work on the Model Audit Scheme was still at an early stage, and it would be premature to consider inclusion of any specific allocations or to make specific reference to the scheme in the ITCP. It was his impression that all the Committees had endorsed the work accomplished to date, but that none of them considered that work to be completed.

The TCC had been informed by the Secretariat that the Organization was in contact with ICAO in connection with the operation of an international financial facility for aviation safety, which had been established with the objective of financing safety-related projects to remedy safety-related deficiencies identified through the ICAO Universal Safety Oversight Audit Programme. That facility was not yet in operation, although its governing body was shortly to be established, and it was entirely separate from the regular budget of ICAO. Total contributions and pledges from ICAO Contracting Governments and the European Commission amounted currently to some US \$0.5 million. Any further information received would be reported to the June session of the TCC.

The CHAIRMAN invited the Council to endorse the capacity-building, technical co-operation and overall funding aspects of the scheme.

It was so decided.

The CHAIRMAN invited comments on the action requested of the Council in paragraph 51.6 of annex 1 to document C 90/15/Add.1.

Mr. PACHA VICENTE (Spain) pointed out that the Council had not yet considered his delegation's proposal that the scheme should be developed on a mandatory basis, a proposal which was set out in paragraph 8.1 of document C 90/15/1. It might be appropriate for the Council to take that proposal into account when considering the action requested of it.

Mr. CHARALAMBOUS (Cyprus), supported by Mr. HILL (observer, Liberia), said that, once the scheme had been refined and streamlined and problems concerning technical co-operation, assistance, capacity-building and funding resolved, and if it was not producing the desired results when operated on a voluntary basis, then the only alternative would be to make it mandatory. However, if it was proving attractive and giving good results, such a change might not be necessary. The Working Group should be instructed to develop the scheme in such a way that it could easily be made mandatory if required. However, any attempt to make the scheme mandatory from the outset would delay its introduction far beyond the target date. Moreover, it was not clear under which IMO instrument it could be introduced. The necessary amendments to the IMO Convention would take two to four years, plus a further 12 to 14 years for entry into force following adoption, and amendments to the SOLAS Convention would also be a complicated process, since Council did not represent Parties to SOLAS.

Mr. NYGAARD (Norway) considered that the scheme was a high priority for IMO and should be introduced as soon as possible. It would therefore have to be voluntary for the time being since, as pointed out by Cyprus, developing the necessary legal instrument would take a substantial period of time. Once experience with the voluntary scheme had been gained, consideration could be given to making it mandatory.

Mr. VASSALLO (Malta) supporting the view expressed by Cyprus, said he could foresee a time when the scheme would become mandatory, either on the basis of legal instruments or *de facto*. Experience with the Flag State Performance Self-Assessment Form had shown that it was not necessary for a system to be mandatory for it to be widely accepted.

Mr. AMEYAW-AKUMFI (Ghana) said that while a mandatory scheme was desirable, it should be developed on a step-by-step basis. Once all measures were in place for effective implementation of a voluntary scheme, consideration could then be given, through the Committees, to making it mandatory.

Mr. ROWE (United Kingdom), supported by Mr. EL-WALI (Lebanon), said that his delegation would have no difficulty in principle in accepting a mandatory scheme provided that it was operated on a voluntary basis for a few years after its formal introduction in order to allow experience to be gained. He agreed with Malta that, in time, Member States would be expected to volunteer for the scheme and that at that point it might be appropriate for the Council to consider making it mandatory.

Mr. RASMUSSEN (Denmark) said that he had no doubt that in time the scheme would become mandatory, and there was no need for the Council to consider the matter at the current session. However, it would be prudent to ensure, as suggested by Cyprus, that the voluntary scheme was developed with a mandatory one in mind. He pointed out that the ICAO Universal Safety Oversight Audit Programme had started on a voluntary basis and had become mandatory.

Mr. ASUQUE (Philippines) emphasized the need to develop clearly defined standards and principles, transparent procedures and the necessary capacity-building for rapid introduction of the scheme on a voluntary basis. He agreed that the scheme should eventually become mandatory, but he was sure that no flag State whose shipping industry was a key component in the national economy would wish to be excluded.

Mr. FINLEY (Panama) pointed out that the Council had approved the development of the scheme on a voluntary basis and was united in hoping that the target date of November 2005 for its adoption would be achieved. Discussion of a mandatory scheme would raise sensitive issues and might generate objections to the introduction of a voluntary scheme. It was therefore unwise to express aspirations for a mandatory scheme at the present stage.

Mr. FOKAS (Greece) said that he would have no difficulty in accepting a mandatory scheme, but considered that, given the practical and legal difficulties involved, development work should focus on a voluntary scheme, taking into account the advice given by Cyprus.

Mr. PACHA VICENTE (Spain) pointed out that most speakers had expressed support for a move to a mandatory scheme at some point and it was important not to exclude that possibility. That fact should be reflected in the Council's decision and also in the draft resolution to be submitted to the Assembly.

The CHAIRMAN noted that with respect to the proposal of Spain to make the scheme mandatory, there did not seem to be consensus to proceed with it at the present time, although several Members of the Council had expressed the desire for the scheme to be made mandatory in the future. He invited comments on the responsibilities envisaged for the Secretary-General.

Mr. CHARALAMBOUS (Cyprus), supported by Mr. BELL (Bahamas), said that while there would clearly be a need for the Secretariat to carry out some administrative activities once the scheme had become operational, it was premature to define the responsibilities of the Secretary-General in any detail. It would be wiser to take a decision on such aspects at a later stage when the scheme was better developed.

Mr. RASMUSSEN (Denmark) endorsed the recommendation of the Joint Working Group that the Secretary-General should assume responsibility for the management and implementation of the scheme, although careful thought should be given as to his precise role.

Mr. ROWE (United Kingdom), supporting the view expressed by Denmark, said that the Joint Working Group had made the recommendation following an extensive debate during which it had been agreed that the scheme would not run by itself and that it would not be appropriate for Member States to audit each other. It had therefore recommended that the Secretary-General should take responsibility for managing the scheme. The responsibilities suggested should be seen as proposals for further study.

Mr. VASSALLO (Malta) agreed that the Secretary-General should manage the scheme. However, it was important to take into account the budgetary implications of any decision in that regard, especially given the substantial increase in the budget that had been proposed.

Mr. FINLEY (Panama), endorsing that view, said that it might be preferable to take note of the recommendation and to revisit the matter following the Council's consideration of the budget.

He was concerned that the Council's authority to examine the recommendations of the Joint Working Group appeared to be called in question. It was the Council's responsibility to consider every aspect of the Group's report and all Members of Council should feel free to express an opinion, whether or not they had participated in the deliberations.

Mr. VASSALLO (Malta), endorsing the concern expressed by Panama, pointed out that the Council's authority was second only to that of the Assembly. While it was appropriate to refer some matters to the committees for detailed consideration, that procedure stretched the resources of delegations, and meant that they could not always participate in all meetings. That should in no way undermine the right of Council Members to propose changes to the recommendations coming from the committees should they see fit.

Mr. ASUQUE (Philippines) supported the proposal that the Secretary-General should assume responsibility for managing the scheme, since it was important for an individual with the authority to deal with sovereign States to take on that role. However, he would prefer the Council to take note of the proposal and to request the Joint Working Group to develop it further.

Mr. CHARALAMBOUS (Cyprus) proposed that the Council should take note of the proposals made by the Joint Working Group, approve in principle the recommendation that the Secretary-General should assume responsibility for the management of the scheme, and instruct the Joint Working Group to refine its proposals further for consideration by the Council at a future session, when it would be in a position to examine the financial and legal implications.

It was so decided.

The CHAIRMAN invited comments on procedures for Member State audits.

Mr. CHARALAMBOUS (Cyprus), supported by Mr. FOKAS (Greece), said that it would be difficult for the Council to consider the procedures in detail, since the Joint Working Group had not yet finished its work. In particular, he drew attention to the need to specify how the language in which the audits were to be conducted and the language competencies of the auditors were to be determined. He therefore proposed that for the time being the Council should simply take note of the work in progress.

The CHAIRMAN said that in the absence of any objection he would take it that the Council endorsed that proposal.

It was so decided.

The CHAIRMAN invited comments on substantive issues for the further development of the scheme.

Mr. CHARALAMBOUS (Cyprus) said that once again it was a matter of work in progress. Further deliberations in the MSC and the Assembly would provide additional information, and it might be necessary for the Council at its session following the Assembly to revise the terms of reference of the Joint Working Group to ensure that the scheme was finalized by the target date.

The CHAIRMAN suggested that the Council might wish to take note of the comments of the Joint Working Group on the matter, bearing in mind the remarks made by Cyprus.

It was so decided.

The CHAIRMAN invited comments on the proposal to establish a correspondence group on the scheme and its proposed terms of reference.

Mr. CHARALAMBOUS (Cyprus) endorsed the proposed terms of reference but pointed out that the Council had never previously established a correspondence group and that there were no guidelines in that regard. He proposed that the Council should decide that the Guidelines for the organization and method of work of the MSC and the MEPC should be followed.

Mr. FINLEY (Panama) said that prior to such a decision it should be clarified whether the Joint Working Group was working directly under the auspices of the Council.

The CHAIRMAN said that it was his understanding that that was the case.

Mr. FOKAS (Greece) supported the establishment of the correspondence group with the proposed terms of reference. The scheme's procedures should remain as flexible as possible. The correspondence group should therefore be requested, when developing the audit manual and the technical areas of the scheme, to bear in mind the principle set out in paragraph 5.2 of the draft Framework that differences between countries in respect of ways of discharging their responsibilities should be given due recognition.

Mr. FINLEY (Panama) recalled that when the Council had recognized the logic of having the correspondence group on the Code and the correspondence group on the Audit Scheme in the hands of a single individual, to avoid any conflicts or misunderstandings, Denmark had offered to chair both groups. He suggested that it would be appropriate for work on the Code and work on the Model Audit Scheme to be developed in parallel, so any duplication of effort could be avoided.

Mr. CHARALAMBOUS (Cyprus) asked whether the suggestion by Panama meant that the working groups would meet concurrently with the FSI Sub-Committee. The Code and the Model Audit Scheme were both issues of great importance, and if discussions on them were to run in parallel, many delegations would have difficulty in participating because they did not have enough members to attend both groups.

Mr. FINLEY (Panama) pointed out that a substantial number of Council Members were in fact involved in both groups. The issues being discussed were basically the same, in that the Model Audit Scheme would be established in accordance with the provisions of the Code for the implementation of IMO instruments, and it would simplify matters to combine the two groups. That would guarantee that the scheme was up and running by November 2005.

Mr. ROWE (United Kingdom) said he was grateful for Denmark's offer to chair the two correspondence groups. It was true that most Members of the Council, and also many Member States which were not Members of the Council, were interested in both activities, first, developing the Model Audit Scheme and dealing with its impact on the Organization's business, and secondly developing the Code. However, it should be recognized that there was a great deal of work to be done in both areas, which was a good reason for keeping the two activities closely associated but separate. He saw no need for combining them, and indeed to do so might be dangerous because it would risk overloading the schedule of meetings.

Mr. CHRYSOSTOMOU (Cyprus), speaking as Chairman of the MEPC, said that work on the Code for the implementation of IMO instruments would have to be carried out within the framework of the FSI Sub-Committee. From there, the Code would be submitted to the

Committees, from there to the Council and eventually to the Assembly, probably in the form of an Assembly resolution.

As he saw it, the best way of proceeding would be for the FSI Sub-Committee to discuss the Code, and for the Working Group to take it up one or two weeks later, so that it would have the benefit of the discussions that had taken place. To combine work on the two issues would create a problem, in that the MEPC had no mandate to consider the Audit Scheme. On the other hand, there would be no harm in holding the Working Group meeting back-to-back with the meeting of the FSI Sub-Committee.

The CHAIRMAN, noting that the majority favoured keeping the two groups separate, invited views on the convening of the joint MSC/MEPC/TCC Working Group before June 2004 and June 2005.

Mr. CHARALAMBOUS (Cyprus), referring to the table contained in paragraph 48 of document C 90/15/Add.1, said that no indication was given of any involvement by the Committees: as he understood it, the Working Group mentioned would be a Council Working Group. He could agree to the convening of the Working Group in 2004 on a date well ahead of the June Council, in order to allow time for it to make written submissions. Based on the progress made, the Council could then approve one or two further meetings of the Group in order to achieve the November 2005 deadline.

What needed to be clarified was whether it was intended to refer the outcome of the Group's work to the Committees for advice, which would mean that the timetable would have to be adjusted accordingly.

Mr. CHRYSOSTOMOU (Cyprus), speaking as Chairman of the MEPC, explained that, as indicated in paragraphs 47 and 48 of the document, the intention was for the Joint Working Group first to report to the Council. Following that, the Working Group would become a Council Working Group, and the Committees would have no further involvement.

Mr. CHARALAMBOUS (Cyprus) suggested that a possible solution would be for the Working Group to meet in Spring 2004. In the light of progress made, the Council could then decide whether or not there was need to refer the outcome to the Committees. A flexible approach was needed on the question of whether or not Committees would be involved in the process. Before the end of the current session, the Secretariat could suggest a date for a second meeting of the Group, at which all issues raised could be taken into account.

The CHAIRMAN, in response to a question from Mr. FINLEY (Panama), said the groups concerned would be intersessional working groups without interpretation. As suggested by the Chairman of the MEPC, the Council Working Group would meet one or two weeks after the FSI Sub-Committee.

Mr. ROWE (United Kingdom) said the suggestion by the Chairman of the MEPC had been most helpful. The key issue was to ensure that in 2004 the Council had a proper opportunity to review progress made, so that the Working Group on the development of the Model Audit Scheme could take place in good time before that meeting.

Mr. MITROPOULOS (Assistant Secretary-General and Director, Maritime Safety Division), providing clarification, said that the twelfth session of the FSI Sub-Committee would meet from 15 to 19 March 2004, MEPC 50 from 29 March to 2 April 2004, MSC 78 from 12 to 21 May 2004 and TC 54 for the three days preceding the ninety-second session of the Council.

If it was decided that the second session of the Joint Working Group was to take place during the first quarter of 2004, that Group could report to MEPC 51, then to the MSC and TCC and eventually to the Council at its ninety-second session. The Secretariat would provide the Council with a list of the dates concerned.

Mr. CHARALAMBOUS (Cyprus) pointed out that in the table contained in paragraph 48 of the document, the date for the pilot audit programme needed to be changed to August 2004. Cyprus volunteered to participate in the programme.

The CHAIRMAN, in reply to a question from Mr. RASMUSSEN (Denmark), said it had been agreed that Denmark would chair the correspondence group, and that that group would report to the next meeting of the Joint Working Group.

Mr. RASMUSSEN (Denmark) urged all Member States, not merely Council Members, to participate in the work of the correspondence group. He was sure there would be no conflict between the work of the two groups.

The CHAIRMAN invited comments on the draft Assembly resolution on the Voluntary IMO Model Audit Scheme set out in annex 4 to the document. The TCC had recommended amendments to operative paragraph 6 of the resolution.

Mr. CHARALAMBOUS (Cyprus) proposed that the word "Model" be deleted from the title of the scheme. In the tenth and twelfth preambular paragraphs, he proposed that the phrase "in complying with the provisions of the various instruments to which they are Party" should be substituted for the phrase "in giving full and complete effect to the provisions of the various instruments to which they are Party", on the grounds that the latter formulation was not applicable to the Tonnage Convention.

Mr. FINLEY (Panama), supported by Mr. RASMUSSEN (Denmark) and Mr. AHMED (Bangladesh), said he could endorse those amendments. He pointed out that "IMO" should be added before "instruments".

Mr. MITROPOULOS (Assistant Secretary-General and Director, Maritime Safety Division) noted that the draft resolution would also need to take into account the outcome of the MEPC. The square brackets in the preambular paragraph beginning "HAVING CONSIDERED" should be deleted. The Secretariat would issue a circular letter announcing the establishment of the correspondence group under Mr Rasmussen (Denmark), indicating its terms of reference and dates. Particulars of other correspondence groups would also be issued once the Council had taken a decision regarding the number of meeting-weeks for the year.

In reply to a question from Mr. CHARALAMBOUS (Cyprus), Mr. EDWARDS (Director, Technical Co-operation Division) said there had been a proposal by the TCC to amend operative paragraph 6 of the draft resolution to read "DECIDES that within the context of resolution A.901(21) on IMO and Technical Co-operation in the 2000s, technical co-operation is provided as appropriate, including capacity-building aspects of the pre-imposed audit process".

Mr. CHARALAMBOUS (Cyprus) and Mr. RASMUSSEN (Denmark) supported the text proposed by the TCC.

The CHAIRMAN invited the Council to approve in principle, the draft Assembly resolution on the Voluntary IMO Model Audit Scheme as amended by TC 53, and to agree to reconsider it at its twenty-second extraordinary session with any recommendations from

MEPC 49 for final approval for submission to the twenty-third session of the Assembly for adoption; to approve the report in general; to reiterate the decisions it made at its last session, with necessary adjustments to reflect developments since then and decisions made during this session, and to decide to request MEPC 49, when it met in July 2003, to consider, from its own perspective, the report of the Joint MSC/MEPC/TCC Working Group, taking into account decisions made at this session; and to prepare a report elaborating on the requests of this session of the Council, for submission to the twenty-second extraordinary session of the Council in November 2003, for it to decide on any appropriate action required to move the issue forward.

It was so decided.

The SECRETARY-GENERAL, responding to a request from Mr. CHARALAMBOUS (Cyprus), said a document listing all the meetings of committees, sub-committees, working groups and correspondence groups to be held in the course of the current year could be made available. After the total number of meeting-weeks had been approved by the Council, a schedule of all the meetings planned for the following year could also be provided.

AGENDA ITEM 16 - REVIEW OF THE SUB-COMMITTEE STRUCTURE: PROGRESS REPORT (C 90/16)

The SECRETARY-GENERAL said document C 90/16 reported that the Maritime Safety Committee, at its seventy-sixth session, had considered the report of the Meeting of Chairmen of the MSC, MEPC and TCC and the FAL Committee together with the Chairmen of the technical sub-committees, which had been held on 15 June 2002.

MSC 76 had addressed the recommendations to amend the MSC/MEPC Guidelines on the organization and method of work; other agreed proposals, which were not related directly to the Guidelines; and comments of a general nature, and had taken action as indicated in section 19 of its report.

In particular, the MSC had agreed that any modifications to the long-term work plan deemed necessary to achieve the objectives of the Organization, as set out in resolution A.900(21), would be conditional on any changes to the structure of the sub-committees. That, in turn, should only be considered when the outcome of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan had become available and the strategy and policies of the Organization had been agreed. However, MSC 76 had seen no immediate need to change the structure of the sub-committee.

The meeting rose at 5.30 p.m.